

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 15 OF THE CENTERVILLE MUNICIPAL CODE REGARDING CITY SUBDIVISION ORDINANCES TO ADDRESS REQUIRED AND RECOMMENDED CHANGES TO SUBDIVISION REVIEW PROCESSES AND PROCEDURES IN ACCORDANCE WITH STATE LAW AMENDMENTS SET FORTH IN SB 174 (2023)

WHEREAS, the Utah Legislature recently adopted SB 174 during the 2023 Legislative Session imposing numerous changes to municipal subdivision review processes and procedures necessitating various changes to the Centerville Subdivision Ordinance; and

WHEREAS, the City Council desires to amend various provisions of the Centerville Subdivision Ordinance in accordance with the State law changes adopted with SB 174 as more particularly provided herein; and

WHEREAS, the proposed amendments to the Centerville Subdivision Ordinance as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Centerville Subdivision Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

**Section 1. Amendments.** Title 15 of the Centerville Municipal Code regarding Subdivisions is hereby amended to read in its entirety as more particularly set forth in Exhibit A, attached hereto and incorporated by reference.

**Section 2. Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.


**Section 3. Omission Not a Waiver.** The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

**Section 4. Effective Date.** This Ordinance shall become effective on February 1, 2024, after property publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 16<sup>th</sup> DAY OF JANUARY, 2024.

ATTEST:

CENTERVILLE CITY

  
Jennifer Robison, City Recorder

By:   
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Hayman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Hirst	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Mecham	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Plummer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Summerhays	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted as required by law.

Jennifer Robison  
JENNIFER ROBISON, City Recorder

DATE: 1-17-2024

RECORDED this 17<sup>th</sup> day of January, 2024.

PUBLISHED OR POSTED this 17<sup>th</sup> of January, 2024.

EFFECTIVE DATE: February 1, 2024



**Exhibit A**

Centerville Municipal Code - Title 15 (Subdivisions)

## **15 Subdivisions**

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[15.02 Concept Plan](#)

[15.03 Preliminary Plat](#)

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[15.05 General Requirements For All Subdivisions](#)

[15.06 Requirements For PUD And Non-Residential Subdivisions](#)

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[15.08 Development And Impact Fees](#) ~~[\[Repeal by Ordinance No. 2024-02\]](#)~~

[15.09 Subdivision Plat Amendments](#)

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### **15.01 General Provisions**

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[15.01.090 Penalties](#)

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~~[15.01.110 Appeals of Administrative Land Use Decisions](#)~~

[15.01.120 Staff Authority](#)

[15.01.130 Public Hearings And Public Meetings](#)

[15.01.140 General Decision-Making Standards](#)

~~[15.01.150 Computation of Time](#)~~

#### **15.01.010 Short Title**

This Title shall be known as the "Centerville Subdivision Ordinance." This Title shall also be known as [CMC 15 \(Subdivisions\)](#). It may be cited and pleaded under either of the above stated designations.

#### **HISTORY**

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.01.020 Purpose**

The purpose and intent of this Title, and any rules, regulations, standards, and specifications adopted pursuant hereto are:

- (a) To promote and protect the public health, safety, and general welfare of the inhabitants of the City regarding the subdivision of land;
- (b) To regulate future growth and development within the City in accordance with the General Plan and to promote the efficient and orderly growth of the City;
- (c) To provide procedures and standards for the physical development of the subdivisions of land and construction of buildings and improvements thereon within the City including, ~~but not limited to~~, the construction and installation of roads, streets, curbs, gutters, sidewalks, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights of way, dedication of land and streets, granting easements or rights of way, and to establish fees and other charges for the authorizing of a subdivision and for the development of land and improvements thereon;
- (d) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population; and
- (e) To provide for harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.

**HISTORY**

*Adopted by Ord. 2017-03 on 4/4/2017*

**15.01.030 Interpretation**

In their interpretation and application, the provisions of this Title shall be considered as minimum requirements for the purposes set forth. Where the provisions of this Title impose greater restrictions than any statute, ~~other~~ regulation, or ordinance, the provisions of this Title shall prevail to the extent permitted by law. Where the provisions of any statute, ~~other~~ regulation, or ordinance impose greater restrictions than the provisions of this Title, the provisions of such statute, ~~other~~ regulation, or ordinance shall prevail.

**HISTORY**

*Adopted by Ord. 2017-03 on 4/4/2017*

**15.01.038 Meaning**

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.

**15.01.040 Definitions**

~~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. The following terms as used in this Title are defined as follows. shall have the respective meanings hereinafter set forth.~~

- (a) ~~“Administrative Land Use Authority” or “ALUA” means the Centerville City Planning Commission for purposes of reviewing preliminary plat applications with the authority to review land use decisions on preliminary land use applications submitted for any single-family dwelling subdivision, two-family dwelling subdivision, or townhome subdivision. Under Utah law, tThe ALUA may not include the City Council or any member of the Centerville City Council, including the Mayor.~~
- (b) “Affected Entity” means a county, municipality, local district, special service district, school district, interlocal cooperation entity, specified public utility, or the Utah Department Transportation, as more particularly defined in Utah Code § 10-9a-103.
- (c) "Alley" means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (d) "Applicant" means the property owner of record or the property owner’s of land or such owner's duly authorized agent who submits a subdivision land use application to the Ceity to divide or subdivide or proposes proposed to be divide or subdivide the property owner’s land into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. subdivided or such owner's duly authorized agent Any agent must have written authorization from the owner as more particularly provided in this Title.
- (e) "Block" means the land surrounded by streets and other rights of way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the City ~~Council.~~
- (f) "Bond Agreement" means an agreement to install improvements secured by an escrow agreement with funds on deposit in an acceptable financial institution or a cash bond with the City, in an amount corresponding to the City Engineer's estimate. All bonds shall be on forms approved by the City Council wherever a bond is required pursuant to this Title.
- (g) "Building" means a structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.
- (h) ~~“Capital Project” means an organized undertaking which provides, or is intended to provide, the City with a capital asset. “Capital Asset” is defined according to generally accepted accounting principles.~~
- (i)(h) “Checklist” means the published and maintained list of City requirements that comprise a complete preliminary or final subdivision application.

(i) "City" means Centerville City.

(j) "City Council" means the City Council of Centerville City.

(k) "Collector Street" See, Streets.

(l) "Community Development Department" means that department of the City authorized by the City to oversee the planning and development, subdivisions, land use, building permits and inspections, business licensing, and code enforcement. Planning Administrator, the Zoning Administrator, and the Building Inspector.

(m) "Community Development Director" means the department director person appointed by the City, or the Director's designee, authorized to perform the duties and responsibilities of Community Development Director and Zoning Administrator, including final subdivision plat review and approval as provided defined by City ordinances.

(n) "Complete Application" means any subdivision application filed under the terms of this Title the preliminary subdivision land use application and final subdivision land use application when determined to be complete by the Community Development Director in accordance with the provisions of this Title upon review of the City's checklist and the required documents as provided in and applicable State law Utah Code Ann. § 10-9a-604.2.

(o) "Concept Plan" means, for purposes of commercial, industrial, or multifamily subdivisions, a sketch or concept drawing submitted prior to the preliminary plat for subdivisions as more particularly provided in Chapter 15.02 (Concept Plan). to enable the applicant subdivider to reach general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations and to receive guidance as to the requirements for subdivisions within the city.

(p) "Condominium" means property conforming to the definition set forth in Utah Code § 57-8-3. A condominium is also a "subdivision" subject to these regulations and the Utah Condominium Ownership Act, as set forth in Utah Code §§ 57-8-1, et seq.

(q) "Construction Codes" means the construction codes adopted by the City in CMC 7.05 (Fire Regulations) and CMC 10.03 (Construction Codes). These codes may also be referred to as building codes, fire codes or safety codes.

(r) "Cul de sac." See, Streets.

(s) "Developer" means, ~~as the case may be,~~ either: (1) an applicant for subdivision approval; (2) an applicant for a building permit or another permit issued; or (3) the owner of any right, title, or interest in real property for which subdivision approval or site plan approval is sought.

~~(tt)~~(t) "Easement" means authorization by a property owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the owner's property. An easement may be for use under, on the surface, or above the owner's property.

~~(v)~~(u) [Reserved]

~~(w)~~(v) "Fee Schedule" means the City Fee Schedule adopted by the City Council setting forth various fees charged by the City.

~~(x)~~(w) "Final Plat" means ~~the formal subdivision plat a map of a subdivision required of all subdivisions, except minor small subdivisions, which is~~ prepared for final approval and recordation ~~as more particularly provided in Chapter 15.04 (Final Plat) and which; has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; and is in conformity~~ complies with applicable ~~the~~ ordinances of the City and the Utah Land Use and Management Act, as set forth in Utah Code §§ 10-9a-101, et seq.

~~(y)~~(x) "Flag Lot" means an L-shaped lot that has been approved by the City consisting of a staff portion contiguous with the flag portion and used for the sole purpose of developing a single family detached structure. Flag lots are not permitted within the City.

~~(z)~~(y) "Flood, 100 Year" means a flood having a 1% chance of being equaled or exceeded in any given year.

~~(aa)~~(z) "Flood, 10 Year" means a flood having a 10% chance of being equaled or exceeded in any given year.

~~(bb)~~(aa) "Flood Plain, 100 Year" means that area adjacent to a drainage channel which may be inundated by a 100 year flood as designated on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

~~(ee)~~(bb) "Freeway." See, Streets.

~~(dd)~~(cc) "General Plan" means the comprehensive, long-range plan ~~General Plan for that sets forth general guidelines for~~ proposed future development of land in the City, as provided in Utah Code § 10-9a-401.

~~(ee)~~(dd) "Half Streets." See, Streets.

~~(ff)~~(ee) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the Davis County Recorder's Office which is legally developable under the laws and ordinances in place at the time of subdivision plat recording. Lot shall not mean any remnant or parcel of land designated on a subdivision plat which is not authorized or legally developable under the laws and ordinances in place at the time of subdivision plat recording. ~~parcel or tract of land within~~



~~a subdivision and abutting a public street, which is or may be occupied by one building and the accessory buildings or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.~~

~~(gg)(ff)~~ [Reserved]

~~(hh)(gg)~~ "Master Street Plan" means that portion of the General Plan which defines the future alignments of streets and their rights of way, including maps or reports or both, which have been approved by the Planning Commission and City Council as provided in Utah Code § 10-9a-407.

~~(ii)(hh)~~ "Minor Subdivision" means a subdivision of not more than three (3) lots with ~~not more than three (3) dwelling units per lot, excluding Internal Accessory Dwelling Units, that meets the minor subdivision waiver allowance criteria and procedural requirements set forth in CMC 15.10 (Minor Subdivisions). in Utah Code § 10-9a-605.~~ ~~[Reserved]~~

~~(jj)(ii)~~ "Owner" means the owner in fee simple of real property as shown in the records of the Davis County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi public corporation, other entities authorized by the State of Utah, or any combination of the foregoing.

~~(kk)(jj)~~ "Parcel of Land" means any real property, regardless of label, that is not a lot in a recorded subdivision, as more particularly defined in Utah Code § 10-9a-103. a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.

~~(ll)(kk)~~ "Parkstrip" means the strip of land located within the public right of way between the sidewalk and the curb and gutter.

~~(mm)(ll)~~ "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

~~(nn)(mm)~~ "Planned Development" means a development designed and approved pursuant to CZC 12.41 (Planned Development Overlay Zone), or any multi-family dwelling project or development that has been approved by the City in accordance with any applicable design standards.

~~(oo)(nn)~~ ~~Reserved. "Planning Administrator" means the person appointed by the City to perform duties and responsibilities of Planning Administrator, as defined in CZC 12 (Zoning).~~

~~(pp)(oo)~~ "Planning Commission" means the Centerville Planning Commission.

~~(qq)(pp)~~ "Preliminary Plat" means the preliminary initial formal plat of a proposed land

division or subdivision showing information and features required by the provisions of this Title as more particularly provided in Chapter 15.03 (Preliminary Plat).

~~(#)~~(qq) "Protection Strip" means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.

~~(ss)~~(rr) "Public Improvements" means streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the City in connection with subdivision, conditional use, or site plan approval.

~~(tt)~~(ss) "Public Way" means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right of way.

(tt) "Review Cycle" means the occurrence of:

(1) the applicant's submittal of a complete subdivision ~~land use~~ application;

(2) the City's review of that subdivision ~~land use~~ application;

(3) the City's response to that subdivision ~~land use~~ application, in accordance with this Title and Utah Code § 10-9a-604.2; and

~~(4)~~(4) the applicant's reply to the City's response that addresses each of the municipality's required modifications or requests for additional information.

(uu) "Secondary Water System" means any system which is designed and intended to provide, transport and store water used for watering of crops, lawns, shrubberies, flowers and other non culinary uses.

(vv) "Sidewalk" means a passageway for pedestrians, excluding motor vehicles.

~~"Small Subdivision" means a subdivision of not more than 2 lots that meets the small subdivision waiver allowance criteria.~~

(ww) "Standards and Specifications" means the construction and engineering standards and specifications as adopted by the City. These standards may also be referred to as City standards, engineering standards, or specifications.

(xx) "Streets"

(1) Street. A thoroughfare which has been dedicated to the City and accepted by the City Council, which the City has acquired by prescriptive right, deed or by dedication, or a thoroughfare which has been abandoned or made public by use and which affords

access to abutting property, including highways, roads, lanes, avenues and boulevards.

- (2) Street, Freeway. A street with a fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.
  - (3) Street, Half Street. The portion of a street within a subdivision comprising one half of the minimum required right of way.
  - (4) Street, Major Arterial. A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated in the Master Street Plan as a controlled access highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.
  - (5) Street, Minor Arterial. Similar to major arterial, but considered to be of slightly less significance because of lower anticipated volume, narrower width, or service to a smaller geographic area.
  - (6) Street, Major Collector. A street, existing or proposed, which is the main means of access to the major street system.
  - (7) Street, Minor Collector. A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
  - (8) Street, Local. A minor street which provides access to abutting properties and protection from through traffic.
  - (9) Street, Private. A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the City and maintained by the subdivider or other private agency.
  - (10) Street, Cul de sac. A minor terminal street provided with a turn around.
  - (11) Alley. A public right of way less than 26 feet in width.
- (yy) “Subdivider” means any person who: (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision; (3) engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale,

lease, or development a subdivision; or (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

(zz) “Subdivision”

(1) Subdivision means any land that is divided, resubdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions.

(2) "Subdivision" includes: (1) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and (2) except as otherwise provided herein, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

(3) "Subdivision" does not include bona fide division or partition of agricultural land or recorded documents between adjacent property owners adjusting their mutual boundaries as more particularly defined and subject to the definitional exclusions set forth in Utah Code § 10-9a-103.

(4) Subdivision is not a minor subdivision

(5) "Residential Subdivision" means a single-family subdivision, two-family subdivision, or townhome subdivision, or any combination thereof, but not including any other housing product or use type. Residential subdivisions are subject to procedures, provisions, and timelines of Utah law, as more particularly provided in this Title. For purposes of this definition, single-family, two-family, and townhome subdivisions shall include those subdivisions involving the following housing or use types as defined in CZC 12.12.040 (Definitions): Single-Family Dwellings, Two-Family Dwellings, Townhouse Dwellings. Residential subdivisions shall not include subdivisions involving Multi-Family Dwellings or Condominium housing or use types.

(6) "Commercial Subdivision" means a commercial subdivision, industrial subdivision, or multifamily subdivision, or any combination thereof, but not including any single-family, two-family, or townhome subdivision that meets the definition of "residential subdivision." Commercial subdivisions are not subject to the procedures, provisions, and timelines of Utah law, as more particularly provided in this Title. Commercial subdivisions shall include any subdivisions involving Multi-Family Dwellings or Condominium housing or use types as defined in CZC 12.12.040 (Definitions).

(aaa) "Subdivision Improvement Plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

(zz)(bbb) "Subdivision Ordinance Review" means the review by the City to verify that a subdivision land use application meets the criteria of the City's subdivision ordinances.

(ccc) "Subdivision Plan Review" means the review of the applicant's subdivision

improvement plans and other aspects of the subdivision ~~land use~~ application to verify that the application complies with municipal ordinances and applicable standards and specifications.

~~(aaa)~~(ddd) “Utilities” includes culinary waterlines, pressure and gravity irrigation lines, sanitary and storm sewer lines, subdrains, electric power, natural gas, cable television and telephone transmission lines, underground conduits, and junction boxes.

~~(bbb)~~(eee) ~~az~~ “Water and Sewer Improvement Districts” means any water or sewer improvement districts existing or hereinafter organized which have jurisdiction over the land proposed for a subdivision.

~~(eee)~~(fff) “Zoning Administrator” means the person appointed by the City to perform the duties and responsibilities of Zoning Administrator, or designee, as defined in CZC 12 (Zoning) as the Community Development Director.

~~(ddd)~~(ggg) “Zoning Ordinance” or ~~“Zoning Code”~~ means the Centerville City Zoning Ordinance as set forth in CZC 12 (Zoning).

## HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017 Amended by Ord. 2019-16 on 8/20/2019*

### **15.01.050 General Considerations**

- (a) The General Plan shall guide the use and future development 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, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the Zoning Code, and other applicable ordinances.
- (b) Trees, native land cover, natural watercourses, and topography shall be preserved where possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the Zoning Code. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.
- (c) Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances. 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, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider may be

required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes, in accordance with and to the extent permitted by law.

## HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

### **15.01.060 General Responsibilities**

- (a) The ~~subdiv~~applicant ~~may shall prepare a concept plans and shall prepare preliminary and final and subdivision plans and plats~~ consistent with the standards contained herein and shall pay for the design, construction, and inspection of the public improvements required. The City shall process said plans and plats in accordance with the regulations set forth herein. The ~~applicant subdivider~~ shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the applicant subdivider has obtained the necessary approvals, ~~as outlined herein~~
- (b) The ~~Community Development Director~~ Planning Administrator shall ~~conduct the application completeness check, subdivision ordinance review and subdivision plan review of the plans and plats for design~~; for conformity to the General Plan and to the Zoning Code; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this Title.
- (c) ~~The Community Developer Director may refer p~~Plats ~~or and/or~~ plans of proposed subdivisions ~~may be referred by the Planning Administrator~~ to the Community Development Department or any other any City departments and 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. The ~~Community Development Director~~ Planning Administrator is responsible for coordinating any comments received from public and private entities and shall decide which agencies to refer proposed subdivision plats and plans.
- (d) The City Engineer shall review the subdivision plats and improvement plans for compliance the engineering plans and specifications for the City required improvements for the subdivision and whether the proposed City required improvements are consistent with this Title and other applicable ordinances and shall be responsible for inspecting the City required improvements. Street layout and overall circulation shall be coordinated with transportation planning by the Community Development Director. Planning Administrator.
- (e) The ~~City~~ Public Works ~~Director Department~~ shall review and make technical comments on the engineering plans and specifications for the City required improvements to the City Engineer and the Community Development Director. Planning Administrator. The Public Works Director may assist the City Engineer in performing inspections.
- (f) The Planning Commission shall review and approve subdivision applications in accordance with the provisions of this Title and to the extent allowed by law. As provided herein, the

~~Planning Commission is designated is authorized as the administrative land use authority or ALUA for review and approval of preliminary plats and plans for residential subdivisions involving only single-family, two-family, and/or townhome development. The Planning Commission is further -authorized to make charged with making reviews, investigations, reports, and recommendations, and approval of other on preliminary subdivision land use applications posed subdivisions as to their conformity as more particularly provided in this Title. anee to the General Plan and Zoning Code, and other pertinent documents.~~

- (g) The City Attorney shall verify that the bond provided by the subdivider is acceptable, that the ~~applicant subdivider~~ dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the ~~applicant subdivider~~, and may review matters of title such as easements and restrictive covenants.
- (h) ~~The Community Development Director shall review subdivision applications in accordance with the provisions of this Title. As provided herein, the Community Development Director City Council has final authority jurisdiction to approve or deny in the approval of Residential Subdivision final subdivision plats, and establish the establishment of requirements and design standards for public improvements, and accept dedicated the acceptance of lands and public improvements that may be proposed for dedication to the City.~~
- ~~(h)~~(i) ~~The Mayor, with attestation from the City Recorder, is authorized to accept dedicated lands, easements, and public improvements on behalf of the City, as associated with subdivision approval, and shall sign final subdivision plats as more particularly provided in this Title.~~

## HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

### **15.01.070 Compliance Required**

- (a) It shall be unlawful for any person to subdivide any tract or parcel of land which is located ~~entirely wholly or partially in part~~ in the City except in compliance with this Title. No plat of any subdivision shall be recorded until it has been submitted and approved as provided herein. A plat shall not be approved if such plat is in conflict with any provision or portion of ~~this Title~~, the General Plan, Master Street Plan, Zoning Code, ~~this Title~~, or any other ~~S~~state law or City ordinance.
- (b) Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision ~~is shall have been~~ recorded in accordance with this Title and any applicable provisions of ~~S~~state law, and until the improvements required in connection with the subdivision have been installed or guaranteed as provided herein.
- ~~(b)~~(c) Building permits shall not be issued without written approval of all public agencies involved. No building ~~that depends depending~~ on public water, sewer, energy facilities,

or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.

~~(d) Any lot, plot, or tract~~~~ll lots, plots or tracts~~ of land located within a subdivision shall be subject to this Title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.

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

## HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

### **15.01.074 Wet Utilities Required Before Building Permit**

- (a) Except as otherwise provided, it shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, sewer, storm drainage and all other required underground utilities located under the street surfaces within the subdivision are installed, inspected, and approved by the City, and all streets in the subdivision are rough graded.
- (b) A building permit may be issued for a lot within a subdivision prior to installation of all water, sewer and required utilities and rough grading of all streets within the subdivision upon a finding of the following conditions by the Building Official:
- (1) The lot fronts onto an already existing hard surfaced street;
  - (2) The main lines for utilities which will service the lot are located within the already existing and improved street;
  - (3) There is adequate fire flow protection and existing fire hydrants and fire protection devices for the lot as required by the Fire Code, as adopted by the City, and other relevant City Ordinances;
  - (4) There is adequate access to the lot for emergency utility vehicles;
  - (5) The issuance of the building permit will not threaten public health, safety and welfare;
  - (6) Written approval is obtained from the Fire Chief, Police Chief and City Engineer regarding issuance of the permit;
  - (7) Written approval is obtained from all public utilities and agencies involved regarding issuance of the permit or final subdivision approval; and
  - (8) Issuance of the permit will not result in the waiver of any other requirements or performance guarantees for the subdivision.



### **15.01.076 Full Utilities Required Before Occupancy**

It shall be the responsibility of the ~~owner or applicant subdivider~~ to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable, which improvements shall include paved streets. It shall be unlawful for any ~~owner or applicant subdivider~~ to sell any portion of an approved subdivision until the prospective buyer or builder has been advised that occupancy will not be permitted until all required improvements are completed.

### **15.01.080 ~~Application Submittals Required Certificates, Permits And Reviews~~**

- (a) ~~Any application Applications~~ for ~~each of~~ the separate stages of subdivision approval (~~concept plan, on the preliminary plat, and final plat~~) shall be made to the ~~Community Development Department~~ Community Development Director. ~~The applicant Applications~~ shall ~~use be made on~~ the respective forms provided by the City and ~~pay shall be accompanied by~~ the proper fees and deposits. ~~Applicants shall and be required to submit all by the~~ documents and information required in the applicable checklist and ~~by~~ this Title.
- (b) Applicants shall be required to provide a designated contact name and accurate mailing address and email address for receiving legal notice of staff reports, public meetings, public hearings, final action, and other notices required to be provided by the City to applicants.
- (c) All documents, plans, reports, studies, and information provided to the City by an applicant in accordance with the requirements of this Title shall be accurate and complete. Submission of inaccurate or incomplete information in connection with any application shall be grounds for denial of a pending application or revocation of an approved application.
- ~~(a)~~(d) When an application is filed, the applicant shall pay to the City the fees and deposits associated with such application as provided in the City Fee Schedule. Any application not accompanied by the required fees and deposits shall be deemed incomplete. Fees shall be nonrefundable unless the application is withdrawn before any review or costs have been incurred by the City. Applicants shall be responsible for requesting fee refunds, which requests must be made within thirty (30) days of the withdrawal of the application.
- ~~(b)~~(e) Unless a shorter time frame is provided in this Title, if within six (6) months after an application has been filed the applicant has not taken substantial action to obtain approval thereof, the application shall expire and any vested rights accrued thereunder shall terminate.

#### HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

### **15.01.084 Complete Application Review**

~~After receipt of a subdivision application, the Community Development Director shall determine whether the application is complete. Such completeness review shall be conducted using any pertinent application or ordinance checklists as provided herein. If the application is not complete, the Community Development Director shall notify the applicant in writing that the application is incomplete and provide the applicant with information regarding the deficiencies. No further action will be taken on incomplete applications until and unless such deficiencies are corrected. Incomplete applications that are not corrected within 90 days from the date of City notice of application deficiencies the timeframes specified in this Title shall be considered withdrawn. Incomplete applications are not entitled to vested rights. For applications regarding single family, duplex, or townhome subdivisions, review of applications for completeness is considered to be part of the required timeframes for review cycles as more particularly provided in Section 15.01.086.~~

### **15.01.090 Penalties**

~~Any person found in violation of this Title shall be subject to a civil penalty and civil enforcement procedures as provided in CMC 1.06 (Civil Penalties) Title—or may be subject to criminal prosecution as It shall be a class C misdemeanor, for any person to fail to comply with the provisions of this Title.~~ In addition to any criminal prosecution, the City may pursue any other legal remedy to ensure compliance with this Title including, but not limited to, injunctive relief, mandamus, abatement, or other appropriate actions for ~~or~~ enforcement, ~~including through the~~ civil enforcement procedures set forth in CMC 1.06 (Civil Penalties).

### **HISTORY**

*Adopted by Ord. [2017-03](#) on 4/4/2017*

### **15.01.100 Pending Ordinance Amendments**

- (a) When the City has formally initiated proceedings to amend the text of this Title, a person who thereafter files an application which may be affected by the proposed amendment shall not be entitled to rely on the existing text which may be amended.
  - (1) A proposed text amendment to this Title shall be deemed formally initiated when the amendment proposal first appears on a Planning Commission or City Council agenda, as the case may be, and such agenda has been noticed as required in this Chapter.
  - (2) An application shall be deemed “filed” when all materials required for the application, as set forth in this Title, have been submitted.
- (b) An application affected by a pending amendment to the text of this Title shall be subject to the following requirements:
  - (1) The application shall not be acted upon until six months from the date when the pending amendment to the text of this Title was first noticed on a Planning Commission or City Council agenda, as the case may be, unless the proposed

amendment is sooner enacted or defeated, as the case may be.

- (2) If a pending amendment to the text of this Title is enacted within six months after being noticed on a Planning Commission or City Council agenda, as the case may be, an affected application which was filed while the amendment was pending shall conform to the enacted amendment.
- (3) If a pending amendment to the text of this Title is not enacted within six months after being noticed on a Planning Commission or City Council agenda, as the case may be, the amendment shall no longer be considered pending and any affected application may be approved without regard to the previously pending amendment.

(c) The Community Development Director Zoning Administrator shall provide written notice to shall give an applicant affected by a pending amendment to the text of this Title written notice that:

- (1) There is pending legislation;
- (2) The application may require changes to conform to a text amendment which may be enacted; and
- (3) Copies of the pending legislation are available at the Community Development office.

(d) All provisions herein are intended to and shall comply with the provisions of Utah Code § 10-9a-509.

## HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

### 15.01.110 Appeals Of Land Use Administrative Decisions

- (a) Any person or entity, or any officer, department, or board of the City, adversely affected by any decision, determination, or requirement of the Administrative Land Use Authority or the a-final decision, determination, or requirement of the Community Development Director or Zoning Administrator or the Planning Commission made in the administration or interpretation of the provisions of this Title may file an appeal to the may appeal that decision to the Board of Adjustment as the designated land use appeal authority for administrative decisions, determinations, or requirements -provided herein. A complete application for appeal shall be filed with the City Recorder in a form established by the City within fourteen (14) days of the decision which is being appealed. The application for appeal shall include at a minimum the following information along with applicable appeal fees as set forth in the City Fee Schedule: (1) the name, address and telephone number of the appellant and the appellant's authorized agent, if any; (2) the decision being appealed; (3) the grounds for the appeal; and (4) a description of the alleged error in any final order, decision or determination of the person or body from

which the appeal is taken in the administration or interpretation of this Title. The appeal shall set forth a description and allegation of every theory of relief that the appellant could raise in district court regarding the matter appealed.

- (b) After the application for appeal is deemed complete, the City Recorder shall schedule a public meeting before the Board of Adjustment for the appeal within a reasonable time after receipt of the appeal. Public notice of the public meeting shall be provided in accordance with the provisions of CMC 15.01.130. The appellant shall be notified of the appeal meeting date at least seven (7) days prior to the meeting. Prior to the meeting, the City Recorder shall transmit to the City Council and the appellant all papers constituting the record of the decision which is being appealed. In the event the appellant is not the property owner, applicant, or agent of the property owner or applicant of a particular application being appealed, the City shall provide the property owner, applicant, or agent, as applicable, notice of the appeal meeting and a copy of the record in accordance with the provisions of this Section.
- (c) The Board of Adjustment shall review the record of decision and after due consideration ~~may shall affirm, modify, or overrule the decision, determination, or requirement-appeal, or remand the decision to the Administrative Land Use Authority or Community Development Director for additional review and entry of any such order or orders. reverse or affirm, wholly or in part, or may remand the administrative decision to the officer or body from whom the appeal was taken.~~ The Board of Adjustment shall review the administrative decision for correctness and shall give no deference to the decision of the person or body from which the appeal is taken. The person making an appeal shall have the burden of proving an error has been made using the by-substantial evidence standard of review. a preponderance of the evidence. The Board of Adjustment shall notify the appellant in writing of its ruling.
- (d) The filing of a completed application for appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Board of Adjustment.
- (e) Any person or entity adversely affected by a final decision of the City Council regarding any subdivision application for which the City Council has jurisdiction of final approval or ~~A~~any final decision of the Board of Adjustment regarding an appeal of an administrative decision as provided herein, may appeal that decision to the district court in accordance with Utah Code § 10-9a-801.
- (e)(f) Any appeal during the Final Review Cycle #2 of a Residential Subdivision fourth or final review eyele from a dispute arising from the subdivision improvement plans or the subdivision ordinance review shall comply with Utah Code Ann. Subsection § 10-9a-604.2-(8), (as amended,) and be held before an appeal panel or the Board of Adjustment, as applicable.

#### HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

#### **15.01.120 Staff Authority**

~~For purposes of this Title, the Community Development Director or designee shall have the authority to approve final subdivision plats for single-family, two-family, and townhome subdivisions the final subdivision land use application as provided in CMC 15.04 (Final Plats)15.04.130. The Planning Commission shall have the authority to approve preliminary subdivision plats for single-family, two-family, and townhome subdivisions as provided in Chapter 15.03 (Preliminary Plats). The Community Development Department Planning Administrator and all other officers and employees of the City may act in an advisory capacity to the Planning Commission acting as the administrative land use authority on any preliminary subdivision land use application. Except as otherwise provided herein, the Community Development Director Planning Administrator and all other officers and employees of the City act in an advisory capacity to the Planning Commission and City Council and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity.~~

## HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

### **15.01.130 Public Hearings And Public Meetings**

Any public hearing or public meeting required under this Title, as the case may be, shall be scheduled and held subject to the requirements of this Section.

- (a) Scheduling a Public Hearing or Public Meeting. An application requiring a public hearing or public meeting shall be scheduled within a reasonable time following receipt of a complete application. The amount of time between receipt of an application and holding a public hearing or public meeting regarding the application shall be considered in light of:
  - (1) The complexity of the application submitted;
  - (2) The number of other applications received which require a public hearing or public meeting;
  - (3) Available staff resources; and
  - (4) Applicable public notice requirements.
- (b) Notice of Public Meeting. In accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-1, et seq., the applicable land use authority designated to act upon a subdivision application shall provide public notice of its meetings.
  - (1) Annual Meeting Schedule. The applicable land use authority shall give public notice at least once each year of its annual meeting schedule specifying the date, time, and place of such meetings.

- (2) Individual Meeting. The applicable land use authority shall also provide not less than 24 hours public notice of the agenda, date, time, and place of each of its meetings in accordance with Utah Code § 52-4-202.
- (3) Public Notice Required. For purposes of Subsection (1) and (2), public notice of meetings and annual schedule shall be satisfied by:
  - i. Posting written notice at City Hall (except for an electronic meeting held without an anchor location pursuant to Utah Code § 52-4-207);
  - ii. Publishing notice on the Utah Public Notice Website; and
  - iii. Providing notice to at least one newspaper of general circulation within the geographic area of the City or a local media correspondent.
- (4) Emergency Meetings. When because of unforeseen circumstances it is necessary for the applicable land use authority to hold an emergency meeting to consider matters of an emergency or urgent nature, the noticing requirements set forth herein may be disregarded and the best notice practical will be given in accordance with the Utah Open and Public Meetings Act, as set forth in Utah Code §§ 52-4-1, et seq.
- (5) Notice of Public Hearing. When this Title or any State statute requires a public hearing for any proposed subdivision, amendment to a subdivision, or any other land use application governed by this Title, notice of the first public hearing regarding such matter shall be provided in accordance with the provisions set forth herein.
- (6) Contents. Public notice of the public hearing should include the following information:
  - i. A statement summarizing the substance of the application;
  - ii. The date, time, and place of the public hearing; and
  - iii. The place where the application may be inspected by the public or the person to contact for further information.
- (7) Notice for First Public Hearing. Public notice of the first public hearing on an application shall be provided at least three (3) calendar days before the public hearing. Such notice shall be:
  - i. Published on the Utah Public Notice Website;
  - ii. Posted on the City website;
  - iii. Mailed to each affected entity (as defined in Utah Code § 10-9a-103); and
  - iv. Posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality

that is reasonably calculated to give notice to passers-by.

(8) Notice for Subsequent Public Hearings. Public notice of any additional or subsequent public hearings on an application shall be provided at least three (3) calendar days before the public hearing by:

- i. Publishing notice on the Utah Public Notice Website; and
- ii. Posting on the City website.

(9) Multi-Unit Residential, Commercial or Industrial Project Notice. Notice of the first public hearing to consider a preliminary plat describing a multi-unit residential development or a commercial or industrial development shall be mailed to each affected entity ~~(as defined in Utah Code § 10- 9a-103).~~

(10) Vacation of Public Street Notice. Notice of any subdivision or plat amendment that involves a vacation, alteration, or amendment of a street shall be provided in accordance with Utah Code § 10-9a-208.

~~(10)~~(11) Single-Family Residential, Two-Family Residential, or Townhomes Project Notice. If the administrative land use authority chooses to hold one public hearing to consider a preliminary subdivision land use application for a Single-Family, Two-Family, or Townhome residential project as provided in Utah Code § 10-9a-604.1(7), notice of the public hearing shall be mailed to each affected entity as defined in Utah Code § 10-9a-208.

(c) Applicant Notice. For each land use application filed in accordance with the provisions of this Title, the City shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application. The City shall provide each applicant a copy of each staff report regarding the application at least three business days before the public hearing or public meeting, subject to the waiver provisions of Utah Code § 10-9a-202. Such notice may be provided by mail, email, or other electronic means to the designated contact and mailing address or email address provided by the applicant. The City shall also provide the applicant notice of any final action on a pending application in accordance with the provisions of Subsection ~~(1m)~~.

(d) Additional Notice. In addition to public notice of a public hearing as provided in this Section, the Zoning Administrator, ~~in his or her sole discretion,~~ may provide additional notice of any application, including, but not limited to, direct mailings to neighboring property owners. Any direct mailing, or other notice provided under this Subsection is intended as a courtesy only. Any error or failure on the part of the City to provide such courtesy notice shall not affect the adequacy or sufficiency of posted notice of the meeting or public hearing as required by law.

(e) High Priority Transportation Corridors Notice. When required by law under Utah

Code § 10-9a-206 and specifically requested in writing, the City may be required to provide the Utah Department of Transportation with electronic notice of any land use application received by the City that may adversely impact the development of any designated high priority transportation corridor within the City. When required by law under Utah Code § 10-9a-206 and specifically requested in writing, the City may be required to provide a large public transit district with electronic notice of any land use application received by the City that may impact the development of a major transit investment corridor.

- (f) Standards and Specifications Notice. Prior to implementing an amendment to adopted standards and specifications for public improvements that apply to subdivisions or development within the City, the City shall give 30 days mailed notice and an opportunity to comment to anyone who has requested such notice in writing pursuant to Utah Code § 10-9a-212.
- (g) Challenge of Notice. If notice required by this Section or any other applicable provision of this Title is not challenged in accordance with applicable appeal procedures within 30 days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.
- (h) Examination of Application. Upon reasonable request during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in accordance with the Utah Government Records Access and Management Act, as set forth in Utah Code §§ 63G-2-101, et seq., as amended. Copies of such materials shall be made available at reasonable cost in accordance with the City Fee Schedule.
- (i) Public Hearing and Public Meeting Procedures. An application shall be considered pursuant to the provisions of this Title and any policies and procedures established by the decision-making body or official for the conduct of its meetings.
- (j) Withdrawal of Application. An applicant may withdraw an application at any time prior to action on the application by the decision-making body or official. Application fees shall not be refundable if prior to withdrawal:
  - (1) A staff review of the application has been undertaken; or
  - (2) Notice for a public hearing or public meeting on the application has been mailed, posted, or published.
- (k) Record of Public Hearing or Public Meeting.
  - (1) Written minutes and a recording shall be kept of all public hearings and meetings. Written minutes shall include:
    - i. The date, time, and place of the meeting;
    - ii. The names of members present and absent;



- iii. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- iv. The names of each person who provides testimony or comments to the public body and the substance in brief of their testimony or comments; and
- v. Any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.

(2) The minutes, recordings, applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or official, and the decision of the decision-making body or official, shall constitute the record thereof. The record shall be made available for public examination as provided in Subsection ~~(h)-(i)~~.

(1) Notification of Final Action. Notice of any final action or decision on a pending application by the decision-making body or official shall be provided to an applicant within a reasonable time. Such notice shall be provided by mail, email, or other electronic means to the designated contact and mailing address or email address provided by the applicant.

**HISTORY**

*Adopted by Ord. [2017-03](#) on 4/4/2017 Amended by Ord. [2021-10](#) on 6/1/2021*

**15.01.140 General Decision-Making Standards**

The decision-making standards set forth in this Section are based on the fundamental distinction between legislative and administrative proceedings. Legislative proceedings establish public law and policy which is applicable generally, while administrative proceedings apply such law and policy to factually distinct, individual circumstances.

(a) Legislative Proceedings.

(1) The following types of applications under this Title are hereby declared to be legislative proceedings:

- i. Subdivision ordinance text adoption or amendment; and
- ii. Temporary regulations.

(2) Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:

- i. The decision-making authority shall determine what action, in its

judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.

- ii. In making such determination, the decision-making authority may consider the following:
  - a. Testimony presented at a public hearing or meeting; and
  - b. Personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the City.
- iii. The decision-making body should state on the record the basis for its decision.

(b) Administrative Proceedings.

(1) The following types of applications under this Title are hereby declared to be administrative proceedings:

- i. Concept plan;
- ii. Preliminary subdivision plat;
- iii. Final subdivision plat or plat amendment;
- iv. Special exception;
- v. Variance;
- vi. Nonconformity;
- vii. Routine and uncontested matter;
- viii. Administrative interpretation; and
- ix. Appeal of administrative decision.

(2) Decisions regarding an administrative application shall be based on the "substantial evidence" standard including at least the following:

- i. A statement of the standards for approval applicable to the application;
- ii. A summary of evidence presented to the decision-making body or official;

- iii. A statement of findings of fact or other factors considered, including the basis upon which such facts were determined and specific references to applicable standards set forth in this Title or other provisions of the Centerville Municipal Code; and
- iv. A statement of approval, approval with conditions, or disapproval, as the case may be.

## HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

### **15.01.150 Computation of Time**

(a) Unless expressly provided otherwise in this Title, if a person is required to complete an action on a certain day, on or before a certain day, or within one day or a period of days, the person may complete the action any time before 5:00 p.m. on the final day.

(b) Except as provided under Subsection (c), Saturdays, Sundays, and holidays shall be included in all computations of days made under this Title. For purposes of this Title, the term holiday shall mean any federal, State, or local holiday recognized by Centerville City.

(c) Saturdays, Sundays, and holidays are not included in computations of days if the days are specified in this Title as business days or working days.

(d) Unless otherwise expressly provided for in this Title:

(1) When computing any number of days before or after a specified date or event, the specified date or day of the event is not included in the count;

(2) If the commencement date of a time period preceding a specified date or event falls on a Saturday, Sunday, or holiday, the following business day shall be used;

(3) If the last day of a time period following a specified date or event falls on a Saturday, Sunday, or holiday, the time period is extended to the following business day; and

(4) If a deadline that falls before or after a specified date or event falls on a Saturday, Sunday, or holiday, the deadline shall be considered to fall on the following business day.

**15.02 Pre-Application Meeting or Concept Plan**

15.02.002 Residential Subdivision

15.01.004 Pre-Application Meeting

15.02.006 Commercial Subdivision

15.02.010 Concept Plan

15.02.015 ~~Optional Concept Plan~~

15.02.020 Concept Plan Submittal Requirements

15.02.028 Concept Plan Completeness Review

15.02.030 Concept Plan Distribution to Departments

15.02.040 Reserved

15.02.050 ~~Concept Plan Review And Approval By The Planning Commission~~

15.02.060 ~~Concept Plan Expiration Of Concept Plan Approval~~

**15.02.002 Residential Subdivision**

“Residential Subdivision” is defined in CMC 15.01.040 as a single-family subdivision, two-family subdivision, or townhome subdivision, or any combination thereof, but not including any other housing product or use type. Based on the provisions of State law SB 174 (2023), residential subdivisions are subject to different review and approval procedures, including deadlines and review cycle limitations on City review of applications. Under the provisions of State law SB 174, the City cannot ~~no longer~~ require a concept plan for residential subdivisions. In the alternative, the City is required to provide, at the applicant’s sole discretion, a pre-application meeting to go over the applicant’s proposed residential subdivision. In accordance with State law, residential subdivisions shall not be required to submit a concept plan or concept plan application, but may optionally request a ~~be subject to the~~ “Pre-Application Meeting” in accordance with the provisions set forth in this Chapter.

**15.02.004. Pre-Application Meeting ~~Optional Concept Plan and Pre-application Meeting for a Single-Family Dwelling, Two-Family Dwelling, or Townhome Subdivision:~~**

- (a) ~~Preapplication Concept Review:~~ Any applicant proposing to develop a residential subdivision Each applicant who proposes to subdivide land within the territorial limits of the city pursuant to Utah Code Ann. Subsection 10-9a-604.1(4) shall have the opportunity ~~to~~ may request a pre-application review meeting with the Community Development Director and applicable City staff ~~city planning staff committee~~ prior to ~~before~~ preparing any subdivision plats or improvement plans. ~~, charts or plans. The city highly recommends a preapplication concept plan review meeting prior to submitting a Preliminary Subdivision Plat Application. A pre-application meeting and submission of a concept plan is optional at the discretion of the applicant and does not count toward the maximum number of review cycles for residential subdivision land use applications.~~
- (b) Within fifteen (15) ~~ten (10)~~ business days after a ~~the~~ request for a pre-application meeting, the Community Development Director ~~city planning staff committee~~ shall schedule the pre-application meeting to discuss the proposal with the applicant and ~~review the concept~~

~~plan and to give initial feedback, if any.~~

(c) At the pre-application meeting, the Community Development Director shall provide or have available on the City website the following:

- (1) Copies of applicable land use regulations;
- (2) Complete list of standards required for the project;
- (3) Preliminary and final subdivision application checklists; and
- (4) Feedback on ~~the~~ conceptual sketches, if any.

(e)(d) The optional pre-application meeting and review process is designed to provide the applicant with helpful information and suggestions before the expense and time involved in preparing the preliminary plat and plans is incurred. The optional pre-application meeting and review process shall be nonbinding on any subsequent review steps and nonbinding ~~on~~ ~~binding upon~~ the designated Administrative Land Use Authority in the exercise of its authority or approval. Pre-application meetings and discussions shall not confer any vested rights upon the applicant.

### **15.02.006 Commercial Subdivision**

“Commercial Subdivision” is defined in CMC 15.01.040 as a commercial subdivision, industrial subdivision, or multifamily subdivision, or any combination thereof, but not including any single-family, two-family, or townhome subdivision that meets the definition of “residential subdivision.” Commercial subdivisions are not subject to the procedures, provisions, and timelines of State law ~~SB 174 (2023)~~. Commercial subdivisions shall be subject to the “Concept Plan” provisions and requirements set forth in this Chapter.

### **15.02.010 Concept Plan**

A concept plan shall be required ~~for all commercial subdivisions. of all subdividers, except the subdivision applicants for Single Family Residences, Two Family Residences, or Townhomes, which may be optional.~~ Concept plan review provides the ~~applicant subdivider~~ with an opportunity to consult with and receive ~~comments assistance~~ from the City regarding the ~~regulations and design requirements applicable to the~~ proposed subdivision of property. The applicant or applicant's duly authorized agent shall submit an application to the ~~Community Development Department~~ Community Development Director for subdivision concept plan review in accordance with the provisions of this Chapter, together with the appropriate application fees and deposits as set forth in the City Fee Schedule.

#### **HISTORY**

*Adopted by Ord. 2017-03 on 4/4/2017*

### **15.02.020 Concept Plan Submittal Requirements**

The ~~applicant subdivider~~ shall submit three hard copies and one electronic copy of the proposed

commercial subdivision concept plan to the ~~Community Development Department~~Community Development Director. The proposed concept plan shall include the following items.

- (a) The proposed name of the subdivision.
- (b) A vicinity plan showing significant natural and manmade features on the site and within 500 feet of any portion of it; the property boundaries of the proposed subdivision and adjacent properties; the names of adjacent property owners; topographic contours at no greater interval than five feet; and north arrow.
- (c) A proposed lot and street layout.
- (d) A description of the type of culinary and irrigation water system(s) proposed and documentation of water rights and secondary water shares.
- (e) A description of the size and location of sanitary sewer and storm water drain lines and subsurface drainage.
- (f) A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.
- (g) The total acreage of the entire property ~~tract~~ proposed for subdivision.
- (h) Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.
- (i) Legal description for all property located within the subdivision.
- (j) Parcel numbers for all parcels of property located within the subdivision.
- (k) Title report dated and current within 30 days of submittal showing title work and encumbrances for all property located within the subdivision.
- ~~(h)~~(l) An American Land and Title Association Survey (“ALTA Survey”) containing information from Table A as required by the City Engineer.

## HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

### **15.02.028 Concept Plan Completeness Review**

The Community Development Director shall review all commercial subdivision concept plan applications for completeness in accordance with CMC 15.01.084.

### **15.02.030 Concept Plan Distribution to Departments**

The ~~Community Development Department~~ Community Development Director, upon determining that the application is complete, receipt of the complete submission, shall distribute copies of the commercial subdivision concept plan to such ~~government~~ City departments and other agencies or advisors as deemed appropriate. as in the opinion of the Department or the Planning Commission may contribute to a decision in the best interest of the public.

#### HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

#### **15.02.040 Reserved**

#### HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

#### **15.02.050 Concept Plan Review And Approval By The Planning Commission**

- (a) The Planning Commission shall schedule and hold a public hearing on the proposed commercial subdivision concept plan. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of CMC 15.01.130. At the time and place specified, the Planning Commission shall hold a public hearing and review the submitted concept plan for compliance with the General Plan, Zoning Code, Subdivision Ordinance, and other applicable ordinances and regulations. The Planning Commission may approve or reject the proposed commercial subdivision concept plan and may make findings and recommendations regarding the submitted concept plan, specifying any inadequacy in the information submitted, noncompliance with City ordinances or regulations, or noncompliance with applicable engineering standards and requirements~~questionable or undesirable design, and/or engineering. Alternatively, the Planning Commission may refer the Concept Plan to the City Council for its review and approval or rejection.~~
- (b) The Planning Commission may require additional information, data or studies to be provided to the Planning Commission by the subdivider for the overall development before approval, rejection or referral is made by the Planning Commission regarding the proposed concept plan.
- (c) Approval of a proposed concept plan by the Planning Commission; ~~or the City Council, as applicable,~~ shall not constitute an approval or disapproval of the proposed subdivision, but is intended to give the applicant subdivider general guidance as to the requirements and constraints for the applicant's subdivider's proposed subdivision within the City.

#### HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

#### **15.02.060 Concept Plan Expiration Of Concept Plan Approval**

Once a concept plan for a commercial subdivision has been approved by the Planning

Commission, ~~or approved by the City Council if the concept plan was referred to the City Council,~~ the applicant subdivider may apply for preliminary plat approval consistent with the concept plan. Concept plan approval for a commercial subdivision shall expire and have no further force or effect if a complete application for preliminary plat approval is not submitted within twelve (12) months from the date of approval of the concept plan. This time period may be extended for up to six (6) months for good cause shown if the applicant subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted for each approved commercial subdivision concept plan.

## HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017 Amended by Ord. 2019-17 on 8/20/2019*

### [MOVED TO CMC 15.10 (Minor Subdivisions)]

- ~~(a) Upon review and approval of a concept plan for a minor small subdivision, the Planning Commission can waive the requirements for approval of a preliminary and a final plat if it can be shown that:
  - ~~(1) The minor small subdivision does not require dedication of land for street or other public purpose;~~
  - ~~(2) The minor small subdivision is not traversed by the mapped lines of a proposed street or a street to be widened, as shown on the Master Street Plan; and~~
  - ~~(3) The lots are not part of a minor small subdivision approved less than three years earlier.~~~~
- ~~(b) Each of the lots in a minor small subdivision must meet the frontage, width, and area requirements of the zone district in which it is located, or must have been granted a variance from such requirements by the Board of Adjustment.~~
- ~~(c) The Planning Commission may require as part of the approval of the concept plan for a minor small subdivision any improvements or utility easements that are required of other subdivisions, as set forth in this Title.~~
- ~~(d) Although preliminary and final plat approval is not required for minor small subdivisions, applicants for minor small subdivisions shall be required to prepare and submit a final plat for recording in accordance with the requirements of Section 15.04.030 and comply with all public improvement, bonding, recording, and other applicable requirements for final plats as set forth in this Title.~~
- ~~(e) Minor Small subdivision approval shall expire and have no further force or effect if the small subdivision is not recorded within 12 months from the date of approval of the small subdivision. This time period may be extended for up to six months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted for each approved small subdivision.~~

## HISTORY



*Adopted by Ord. 2017-03 on 4/4/2017*  
*Amended by Ord. 2019-17 on 8/20/2019*

### **15.03 Preliminary Plat**

15.03.002 Residential Subdivision

15.03.006 Commercial Subdivision

15.03.010 Preliminary Plat—~~Purpose~~

15.03.015 Preliminary Plat Filing Deadline

15.03.020 Preliminary Plat Application And Fees

15.03.030 Preliminary Plat Submittal Requirements ~~Preparation And Required Information~~

15.03.032 Preliminary Plat Completeness Review

15.03.034 Preliminary Plat Distribution to Departments

15.03.036 Preliminary Plat Review Cycle Requirements for Residential Subdivisions

15.03.040 Preliminary Plat Review And Approval By Planning Commission

15.03.050 Preliminary Plat ~~Expiration Of Preliminary Plat Approval~~

~~15.03.060 Preliminary Plat for Residential Single Family, Two Family, or Townhome Subdivisions~~

~~15.03.070 Financial Guarantees for Residential Single Family, Two Family, or Townhome Subdivisions~~

#### **15.03.002 Residential Subdivision**

“Residential Subdivision” is defined in CMC 15.01.040 as a single-family subdivision, two-family subdivision, or townhome subdivision, or any combination thereof, but not including any other housing product or use type. Based on the provisions of State law, ~~SB 174 (2023)~~, residential subdivisions are subject to different review and approval procedures, including deadlines and review cycle limitations on City review of applications. Under the provisions of State law, ~~SB 174~~, the City has designated the Planning Commission as the Administrative Land Use Authority authorized to approve or deny preliminary plat approvals for residential subdivisions. Residential subdivisions are also subject to review cycle timelines and checklist requirements as more particularly provided herein. If a public hearing is held on a preliminary plat for a residential subdivision, only one public hearing can be held by law. Except as otherwise provided herein or required by law, other provisions of this Chapter regarding preliminary plat approval are similar for commercial and residential subdivisions.

#### **15.03.006 Commercial Subdivision**

“Commercial Subdivision” is defined in CMC 15.01.040 as a commercial subdivision, industrial subdivision, or multifamily subdivision, or any combination thereof, but not including any single-family, two-family, or townhome subdivision that meets the definition of “residential subdivision.” Commercial subdivisions are not subject to the procedures, provisions, and timelines of State law. ~~SB 174 (2023)~~. Commercial subdivisions shall be reviewed and approved in accordance with applicable requirements set forth in this Chapter.

#### **15.03.010 Preliminary Plat—~~Purpose~~**

The purpose of the preliminary plat is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat and to ensure compliance of the subdivision with City ordinances and regulations. 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 City ordinances and regulations, except as provided in 15.03.060 and 15.03.070.

#### HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

#### **15.03.015 Preliminary Plat Filing Deadline**

For commercial subdivisions, an application for preliminary plat approval shall be made within the required time frame as set forth in Section 15.02.060 regarding expiration of concept plan approval. For residential subdivisions, an application for preliminary plat approval may be submitted any time after the optional pre-application meeting, if the applicant elects to have a pre-application meeting with the City.

#### HISTORY

Adopted by Ord. 2019-17 on 8/20/2019

#### **15.03.020 Preliminary Plat Application And Fees**

The ~~applicant subdivider of a subdivision, after completing the concept plan required in CMC 15.02 (Concept Plan),~~ shall file an application for preliminary plat approval with the ~~Community Development Department~~Community Development Director on a form prescribed by the City, together with three hard copies and one electronic copy of the preliminary plat. At the time of filing the application, the applicant shall be required to pay all ~~At the same time, the subdivider shall pay the~~ application fees and deposits for preliminary plat review as provided in the City Fee Schedule.

#### HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

#### **15.03.030 Preliminary Plat Submittal Requirements Preparation And Required Information**

The preliminary plat shall be drawn to scale not smaller than 100 feet to the inch, and shall include the following.

- (a) A north arrow.
- (b) The proposed name of the subdivision.
- (c) The location of the subdivision as it forms part of a larger tract, parcel, or lot.
- (d) A sketch of the prospective future street system of the unplatted 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 General Plan.

- (e) A vicinity map of the proposed subdivision, drawn at a scale of 500 feet to the inch, showing all lots and streets in the project, and all abutting streets, with names of the streets.
- (f) The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
- (g) A contour map at intervals of at least two feet, showing all unusual topographic features with verification by a qualified engineer or land surveyor.
- (h) Certification of the accuracy of the preliminary plat of the subdivision and any traverse to permanent survey monuments by a land surveyor registered to practice in the State of Utah.
- ~~(i)~~ The boundary lines of the tract, parcel, or lot to be subdivided, with all dimensions shown.
- ~~(i)~~(i) Existing sanitary sewers, storm drains, subdrains, culinary and secondary water supply mains and culverts and other utilities within the tract or within 100 feet thereof.
- ~~(k)~~(j) The location, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots with the size of each lot in square footage and proper labeling of spaces to be dedicated to the public.
- (k) The location, principal dimension, recording information, purpose, and names of all existing ~~or recorded~~ streets, ~~alleys,~~ and easements of record as shown on the title report, ~~both~~ within the proposed subdivision.
- (l) The location, principal dimension, purpose, and name of existing streets and easements of record and located within 100 feet of the boundary of the subdivision thereof, showing whether recorded or claimed by usage.
- (m) The location and dimensions to the nearest existing bench mark or monument, and section line.
- (n) The location and principal dimensions of all water courses, public utilities, and other important features and existing structures within the land adjacent to the tract to be subdivided, including railroads, power lines, and exceptional topography.
- (o) The location of existing bridges, culverts, surface or subsurface drainage ways, utilities, buildings or other structures, pumping stations, or appurtenances, within the subdivision or within 200 feet thereof, and all known wells or springs (consult Utah State Engineer's Office).
- (p) The location of the 100-year flood plain as determined by the Federal Emergency Management Agency (FEMA).
- (q) Proposed off site and on site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.

- (r) A tentative plan by which the subdivider proposes to handle storm water drainage for an event with a 10 year return interval, as determined by the City Engineer.
- (s) Each sheet of the set shall contain the name of the project, scale (not less than 100 feet to the inch), sheet number, north arrow, and date of latest draft or revision.
- (t) Boundary lines of adjacent tracts of unsubdivided land within 100 feet of the tract proposed for subdivision, showing ownership and property monuments.
- (u) A tentative plan for providing street lighting in the subdivision.
- (v) Plans showing any required landscaping and/or parkstrip tree planting.
- (w) 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.

(x) Verification as to the accuracy of the plat by the owner.

(y) Legal description of the outside boundaries of all property located within the subdivision certified by an engineer or surveyor.

~~(x)~~(z) Parcel number of for all property within the subdivision and for all property immediately adjoining the property to be subdivided.

~~(y)~~(aa) The subdivider shall provide with the application the following documents:

- (1) Copies of any agreements with adjacent property owners relevant to the proposed subdivision.
- (2) A comprehensive geotechnical and soils report prepared by a qualified engineer based upon adequate test borings or excavations shall be submitted in accordance with the City Standards and Specifications.
- (3) A ~~copy of a~~ preliminary title report current within 30 days of submittal evidencing satisfactory proof of ownership, other land owners of interest, including lienholders, legal description of all property within the subdivision, and easements of record encumbering any property within the subdivision.
- (4) Satisfactory evidence that all utilities and services will be available for the subdivision and that the utilities and easements therefor have been reviewed by the utilities.
- (5) An adequate traffic report prepared by a qualified traffic engineer when required by the Planning Commission.

(6) If the proposed project is located within 100 feet of a critical flood area as defined by Davis County (which includes Deuel, Parrish, Barnard and Ricks Creek stream channels), the subdivider shall obtain and submit a Davis County Development and Construction permit and provide any required stream channel easements or restricted build areas.

~~(6)~~(7) An American Land and Title Association Survey (“ALTA Survey”)

containing information from Table A set forth in the City's subdivision checklist.

~~(7)~~(8) The subdivider shall comply with all other applicable federal, state, and local laws and regulations and shall provide evidence of such compliance if requested by the City.

~~(8)~~(9) Approval of any proposed subsurface drains in accordance with applicable provisions of CMC 9.06 (Subsurface Water) and a copy of proposed protective covenants in all cases where subsurface drains are to be located within the subdivision, as applicable.

## HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

### **15.03.032 Preliminary Plat Completeness Review**

The Community Development Director shall review all preliminary plat applications for completeness in accordance with CMC 15.01.084.

### **15.03.034 Preliminary Plat Distribution to Departments**

The Community Development Director, upon determining that a preliminary plat application is complete, shall distribute copies of the preliminary plat and plans to such City government departments and other agencies or advisors as deemed appropriate. ~~in the opinion of the Department or the Planning Commission may contribute to a decision in the best interest of the public.~~

### **15.03.036 Preliminary Plat Review Cycle Requirements**

Review of preliminary plat applications and plans for residential subdivisions shall be subject to the following timelines and review cycle requirements.

(a) Review Cycles: The review of the Preliminary Plat Application shall be limited to two (2) review cycles (referred to as Review Cycle 1 and Review Cycle 2) subject to following:

(1) Review cycle restrictions shall not apply to areas with suspected or identified geologic hazards.

~~Initial review of the preliminary plan set shall be completed by the Community Development Director within fifteen (15) business days of 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.

(b) Review Cycle 1:

(1) The Community Development Director shall provide comments to the applicant

on the preliminary plat application within fifteen (15) business days from the date of submittal of a completed preliminary plat application.

- (2) R~~review~~ of the Preliminary Plat application by the Community Development Director shall include redline corrections and requests for additional information including ~~which include~~ specific citations of adopted ordinances, standards, and specifications and an ~~shall be logged in a separate index of~~ requested modifications or additions.
- (3) The applicant shall have a ~~period of~~ twenty (20) business days to respond to each of the City's redline corrections or requests for additional information and shall provide corrected drawings and a written response, identifying and explaining the applicant's revisions and reasoning for declining to make revisions, 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.
- (4) If the applicant fails to respond to all of the City's redline corrections or request for additional information within the required twenty (20) business days, ~~address a review comment in the response,~~ the review cycle is not complete and the subsequent review cycle may not begin until all comments and requests are addressed by the applicant.
- (5) If the applicant fails to respond to the City's redline corrections and requests for additional information within ninety (90) calendar days from the date of request from the City, the application shall be deemed withdrawn and all vested rights thereunder shall be deemed expired.

(c) Review Cycle 2:

- (1) The Community Development Director shall have a ~~period of~~ fifteen (15) business days to review the re-submittal and corrections from the applicant and shall review the revised Preliminary Plat application and any modifications made from Review Cycle 1 ~~in the first review cycle for additional redline corrections~~ and shall provide a second set of redline corrections and requests for additional information including ~~which include~~ specific citations and an ~~separate~~ index of requested modifications.
- (2) The applicant shall have a ~~period of~~ twenty (20) business days to respond to the City's ~~each of the~~ redline corrections or requests 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.
- (3) If the applicant fails to respond to all of the City's redline corrections or request for additional information for Review Cycle 2 within the required twenty (20) business days, the review cycle is not complete and the subsequent review cycle or approval may not begin until all comments and requests are addressed by the applicant.
- (4) If the applicant fails to respond to the City's redline corrections and requests

for additional information within ninety (90) calendar days from the date of request from the City, the application shall be deemed withdrawn and all vested rights thereunder shall be deemed expired.

(5) The Planning Commission shall review and approve the corrected Preliminary Subdivision plat and plans in accordance with CMC 15.03.040 (Preliminary Plat Review and Approval by Planning Commission).

#### **15.03.040 Preliminary Plat Review And Approval By Planning Commission**

(a) The Planning Commission shall schedule and hold a public hearing on the proposed preliminary subdivision plat. Notice of the public hearing and the public meeting shall be provided in accordance with CMC 15.01.130. At the time and place specified, the Planning Commission shall hold a public hearing and review the submitted preliminary plat for compliance with the standards and criteria set forth in this Title and all other ordinances of the City, including but not limited to the Zoning Code, General Plan, Master Street Plan, and applicable Construction Codes.

~~(a)~~(b) The Planning Commission may approve, approve subject to modification, or disapprove the submitted preliminary plat, and shall make findings specifying any inadequacy in the application, noncompliance with City ordinances or regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the Planning Commission to evaluate the preliminary plat. The Planning Commission may review all relevant information pertaining to the proposed development including, but not limited to, the following: fire protection; sufficient supply of culinary and secondary water to the proposed subdivision; sewer service; traffic considerations; potential for flooding; etc. The subdivider shall be notified in writing of the action taken by and the findings of the Planning Commission regarding the submitted preliminary plat.

~~(b)~~(c) If the Planning Commission denies preliminary plat approval, no further review of the proposed subdivision shall be made by the Planning Commission and a new preliminary plat shall be required to re-initiate the subdivision process.

~~(e)~~(d) Granting of a preliminary plat approval by the Planning Commission shall not constitute a final approval of the subdivision by the Planning Commission. Nor shall approval of the preliminary plat relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards and requirements.

#### HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017*

#### **15.03.050 Preliminary Plat Expiration Of Preliminary Plat Approval**

(a) Once preliminary plat approval has been granted, the applicant subdivider may apply for final plat approval. Preliminary plat approval shall expire and have no further force or



effect if a complete application for final plat approval is not submitted within twelve (12) months from the date of approval of the preliminary plat. This time period may be extended for up to six (6) months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted for each approved preliminary plat.

- (b) In those cases where a subdivision is proposed to be developed in phases, preliminary plat approval for the remaining portions of the subdivision shall not be voided if a complete application for final plat approval for the first phase is submitted within twelve (12) months from the date of approval of the preliminary plat and subsequent phases are recorded in accordance with the approved phasing plan.

#### HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017 Amended by Ord. 2019-17 on 8/20/2019*

## **15.04 Final Plat**

15.04.002 Residential Subdivision

15.04.006 Commercial Subdivision

15.04.010 Final Plat

15.04.020 Final Plat Filing Deadline

15.04.025 Final Plat Application And Fees

15.04.030 Final Plat Submittal Requirements –Preparation And Required Information

15.04.040 Final Plat Construction Plans Submittal Requirements—Preparation And Required Information

15.04.042 Final Plat Completeness Review

15.04.044 Final Plat Distribution to Departments

15.04.046 Final Plat Review Cycle Requirements for Residential Subdivisions

15.04.050 Final Plat Review And Approval Recommendation By Planning Commission Community Development Director for Residential Subdivisions

15.04.060 Final Plat Certification and Signatures by Mayor and City Recorder Review And Approval By City Council for Commercial Subdivisions

15.04.068 Certification By Mayor

15.04.070 Review By City Engineer

15.04.080 Review By City Attorney

15.04.090 Security For Public Improvements

15.04.095 Installation Of Improvements Prior To Recording Final Plat

15.04.100 Payment Of Fees

15.04.110 Recording Of Final Plat

15.04.120 Expiration Of Final Plat Approval

15.04.130 Complete Application for Final Subdivision Review for Single Family, Two Family, or Townhome Residential Subdivision

### **15.04.002 Residential Subdivision**

“Residential Subdivision” is defined in CMC 15.01.040 as a single-family subdivision, two-family subdivision, or townhome subdivision, or any combination thereof, but not including any other housing product or use type. Based on the provisions of State law, SB 174 (2023), residential subdivisions are subject to different review and approval procedures, including deadlines and review cycle limitations on City review of applications. In accordance with the provisions of State law, SB 174, the City has designated the Community Development Director as the authorized authority to approve or deny final plat approvals for residential subdivisions. Residential subdivisions are also subject to review cycle timelines and checklist requirements as more particularly provided herein. Except as otherwise provided herein or required by law, all other provisions of this Chapter regarding final plat approval are similar for commercial and residential subdivisions.

### **15.04.006 Commercial Subdivision**

“Commercial Subdivision” is defined in CMC 15.01.040 as a commercial subdivision, industrial

subdivision, or multifamily subdivision, or any combination thereof, but not including any single-family, two-family, or townhome subdivision that meets the definition of “residential subdivision.” Commercial subdivisions are not subject to the procedures, provisions, and timelines of State law as adopted in SB 174 (2023). Commercial subdivisions shall be reviewed and approved in accordance with applicable requirements set forth in this Chapter.

#### **15.04.010 Final Plat**

The purpose of the final plat is to require formal approval by the authorized land use authority ~~Planning Commission and City Council~~ before a subdivision plat is finalized and recorded in the office of the Davis County Recorder and to ensure compliance of the subdivision with applicable ordinances. 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 construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure.

#### HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017*

#### **15.04.020 Final Plat Filing Deadline**

Application for final plat approval shall be made within the required time frame as set forth in CMC Section 15.03.050 regarding expiration of preliminary plat approval.

#### HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017 Amended by Ord. 2019-17 on 8/20/2019*

#### **15.04.025 Final Plat Application And Fees**

The applicant subdivider shall file an application for final plat approval with the Community Development Director Department on forms prescribed by the City, together with three hard copies and one electronic copy of the proposed final plat and construction drawings. At the time of filing the application, the applicant shall pay ~~At the same time, the subdivider shall pay~~ to the City the application fees and deposits for the final subdivision as set forth in the City Fee Schedule.

#### HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017*

#### **15.04.030 Final Plat Submittal Requirements—Preparation And Required Information**

- (a) The final plat shall consist of approved tracing linen with the outside or trim line dimensions of 19<sup>”</sup> by 30<sup>”</sup> and the border line of the plat shall be drawn in heavy lines leaving a space of at least 1.5<sup>”</sup> on the left side and at least 0.5<sup>”</sup> margin on the other

sides, or other format acceptable to the Davis County Recorder.

- (b) The final plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on the tracing linen, mylar, or comparable material, with approved waterproof black ink. The plat shall be made to a scale large enough to clearly show all details, and in any case not smaller than 100 feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.
- (c) The final plat shall show the subdivision name and the general location of the subdivision in bold letters at the top of the sheet.
- (d) The final plat shall contain a north arrow and scale of the drawing and the date.
- (e) The final plat shall be signed by all required and authorized parties, property owners, and lienholders, with appropriate notarial acknowledgments. All property owners of record and all lienholders of record as shown on the title report must sign the final plat. Consent to dedicate signatures with notarial acknowledgement may be approved for minor lienholders of record, as determined by the City Attorney. -and the final plat shall contain all information set forth in this Section.
- (f) An accurate and complete survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of one foot to 20,000 feet.
- (g) The final plat ~~shall will~~ show accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines.
- (h) 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 and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Davis County coordinates. Lot and boundary closure shall be calculated to the nearest 100<sup>th</sup> of a foot.
- (i) All lots, blocks, and parcels offered for dedication for any public purpose ~~shall should~~ be delineated and designated with dimensions, boundaries, and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat with dedication and ownership designation. A plat note or other acceptable recorded document shall be provided describing the ownership and maintenance responsibilities for any remnant or parcel in the subdivision.
- (j) ~~The square footage of each lot and parcel shall be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat.~~ Sufficient linear, angular and curved 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. No ditto marks shall be used for lot dimensions.

(k) The final 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 50 feet 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 existing streets shall be accurately shown.

(l) All lots and blocks are to be numbered consecutively under a definite system approved by the Planning Commission. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.

(m) All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with and in conformity with the adopted street numbering system as set forth in CMC 11.01.160. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing system as set forth in CMC 11.01.170. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.

(n) The side lines of all proposed and existing easements of record as shown on the title report shall be shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All proposed and existing ~~and proposed~~ easements of record as shown on the title report shall be clearly labeled and identified.

(o) 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 bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the direction of the City Engineer. The following required monuments shall be shown on the final plat:

- (1) The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; and
- (2) All right of way monuments at angle points and intersections as approved by the City Engineer.

(p) 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.

(q) In accordance with the provisions of Utah Code § 10-9a-603, the final plat shall accurately describe and specify every existing right-of-way and recorded easement located within the plat for: (i) an underground facility; (ii) a water conveyance facility; or (iii) any other utility facility, as such terms are defined in Section 10-9a-603, and any water conveyance facility located, entirely or partially, within the plat that is not recorded and of which the owner of land has actual or constructive knowledge, including from information made available to the owner of land in the State Engineer's inventory of canals or from a surveyor.

(r) The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:

- (1) Registered land surveyor's "Certificate of Survey";
- (2) Owners dedication certificate and signature line for each property owner of record and significant lienholders;
- (3) Notary public's acknowledgment for each signature on the plat;
- (4) A correct metes and bounds description of all property included within the subdivision;
- (5) Plat shall contain blocks for signature of the Planning Commission, City Engineer, City Attorney, City Council (a signature line for the Mayor and an attestation by the City Recorder);
- (6) A block for the Davis County Recorder shall be provided in the lower right corner of the final plat;
- (7) Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, or by the City Attorney;
- (8) Prior to recordation of the plat, the subdivider 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 30 days before the proposed recordation of the final plat;
- (9) 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 Standards and Specifications; and
- (10) When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the subdivider 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.

HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.04.040 Final Plat Construction Plans Submittal Requirements — Preparation And Required Information**

The subdivider shall prepare and submit construction plans in accordance with the requirements and standards set forth in CMC 15.07 (Public Improvements) and the City Standards and Specifications.

HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.04.042 Final Plat Completeness Review**

The Community Development Director shall review all final plat applications for completeness in accordance with CMC 15.01.084.

#### **15.04.044 Final Plat Distribution to Departments**

The Community Development Director, upon determining that a final plat application is complete, shall distribute copies of the final plat and plans to City ~~such government~~ departments and other agencies or advisors as deemed appropriate.

#### **15.04.046 Final Plat Review Cycle Requirements for Residential Subdivisions**

Review of final plat applications and plans for residential subdivisions shall be subject to the following timelines and review cycle requirements.

- (a) Final Plat Review Cycles: The review of the Final Plat Application shall be limited to two (2) review cycles (referred to as Final Plat Review Cycle 31 and Final Plat Review Cycle 24) subject to the following:
  - (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 Community Development Director within fifteen (15) business days of certification of complete application.~~
  - (3)(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.
- (b) Final Plat Review Cycle 1:
  - (1) The Community Development Director shall provide comments to the applicant on the final plat application within twenty (20) business days from the date of submittal of a completed final plat application.
  - (1)(2) ~~Review of the final plat application by the Community Development Director~~The review of the Final Plat application shall include redline corrections and requests for additional information including which includes specific citations of adopted ordinances, standards, and specifications and shall be logged in a separate index of requested modifications or additions.
  - (2)(3) The applicant shall have a period of twenty (20) business days to respond to the City's 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 revisions, 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.

~~(4) If the applicant fails to respond to all of the City's redline corrections or request for additional information within the required twenty (20) business days, address a review comment in the response, the review cycle is not complete and the subsequent review cycle or approval may not begin until all comments are addressed.~~

~~(3)(5) If the applicant fails to respond to the City's redline corrections and requests for additional information within ninety (90) calendar days from the date of request from the City, the application shall be deemed withdrawn and all vested rights thereunder shall be deemed expired.~~

(c) Final Plat Review Cycle 2:

(1) ~~The Community Development Director shall have a period of twenty (20) fifteen (15) business days to review the re-submittal and corrections from the applicant and shall review the revised Final Plat application and any modifications made in Final Plat Review Cycle 13 the first review cycle for additional redline corrections and shall, if necessary, provide a second set of redline corrections and requests for additional information which include including specific citations and an separate index of requested modifications.~~

(2) ~~The applicant shall have a period of twenty (20) business days to respond to the City's each of the redline corrections or requests 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.~~

(3) ~~If the applicant fails to respond all of the City's redline corrections or request for additional information for Final Plat Review Cycle 24 within the required twenty (20) business days, the address a review comment in the response, the review cycle is not complete and the final plat Final Plat may not be approved until all comments are addressed by the applicant.~~

~~(4) The Community Development Director 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.~~

~~(5)(4) Upon determination of completion of redline corrections, the Final Plat application shall be retained by the Community Development Director for final approval.~~

(5) ~~If the applicant makes a 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.~~

(6) ~~If the applicant fails to respond to the City's redline corrections and requests for additional information within ninety (90) calendar days from the date of request from the City, the application shall be deemed withdrawn and all vested rights thereunder shall be deemed expired.~~

**15.04.050 Final Plat Review And Recommendation—Approval By Planning Commission**  
**Community Development Director for Residential Subdivisions**



The ~~Community Development Director Planning Commission~~ shall review ~~all the~~ final plats for residential subdivisions to determine whether the final plat complies with all requirements of this Title and other applicable City ordinances and standards and complies with all conditions imposed as part of preliminary plat approval. Such review shall be performed in accordance with the review cycle provisions and timelines set forth in CMC 15.04.046. If the Community Development Director determines the final plat complies with the requirements of this Title, other applicable ordinances, and any reasonable conditions imposed, that all fees and deposits have been paid as required, and that the Community Development Director is satisfied with the final plat of the subdivision, the Community Development Director may approve the final plat. If the Community Development Director determines the final plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions imposed, the Community Development Director may deny the final plat specifying the reasons for such denial. Nothing herein shall prevent the Community Development Director from imposing reasonable conditions on approval of a final plat or imposing reasonable conditions precedent which must be met prior to approval of the final plat. ~~conforms with the preliminary plat, with all changes requested, and with all requirements imposed as conditions of acceptance. As part of the Planning Commission's review, the Zoning Administrator shall check the final plat for completeness and compliance with the requirements of this Title. If the submitted final plat is not acceptable, the Planning Commission shall notify the subdivider and specify the respects in which it is deficient. If the Planning Commission determines that the final plat is in conformity with all requirements and the ordinances of the City it shall recommend approval of the final plat to the City Council.~~

#### HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

#### **15.04.060 Final Plat Review And Approval By City Council for Commercial Subdivision**

The City Council shall schedule and hold a public ~~meeting hearing~~ on the proposed final plat for commercial subdivisions. Public notice of the ~~public hearing and~~ public meeting shall be provided in accordance with the provisions of CMC 15.01.130. At the time and place specified, the City Council shall ~~hold a public hearing and~~ review the submitted final plat for commercial subdivision to determine whether the final plat complies with all requirements of this Title and other applicable City ordinances and standards and complies with all conditions imposed as part of preliminary plat approval. The City Council shall not be bound by the recommendations of the City staff or the Planning Commission and may set its own conditions and requirements consistent with this Title. If the City Council determines the final plat complies with the requirements of this Title, other applicable ordinances, and any reasonable conditions imposed, that all fees and deposits have been paid as required, and the City Council is satisfied with the final plat of the subdivision, the City Council may approve the final plat. If the City Council determines the final plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions imposed, the City Council may deny the final plat specifying the reasons for such denial. Nothing herein shall prevent the City Council from imposing reasonable conditions on approval of a final plat or imposing reasonable conditions precedent which must be met prior to approval of the final plat. If the City Council determines that the final plat

~~complies is in conformity with the requirements of this Title, other applicable ordinances, and any reasonable conditions as recommended by staff the City's staff and Planning Commission or on the City Council's own initiative, that all fees and deposits have been paid as required, and that the City Council is satisfied with the final plat of the subdivision, it may approve the final plat. If the City Council determines that the final plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions imposed, the City Council it may deny disapprove the final plat specifying the reasons for such denial disapproval. No final plat shall have any force or effect unless the same has been approved by the City Council and unless certified and signed by the Mayor and City Recorder.~~

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.04.068 Certification by Mayor**

In order to ensure acceptance of dedication of public streets, easement, parcels, or other public property or infrastructure associated with final subdivisions, no final plat shall have any force or effect unless certified and signed by the Mayor and attested by City Recorder. Such certification and attestation shall be required whether the final plat is reviewed and approved by the City Council or not, including residential subdivisions and minor subdivisions that are approved by the Community Development Director.

#### **15.04.070 Review By City Engineer**

The City Engineer shall review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in this ordinance and all other applicable ordinances of the City and the State of Utah. The City Engineer shall sign the final plat if the City Engineer finds that the subdivision and the construction plans fully comply with the improvement standards required by this Title, that the survey description is correct, and that all easements are correctly described and located. The City Engineer shall complete review of the plat within a reasonable time after the plat is submitted for review to the Engineer. If the final plat complies, the City Engineer shall sign the plat in the appropriate signature block. If the final plat or the construction plans do not comply the City Engineer shall return the plat to the subdivider with comment. For residential subdivisions, the City Engineer's review and comments on preliminary and final plats, plans, and construction drawings shall be provided to the Community Development Director to be provided to the applicant as part of the City's limited review cycles and within the required timeframes.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.04.080 Review By City Attorney**

The City Attorney shall review the final plat, the signed subdivision improvements agreement, the current title report, and the security for ensuring completion of the improvements, to verify compliance with the City's dedication and bonding requirements. The City Attorney may also

review public easements, protective covenants, and other documents where applicable. Upon approval of the items specified in this Section, the City Attorney shall sign the plat in the appropriate signature block. For residential subdivisions, the City Attorney's review and comments on preliminary and final plats and plans shall be provided to the Community Development Director to be provided to the applicant as part of the City's limited review cycles and within the required timeframes.

## HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

### **15.04.090 Security For Public Improvements**

- (a) Prior to recording of an approved final plat, the developer shall enter into an Improvements Agreement acceptable to the City providing security to ensure completion of all public improvements required to be installed in connection with the subdivision. The Improvements Agreement shall be in a form approved by the City Council and may contain specific provisions approved by the City Attorney. The Improvements Agreement shall include, but is not limited to, the following provisions:
- (1) The public improvements shall be completed within a period of time not to exceed eighteen (18) months from the date the Improvements Agreement is fully executed by both parties. The term of the bond and security shall be of sufficient length to cover the construction period and required warranty period.
  - (2) The public improvements shall be completed to the satisfaction of the City and in accordance with the City Standards and Specifications, and the approved plans and specifications for the project.
  - (3) The security provided for the Improvements Agreement ("Bond") shall be equal to 120% of the City Engineer's estimated cost of the improvements to be installed, including landscaping when required to be installed in connection with the development in accordance with CMC 15.05.070, CZC 12.51 (Landscaping), or other applicable Ordinance.
  - (4) The City shall have immediate access to the Bond proceeds in the event of default.
  - (5) The Bond proceeds may be reduced at intervals determined by the City upon the request of the developer as improvements are installed and completed. The amount of the reduction shall be determined by the City. Such requests may be made only once every thirty (30) days and no reduction shall be authorized until such time as the City has inspected the improvements and found them to be in compliance with the City Standards and Specifications and the approved plans. All reductions shall be by written authorization of the City with the approval of the City Engineer. No Bond shall be reduced below 10% of the estimated cost of the improvements plus the estimated cost of slurry seal until final acceptance of the improvements by the City Council following the warranty period set forth in

CMC 15.05.100.

- (6) If the Bond proceeds are inadequate to pay the cost of the completion of the improvements according to the City Standards and Specifications and approved plans, 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 until the improvements are completed or, with City Council approval, a new, satisfactory Bond has been executed and delivered to the City, or other satisfactory arrangements have been made to ensure completion of the remaining improvements.
- (7) In the event of default by the developer, the City's costs of administration, cost of obtaining the Bond proceeds, and costs of completing the improvements, including, but not limited to, administrative, engineering, legal, labor and materials costs, shall be deducted from any Bond proceeds. A minimum amount equal to 15% of the actual costs of the improvements shall be retained by the City as payment for its administrative costs expended in drawing on the Bond. The developer shall be required to reimburse the City for any deficiencies in the Bond funds to pay for such costs incurred by the City.
- (8) The developer shall 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 are complete and accepts the improvements, subject to the developer's warranty obligations set forth in CMC 15.05.100.
- ~~(8)~~(9) No interest shall be paid on funds withheld by the City for Improvement Agreements and associated Bonds. Such interest shall be retained by the City as an administrative fee for administering, monitoring, and managing the Improvements Agreements and Bonds.

- (b) The Improvements Agreement shall be one of the following types as prescribed by the City:
  - (1) A cash bond agreement accompanied by a cashier's check payable only to the City; or
  - (2) An escrow agreement and account with a federally insured bank or credit union. If the bank is located outside of the State of Utah and/or requires presentment of the sight draft outside of the State of Utah, additional language shall be provided in the Bond allowing for presentment by fax or other electronic means acceptable to the City.

#### HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017 Amended by Ord. [2019-16](#) on 8/20/2019

#### **15.04.095 Installation Of Improvements Prior To Recording Final Plat**

Pursuant to Utah Code § 10-9a-604.5, after approval of the final plat and final construction

drawings by the City, the developer may engage in certain limited development activities to install required public improvements associated with the subdivision prior to recording of the final plat, subject to the developer entering into an "Infrastructure Development Agreement (Prior to Recording Final Subdivision Plat)" with the City as approved by the City Council.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.04.100 Payment Of Fees**

All required and unpaid fees, deposits, and bonds shall be paid or posted, as applicable, by the subdivider to the City prior to recording of the final plat.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.04.110 Recording Of Final Plat**

After [Community Development Director or](#) City Council approval [of the final plat, as applicable,](#) filing of the Bond Agreement and Bond described in CMC 15.04.090, payment of all required fees and deposits, compliance with all conditions of approval and applicable ordinances, and signing of the plat by all required parties, property owners and lienholders, the final plat may be presented by the City Recorder to the Davis County Recorder for recordation. The City Recorder shall be responsible for recording all final subdivision plats and related documents. The developer is not authorized to record a final subdivision plat.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.04.120 Expiration Of Final Plat Approval**

Final plat approval shall expire and have no further force or effect if the approved final plat is not recorded within [twelve \(12\)](#) months from the date of ~~City Council~~ approval. This time period may be extended for up to six [\(6\)](#) months for good cause shown if the subdivider petitions the [Community Development Director or](#) City Council, [as applicable,](#) for an extension prior to the expiration date. Only one extension may be granted for each approved final plat. No extension will be granted for final plat approval if it is determined that it will be detrimental to the City. If any of the fees charged as a condition of subdivision approval have increased, the City may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases or provide additional bond funds as a condition of granting an extension.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017 Amended by Ord. [2019-17](#) on 8/20/2019*

## **15.05 General Requirements For All Subdivisions**

### **15.05.010 Subdivision Layout**

#### **15.05.020 Lots**

### **15.05.030 Streets And Related Improvements**

#### **15.05.040 Protection Strips**

#### **15.05.050 Drainage**

#### **15.05.060 Utilities**

#### **15.05.070 Landscaping**

### **15.05.080 Orderly Development Required**

#### **15.05.090 Building Permits**

#### **15.05.100 Warranty Period**

### **15.05.010 Subdivision Layout**

- (a) The subdivision layout shall conform to the General Plan.
- (b) Where trees, groves, waterways, scenic points, historic spots or other City assets and landmarks, ~~as determined by the Planning Commission,~~ are located within a proposed subdivision, reasonable steps should be taken to preserve these features.
- (c) Where a railroad right of way abuts a subdivision, the plat shall make provisions for future grade separations whenever the City shall find such a requirement to be necessary.
- (d) The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this Title, unless the general layout of the vicinity, line of ownership, topographical conditions, or locations of arterial streets or freeways justify or make necessary a variation from this requirement. The minimum width of a block shall not be less than 250 feet measured from center line of street to center line of street.
- (e) The maximum length of blocks shall be 1200 feet. In blocks over 800 feet in length, a dedicated public walkway through the block, at approximately the center of the block, may be required. Such walkways shall not be less than 10 feet in width unless otherwise approved by the City.

## HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017*

### **15.05.020 Lots**

- (a) All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades, or other physical conditions.
- (b) All lots or parcels created by the subdivision shall have frontage on a dedicated street, improved to standards hereinafter required, equal to at least 50% of its minimum required

width. 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.

- (c) The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Code for the district in which the subdivision is located.
- (d) The side lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul de sac on which the lots face. ~~In limited circumstances, the subdivision plat approving authority may authorize an exception to this requirement upon a showing of good cause. Planning Commission may recommend to the City Council exceptions to this requirement. Upon a showing of good cause, the City Council may allow exceptions to this requirement.~~
- (e) Corner lots for residential use should be platted 10 feet wider than interior lots in order to facilitate conformance with the required street setback requirements of the Zoning Code.
- (f) A lot shall not be divided by a City limit line. Each such boundary line should be made a lot line.
- (g) Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or suitable for common open space, private utility, public purpose, or other purpose approved by the ~~subdivision plat approving authority~~City Council.
- (h) Double frontage lots are not permitted unless approved ~~by the subdivision plat approving authority by the City Council after receiving a recommendation from the Planning Commission.~~ Double frontage lots may only be approved when backing on the following streets:
  - (1) Main Street, both sides;
  - (2) Frontage Road (800 West).
  - (3) Parrish Lane west of Main Street, both sides;
  - (4) Pages Lane west of 400 East, both sides;
  - (5) Porter Lane from Main Street to 400 West, south side only; and
  - (6) 400 West from Parrish Lane to 1375 North both sides.
- (i) The street frontage adjacent to the rear of approved double frontage lots shall be improved by the subdivider in accordance with the standards set forth in the City Standards and Specifications.

## HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

### **15.05.030 Streets And Related Improvements**

- (a) Subdividers shall locate streets within the subdivision so that the streets connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided.
- (b) Dedication of half streets is prohibited unless: a full right of way is to be obtained; curb, gutter, and sidewalk is constructed on the subdivider's side; and a minimum of 28 feet of asphalt is laid. The balance of street improvements will be provided by the applicable property owner.
- (c) All streets should conform to the width designated by the Master Street Plan wherever a subdivision is in an area for which a Master Street Plan has been adopted. For territory where the Master Street Plan does not designate a street, streets shall be provided as required by the subdivision plat approving authority. ~~Planning Commission and City Council.~~
- (d) Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the subdivider in all subdivisions. ~~The City Council may, for good cause, after receiving a recommendation from the Planning Commission, modify or waive the requirement for sidewalks on streets.~~
- (e) Local streets shall approach an arterial or collector street at an angle of at least 85 degrees. Grades for streets shall be a minimum of 0.5% and a maximum of 12% for all streets except major and minor arterials which shall be 10% maximum.
- (f) Cul de sacs shall serve no more than 20 lots or units; shall be no longer than 400 feet, measured from the center point of the turn around to the center line of the intersecting street; and must be terminated with a turn around of not less than 100 feet in diameter. Downhill cul de sacs are not permitted unless adequate drainage and 100 year over flow is provided and such downhill cul de sacs must be approved by the subdivision plat approving authority ~~City Council after receiving a recommendation from the Planning Commission~~ and City Engineer.
- (g) Where a street is designed to remain only temporarily as a dead end street, a satisfactory temporary turn-around area and recordable easement shall be provided at the end thereof to remain and be available for public use so long as the dead end exists. The City may require improvements to be installed in temporary turn-around areas.
- (h) To assure conformity, the City shall furnish and install all required street signs and the cost thereof shall be charged to and paid by the subdivider in accordance with the City Fee Schedule.
- (i) Permanent monuments shall be furnished, accurately established, and set by the subdivider's surveyor at such points as are necessary to definitely establish all lines of the plat except those defining individual lots.
- (j) City approved street lights shall be installed at all street intersections, school or pedestrian crossings, or at bends or curves in the street by the subdivider.



## HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

### **15.05.040 Protection Strips**

- (a) Purpose. It is the intent and purpose of this Section that protection strips be authorized and approved by the City only in limited circumstances. It shall be the obligation of every developer desiring the approval of a protection strip to demonstrate to the City's satisfaction that approval of a protection strip is necessary to equitably allocate the burdens associated with development, and that the developer has exercised all other available options in pursuit of an equitable cost-sharing arrangement with contiguous property owners.
- (b) Protection Strips Allowed. Where subdivision streets parallel contiguous property of other owners, ~~upon recommendation by the Planning Commission, and~~ with approval of the City Council, and upon satisfaction of the requirements contained within this Section, developer may be authorized to retain ownership a protection strip of not less than one foot in width or greater than 10 feet in width, unless otherwise justified, between the street and adjacent property. All protection strips shall be located outside of but adjacent to the proposed right-of-way to be dedicated or other property designated for future public use and shall be maintained by the developer.
- (c) Agreement. Approval of a request for a protection strip shall be conditioned upon the execution of an agreement between the City and the developer setting forth the terms and conditions of the granting of the protection strip including the duration of the agreement, the conditions of repayment and conveyance of the protection strip property, and the specific location of the protection strip. The agreement shall be approved by the City Council and shall be recorded in the office of the Davis County Recorder. In addition, a protection strip shall be clearly shown on the subdivision plat map and shall be specifically indicated as undedicated property and a protection strip.
- (d) Limited Duration. In the event any protection strip has not been conveyed or dedicated to the adjacent property owner within 20 years from the date of the protection strip agreement, the developer or its representatives, successors and/or assigns shall convey title to the protection strip property to the City by special warranty deed, acceptable in form to the City. To secure developer's performance of this obligation, the City shall require that a deed be placed in escrow as a part of the protection strip agreement. The protection strip agreement and all obligations of the City regarding the protection strip shall terminate at the time the special warranty deed conveying the protection strip to the City is recorded.
- (e) Administration Fees. The City Council hereby finds that protection strips create an administrative burden on the City, which burden should properly be borne by the developer requesting approval of a protection strip. Before a protection strip agreement is approved or amended by the City, the developer desiring approval of or amendment to a protection strip agreement shall pay the City the administrative fees and deposits required for protection strips as set forth in the City Fee Schedule.

- (f) Cost Allocation. The protection strip agreement shall require that upon development of property adjacent to the protection strip, the developer convey the property contained within the protection strip to the adjacent property owner for consideration to be set forth within the agreement. Such consideration shall be calculated by the City Engineer and shall be the sum of the following criteria: (1) the fair cost of the land held in the protection strip at the time of the agreement; (2) the cost of the street and utility improvements properly chargeable to the adjacent property; (3) a proportionate share of the value of the land in the street at the time of the agreement, as determined by the City Engineer; and (4) any additional amounts which the City Engineer deems reasonably necessary with respect to the protection strip or the agreement.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.05.050 Drainage**

- (a) The subdivider shall construct and install a storm water drainage system within the subdivision which shall be constructed of materials and according to the City Standards and Specifications and the requirements of the Storm Drainage Master Plan.
- (b) The subdivider shall dedicate a right of way of 15 feet in width or greater as required by the City for storm drainage conforming substantially with 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 subdivider shall also dedicate rights of way for any pipe, conduit, channel, and retention or detention area as recommended by the City Engineer.
- (c) The storm water drainage system for subdivider's subdivision shall be connected to an approved off site storm drain or facility acceptable to the City.
- (d) Storm drain, cross gutters, dipstone inlets, and other appurtenant structures shall be provided by the subdivider (within the limits of the subdivision) as required to adequately dispose of storm waters and the 10 year frequency storm flows developed within the limits of the subdivision and the existing flows entering the proposed subdivision from adjacent properties.
- (e) All storm water drainage systems, improvements and facilities installed by the developer shall comply with applicable provisions of CMC 16 (Stormwater), and shall require videotaping prior to final inspection in accordance with City Fee Schedule.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.05.060 Utilities**

- (a) All utilities, including cable TV conduits, shall be provided through underground service, except where existing utilities are already in place. All underground utilities specified in

this Section shall be installed prior to the installation of road base, surfacing, curbs, gutters and sidewalks. Underground utilities shall be installed only after streets have been rough graded to a line and grade approved by the City Engineer. If underground utilities are not installed prior to street surfacing sleeves shall be required.

- (b) A culinary water supply, which must be approved by the City Engineer shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the City and requirements of the City Engineer. Where an approved public water supply is available, the City shall cause to be installed, at the subdivider's expense, water mains, valves, pressure reducing valves, and service laterals to each lot within the subdivision.
- (c) Fire hydrants shall be installed by the City, at the subdivider's expense, at locations determined by the City Engineer and the Fire Department. Hydrants located within 350 feet of any building site in the subdivision shall be charged with water and must be operable before a building permit may be issued. Fire hydrant spacing shall not exceed 400 feet.
- (d) The subdivider shall connect with a public sanitary sewer and provide sewer mains and extend laterals from the sewer main to each lot in the subdivision.
- (e) Secondary water for the purpose of irrigation shall be made available to each lot in all residential subdivisions. The City Council may require nonresidential subdivisions to acquire secondary water. Construction of irrigation water facilities shall be subject to the approval of the appropriate pressure irrigation district, as signified by its letter of approval. The lines shall meet City culinary waterline standards and specifications. "As built" shall be provided by the developer and submitted to the City prior to final inspection. Valves shall be located sufficient for adequate control of service areas, as approved. The subdivider will be required, at its own expense, to construct all required off site facilities to connect to existing irrigation district facilities. The size of service connections allowed will be determined by the irrigation district. Two lots may be served by a common service line, divided, where desirable. The applicable connection fee shall be paid to the irrigation district prior to their approval of the final plat.
- (f) The use of any subsurface drains within a subdivision may be permitted on a limited basis, as deemed appropriate by the City, in accordance with the procedures and requirements set forth in CMC 9.06 (Subsurface Water) regarding subsurface drains, and shall require videotaping prior to final inspection in accordance with CMC 9.06.080.
- (g) City approved street lights shall be installed at all street intersections, school or pedestrian crossings, and at bends or curves in the street at intervals specified in the City Standards and Specifications.
- (h) Utility easements shall be provided within the subdivision as required for public utility purposes. All lots shall have at least a 10' wide front yard public utility easements, and at least two other 7' wide side or rear yard public utility easements. Additional easements, or increased width of easements, may be required as necessary to provide for adequate utility service and/or drainage within the subdivision and adjoining parcels. The City

may also require separate waterline, storm drain or other utility easements for City owned facilities.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.05.070 Landscaping**

- (a) Whenever, in the opinion of the subdivision plat approving authority, Planning Commission, and/or the City Council, the cuts and fills in a subdivision are of sufficient size or visibility to demand special treatment, the subdivider may be required to landscape such areas with suitable permanent plant materials and to provide for the maintenance of such landscaping. The subdivider shall submit a landscaping plan for review and approval by the City. The landscaping plan shall indicate how maintenance of the landscaping will be performed and by whom.
- (b) Subdivisions in the Hillside Overlay Zone shall comply with all landscaping provisions of the Zoning Code, including, but not limited to, provisions of CZC 12.42 (Hillside Overlay Zone).

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.05.080 Orderly Development Required**

Whenever the subdivider shall develop a subdivision, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and available as necessary during construction activities within the subdivision and that all of the improvements will be made available for the full, effective, and practical use and enjoyment thereof by the purchaser, grantee, assignee, transferee, or lessee of any of the lands subdivided within the time herein provided or in phases specified.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.05.090 Building Permits**

Except as otherwise provided in CMC 15.01.070, it shall be unlawful for any person to receive a building permit for a lot within a subdivision until water, sewer, storm drainage and all other required underground utilities located under the street surfaces within the subdivision are installed, inspected and approved by the City for the entire subdivision, and all streets in the subdivision are rough graded. It shall be the responsibility of the subdivider to allow no human occupancy until all necessary utilities are installed and basic improvements are adequate to render the subdivision habitable which improvements shall include paved streets. It shall be unlawful for any subdivider to sell any portion of an approved subdivision until the prospective buyer or

builder has been advised that occupancy will not be permitted until all required improvements are completed.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.05.100 Warranty Period**

The developer shall be required to warrant the developer's installed and accepted public improvements (and landscaping required to be bonded) comply with the City Standards and Specifications and applicable ordinances for design, materials, and workmanship, and will not fail in any material respect as a result of poor workmanship or materials within the required warranty period. The warranty period shall commence upon the date that all improvements required by the City to be installed within the subdivision have been completed to the satisfaction of the City, a final inspection of the improvements has been made, and the City has accepted the improvements ("Final Acceptance"). Except as otherwise provided herein, the warranty period for public improvements shall commence on the date of Final Acceptance and shall continue for a period of one year. As provided in Utah Code § 10-9a-103, the City may require a two year warranty period for improvements (and landscaping required to be bonded) if the City determines for good cause that a lesser period would be inadequate to protect the public health, safety, and welfare; and the City has substantial evidence on record of: (1) prior poor performance of the applicant; or (2) that the area upon which the infrastructure or improvements will be constructed contains suspect soil and the City has not otherwise required the applicant to mitigate the suspected soil. If any deficiencies are found by the City during the warranty period in the design, materials, or workmanship or failure of the improvements to comply with City Standards and Specifications or applicable ordinances, the developer shall promptly resolve such defects or deficiencies and request the City Engineer to reinspect the improvements. In the event the developer fails to remedy any defects or deficiencies during the warranty period, the City may use the Bond proceeds in accordance with the terms and conditions of the Improvements Agreement. At the end of the warranty period, the developer shall request the City Engineer to make a final warranty period inspection of all improvements. If the City Engineer verifies that the improvements are acceptable, the City Engineer shall notify the City Manager who shall refer the matter to the City Council. The City Council shall then review the matter and upon approval of the same shall release the balance of the security posted by the developer under the Improvements Agreement.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

## **15.06 Requirements For PUD And Non-Residential Subdivisions**

### **15.06.010 Planned Unit Development**

### **15.06.020 Non-Residential Subdivision Requirements**

#### **15.06.010 Planned Unit Development**

- (a) Design Standards. The design of the preliminary and final plats of the project in relation to streets, blocks, lots, common open spaces, and other design factors shall be in harmony with the intent of the General Plan and design standards recommended by the subdivision plat approving authority ~~Planning Commission and approved by the City Council~~. Streets shall be so designed as to take advantage of open space vistas and create drives with a rural or open space character.
- (b) Provisions for Common Open Space. The subdivider of a cluster subdivision or PUD shall submit plans of landscaping and improvements for the common open space. The subdivider shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A project must meet the requirements of the Zoning Code, must assure proper use, construction, and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the project, surrounding residents, and the general public. The subdivision plat approving authority ~~Planning Commission~~ may place additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.
- (c) Guarantee of Common Open Space Improvements. As assurance of completion of common open space improvements, the subdivider at the request of the subdivision plat approving authority, ~~City Council~~, shall be required to file with the City ~~Council~~ an acceptable bond, or other agreement, in a form satisfactory to the City Attorney guaranteeing such completion within two years after such filing. Upon completion of the improvements for which a bond or other agreement has been filed, the subdivider shall call for inspection by the City Engineer, such inspection to be made within 14 days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds or security therefore shall be released. If the bonds or security are not released, refusal to release and reasons therefore shall be given the subdivider in writing.
- (d) Continuation of Common Open Space. As assurance of continuation of common open space used in accordance with the plans approved by the subdivision plat approving authority, ~~Planning Commission~~, the subdivider shall grant to the City, an "Open Space Easement" on and over the common open space prior to the recording to the final plat, which easement will not give the general public the right of access, but will provide that the common open space remains open.
- (e) Maintenance of the Common Open Space. In order to insure maintenance of the common open space and other improvements where so required, the subdivider, prior to the

recording of the final plat, shall cause to be incorporated under the laws of the State of Utah, a homeowners or property owners association. By proper covenants running with the land and through the articles of incorporation and by laws of the association, it shall among other things, be provided:

- (1) That the membership in the association shall be mandatory for each lot or dwelling unit purchaser, their guarantees, successors, and assigns.
- (2) That the common open space restrictions shall be permanent and not just for a period of years.
- (3) That the association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and other facilities.
- (4) That all lot, unit, or homeowners shall pay their pro rata share of the cost of upkeep, maintenance, and operation.
- (5) That any assessment levied by the association may become a lien on the real property of any lot, unit, or homeowner which may be foreclosed and the property sold.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.06.020 Non-Residential Subdivision Requirements**

- (a) The street and lot layout of a nonresidential subdivision shall be appropriate to the land for which the subdivision is proposed, and shall conform to the proposed land use and standards established in the General Plan and the Zoning Code.
- (b) In addition to the principles and standards in this Title which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the subdivision plat approving authority ~~Planning Commission~~ that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
  - (1) Proposed commercial, industrial or manufacturing parcels shall be suitable in area and dimensions to the types of commercial, industrial or manufacturing development anticipated, and to the requirements of the Zoning Code.
  - (2) Street rights of way and pavements shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
  - (3) Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
  - (4) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.
  - (5) Streets carrying nonresidential traffic, especially truck traffic, shall not normally

be extended to the boundaries or adjacent existing or potential residential areas, or connected to streets intended for predominantly residential traffic.

**HISTORY**

*Adopted by Ord. [2017-03](#) on 4/4/2017*



## **15.07 Public Improvements**

15.07.010 Standards And Specifications

15.07.020 Construction Plans

15.07.030 Submittal Requirements

15.07.040 Preconstruction Meetings

15.07.050 Inspection

15.07.060 Requests For Inspection

15.07.070 Correcting Defective Work

### **15.07.010 Standards And Specifications**

The City Council has established and adopted City Standards and Specifications setting forth standards and specifications for the design, construction, and inspection of public improvements. Any installation, construction, alteration, repair, maintenance or other work regarding public improvements or any work within the public rights of way within the City shall comply with the City Standards and Specifications. Any additional standards and specifications or amendments thereto for design, construction specifications, inspection of the street improvements, curbs, gutters, sidewalks, and standards for design, construction specifications and inspection of water distribution systems, sewage disposal facilities, storm drainage, and flood control facilities shall be prepared by the City Engineer. Any additional standards and specifications or amendments thereto for fire hydrants shall meet the requirements of any federal, state and local governmental entities having jurisdiction over the same. All subdivision standards and specifications and amendments thereto which are under the control of the City shall be in writing and approved by the City Council before becoming effective. All subdividers shall comply with the City Standards and Specifications adopted by the City Council. All public improvements shall be installed in accordance with the City Standards and Specifications, the requirements of the City Engineer, the subdivision improvements agreement between the subdivider and the City, and all other applicable City Ordinances and regulations.

#### **HISTORY**

*Adopted by Ord. 2017-03 on 4/4/2017*

### **15.07.020 Construction Plans**

Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance with the City Standards and Specifications. Construction plans and drawings shall be submitted to the Community Development Director and the City Engineer for review at the same time the final plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed and recommended for approval by the City Engineer. Except as otherwise provided in Section 15.04.095, no construction shall be started until the final plat has been recorded and the construction plans have been approved by the City. Plans for all the street utilities shall be drawn on the same plans.

#### **HISTORY**

**15.07.030 Submittal Requirements**

- (a) The submittal standards set forth in this Section are for the purpose of standardizing the drawings and to obtain uniformity in appearance, clarity, size and reproduction.
- (b) Three hard copies and one electronic copy of construction plans shall be submitted with one set to be retained by the City Engineer, one set to be furnished to the City, and one set returned to the subdivider for corrections and revisions. After corrections and revisions by the subdivider, three hard copies and one electronic copy of the revised construction plans shall be submitted for final review by the City Engineer.
- (c) All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice. Size of drawings shall be 24" x 36" (trim line) with 2" border on top, bottom, and right sides, and 1.5" border on the left side.
- (d) The plans shall include the following information:
  - (1) North arrow (plan)
  - (2) Elevations referenced to U.S.G.S. datum
  - (3) Stationing and elevations for profiles
  - (4) Title block located in lower right corner of sheet to include:
    - i. Project title (subdivision, etc.)
    - ii. Specific type and location of work
    - iii. Name of engineer or firm preparing drawings with license number
    - iv. Utah Engineers stamp shall be required on all construction plans
    - v. Date of plans
  - (5) Scale 1" = 20' or 1" = 40' horizontally; 1" = 2' or 4' vertical.
  - (6) Both plan view and profiles for curb and gutter plans shall be shown for each side of the street; street center line profile may be eliminated. Top of curb elevations with curve data must be shown for all curb returns.
  - (7) Size and location of culinary water lateral mains, meters, valves and hydrants (these plans to be finalized by the City Engineer).
  - (8) Type of pipe.
  - (9) Size and location of irrigation lateral mains, valves, fittings, etc.
  - (10) Size and location of sewer, storm drains, and subdrains, and manhole cleanouts.
- (e) As needed, each set of plans shall be accompanied by a separate sheet of details for

structures which are to be constructed.

- (f) All structures shall be designed in accordance with minimum requirements established by the City Standards and Specifications.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.07.040 Preconstruction Meetings**

Prior to excavating or starting of any work, the subdivider shall call the City Engineer to meet together for a preconstruction meeting. The subdivider shall bring to the meeting all contractors responsible to build the improvements associated with the project. The purpose of this meeting shall be to:

- (a) Verify recordation of the plat and final approval of the plans;
- (b) Determine schedule of construction;
- (c) Determine names, addresses and phone numbers of contractors, inspectors and all persons involved;
- (d) Review plans and special conditions or requirements;
- (e) Review bond reduction request;
- (f) Coordinate inspection and testing; and
- (g) Discuss City Standards and Specifications.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.07.050 Inspection**

Construction work involving the installation of public improvements in subdivisions shall be subject to inspection by the City Engineer. All inspections shall be conducted with reasonable diligence and based on objective inspection standards.

- (a) Daily inspection shall be required on the following types of work:
  - (1) Laying of street surfacing.
  - (2) Placing of concrete for curb and gutter, sidewalks, and other structures.
  - (3) Laying of drainage pipe, water pipe, valves, hydrants and testing.
- (b) Periodic inspection shall be required on the following:
  - (1) Street grading and gravel base.

- (2) Excavations for curb and gutter and sidewalks.
- (3) Excavations for structures.

**HISTORY**

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.07.060 Requests For Inspection**

Requests for inspections shall be made to the City Engineer by the person responsible for the construction. Requests for inspection on work shall be made one working day prior to the commencement of the work.

**HISTORY**

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.07.070 Correcting Defective Work**

Inspections shall be made by the City Engineer after various phases of the construction work is completed. Any faulty or defective work shall be corrected by the subdivider or subdivider's contractor within a period of 30 days from the date of City Engineer's inspection wherein the faulty or defective work is noted and written notice is given to the subdivider and/or contractor.

**HISTORY**

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.08 Development And Impact Fees [To be Repealed by Ordinance No. 2024-02]**

15.08.010 Definitions

15.08.020 Findings And Purpose

15.08.030 Service Areas Established

15.08.040 Impact Fees Levied

15.08.050 Time Of Collection

15.08.060 Use Of Fees

15.08.070 Adjustments

15.08.080 Accounting, Expenditure And Refund

15.08.090 Impact Fee Challenges And Appeals

15.08.100 Administrative Development Fees

**15.08.010 Definitions**

- (a) "Capital Facilities Plan" means the Capital Facility Plan adopted by Resolution of the City Council dated June 17, 1997, as the same shall be amended from time to time.
- (b) "City" means Centerville City, a Utah municipal corporation.
- (c) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.
- (d) "Development approval" means any written authorization from the City that authorizes the commencement of development activity.
- (e) "Impact fee" means a payment of money imposed upon development activity as a condition of development approval.
- (f) "Service area" means the geographic area designated by the City which a defined set of public facilities provides service within the area.

**HISTORY**

*Adopted by Ord. 2017-03 on 4/4/2017*

**15.08.020 Findings And Purpose**

The City Council hereby finds and determines:

- (a) There is a need for public facilities for new developments which have not been constructed and are required to be consistent with the General Plan and to protect the public health, safety and welfare.
- (b) The rapid and continuing growth of Centerville City necessitates the imposition and collection of impact fees pursuant to law that require development to pay its fair share of the cost of providing public facilities occasioned by the demands and needs of the development project at service levels necessary to promote and preserve the public

health, safety and welfare.

- (c) The City Council hereby adopts the reports from Leon J. Nielson - CPA dated May 23, May 29, and May 30, 1997, entitled "Culinary Water Impact Fees, Park Impact Fees, and Storm Drain Impact Fees which establish the costs for providing public facilities occasioned by development projects within the City and certain credits allowable against impact fees in the City.
- (d) The impact fees established by this Ordinance are based upon the costs which are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development within the City.
- (e) The impact fees established by this Ordinance do not exceed the reasonable cost of providing public facilities occasioned by development projects within the City.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.08.030 Service Areas Established**

The City shall constitute a single service area and all real property located within the corporate boundaries of the City shall be included.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.08.040 Impact Fees Levied**

The impact fees for the City service area are hereby established and/or levied and are contained in the development and impact fee schedule as adopted by the City.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.08.050 Time Of Collection**

Unless otherwise provided by the City Council, impact fees shall be payable prior to the issuance of a building permit by the City.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.08.060 Use Of Fees**

The fees shall be used solely to:

- (a) Pay for the described public facilities to be constructed by the City;

- (b) For reimbursing the City for the development's share of those capital improvements already constructed by the City; or
- (c) To reimburse developers who have constructed public facilities where those facilities were beyond that needed to mitigate the impacts of the developers project(s).

HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.08.070 Adjustments**

The City may, upon a proper showing, adjust the standard impact fee at the time the fee is charged to:

- (a) Respond to unusual circumstances in specific cases; and
- (b) Insure that the impact fees are imposed fairly; and
- (c) Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the City after review of the same; and
- (d) Allow credits as approved by the City for dedication of land for, improvement to, or new construction of, public facilities providing services to the community at large, provided such facilities are identified in the capital facilities plan and are required by the City as a condition of approving the development activity. No credit shall be given for project improvements as defined in the Act.

HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.08.080 Accounting, Expenditure And Refund**

The City shall account for, expend and refund impact fees in accordance with the provisions of the Act.

HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.08.090 Impact Fee Challenges And Appeals**

- (a) Any person or entity residing in or owning property within a service area, and any organization, association, or corporation representing the interests of persons or entities owning property within a service area, may file a declaratory judgment action challenging the validity of the fee.
- (b) Any person or entity required to pay an impact fee imposed by the City who believes the fee does not meet the requirements of law may file a written request for information with the City as provided by law.

- (c) Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Act and with any other relevant information relating to the impact fee.
- (d) Within 30 days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall:
  - (1) File a written appeal with the City Council by delivering a copy of such appeal to the City Manager setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of appeal the City Council shall thereafter schedule a public hearing on the appeal at which time all interested persons will be given an opportunity to be heard. The City Council shall schedule the appeal hearing and thereafter render its decision on the appeal no later than 30 days after the challenge to the impact fee is filed. Any person or entity who has failed to comply with the administrative appeal remedies established by this Section may not file or join an action challenging the validity of any impact fee.
  - (2) Within 90 days of a decision upholding an impact fee by the City or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal that is adversely affected by the City Council's decision may petition the district court in and for Davis County for review of the decision.
  - (3) In the event of a petition to the district court, the City shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
  - (4) If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of Subsection (3).
  - (5) If there is a record:
    - i. The district court's review is limited to the record provided by the City; and
    - ii. The district court may not accept or consider any evidence outside the City's record unless that evidence was offered to the City and the court determines that it was improperly excluded by the City.
  - (6) If there is an inadequate record, the district court may call witnesses and take evidence.
  - (7) The district court shall affirm the decision of the City if the decision is supported by substantial evidence in the record.
  - (8) The judge may award reasonable attorneys' fees and costs to the prevailing party in any action brought under this Section.

## HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017



**15.08.100 Administrative Development Fees**

- (a) In addition to construction and dedication of any required public improvements and the payment of Impact Fees, fees may also be established by the City for filing of various applications, inspection of improvements, and connection to water and sewer facilities. The amounts of these fees shall be listed in the City Fee Schedule and may be set or amended by resolution of the City Council.
- (b) No application or request shall be accepted or action taken thereon until the subdivider or owner has paid to the City the required fee(s) applicable to such application or request.

**HISTORY**

*Adopted by Ord. [2017-03](#) on 4/4/2017*

## **15.09 Subdivision Plat Amendments**

15.09.010 ~~Petition For~~ Plat Amendment

15.09.020 ~~Plat Amendment Submittal Requirements Procedure~~

15.09.030 Plat Amendment Completeness Review

15.09.040 Plat Amendment Distribution to Departments

15.09.050 Plat Amendment Review Cycle Requirements for Residential Subdivisions

15.09.060 Plat Amendment Approval Procedures

15.09.0730 Public Hearing Requirements for Commercial Subdivision Plat Amendments

15.09.0840 ~~Plat Amendment~~ Notice Requirements

15.09.0950 Ground For Vacating Or Amending A Plat

15.09.1060 Recording Of Amended Plat

15.09.11070 Effect Of Street Vacation

15.09.12080 Compliance With Ordinances

15.09.13090 Subdivision Name Change

15.09.1400 Exchange Of Title

15.09.1510 Plat Correction

15.09.1620 ~~Plat Amendment~~ Appeal

15.09.1730 ~~Plat Amendment~~ Expiration-Of-Amended-Plat-Approval

### **15.09.010 ~~Petition For~~ Plat Amendment**

Any fee owner of property, as shown on the last county assessment roll, in a recorded subdivision plat may file an application ~~a petition with the City requesting to amend or vacate or amend~~ some or all of the subdivision plat. Any application to amend or petition to vacate or amend a subdivision plat shall be filed in writing to the Community Development Director. ~~on forms provided by the City, and shall include, at a minimum, the following:~~

### **15.09.020 Plat Amendment Submittal Requirements**

The plat amendment application shall include all submittal requirements for final plat application as set forth in CMC 15.04 (Final Plat). The applicant for a plat amendment shall be required to prepare and submit a final plat for recording in accordance with the requirements of CMC 15.04.030 and comply with all public improvement, bonding, recording, and other applicable requirements for final plats as set forth in this Title. Plat amendment applications shall also include the following:

- (a) The name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition;
- (b) The signature of each owner identified in Subsection (a) who consents to the petition;
- (c) The appropriate fees and deposits as set forth in the City Fee Schedule;
- (d) An amended plat that complies with all the provisions and requirement for final plat as set forth in CMC 15.04.030 and the provisions of Utah Code § 10-9a-603, regarding plat requirements;

- (e) If the petition proposes to vacate some or all of a public street, right-of-way, or easement, the petition shall also include:
- (1) The name and address of each owner of record of land that is:
    - i. Adjacent to the public street, right-of-way, or easement; or
    - ii. Accessed exclusively by or within 300 feet of the public street, right-of-way, or easement; and
  - (2) The signature of each owner under Subsection (1) who consents to the vacation.

## HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

### **15.09.030 Plat Amendment Completeness Review**

The Community Development Director shall review all plat amendment applications for completeness in accordance with CMC 15.01.084.

### **15.09.040 Plat Amendment Distribution to Departments**

The Community Development Director, upon determining that the application is complete, shall distribute copies of the plat amendment to City departments and other agencies or advisors as deemed advisable.

### **15.09.050 Plat Amendment Review Cycle Requirements for Residential Subdivisions**

The Community Development Director shall review the plat amendment for compliance with this Title and applicable City ordinances. If the plat amendment is a residential subdivision as defined in CMC 15.01.040, then the timelines and review cycle provisions of CMC 15.04.046 (Final Plat Review Cycle Requirements) shall apply to the City's review of the plat amendment.

### **15.09.060 Plat Amendment Approval Procedures**

Except as otherwise provided herein, the Community Development Director is authorized to approve plat amendments for residential subdivisions in accordance with the procedures set forth in CMC 15.04 regarding Community Development Director approval of final plats for residential subdivisions. The City Council is authorized to approve plat amendments for commercial subdivisions in accordance with the procedures set forth in CMC 15.04 regarding City Council approval of final plats for commercial subdivisions regardless. The City Council shall consider the plat amendment at a public meeting and shall hold a public hearing, if required, in accordance with the provisions of CMC 15.09.030. The Community Development Director or City Council, as applicable, may require as part of the approval of the plat amendment any improvements or utility easements that are required of other subdivisions, as set forth in this Title. Any plat amendments involving the vacation of some or all of a public street, right-of-way, or easement, must be approved by the City Council, regardless of whether such plat amendment involves a residential or commercial subdivision.

### **15.09.020 Procedure**

~~Upon receipt of a petition to vacate or amend a subdivision plat, the Community Development Director, or his or her designee, shall review the application and prepare a staff report and recommendation to the City Council. The matter shall thereafter be referred to the City Council for review and consideration in accordance with the provisions of this Chapter. The City Council shall consider the plat amendment at a public meeting and shall hold a public hearing, if required, in accordance with the provisions of CMC 15.09.030.~~

#### **HISTORY**

*Adopted by Ord. 2017-03 on 4/4/2017*

### **15.09.0730 Public Hearing Requirements for Commercial Subdivision Plat Amendments**

- (a) ~~The City Council shall hold a public hearing on commercial subdivision plat amendments to the extent required by law as more particularly provided herein. Except as otherwise provided in Subsection (c), pursuant to City policy the City Council shall hold a public hearing on all plat amendment petitions.~~
- (b) Pursuant to State law, the City Council is required to hold a public hearing on a plat amendment ~~application petition~~ within 45 days after the day on which a completed ~~application petition~~ is filed if: (i) any owner within the plat notifies the City of the owner's objection in writing within 10 days of mailed notification; or (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- (c) The City Council is not required to hold a public hearing on the proposed plat amendment if: (i) the petition seeks to join two or more of the owner's contiguous, residential lots; and (ii) notice has been given to adjacent property owners in accordance with applicable City Ordinances and State law.
- (d) If the petition proposes to vacate some or all of a public street, right-of-way, or easement, the public hearing and notice thereof shall be conducted in accordance with the provisions of Utah Code § 10-9a- 208.

#### **HISTORY**

*Adopted by Ord. 2017-03 on 4/4/2017*

### **15.09.0840 Plat Amendment Notice Requirements**

- (a) The City shall provide notice of public meetings and public hearings regarding a petition for plat amendment in accordance with the provisions of CMC 15.01.130 regarding public hearings and public meetings.
- (b) In addition to the notice requirements set forth in CMC 15.01.130, notice of all plat amendments shall be provided in accordance with Utah Code § 10-9a-207. Pursuant to

Section 10-9a-207, the City is required to provide notice of the date, time, and place of at least one public meeting regarding the proposed plat amendment, which notice shall be provided at least 10 calendar days before the public meeting and shall be:

- (1) Mailed and addressed to the record owner of each parcel within 300 feet of the property proposed for subdivision plat amendment; or
  - (2) Posted on the property proposed for subdivision plat amendment in a visible location with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
- (c) In addition to the notice requirements set forth in this Section, notice of all plat amendments involving a vacation or amendment to a public street, right-of-way, or easement shall be provided in accordance with Utah Code § 10-9a-208. Pursuant to Section 10-9a-208, the City is required to provide notice of the date, time, and place of the public hearing regarding a plat amendment involving the vacation or amendment to a public street, right-of-way, or easement at least 10 days before the public hearing, which notice shall be:
- (1) Mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;
  - (2) Mailed to each affected entity;
  - (3) Posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public;
  - (4) Published on the City website until the public hearing concludes; and
  - (5) Published on the Utah Public Notice Website.
- (d) Pursuant to Utah Code § 10-9a-608, the City shall provide notice of all plat amendment petitions by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the City Council may approve the vacation or amendment of the plat.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017 Amended by Ord. [2021-10](#) on 6/1/2021*

#### **15.09.0950 Ground For Vacating Or Amending A Plat**

- (a) The Community Development Director or City Council, as applicable, may approve the vacation or amendment of a subdivision plat that does not include the vacation of some or all of a public street, right-of-way, or easement, by signing an amended plat showing the vacation or amendment, if the Community Development Director or City Council, as applicable, finds:
  - (1) There is good cause for the vacation or amendment; and

(2) No public street, right-of-way or easement has been vacated or amended.

(b) The City Council may approve the vacation or amendment of a subdivision plat that includes the vacation of some or all of a public street, right-of-way, or easement, by adopting an ordinance granting the petition to vacate some or all of a public street, right-of-way, or easement, and recording the ordinance and/or an amended plat reflecting the vacation, if the City Council finds:

(1) Good cause exists for the vacation; and

(2) Neither the public interest nor any person will be materially injured by the vacation.

(c) The City Council may vacate a subdivision or a portion of a subdivision by making the findings set forth in Subsection (a) or (b), as applicable, and recording in the Davis County Recorder's Office an ordinance describing the subdivision or the portion of the subdivision being vacated.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.09.1060 Recording Of Amended Plat**

The City shall ensure that any approved amended plat is recorded in the Davis County Recorder's Office. An amended plat may not be submitted to the county recorder for recording unless it is signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended. A management committee may sign and dedicate an amended plat as provided in the Utah Condominium Ownership Act, as set forth in Utah Code §§ 57-8-101, et seq. Pursuant to Utah Code § 10-9a-609, if an amended plat is approved and recorded in accordance with this Chapter, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

#### **15.09.11070 Effect Of Street Vacation**

In accordance with Utah Code § 10-9a-609.5, any action of the City Council approving the vacating of some or all of a public street, right-of-way, or easement, that has been dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the City's fee in the vacated street, right-of-way, or easement, and may not be construed to impair any right-of-way or easement of any lot owner or the franchise rights of any public utility.

#### HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.09.12080 Compliance With Ordinances**

All plat amendments shall comply with and be subject to City Ordinances, including, but not limited to, applicable provisions of this Title and the Zoning Code, and applicable provisions of Utah Code § 10-9a-608, regarding the vacating or amending of a subdivision plat.

HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017*

**15.09.13090 Subdivision Name Change**

- (a) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the Davis County Recorder’s Office.
- (b) The name of a recorded subdivision may be changed by recording an amended plat making that change in accordance with the procedures set forth in Utah Code § 10-9a-608, and the provisions set forth in this Chapter regarding plat amendments.

HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017*

**15.09.1400 Exchange Of Title**

- (a) In accordance with the provisions of Utah Code § 10-9a-608, the owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the Zoning Administrator in accordance with the provisions of this Section.
- (b) An application for exchange of title approval shall be filed in writing with the ~~Community Development Department~~Community Development Director on forms provided by the City, and shall include, at a minimum, the following:
  - (1) Three hard copies and one electronic copy of a survey, prepared by a licensed land surveyor or professional engineer, accurately drawn to scale and certified, showing:
    - i. The two affected lots or parcels;
    - ii. The location of existing buildings on the lots or parcels;
    - iii. The proposed location of the new lot or parcel line;
    - iv. Any existing easements, driveways, utilities and infrastructure improvements;

- v. The frontage calculations for the two lots before and after the exchange of title; and
  - vi. The size of the two lots before and after the exchange of title.
- (2) The applicable fees and deposits as set forth in the City Fee Schedule.
  - (3) The proposed notice of approval and conveyance of title documents.
- (c) The Zoning Administrator shall review all applications for exchange of title approval and shall approve such requests if the exchange of title will not result in a violation of any land use ordinance of the City.
  - (d) No exchange of title shall be permitted which would result in the creation of a new dwelling lot or housing unit or the creation of a remnant piece of land that did not previously exist.
  - (e) If an exchange of title is approved by the Zoning Administrator, a notice of approval acceptable to the City shall be recorded in the Davis County Recorder's Office, which notice of approval shall:
    - (1) Be executed by each owner included in the exchange and by the Zoning Administrator;
    - (2) Contain an acknowledgment for each party executing the notice in accordance with the provision of the Utah Recognition of Acknowledgments Act, as set forth in Utah Code §§ 57-2a- 1, et seq.; and
    - (3) Recite the descriptions of both the original parcels and the parcels created by the exchange of title.
  - (f) A notice of approval recorded under this Section does not act as a conveyance of title to real property. If an exchange of title is approved by the Zoning Administrator, the applicant shall also be required to file and record a conveyance of title reflecting the approved changed with the Davis County Recorder's Office.

HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.09.1510 Plat Correction**

Minor typographical or clerical errors in a subdivision plat may be corrected in accordance with and subject to the provisions of Utah Code § 57-3-106.

HISTORY

*Adopted by Ord. [2017-03](#) on 4/4/2017*

**15.09.1620 Plat Amendment Appeal**



Any person adversely affected by a final decision of the Community Development Director regarding a plat amendment as provided in this Chapter may appeal such decision to the Board of Adjustment as provided elsewhere in this Title. Any person adversely affected by a final decision of the City Council regarding a plat amendments as provided in this Chapter may file a petition for review of the decision with the district court as provided elsewhere in this Title and in accordance with ~~in~~ Utah Code § 10-9a-801, ~~within 30 days after the City Council decision is final.~~

#### HISTORY

*Adopted by Ord. 2017-03 on 4/4/2017*

#### **15.09.1730 Plat Amendment Expiration-Of Amended Plat Approval**

Amended plat approval shall expire and have no further force or effect if the approved amended plat is not recorded within twelve (12) months from the date of ~~City Council~~ approval. This time period may be extended for up to six (6) months for good cause shown if the subdivider petitions the Community Development Director or City Council, as applicable, for an extension prior to the expiration date. Only one extension may be granted for each approved amended plat. No extension will be granted for amended plat approval if it is determined that it will be detrimental to the City. If any of the fees charged as a condition of subdivision approval have increased, the City may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases or provide additional bond funds as a condition of granting an extension.

#### HISTORY

*Adopted by Ord. 2019-17 on 8/20/2019*

## **15.10 Minor Subdivision**

15.10.010 Minor Subdivision

15.10.020 Minor Subdivision Submittal Requirements

15.10.030 Minor Subdivision Completeness Review

15.10.040 Minor Subdivision Distribution to Departments

15.10.050 Minor Subdivision Review Cycle Requirements

15.10.060 Minor Subdivision Approval by Community Development Director

15.10.070 Minor Subdivision Expiration

### **15.10.010 Minor Subdivision**

A minor subdivision is a subdivision of not more than three (3) lots, as more particularly defined in CMC 15.01.040, that meets the minor subdivision criteria and requirements set forth in this Chapter. An applicant may use the minor subdivision approval procedures set forth herein if the subdivision consists of not more than three (3) lots and meets the following requirements:

- (a) The proposed subdivision is not traversed by the mapped lines of a proposed street or a street to be widened as shown in the General Plan or Master Street Plan;
- (b) The proposed subdivision has been approved by the culinary water authority and the sanitary sewer authority;
- (c) The proposed subdivision is located in a zoned area approved for such use or development;
- (d) The proposed subdivision conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance;
- (e) All lots within the proposed subdivision meet the frontage, width, and area requirements of the Zone in which the subdivision is located, or has properly received a variance from such requirements.
- (f) No part or portion of any property within the proposed subdivision has been a part of a minor subdivision approved less than three years earlier.

If a minor subdivision does not meet the above-criteria, the applicant must apply for and follow the standard procedures set forth in this Title for residential and commercial subdivisions, including, but not limited to concept plan (or pre-application meeting), preliminary plat, and final plat application requirements.

### **15.10.020 Minor Subdivision Submittal Requirements**

The applicant shall submit an application for minor subdivision to the Community Development Director on forms provided by the City. The minor subdivision application shall include all submittal requirements for final plat application as set forth in CMC 15.04 (Final Plat). The applicant for a minor subdivision shall be required to prepare and submit a final plat for

recording in accordance with the requirements of CMC 15.04.030 and comply with all public improvement, bonding, recording, and other applicable requirements for final plats as set forth in this Title.

#### **15.10.030 Minor Subdivision Completeness Review**

The Community Development Director shall review all minor subdivision applications for completeness in accordance with CMC 15.01.084.

#### **15.10.040 Minor Subdivision Distribution to Departments**

The Development Director, upon determining that the application is complete, shall distribute copies of the minor subdivision to City departments and other agencies or advisors as deemed appropriate.

#### **15.10.050 Minor Subdivision Review Cycle Requirements**

The Community Development Director shall review the minor subdivision for compliance with this Title and applicable City ordinances. If the minor subdivision is a residential subdivision as defined in CMC 15.01.040, then the timelines and review cycle provisions of CMC 15.04.046 (Final Plat Review Cycle Requirements) shall apply to the City's review of the minor subdivision.

#### **15.10.060 Minor Subdivision Approval Procedures**

The Community Development Director is authorized to approve all minor subdivisions in accordance with the procedures set forth in CMC 15.04 (Final Plats) regarding Community Development Director approval of final plats for residential subdivisions regardless of whether the minor subdivision is a residential subdivision or commercial subdivision. The Community Development Director may require as part of the approval of the minor subdivision any improvements or utility easements that are required of other subdivisions, as set forth in this Title.

#### **15.10.070 Minor Subdivision Expiration**

Minor subdivision approval shall expire and have no further force or effect if the minor subdivision plat is not recorded within twelve (12) months from the date of approval of the minor subdivision. This time period may be extended for up to six (6) months for good cause shown if the subdivider petitions the Community Development Director for an extension prior to the expiration date. Only one extension may be granted for each approved minor subdivision.