

TITLE 15. SUBDIVISION ORDINANCE**CHAPTER 15-1. GENERAL PROVISIONS**

15-1-101. SHORT TITLE. This Title shall be known as the "Centerville City Subdivision Ordinance." This Title shall also be known as Title 15 of the Centerville City Municipal Code. It may be cited and pleaded under any of the above-stated designations.

15-1-102. PURPOSE. The purpose of this Title, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- (1) To promote and protect the public health, safety and general welfare.
- (2) 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.
- (3) To provide procedures and standards for the physical development of 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.
- (4) 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.
- (5) To provide for harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.

15-1-103. 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, ordinance or covenant, the provisions of this Title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this Title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

15-1-104. 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 shall have the respective meanings hereinafter set forth.

- (1a) "Affected Entity" means a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, or the Utah Department Transportation, as more particularly defined in *Utah Code Ann.* § 10-9a-103(1), as amended.
- (1) "Alley" means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (2) "Applicant" means the owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written authorization from the owner.
- (3) "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.
- (4) "Bond Agreement" means an agreement to install improvements secured by a stand-by letter of credit, or 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 ordinance.
- (5) "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.
- (6) "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.
- (7) "City" means Centerville City.
- (8) "City Council" means the City Council of Centerville City.
- (9) "Collector Street:" See Streets.
- (10) "Community Development Department" means that department of the City authorized by the City to oversee the Planning Administrator, the Zoning Administrator and the Building Inspector.
- (11) "Community Development Director" means the person appointed by the City to perform the duties and responsibilities of Community Development Director, as defined by City ordinances and resolutions.

- (12) "Concept Plan" means a sketch or concept drawing prior to the preliminary plat for subdivisions to enable the 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.
- (13) "Condominium" means property conforming to the definition set forth in *Utah Code Ann.* § 57-8-3, as amended. A condominium is also a "subdivision" subject to these regulations and the Condominium Ownership Act of the State of Utah, as set forth in *Utah Code Ann.* §§ 57-8-1, *et seq.*, as amended.
- (14) [Reserved]
- (15) "Cul-de-sac:" See Streets.
- (16) "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.
- (17) "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.
- (18) [Reserved]
- (19) "Fee Schedule" means the schedule of fees adopted periodically by resolution of the City Council setting forth various fees charged by the City.
- (20) "Final Plat" means a map of a subdivision, required of all subdivisions, except small subdivisions, which is prepared for final approval and recordation, which has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with the ordinances of the City and Title 10, Chapter 9a, of the *Utah Code Annotated, 1953*, as amended.
- (21) "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. ¹
- (22) "Flood, One Hundred Year" means a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

¹ Amended by Ord. No. 2011-07, April 5, 2011

- (23) "Flood, Ten Year" means a flood having a ten percent (10%) chance of being equaled or exceeded in any given year.
- (24) "Flood Plain, One Hundred 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.
- (25) "Freeway:" See Streets.
- (26) "General Plan" means the comprehensive, long-range General Plan for proposed future development of land in the City, as provided in Title 10, Chapter 9a, of the *Utah Code Annotated, 1953*, as amended.
- (27) "Half Streets." See streets.
- (28) "Lot" means a 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.
- (29) [Reserved]
- (30) "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 Title 10, Chapter 9a, of the *Utah Code Annotated, 1953*, as amended.
- (31) [Reserved]
- (32) AOwner@ 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 any of the foregoing.
- (33) "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.
- (34) "Parkstrip" means the strip of land located within the public right of way between the sidewalk and the curb and gutter.
- (35) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

- (36) "Planned Development" means a development designed and approved pursuant to Chapter 12-41 of the City Zoning Ordinance, or any multi-family dwelling project or development that has been approved by the City in accordance with any applicable design standards.
- (37) "Planning Administrator" means the person appointed by the City to perform duties and responsibilities of Planning Administrator, as defined in the City Zoning Ordinance.
- (38) "Planning Commission" means the Centerville City Planning Commission.
- (39) "Preliminary Plat" means the initial formal plat of a proposed land division or subdivision showing information and features required by the provisions of this Title.
- (40) "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.
- (41) "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.
- (42) "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.
- (43) "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.
- (44) "Sidewalk" means a passageway for pedestrians, excluding motor vehicles.
- (45) "Small Subdivision" means a subdivision of not more than 2 lots or a subdivision which includes the use of flag lots that meets the small subdivision waiver allowance criteria.²
- (46) "Streets"
- (a) 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

² Amended by Ord. No. 2013-12, August 20, 2013

by use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

- (b) 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.
 - (c) Street, Half Street - The portion of a street within a subdivision comprising one-half of the minimum required right-of-way.
 - (d) 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.
 - (e) 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.
 - (f) Street, Major Collector - A street, existing or proposed, which is the main means of access to the major street system.
 - (g) 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.
 - (h) Street, Local - A minor street which provides access to abutting properties and protection from through traffic.
 - (i) 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.
 - (j) Street, Cul-de-sac - A minor terminal street provided with a turn-around.
 - (k) Alley - A public right-of-way less than 26 feet in width.
- (47) “Subdivider” means any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision, or who (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, or who (3)

engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision, or who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

- (48) “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. "Subdivision" includes: (a) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and (b) 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. "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 Ann.* § 10-9a-103(36)(c), as amended.
- (49) “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.
- (50) “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.
- (51) “Zoning Administrator” means the person appointed by the City to perform the duties and responsibilities of Zoning Administrator, as defined by the City Zoning Ordinance.
- (52) “Zoning Ordinance” means the Centerville City Zoning Ordinance as set forth in Title 12 of the Centerville City Municipal Code.

15-1-105. GENERAL CONSIDERATIONS.

- (1) 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 Ordinance, and other applicable ordinances.

- (2) 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 Ordinance. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.
- (3) 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.

15-1-106. GENERAL RESPONSIBILITIES.

- (1) The subdivider shall prepare concept 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 subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as outlined herein.
- (2) The Planning Administrator shall review the plans and plats for design; for conformity to the General Plan and to the Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this Title.
- (3) Plats and/or plans of proposed subdivisions may be referred by the Planning Administrator to 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 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.
- (4) The City Engineer shall review 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 Planning Administrator.

- (5) The City Public Works Department shall review and make comments on the engineering plans and specifications for the City required improvements to the City Engineer and the Planning Administrator. The Public Works Director may assist the City Engineer in performing inspections.
- (6) The Planning Commission is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan and Zoning Ordinance, and other pertinent documents.
- (7) The City Attorney shall verify that the bond provided by the subdivider is acceptable, that the 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 subdivider, and may review matters of title such as easements and restrictive covenants.
- (8) The City Council has final jurisdiction in the approval of final subdivision plats, the establishment of requirements and design standards for public improvements, and the acceptance of lands and public improvements that may be proposed for dedication to the City.

15-1-107. COMPLIANCE REQUIRED.

- (1) It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or 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 the General Plan, Master Street Plan, Zoning Ordinance, this Title, or any other state law or City ordinance.
- (2) 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 shall have been recorded in accordance with this Title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.
- (3) All 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.

- (4) 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.
- (5) 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:
- (a) The lot fronts onto an already existing hard surfaced street;
 - (b) The main lines for utilities which will service the lot are located within the already existing and improved street;
 - (c) There is adequate fire flow protection and existing fire hydrants and fire protection devices for the lot as required by the International Fire Code, as adopted by the City, and other relevant City Ordinances;
 - (d) There is adequate access to the lot for emergency utility vehicles;
 - (e) The issuance of the building permit will not threaten public health, safety and welfare;
 - (f) Written approval is obtained from the Fire Chief, Police Chief and City Engineer regarding issuance of the permit;
 - (g) Written approval is obtained from all public utilities and agencies involved regarding issuance of the permit or final subdivision approval; and
 - (h) Issuance of the permit will not result in the waiver of any other requirements or performance guarantees for the subdivision.
- (6) 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.

15-1-108. REQUIRED CERTIFICATES, PERMITS AND REVIEWS.

- (1) Applications for each of the separate stages of subdivision approval (concept plan, preliminary plat, and final plat) shall be made to the City's Community Development Department. Applications shall be made on the respective forms provided by the

City and shall be accompanied by the proper fee and by the documents and information required by this ordinance.

- (2) Action on any application for a stage of subdivision approval shall be completed in a timely manner after of the date of submittal of a completed application and all required information and items to the Community Development Department.
- (3) All applications, documents, plans, reports, studies and information provided to the City by an applicant 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.
- (4) 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.

15-1-109. PENALTIES. 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.

15-1-110. PENDING ORDINANCE AMENDMENTS.

- (1) 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.
 - (a) 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.
 - (b) An application shall be deemed "filed" when all materials required for the application, as set forth in this Title have been submitted.
- (2) An application affected by a pending amendment to the text of this Title shall be subject to the following requirements:
 - (a) The application shall not be acted upon until six (6) 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:
 - (i) The applicant voluntarily agrees to amend his application to conform to the requirements of the proposed amendment; or

- (ii) The proposed amendment is sooner enacted or defeated, as the case may be.
 - (b) If a pending amendment to the text of this Title is enacted within six (6) 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.
 - (c) If a pending amendment to the text of this Title is not enacted within six (6) 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.
- (3) The Zoning Administrator shall give an applicant affected by a pending amendment to the text of this Title written notice that:
- (a) There is pending legislation;
 - (b) The application may require changes to conform to a text amendment which may be enacted; and
 - (c) Copies of the pending legislation are available at the Community Development office.
- (4) All provisions herein are intended to and shall comply with the provisions of *Utah Code Ann. § 10-9a-509*, as amended.

15-1-111. APPEALS.

- (1) Any person or entity, or any officer, department, or board of the City, adversely affected by a final decision of the Zoning Administrator or the Planning Commission made in the administration or interpretation of the provisions of this Title may appeal that decision to the City Council as the designated land use appeal authority for subdivision matters as provided herein. A complete application for appeal shall be filed with 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 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.

- (2) After the application for appeal is deemed complete, the City Recorder shall schedule a public meeting before the City Council 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 Section 15-1-113. 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.
- (3) The City Council shall review the record of decision and after due consideration shall 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 City Council 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. The City Council shall notify the appellant in writing of its ruling.
- (4) 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 City Council.
- (5) 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 any final decision of the City Council regarding an appeal of an administrative decision as provided herein, may appeal that decision to the district court in accordance with applicable provisions of Title 10, Chapter 9a of the *Utah Code Annotated*, as amended.

15-1-112. STAFF AUTHORITY. For purposes of this Title, the Planning Administrator and all other officers and employees of the City act in an advisory capacity to the 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.

15-1-113. PUBLIC HEARINGS AND MEETINGS. Any public hearing or meeting required under this Title, as the case may be, shall be scheduled and held subject to the requirements of this section.

- (1) *Scheduling a Public Hearing or Meeting.* An application requiring a public hearing or 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 meeting regarding the application shall be considered in light of:

- (a) The complexity of the application submitted;
 - (b) The number of other applications received which require a public hearing or meeting;
 - (c) Available staff resources; and
 - (d) Applicable public notice requirements.
- (2) *Notice of Public Meeting.* In accordance with the Utah Open and Public Meetings Act, as set forth in *Utah Code Ann. ' ' 52-4-1*, et seq., as amended, the applicable land use authority designated to act upon a subdivision application shall provide public notice of its meetings.
- (a) *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.
 - (b) *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. Public notice of meetings shall be satisfied by:
 - (i) posting notice in at least three public locations within the City, including City Hall; and
 - (ii) providing notice to at least one newspaper of general circulation within the area of the City.
 - (c) *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.
- (3) *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.
- (a) *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.
- (b) *Notice.* Public notice of the public hearing shall be provided at least three (3) calendar days before the public hearing. Such notice shall be 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. 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 Section 15-1-104). 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 Ann.* §10-9a-208, as amended.
- (4) *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 (3) business days before the public hearing or public meeting, subject to the waiver provisions of *Utah Code Ann.* ' 10-9a-202, as amended. The City shall also provide the applicant notice of any final action on a pending application in accordance with the provisions of Subsection (11).
- (5) *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 (5) 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.
- (6) *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 thirty (30) days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.
- (7) *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 Government Records Access and Management Act, as set forth in *Utah Code Ann.*, ' ' 63-2-101, *et seq.*, as amended. Copies of such materials shall be made available at reasonable cost in accordance with the City's fee schedule.

- (8) *Public Hearing and 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.
- (9) *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:
- (a) A staff review of the application has been undertaken; or
 - (b) Notice for a public hearing or meeting on the application has been mailed, posted or published.
- (10) *Record of Public Hearing or Meeting.*
- (a) Written minutes or a digital or tape recording shall be kept of all public hearings or meetings. Such minutes or a digital or tape recording 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 all citizens who appeared and the substance in brief of their testimony; and
 - (v) Any other information that any member requests be entered in the minutes.
 - (b) The minutes, tape recordings, all 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 Section 15-1-113(7) of this Section.
- (11) *Notification.* 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.

15-1-114. 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.

(1) *Legislative Proceedings.*

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

(A) Subdivision ordinance text adoption or amendment; and

(B) Temporary regulations.

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

(A) 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.

(B) In making such determination, the decision-making authority may consider the following:

(i) Testimony presented at a public hearing or meeting; and

(ii) 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.

(C) The decision-making body should state on the record the basis for its decision.

(2) *Administrative Proceedings.*

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

(A) Concept plan;

- (B) Preliminary subdivision plat;
 - (C) Final subdivision plat or plat amendment;
 - (D) Special exception;
 - (E) Variance;
 - (F) Nonconformity;
 - (G) Routine and uncontested matter;
 - (H) Administrative interpretation; and
 - (I) Appeal of administrative decision.
- (b) Decisions regarding an administrative application shall be based on the "substantial evidence" standard including at least the following:
- (A) A statement of the standards for approval applicable to the application;
 - (B) A summary of evidence presented to the decision-making body or official;
 - (C) 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 City Municipal Code; and
 - (D) A statement of approval, approval with conditions, or disapproval, as the case may be.

CHAPTER 15-2. CONCEPT PLAN.

15-2-101. CONCEPT PLAN. A concept plan shall be required of all subdividers. Concept plan review provides the subdivider with an opportunity to consult with and receive 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 City Community Development Department for subdivision concept plan review in accordance with the provisions of this Chapter, together with the appropriate application fee as set forth in the City Fee Schedule.

15-2-102. SUBMISSION. The subdivider shall submit three (3) copies of the proposed subdivision concept plan to the City Community Development Department. The proposed concept plan shall include the following items:

- (1) The proposed name of the subdivision.
- (2) 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.
- (3) A proposed lot and street layout.
- (4) A description of the type of culinary and irrigation water system(s) proposed; also, documentation of water rights and secondary water shares.
- (5) A description of the size and location of sanitary sewer and storm water drain lines and subsurface drainage.
- (6) A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.
- (7) The total acreage of the entire tract proposed for subdivision.
- (8) Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

15-2-103. DISTRIBUTION. The Centerville City Community Development Department, upon receipt of the complete submission, shall distribute copies of the plan to such government departments and other agencies or advisors as in the opinion of the Department or the Planning Commission may contribute to a decision in the best interest of the public.

15-2-104. [Reserved]

15-2-105. REVIEW BY THE PLANNING COMMISSION.

- (1) The Planning Commission shall schedule and hold a public hearing on the proposed concept plan. Public notice of the public hearing and the public meeting shall be provided in accordance with the provisions of Section 15-1-113. At the time and place specified, the Planning Commission shall hold a public hearing and review the submitted concept plan for compliance with the City's Master Plan, Zoning Ordinance, Subdivision Ordinance, and other applicable ordinances and regulations. The Planning Commission may accept or reject the proposed concept plan and may make findings and recommendations regarding the submitted concept plan, specifying any inadequacy in the information submitted, non-compliance with City ordinances or regulations, or questionable or undesirable design and/or engineering. Alternatively, the Planning Commission may refer the Concept Plan to the City Council for its review and acceptance or rejection.
- (2) 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 acceptance, rejection or referral is made by the Planning Commission regarding the proposed concept plan.
- (3) Acceptance 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 subdivider general guidance as to the requirements and constraints for subdivider's proposed subdivision within the City.

15-2-106. EXPIRATION OF CONCEPT PLAN ACCEPTANCE. Once a concept plan has been accepted by the Planning Commission, or the City Council if the concept plan was referred to the City Council by the Planning Commission for review as provided herein, the subdivider may apply for preliminary plat approval consistent with the concept plan. If preliminary plat approval for any portion of an accepted concept plan has not been obtained within 12 months of the date on which concept plan was accepted, a resubmittal and re-acceptance of the concept plan may be required by the Planning Commission or the City Council prior to the filing of an application for preliminary plat approval.

15-2-107. SMALL SUBDIVISION WAIVER.

- (1) Upon review and acceptance of a concept plan for a small subdivision, the Planning Commission can waive the requirements for preparation and approval of a preliminary and a final plat if it can be shown that:
 - (a) The small subdivision does not require dedication of land for street or other public purpose;

- (b) The 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
 - (c) The lots are not part of a small subdivision approved less than three years earlier.
- (2) Each of the lots in a 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.
 - (3) The Planning Commission may require as part of the acceptance of the concept plan for a small subdivision any improvements or utility easements that are required of other subdivisions, as set forth in this Title.

CHAPTER 15-3. PRELIMINARY PLAT.

15-3-101. 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. 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.

15-3-102. APPLICATION AND FEES. The subdivider of a subdivision, after completing the concept plan required in Chapter 2 of this Title, shall file an application for preliminary plat approval with the City Community Development Department on a form prescribed by the City, together with three (3) copies of the preliminary plat. At the same time, the subdivider shall pay the application fees for preliminary plat review as provided in the City Fee Schedule.

15-3-103. PLAT PREPARATION AND REQUIRED INFORMATION.

- (1) The preliminary plat shall be drawn to scale not smaller than 100 feet to the inch, and shall show a north arrow.
- (2) The proposed name of the subdivision.
- (3) The plat shall show the location of the subdivision as it forms part of a larger tract or parcel. The submittal shall include 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 City's General Plan.
- (4) 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.
- (5) 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.
- (6) A contour map at intervals of at least 2 feet, showing all unusual topographic features with verification by a qualified engineer or land surveyor.
- (7) 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.
- (8) The boundary lines of the tract to be subdivided, with all dimensions shown.

- (9) 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.
- (10) 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.
- (11) The location, principal dimension, and names of all existing or recorded streets, alleys, and easements, both within the proposed subdivision and within 100 feet of the boundary thereof, showing whether recorded or claimed by usage; the location and dimensions to the nearest existing bench mark or monument, and section line; 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.
- (12) 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), and location of the 100-year flood plain as determined by the Federal Emergency Management Agency (FEMA).
- (13) Proposed off-site and on-site culinary and secondary water facilities, sanitary sewers, storm drainage facilities, and fire hydrants.
- (14) 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.
- (15) Each sheet of the set shall contain the name of the project, scale (not less than 100 feet to the inch), sheet number, and north arrow.
- (16) Boundary lines of adjacent tracts of unsubdivided land within 100 feet of the tract proposed for subdivision, showing ownership and property monuments.
- (17) A tentative plan for providing street lighting in the subdivision.
- (18) Plans showing any required landscaping and/or parkstrip tree planting.
- (19) 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.
- (20) Verification as to the accuracy of the plat by the owner.
- (21) The subdivider shall provide with the application the following documents:

- (a) Copies of any agreements with adjacent property owners relevant to the proposed subdivision.
- (b) 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's Subdivision Standards.
- (c) A copy of a preliminary title report evidencing satisfactory proof of ownership.
- (d) 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.
- (e) An adequate traffic report prepared by a qualified traffic engineer when required by the Planning Commission.
- (f) 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.
- (g) 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.
- (h) Copy of proposed protective covenants in all cases where sub-surface drains are to be located within the subdivision.

15-3-104. REVIEW AND APPROVAL BY THE PLANNING COMMISSION.

- (1) 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 Section 15-1-113. 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 Centerville City, including but not limited to the Zoning Ordinance, General Plan, Master Street Plan, and applicable building codes. 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, non-compliance 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; burden on the school district, 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.

- (2) 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.
- (3) Granting of a preliminary plat approval by the Planning Commission shall not constitute a final acceptance 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.

15-3-105. EXPIRATION OF PRELIMINARY PLAN APPROVAL.

- (1) Once preliminary plat approval has been granted, the subdivider may apply for final plat approval. If the final plat has not been recorded within one year of the date of the preliminary plat approval by the Planning Commission, the preliminary plat must again be submitted to the Planning Commission for review and approval.
- (2) 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 final plat for the first phase is approved and recorded within one year of the date of preliminary plat approval and subsequent phases are recorded in accordance with the approved phasing plan.

CHAPTER 15-4. FINAL PLAT.

15-4-101. FINAL PLAT - PURPOSE. The purpose of the final plat is to require formal approval by the Planning Commission and City Council before a subdivision plat is recorded in the office of the Davis County Recorder. 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.

15-4-102. FILING DEADLINE, APPLICATION AND FEES. Application for final plat approval shall be made within twelve (12) months after approval or conditional approval of the preliminary plat by the Planning Commission. This time period may be extended for up to twelve (12) months for good cause shown if the subdivider petitions the Planning Commission for an extension prior to the expiration date, however only one extension may be granted. The subdivider shall file an application for final plat approval with the City Community Development Department on forms prescribed by the City, together with three (3) copies of the proposed final plat and three (3) copies of the construction drawings. At the same time, the subdivider shall pay to the City the application fee for the final subdivision as set forth in the City Fee Schedule.

15-4-103. FINAL PLAT - PREPARATION AND REQUIRED INFORMATION.

- (1) The final plat shall consist of a sheet of approved tracing linen with the outside or trim line dimensions of 19 inches by 30 inches and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches on the left side and at least one-half inch margin on the other sides. The plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on the tracing linen, mylar, or comparable material, with approved waterproof black ink. 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.
- (2) The final plat shall show the subdivision name and the general location of the subdivision in bold letters at the top of the sheet.
- (3) The plat shall contain a north arrow and scale of the drawing and the date.
- (4) The plat shall be signed by all required and authorized parties with appropriate notarial acknowledgments and the final plat shall contain all information set forth in this section.
- (5) 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 1 foot to 20,000 feet.

- (6) Plats 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.
- (7) 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 100th of a foot.
- (8) All lots, blocks, and parcels offered for dedication for any purpose should be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot 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.
- (9) The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within 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.
- (10) All lots, 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.
- (11) 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 adopted by the City. Each lot shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the City. In the case of corner lots, an address will be assigned for each part of the lot having street frontage.
- (12) The side lines of all easements 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 existing and proposed easements shall be clearly labeled and identified.

- (13) 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:
- (a) The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;
 - (b) All right-of-way monuments at angle points and intersections as approved by the City Engineer.
- (14) The final plat shall contain the name of the surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
- (a) Registered land surveyor's "Certificate of Survey";
 - (b) Owners dedication certificate;
 - (c) Notary public's acknowledgment for each signature on the plat;
 - (d) A correct metes and bounds description of all property included within the subdivision;
 - (e) Plats 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). A block for the Davis County Recorder shall be provided in the lower right corner of the final plat.
 - (f) Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, by this title, or by the City Attorney;
 - (g) 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 thirty (30) days before the proposed recordation of the final plat.

- (h) 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's Subdivision Standards and Specifications.
- (i) 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.

15-4-104. CONSTRUCTION PLANS - PREPARATION AND REQUIRED INFORMATION. The subdivider shall prepare and submit construction plans in accordance with the requirements and standards set forth in Chapter 7 of this Title.

15-4-105. REVIEW BY THE 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 ordinance, 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 and forward the plat to the Planning Commission. If the final plat or the construction plans do not comply the City Engineer shall return the plat to the subdivider with comment.

15-4-106. PLANNING COMMISSION ACTION. Upon receipt of the final plat signed by the City Engineer, the Planning Commission shall review the plat to determine whether the 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 Planning 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.

15-4-107. REVIEW BY THE CITY ATTORNEY. The City Attorney shall review the final plat, the signed subdivision improvements agreement, the current title report and the security for insuring 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 and forward the plat to the City.

15-4-108. REVIEW BY THE CITY COUNCIL. The City Council shall schedule and hold a public hearing on the proposed final plat. Public notice of the public hearing and public meeting shall be provided in accordance with the provisions of Section 15-1-113. At the time and place specified, the City Council shall hold a public hearing and review the submitted final plat. 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 that the final plat is in conformity with the requirements of this Title, other applicable ordinances, and any reasonable conditions as recommended by the City's staff and Planning Commission or on the City Council's own initiative, that all fees 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, it may disapprove the final plat specifying the reasons for such disapproval. No final plat shall have any force or effect unless the same has been approved by the City Council and signed by the Mayor and City Recorder.

15-4-109. SECURITY FOR PUBLIC IMPROVEMENTS. ³

- (1) 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:
 - (a) 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.
 - (b) The public improvements shall be completed to the satisfaction of the City and in accordance with the City's Standards and Specifications, as established by the City Engineer and adopted by the City Council, and the approved plans and specifications for the project.
 - (c) 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 Section 15-5-107, the

³ Amended by Ordinance No. 2008-14, September 2, 2008

City Landscaping Ordinance as set forth in Chapter 12-51 of the Zoning Ordinance, or other applicable Ordinance.

- (d) The City shall have immediate access to the Bond proceeds in the event of default.
- (e) 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's 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 ten percent (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 Section 15-5-110.
- (f) If the Bond proceeds are inadequate to pay the cost of the completion of the improvements according to the City's 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 insure completion of the remaining improvements.
- (g) 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 fifteen percent (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 Credit. 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.
- (h) 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 Section 15-5-110.

- (2) The Improvements Agreement shall be one of the following types as prescribed by the City.
- (a) A cash bond agreement accompanied by a cashier's check payable only to the City.
 - (b) 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.
 - (c) A letter of credit agreement and irrevocable stand-by letter of credit 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.

15-4-110. PAYMENT OF FEES. All required and unpaid fees shall be paid by the subdivider to the City by cashier's check prior to approval of the final plat by the City Council.

15-4-111. RECORDING OF FINAL PLAT. After City Council approval, filing of the Bond Agreement described in Section 15-4-109, and signing of the plat by the Mayor and City Recorder, the final plat shall be presented by the City Recorder to the Davis County Recorder for recordation.

15-4-112. EXPIRATION OF FINAL APPROVAL. If the final plat is not recorded within six (6) months from the date of City Council approval, such approval shall be null and void. This time period may be extended by the City Council for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original six (6) months. No extension will be granted 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 as a condition of granting an extension.

CHAPTER 15-5. GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS.**15-5-101. SUBDIVISION LAYOUT.**

- (1) The subdivision layout shall conform to the City's General Plan.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

15-5-102. LOTS.

- (1) 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.
- (2) 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.
- (3) The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Ordinance for the district in which the subdivision is located.
- (4) 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. The 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.

- (5) 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 Ordinance.
- (6) A lot shall not be divided by a City limit line. Each such boundary line should be made a lot line.
- (7) 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 City Council.
- (8) Double frontage lots are not permitted unless approved 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: ⁴
 - (a) Main Street, both sides.
 - (b) Frontage Road (800 West).
 - (c) Parrish Lane west of Main Street, both sides.
 - (d) Pages Lane west of 400 East, both sides.
 - (e) Porter Lane from Main Street to 400 West, south side only.
 - (f) 400 West from Parrish Lane to 1375 North Street, both sides.

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's Subdivision Standards.

- (9) Flag Lots are not permitted as part of the conventional subdivision plat review and approval processes. However, flag lot development may be approved by the City, if the following conditions for the creation of a Flag Lot are present: ⁵
 - (a) The property involved was and is not part of a previous subdivision plat approval by the City.

³ Amended by Ordinance No. 2006-08, May 16, 2006

⁵ Amended by Ord. No. 2011-07, April 5, 2011

- (b) The property involved qualifies for a “small subdivision waiver” in accordance with Section 15-2-107 of the Subdivision Ordinance.
 - (c) The approving entity finds that there are no adjacent streets stubbed to and could not eventually be constructed to or through the area to provide proper street frontage to the property as part of a conventional subdivision approval.
 - (d) The approving entity finds that integrating the property with adjacent property assemblages would not result in developing a lot layout that could be approved as part of a conventional subdivision plat review and approval.
 - (e) The approving entity finds that the leaving the property in its current condition results in an underutilized area that creates an opportunity for the land to become a nuisance to the area in which it is located.
- (10) Flag Lot Development Regulations. Where permitted within an applicable Zoning District of Centerville City, the creation of a Flag Lot shall comply with the following standards and regulations:^{6, 7}
- (a) Flag Lot Configuration:
 - (i) Minimum Lot Area: The minimum lot area of the entire flag lot with its associated stem/pole shall be a minimum of 10,800 square feet.
 - (ii) Buildable Area, Minimum: The buildable area of the flag portion of the lot shall be a minimum area of 2,000 square feet having a length/width ratio range between 2:1 and 1:2.
 - (iii) Stem/Pole, Minimum Street Frontage Width: All flag lots shall have a minimum stem/pole width of at least twenty-five feet (25’) fronting on a dedicated public street. Such pole/stem shall be held in fee ownership contiguous with the flag area.
 - (iv) Stem/Pole, Minimum Depth: The stem/pole area shall be a minimum depth of at least eighty feet (80’) and shall provide a sufficient depth to maintain the traditional lot layout patterns for parcels adjacent to the stem/pole.
 - (v) Flag Lot Layout and Sequential Use: The use of flag lot development shall not exceed a layout of two flag lots and no more than two flag lots can be contiguous to each other. Multiple use of flag lot development shall not be allowed unless there is a minimum separation of one hundred sixty feet (160’) between the boundaries of

⁶ Enacted by Ord. No. 2011-07, April 5, 2011

⁷ Amended by Ord. No. 2013-12, August 20, 2013

another flag lot development, as measured from and along the public street line.

(b) Flag Lot Yard Area Requirements:

- (i) Building Locations: All buildings shall be located within the flag portion of the lot. Buildings or similar structures shall not be constructed on the stem/pole portion of the lot.
- (ii) Main and Accessory Building Setbacks: For Main buildings, the flag lot setback distance shall be a minimum of sixteen feet (16') from all perimeter boundary lines. For Accessory buildings, the setback distance shall be a minimum of three feet (3') from any perimeter boundary line.
- (iii) Main Buildings, Maximum Depth: All Main buildings constructed shall not exceed a maximum depth of four hundred feet (400') to any Main building, as measured from the associated stem/pole frontage intersecting a public street to the nearest façade of any Main building.

(c) Stem/Pole Use and Maintenance:

- (i) Driveway Access, Minimum Width: The stem/pole shall have an access drive lane constructed of cement or asphalt pavement width of at least ten feet (10') and shall intersect the public street using a City standard driveway approach. In the case of access lanes constructed to satisfy applicable fire code requirements, such lanes shall provide necessary pavement and shoulders with an unobstructed minimum width of twenty feet (20'), as required by the applicable Fire Code.
- (ii) Stem/Pole, Multiple Use (*sharing*): The stem/pole area of one flag lot may be shared through a recorded agreement acceptable to the City, by one additional adjacent flag; provided the two flag lots sharing the stem shall have a minimum combined area of 21,780 square feet.
- (iii) Stem/Pole Addressing Area – An area fronting the public street shall be designated for the placement of a permanent address sign or marker. The address sign area shall not exceed a maximum of twelve (12) square feet and shall not exceed a maximum height of three feet (3'). The address numbering shall comply with the applicable building and addressing regulations adopted by the City and shall be visible and legible from the public right-of-way and comply with Section 12-55-230, Visual Obstruction Standards.

- (d) Utilities and Related Services:
- (i) Utilities and Other Services: All utilities and related services (including easements) shall be provided to the flag lot in accordance with the applicable regulations and ordinances adopted by the City and any requirements recommended by the City Engineer.
 - (ii) Fire Access and Protection: Fire hydrants, emergency access, and turn-a-rounds shall be provided in accordance with the applicable Fire Code regulations, any other applicable regulations and ordinances adopted by the City, State, and any requirements recommended by the City Engineer upon consultation with the Fire Marshal and the Police Chief.
 - (iii) Storm Water Drainage and Control- Flag Lots shall comply with Section 15-5-105 of the Title or provide an alternative method of storm drainage management system acceptable to the City Engineer and approved by the City.
- (e) Plat Requirement: Any Flag Lot Subdivision shall be recorded using the City's final plat requirements of Section 15-4-103. 8

15-5-103. STREETS AND RELATED IMPROVEMENTS.

- (1) 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.
- (2) 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.
- (3) All streets should conform to the width designated by the City's 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 Planning Commission and City Council.
- (4) 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.

8 Enacted by Ord. No. 2013-12, August 20, 2013

- (5) 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.
- (6) 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 in addition such cul-de-sacs are approved by the City Council after receiving a recommendation from the Planning Commission and City Engineer.
- (7) 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.
- (8) 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 adopted fee schedule.
- (9) 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.
- (10) 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.

15-5-104. PROTECTION STRIPS.⁹

- (1) 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.
- (2) 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, retain developer=s ownership a protection strip of not less than one foot in

⁶ Amended by Ordinance No. 2001-02, Feb. 20, 2001

width or greater than ten 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.

- (3) **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 Attorney and 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.
- (4) **Limited Duration.** In the event any protection strip has not been conveyed or dedicated to the adjacent property owner within twenty (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 may 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.
- (5) **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 fee required for protection strips as set forth in the City Fee Schedule.
- (6) **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 criteria: (a) the fair cost of the land held in the protection strip at the time of the agreement; (b) the cost of the street and utility improvements properly chargeable to the adjacent property; (c) 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 (d) any additional amounts which the City Engineer deems reasonably necessary with respect to the protection strip or the agreement.

15-5-105. DRAINAGE.¹⁰

- (1) 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 Subdivision Specifications and the requirements of the City's Master Storm Drainage Plan.
- (2) 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 approved by the City Engineer.
- (3) 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.
- (4) 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.
- (5) All storm water drainage systems, improvements and facilities installed by the developer shall comply with applicable provisions of Title 16 regarding Stormwater, and shall require videotaping prior to final inspection in accordance with Section 16-2-055, as amended.

15-5-106. UTILITIES.^{11, 12}

- (1) 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.
- (2) 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

¹⁰ Amended by Ord. No. 2008-03, March 18, 2008 (Section 15-5-105(5))

⁸ Amended by Ordinance No. 2001-05, April 17, 2001

¹² Amended by Ord. No. 2008-03, March 18, 2008 (Section 15-5-106(6))

installed, at the subdivider's expense, water mains, valves, pressure reducing valves, and service laterals to each lot within the subdivision.

- (3) 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.
- (4) 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, unless waived by the City Council.
- (5) Secondary water for the purpose of irrigation shall be made available to each lot in all residential subdivisions. The City Council may require non-residential 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-builts" to be turned over to the City. Valves shall be located sufficient for adequate control of service areas, as approved. The subdivider will be required, at his 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.
- (6) 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 Chapter 9-4 of this Code regarding subsurface drains, and shall require videotaping prior to final inspection in accordance with Section 9-4-050, as amended.
- (7) 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's Subdivision Standards.
- (8) Utility easements shall be provided within the subdivision as required for public utility purposes. All lots shall have front and rear yard easements, and at least one side yard easement, of at least 7 feet. 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.

15-5-107. LANDSCAPING.

- (1) Whenever, in the opinion of the Planning Commission, and/or the City Council, the cuts and fills in a hillside 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 their maintenance. 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.

- (2) Subdivisions in the Hillside Overlay District shall comply with all landscaping provisions of the City's Zoning Ordinance.

15-5-108. 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.

15-5-109. BUILDING PERMITS. Except as otherwise provided in Section 15-1-107, 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.

15-5-110. WARRANTY PERIOD.¹³ The developer shall be required to warrant that the materials and workmanship of any and all public improvements installed by the developer comport with City Standards and Specifications and will not fail in any material respect 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 Ann.* § 10-9a-604.5, as amended, the City may require a two year warranty period for improvements 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 of: (1) prior poor performance of the applicant; (2) unstable soil conditions within the subdivision or development area; or (3) extreme fluctuations in climatic conditions that would render impracticable the discovery of substandard or defective performance within a one-year period. If any deficiencies are found by the City during the warranty period in materials or workmanship or failure of the improvements to comport with City Standards and Specifications, the developer shall promptly resolve such defects or deficiencies and request

¹³ Amended by Ordinance No. 2008-14, September 2, 2008

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.

CHAPTER 15-6. REQUIREMENTS FOR PUD AND NON-RESIDENTIAL SUBDIVISIONS.**15-6-101. PLANNED UNIT DEVELOPMENT.**

- (1) **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 Centerville General Plan that has been adopted by the City Council, and design standards recommended by the 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.
- (2) **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 Ordinance, 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 Planning Commission may place whatever 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.

- (3) **Guarantee of Common Open Space Improvements.** As assurance of completion of common open space improvements, the subdivider at the request of the 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 [fourteen] (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.
- (4) **Continuation of Common Open Space.** As assurance of continuation of common open space used in accordance with the plans approved by the 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.

- (5) 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 home[owners] 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:
- (a) That the membership in the association shall be mandatory for each lot or dwelling unit purchaser, their guarantees, successors, and assigns.
 - (b) That the common open space restrictions shall be permanent and not just for a period of years.
 - (c) That the association be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and other facilities.
 - (d) That all lot, unit, or homeowners shall pay their pro rata share of the cost of upkeep, maintenance, and operation.
 - (e) 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.

15-6-102. NON-RESIDENTIAL SUBDIVISION REQUIREMENTS.

- (1) The street and lot layout of a non-residential 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 Centerville City General Plan and the Zoning Ordinances of the City.
- (2) In addition to the principles and standards in this ordinance which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the 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:
 - (a) 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 Ordinance.
 - (b) Street rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
 - (c) Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.

- (d) Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (e) Streets carrying non-residential 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.

CHAPTER 15-7. PUBLIC IMPROVEMENTS.

15-7-101. DESIGN STANDARDS. Standards 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. Standards 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 approved by the City Council before becoming effective. The City Council may by resolution adopt subdivision standards and specifications for the City which may be amended from time to time. All subdividers shall comply with any subdivision standards and specifications adopted by the City Council. All public improvements shall be installed in accordance with the City's Subdivisions 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.

15-7-102. CONSTRUCTION PLANS. Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance with the design standards of the City. They shall be submitted to 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. 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.

15-7-103. STANDARDS FOR CONSTRUCTION PLANS. Standards are set for the purpose of standardizing the drawings and to obtain uniformity in appearance, clarity, size and reproduction.

Three (3) copies of construction plans shall be submitted with one (1) set to be retained by the City Engineer, one (1) set to be furnished to the City, and one (1) set returned to the subdivider for corrections and revisions. After corrections and revisions by the subdivider, three (3) sets shall be submitted for final review by the City Engineer.

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, left side 1 2".

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:

- a. Project title (subdivision, etc.)
 - b. Specific type and location of work
 - c. Name of engineer or firm preparing drawings with license number. Utah Engineers stamp shall be required on all construction 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 and etc.
 - (10) Size and location of sewer, storm drains and subdrains and their manhole cleanouts.

As needed, each set of plans shall be accompanied by a separate sheet of details for structures which are to be constructed. All structures shall be designed in accordance with minimum requirements established by the Subdivision Standards of the City.

15-7-104. PRECONSTRUCTION MEETINGS. Prior to excavating or starting of the 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:

- (1) Verify recordation of the plat and final approval of the plans.
- (2) Determine schedule of construction.
- (3) Determine names, addresses and phone numbers of contractors, inspectors and all persons involved.
- (4) Review plans and special conditions or requirements.
- (5) Review bond reduction request.
- (6) Coordinate inspection and testing.
- (7) Discuss City Standards and Specifications.

15-7-105. INSPECTION. ¹⁴ 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.

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.

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.

15-7-106. 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 (1) working day prior to the commencement of the work.

15-7-107. 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 thirty (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.

¹⁴ Amended by Ord. No. 2008-14, September 2, 2008

CHAPTER 15-8. DEVELOPMENT AND IMPACT FEES.**15-8-101. DEFINITIONS.**

- (1) "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.
- (2) "City" means Centerville City, a Utah municipal corporation.
- (3) "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.
- (4) "Development approval" means any written authorization from the City that authorizes the commencement of development activity.
- (5) "Impact fee" means a payment of money imposed upon development activity as a condition of development approval.
- (6) "Service area" means the geographic area designated by the City which a defined set of public facilities provides service within the area.

15-8-102. FINDINGS AND PURPOSE. The City Council hereby finds and determines:

- (1) There is a need for public facilities for new developments which have not been constructed and are required to be consistent with the City's General Plan and to protect the public's health, safety and welfare.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) The impact fees established by this Ordinance do not exceed the reasonable cost of providing public facilities occasioned by development projects within the City.

15-8-103. 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 within such service area.

15-8-104. 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.

15-8-105. 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.

15-8-106. USE OF FEES. The fees shall be used solely to:

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

15-8-107. ADJUSTMENTS. The City may, upon a proper showing, adjust the standard impact fee at the time the fee is charged to:

- (1) Respond to unusual circumstances in specific cases; and
- (2) Insure that the impact fees are imposed fairly; and
- (3) 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
- (4) 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.

15-8-108. ACCOUNTING, EXPENDITURE AND REFUND. The City shall account for, expend and refund impact fees in accordance with the provisions of the Act.

15-8-109. IMPACT FEE CHALLENGES AND APPEALS.

- (1) 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.

- (2) 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.
- (3) 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.
- (4) Within 30 days after paying an impact fee, any person or entity who has paid the fee and wishes to challenge the fee shall:
 - (a) File a written appeal with the Centerville City Council by delivering a copy of such appeal to the Centerville 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 thirty (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.
 - (b) Within ninety (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 Second Judicial District Court in and for Davis County for review of the decision.
 - (c) In the event of a petition to the Second Judicial 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.
 - (d) If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of Subsection 3. above.
 - (e) 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.

- (f) If there is an inadequate record, the District Court may call witnesses and take evidence.
- (g) The District Court shall affirm the decision of the City if the decision is supported by substantial evidence in the record.
- (h) The judge may award reasonable attorneys' fees and costs to the prevailing party in any action brought under this section.

15-8-110. ADMINISTRATIVE DEVELOPMENT FEES.

- (1) 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 Fee Schedule and may be set or amended by resolution of the City Council.
- (2) 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.

CHAPTER 15-9. SUBDIVISION PLAT AMENDMENTS¹⁵

- 15-9-101. Petition for Plat Amendment.**
- 15-9-102. Procedure.**
- 15-9-103. Public Hearing Requirements.**
- 15-9-104. Notice Requirements.**
- 15-9-105. Grounds for Vacating or Amending a Plat.**
- 15-9-106. Recording of Amended Plat.**
- 15-9-107. Effect of Street Vacation.**
- 15-9-108. Compliance with Ordinances.**
- 15-9-109. Subdivision Name Change.**
- 15-9-110. Exchange of Title.**
- 15-9-111. Plat Correction.**
- 15-9-112. Appeal.**

15-9-101. PETITION FOR PLAT AMENDMENT.

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

- (1) 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;
- (2) the signature of each owner identified in Subsection (1) who consents to the petition;
- (3) the appropriate fee as set forth in the City Fee Schedule;
- (4) an amended plat that complies with all the provisions and requirement for final plat as set forth in Section 15-4-103 and the provisions of *Utah Code Ann.* § 10-9a-603, as amended, regarding plat requirements;
- (5) if the petition proposes to vacate some or all of a public street, right-of-way, or easement, the petition shall also include:
 - (a) 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
 - (b) the signature of each owner under Subsection (a) who consents to the vacation.

¹⁵ Enacted by Ordinance No. 2010-14, October 5, 2010

15-9-102. 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 Section 15-9-103.

15-9-103. PUBLIC HEARING REQUIREMENTS.

- (1) Except as otherwise provided in Subsection (3), pursuant to City policy, the City Council shall hold a public hearing on all plat amendment petitions.
- (2) Pursuant to State law, the City Council is required to hold a public hearing on a plat amendment petition within forty-five (45) days after the day on which a completed 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.
- (3) 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.
- (4) 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 Ann.* § 10-9a-208, as amended.

15-9-104. NOTICE REQUIREMENTS.

- (1) The City shall provide notice of public meetings and public hearings regarding a petition for plat amendment in accordance with the provisions of Section 15-1-113 regarding public hearings and meetings.
- (2) In addition to the notice requirements set forth in Section 15-1-113, notice of all plat amendments shall be provided in accordance with *Utah Code Ann.* § 10-9a-207, as amended. 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 ten (10) calendar days before the public meeting and shall be:
 - (a) mailed and addressed to the record owner of each parcel within three hundred feet (300') of the property proposed for subdivision plat amendment; or
 - (b) 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.

- (3) 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 Ann.* § 10-9a-208, as amended. 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 ten (10) days before the public hearing, which notice shall be:
- (a) mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement;
 - (b) mailed to each affected entity;
 - (c) posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public;
 - (d) published in a newspaper of general circulation in the City; and
 - (e) published on the Utah Public Notice Website created pursuant to *Utah Code Ann.* § 63F-1-701, as amended.

15-9-105. GROUND FOR VACATING OR AMENDING A PLAT.

- (1) The City Council 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 City Council finds:
- (a) there is good cause for the vacation or amendment; and
 - (b) no public street, right-of-way or easement has been vacated or amended.
- (2) 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:
- (a) good cause exists for the vacation; and
 - (b) neither the public interest nor any person will be materially injured by the vacation.
- (3) The City Council may vacate a subdivision or a portion of a subdivision by making the findings set forth in Subsection (1) or (2), as applicable, and recording in the Davis County Recorder's Office an ordinance describing the subdivision or the portion of the subdivision being vacated.

15-9-106. 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 Title 57, Chapter 8, Condominium Ownership Act.

15-9-107. EFFECT OF STREET VACATION.

In accordance with *Utah Code Ann.* § 10-9a-609.5, as amended, 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.

15-9-108. COMPLIANCE WITH ORDINANCES.

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

15-9-109. SUBDIVISION NAME CHANGE.

- (1) 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.
- (2) 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 Ann.* 10-9a-608, and the provisions set forth in this Chapter regarding plat amendments.

15-9-110. EXCHANGE OF TITLE.

- (1) In accordance with the provisions of *Utah Code Ann.* § 10-9a-608, as amended, 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.
- (2) An application for exchange of title approval shall be filed in writing with the Community Development Department on forms provided by the City, and shall include, at a minimum, the following:
 - (a) Three (3) copies 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.
- (b) The applicable fees as set forth in the City Fee Schedule.
 - (c) The proposed notice of approval and conveyance of title documents.
- (3) 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.
- (4) 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.
- (5) 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:
- (a) be executed by each owner included in the exchange and by the Zoning Administrator;
 - (b) contain an acknowledgment for each party executing the notice in accordance with the provision of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
 - (c) recite the descriptions of both the original parcels and the parcels created by the exchange of title.
- (6) 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.

15-9-111. 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 Ann.* § 57-3-106, as amended.

15-9-112. APPEAL.

Any person adversely affected by a final decision of the City Council regarding plat amendments as provided in this Chapter may file a petition for review of the decision with the district court as provided in *Utah Code Ann.* ' 10-9a-801, as amended, within thirty (30) days after the City Council decision is final.