CHAPTER 2

CONTROL AND APPLICATION

12-2-010 **Subdivision Control.**
12-2-020 **Required Plat Approval.**
12-2-030 **Transfer of Land.**
12-2-040 **Transfer of Land - Voidable.**
12-2-045 **Building Permits.**
12-2-047 **Certificates of Occupancy.**
12-2-050 **Penalties.**

12-2-010 Subdivision Control.

It shall be unlawful for any owner, or agent of the owner, of any land within the corporate limits and jurisdiction of the City to subdivide such land unless and until:

(1) A plat, or metes and bounds description(s) based upon a survey as specified in Chapter 4 of this Title, of such subdivision is made in accordance with the requirements set forth herein;

(2) Approval of such plat or metes and bounds description(s) based upon a survey is secured as provided herein; and

(3) The approved plat, or metes and bounds description(s) based on a survey as approved herein, is recorded in the Office of the Davis County Recorder by the City Recorder or, in the case of a metes and bounds description, by the Subdivider.

12-2-020 Required Plat Approval.

No plat of any subdivision shall be recorded in the County Recorder's Office until it has been submitted and approved as provided herein by the Planning Commission, or the City Council in the case of minor plats, and such approvals are entered in writing on the plat by the Mayor and Chair of the Planning Commission. A plat shall not be approved if such plat is in conflict with any provision or portion of the General Plan, Major Street Plan, Zoning Ordinance, this Title, or any other State law or City ordinance.

12-2-030 Transfer of Land.

Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until the final subdivision plat is recorded in the Davis County

Recorder's Office in accordance with this Title and any applicable provisions of State Law, and until the improvements required in connection with the subdivision have been constructed or guaranteed as provided herein.

12-2-040 Transfer of Land - Voidable.

No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions of this Title. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this Title is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

12-2-045 Building Permits.

12-2-045 Building Permits.

(a) No building permit shall be issued for any structure within a subdivision until the final subdivision plat is recorded in the Davis County Recorder's Office, a bond is provided acceptable to the City ensuring the adequate installation of required public improvements and utilities, and the required improvements and utilities have been installed and are operable as provided herein. No building permit shall be issued for any structure within a subdivision until all sanitary sewer, storm sewer, culinary water lines, pressure irrigation (if applicable), fire hydrants, curb and gutter, streets, other underground utilities located under the street surface, and required grading and drainage improvements, are installed and fully functional, as determined by the City, providing continuous access and/or service to the lot. Notwithstanding the foregoing, for condominium projects only, permits for footings and foundations which are accompanied by a certificate of survey by a licensed surveyor verifying its location, may be issued by the City Council, subject to compliance with applicable requirements, including adequate access for emergency vehicles, prior to the installation of utilities and street improvements. For purposes of this Section, street improvements shall require asphalt or concrete hard surfacing of the streets, except as otherwise provided in Subsection (b).

(b) A building permit may be issued by the City for the construction of a structure within a subdivision prior to application of hard surfacing of the streets within the subdivision under the following conditions:

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

(2) The streets shall be completed with all utilities, rough grading, and all-weather road base sufficient for emergency vehicle access and construction traffic. Sufficiency of the road base, including road base gradation and thickness, shall be determined by the City Engineer upon review and consideration of applicable soils reports, drainage factors and existing topographic conditions of the property.

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

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

(5) The building contractor, property owner, and building permit applicant enters into an Assumption of Risk Agreement acknowledging the lack of hard surface streets within the subdivision and developer's obligation regarding maintenance and access of the same and assuming the risk of proceeding with construction under such circumstances pursuant to the terms and conditions set forth herein.

(6) No certificate of occupancy shall be granted by the City for any structure within the subdivision until all streets are hard surfaced.

12-2-047 Certificates of Occupancy.

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

12-2-050 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 remedies provided by law to ensure compliance with this Title including, but not limited to, instituting an injunction, mandamus, abatement, or other appropriate actions, or proceedings to prevent, enjoin, abate, or remove the unlawful use or act.

Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21
Title 12 Amended and Recodified, 6-19-96, Ord. 96-24
12-2-045 and 12-2-047 Enacted, 3-21-01, Ord. 2001-01
12-2-030 and 12-2-045 and 12-2-047 Amended, 4-04-01, Ord. 2001-13
Title12-2-045 amended, July 11, 2006, Ord. 2006-45
Title 12-2-020 amended 02/15/2015, Ord 2015-06