

CHAPTER 7

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

12-7-010	Subdivision Layout.
12-7-020	Blocks.
12-7-030	Lots.
12-7-040	Streets.
12-7-050	Protection Strips.
12-7-060	Dedication and Reservation.
12-7-070	Landscaping.
12-7-080	Utilities and Easements.
12-7-090	Water Courses.
12-7-100	Warranty Period.

12-7-010 Subdivision Layout.

- (1) The subdivision layout shall conform to the official Master Plan.
- (2) Where trees, groves, waterways, scenic points, historic spots or other City assets and landmarks, as determined by the City, are located within a proposed subdivision, every reasonable means shall be provided to preserve these features.
- (3) Whenever a tract to be subdivided adjoins or embraces any part of an existing or proposed street so designated on the major street plan, such part of the public way shall be platted, dedicated, and improved by the Subdivider in the location and at the width specified.
- (4) 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.

12-7-020 Blocks.

- (1) Lots having double frontage shall not be approved except where necessitated by topographic or other unusual conditions.
- (2) The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots therein of a size required by the provisions of this Title, unless the general layout of the vicinity, lines of ownership, topographical conditions or locations of arterial streets or freeways justify or make necessary a variation from this requirement.
- (3) The maximum length of blocks shall be one thousand (1000) feet and the minimum length of blocks shall be four hundred (400) feet. In blocks over eight hundred (800)

feet in length a dedicated walkway through the block, at approximately the center of the block, may be required. Such walkways shall be not less than ten (10) feet in width.

12-7-030 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, and no building permit shall be issued for any lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.

(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 fifty percent (50%) of its minimum required width except for flag lots which shall have a minimum of twenty feet (20') of frontage. Private streets shall not be permitted unless the Planning Commission finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein. 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 lot faces, 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 lot faces. The Planning Commission may allow exceptions to this requirement where considerations for solar orientation are involved.

(5) Corner lots for residential use shall be platted ten feet (10') 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 shall 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, or public purpose.

(8) Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications. No block designations shall be used. When a subdivision is developed in phases, the phase number shall precede each lot number. For

example, phase two would be numbered 201, 202, 203, etc.

(9) Except for group dwellings and planned unit developments, as specifically authorized by this Title and the Zoning Ordinance, not more than one dwelling unit shall occupy any one lot.

(10) Flag lots may be approved by the Planning Commission and the City Council and are prohibited except:

1. To reasonably utilize an irregularly shaped parcel;
2. To reasonably utilize land with severe topography;
3. To provide for the protection of significant natural or environmentally sensitive areas; or
4. To allow a property owner reasonable use and benefit of a parcel of land not otherwise developable.

The creation of a flag lot is a subdivision, therefore all applicable subdivision ordinances, standards and regulations apply. Flag lots are for single family residential dwellings only and are prohibited if the proposed flag lot will increase the number of access points onto a major thoroughfare or re-subdivide an existing lot or lots in a recorded subdivision.

The design requirements for a flag lot are as follows:

- a) A flag lot shall be comprised of a stem portion and a flag portion.
- b) The stem portion must be contiguous to a dedicated public street.
- c) All buildings can be placed on the flag portion only.
- d) The front yard shall be determined and approved by the zoning administrator at the time of building permit.
- e) A flag lot must comply with all requirements, standards and ordinances as determined by the underlying zone district in which it is located; this includes setbacks, building height, accessory buildings, minimum lot size, etc.
- f) Minimum lot size calculations exclude the stem and only take the flag

portion of the lot into consideration.

- g) The stem shall be at least 28' wide and no longer than 150' long.
- h) The stem shall service one lot only.
- i) No more than two flag lots shall be allowed in a subdivision.
- j) For back-to-back flag lots, a reduction of each stem to 20' wide is permitted where the stems abut one another.
- k) The access drive shall be at least 20' wide and no greater than a 14% grade. The drive shall be paved with a hard surface such as asphalt or concrete and conform to all applicable Fire Code regulations, including access to fire hydrants, emergency access and turnarounds.
- l) The access drive must have a minimum of 4' wide landscaped yard along both sides where there are no abutting stems, in the case of abutting stems, then the outside edge of the abutting stems must have a 4' landscape strip.
- m) 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.

(11) On lots with available access only onto a Major Arterial, Minor Arterial or Major Collector Street, a circular drive or some other type of vehicular maneuvering area shall be provided to enable vehicles to enter traffic moving forward rather than backing. The minimum depth of such lots shall be not less than one hundred ten feet (110').

12-7-040 Streets.

(1) All streets shall be designated and constructed with the appropriate street classification requirements specified herein:

STREET CLASSIFICATION

	Major Arterial	Minor Arterial	Major Collector	Minor Collector	Important Local	Local
R-O-W Width	106 ft.	100 ft.	80 ft.	66 ft.	60 ft.	56 ft.

width to back of curb	86 ft.	65 ft.	57 ft.	42 ft.	37 ft.	33 ft.
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(2) Where the potential impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning access, topography or street layout, a Transportation Planning/Engineering Study may be required.

(3) The following principles shall govern street names in a subdivision:

- a. Street Names, wherever practical, shall be assigned numerical names. Alphabetic names may be considered for streets of a meandering or diagonal nature or for other streets as specifically approved by the City Council.
- b. Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the City Council to be surveyed, opened, widened or improved, the street shall be given the name established in said Council order;
- c. The names of newly created streets of a noncontinuous or noncontiguous nature shall not duplicate or nearly duplicate the name of any streets in the City;
- d. The words "Street," "Avenue," "Boulevard," "Place," "Way," "Court," or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the Planning Commission. Any street name incorporating one of the terms used above shall conform to the established definition of that term. Any named street shall also have the proper numerical coordinate as approved by the City Building Inspector.

(4) Street patterns in the subdivision shall be in conformity with a master street plan for the most advantageous development of adjoining areas and the entire neighborhood or district. In the event a master street plan does not exist, the subdivider shall prepare such a plan for review and approval by the Planning Commission and City Council prior to consideration of a subdivision application. The following principles shall be observed:

- (a) Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing planned or platted

streets with which they are to connect;

- (b) Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts;
- (c) Dead-end streets which exceed one lot depth in length shall have a forty-foot (40') radius temporary turnaround area at the end. The turnaround shall have an all-weather surface acceptable to the City. The following standards shall apply to dead-end streets:
 - (i) Dead-end streets shall serve as access for not more than twenty-four (24) dwelling units and shall not exceed one thousand (1000) feet in length.
 - (ii) When a dead-end street reaches its maximum length and/or maximum number of lots, it shall not be extended except to connect to another street which provides a second point of independent access.
 - (iii) Exceptions to the requirement for a second point of independent access may be granted by the City Council, after receiving a recommendation from the Planning Commission, upon a finding that the topography or other physical conditions of the development site make it impossible to provide a second access which complies with street design standards established by the City and that an increased street length and/or density will not unreasonably impact the ability to provide emergency and other public services.
- (d) Nonconforming Dead-end Streets - The provisions of this section shall not be construed to prevent construction on approved residential lots fronting on nonconforming streets exceeding one thousand (1000) feet in length which existed prior to January 9, 1991. These streets include, but are not necessarily limited to, 1400 North Street, Summerwood Drive, Cherry Blossom Drive, Welling Way, and 1100 West Street (south of Shepard Lane). Extension of these nonconforming streets may be permitted but shall be subject to the following standards and restrictions:

- (i) Extension of a nonconforming street may be approved by the City Council only after receiving recommendations from the Planning Commission, Fire Department, Police Department, Public Works Department, and the City Engineer. The Fire Department and/or Police Department may recommend additional conditions to facilitate public safety and emergency services;
 - (ii) All streets shall be fully improved and shall be designed and constructed at locations shown on an approved street master plan;
 - (iii) A temporary turnaround, with a radius of forty feet (40'), shall be provided at the end of the street. The temporary turnaround shall have an all-weather surface acceptable to the Fire Department; and
 - (iv) Until such time as nonconforming streets can be connected to a second access, lots on such streets shall not be approved which are less than two (2) acres in size, unless the City Council in consideration of all circumstances shall differently approve by resolution.
- (e) The following standards shall govern the development of cul-de-sacs:
- (i) Cul-de-sacs shall serve as access for not more than twenty-four (24) dwelling units, shall not exceed one thousand (1000) feet in length, and shall have a fully improved turnaround at the end with a minimum radius of forty-two feet (42') to back of curb and fifty feet (50') to the right-of-way line. Exceptions to the maximum length or maximum number of lot standards may be granted by the City Council, after receiving a recommendation from the Planning Commission, upon a finding that the topography or other physical conditions of the development site make it impossible to develop the property any other way and that an increased street length and/or density will not unreasonably impact the ability to provide emergency and other public services;
 - (ii) Transverse grades within the turnaround of a cul-de-sac

shall not exceed five percent (5%);

- (iii) If surface water drains into the cul-de-sac due to the grade of the street, necessary catch basins and drainage easements shall be provided;
- (iv) Driveways, mailboxes, fire hydrants, or any other obstruction at the terminal of a cul-de-sac shall be designed in such a way as to provide an area for the piling of snow;
- (f) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. "T" intersections rather than "cross" intersections shall be used wherever possible for minor streets;
- (g) Alleys shall not be permitted in residential subdivisions except when approved for access to lots abutting an arterial. Alleys in nonresidential subdivisions may be permitted;
- (h) The maximum grade for any street in the City shall be ten percent (10%). Where unusual and unique topographic or environmental conditions exist on a proposed development site, exceptions may be specifically approved by the City Council to permit streets with grades up to, but not exceeding, twelve percent (12%) for collector streets and fourteen percent (14%) for local streets. Such exceptions may be granted only after careful review of each individual application and after receiving a recommendation from the Planning Commission. The maximum length of a street segment at grades steeper than ten percent (10%) shall also be determined, and specifically approved, by the City Council.

(5) Subdivisions adjacent to major streets and freeways shall be designed as specified in the Major Street Plan and as determined by the Planning Commission. The following principles and standards shall be observed:

- (a) Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on major streets. The number of intersecting streets along major streets shall be held to a minimum;
- (b) Sidewalks along major streets shall be not less than five feet (5') in width;

- (c) When the rear line of a double-frontage lot borders a major street, the Subdivider may be required to execute and deliver to the City an instrument, deemed sufficient by the City Attorney, prohibiting the right of ingress and egress from the street to the lot. The Subdivider shall also be required to install such paving as necessary to construct the street or to bring it up to standard width and shall install curb, gutter and sidewalk, along the street. However, the City may for good cause waive the foregoing requirements.

12-7-050 Protection Strips.

Protection strips shall not be permitted under any circumstances.

12-7-060 Dedication and Reservation.

- (1) In order to satisfy increased recreation facility needs created by new development, a fee shall be paid for the acquisition and development of park land. The fee shall be listed in the Consolidated Fee Schedule and may be amended from time to time. The fee shall be deposited in a designated account with monies expended only for planned park and recreation facilities which will be of some demonstrable benefit to the subdivision for which fees have been assessed. The fee shall be paid prior to recordation of a subdivision plat.
- (2) The Planning Commission may, at its discretion, require the dedication of land for park and recreation purposes in lieu of some or all of the fee. In subdivisions containing less than forty (40) lots the Subdivider may be required to dedicate up to 1/25 of the total area of all lots for parks and recreation purposes in lieu of a fee. For subdivisions containing more than forty (40) lots, additional dedication may be required at the same ratio as for less than forty (40) lots. The Subdivider shall be notified, prior to preliminary plat approval, if dedication of land is to be required in lieu of some or all of the fee.
- (3) When land in the subdivision in excess of that required by Subsection (2) is determined to be needed in order to meet the recreation needs of the City, the Subdivider shall not be required to hold such excess land for more than one (1) year without payment being made on the basis of land and improvement costs.
- (4) All land to be dedicated for park or recreational purposes shall be found to be suitable by the Planning Commission, the Planning Department, Public Works Department, and Recreation Department as to location, parcel size and topography for the park and recreation purposes for which it is indicated in the Master Plan or

any planned community plan. Such purposes may include active recreation facilities such as playgrounds, play fields, pedestrian or bicycle paths, areas of particular natural beauty and wooded areas to be developed or left in their natural state.

(5) When park or recreational facilities are reserved, the developer shall establish conditions as to ownership, maintenance and use of such areas as deemed necessary by the Planning Commission to assure preservation of the intended use.

(6) The provisions of this section shall not normally apply to commercial or industrial subdivisions; however, the Planning Commission may recommend as a condition of approval, that a commercial or industrial Subdivider dedicate to the City that portion of a stream bed or drainage channel falling within an industrial subdivision when such portion forms part of an open space network designated in the Master Plan or a planned community plan.

(7) In addition to subdivisions, the provisions of this Section requiring the payment of a fee, or dedication in lieu of a fee, shall apply to all residential developments which require conditional use approval. Such developments shall include, but not be limited to, condominiums, planned unit developments, and dwelling groups. However, open space normally provided in these types of developments may apply toward the required fee or dedication of land up to a maximum of fifty percent (50%) of the required fee. The percentage of credit shall be determined by the Planning Commission prior to final approval of a development plan. The fee shall be paid prior to issuance of a building permit for the first dwelling unit in the development.

(8) If the Subdivider or Developer feels that the impact of the proposed subdivision or other residential development is substantially different than that presumed by this Section, the Subdivider or Developer may apply for a hearing before the City Council to request a modification of the fee, or in-lieu-of dedication requirement of this Section. The request for the hearing shall be made prior to the final approval by the Planning Commission of the subdivision or conditional use approval of the residential development. The Planning Commission may recommend the modification only if the Subdivider or developer proves that what is required under this Section bears no reasonable relationship to the need for parks and recreation facilities created by the subdivision or development. If the Planning Commission recommends such a modification, the request shall be submitted to the City Council for final determination. If the Planning Commission finds that no modification is warranted, that finding may be appealed as provided in the appeal provisions provided in Chapter 1.

12-7-070 Landscaping.

- (1) Whenever, in the opinion of the Planning Commission, the cuts and fills in a hillside subdivision are of sufficient size or visibility to demand special treatment, the Subdivider shall be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance.
- (2) The subdivision shall be so designed as to either preserve, or provide for, the greatest amount of on-site vegetation.
- (3) Subdivisions in the Foothill Overlay Zones shall comply with all provisions of the City's Foothill Development Ordinance.

12-7-080 Utilities and Easements.

- (1) All utilities shall be provided through underground service, except where existing utilities are already in place.
- (2) Utility easements shall be provided within the subdivision as required for public utility purposes. All lots shall have a front yard easement of ten (10) 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 to or from adjoining parcels.

12-7-090 Water Courses.

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

12-7-100 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 and a final inspection thereof has been made approving the same. The warranty period shall commence at that date and shall continue for a period of one (1) years thereafter. If any deficiencies are found by the City during the warranty period in materials or workmanship, the Subdivider shall promptly

resolve such defects or deficiencies and request the City Engineer to reinspect the improvements. At the end of the two-year warranty period, the Subdivider 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 subdivider under the bond agreement.

Title 6 Section 2.1.12 (now 12-7-040(4)(c)) Amended, 1-09-91, Ord. 91-1
Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21
6-1-104(4) (now 12-7-040(4)) Amended, 9-16-92, Ord. 92-31
6-7-104(1)(2) and (4) (now 12-7-040) Amended, 4-21-93, Ord. 93-18
6-7-104(4)(d) (now covered under 12-7-040(4)(d)) Amended, 8-02-95, Ord. 95-35
Title 12 Amended and Recodified, 6-19-96, Ord. 96-24
12-7-100 Enacted, 6-21-00, Ord. 2000-23
12-7-040 Amended, 8-18-04, Ord. 2004-47
12-7-030 Amended, 4-19-06, Ord. 2006-28
12-7-080 Amended, 4-19-06, Ord. 2006-28
12-7-040 Amended, 9-19-06, Ord. 2006-63
12-7-080 Amended, 5-18-10, Ord. 2010-20
12-7-100 Amended 6-5-12 Ord 2012-23
12-7-040(1) Amended 03-04-14 Ord. 2014-07
12-7-030(10) Amended 06/17/14 Ord. 2014-25
12-7-040(4)(g) Amended 05/26/15, Ord 2015-16A