

CHAPTER 20

SUBDIVISIONS

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PART 1 GENERAL PROVISIONS

- 14-20-101 GENERAL PROVISIONS**
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14-20-101 GENERAL PROVISIONS

- A. The underlying purpose and intent of this Subdivision Ordinance is to promote the health, safety, convenience, good order, aesthetics and general welfare of the present and future inhabitants of the City. Any proposed subdivision and its ultimate use shall be in the best interest of the public and shall be in harmony with good neighborhood development of the area concerned and of the City as a whole.
- B. In cases where unusual topographical or other exceptional conditions exist, variations from this Subdivision Ordinance may be made by the City Council, after recommendation from the City Planning Commission.
- C. The most recent copy of the Bountiful Street Master Plan, as approved by the Bountiful City Council, is hereby adopted by reference as a part of this ordinance. No subdivision that conflicts with the Bountiful Street Master Plan shall be approved by the City unless the subdivision or the Plan is amended in such a manner that they are brought into harmony.
- D. It is unlawful to:
 - 1. Record in the office of the Davis County Recorder a subdivision plat which includes land wholly or partially located within the city limits of Bountiful prior to its having obtained final approval from the City Council and being fully executed as required herein;
 - 2. Record a deed or other instrument dividing or subdividing, or purporting to divide or subdivide, land within Bountiful City when the division or subdivision of land has not been approved by Bountiful City in accordance with the Bountiful Land Use Ordinance.
 - 3. Sell lots contained within a subdivision prior to the time it is recorded in the office of the Davis County Recorder; or

4. Represent to another that a subdivision is either recorded with the Davis County Recorder or approved by the Bountiful City Council when it is not recorded or approved; or
5. Violate any of the provisions of this Subdivision Ordinance.

14-20-102 APPLICABILITY OF THIS TITLE

- A. Unless exempted from subdivision requirements by State law, this Subdivision Ordinance applies to any property that is divided or proposed to be divided into two or more lots which are located wholly or partially within the city limits of Bountiful, Utah.
- B. No person shall subdivide property except in compliance with this chapter, Bountiful City zoning ordinances, and any other applicable law.

14-20-103 DEFINITIONS

- A. The definitions of terms set forth in the Utah Municipal Land Use Development and Management Act (§10-9a-101, et seq, of the Utah Code) are hereby adopted.
- B. See Chapter 3 of this Title for the following definitions:

SUBDIVIDER
PROPERTY
MASTER STREET PLAN
MAJOR STREET
COLLECTOR STREET
MINOR STREET
UTILITIES
PUBLIC UTILITY EASEMENT

PART 2 SUBDIVISION APPROVAL PROCEDURE

- 14-20-201 APPROVAL WITHIN THE RESIDENTIAL FOOTHILL SUBZONE**
- 14-20-202 SUBMISSION OF A PRELIMINARY PLAT**
- 14-20-203 SUBDIVISION PLAN APPROVAL PROCEDURE**
- 14-20-204 SUBMISSION OF FINAL SUBDIVISION PLAT**

14-20-201 APPROVAL WITHIN THE RESIDENTIAL FOOTHILL ZONE

Subdivisions which are proposed within the Residential Foothill Subzone of the City must comply with the approval requirements of the Bountiful Land Use Ordinance. Such subdivisions must also comply with other requirements stated therein for preliminary and final approval, in addition to the requirements set forth in this Subdivision Ordinance.

14-20-202 SUBMISSION OF A PRELIMINARY PLAT

- A. The subdivider of a proposed subdivision shall submit to the Bountiful City Engineer a preliminary subdivision plan containing the following information:
 - 1. The name and address of the subdivider and the engineer or surveyor preparing the plat.
 - 2. The proposed name of the subdivision.
 - 3. The legal description of the proposed subdivision.
 - 4. A scaled drawing (not smaller than one hundred (100) feet to one (1) inch) of the subdivision, illustrating the boundaries, lot lines, streets, easements, all areas to be dedicated to the public, and other important features to be contained within the subdivision, with sufficient information to locate accurately the property shown in the plan.
 - 5. The location, width, and other dimensions of all existing or platted streets, and other important features actually existing within the subdivision, such as water courses, buildings, power lines, storm drains, water and sewer lines, exceptional topography and any other notable features.
 - 6. Existing sanitary sewers, storm drains, water supply mains and culverts within the subdivision, if any, shall be shown on the plat.
 - 7. A north point and date.
 - 8. The plat shall show existing and proposed contours of the entire proposed development at two (2)-foot intervals for average slopes less than ten percent (10%) grade, and five (5)-foot intervals for averages slopes over ten percent (10%) grade.
 - 9. For developments in the Residential Foothill Subzone, the subdivider shall submit a plat or detail drawings of each lot, drawn at a scale no greater than

1"=10', with contours at two (2) foot intervals, showing precisely for each lot the following:

- (i) The "usable land" as defined in this Title, and
- (ii) The "minimum building pad" as defined in this Title.

- 10. All information required by §10-9a-603 of the Utah State Code.
- B. The subdivision plat shall be furnished to the City Engineer by the subdivider in such a number of copies as the City Engineer shall reasonably require.
- C. If the subdivision being submitted is only one phase of a larger development, then the entire intended subdivision shall be submitted to the City Engineer. It shall illustrate the total subdivision intended, including the street system envisioned for the entire area.

14-20-203 SUBDIVISION PLAN APPROVAL PROCEDURE

- A. The approval process for subdivisions shall consist of review by the City Engineer, preliminary review by the Planning Commission and preliminary approval by the City Council, and final review by the Planning Commission and final approval by the City Council.
- B. Upon receipt of a preliminary subdivision plan, the City Engineer shall review it for compliance with this ordinance. When all requirements have been met, the City Engineer shall place the proposed subdivision for consideration of preliminary approval by the Planning Commission. The City Engineer shall make a recommendation to the Planning Commission for preliminary approval, for approval with stated conditions, or for disapproval for stated reasons.
- C. The City Engineer shall distribute copies of the preliminary plan of the proposed subdivision to the Planning, Fire, Power and Water Departments of the City for their review and recommendations.
- D. The Planning Commission shall review the subdivision and make a recommendation to the City Council for preliminary approval, approval with stated conditions, or for disapproval for stated reasons.
- E. The City Council shall review the subdivision for preliminary approval and shall approve it, approve it with stated conditions, or disapprove it with stated reasons.

14-20-204 SUBMISSION OF FINAL SUBDIVISION PLAT

- A. After receiving preliminary approval, the subdivider shall prepare and submit to the City Engineer a final subdivision plat, and in such a number of copies as the City Engineer shall reasonably require.
- B. A final subdivision plat shall meet the following requirements:
 - 1. It shall consist of a sheet of approved tracing linen or Mylar, to the outside or trim line dimension of nineteen (19) by thirty (30) inches.

2. The borderline of the plan shall be drawn in heavy lines, leaving a space of at least one-half inch margin on all four sides.
3. The top of the drawing must face either north or west, whichever best accommodates the drawing.
4. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black India drawing ink.
5. The plat shall be made to a scale large enough to clearly show all detail, and in any case not smaller than one hundred feet to the inch.
6. Workmanship on the drawings shall be neat, clean-cut and readable.
7. The plat shall contain all of the information and signature blocks required in this ordinance.

C. A final subdivision plat shall contain the following information:

1. The proposed name of the subdivision.
2. The legal description of the proposed subdivision.
3. A scaled drawing (not smaller than one hundred (100) feet to one inch) of the subdivision, illustrating the boundaries, lot lines, streets, easements, usable land and minimum building pad locations, when required, all areas to be dedicated to the public, and other important features to be contained within the subdivision, with sufficient information to locate accurately the property shown in the plat.
4. A north point and date.
5. Signature blocks for every owner of an interest in the property, utilities supervisors, the City Planning Director (who shall sign for the Planning Commission), the City Engineer, the City Attorney, and the Mayor and City Recorder. All signatures by owners or other holders of interest in the property shall be notarized, in the following or similar language: "This instrument was acknowledged before me this (date) by (person acknowledging, title or representative, capacity, if any)."
6. An owner's dedication to the public of all public ways and rights given in the subdivision, in the following or similar language: "We, the undersigned owners of the above-described land, having caused the same to be subdivided into lots and streets to be known as _____ subdivision, do hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use, and do warrant to the City that the same are free of all encumbrances that could interfere with their use as herein dedicated."

7. A consent to dedication signed by all other holders of an interest in the property, including trust deed holders, in the following or similar language: "We, the undersigned holders of a trust deed on the above-described land, which is dated _____ and recorded at Book _____ on Page _____ of the records of Davis County, do hereby consent to the creation of this subdivision, and do hereby consent to the Owner's Dedication stated on this plat, and do hereby join in the dedication to the perpetual use of the public all parcels shown as intended for public use."
 8. A Certificate of Survey from a registered land surveyor.
 9. For subdivisions within the Residential Foothill Zone:
 - (i) A statement on the face of the plat by the subdivider certifying to the City and to the public that all lots within the subdivision contain a minimum building pad as defined in the Bountiful City Code, and
 - (ii) A statement on the face of the plat that slopes of thirty percent (30%) or greater are not usable and may not be disturbed excavated or used for construction.
 10. A six (6) inch by three (3) inch space in the lower right corner of the drawing for recording information.
- D. In order to obtain final approval, the subdivider must:
1. Submit a subdivision plat as described herein;
 2. Comply with any stated conditions attached to the preliminary approval;
 3. Submit to the City a reliable title report reflecting the exact description of the subdivision, and stating all matters of record affecting title to that land;
 4. Submit finished engineering construction drawing for all site improvements including, but not limited to, streets, sewer, water, irrigation, storm drainage, erosion and landscaping.
 5. Pay all required fees as shall be required by resolution of the City Council.
- E. After receiving from the subdivider the information necessary for final approval, the City Engineer shall review it for compliance with this ordinance. When all requirements have been met, the City Engineer shall place the proposed subdivision for consideration of final approval by the Planning Commission. The City Engineer shall make a recommendation to the Planning Commission for final approval, for approval with stated conditions, or for disapproval for stated reasons.
- F. The Planning Commission shall review the subdivision and make a recommendation to the City Council for final approval, approval with stated conditions, or for disapproval for stated reasons. These are recommendations only to the City Council, which may adopt, reject or modify any recommendation from the Planning Commission.

- G. The City Council shall review the subdivision for final approval and shall approve, approve with stated conditions, or disapprove with stated reasons.
- H. No conditionally approved subdivision shall be recorded at the office of the Davis County Recorder until all the conditions upon which approval was granted, which are intended to be accomplished prior to recording, have been fulfilled.
- I. Unless a subdivision shall receive final approval from the City Council within one (1) year after obtaining preliminary approval, the preliminary approval shall expire. The subdivision must thereafter be re-submitted as if it had never previously been considered.
- J. A subdivision which has been granted final approval by the City Council must be delivered to the office of the Davis County Recorder for recording within one year of the date of approval unless extended by the City Council, for good cause shown, for an additional period of time of up to one (1) year. If it is not so delivered within one year or within any additional period of time approved by the City Council, the approval shall expire. The subdivision must thereafter be re-submitted as if it had never previously been considered.

PART 3 SUBDIVISION IMPROVEMENT REQUIREMENTS

- 14-20-301 RELATION TO ADJOINING STREET SYSTEM**
- 14-20-306 LENGTH AND WIDTH OF BLOCKS**
- 14-20-307 LOTS**
- 14-20-308 IMPROVEMENTS**
- 14-20-310 NATURAL HAZARDS**
- 14-20-311 NATURAL VEGETATION**
- 14-20-312 UTILITIES**

14-20-301 RELATION TO ADJOINING STREET SYSTEM

- A. All subdivisions must be in compliance with the Master Street Plan.
- B. The arrangement of streets in new subdivisions shall provide for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided), and shall be constructed to the standards set forth in Title 6, Public Works and Property.

14-20-306 LENGTH AND WIDTH OF BLOCKS

The maximum length of blocks shall be eight hundred (800) feet, and the width shall be sufficient to allow two tier lots where physically possible.

14-20-307 LOTS

- A. The meaning of the term “Lot” is set forth in Chapter 3, *Definitions*, of this Title.
- B. Any lot, regardless of how it is created, shall meet all of the following:
 - 1. The arrangement, design and shape of a lot shall provide a satisfactory site for building a structure, shall be properly related to topography, and shall conform to the requirements of this Title.
 - 2. A lot shall be generally rectangular in shape and shall not contain peculiarly or irregularly shaped elongations, except where dictated by existing, physical constraints of the land.
 - 3. A lot shall conform to the minimum requirements of the Bountiful City Land Use Ordinance for the zone in which it is located.
 - 4. Each lot shall abut a public street meeting the minimum requirements of Bountiful City. Interior lots having frontage on two streets are prohibited. An approved planned unit development is exempt from these provisions.
 - 5. Any remnant of land remaining after subdividing shall be added to an approved, adjacent lot, rather than becoming an outstanding parcel of land.
 - 6. A lot shall not be created by any means that does not meet the minimum requirements for a building lot according to the provisions of this Title.

14-20-308 IMPROVEMENTS

- A. The owner of any land and his agent shall be required to install or guarantee the installation of all public improvements as set forth in Title 6 *Public Works and Property*.

14-20-310 NATURAL HAZARDS

Construction of permanent structures shall not be permitted in areas subject to hazards such as floods, landslides, etc.

14-20-311 NATURAL VEGETATION AND GRADING

No property shall be grubbed, cleared, or otherwise disturbed except in accordance with an approved landscaping permit, excavation permit, or building permit. Natural vegetation shall be removed only when absolutely necessary for the construction of buildings, streets, and filled areas. A landscaping permit, excavation permit, or building permit shall not be issued until the final plans for development are approved by the Land Use Authority.

14-20-312 UTILITIES

All utilities shall be placed underground.

PART 4 AMENDING OR VACATING A SUBDIVISION PLAT

14-20-501 AMENDING OR VACATING A RECORDED SUBDIVISION, PLANNED UNIT DEVELOPMENT, OR CONDOMINIUM PLAT

14-20-502 NOTICE REQUIREMENTS

14-20-501 AMENDING OR VACATING A RECORDED SUBDIVISION, PLANNED UNIT DEVELOPMENT, OR CONDOMINIUM PLAT

- A. No subdivision, planned unit development or condominium plat which has been recorded with the Davis County Recorder according to law may be altered, amended or vacated, in whole or in part, until the proposed alteration, amendment or vacation has been approved in an ordinance adopted by the City Council.

- B. Vacating or amending existing single family residential subdivision plats for the purpose of re-subdividing existing subdivision lots into more lots is prohibited where the lot size in the original subdivision is determined by the average slope, with steeper ground requiring larger lots, and the re-subdivision will have the effect of evading the original slope and size requirements.
 - 1. A petition, which may be in letter form, stating that an amendment, vacation, or other alteration to an existing subdivision, planned unit development or condominium is being requested. The petition shall include the following information:
 - (i) The name and address of all owners of record of the land contained in the entire original plat;
 - (ii) The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered or amended, whether in or out of the original subdivision;
 - (iii) The signature of each of those owners who consents to the petition; and
 - (iv) Any other information that may be required by State or City law.

 - 2. A plat showing the proposed amendment or vacation, which shall:
 - (i) Be titled as an amended plat of the original subdivision;
 - (ii) Describe and illustrate all proposed changes;
 - (iii) Show a tie in to the unchanged portion of the original plat;

- (iv) Contain all necessary signature blocks, including one (1) for every owner of property who has any interest in the land being amended or vacated; and
 - (v) Such other information or items as shall reasonably be required by the City.
- 3. A reliable title report reflecting the exact description of the land being amended or vacated, and stating all matters of record affecting title to that land.
- C. Prior to consideration by the City Council, the proposed alteration, amendment or vacation shall be reviewed by the Bountiful Planning Commission for their recommendation of approval, approval with stated conditions, or disapproval for reasons stated.
- D. The hearing concerning the proposed amendment or vacation shall be considered upon the criteria set forth in the Utah Code and in City ordinances.

14-20-502 NOTICE REQUIREMENTS

Notice of the proposed amendment or vacation shall be given as provided by State law.

PART 5 COMMERCIAL, CONDOMINIUM, AND PUD PLATS

- 14-20-601 MINIMUM NUMBER OF UNITS**
- 14-20-602 ESTABLISHMENT OF PROPERTY OWNERS ASSOCIATION**
- 14-20-603 CONDOMINIUM SUBDIVISION PLAT**
- 14-20-604 PUD SUBDIVISION PLAT**
- 14-20-605 COMMERCIAL SUBDIVISION PLAT**

14-20-601 MINIMUM NUMBER OF UNITS

Any condominium or planned unit development (PUD) subdivision shall have a minimum of four (4) legal units or lots.

14-20-602 ESTABLISHMENT OF PROPERTY OWNERS ASSOCIATION

It is the duty of the owners who sign a commercial, condominium, or PUD subdivision plat to establish a property owners association responsible for the maintenance and ownership of any common area and any shared easement area, and to record all necessary documents to effectuate such property owners association with the Davis County Recorder.

14-20-603 CONDOMINIUM SUBDIVISION PLAT

Any legally existing multi-family development that meets the minimum requirements of this Chapter may be platted as a condominium development. One (1) or more single-family detached dwellings shall not be platted as a condominium development.

14-20-604 PUD SUBDIVISION PLAT

- A. Any legally existing multi-family development that meets the minimum requirements of this Chapter and that does not have vertically stacked units may be platted as a PUD development regardless of whether or not it was developed under current or previous iterations of the Planned Development Overlay Zone.
- B. Any legally existing development, except for multi-family developments, located within a single-family, commercial, professional office, hospital, mixed-use, or downtown zone may be platted as a PUD development only if the development meets the minimum requirements of this Chapter and the minimum size requirements of the current iteration of the Planned Development Overlay Zone.

14-20-605 COMMERCIAL SUBDIVISION PLAT

Any legally existing, non-residential development may be subdivided in conformance with the requirements of the zone in which it is located. A lot within a development in a Commercial Zone (C), or within a Professional Office Zone (PO), may meet the minimum public street frontage requirement through a cross-access easement or dedicated common area, if all of the following criteria are met:

- A. Any proposed lot, and any cross-access easement or dedicated common area providing the minimum required frontage for said lot, shall be located within the same plat or within an existing, recorded plat from another phase of the same development. Furthermore,

the proposed easement or access shall be recorded on the plat, shall specifically state that it is for the benefit of said lot, and shall be acknowledged by all signatories.

- B. The cross-access easement or dedicated common area shall be at least twenty-four feet wide, free of obstructions, and shall meet all the requirements of this Title regarding vehicle and pedestrian access.
- C. No cross-access agreement over or with a property outside of a development or subdivision can satisfy the minimum frontage requirements of this Title.
- D. Each lot within a meets and bounds subdivision shall be required to have the minimum frontage along a public street.