

PLANNING COMMISSION

2267 North 1500 West
Clinton City, UT 84015

Phone: (801) 614-0740

Fax: (801) 614-0752

Web Site: www.clintoncity.net

AGENDA

May 17, 2016

7:00 pm

There will be a work session meeting of the Clinton City Planning Commission held on the date mentioned above in the **Council Chambers** of Clinton City; **City Hall located at 2267 North 1500 West.**

Clinton City Planning Commission

Chairman
Jacob Briggs

Vice Chairman
Bob Buckles

Members
David Coombes
Jolene Crossall
Andy Hale
Jeff Ritchie
Anthony O. Thompson

City Staff
Will Wright

	Pledge	Appointed
	Invocation or Thought	Appointed
	Roll Call	Chair
	City Council Report	Staff
	Planning Commission Minutes	Chair
	Declaration of Conflicts	Chair
1.	PUBLIC HEARING: Conditional Use Permit - Review and action upon a request for a Conditional Use Permit to use the existing building at 1572 North 1000 West for storage of equipment, trucks and perform minor assembly by VK Electric, Inc.	
2.	WORK SESSION: Consider Chapter 3 of the City's Subdivision Ordinance as well as subsequent chapters.	
3.	COMMISSION COMMENTS	
4.	ADJOURN	



Conditional Use Permit (CUP) Application
Community Development

2267 North 1500 West
Clinton City, UT 84015
Phone: (801) 614-0740
Fax: (801) 614-0752
Web-site: clintoncity.net

Staff Use Only Date: 4-20-16 Zone: CP-2 PC Date: _____

PROJECT NAME: UK Electric Inc
PROJECT ADDRESS: 1572 W 1000 W
(ADDRESS MUST BE ASSIGNED BY THE PLANNING PRIOR TO SUBMITTAL, IF APPLICABLE)

PROPOSED USE / DESCRIPTION: Storage electrical equipment

CONTACT NAME: Spencer King
ADDRESS: 4403 W 800 N
PHONE# 801 430 6855 FAX # _____ E-MAIL: Spencer.k@gmail.com

Engineer and/or Surveyor::
PHONE# 801 430 6855 FAX # _____ E-MAIL: _____

OWNER'S NAME: (if different from contact person) _____

I HAVE READ THE APPLICATION AND HEREBY CERTIFY THAT THE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.



Signature of owner or applicant

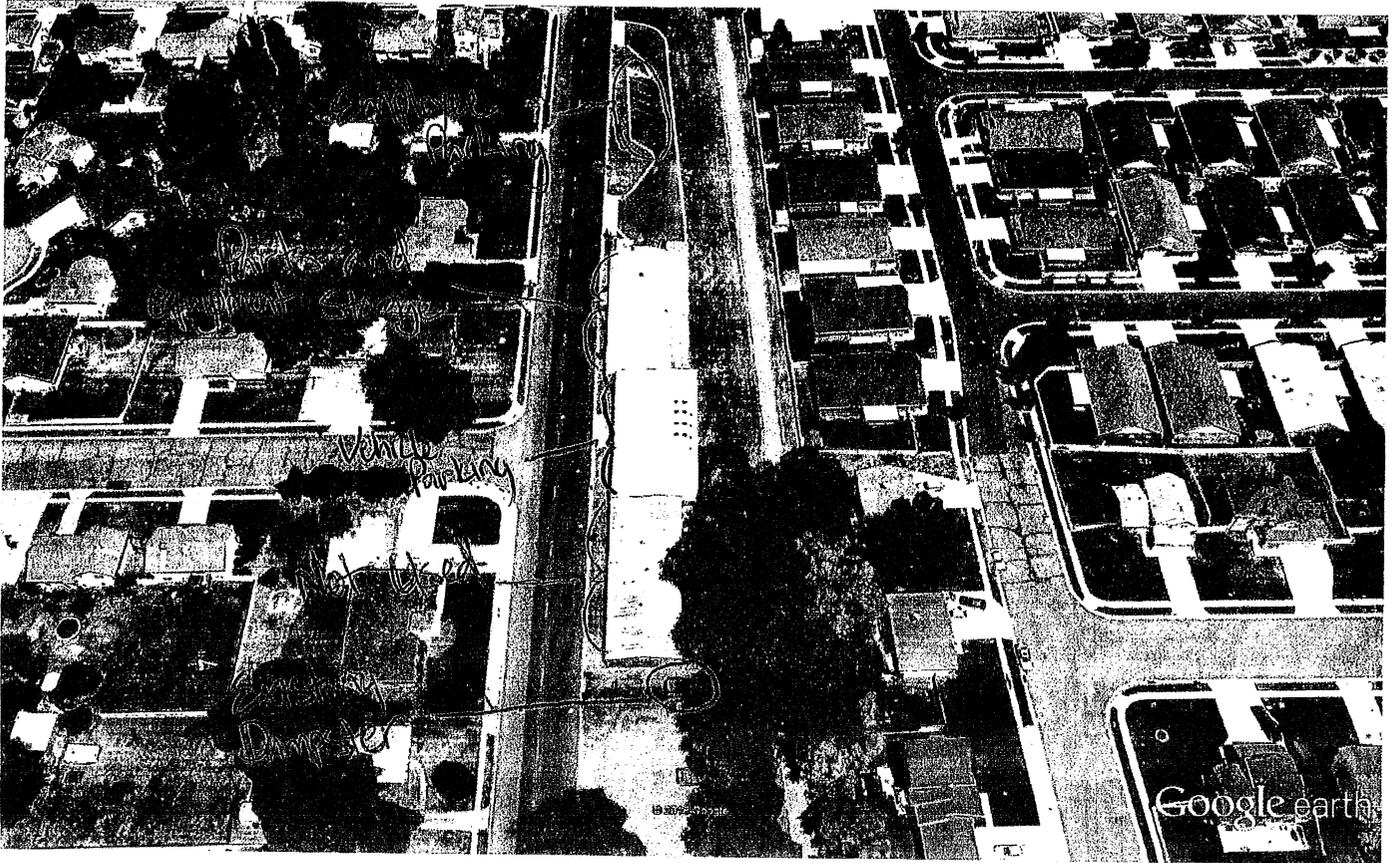
SUBMITTAL CHECK LIST:

The following checklist can be used as a guide to assist you in obtaining approval.

- Seven (7) site plans; Six (6) copies at 24" x 36" and one (1) copy at 11" x 17" (see check list 1-24 on attached page) along with;
- Copy of county ownership plat
- One (1) copy of the Storm Water Pollution Prevention Plan (SWPPP)
- Payment of appropriate fees.
- For new construction, building additions, or when the site does not meet present site development requirements, the following are also required.
 - A. Building elevations of all four sides' one (1) copy on 24" x 36" and one (1) on 8.5" x 11", including a 3-D model, preferably using "Google Sketch-up" or similar program, in digital format.
 - B. "Material/Color board" of the types of materials proposed to be used on the building,
 - C. Preliminary utility plan showing the manner in which water, sewer and storm sewer services will be provided
 - D. A landscaping plan, which shows areas to be landscaped, specific types of landscaping to be used (i.e. trees, shrubs and grass), and areas to be preserved in their existing conditions, and an irrigation plan.

Clinton City Conditional Use Permit

I would like to obtain a permit to use the space that we have rented to warehouse and store equipment for my electrical company. I will be using it to store and warehouse parts that we use for my company. We will not have offices located at this site and will only use this location to warehouse parts and store equipment and vehicles inside of the building. We do not manufacture or fabricate equipment or material we strictly provide services electrical and sign installs for commercial, residential and industrial work. I currently have 10 employees and they would pick up and drop of equipment and parts. The parking is adequate enough due to the fact that all my main guys drive company vehicles to and from work. At most we would only have 3 to 4 employees that would park and pick up vehicles and leave there personal vehicles parked in parking lot for the day until they returned. We are usually there at 7 am to pickup and leave shop for the day to go to work. Occasionally we start at 6 and usually are back and done no later than 6 pm. We would like to have a dumpster on the property for trash. This facility would only be used for vehicles and storage of parts for work. I also would need to apply for a business license for this location. The existing dumpster located at the south end of the building we would like to utilize and keep it in this location if permitted.



Google earth

feet
meters



CLINTON CITY PLANNING COMMISSION AGENDA ITEM

SUBJECT: 7:05 p.m. Public Hearing – Conditional Use Permit Review and action upon a request for a Conditional Use Permit to use the existing building at 1572 North 1000 West for storage of equipment, trucks and perform minor assembly.	AGENDA ITEM: 1		
PETITIONER: Spencer King, VK Electric, Inc.	MEETING DATE: May 17, 2016		
ORDINANCE REFERENCES: 28-17-10 Uses under Table 17.10 for the CP-2 Zone	ROLL CALL VOTE: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/> YES</td> <td style="text-align: center;"><input type="checkbox"/> NO</td> </tr> </table>	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO		
BACKGROUND: <p>The old building is zoned as Planned Commercial Zone (CP-2) that allows for a contractor shop, provided work is conducted within a completely enclosed building and warehouse storage to house electrical and sign equipment, store company trucks and minor assembly work on signs as conditional uses described above, (see 28-17, Table 17-10). This old building is divided into two sections and because it exceeds 10,000 square feet should have a fire sprinkler system. However, because the building was sectioned off into compartments with the area or section on the south not being used by previous owners/tenants then sprinklers were not required.</p> <p>In talking with Spencer of VK Electric this building will be used primarily for warehousing equipment and vehicles. His main office is in another location and Spencer indicates that there should only be four (4) employees at this building at a time with them loading equipment into vehicles to go to work site. There are six regular parking stalls with one handicapped spot next to the building. There is an entrance off of 1000 West which they plan to use to park the work trucks in the building. The southerly section of the building will remain unoccupied according to Spencer.</p>			
ALTERNATIVE ACTIONS:			
ATTACHMENTS: Application for Conditional Use Permit Narrative of Applicant’s Use Plan with Descriptive Aerial Map			
SEPARATE DOCUMENTS:			

Respectfully submitted,

Will Wright,
 Community Development Director



1572 N 1000 W

© 2016 Google

Google earth

1997

Imagery Date: 6/16/2015 41°08'11.98" N 112°02'42.17" W elev 4432 ft eye alt 5395 ft

TABLE OF CONTENTS

**SUBDIVISION ORDINANCE
OF
CLINTON CITY**

**TITLE 26
SUBDIVISION ORDINANCE**

CHAPTER 1	GENERAL PROVISIONS
CHAPTER 2	DEFINITIONS
CHAPTER 3	SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS
CHAPTER 4	ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS
CHAPTER 5	REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN
CHAPTER 6	IMPACT FEES RELATED TO DEVELOPMENT
CHAPTER 7	LAND READJUSTMENT
CHAPTER 8	SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED
CHAPTER 9	AMENDMENTS
CHAPTER 10	VALIDITY, NOTICES AND EFFECTIVE DATE
CHAPTER 11	ATTACHMENTS

Chapter 3. Subdivision Application Procedure and Approval Process

26-3-1 General Procedure

- 26-3-2 Notice of Public Hearing
- 26-3-3 Sketch Plat
- 26-3-4 Preliminary Plat
- 26-3-5 Amendments to Preliminary Plat
- 26-3-6 Final Subdivision Plat
- 26-3-7 Vested Rights and Development Agreements
- 26-3-8 Signing and Recordation of Subdivision Plat
- 26-3-9 Appeals to City Council
- 26-3-10 Time Periods for Action
- 26-3-11 Suspension and Invalidation of Final Plat

26-3-1 General Procedure:

(1) **Classification of Subdivisions:** Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which includes two (2) principal step for a simple subdivision, two (2) principal steps for a minor subdivision and three (3) principal steps for a major subdivision:

- (a) Simple Subdivision.
 - (i) Sketch Plat
 - (ii) Final Subdivision Plat
- (b) Minor Subdivision
 - (i) Preliminary Plat
 - (ii) Final Subdivision Plat
- (c) Major Subdivision.
 - (i) Sketch Plat
 - (ii) Preliminary Plat
 - (iii) Final Subdivision Plat

(2) **Official Submission Dates:** For the purpose of these regulations, for both major and minor subdivisions, the date of the meeting for required action of the Planning Commission or City Council at which the public meeting or hearing on approval of the sketch, preliminary or final subdivision plat, including any adjourned date thereof, is closed, shall constitute the Official

Submission Date of the plat on which the statutory period required for formal approval, conditional approval or disapproval of the final subdivision plat shall commence to run.

(3) **Discussion of Requirements:** Before preparing the plat, either sketch, preliminary or final for a simple, minor or major subdivision, the applicant shall schedule an appointment and meet with the Community Development Director to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Community Development Director shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

(4) **Coordination of Performance Zoning Applications with Subdivision Approval:**

(a) It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Performance Zoning applications under the Zoning Ordinance. The plans required for Performance Zone applications shall be submitted in a form to satisfy the requirements of these subdivision regulations and the Zoning Ordinance.

(b) General Requirement. Whenever the Zoning Ordinance authorizes Performance Zoning applications which permit uses of land and density of buildings and structures based upon development design and the application entails the division of the land, vacant or improved, into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms, or conditions, including resubdivision, whether residential or nonresidential, subdivision approval by the City Council shall be required in addition to all procedures and approvals required in the Zoning Ordinance, whether or not applicable zoning procedures also require City Council approval, review or recommendation. Performance Zoning applications shall include, but not be limited to, all special permits and special uses, planned unit developments, performance subdivisions and average density or density zoning projects, and shall apply to all such applications, whether before the City Council, Planning Commission,

Community Development Department, or other official or agency of Clinton City.

(c) Procedure to Be Followed:

(i) Sketch Plat and Preliminary Plat Approval Required. Whenever a Performance Zoning application is submitted which involves a subdivision of land as set forth in Section 3.01.4.b of these regulations, the application shall be submitted first to the Community Development Director. The application shall be made on the forms required for a sketch plat as set forth in Section 3.03 of these regulations and shall include all information required of a sketch plat application as set forth in Sections 3.03 and Chapter 8. The Community Development Director shall then refer the application to the Planning Commission for sketch plat review and, when required, preliminary plat approval. The Planning Commission shall also, when applicable under the provisions of the Zoning Ordinance, make such reviews of use, site plan approval, landscaping, density, and bulk standards as are required under the Performance Zone regulation.

(ii) Referral Back for Administrative Review. After completing its review the Planning Commission shall refer the sketch plat and preliminary plat (when required) with its decision of approval, conditional approval, or disapproval, together with such recommendations and reviews of use, site plan, landscaping, density, and bulk standards as it was required to make under the Performance Zone regulation of the Zoning Ordinance, to the Community Development Director to review the application and recommendations of the Planning Commission. The application shall then be forwarded to the City Council for final plat approval. No building permits or certificates of occupancy shall be issued for the project until the zoning application has been given final approval by the City Council and the final subdivision plat is recorded with the Davis County Recorder's Office.

(d) Resubdivisions of Performance Zone Developments.

(i) A Performance Zone development or land use plan may be subdivided or resubdivided for purposes of sale or lease after the project plan has been given final approval and development completed or partially completed where a escrow agreement is established for all improvements not installed.

(ii) If the subdivision or resubdivision of a performance zone development will create a new lot line, the applicant shall make application for approval to the Community Development Director for processing as outlined in 3.01.4.c. above.

26-3-2 Notice of Public Hearing:

(1) **Notice:** Notice of City Council, Planning Commission or other meetings, addressing the subdivision of land which require Public Notice, required notice shall be provided as follows:

(a) The Community Development Department will submit a notice for publication in one (1) newspaper of general circulation to be published at least fourteen (14) days prior to the public hearing.

(b) Where specific property is identified in a petition, at least twelve (12) days prior to the required meeting during which a petition is being considered, the Community Development Director or designated agent, shall post a minimum of one (1) Public Notice Sign on each street frontage of the subject property stating the proposed or requested action and the date, time and location of the Public Hearing where the petition will be considered. One notice for each petition is required. This is not intended to require posting of a property for discussions continued over to additional meetings or tabled for additional information or action.

(c) File copies of all applications, drawings, and sketches shall be maintained by the Community Development Department for public review prior to any hearing.

(2) **Assumption of Validity of Notice of Hearing:** If no protest of the processing of the public hearing has been received, in writing, by the Community Development Director within 30 days of the public hearing the notice of public hearing is assumed to have been processed properly.

26-3-3 Sketch Plat

(1) **Application Procedure and Requirements:** Prior to subdividing land and after meeting with the Community Development Director, the owner of the land, or his authorized agent, shall file an application for approval of a sketch plat with the Community Development Department. The Community Development Director shall prepare the application for presentation to the Planning Commission. The application shall:

- (a) Be made on forms available at the Community Development Department;
- (b) Include all contiguous holdings of the owner including land in “common ownership” as defined in these regulations, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership. The affidavit shall advise as to the legal owner of the property, the contract owner of the property (if any), the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock;
- (c) Be accompanied by minimum of seven (7) copies of the sketch plat as described in these regulations and complying in all respects with these regulations;
- (d) Be accompanied by a preliminary title report;
- (e) Be presented to the Community Development Director;
- (f) Be accompanied by a fee that is set from time to time and passed in resolution by the City Council;
- (g) The application shall include an address and telephone number of an agent located within the local area who shall be authorized to receive all notices and correspondences required by these regulations.

(2) **Classification and Approval Procedure:** The Community Development Director shall determine whether the sketch plat constitutes a simple, minor or major subdivision and notify the applicant of the classification within thirty (30) working days from the date that the sketch plat is submitted to the Community Development Director.

(a) **Simple Subdivision:** If the sketch plat constitutes a simple subdivision, the Community Development Director shall review the application for compliance with the criteria for a simple subdivision and either approve, disapprove or conditionally approve the sketch plat as provided in these regulations. Subsequent to the review by the Community Development Director, the applicant may proceed directly to the filing of an application for approval of a final plat as provided in these regulations. If the sketch plat of a simple subdivision is disapproved by the Community Development

Director the applicant may request the simple subdivision be processed as a minor subdivision as provided in these regulations.

(b) **Minor Subdivision:** A sketch plat is not a requirement for a minor subdivision, however the development of a sketch plat by an applicant will greatly assist with the discussion of requirements outlined in section **3.03**.

(3) **Major Subdivision:**

(a) **Planning Commission Review:** If the sketch plat constitutes a major subdivision, the Community Development Director shall place the matter on the next available regular meeting agenda of the Planning Commission for the review and recommendations of the Commission.

(b) **Notice to Proceed:** Subsequent to the Planning Commission review of the sketch plat, the Community Development Director shall issue a Notice to Proceed, only if the sketch plat complies with all applicable laws governing the subdivision of land. The Notice to Proceed shall include, as appropriate, review comments of the Planning Commission and recommended changes in the sketch plat to be incorporated into the preliminary plat to assist the applicant in obtaining preliminary plat approval from the Planning Commission. If the Community Development Director determines that the sketch plat does not comply with all applicable laws governing the subdivision of land and the applicant refuses to modify the sketch plat, the Community Development Director shall issue a Notice of Noncompliance. The Community Development Director shall issue either the Notice to Proceed or the Notice of Noncompliance not later than thirty (30) working days from the date of the meeting of the Planning Commission at which the sketch plat was reviewed, including any adjourned date thereof, is closed. After receipt of a Notice to Proceed, the applicant must first file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.

(c) **Referral of Sketch Plat:** If the Community Development Director issues a Notice to Proceed, the Community Development Director shall transmit the sketch plat for review to appropriate officials or agencies of Clinton City, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law,

including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Community Development Director shall request that all officials and agencies to whom a request for review has been made, submit their report to the Community Development Director within thirty (30) days after receipt of the request. The Community Development Director will consider all the reports submitted by the officials and agencies concerning the sketch plat and shall submit a report to the Planning Commission upon the applicant's submission of a preliminary plat.

26-3-4 Preliminary Plat:

(1) **General:** If the preliminary plat constitutes a minor subdivision, the Community Development Director shall place the matter on the next available regular meeting agenda of the Planning Commission for formal approval, disapproval or conditional approval of the preliminary plat following a public hearing. The Commission shall provide notice and hold public hearing on the preliminary plat as established in section 3.02. The Planning Commission shall, within thirty (30) days approve, conditionally approve, or disapprove the preliminary plat from the date of the public hearing including any adjourned date thereof, is closed. Subsequent to an approval or conditional approval by the Planning Commission, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat as provided in these regulations. If the preliminary plat of a minor subdivision is disapproved by the Planning Commission, the applicant may appeal to the City Council as provided in Section 3.09. The applicant shall have 120 days from the date that the preliminary plat is approved by the Planning Commission (or City Council upon appeal) to submit a final subdivision plat, after which time a new preliminary plat must be submitted for approval.

(2) **Major Subdivision:** No sooner than thirty (30) days and no later than 120 days after the date of the Notice to Proceed, the applicant may apply for preliminary plat approval. If the applicant fails to apply for preliminary plat approval, with a complete application within the 120-day period, a new sketch plat must be submitted.

(3) **Application Procedure and Requirements:** Based on the Notice to Proceed, the applicant shall file in duplicate with the Community Development Director an application for

approval of a preliminary plat if he elects to proceed. The preliminary plat shall conform substantially with the sketch plat submitted and approved or conditionally approved by the Planning Commission and which formed the basis for the Notice to Proceed. The application shall:

- (a) Be made on forms available at the office of the Community Development Director together with a fee that is set, from time to time and passed in resolution by the City Council;
- (b) Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred (100) feet from the subject property, or of that directly opposite the subject property, extending one hundred (100) feet from the street frontage of opposite land, with the names of owners as shown in the County Assessor's files. This information may be shown on a separate current Tax Map reproduction from the County Recorder's Office showing the subdivision superimposed on the Tax Map.
- (c) Be accompanied by a minimum of ten (10) copies of the existing condition drawings as described in these regulations.
- (d) Be accompanied by a minimum of ten (10) copies of the complete preliminary plat as described in these regulations.
- (e) Be accompanied by a minimum of ten (10) copies of construction plans for the preliminary plat as described in these regulations.
- (f) Additional copies of the preliminary plans may be required when dealing with services, districts, or roadways that are not under the control of the City.
- (g) Comply in all respects with the sketch plat.
- (h) Be presented to the Community Development Director a minimum of four (4) weeks prior to a regular meeting of the Commission.
- (4) **Public Hearing:** Upon receipt of a formal application for preliminary plat approval and all accompanying material, the Community Development Director shall call a public hearing before the Planning Commission to be held a minimum of four (4) weeks after the date of receipt of the complete application. The Community Development Director shall submit a notice for publication in accordance with Section 3.02.

(5) **Preliminary Approval:** After the Planning Commission has reviewed the preliminary plat and construction plans, the report of the Community Development Director, any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days from the Official Submission Date. One (1) copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Commission approves a preliminary plat showing park reservation or land for use by other government or district agency that is proposed to be dedicated to Clinton City, the Commission shall obtain approval of the park or land reservation from the Clinton City Council. If the Planning Commission disapproves the proposed subdivision, the applicant may execute an appeal in the manner prescribed in **Section 3.09**.

(6) **Standards for Approval of Preliminary Plats:** No preliminary plat of a proposed subdivision shall be approved by the Planning Commission unless the applicant proves by clear and convincing evidence that:

- (a) Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
- (b) If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;
- (c) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;
- (d) The subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state, and local laws and regulations;
- (e) The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban

services between developed parcels;

(f) The subdivider has taken every effort to mitigate the impact of the proposed subdivision of public health, safety, and welfare.

The Planning Commission is authorized to disapprove the preliminary plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the General Plan.

(7) **Public Improvements:** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the Chairman of the Planning Commission, the Planning Commission shall require that the applicant execute a subdivision improvement agreement and provide security for the agreement as provided in Section 4.01.3. The Planning Commission shall require the applicant to indicate on the plat all roads and public utility improvements which shall be required to be established or extended, and any other special requirements deemed necessary by the Official Map and the General Plan of Clinton City.

(8) **Effective Period of Preliminary Plat Approval:** All approvals, conditions, and agreements regarding a preliminary plat shall expire one (1) year from the date of preliminary plat approval, by either the Planning Commission or City Council, if required, whichever is later, unless:

- (a) The respective final plat, or a phase thereof, has been approved; or
- (b) The respective final plat, or a phase thereof, has been submitted to the City, is scheduled for review, and it complies with the City Codes and the preliminary plat approval and requirements.
- (c) If done by phases, the developer must continually file for the approval of at least one phase within one year of the most recent plat or phase approval. Said filing must comply with the City Code and the preliminary plat approval and requirements.

(9) **Zoning and Subdivision Regulations:** Every preliminary plat shall conform to existing zoning regulations and subdivision regulations applicable at the time that the proposed preliminary is submitted for the approval of the Planning Commission unless the Planning Commission or City Council has taken official

action toward amending the applicable zoning and subdivision regulations and the applicant has reason to know of that action.

(10) Grading of Site Prior to Final Approval:

Subsequent to preliminary approval the developer may apply for a topsoil and excavation permit from the Planning Commission or such other agency or person as the City Council shall direct, and upon receipt of the permit may commence construction to the grades and elevations required by the approved preliminary plat.

(11) Model Homes: For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission at its sole discretion may permit a portion of a major subdivision involving no more than two (2) lots to be created in accordance with the procedures for minor subdivisions, provided the portion derives access from an existing city, county, or state roadway, and provided no future road or other improvement is anticipated where the lots are proposed. The subdivision plat for the "minor" portion shall be submitted to the Planning Commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to preliminary approval, the model homes may be constructed, subject to such additional requirements as the Planning Commission may require.

26-3-5 Amendments to Preliminary Plat: At any time after preliminary plat approval and before submission of a final plat, the applicant may request of the Community Development Director that an amendment be made in the approval or conditional approval of the preliminary plat. Under regulations established by the Planning Commission, the Community Development Director may agree to proposed amendments that are deemed to be minor. If the proposed amendment is major, the Planning Commission shall hold a public hearing on the proposed major amendment in accordance with the same requirements for preliminary plat approval found in Section 3.02. Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Commission shall approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major

amendment under the terms and conditions required by the Commission, the applicant may withdraw the proposed major amendment. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more or increasing density in the subdivision by ten percent (10%) or more. An applicant may not propose more than two (2) amendments-whether major or minor- to any preliminary plat. The Commission shall render a decision on the proposed major amendment within thirty (30) days after the meeting at which the public hearing was held, including any adjourned session, was closed.

26-3-6 Final Subdivision Plat:

(1) Application Procedure and Requirements:

Following the approval of the preliminary plat the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Commission an application for recommendation to the City Council for approval of a subdivision final plat. The application shall:

- (a) Be made on forms available at the Office of the Community Development Director, together with a fee as set forth in the Consolidated Fee Schedule.
- (b) Include the entire subdivision, or section thereof, which derives access from an existing state, county, or City street.
- (c) Be accompanied by a minimum of ten (10) copies of the subdivision plat and the construction plans, as described in these regulations.
- (d) Comply in all respects with the preliminary plat, as approved.
- (e) Be presented to the Community Development Director at least four (4) weeks prior to a regular meeting of the Commission in order that a public meeting may be scheduled.
- (f) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, City uses, utilities, parks, and easements, in a form approved by Clinton City Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication. The applicant shall deliver a full covenant and warranty deed to all dedicated lands and improvements in proper form for recording, together with a title policy for Clinton City in the

sum not less than ten thousand dollars (\$10,000), which sum shall be determined by Clinton City Attorney before signing of the final subdivision plat.

(g) Be accompanied by the subdivision improvement agreement and security, if required, in a form satisfactory to Clinton City Attorney and in an amount established by the City Council upon recommendation of Clinton City Engineer and shall include a provision that the subdivider shall comply with all the terms of the resolution of final subdivision plat approval as determined by the City Council and shall include, but not be limited to, the performance of all required subdivision and offsite improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to Clinton City free and clear of all liens and encumbrances on the premises.

(h) Be accompanied by an inspection fee in an amount to be set from time to time by the City Council and published in the Clinton City Consolidated Fee Schedule and by written assurance from the public utility companies and improvement districts that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission upon preliminary plat approval. The applicant shall also pay for each street sign required in the subdivision as outlined in the Consolidated Fee Schedule.

(2) **Planning Commission Action:** The Planning Commission upon review of the application for subdivision shall forward to the City Council a recommendation for approval, approval with conditions or disapproval. If the Planning Commission has not rendered a decision and made recommendation to the City Council within thirty (30) days after the meeting where the action was intended, including any adjourned date thereof, is closed the final plat shall be forwarded to the City Council for action at the next available hearing.

(3) **Notice of Public Hearing:** Upon recommendation of the Planning Commission the community Development Director shall call a public hearing before the City Council to be held no later than four (4) weeks after the date of recommendation. The Community Development Director shall submit notice for publication in accordance with Section 3.02. The notice shall advise the public that the final plat and all

conforming documents have been received by the Planning Commission and may be reviewed by members of the public who may then submit written comments to the Commission concerning whether final approval should be granted. The notice shall include a deadline for receipt of comments and shall include the date of the public meeting at which final plat approval will be considered.

(4) **Public Hearing and Determination:** After the date of the public hearing, including any adjourned date thereof, is closed the City Council shall, within thirty (30) days from the Official Submission Date for the final subdivision plat, approve or disapprove the subdivision application by resolution which shall set forth in detail any reasons for disapproval. One copy of the final subdivision plat shall be returned to the applicant with the date of approval or disapproval noted on the plat, and, if the plat is disapproved, the reasons for disapproval accompanying the plat.

(5) **Submission and Review:** Subsequent to the resolution of the City Council, seven (7) paper copies of the construction plans and plat, and one (1) copy of the original of the subdivision plat on tracing cloth, and/or reproduction mylar, and one (1) copy of the subdivision plat on a 3.5" disk or CD for electronic transfer to the County and one (1) copy of the subdivision plat on an 11" x 17" paper shall be submitted to the Community Development Director for final review. A check payable to the County Clerk and Recorder in the amount of the current filing fee shall be provided. No final approval shall be endorsed on the plat until a review has indicated that all requirements of the resolution have been met.

26-3-7 Vested Rights and Development Agreements:

(1) **Effect of Approval:** Except as otherwise provided in this Section 3.07, no vested rights shall accrue to the owner or developer of any subdivision by reason of preliminary or final plat approval until the actual signing of the final plat by the Chairman of the Planning Commission and Mayor.

(2) **Effect of Recordation:** Except as otherwise provided in this Section 3.07, no vested rights shall accrue to the owner or developer of any subdivision by virtue of the recordation of a final plat.

(3) **Applicable Laws:** To obtain final plat

approval, the applicant shall be in compliance with all federal and state laws applicable at the time that the final plat is considered for approval by the City Council. The applicant also shall be in compliance with all local laws and regulations applicable at the time that the preliminary plat was submitted to the Planning Commission in accordance with Section 3.04 (or, if a simple subdivision, at the time the sketch plat was submitted to the Community Development Director), except that the applicant shall comply with those local laws and regulations in effect at the time that the final plat is considered for approval by the City Council if the City Council makes a determination on the record that compliance with any of those local laws and regulations is reasonably necessary to protect public health and safety. If the City Council required the applicant to complete public improvements in the subdivision prior to the final plat approval, and the improvements have, in fact, been completed, the applicant may be required to comply with local laws and regulations in effect at the time that the final plat is considered for approval only if the City Council makes a finding on the record that such compliance is necessary to prevent a substantial risk of injury to public health, safety and general welfare.

(4) **Development Agreements:** The City Council is hereby authorized, but under no circumstances is required to, enter into development agreements with individuals and/or entities.

(a) **Requirements:** The City Council may require a development agreement for any development, rehabilitation, reconstruction, or placement of improvements upon any property, for which a permit would be required, for the purpose of:

- (i) Protecting the health, welfare, and safety of the citizenry;
- (ii) Developing or maintaining esthetics within a neighborhood or district;
- (iii) Addressing proposed projects, and the impacts of such projects, which may not have been contemplated by the Code;
- (iv) Addressing issues of the density of developments when required to balance competing interests;
- (v) Refining uses within the development in furtherance of the general plan when considering

neighboring properties;

(vi) Resolving issues regarding unique features or challenges confronting development;

(vii) Protecting sensitive lands;

(viii) Protecting public properties and interests, both tangible and intangible;

(ix) Clarifying the application of code requirements or City standards;

(x) Ensuring adherence to the overall intent of the City Code; and

(xi) For any other purpose consistent herewith; or,

(xii) When mutually agreed upon with the developer.

(b) **General:** The Development Agreement shall constitute a binding contract between the subdivider of the proposed subdivision and the municipality (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this section. The Community Development Director is authorized to negotiate Development Agreements on behalf of the City.

(c) **Covenants:** Any covenant by the municipality contained in the Development Agreement to refrain from exercising any legislative, quasi-legislative, quasi-judicial or other discretionary power, including rezoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period of five (5) years. The covenant shall also contain in provision that the municipality may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.

(d) **Third Party Rights:** Except as otherwise expressly provided in the Development Agreement, the Development Agreement shall create no rights enforceable by any party who/which is not a party to the Development Agreement.

(e) **Limitation on Liability:** The Development Agreement shall contain a clause that any breach of the Development Agreement by the municipality shall give rise only to damages under state contract law and shall not give rise to any liability for violation of the fifth and fourteenth amendments of the U.S. Constitution or similar state constitutional provisions.

(f) **Developer's Compliance:** The Development Agreement shall include a clause that the City's duties under the Agreement are expressly conditioned upon the subdivider's substantial compliance with each and every term, condition, provision, and covenant of the Agreement, all applicable federal, state and local laws and regulations, and its obligations under the subdivision improvement agreement.

(g) **Adoption:** The Development Agreement shall be adopted by the City Council pursuant to applicable state and local laws and shall be recorded in the Recorder's Office of Davis County.

(h) **Incorporation as Matter of Law:** All clauses, covenants, and provisions required by these regulations to be included in a Development Agreement shall be incorporated into the Development Agreement as a matter of law without respect to the intent of the parties.

26-3-8 Signs and Recordations of Subdivision Plat:

(1) Signing of Plat:

(a) When a subdivision improvement agreement and security are required, the Chairman of the Planning Commission and the Mayor shall endorse approval on the final plat after the agreement and security have been approved by the Community Development Director and City Engineer, and all the conditions of the resolution pertaining to the final plat have been satisfied.

(b) When installation of improvement is required prior to recordation of the final plat, the Chairman of the Planning Commission and Mayor shall endorse approval on the final plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to Clinton City as shown by a certificate signed by Clinton City Engineer/Public Facilities Inspector and Clinton City Attorney stating that the necessary dedication of public lands and improvements have been accomplished.

(2) Recordation of Plat:

(a) The Chairman of the Planning Commission and Mayor will sign the tracing cloth or reproducible mylar original of the final subdivision plat.

(b) It shall be the responsibility of the

Community Development Director to file the final plat with the County Recorder's Office within ten (10) days of the date of signature. Simultaneously with the filing of the final plat, the Community Development Director shall record the agreement of dedication together with such legal documents as shall be required to be recorded by Clinton City Attorney.

(3) Phasing Major Subdivision Plats:

(a) Prior to granting preliminary approval of a major subdivision plat, the Planning Commission may permit the plat to be divided into two or more phases and may impose such conditions upon the filing of the phases as it may deem necessary to assure the orderly development of the subdivision. The Planning Commission may require that the subdivision improvement agreement and security be in such amount as is commensurate with the phase or phases of the plat to be filed and may defer the remaining amount of the security until the remaining phases of the plat are offered for filing. The developer may also file irrevocable offers to dedicate streets and public improvements in the phases offered to be filed and defer filing offers of dedication for the remaining phases until those phases, subject to any conditions imposed by the Planning Commission, shall be granted concurrently with final approval of the plat. If phasing is approved a development agreement shall be established between the Developer and City. Such document shall outline the preliminary plat and all obligations of the two parties reached during the preliminary plat approval as well as any items deemed necessary by the City Council. The development agreement shall be recorded at the County Recorder's Office against all property within the subdivision outlined in the preliminary plat prior to recording of any phase of the subdivision. Such phases must contain at least ten percent (10%) of the total number of lots contained in the approved plat. The approval of all remaining phases not filed with the Recorder's Office shall automatically expire unless such phases have been approved for filing by the Planning Commission, all fees paid, all instruments and offers of dedication submitted and subdivision improvement agreements, security and performance bonds, if any, approved and actually filed with the Recorder's Office within three (3) years of the date of preliminary plat approval of the subdivision plat.

26-3-9 Appeals to City Council: The

applicant for subdivision approval may appeal the disapproval of any sketch, preliminary, or final subdivision plat by the Planning Commission by filing a Notice of Appeal with the City Council, with a copy to the Planning Commission, no later than ten (10) days after the date on which the Planning Commission notifies the applicant that it has disapproved the sketch, preliminary, or final subdivision plat. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The appeal shall be considered at the next regularly scheduled public meeting of the City Council, at which time it may affirm or reverse the decision of the Planning Commission only by a unanimous vote of the members of the City Council present at the meeting. On appeal, the applicant shall be allowed to make a presentation to the City Council under such terms, conditions and procedures as established by the City Council. The City Council shall render a decision affirming or reversing the Planning Commission no later than forty-five (45) days after the date on which the Notice of Appeal is presented before the City Council. If the City Council reverses the Planning Commission, the applicant may proceed to submit a preliminary or final plat as is appropriate under the conditions for approval agreed to by the City Council.

26-3-10 Time Periods for Action: Whenever these regulations establish a time period for action by the City Council, Planning Commission, Community Development

Director, such time periods are based upon complete applications, all fees being paid to the City, complete public notices and all necessary approvals and information being provided by other agencies, districts, or parties having specific input to be made on a subdivision. In addition the developer and Community Development Director may reach other timelines as agreed upon to meet the requirements of the City and developer. The City's duty to act is dependent on the applicant's substantial compliance with all applicable application and approval procedures.

26-3-11 Suspension and Invalidation of Final Plat: If the municipality suspends final plat approval for any subdivision plat under these regulations, it shall record a document with the Recorder's Office for Davis County declaring that final approval for the subdivision is suspended and that the further sale, lease, or development of property within the subdivision is prohibited except that this prohibition shall not apply to persons or parties who have acquired property from the subdivider unless the person or party acquiring property meets the definition of "common ownership" in Chapter 2. If any court of competent jurisdiction invalidates final plat approval for any subdivision, the municipality shall record a document with the Recorder's Office for Davis County declaring that the final plat for the subdivision is no longer valid and that further subdivision activity is prohibited.



**CLINTON CITY PLANNING COMMISSON
CITY HALL
2267 North 1500 W Clinton UT 84015**

Planning Commission Members

*Chair – Jacob Briggs
Vice Chair – Bob Buckles
Tony Thompson
Dave Coombs
Jolene Cressall
Jeff Ritchie
Andy Hale*

Date of Meeting	May 3, 2016	Call to Order	7:00 p.m.
Staff Present	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
Citizens Present	There were none.		
Pledge of Allegiance	Commissioner Buckles		
Prayer or Thought	Commissioner Briggs		
Roll Call & Attendance	Present were: Commissioners Jacob Briggs, Bob Buckles, Dave Coombs, Jolene Cressall, Jeff Ritchie and Andy Hale Excused were: Commissioner Thompson		
City Council Report	Mr. Wright reported on the March 8, 2016 City Council meeting as recorded in the minutes.		
Declaration of Conflicts	There were none.		
Approval of Minutes	Commissioner Buckles moved to approve the March 1, 2016 Planning Commission Work Session minutes as amended with two minor grammar corrections on page 2 and page 4. Councilmember Cressall seconded the motion. All those present voted in favor of the motion.		
1. WORK SESSION - SUBDIVISION ORDINANCE REVIEW			
Petitioner	Community Development		
Discussion	Chapter 1. General Provisions		
	26-1-1	Title	
	26-1-2	Policy	
	26-1-3	Public Interest	
	26-1-4	Purpose	
	26-1-5	Concurrency of Utility Services	
	26-1-6	Authority	
	26-1-7	Jurisdiction	
	26-1-8	Enactment	
	26-1-9	Interpretation, Conflict and Severability	
	26-1-10	Saving Provision	
	26-1-11	Reservations and Repeal	
	26-1-12	Amendments	
	26-1-13	Public Purpose	
	26-1-14	Variances, Exceptions, and Waiver of Conditions	
	26-1-15	Enforcement, Violations, and Penalties	
	26-1-16	Constructive Notice of Time Periods	
	<p>26-1-1 Title. In order that land may be subdivided in accordance with the purposes and policies herein, these subdivision regulations are hereby adopted and made effective as of **{the date of this ordinance}. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under the</p>		

regulations existing at the time such application was made unless the City Council determines on the record that application of these regulations is necessary to avoid a risk of injury to public health, safety, and general welfare. These regulations shall officially be known, cited, and referred to as the Subdivision Ordinance of Clinton City.

26-1-2 Policy.

(1) Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this City. The developer has the duty of compliance with reasonable conditions of this Ordinance for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

(2) It is declared to be the policy of the city to consider the subdivision of land and any subsequent development of any portion of a subdivided piece or plat as subject to the control of the City pursuant to the General Plan of the City for the orderly, planned, efficient, and economical development of the City.

(1) (2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as parks, recreational facilities, transportation facilities, and improvements.

(2) (3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the General Plan, Master Land Use Map, master infrastructure plans and the capital budget and program of the City, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the General Plan, Master Land Use Map and land use plan, master infrastructure plans and the capital budget and program of the City.

(3) (4) Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulation(s) identified in Section 26-1-3.

26-1-3 Public Interest. 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 the subdivider shall present evidence to this effect when requested to do so by the Planning Commission.

26-1-4 Purpose. These regulations are adopted for the following purposes:

(1) To protect and provide for the public health, safety, and general welfare of the City.

(2) To guide the future growth and development of the City in accordance with the General Plan.

(3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

(4) To protect the character, the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development.

(5) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(6) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, parks, playgrounds, recreation, and other public

requirements and facilities.

(7) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

(8) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and establishment of survey monuments of subdivided land.

(9) To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services though requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.

(10) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.

(11) To preserve and/or improve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.

(12) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the City.

(13) To ensure that land is subdivided only when subdivisions are necessary to provide for uses of land for which market demand exists and which are in the public interest.

(14) To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision.

(15) To provide for safety and security of residents, subdivisions, commercial properties, and traffic by planning, developing, executing and requiring a city wide street lighting and general lighting design and requirement.

26-1-5 Availability of Utility Services. No development, nor permit for development, shall be granted, approved, or issued unless the necessary public facilities in the applicable area have been determined to exist and have adequate capacity to accommodate the proposed development and are available or are to be available when the development occurs. The applicable area includes all facilities that directly or indirectly deliver the services to or are impacted by the proposed development. Such a determination is to be made by the **Public Works Department based upon the approved infrastructure master plans.**

26-1-6 Authority.

(1) **City Council.** The City Council of the City of Clinton is vested with the authority to approve, amend and approve, conditionally approve or disapprove an application for the final plat of a subdivision of land unless specifically excepted by this ordinance.

(2) **Planning Commission.**

(a) The Planning Commission of Clinton City is vested with the authority to review, approve, conditionally approve and disapprove applications for the preliminary plats of subdivision of land.

(b) The Planning Commission is vested with the responsibility to review and make recommendation to the City Council concerning the approval, conditional approval or disapproval of the final plat of a subdivision of land unless specifically excepted by this ordinance.

(3) Community Development Director.

(a) The Community Development Director of Clinton City is vested with the authority to review, and recommend approval to the Mayor of Clinton City the approval of minor subdivisions of five lots or less which comply with the requirements of Chapter 3.

(b) The Community Development Director is vested with the authority to review with developers and make recommendation concerning the development of sketch plats that will be utilized in the creation of preliminary plats. The efforts of the Community Development Director are intended to assist developers, however recommendations made by the Community Development Director are not binding upon the Commission or Council nor are they to imply approval of any development.

(c) The approval of amendments to subdivisions that do not include vacating rights-of-way or easements and which comply with the requirements of this Title;

(d) The approval of lot line adjustments which comply with the requirements of this Title;

(e) The approval of property combinations which comply with the requirements of this Title;

(f) The approval of transfers, not to include vacation of rights-of-way and easements which comply with the requirements of this Title;

(g) The approval of a Record of Survey Map which complies with the requirements of this Title.

26-1-7 Jurisdiction.

(1) **Applicability.** These regulations apply to all subdivisions of land, as defined in Chapter 2, located within the corporate limits of the City or outside the corporate limits as provided by law.

(2) **Means.** No land may be subdivided through the use of any legal description other than with reference to a plat approved by the City Council, ~~unless specifically excepted by this Ordinance and in accordance with this Ordinance.~~ **in accordance with this Ordinance, except as specifically stated otherwise in this Ordinance.**

(3) Issue of Permits.

(a) The subdivision of any lot or any parcel of land by the use of deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument for the purpose of sale, transfer, lease, or development is prohibited.

(b) No building permit or certificate of occupancy shall be issued, nor shall the City have any obligation to extend utility services to any parcel created in violation of these regulations, for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of this Ordinance, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with this Ordinance and applicable regulations.

~~(c) The Community Development Director shall not grant any permits for excavation or permits for construction or issue plans "Approved for Construction" and the Building Official shall disapprove any petition for a building permit on lands subdivided prior to or following the effective date of these regulations as follows:~~

~~(d) The plat of the subdivided land has been of record after May 10, 1985, and prior to the date of this Ordinance and was not approved in accordance with the provisions of the Ordinance established on that date. The plat of the subdivided land was recorded after the date of this Ordinance without the prior approval of the City as required by this Ordinance.~~

~~(e) The plat of the subdivided land has been of record for more than five (5) years, was approved after the date of this ordinance, and contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped and one or more is nonconforming under the Zoning Ordinance, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider;~~

~~(f) The original subdivider or his successor failed to complete subdivision improvement requirements pursuant to a subdivision improvement agreement entered into when the plat for the subdivided land was approved and the plat contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider; except that this Section 1.05.3.d. shall not apply if the City has obtained possession of sufficient funds from security provided by the subdivider with which to complete construction of improvements in the subdivision.~~

(4) **Requirements.** No land described in this section shall be subdivided or developed until each of the following conditions has ~~occurred~~ **been met** in accordance with these regulations:

(a) The subdivider or his agent has submitted a conforming ~~sketch plat~~, preliminary plat and final plat of the subdivision to the Community Development Director as outlined by this ordinance; and

(b) The subdivider or his agent has obtained approval of the preliminary plat when required, and the final plat as outlined by this ordinance; and

(c) The final plat and construction drawings have been approved for construction by the Clinton City Engineer and the construction drawings have been marked "APPROVED FOR CONSTRUCTION" and issued by the Community Development Department; and

(d) The subdivider or his agent has paid fees associated with the subdivision of property and inspection of improvements related to the development of a subdivision as outlined by this ordinance; and

(e) The subdivider has provided to the City documentation from the Davis and Weber Counties Canal Company indicating that all fees associated with the secondary water system have been paid; and

(f) The subdivider or his agent files and causes to have recorded the **final plat** with the Recorder for Davis County; or the City Council has authorized the subdivider to start construction prior to recording of **the final** plat.

~~(5) No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision and not in substantial conformity with the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.~~

26-1-8 Enactment. In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of ****{the date of this ordinance}**. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations unless the City Council determines on the record that application of these regulations is not necessary to avoid a risk of injury to public health, safety, and general welfare.

26-1-9 Interpretation, Conflict, and Severability.

(1) **Interpretation:** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

(2) **Public Provisions:** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

(3) **Private Provisions:** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions

of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determinations of the Planning Commission or the City Council in approving a subdivision or in enforcing these regulations, **and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions** shall be operative and supplemental to these regulations and the determinations made under the regulations.

(4) **Severability.** If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, as provided by Utah law, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

26-1-10 Saving Provisions. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

26-1-11 Reservations and Repeals. Upon the adoption of these regulations according to law, the Subdivision Regulations of Clinton City adopted April 9, 1985, as amended, are hereby repealed, except to the extent expressly retained in these regulations.

26-1-12 Amendments.

(1) **Amendments to the Ordinance.**

(2) **“This Ordinance may be amended from time to time in accordance with Utah law governing amendments to a land use ordinance, currently found at Utah Code Section 10-9a-503.”** ~~Amendments to the Attachments: Due to the legal nature of the attachments and need for constant monitoring to protect the interest of the City the amendments may be changed by the Community Development Director upon review and recommendation of the Clinton City attorney.~~

~~**26-1-13 Public Purpose.** Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this City. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission as adopted by the City Council for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.~~

~~**26-1-14 Variances, Exceptions, and Waiver of Conditions.**~~

~~Any person or entity desiring a waiver or modification of the requirements of this Ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Board of Zoning Adjustments for a variance from the terms of the Ordinance. The Board of Zoning Adjustments is bound by Utah law governing variances, currently found at Utah Code Section 10-9a-702, and may only grant a variance if the application meets the requirements found therein.~~

(1) ~~**General.** Where the City Council, upon the recommendation of the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial~~

justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City Council shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) ~~The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;~~
- (b) ~~The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;~~
- (c) ~~Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;~~
- (d) ~~The relief sought will not in any manner vary the provisions of the Zoning Ordinance, General Plan, or Master Land Use Map, except that those documents may be amended in the manner prescribed by law.~~

(2) **Conditions.** ~~In approving variances, exceptions, or waivers of conditions, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.03.~~

(3) **Procedures.** ~~A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filed with the Community Development Department for presentation to and consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The petition shall be accompanied by a fee as set forward in the Clinton City Consolidated Fee Schedule. The Planning Commission will make recommendation to the City Council concerning the approval with any recommended conditions or disapproval of any petition for variance.~~

26-1-15 Development Guidelines and Design Standards. The Community Development Director with the assistance of the City Engineer, or a designee of the City Engineer, is hereby authorized to draft, approve, adopt, and interpret, a set of development guidelines and design standards for subdivision approvals in the City. Such guidelines and standards may be amended from time to time as determined necessary by the Community Development Director and City Engineer. The standards and guidelines shall be based upon reasonable engineering standards and practices. Any appeal from a guideline or design standard imposed by the guidelines and standards, shall be made to the Board of Adjustment, pursuant to **Chapter 10** of the Zoning Ordinance of the City of Clinton.

26-1-16 Enforcement, Violations, and Penalties.

(1) **General.**

(a) It shall be the duty of the Community Development Director to enforce these requirements and to bring to the attention of the City Attorney or his designated agent any violations of these regulations.

(A) **No owner or agent of the owner, of any parcel of the land located in a final plat of a subdivision that has been approved by the Land Use Authority in accordance with the provisions of these regulations may transfer or sell any part of the parcel before the final plat has been recorded with the Davis County Recorder's Office.**

(b) The subdivision of any lot or any parcel of land by the use of deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument for the purpose of sale, transfer, lease, or development is prohibited.

(c) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the City have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of the provisions of these regulations, nor shall the City have any obligation to issue certificates of occupancy or to

	<p>extend utility services to any parcel created in violation of these regulations.</p> <p>(2) <u>Inspections.</u> Appropriate departments of Clinton City shall inspect or cause to be inspected all buildings, streets, cement work, fire hydrants, and water supply, storm water disposal and waste water disposal systems in the course of construction, installation or repair. Excavation for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by Clinton City. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector. Funds held in bond or escrow will not be released for any work that has not been inspected by the appropriate City Department. Fees related to inspections shall be paid by the subdivider, developer or his representative as outlined in the Consolidated Fee Schedule.</p> <p>(3) <u>Violations and Penalties.</u> Any violations of this Ordinance shall be a Class ‘C’ misdemeanor.</p> <p>Where applicable, each day of noncompliance shall constitute a separate violation.</p> <p>(4) <u>Civil Enforcement.</u> Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.</p> <p><u>26-1-17 Constructive Notice of Time Periods.</u> All land owners, subdividers, contractors, developers, or applicants are obligated to be aware of and are deemed to have constructive notice of all time periods and/or deadlines and the effect of noncompliance with said time periods and/or deadlines as set forth in this Ordinance relating to the application, processing and approval or other action relating to the development and subdivision of a project.</p> <p>(4) Nothing in this Ordinance shall be construed as requiring the City to take any affirmative action to notify land owners, subdividers, developers, owners, builders, or applicants of any time periods and/or deadlines or the effect of noncompliance with said processing requirements set forth in this Ordinance relating to the processing and approval or other action relating to the development and subdivision of a project.</p>
<p>Commissioners Issues and Concerns</p>	<ul style="list-style-type: none"> • <i>There were none.</i>
<p>ADJOURNMENT</p>	<p>Commissioner Buckles moved to adjourn. Commissioner Coombs seconded the motion. All those present voted in favor, the meeting adjourned at 9:16 p.m.</p>