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SUBDIVISION STANDARDS

FOR

CLINTON CITY

TITLE 26: SUBDIVISION STANDARDS

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Chapter 1. General Provisions

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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 December 13, 2016. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under the 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.

(3) 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 unless adequate public facilities and improvements will exist to properly provide for drainage, water, sewerage, and capital improvements such as parks, recreational facilities, transportation facilities, and improvements.

(4) The existing and proposed public improvements shall conform to and be properly related to the master infrastructure plans and the capital budget and program of the City. 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 26-1-4.

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 by 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 remedy the problems associated with inappropriately subdivided lands.

(14) 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 Land Use 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. The Board of Zoning Adjustment is the appeal authority to hear and decide appeals from decisions regarding final plats.

(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. The City Council is the appeal authority to hear and decide appeals from decisions regarding preliminary plats.

(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. The Community Development Director of Clinton City is vested with the authority to:

(a) Review and recommend approval to the Mayor of Clinton City the approval of minor subdivisions of three (3) lots or less which comply with the requirements of Chapter 3.

(b) Review conceptual plats proposed by developers to be utilized in the creation of a preliminary plat. The efforts of the Community Development Director are intended to assist developers. However discussions with the Community Development

Director are not binding upon the Commission or Council nor are they to imply approval of any development.

- (c) Approve amendments to subdivisions that do not include vacating rights-of-way or easements and which comply with the requirements of this Title;
- (d) Approve lot line adjustments which comply with the requirements of this Title;
- (e) Approve property combinations which comply with the requirements of this Title;
- (f) Approve transfers, not to include vacation of rights-of-way and easements which comply with the requirements of this Title;

The Board of Zoning Adjustment is the appeal authority to hear and decide appeals for the above decisions.

26-1-7 Jurisdiction.

- (1) Applicability. These regulations apply to all subdivisions of land, as defined ~~herein and~~ 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, in accordance with this Ordinance, except as specifically stated otherwise in this Ordinance.
- (3) Issue of Permits. 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 unless otherwise allowed by law.
- (4) Requirements. No land described in this section shall be subdivided or developed until each of the following conditions has been met in accordance with these regulations:
 - (a) The subdivider or his agent has submitted a conforming 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.

26-1-8 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.

(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.

26-1-9 Savings Provision. 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.

26-1-10 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.

26-1-11 Amendments.

(1) Amendments to the Ordinance.

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.

26-1-12 Variances.

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.

26-1-13 Development Guidelines and Design Standards. The Community Development Director with the assistance of the City Engineer or a designee of the City Engineer may draft, interpret and

recommend a set of development guidelines and design standards for subdivision approvals in the City. Such guidelines and standards are subject to approval by the City Council. 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.

26-1-14 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.

(b) 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.

(2) Inspections. 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, 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.

(3) Violations and Penalties. Any violations of this Ordinance shall be a Class 'C' misdemeanor. Where applicable, each day of noncompliance shall constitute a separate violation.

(4) Civil Enforcement. 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.

26-1-15 Constructive Notice of Time Periods.

(1) 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.

(2) 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.

Section 2. Definitions

26-2-1 Usage
26-2-1 Definitions

26-2-1 Usage:

(1) For the purpose of these regulations, certain, numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

(2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural include singular; the word “herein: means “in these regulations”; the word “regulations” means “these regulations”.

26-2-2 Definitions:

“Adjacent Landowners” Any property owner of record, according to the records of the County Recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

“Alley” A public or private right-of-way which is less than 26 feet wide primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

“Applicant” The owner of land proposed to be subdivided or its representative. A representative shall be required to provide legal documentation to prove he has consent from the legal owner or the property.

“Block” A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads rights-of-way, or boundary lines of municipalities.

“Bona Fide Division of Partition of Agricultural Land for Agricultural Purposes” The division of a parcel of land into two or more lots or parcels, none of which is less than ten (10) acres in area, and provided that no dedication of any streets is required to serve any such lots or parcels of agricultural land so created and providing that each lot or parcel has the minimum required frontage on an existing city street with the required, dedicated right-of-way. Refer to the Clinton City Major Street Plan for street

designations. Such a lot is an agricultural lot, reference the Zoning Ordinance.

“Bond” Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council whenever a bond is required by these regulations.

“Building” Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and includes any structure.

“Capital Improvements Program” A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual City’s operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

“City” Clinton City, Utah

“City Council” The City Council of Clinton City, Utah.

“City Engineer” A professional, registered engineer retained by Clinton City, Utah.

“Construction Plan” The maps or drawing accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City Council as a condition of the approval of the plat.

“Developer” The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations. See Subdivider.

“Easement” Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

“Frontage” All the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street

shall determine only the boundary of the frontage of the side of the street which it intercepts.

“Grade” The slope of a road, street, or other public way specified in percentage (%) terms.

“Joint Ownership” Joint ownership among persons shall be construed as the same owner; “constructive ownership” for the purpose of imposing subdivision relations.

“Lot, Agricultural, Building, Corner, Interior, Development Standards” refer to the Zoning Ordinance of the City of Clinton.

“Lot Improvement” Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property or any part of such betterment. Certain lot improvements shall be properly bonded or escrowed as provided in these regulations.

“Major Street Plan” See Official Map.

“Master Plan” A comprehensive plan for development of the City, prepared and adopted by the Planning Commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

“Minor Subdivision” Any subdivision containing not more than five (5) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the General Plan, Official Map, Zoning Ordinance, or these regulations.

“Off-Site Facilities/Improvements” Improvements not on individual lots but generally within the boundaries of the subdivision which they serve. Off-site facilities are indicated on the construction drawings, plat and outlined in the subdivider’s escrow agreement, agreements with secondary water companies, public utility companies, covenants conditions and restrictions, irrigation companies and/or similar agreements.

“Official Map” The map established by the City Council pursuant to law showing the streets, highways, parks, drainage systems, and setback lines theretofore laid out, adopted, and established by law, and any amendments or additions to adopted by the City Council.

“Owner” Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

“Parcel of Land” Contiguous quantity of land, in possession of, or owned by, or recorded as the property of, the same claimant person. Land in one ownership, but physically divided by a public highway, road or street, in not considered contiguous under this definition, and may therefore be used as two (2) or more individual parcels of land.

“Planning Commission” The City Planning Commission of Clinton City.

“Planning Staff” Professional City Staff or hired consultants charged with administering the planning activities of the City.

“Plat” A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

“Plat, Final” A proposed subdivision drawn accurately to scale and which has all measurements, data, certificates and dedications thereon, which are required for approval and acceptance by the proper agencies and for recording in the office of the County Recorder.

“Plat, Preliminary” The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

“Plat, Sketch” A sketch preparatory to the preparation of the preliminary plat (or subdivision plat in the case of minor subdivisions) to enable the developer to save time and expense in reaching general agreement with the Planning Staff as to the form of the plat and the objectives of these regulations.

“Property, Intervening” Property located between the existing utilities and public service facilities, and the property under development.

“Protection Strip” A strip of land bordering both the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access to the street of property owners abutting the subdivision.

“Public Improvements” Any drainage ditch, subsurface drainage system, storm drainage system, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement, or other facility for which the City must ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the City responsibility is established. All such improvements shall be properly bonded or escrowed.

“Public Notice, Sign” A two (2) foot by two (2) foot sign which, in contrasting letters announces a public hearing, the phone number at the city offices where additional information may be obtained, and a copy of the notice of public hearing. Lettering will be of contrasting color to the background and “Public Notice” will be three (3) inch tall letters, the phone number will be one and one-half (1½) inch tall letters. The copy of the public notice will be on an 8½” x 11” piece of paper contained in a weather resistant, transparent cover.

“Resubdivision” Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

“Right-of-Way” A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

“Road” (See Street)

“Screening” Either (a) a strip at least five (5) feet wide of densely planted (or having equivalent natural growth) shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high.

“Street” A thoroughfare which has been dedicated or abandoned to the public and accepted by proper

public authority, or a thoroughfare not less than twenty-six (26) feet wide which has been made public by right of use and which affords the principal access to abutting property.

“Street, Arterial” A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the Major Street Plan as a controlled-access highway, major street, parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.

“Street, Collector” A street, existing or proposed, of considerable continuity, which is the main means of access to the Major Street System.

“Street, Cul-de-sac” A minor terminal street provided with a turnaround with a 100-foot minimum diameter. Cul-de-sac streets shall not be any longer than four hundred feet (400’) from the centerline of the adjoining street to the center of the turnaround, and cannot provide frontage for more than fifteen (15) dwelling units.

“Street, Minor” A street, existing or proposed, which is supplementary to a collector street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.

“Street, Private” A thoroughfare within a subdivision which has been reserved by dedication unto the developer or lot owners to be used as a private access to serve the lots platted within the subdivision. Private streets shall comply with the adopted street cross section standards of the City and shall be maintained by the developer or other private agency.

“Subdivision” The division of any tract, lot, or parcel of land as an undivided tract by one individual, or by joint tenants, or tenants in common or by the entirety, into two (2) or more lots, plots, sites, parts, or other divisions of land for the purpose, whether immediate or future, of sale, lease, or of building development. This definition shall not include bona fide division or partition of agricultural land for agricultural purpose, or to a court decree for the distribution of property. The word “subdivide” and any derivative thereof shall have reference to the term “subdivision” as herein defined.

“Subdivision, Minor” A “minor subdivision” shall be any division of land which: (1) consists of fewer than (5) lots; (2) does not require the dedication of any land for streets or other public uses; (3) will not be traversed or abutted by a proposed street or a street to be widened as portrayed on the Major Street Plan or on the Official Map; (4) each of the lots

complies with the width and area requirements of the Zoning Ordinances; and (5) the lots are not part of a minor subdivision approved less than three years earlier.

“Utilities” Gas lines, culinary water lines, sewer lines, electric power transmission lines, telephone transmission lines, with all poles, wires, pipes, guy wires, bracing, pertaining thereto, and irrigation water.

“Zoning Ordinances” The Zoning Ordinances for Clinton City, as adopted and amended by the City Council.

**Chapter 3. Subdivision Application Procedure
and Approval Process**

- 26-3-1 General Procedure
- 26-3-2 Notice of Public Hearing
- 26-3-3 Preliminary Plat
- 26-3-4 Amendments to Preliminary Plat
- 26-3-5 Final Subdivision Plat
- 26-3-6 Vested Rights and Development
Agreements
- 26-3-7 Signing and Recordation of Subdivision
Plat
- 26-3-8 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 one (1) principal step for a minor subdivision and two (2) principal steps for a major subdivision:

- (a) Minor Subdivision.
 - (i) Final Subdivision Plat
- (b) Major Subdivision.
 - (i) Preliminary Plat
 - (ii) Final Subdivision Plat

(2) Discussion of Requirements: Before preparing the plat, either preliminary or final for a 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. The Community Development Director shall determine whether the development constitutes a minor or major subdivision and notify the applicant of the classification within thirty (30) working days.

26-3-2 Notice of Public Hearing.

(1) Notice: Notice of City Council, Planning Commission or other meetings, addressing the subdivision of land which requires Public Notice, the required notice shall be provided as required by Utah Code 10-9a-205.

(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 Preliminary Plat.

(1) Phasing Major Subdivision Plats: A preliminary plat may be divided into two or more phases and the Planning Commission may impose such conditions upon the filing of the phases as it may deem necessary to assure the orderly development of the subdivision.

(2) Application Procedure and Requirements: The application for preliminary plat 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 if applicable, 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 six (6) copies of the existing condition drawings as described in these regulations;
- (d) Be accompanied by a minimum of six (6) copies of the complete preliminary plat as described in these regulations;
- (e) Be accompanied by a minimum of six (6) 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; and

(g) Be presented to the Community Development Director a minimum of four (4) weeks prior to a regular meeting of the Planning Commission.

(3) Public Hearing: Upon determination that the application for preliminary plat is complete, the Community Development Director shall notice a public hearing before the Planning Commission in accordance with 26-3-2.

(4) 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 Planning Commission shall approve, conditionally approve, or disapprove the preliminary plat. 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. If the preliminary plat is disapproved by the Planning Commission, the applicant may appeal to the City Council as provided in 26-1-6(2)(a). 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.

(5) 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 on public health, safety, and welfare.

(6) Disapproval on Appropriate Findings: The Planning Commission is authorized to disapprove the preliminary plat based on findings 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) 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.

(8) 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.

(9) Grading of Site Prior to Final Approval: Subsequent to preliminary approval the developer may apply for a topsoil and excavation permit from the City 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.

(10) **Model Homes:** For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission 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 final plat for the "minor" portion shall be submitted to the Planning Commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to final approval by the City Council the model homes may be constructed, subject to such additional requirements as the Planning Commission may require.

26-3-4 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. The Community Development Director may authorize the 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 notice requirements found in Section 26-3-2. Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Planning 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 Planning 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) major amendments to any preliminary plat. The Planning Commission shall, approve, conditionally approve, or disapprove the proposed major amendment.

26-3-5 Final Subdivision Plat.

(1) **Application Procedure and Requirements:** Following the approval of the preliminary plat the applicant, if wishing 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 six (6) 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 the Clinton City Attorney and in an amount established by the City Council upon recommendation of the 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.

(2) 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. See 26-5-3(1)(j) for required subdivision street signs.

(3) **Planning Commission Action:** Following the public hearing noticed in accordance with 26-3-2, the Planning Commission will review the application for subdivision and shall forward to the City Council a recommendation for approval, approval with conditions or disapproval.

(4) **Notice of Public Hearing:** Upon recommendation of the Planning Commission the Community Development Director shall notice a public hearing before the City Council in accordance with 26-3-2.

(5) **Public Hearing and Determination:** After the date of the public hearing, including any adjourned date thereof, is closed, the City Council shall 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.

(6) **Submission Requirements:** Subsequent to the resolution of the City Council, six (6) 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) electronic file of the subdivision plat 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 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.

(7) **Minor Subdivision:** In the case of a minor subdivision, the foregoing requirements apply, except for the following:

(a) the application for final plat is filed with the Community Development Director without first seeking preliminary plat approval;

(b) the notice shall be posted in the same manner as identified in 26-3-2, but will identify an opportunity for the public to submit comments on the application to the Community Development Director;

(c) following the public comment period, the Community Development Director will review the application for minor subdivision and shall forward to the Mayor a recommendation for approval, approval with conditions or disapproval.

26-3-6 Vested Rights and Development Agreements.

(1) **Effect of Approval:** Except as otherwise provided in this Section 3-6, 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 Mayor.

(2) **Effect of Recordation:** Except as otherwise provided in this Section 3-6, 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 3-3, 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.

(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 enter into 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 aesthetics 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 a 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 approved 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.

26-3-7 Signing and Recordation of Subdivision Plat:

(1) Signing of Plat:

(a) When a subdivision improvement agreement and security are required, 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 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: 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 the last signature on the final plat. 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 the Clinton City Attorney.

26-3-8 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 City 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.

Chapter 4 Assurance for Completion and Maintenance of Improvements

- 26-4-1** Improvements and Subdivision Improvement Agreement
- 26-4-2** Inspection of Improvements
- 26-4-3** Acceptance of Off-Site Improvements
- 26-4-4** Deferral or Waiver of Required Improvements
- 26-4-5** Escrow Deposits for Lot Improvements
- 26-4-6** Issuance of Building Permits and Certificates of Occupancy

26-4-1 Improvements and Subdivision Improvement Agreement:

(1) **Completion of Improvements:** Before the final plat of the subdivision is signed by the Mayor or recorded with the Davis County Recorder's Office, all subdividers shall be required to either complete and dedicate all the necessary public improvements or establish a Subdivision Improvement Agreement (SIA) and Cash Escrow as outlined in this Chapter. These improvements include all street, sanitary and other public improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, specified in the final plat of the subdivision and approved construction drawings. The subdivider is to dedicate these public improvements to the City free and clear of all liens and encumbrances on the dedicated property and public improvements.

(2) **Subdivision Improvement Agreement and Guarantee:**

(a) **Agreement:** If the subdivider chooses to enter into a SIA with the City for the subdivision public improvements, the Community Development Director may permit the subdivider to enter into a SIA by which the subdivider covenants to complete all required public improvements no later than two (2) years following the date on which the Council approves the final plat of the subdivision. Additionally, at the time of City Council Conditional Approval of these public improvements, the subdivider shall warrant, as defined in Utah Code 10-9a-103(19), that they shall be free from defect for a one (1) year period following the Conditional Acceptance. The SIA shall contain such other terms and conditions agreed to by the subdivider and the City Council.

(b) **Security:** Whenever the Community Development Director permits a subdivider to enter into a SIA, it shall require the subdivider to provide a cash escrow as security for the promises contained in the SIA. The cash escrow shall be in an amount equal to one hundred ten percent (110%) of the estimated cost of completion of the required public improvements, including lot improvements. The estimated cost shall be reviewed and verified by the City Engineer. The escrow agent shall be a state-licensed institution approved to conduct business in this capacity and must be acceptable to the Community Development Director. The subdivider may also have a cash escrow with the City, but without interest amenities available with banks.

(c) **Cash Escrow:** When the subdivider posts a cash escrow as security for its promises contained in the SIA, the escrow instructions shall provide:

(i) That the subdivider will have no right to a return of any of the funds except as provided in section 26-4-2(2).

(ii) That should the subdivider fail or refuse to make the improvements required as outlined in this SIA, the City Subdivision Ordinance or approved construction drawings within two (2) years following the date on which the Council approves the final subdivision plat, the City may declare the funds on deposit with the Escrow Agent forfeited, and the escrow agent shall have a legal duty to deliver the proceeds of the account [see 26-4-1(6) (b)]. The funds shall be used to install the improvements required by the City Subdivision Ordinance and approved construction drawings. If these escrowed funds prove to be insufficient for the improvement construction, the City shall follow the basic format found in subsection (d). If the additional funding is not received by the City within the allotted time, the City may place a lien against the subdivision property for the unpaid amount plus administrative fees.

(d) **Escrow Deficiency:** If at any time prior to completion of the subdivision by the subdivider or acceptance of the improvements by the City, the City determines the amount held in escrow (exclusive of the 10% reserve) is not sufficient to complete the needed improvements, the subdivider shall put such additional amounts into escrow within 30 days of receiving written notice from the City.

(e) **Appeal:** The subdivider may request a hearing before the City Council for a review of the decision of the Community Development Director, Public Works Inspector or City Engineer or upon action by the City to seize a cash escrow, provided said request is made in writing and served by certified mail within

thirty (30) days after written notification of any nonconformity with City ordinances, rules, regulations, requirements and standards or the SIA or Approved Construction Drawing or as to the insufficiency of any work.

If and when the City conditionally accepts the offer of dedication for the last completed required public improvement, the City shall execute a waiver of its right to receive all but ten percent (10%) of the funds represented by the cash escrow, if the subdivider is not in breach of the SIA. This ten percent (10%) of the original funds shall be held as security for the subdivider's covenant to maintain the required public improvements for the required time period and its warranty that they are free from defect.

(3) **Temporary Improvement:** If temporary improvements are required for the subdivision, the subdivider shall build and pay for all costs of such temporary improvements required by the Council and shall maintain those temporary improvements for the period specified by the Council. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate Subdivision Improvement Agreement and a cash escrow in an appropriate amount for the temporary facilities to be properly constructed, maintained, and removed.

(4) **Required Improvements:** All required improvements shall be made by the subdivider or developer, at their expense, without reimbursement by the City or any improvement district except that, as may be allowed under state law and approved by the Council.

(5) **Governmental Units:** Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Ordinance.

(6) **Failure to Complete Improvement:**

(a) Prior to the end of the SIA two-year improvement construction period, the City Council may grant an extension of up to one (1) additional year for completion of the improvements within the subdivision. The subdivider in writing shall make application for an extension with a copy provided to the Escrow Agent of record, if any. Upon action by the Council, the Community Development Director shall notify the subdivider and Escrow Agent of any action taken by the Council. The decision to grant any extension period shall be within the sole discretion of the Council.

(b) In those cases where no time extension has been granted and a SIA escrow is in effect, the City may then:

(i) Declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at that time;

(ii) Obtain funds under the escrow and complete improvements itself or through a third party;

(iii) Assign its right to receive funds under the escrow to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, after that subsequent owner posts his own escrow for those same uncompleted improvements; or

(iv) Exercise any other rights available under the law.

(7) **Acceptance of Dedication Offers:** Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by resolution of the City Council as part of the subdivision final plat approval and authorization of the Mayor to sign the final plat. The approval of a subdivision plat by the Planning Commission or Council, whether preliminary or final, shall not be deemed to constitute or imply the acceptance by the City of any required public improvements. The Council may require the final plat to be endorsed with appropriate notes to this effect.

26-4-2 Inspection of Improvements:

(1) **General Procedure and Fees:** The Public Works Inspector shall inspect required improvements during construction and ensure their satisfactory completion. The subdivider shall pay to the City an inspection fee based on the estimated cost of inspection. Where the improvements are completed prior to approval of the final plat of the subdivision, the subdivision plat shall not be signed by the Mayor unless the inspection fee has been paid. These fees shall be due and payable upon demand of the Community Development Director and no building permits nor certificates of occupancy shall be issued until all fees are paid. The amount of the fees shall be established by resolution, from time to time by the Council and included in the Consolidated Fee Schedule. If the Public Works Inspector finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the municipality's construction standards, specifications or approved construction drawings, the subdivider shall be responsible for properly completing the improvements.

(2) **Release or Reduction of Security:** The Community Development Director may release funds from an established escrow in an amount equal to that set in the SIA for said improvements. Prior to release of any funds the Public Works Inspector shall inspect all improvements for which the release of funds is being requested and verify proper material, construction, and compliance with city standards and approved construction drawings. For improvements that are not to be City owned, infrastructure inspection shall be done by and verified by an inspector authorized by the appropriate utility. The amount of the escrow shall be reduced upon satisfactory inspection of the public improvements and then only to the ratio that the cost of the public improvement inspected bears to the total cost of public improvements for the subdivision. In no event shall a release be greater than the amount of the inspected item established in the escrow nor shall the cash escrow be reduced below ten percent (10%) of the principal amount.

26-4-3 Acceptance of Off-Site Improvements:

(1) **Conditional Acceptance of Improvements:** The City Council will not conditionally accept dedication of required improvements, release nor reduce the amount of any security posted by the subdivider until the Public Works Inspector has submitted a certificate stating that all required improvements have been satisfactorily completed and until:

(a) The Community Development Director has verified that all fees, charges, transfers, and deposits related to the development have been paid to the City;

(b) The subdivider's engineer or surveyor has certified to the Public Works Inspector, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Public Works Inspector, that the layout of the line and grade of all public improvements are in accordance with construction plans for the subdivision;

(c) A title insurance policy has been furnished to and approved by the Community Development Director indicating that the improvements have been completed, are ready for dedication to the City, and are free and clear of any and all liens and encumbrances; and

(d) Upon such approval and recommendation by the Public Works Inspector, the Community Development Director shall present to the City Council and the Council shall thereafter conditionally

accept the improvements in accordance with the established procedure.

(2) **Special Exceptions to Conditional Acceptance:**

(a) The subdivider or developer shall be required to maintain all required public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until Final Acceptance of the improvements by the City Council.

(b) If there are any certificates of occupancy on a street not dedicated to the City, the City may, on twelve (12) hours notice, plow the street or effect emergency repairs and charge those costs to the subdivider or developer.

(c) At the time of conditional acceptance the City Council may hold back, in addition to the required guarantee funds, the amount for seal coat, provided that the season is not right for seal coat, and the subdivider has indicated his willingness to participate in the City annual seal coat contract.

(3) **Final Acceptance:**

(a) The subdivider shall initiate the request for final acceptance of all improvements no earlier than one year after conditional acceptance. Final inspection by the Public Works Inspector shall be made upon the request of the subdivider. All defects as noted in the final inspection report of the Inspector shall be corrected to the satisfaction of the Inspector. After any defects are corrected and confirmed by the Inspector, final acceptance of public improvements shall be sent to the City Council for their action.

(b) Where the time required to complete the defects and repairs identified by the Public Works Inspector extends past the normal one (1) year conditional acceptance time period, the subdivider shall be required to extend the guarantee period until such time as the defects and repairs are confirmed complete by the Inspector and the City Council has formally approved final acceptance of all the public improvements.

(4) **Authority to Release:** Funds held in the escrow account after conditional acceptance shall not be released to the subdivider, except upon express written instructions of the City after final acceptance by the City.

26-4-4 Deferral or Waiver of Required Improvements:

(1) **City Council Action:** The Council may defer or waive, at the time of approval of the final plat of the subdivision, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not requisite in the interests of the

public health, safety, and general welfare, or which are inappropriate because of the inadequacy or non-existence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.

(2) **Subdivider's Obligation:** In the rare occasion it is deemed necessary by the Council to defer the construction of any improvement required under these regulations because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his share of the cost of the future improvements to the City prior to signing of the final plat of the subdivision by the Mayor, or the developer may execute a separate SIA secured by a cash escrow guaranteeing completion of the deferred improvements upon demand of the City.

26-4-5 Escrow Deposits for Lot Improvements:

(1) **Non-Developer Builders:**

(a) Builders seeking a building permit in a subdivision that they are not the guarantor for, shall deposit with the City a cash escrow in the amount established by resolution by the Council and published in the Consolidated Fee Schedule. Said cash escrow shall be paid at the time a building permit is issued and shall insure and guarantee the lot improvements from damage during construction. Such improvements include but are not limited to curb, gutter, sidewalk, water meter structures, streetlights, grading, and other on lot improvements.

(b) Escrows deposited by non-developer builders shall not be returned until a structure has passed final inspection, a certificate of occupancy has been issued and the Public Facilities/Building Inspector has approved all lot improvements. Once authorized, escrows shall be returned to the person paying for the building permit by the end of the month following the date of authorization of approval for release. No interest shall be paid at the time of release of escrows deposited with the City.

(2) **Acceptance of Escrow Funds:** Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, a certificate of occupancy may be issued, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the Community Development Director for the cost of the needed lot improvements. The SIA and escrow funds covering the lot improvements shall remain in full force and effect.

(3) **Procedures on Escrow Fund:** All required improvements for which escrow monies have been accepted by the Community Development Director at the time of issuance of a certificate of occupancy shall be installed by the subdivider within a period of six (6) months from the date of deposit and issuance of the certificate of occupancy. If the improvements have not been properly installed at the end of the time period, the Community Development Director shall give two (2) weeks written notice to the developer requiring it to install the improvements, and if they are not then installed properly, the Community Development Director may request the Council to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the City, the builder shall obtain and file with the City prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the City to have the improvements installed at the end of the six-month period if the improvements have not been duly installed by the subdivider.

(4) **Escrow With Authorized Agent:**

(a) The Community Development Director may accept proof of an escrow, established with a state licensed title company that guarantees any lot improvements required by the subdivision regulations. The escrow shall guarantee any lot improvements not completed due to seasonal conditions as outlined in 26-4-5(2) above. Upon acceptance of the Title Company escrow, the certificate of occupancy may be issued, provided there is no danger to health, safety, or general welfare. The amount of the escrow is to be determined by Community Development Director for the cost of the lot improvements being escrowed.

(b) The guarantee from the Title Company shall state that the Title Company will have the required improvements installed by a professional contractor upon demand of the City.

26-4-6 Issuance of Building Permits and Certificates of Occupancy:

(1) **Escrow Funds Required:** When an escrow has not been provided for a subdivision, no building permit or certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the City unless otherwise stipulated

in the Council's approval of the final plat of the subdivision.

(2) **Street Improvements Required:** The extent of street improvement shall be adequate for vehicular access by the prospective occupant(s) and by police and fire equipment prior to the issuance of a certificate of occupancy. For the purposes of this section, adequate generally means "Hard Surfaced", however at the discretion of the Fire Chief and Community Development Director a temporary certificate of occupancy may be granted under the following conditions:

(a) The developer can show that asphalt for the subdivision has been scheduled;

(b) All underground improvements that would cause a street to be dug in are installed and inspected and approved by the Public Works Inspector; and

(c) Required road base is to be installed and compacted, and it may be reasonably assumed that the weather will not preclude access to a structure. Prior to the temporary certificate of occupancy being issued the developer shall provide a letter to the City signed by the occupants and stating that they are aware of limitations of service and that the City will not service the roadway until after the subdivision improvements receive final acceptance from the City Council.

**Chapter 5. Requirements for Improvements,
Reservations, and Design**

- 26-5-1 General Improvements
- 26-5-2 Lot Improvements
- 26-5-3 Roads
- 26-5-4 Drainage and Storm Sewers
- 26-5-5 Subsurface Drainage
- 26-5-6 Water Facilities
- 26-5-7 Secondary Water System
- 26-5-8 Sewerage Facilities
- 26-5-9 Sidewalks
- 26-5-10 Utilities
- 26-5-11 Public Uses
- 26-5-12 Irrigation Water
- 26-5-13 Preservation of Natural Features and Amenities
- 26-5-14 Nonresidential Subdivisions

26-5-1 General Improvements:

(1) Conformance to Applicable Rules and Regulations: In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- (a) All applicable statutory provisions.
- (b) The Clinton City Zoning Ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdictions.
- (c) The Official Master Plan, Official Street Map, and Capital Facilities Plan of the City including all streets, drainage systems and parks shown on the Official Street Map or Master Plan as adopted.
- (d) The special requirements of these regulations and any rules of the Health Department and/or appropriate state or substate agencies.
- (e) Secondary Water: All properties and buildable lots shall be connected to the Davis and Weber Counties Canal Company or current managers of the system pressure irrigation system. There shall be no physical connection between a public or private potable water supply system and a secondary water pressure irrigations system.
- (f) The Clinton City Development Standards.
- (g) Secondary Water: All properties and buildable lots shall be connected to the Davis and Weber Counties Canal Company or current managers of the system pressure irrigation system. There shall be no physical connection between a public or private potable water supply system and a secondary water pressure irrigations system.

(2) Self-Imposed Restrictions: If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference to those restrictions shall be required to be indicated on the subdivision plat, or be recorded with the Davis County Recorder in a form to be approved by Clinton City Attorney.

(3) Plats Straddling Municipal Boundaries: Whenever access to the subdivision is required across land in another local government, the Planning Commission may request assurance from Clinton City Attorney that access is legally established, and from Clinton City Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.

(4) Monuments: The applicant shall place permanent reference monuments in the subdivision as required in these regulations and as approved by the City Engineer.

(a) Monuments shall be located on street right-of-way lines, at street intersections, angle points of curve and block corner. They shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

(b) All monuments required by these regulations shall be set flush with the ground and planted in such a manner that they will not be removed by frost. All monuments in the right-of-way shall be constructed as outlined in the Engineering and standard Specifications and Standard Drawings of Clinton City.

(c) All monuments shall be properly set in the ground and approved by the City Engineer or his representative prior to the time the City Council grants conditional acceptance of the subdivision.

(5) Character of the Land: Land that the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of Clinton City Engineer, to solve

the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare.

(6) **Soil Conditions:** Buildings or structures shall not be sited on soft or unsuitable soils, where there is a high water table, or a site subject to flooding or on uncompacted fill in accordance with the Engineering and Standard Specifications and Standard Drawings of Clinton City.

26-5-2 Lot Improvements:

(1) **Lot Arrangement:** The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on the lots from an approved street.

(2) **Lot Dimensions:** Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Ordinance and these regulation. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plat. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

(3) **Double Frontage Lots and Access to Lots:**

(a) **Double Frontage Lots:** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterial or to overcome specific disadvantages of topography and orientation.

(b) **Access from Major and Secondary Arterials:** Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive in order to limit possible

traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major and secondary arterials.

(4) **Debris and Waste:** No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the final acceptance, and removal of those items and materials shall be required prior to final acceptance of the subdivision.

26-5-3 Fencing: Each developer shall be required to furnish and install fences wherever the planning commission determines that a hazardous condition or incompatibilities in land use may exist. The fences shall be constructed according to standards established by the Clinton City Development Standards and shall be noted to the height and material on the final construction plans. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

26-5-4 Staking of Lots: Survey stakes shall be placed at both front and back lot corners to completely identify the lot boundaries on the ground. Back lot corners shall be marked with a metal pipe or rod driven into the ground and shall be three feet above the ground. Front lot corners shall be identified with permanent plugs in the sidewalk or back of the curb. All lot corners must be in place prior to the issue of building permits and after completion of all subdivision improvements. It shall be the responsibility of the lot owner to insure that all lot corners are in place prior to the issuance of the building permit.

26-5-5 Roads:

(1) **General Requirements:**

(a) **Frontage on Improved Roads:** No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street unless such street is:

(i) An existing state road or county street; or

(ii) A street shown upon a plat approved by the City Council and recorded in the Davis County Recorder's office. Such street must be suitably improved as required by the Clinton City Development or be secured by a performance bond required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the Official Map Plan.

(b) Wherever the area to be subdivided is to utilize existing road frontage, the road shall be suitably improved as provided above.

(c) Grading and Improvement Plan: Roads shall be graded and improved and conform the Clinton City Development Standards and shall be approved as to design and specifications by the Clinton City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.

(d) Topography and Arrangement:

(e) Roads shall be related appropriately to the topography. Local roads shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the Engineering and Standard Specifications and Standard Drawings of Clinton City.

(i) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map and/or Comprehensive Plan. Such integration shall take topographical conditions into consideration. The street arrangement shall not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide convenient access to it.

(ii) All thoroughfares shall be properly related to special traffic, generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

(iii) Minor or local streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(iv) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks. All streets required to be extended to the boundary lines of the subdivision shall be properly barricaded to the satisfaction of the City Engineer.

(v) In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(f) Blocks:

(i) Blocks shall have sufficient width to provide two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.

(ii) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand three hundred twenty (1,320) feet or twelve (12) times the minimum lot width required in the zoning district, nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand (660) feet in length.

(iii) In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.

Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Planning Commission through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for prospective use.

(g) Access to Primary and Secondary Arterials:

Where a subdivision borders on or contains an existing or proposed primary arterial, the Planning Commission may require that access to such streets be limited by one of the following means:

(i) The subdivision of lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary arterial, and screening shall be provided in a strip of land along the rear property line of such lots.

(ii) A marginal access or service road (separated from the primary arterial by a planting or grass strip and having access at suitable points.)

(h) Road Regulatory Signs: The applicant shall install all traffic signs per Manual of Uniform Traffic

Control Devices (MUTCD) and before issuance of certificates of occupancy for any residence within the subdivision. Street number signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Community Development Department. Speed limit signs are to be placed at the entrance to all subdivisions from arterial, minor arterial, and collector streets. Traffic regulatory signs, information signs and safety signs shall be placed as required by the Community Development Department.

(i) **Construction of Roads:** The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where the continuation is in accordance with Clinton City Transportation Master Plan. A development with homes numbering greater than 30 must have a second roadway access. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way including all city utilities shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets, greater than one lot in depth with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

(2) **Design Standards:**

(a) **General:** In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for roads are hereby required. Road classification may be indicated in the Comprehensive Plan, Transportation Master Plan or Official Map; otherwise, it shall be determined by the Planning Commission.

	Local Road	Collector Road	Secondary Arterial	Primary Arterial
Min Width ROW	60	66	84	100
Min Width Traveled	40	46	60	80

Maximum Grade %	10	8	6	6
Minimum Curve Radius	100	100	300	500
Design Speed	25	30	40	50

(b) **Road Surfacing and Improvements:** After sewer, water, secondary water, storm drain, land drain and utilities with associated conduits have been installed by the developer or appropriate utility company, the developer shall construct curbs and gutters and shall surface or cause to be surfaced road-ways to the widths prescribed in these regulations. All surfacing shall be of a character established in the Engineering and Standard Specifications and Standard Drawings of Clinton City. Types of pavement shall be as outlined in the Engineering and Standard Specifications and Standard Drawings of Clinton City or as established by a soils engineer after a complete soils analysis and with the concurrence of the City Engineer. Adequate provision shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to the Engineering and Standard Specifications and Standard Drawings of Clinton City and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. The developer is responsible to have a maintenance coat applied to the surface of all new pavement as outlined in the Engineering and Standard Specifications and Standard Drawings of Clinton City.

(c) **Railroads and Limited Access Highways:** Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows.

(i) In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to a limited access highway. This buffer strip shall be the full width of the lot and shall not be counted as part of the lot when averaging is figured as allowed in the Zoning Ordinance. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structure on this land is prohibited"

(ii) In districts zoned for business, commercial or industrial uses the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

(iii) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 from the railroad right-of-way.

(d) Intersections:

(i) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet there from. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Commission.

(ii) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.

(iii) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

(3) Road Dedications and Reservations:

(a) New Perimeter Streets: Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the developer.

(b) The City Council, upon recommendation by the Planning Commission, may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within its own subdivision boundaries. At the discretion of the City Council, after recommendation of the Planning Commission, and in accordance with all City ordinances, the developer may retain a protection strip of not less than one foot in width between the street and adjacent property. An agreement with the City, approved by the City Attorney, Shall be made by the developer, contracting to dedicate the one foot or larger

protection strip free of charge to the City for street purposes upon payment by the present owners of the contiguous property to the developer of a consideration named in the agreement. Such consideration is to be equal to the cost, at the time of the agreement, of the street improvements, including utility lines properly chargeable to the contiguous property, plus the value of the land from the right-of-way line to the centerline of the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of subdivision of such contiguous property. All charges to be associated with the protection strip, as well as the interest rate, shall be recorded as part of the aforementioned agreement. All property owned by the developer shall be included on both the preliminary and final plat.

(i) Where the developer is required to improve the full width of an existing City owned right-of-way on the perimeter of his subdivisions, the City Council may enter into a similar agreement as outlined in (i) above. In this agreement, the developer will not own a one-foot protection strip and the consideration named in this agreement will not include the value of the land or and utilities installed in the right-of-way prior to the agreement. However, the agreement will stipulate that before approval is given to development on the adjacent property abutting the street, the adjacent property owners will reimburse the aforementioned developer as outlined in the agreement.

(c) Widening and Realignment of Existing Roads: Where a subdivision borders an existing narrow road or when the Master Plan, Official Map, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at its expense those areas for widening or realignment of those roads. Frontage roads and streets as described above shall be improved and dedicated by the applicant at its own expense to the full width as required by these subdivision regulations. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the municipality in fee simple or an easement granted to the City.

26-5-6 Drainage and Storm Sewers:

(1) General Requirements: The Planning Commission shall not recommend for approval any plat of subdivision that does not make adequate provision for storm and flood water runoff channels or basins. The City Engineer shall make the

determination of adequate provision. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm drainage point of discharge from channel or conduit shall be protected from erosion by suitable structure or lining. Storm sewers, where required, shall be designed by a method approved by the City Engineer, and a copy of design computations shall be submitted along with the construction plans. All locations and sizes of storm sewer lines shall be in conformance with the Clinton City Storm Sewer Master Plan.

(2) Nature of Storm Water Facilities:

(a) Location: The applicant may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivisions. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

(b) Accessibility to Public Storm Sewers: Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of Clinton City Engineer. However, in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall. Inspection of facilities shall be scheduled with and conducted by the City Engineer and/or Public Works Director.

(c) Accommodation of Upstream Drainage Areas: A storm sewer line or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Clinton City Engineer shall determine the necessary size of the facility, based on the provisions of the Clinton City Development standards and the Storm Sewer Master Plan assuming conditions of maximum potential watershed development permitted by the Clinton City Comprehensive Plan.

(d) Effect on Downstream Drainage Area: Clinton City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Local government drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream

drainage facility, the Planning Commission may withhold approval of the subdivision until provision has been made for the expansion of the existing downstream drainage facility. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(f) Detention Basins: Large multiple use detention basins serving multiple neighborhoods will be located in Clinton City as designated on the Clinton City Storm Sewer Master Plan Map. Single lot detention basins located in individual subdivisions shall not be encouraged. Should on-site water detention be desired or necessary for the feasibility of the subdivision, the detention basin must:

Serve as a multiple use area such as an open area for park activities.

Be adequately landscaped with grass and shrubs. Such landscaping shall also include a means to keep it irrigated

Be designed to hold water only during a storm and shortly thereafter. At all other times, it must remain dry

Temporary detention basins may be authorized by the City Council in which the above requirements may be relaxed. Under no circumstances shall a temporary detention basin be utilized for more than two years.

Floodplain Area: The Planning Commission may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property that lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Commission.

(3) Dedication of Drainage Easements:

(a) General Requirements: When a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Drainage Easements:

(i) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual,

unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easement shall extend from the road to a natural watercourse or to other drainage facilities.

(ii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured, assigned to the City and indicated on the plat or recorded with other appropriate instrument as approved by the Clinton City Attorney.

(iii) The applicant shall dedicate, either in fee or by a drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Planning Commission.

(iv) Low-lying lands along watercourses subject to flooding or over flowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedures nor for computing the area requirement of any lot.

26-5-7 Subsurface Drainage

26-5-8 Water Facilities:

(1) General Requirements:

(a) Necessary action shall be taken by the applicant to provide water for the purposes of providing a water-supply system capable of providing domestic water use and fire protection.

(b) When a public water main is accessible, the developer shall install adequate water facilities (including fire hydrants) subject to the specifications of state or local authorities. All water mains shall be at least six (6) inches in diameter. All water lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed streets. Sectionalizing valves shall be provided at point of connection to existing water distribution system and at every 800 feet of water main for line maintenance and repair. All legs and intersections shall also have valves.

(c) Water main extensions shall be approved by the Clinton City Public Works Department.

(d) To facilitate the above, the proposed location of all fire hydrants, all waterlines with size indicated,

and water valves shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the developer.

(e) A development with water connections numbering greater than 30 must have two main line connections interconnected from separated feeds. Developments with multiple phases may have up to 30 connections with a single feed prior to the second connection being installed with the approval of staff.

(f) Developments overlapping water system pressure zones must be designed and installed such that they are consistent with the City's Water Master Plan and to maintain the functionality of the pressure zones.

(2) **Fire Hydrants:** Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than 500 feet apart and within 250 feet of any structure and shall be approved by the Clinton City Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

26-5-9 Secondary Water System. The applicant is not required to provide secondary water as a condition of approval. However, Clinton City will allow a developer to establish a secondary water system within his subdivision provided the design of the system meets the approval of the City Engineer.

26-5-10 Sewerage Facilities:

(1) General Requirements:

(a) The applicant shall install sanitary sewer facilities in a manner prescribed by the Clinton City Development Standards. Sanitary sewerage facilities shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by the Clinton City Development Standards. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted.

(2) Design Criteria for Sanitary Sewers:

(a) **General Guidelines:** These design criteria are not intended to cover extraordinary situations. Deviations will be allowed and may be required in those instances when considered justified by City Engineer.

(b) **Design Factors:** Sanitary sewer systems should be designed for the ultimate tributary population. Due consideration should be given to the City's

Comprehensive Plan and Sewer Master Plan. Sewer capacities should be adequate to handle the anticipated maximum hourly quantity of sewage and industrial waste together with an adequate allowance for infiltration and other extraneous flow. The unit design flows presented below should be adequate in each case for the particular type of development indicated. Sewers shall be designed for the total tributary area using the following criteria:

(c) **Table 1:**

One and Two-Family Dwellings	.02 c.f.s./acre
Apartments	
One and Two Story	.02 c.f.s./acre
Three through Six Story	.03 c.f.s./acre
Commercial	
Small Stores and Miscellaneous	
Business	.02 c.f.s./acre
Shopping Centers	.02 c.f.s./acre
High Rise	As directed by City Engineer
Industrial	As directed by City Engineer

(d) These design factors shall apply to watersheds of 300 acres or less. Design factors for watersheds larger than 300 acres and smaller than 1,000 acres shall be computed on the basis of a linear decrease from the applicable design factor for an area of 300 acres to a design factor of .01 c.f.s./acre for an area of 1,000 acres unless otherwise directed by the City Engineer. Design factors for watersheds larger than 1,000 shall be .01 c.f.s./acre unless otherwise directed by the city Engineer.

(e) **Maximum Size:** The diameter of sewers proposed shall not exceed the diameter of the existing or proposed outlet, whichever is applicable, unless otherwise approved by Clinton City Engineer.

(f) **Minimum Size:** No public sewer shall be less than eight (8) inches in diameter.

(g) **Minimum Slope:** All sewers shall be designed to give mean velocities when flowing full of not less than 2.7 feet per second. All velocity and flow calculations shall be based on the Manning Formula using an N value of 0.013. The design slopes shall be evenly divisible by four (4). The slopes shall be a minimum for the size indicated. Exceptions to these minimum slopes shall be made at the upper end of lateral sewers serving under thirty (30) houses. Said sewers shall have a minimum slope of 0.76 percent. When lateral sewers serve less than ten (10) houses, the minimum slope shall be not less than one (1) percent. (See table 2)

(h) **Table 2:**

Sewer Size (in inches)	Minimum Slope in Feet per 100 feet
8	0.60
10	0.44
12	0.36
15	0.28
18	0.24
21	0.20
24	0.16

(i) **Alignment:** All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by Clinton City Engineer.

(j) **Manhole Location:** Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment; at all intersections; and at distances not greater than 400 feet for sewers 15 inches and smaller, and 500 feet for sewers 18 inches in diameter and larger.

(k) **Manholes:** The difference in elevation between any incoming sewer and the manhole invert shall not exceed 12 inches except where required to match crowns. The use of drop manholes will require approval by Clinton City Engineer. The minimum inside diameter of the manholes shall conform to those specified by Clinton City Engineer. Inside drop manholes will require special considerations; however, in no case shall the minimum clear distance be less than that indicated above. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.2 feet.

(l) **Sewerage Locations:** Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley right-of-ways when possible. Imposed loading shall be considered in all locations. Not less than six (6) feet of cover shall be provided over the top of pipe in street or alley rights-of-way or three (3) feet in all other areas.

All sewer lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed city streets.

(n) Water Supply Interconnections: There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

(o) Relation of Sewers to Water Mains: A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer line. At points where sewers cross water mains, the sewer shall be constructed of cast iron pipe or encased in concrete for a distance of ten (10) feet in each direction from the crossing, measured perpendicular to the water line. This will not be required when the water main is at least two (2) feet above the sewer.

26-5-7 Sidewalks:

(1) Required Improvements:

(a) Sidewalks shall be included within the dedicated nonpavement right-of-way of all roads shown in Table 3.

(b) Concrete high-curbs are required for all roads when sidewalks are required by these regulations or when required in the discretion of the City Council. Roll-up type curbs are not acceptable.

(i) Pedestrian Accesses: The Planning Commission may require, in order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

Table 3:

<u>Nature of Road</u>	<u>Residential</u>	Nonresidential Business industrial
Local Road	Both Sides 4 Feet Wide	Both Sides 6 Feet Wide
Collector Road	Both Sides 5 Feet Wide	Both Sides 6 Feet Wide
Secondary Arterial	Both Sides 5 Feet Wide	Both Sides 6 Feet Wide
Primary Arterial	Both Sides 5 Feet Wide	Both Sides 6 Feet Wide

26-5-8 UTILITIES:

(1) Location:

(a) All utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivisions. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Planning Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(2) Easements:

(a) Easements centered on rear lot lines shall be provided for utilities (private and municipal) and such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

(b) When topographical or other conditions are such as to make impractical the inclusions of utilities within the rear lot lines, perpetual unobstructed easements at least seven (7) feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

26-5-9 Public Uses:

(1) Recreation.

(a) Recreation Sites: Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the Planning Commission, which improvements shall be included in the subdivision improvement agreement and security. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet in depth. The Planning Commission may refer any subdivision proposed to contain a dedicated park to Clinton City or department in charge of parks

and recreation for a recommendation. All land to be reserved for dedication to Clinton City for park purposes shall have prior approval of Clinton City and shall be shown marked on the plat, "Reserved or Park and/or Recreation Purposes."

(c) Other Recreation Reservations: The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposed in addition to the requirements of this section.

(2) Other Public Uses:

(a) Plat to Provide for Public Uses: Except when a applicant utilizes planned unit development or density zoning in which land is set aside by the developer as required by the provision of the Zoning Ordinance, whenever a tract to be subdivided includes a school, recreation use or other public use as indicated on the Master Plan or any portion thereof, the space shall be suitably incorporated by the applicant into his sketch plat. After proper determination of its necessity by the Planning Commission and the appropriate local government official or other public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the applicant into the preliminary and final plats.

(b) Referral to Public Body: The Planning Commission shall refer the sketch plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency 30 days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

(c) Notice to Property Owner: Upon a receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on the preliminary and final plats that area proposed to be acquired by the public body.

(d) Duration of Land Reservation: The acquisition of land reserved by a public agency on the final plat shall be initiated within twelve (12) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a sketch plat of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate

acquisition within the prescribed 12 months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

26-5-10 Irrigation Water. No irrigation ditches shall be permitted within the boundary of a subdivision or minor subdivision. All necessary irrigation ditches, whether used for the purpose of transporting irrigation or waste flow water, must be maintained within a subdivision or minor subdivision, and must be replaced with a pipe culvert. This pipe culvert shall be at least fifteen (15) inch diameter concrete pipe and be satisfactory to the irrigation company. The developer of a subdivision or minor subdivision must provide for the rights of all irrigation users, both upstream and downstream of the proposed development.

26-5-11 Preservation of Natural Features and Amenities:

(1) General: Existing features that would add value to residential development or to Clinton City as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted.

26-5-12 Nonresidential Subdivisions:

(1) General: If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to the land shall make provision as the Planning Commission may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinance. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Planning Commission, and shall conform to the proposed land use and standards established in the Master Plan, Official Map, and Zoning Ordinance.

(2) Standard: In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes

into account other uses in the vicinity. The following principles and standards shall be observed:

- (a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (c) Special requirements may be imposed by Clinton City with respect to street, curb, gutter, and sidewalk design and construction.
- (d) Special requirements may be imposed by Clinton City with respect to the installation of public utilities, including water, sewer, and storm water drainage.
- (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- (f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential areas.

**Section 6. Impact Fees Related to
Development**

- 26-6-1 General
- 26-6-2 Definitions
- 26-6-3 Findings and Purpose
- 26-6-4 Service Areas Established
- 26-6-5 Impact Fees Levied
- 26-6-6 Time of Collection
- 26-6-7 Use of Fees
- 26-6-8 Adjustments
- 26-6-9 Accounting, Expenditure and Refund
- 26-6-10 Impact Fee Challenges and Appeals

26-6-1 General. In order to recover the cost to the City of the provision, extension, enlargement or development of capital facilities to service the proposed development, the City shall require exaction from the developer. The exaction may be in the actual installation of the capital facility by the developer or may be a payment in lieu of the actual installation. The form of the exaction will be at the discretion of the City Council as outlined herein.

26-6-2 Definitions.

"Capital Facilities Plan" means the Capital Facilities Plan adopted by Resolution of the City Council dated June 19, 1997, as the same shall be amended from time to time.

"City" means Clinton City, a Utah municipal corporation.

"Development Activity" means any construction or expansion of a building, structure or use; any change in use of a building or structure; or any changes in the use of land that creates additional demand and need for public facilities.

"Development Approval" means any written authorization from the City that authorizes the commencement of development activity.

"Impact fee" means a payment of money imposed upon development activity as a condition of development approval.

"Service Area" means geographic area designated by the City which a defined set of public facilities provides service within the area.

26-6-3 Findings and Purpose. The City Council hereby finds and determines:

(1) There is need for public facilities for new developments which have not been constructed and are required to be consistent with the City's General Plan and to protect the Public's health, safety and welfare.

(2) The rapid and continuing growth of Clinton City necessitates the imposition and collection of impact fees pursuant to law and requires development to pay its fair share of the cost of providing public facilities occasioned by the demands and needs of the development project at service levels necessary to promote and preserve the public health, safety and welfare.

(3) The City Council hereby adopts the report from Tischler & Associates, Inc. dated June 5, 1997, entitled "Impact Fees" which establishes the costs for providing public facilities occasioned by development projects within the City and certain credits allowable against impact fees in the City.

(4) The impact fees established by this Ordinance area based upon the costs which are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development within the City.

(5) The impact fees established by this Ordinance do not exceed the reasonable cost of providing public facilities occasioned by development projects within the City.

26-6-4 Service Areas Established. The City shall constitute a single service area and all real property located with the corporate boundaries of the City shall be included within such service area.

26-6-5 Impact Fees Levied. The impact fees for the City service area are hereby established and/or levied and are contained in Figure 1 attached hereto and by this reference made a part hereof. The impact fees may also be set forth in the Consolidated Fee Schedule of the City.

26-6-6 Time of Collection. Unless otherwise provided by The City Council, impact fees shall be payable prior to the issuance of a building permit by the City.

26-6-7 Use of Fees. The fees shall be used solely to:

(1) Pay for the described public facilities to be constructed by the City:

(2) For reimbursing the City for the development's share of those capital improvements already constructed by the City:
or

(3) To reimburse developers who have constructed public facilities where those facilities were beyond that needed to mitigate the impacts of the developer's project(s).

26-6-8 Adjustments.

(1) The City may, upon proper showing, adjust the standard impact fee at the time the fee is charged to:

(2) Respond to unusual circumstances in specific cases; and

(3) Insure that the impact fees are imposed fairly; and

(4) Allow credits as specified in the Impact Fee report for Clinton City, Utah.

(5) Adjust the amount of the fee based upon studies and data submitted by the developer which are approved by the City after review of the same; and

(6) Allow credits as approved by the City for dedication of land for, improvements to, or new construction of, public facilities providing services to the community at large, provided such facilities are identified in the capital facilities plan and are required by the City as condition of approving the development activity. No credits shall be given for project improvements as defined in the Act.

26-6-9 Accounting, Expenditure and Refund. The City shall account for, expend and refund impact fees in accordance with the provisions of the Act.

26-6-10 Impact Fee Challenges and Appeals.

(1) Any person or entity residing in or owning property within a service area, and any organization, association, or corporation representing the interest of persons or entities owning property within a service area, may file a declaratory judgment action challenging the validity of the fee.

(2) Any person or entity required to pay an impact fee imposed by the City who believes the fee does not meet the requirements of law may file a written request for information with the City as provided by law.

(3) Within two weeks of the receipt of the request for information, the City shall provide the person or entity with the written analysis required by the Act and with any other relevant information relating to the impact fee.

(4) Within 30 days after paying the impact fee, any person or entity who has paid the fee and wished to challenge the fee shall:

(a) File a written appeal with the Clinton City Council by delivering a copy of such appeal to the Clinton City Administrator setting forth in detail all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed. Upon receipt of the appeal the City council shall thereafter schedule a public hearing on the appeal at which time all interested persons will be given an opportunity to be heard. The City Council shall schedule the appeal hearing and thereafter render its decision on the appeal no later than thirty (30) days after the challenge to the impact fee is filed. Any person or entity who has failed to comply with the administrative appeal remedies established by this section may not file or join an action challenging the validity of any impact fee.

(b) Within ninety (90) days of a decision upholding an impact fee by the City or within 120 days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the appeal that is adversely affected by the City Council's decision may petition the Second Judicial District Court in and for Davis County for review of the decision.

(c) In the event of a petition to the Second District Court, the City shall transmit to the reviewing Court the record of its proceedings including its minutes, findings, orders and if available, a true and correct transcript of its proceedings.

(d) If the proceedings was tape recorded, a transcript of that tape recording in a true and correct transcript for the purpose of Subsection 3. above.

(e) If there is a record;

(i) the District Court's review is limited to the record provided by the City; and

(ii) The District Court may not accept or consider any evidence outside the City's record unless the evidence was offered to the City and the Court determines that it was improperly excluded by the City.

(f) If there is adequate record, the District Court may call witnesses and take evidence.

(g) The District Court shall affirm the decision of the City if the decision is supported by substantial evidence in the record.

(h) The judge may award reasonable attorney's fees and costs to the prevailing party in any action brought under this section.

Section 7. Specifications for Documents to be Submitted

- 26-7-1 SKETCH PLAT
- 26-7-2 PRELIMINARY PLAT
- 26-7-3 CONSTRUCTION PLANS
- 26-7-4 FINAL SUBDIVISION PLAT

26-7-1 Sketch Plat: Sketch plats submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

- (1) Name:
 - (a) Name of subdivision if property is within an existing subdivision;
 - (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded; and
- (2) Ownership:
 - (a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;
 - (b) Citation of any existing legal rights-of-way or easements affecting the property;
 - (c) Existing covenants on the property, if any
 - (d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys
- (3) Description: Location of property by legal description, section, township, range, graphic scale, north arrow and date.
- (4) Features:
 - (a) Location of property lines, existing easements, irrigation ditches, railroad rights-of-way, watercourses, and existing and proposed fences; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessments rolls within five hundred (500) feet of any perimeter boundary of the subdivision.

- (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.

- (c) Approximate topography, at the same scale as the sketch plat

- (d) The approximate location and widths of proposed streets

- (e) Preliminary proposals for connection with existing water supply and sanitary sewage systems; preliminary provisions for collecting and discharging surface water drainage.

- (f) The approximate location, dimensions, and areas of all proposed or existing lots

- (g) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision

- (h) The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field

- (i) Whenever the sketch plat covers only part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

- (j) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

26-7-2 Preliminary Plat.

- (1) General: The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale not more than one (1) inch equals one hundred (100) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the Recorder of Deeds, but shall not be thirty-four by forty-four (34 x 44) inches or larger. It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

(2) Features: The preliminary plat shall show the following:

(a) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.

(b) The location and dimensions of all boundary lines of the property to be expressed in feet decimals of a foot.

(c) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, fences, irrigations structures, buildings, parks, cemeteries, drainage ditches, irrigation ditches and bridges, as determined by the Planning Commission.

(d) The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-way and building setback lines.

(e) The locations, dimensions, and areas of all proposed or existing lots.

(f) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.

(g) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

(h) The date of the map, approximate true north point, scale, and title of the subdivision.

(i) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.

(j) Names of the subdivision and all new streets.

(k) Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the developer.

(l) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several phases.

(m) All lots in each block shall be consecutively numbered.

(n) Proposals for connection with existing water supply and sanitary sewage systems. Location and size of all proposed water and sewer lines, indicating placement of manholes, water valves, and fire hydrants.

(o) Provisions for collecting and discharging surface water drainage.

(p) All information required on sketch plat should also be shown on the preliminary plat, and the following notations shall also be shown:

(i) Explanation of drainage easements, if any

(ii) Explanation of irrigation easements, if any

(iii) Explanation of site easements, if any

(iv) Explanation of reservations, if any

(v) Endorsement of owner, as follows:

Owner

Date

(q) Form for endorsements by Planning Commission Chairman as follows:

Approved by Resolution of the Clinton City
Planning Commission.

Chairman

Date

(r) The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

26-7-3 Construction Plans:

(1) General: Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

(a) Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

(b) The Planning Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred-foot (100 foot) stations be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.

(c) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, irrigation ditches, manholes, and catch basins; the locations of street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

(d) Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Master Plan, at the point of connection to proposed facilities and utilities within the subdivision

(e) All specifications and references required by the City’s construction standards and specifications, including a site-grading plan for the entire subdivision.

(f) Notation of approval as follows:

Owner	Date
City Engineer	Date
Mayor	Date

(g) Title, name, address, and signature of professional engineer and surveyor, and revision dates.

26-7-4 Final Subdivision Plat:

(1) **General:** The final subdivision plat shall consist of a sheet of approved Mylar, size of drawings shall

be twenty two (22) by thirty four (34) inches with one-half (½) inch border on top, bottom and right sides, the left side shall have a border of one and one-half (1 ½) inches. The plat shall be so drawn that the top of the drawing faces either North or West, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the Mylar with approved waterproof black “India Drawing Ink”. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable. The plat shall contain the following information.

(a) A subdivision name approved by the City Planning Commission, and the general location of the subdivision, in bold letters at the top of the sheet.

(b) A North point and scale of the drawing, and the date.

(c) Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to the public survey monuments. These lines should be slightly heavier than street lot lines.

(d) The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street-naming and numbering system of Clinton City.

(e) The standard forms approved by the Planning Commission lettered for the following:

(i) Description of land to be included in subdivision.

(ii) Registered Professional Engineer and/or Land Surveyor’s “Certificate of Survey”.

(iii) Owner’s Dedication.

(iv) Notary Public’s Acknowledgement.

(v) Certificate of Approval by the City Planning Commission.

(vi) Certificate of Approval by the City’s Engineer.

(vii) Certificate of Acceptance by the City Council attested by the City Recorder.

(f) A three (3) inch by three (3) inch space in the lower right-hand corner of the drawing for recording information.

(g) **Preparation:** The final subdivision plat shall be prepared by a land surveyor licensed by the state.

Section 8. Validity and Effective Date

8-1. Validity

8-2. Effective Date

8-1. Validity. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Ordinance.

8-2. Effective Date. This Ordinance Shall take effect upon its adoption and posting.