PLANNING COMMISSION

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

Clinton City
Planning Commission

Chairman
Jacob Briggs

Vice Chairman
Bob Buckles

Members
David Coombss
Jolene Cressall
Andy Hale
Jeff Ritchie
Anthony O. Thompson

City Staff
Will Wright

AGENDA

June 7, 2016

7:00 pm

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

	Pledge	Appointed
	Invocation or Thought	Appointed
	Roll Call	Chair
	City Council Report	Staff
	Planning Commission Minutes	Chair
	Declaration of Conflicts	Chair
1. 2.	**PUBLIC HEARING:** **7:05 p.m. – Conditional Use Permit** Review and action upon a request for a Conditional Use Permit to operate a Temporary Mobile Store, Fireworks Stand, at 1101 West 1800 North, Clinton, UT in the north eastern area of the parking lot of the Clinton Elementary School. **WORK SESSION:** Consider Chapter 3 of the City's Subdivision Ordinance as well as subsequent chapters.	
3. 4.	**COMMISSION COMMENTS** **ADJOURN**	

CLINTON CITY
PLANNING COMMISSION
AGENDA ITEM

SUBJECT: **7:05 p.m. Public Hearing – Conditional Use Permit** Review and action upon a request for a Conditional Use Permit to operate a Temporary Mobile Store, Fireworks Stand, at 1101 West 1800 North, Clinton, UT in the north eastern area of the parking lot of the Clinton Elementary School.	**AGENDA ITEM:** 1
PETITIONER: Theron Watson owner of Olympus Fireworks represented by Monica Sellers	**MEETING DATE:** June 7, 2016
ORDINANCE REFERENCES: Title 15, Chapter 11 Title 28, Chapter 5	**ROLL CALL VOTE:** **X YES** **NO**

BACKGROUND:

1. Olympus Fireworks is requesting to operate a fireworks stand in the parking lot of Clinton Elementary School from June 29 through July 4th and July 22nd through 24th.
2. Location of the stand is on the north east corner of the school's eastern parking lot on the corner of 1800 N 1000 W
3. There is plenty of parking in this area of the schools parking lot for patrons to access and make their purchases.
4. Applicant has a Permit and Use Agreement from Davis School District for the use of this space.
5. The City requires separation between stands of 500 feet, which is not a problem at this location.
6. The set up and take down of this stand will occur within seven days before and after the dates listed above

RECOMMENDATION AND ALTERNATIVE ACTIONS:

Staff recommends approval of the Conditional Use Permit for a Temporary Mobile store with stipulations:

1. Applicant obtains a business license as required to operate a business in Clinton City.
2. Both the Building Official and Fire Department staff will inspect this stand for health and safety purposes.
3. Additionally, the Fire Department issues a permit per Section 10-13-6 Application to Sell Fireworks of City Code.
4. All signage will comply with the City's sign ordinance regulations.
5. Parking or standing vehicles are prohibited on 1800 North as it is a major arterial street and State highway.
6. The CUP may be reviewed by staff upon complaint and forwarded to the Commission for hearing upon recommendation from staff.

ATTACHMENTS:

1. Application
2. Permit and Use Agreement from the Davis School District.
3. Certificate of Liability
4. Map
5. Conditional Use Permit

SEPARATE DOCUMENTS:

Respectfully submitted,
Will Wright, Com. Dev. Dir.

Conditional Use Permit (CUP) Application

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

Staff Use Only Date: 5-4-2016 Zone: R-1-10 PC Date: 6/7/16

PROJECT NAME: Olympus Fireworks
PROJECT ADDRESS: 1101 W. 1800 N. Clinton, Ut
(ADDRESS MUST BE ASSIGNED BY PLANNING PRIOR TO SUBMITTAL, IF APPICABLE)

PROPOSED USE / DESCRIPTION: outdoor firework tent / storage container

CONTACT NAME: Monica Sellers
ADDRESS: 2946 W. 2860 S. Syracuse, Ut 84075
PHONE# 801-699-2266 FAX # 801-991-6868 E-MAIL: monicasellers@yahoo.com

Engineer and/or Surveyor::
PHONE# FAX # E-MAIL:

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

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

Theron Watson
Signature of owner or applicant

SUBMITTAL CHECK LIST:

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

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

Procedure for Processing a Conditional Use Permit (CUP)

1. Submit petition to Clinton City Planning Department for review. Planning Staff is located in the City Hall Building, within the Community Development Department located at 2267 North 1500 West.
2. Petitions are placed on the next available Planning Commission Agenda and the petitioner is notified of the time and date of the Public Hearing. A copy of the executed Conditional Use Permit will be provided to the applicant
3. The applicant or a representative must be present during each meeting in order for the Planning Commission to act upon the petition. If the applicant is not present the item will be tabled to the next available meeting. Failure to show will require a re-advertising of the item, which must be paid for by the applicant prior to its placement on the next agenda.
4. Additional questions regarding the above process may be directed to the Clinton City Planning Staff at 614-0740

Signage:

Before you put up a sign you need to check with the Planning Department and Building Services for regulations. A separate permit is required for signage.

Financial Guarantee for Landscaping:

Prior to building permits being issued, the development is required to provide a financial guarantee for required improvements. The financial guarantee MUST be an escrow with a financial institution. The financial guarantee requires:

1. The establishment of the escrow for 115% of the established materials and labor costs for installing the improvements.
2. Upon completion and inspection of the improvements, Clinton City will release the escrow amount. However, 15% of the original escrow must be retained with the City for a period of two (2) years as a warranty for the improvements. Upon completion of the two (2) year warranty period, the remaining amount will be released.
   a. A financial guarantee shall be established for all landscaping of public or private property (plants, irrigation system, grass, fencing, etc...)

Re-assessment of Processing Fees:

Failure on the part of the developer, the developer's engineer / surveyor or other representative of the developer, to submit corrected drawings that have incorporated city staff comments, or appropriate comments of other agencies, may be subject to re-assessment of the processing fees.

Failure to Appear at Advertised Public Hearings:

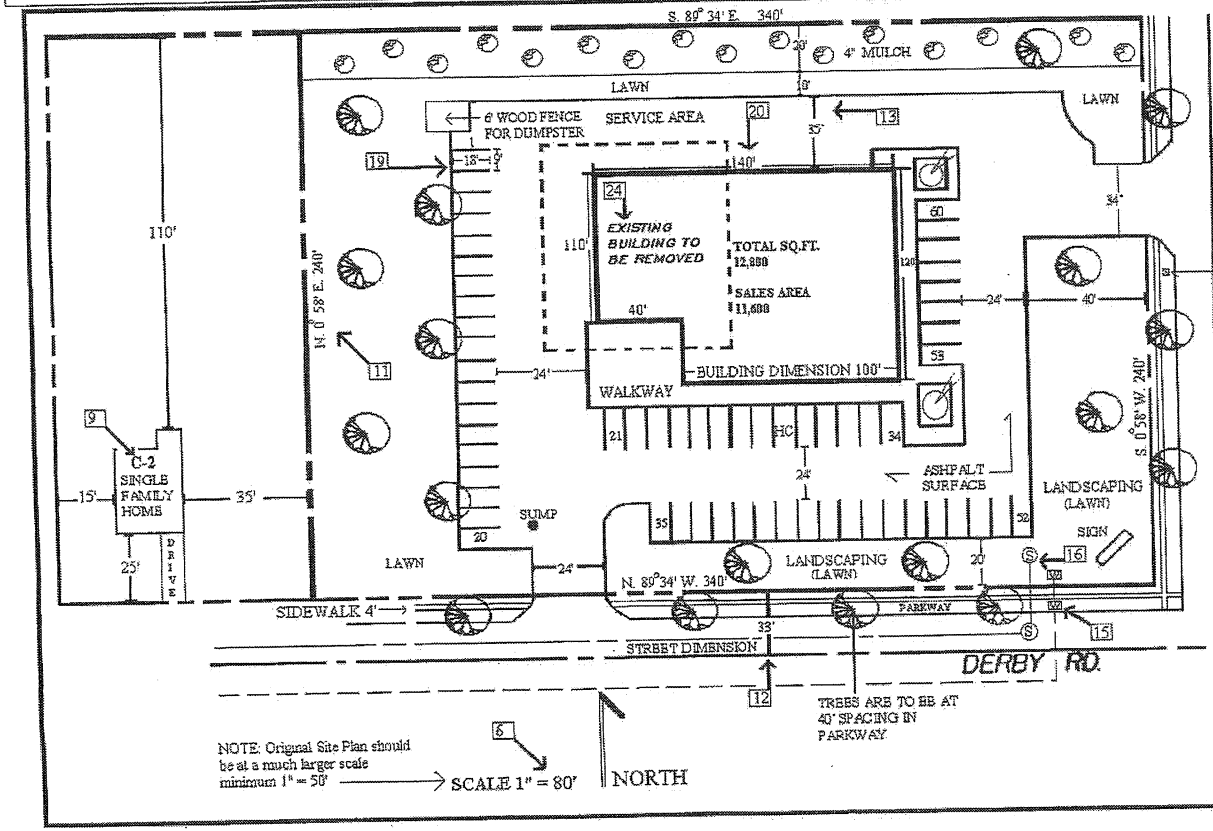
Unless previously cleared, in writing, by the Community Development Department, failure to appear at an advertised Public Hearing will result in the Re-Processing and Re-Advertising of another hearing causing significant delays to the processing of an application; OR denial of the applicant.

Right of Entry:

By signing this application I authorize City staff, with proper credentials, access to my property, during normal working hours, for the purpose of verifying the location of infrastructure, buildings, fences, and other features of or on the property here addressed. If City staff can not gain access to my property due to locked gates, animals within the area needing inspection, or if access to a structure is needed, I understand that I will be contacted and it will be my responsibility to schedule a time, during normal working hours, with the City staff member.

CHECK LIST FOR SITE PLAN REVIEW (1-24)

1. Name of the proposed development.
2. Name & address of owner of property.
3. Name and address of the preparer of the site plan.
4. A statement describing the intended use of the development.
5. A vicinity map orented in the same direction as site plan.
6. A north arrow & scale (not less than 1:50).
7. The tax ID number of the development site.
8. The land use & zoning of the development site.
9. Adjacent land use & zoning.
10. Identify the percentage of property covered by buildings and hard surface.
11. A valid & accurate legal description of the property. Property lines shall be shown with bearings & dimensions.
12. Adjacent streets shall be shown and identified, along with distance from centerline to property.
13. Building setbacks and distances.
14. Easements on property & on abutting property that could be affected by the development shall be shown including plat book & page.
15. Off-site water service shall be shown, along with proposed service lateral & meter location.
16. Off-site sewer service shall be shown, along with proposed service lateral & cleanout locations.
17. Grease trap locations, sizes & construction information.
18. Fire hydrant location & distance from hydrant to bldg.
19. Parking Info.: a.) parking calculations indicating the # of required regular & H.C. spaces. b.) dimensions of parking angles.c.)vehicle stacking for drive-through uses.
20. The geometric layout & dimensions of proposed buildings, driveways, parking areas, loading areas, signs, structures & other physical features of the development.
21. A landscape plan is required.
22. A grading & drainage plan is required.
23. Elevation drawings depicting architectural theme, building features, materials & colors is required.
24. Existing structures which will be removed from the site.



SITE PLAN REQUIREMENTS

	sq.ft.	%
Total Parcel Area	81,600	
Building Coverage	12,800	15.7
Asphalt Coverage	54,928	67.3
Landscaping	13,872	17.0
Existing Zoning	C-2	
Parking Stalls Required	58	
Parking Stalls Shown	60	

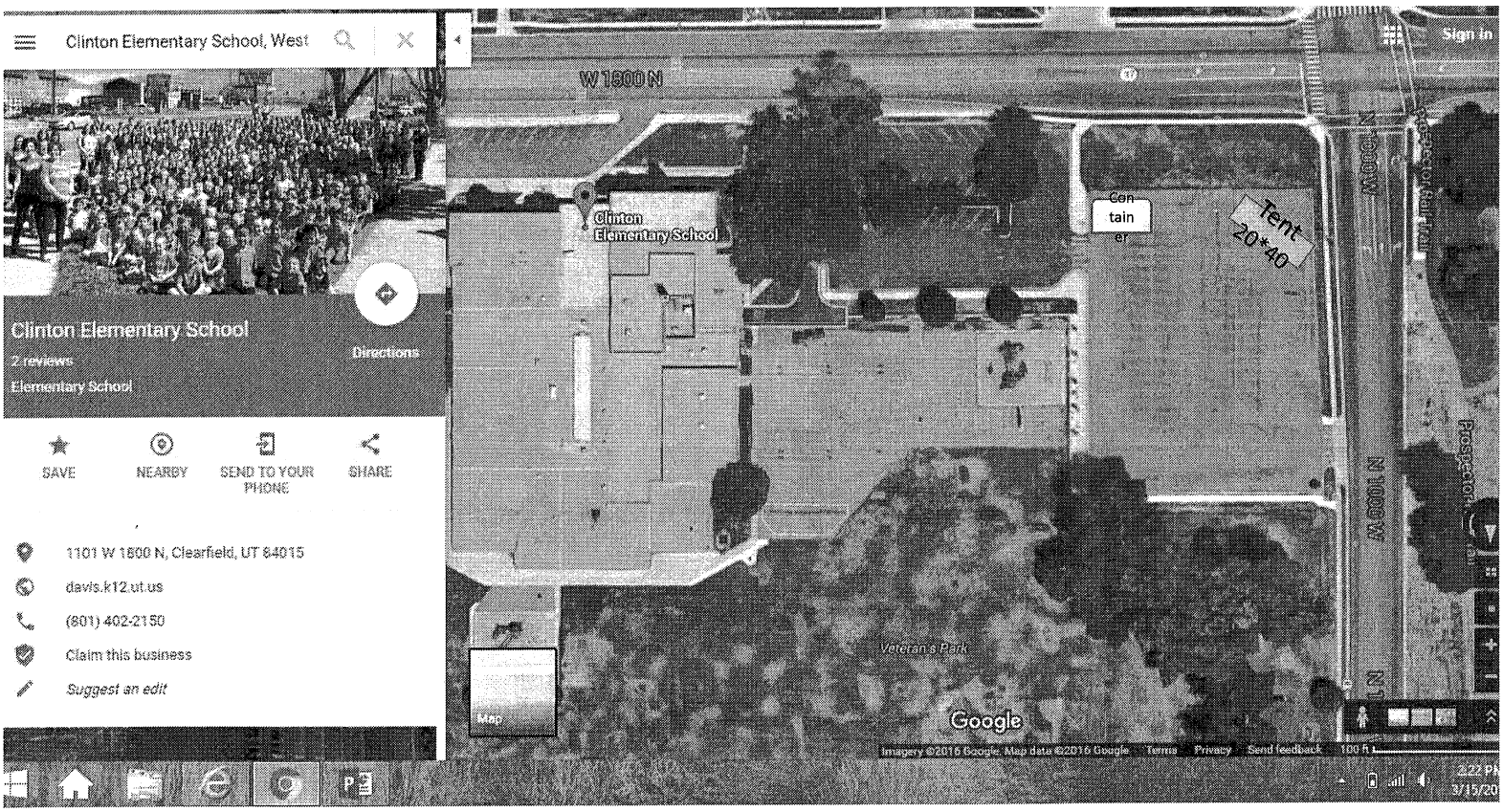
Fire Hydrant 92' from Building

Landscaping Type — EMERALD ARBORVITAE; REDMOND LINDEN; SPRING SNOW CRAB

Existing Elevations
Proposed Elevations (by contours or points)
Land Use Clothing Store

NAME OF TENANT SALLY'S BOUTIQUE
TAX I.D. #06-999-9999
Applicant: B.B. BAGINS Phone: 393-3003
Address: 405 Acdia Ave. Ogden (NEW BUILDING)
Engineer: P.C. CONST
Address: 12 Penn Ave. Ogden Phone: 399-9001
Architect: D.BAILEY & ASSOC.
Address: 313 Bass Dr. Ogden Phone: 621-4111

SAMPLE SITE PLAN


Clinton Elementary School, West
Clinton Elementary School
2 reviews
Elementary School
Directions
SAVE
NEARBY
SEND TO YOUR PHONE
SHARE
1101 W 1600 N, Clearfield, UT 84015
davis.k12.ut.us
(801) 402-2150
Claim this business
Suggest an edit
W 1600 N
Clinton Elementary School
Tent 20*40
Veterans Park
Google
Sign in

Davis School District
PERMIT AND USE AGREEMENT

Rental: R16-335
Date: March 25, 2016

Organization: Olympus Fireworks

Contact Person: Scott Hall

Email: scott@olympusfireworks.net

Type of Activity: Fireworks Tent

Phone # 831-402-2239

Facility Requested: Clinton Elementary

Contact Person: Val Gabbitas 801-402-2183

Month	Dates	Year	From	To
June	29 , 30	2016		
July	1, 2, 3, 4, 22, 23, 24	2016		

Areas/Rooms Requested	Rental Fee/Day	Days	Total
Parking Lot	$200.00	9	$1,800.00
Personnel Required	**Staff Charge/Hour**	**Hours**	**Total**
Total Charges			$1,800.00

As users of the Davis School District facilities, we assume all responsibility for the activity and will not violate any city, county or state law. We understand and agree to comply with all rental policies of the Davis School District, and any loss or damages to buildings, equipment or grounds as a result of this activity will be fully reimbursed including court costs or damages as a result of any suit which might be instituted by any person as a result of use of these facilities. We hereby acknowledge having received, read and agree to abide by the Davis School District Facility Rental Permit and Use Policy.

$2,000,000 ACTIVE LIABILITY insurance policy is required by commercial users. Certificate must be attached.

Payment received: $_____ Check # _____ All payments and documents are due prior to the event.

Signature of Applicant Scott Hall

Signature of Facility Use Coordinator Janne Zufelt

The use of school buildings and grounds is granted pursuant to the Utah Civic Center statues at UCA 53A-3-413 to 414. Non-commercial use approval under this policy is a Permit under Civic Center statues and grants the District full legal immunity under the Governmental Immunity Act of Utah pursuant to UCA 63G-7-301.

DAVIS SCHOOL DISTRICT, 45 East State Street, Farmington, Utah 84025

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/27/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

Ryder Rosacker McCue & Huston (MGD by Hull & Compa
509 W Koenig St
Grand Island NE 68802

CONTACT NAME: Kristy Wolfe
PHONE (A/C, No, Ext): 308-382-2330 FAX (A/C, No): 308-382-7109
E-MAIL ADDRESS: kwolfe@ryderinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : SCOTTSDALE INS CO	41297
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

Olympus Fireworks, LLC
946 W 2860 S
Syracuse UT 84075

COVERAGES **CERTIFICATE NUMBER:** 741597696 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	**GENERAL LIABILITY**			CPS2445046	4/20/2016	4/20/2017	EACH OCCURRENCE	$1,000,000
	X COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$100,000
	CLAIMS-MADE X OCCUR						MED EXP (Any one person)	$5,000
							PERSONAL & ADV INJURY	$1,000,000
							GENERAL AGGREGATE	$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	$2,000,000
	X POLICY PRO-JECT LOC							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						WC STATU-TORY LIMITS / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? **(Mandatory in NH)**	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.
Stand Location: 1101 W. 1800 North, Clinton, UT 84015

CERTIFICATE HOLDER

Clinton City
2267 North 1500 West
Clinton UT 84015

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Jodie Faulkner

© 1988-2010 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

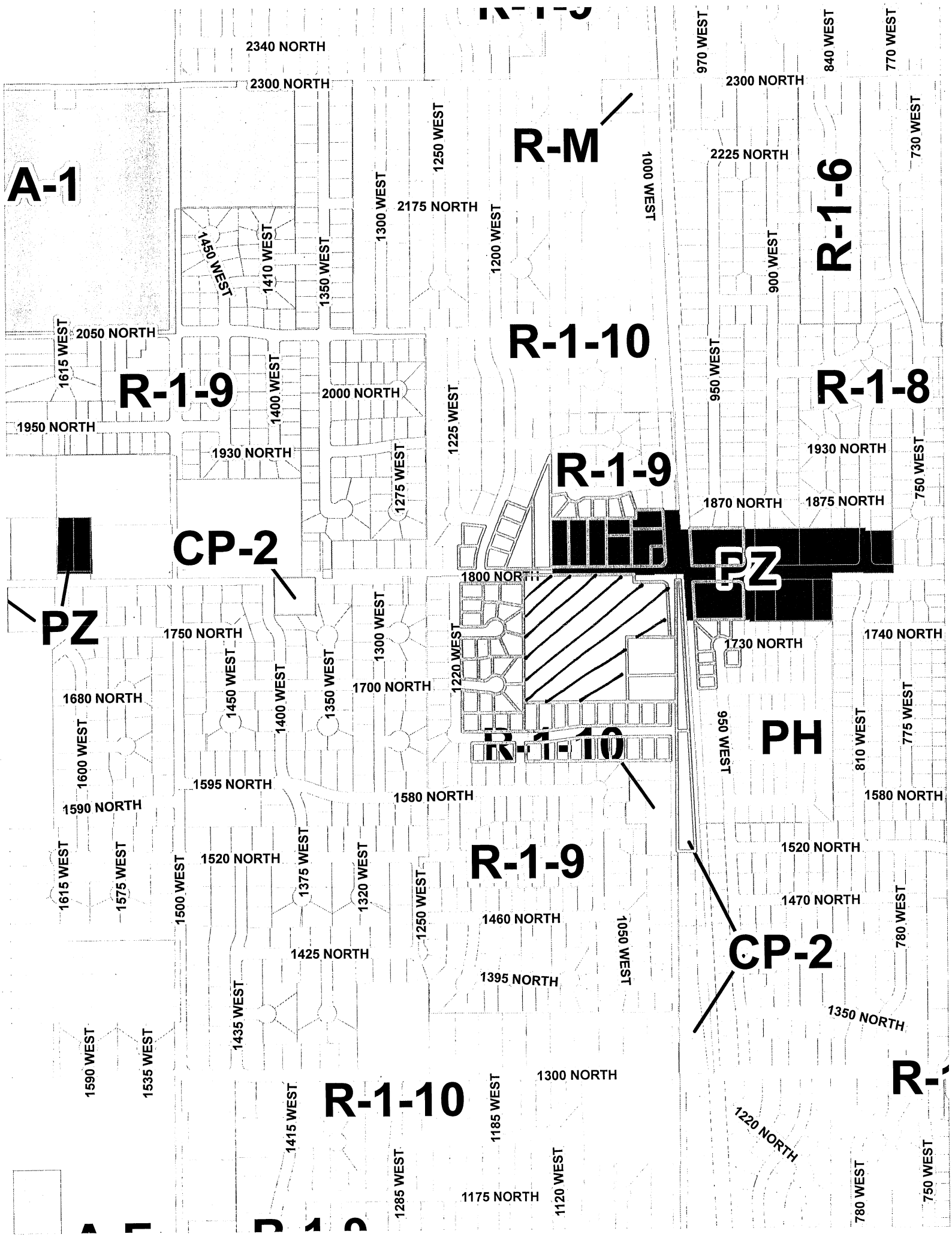

A-1
R-M
R-1-6
R-1-10
R-1-9
R-1-8
R-1-9
CP-2
PZ
PZ
PH
R-1-10
R-1-9
CP-2
R-1-10
2340 NORTH
2300 NORTH
2300 NORTH
2225 NORTH
2175 NORTH
2050 NORTH
2000 NORTH
1950 NORTH
1930 NORTH
1930 NORTH
1870 NORTH
1875 NORTH
1800 NORTH
1750 NORTH
1740 NORTH
1730 NORTH
1700 NORTH
1680 NORTH
1595 NORTH
1590 NORTH
1580 NORTH
1580 NORTH
1520 NORTH
1520 NORTH
1470 NORTH
1460 NORTH
1425 NORTH
1395 NORTH
1350 NORTH
1300 NORTH
1220 NORTH
1175 NORTH
970 WEST
840 WEST
770 WEST
730 WEST
1250 WEST
1000 WEST
1300 WEST
1200 WEST
1450 WEST
1410 WEST
1350 WEST
900 WEST
1615 WEST
1400 WEST
950 WEST
1225 WEST
1275 WEST
750 WEST
1300 WEST
1220 WEST
1450 WEST
1400 WEST
1350 WEST
950 WEST
810 WEST
775 WEST
1600 WEST
1615 WEST
1575 WEST
1500 WEST
1375 WEST
1320 WEST
1250 WEST
1050 WEST
780 WEST
1435 WEST
1590 WEST
1535 WEST
1415 WEST
1185 WEST
1285 WEST
1120 WEST
780 WEST
750 WEST

TABLE OF CONTENTS

SUBDIVISION ORDINANCE
OF
CLINTON CITY

TITLE 26
SUBDIVISION ORDINANCE

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

.

Chapter 3. Subdivision Application Procedure and Approval Process

26-3-1 General Procedure
26-3-2 Notice of Public Hearing
26-3-3 Sketch Plat
26-3-4 Preliminary Plat
26-3-5 Amendments to Preliminary Plat
26-3-6 Final Subdivision Plat
26-3-7 Vested Rights and Development Agreements
26-3-8 Signing and Recordation of Subdivision Plat
26-3-9 Appeals to City Council
26-3-10 Time Periods for Action
26-3-11 Suspension and Invalidation of Final Plat

26-3-1 General Procedure:

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

(a) Simple Subdivision.

(i) Sketch Plat

(ii) Final Subdivision Plat

(b) Minor Subdivision

(i) Preliminary Plat

(ii) Final Subdivision Plat

(c) Major Subdivision.

(i) Sketch Plat

(ii) Preliminary Plat

(iii) Final Subdivision Plat

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

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

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

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

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

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

(c) Procedure to Be Followed:

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

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

(d) Resubdivisions of Performance Zone Developments.

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

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

26-3-2 Notice of Public Hearing:

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

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

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

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

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

26-3-3 Sketch Plat

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

(a) Be made on forms available at the Community Development Department;

(b) Include all contiguous holdings of the owner including land in "common ownership" as defined in these regulations, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership. The affidavit shall advise as to the legal owner of the property, the contract owner of the property (if any), the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock;

(c) Be accompanied by minimum of seven (7) copies of the sketch plat as described in these regulations and complying in all respects with these regulations;

(d) Be accompanied by a preliminary title report;

(e) Be presented to the Community Development Director;

(f) Be accompanied by a fee that is set from time to time and passed in resolution by the City Council;

(g) The application shall include an address and telephone number of an agent located within the local area who shall be authorized to receive all notices and correspondences required by these regulations.

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

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

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

(3) Major Subdivision:

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

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

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

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

26-3-4 Preliminary Plat:

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

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

(3) **Application Procedure and Requirements:** Based on the Notice to Proceed, the applicant shall file in duplicate with the Community Development Director an application for approval of a preliminary plat if he elects to proceed. The preliminary plat shall conform substantially with the sketch plat submitted and approved or conditionally approved by the Planning Commission and which formed the basis for the Notice to Proceed. The application shall:

(a) Be made on forms available at the office of the Community Development Director together with a fee that is set, from time to time and passed in resolution by the City Council;

(b) Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred (100) feet from the subject property, or of that directly opposite the subject property, extending one hundred (100) feet from the street frontage of opposite land, with the names of owners as shown in the County Assessor's files. This information may be shown on a separate current Tax Map reproduction from the County Recorder's Office showing the subdivision superimposed on the Tax Map.

(c) Be accompanied by a minimum of ten (10) copies of the existing condition drawings as described in these regulations.

(d) Be accompanied by a minimum of ten (10) copies of the complete preliminary plat as described in these regulations.

(e) Be accompanied by a minimum of ten (10) copies of construction plans for the preliminary plat as described in these regulations.

(f) Additional copies of the preliminary plans may be required when dealing with services, districts, or roadways that are not under the control of the City.

(g) Comply in all respects with the sketch plat.

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

(4) **Public Hearing:** Upon receipt of a formal application for preliminary plat approval and all accompanying material, the Community Development Director shall call a public hearing before the Planning Commission to be held a minimum of four (4) weeks after the date of receipt of the complete application. The Community Development Director shall submit a notice for publication in accordance with Section 3.02.

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

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

(a) Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

(b) If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;

(c) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;

(d) The subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state, and local laws and regulations;

(e) The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;

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

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

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

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

(a) The respective final plat, or a phase thereof, has been approved; or

(b) The respective final plat, or a phase thereof, has been submitted to the City, is scheduled for review, and it complies with the City Codes and the preliminary plat approval and requirements.

(c) If done by phases, the developer must continually file for the approval of at least one phase within one year of the most recent plat or phase approval. Said filing must comply with the City Code and the preliminary plat approval and requirements.

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

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

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

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

26-3-5 Amendments to Preliminary Plat: At any time after preliminary plat approval and before submission of a final plat, the applicant may request of the Community Development Director that an amendment be made in the approval or conditional approval of the preliminary plat. Under regulations established by the Planning Commission, the Community Development Director may agree to proposed amendments that are deemed to be minor. If the proposed amendment is major, the Planning Commission shall hold a public hearing on the proposed major amendment in accordance with the same requirements for preliminary plat approval found in Section 3.02. Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Commission shall approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Commission, the applicant may withdraw the proposed major amendment. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more or increasing density in the subdivision by ten percent (10%) or more. An applicant may not propose more than two (2) amendments-whether major or minor- to any preliminary plat. The Commission shall render a decision on the proposed major amendment within thirty (30) days after the meeting at which the public hearing was held, including any adjourned session, was closed.

26-3-6 Final Subdivision Plat:

(1) **Application Procedure and Requirements:** Following the approval of the preliminary plat the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Commission an application for recommendation to the City Council for approval of a subdivision final plat. The application shall:

(a) Be made on forms available at the Office of the Community Development Director, together with a fee as set forth in the Consolidated Fee Schedule.

(b) Include the entire subdivision, or section thereof, which derives access from an existing state, county, or City street.

(c) Be accompanied by a minimum of ten (10) copies of the subdivision plat and the construction plans, as described in these regulations.

(d) Comply in all respects with the preliminary plat, as approved.

(e) Be presented to the Community Development Director at least four (4) weeks prior to a regular meeting of the Commission in order that a public meeting may be scheduled.

(f) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, City uses, utilities, parks, and easements, in a form approved by Clinton City Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication. The applicant shall deliver a full covenant and warranty deed to all dedicated lands and improvements in proper form for recording, together with a title policy for Clinton City in the

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

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

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

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

(3) **Notice of Public Hearing:** Upon recommendation of the Planning Commission the community Development Director shall call a public haring before the City Council to be held no later than four (4) weeks after the date of recommendation. The Community Development Director shall submit notice for publication in accordance with Section 3.02. The notice shall advise the public that the final plat and all conforming documents have been received by the Planning Commission and may be reviewed by members of the public who may then submit written comments to the Commission concerning whether final approval should be granted. The notice shall include a deadline for receipt of comments and shall include the date of the public meeting at which final plat approval will be considered.

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

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

26-3-7 Vested Rights and Development Agreements:

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

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

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

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

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

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

(i) Protecting the health, welfare, and safety of the citizenry;

(ii) Developing or maintaining esthetics within a neighborhood or district;

(iii) Addressing proposed projects, and the impacts of such projects, which may not have been contemplated by the Code;

(iv) Addressing issues of the density of developments when required to balance competing interests;

(v) Refining uses within the development in furtherance of the general plan when considering neighboring properties;

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

(vii) Protecting sensitive lands;

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

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

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

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

(xii) When mutually agreed upon with the developer.

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

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

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

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

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

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

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

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

(1) **Signing of Plat:**

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

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

(2) **Recordation of Plat:**

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

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

(3) **Phasing Major Subdivision Plats:**

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

26-3-9 Appeals to City Council: The

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

26-3-10 Time Periods for Action: Whenever these regulations establish a time period for action by the City Council, Planning Commission, Community Development Director, such time periods are based upon complete applications, all fees being paid to the City, complete public notices and all necessary approvals and information being provided by other agencies, districts, or parties having specific input to be made on a subdivision. In addition the developer and Community Development Director may reach other timelines as agreed upon to meet the requirements of the City and developer. The City's duty to act is dependent on the applicant's substantial compliance with all applicable application and approval procedures.

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