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**Chapter 1. General Provisions**

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**26-1-1 Title.** These regulations shall officially be known, cited, and referred to as the Subdivision Ordinance of Clinton City.

**26-1-2 Policy.** 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.

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

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

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

**26-1-3 Public Interest.** Any proposed subdivision and its ultimate use shall be in the best interest of the public and shall be in harmony with good neighborhood development of the area concerned, and the subdivider shall present evidence to this effect when requested to do so by the Planning Commission.

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

- (1) To protect and provide for the public health, safety, and general welfare of the City.
- (2) To guide the future growth and development of the City in accordance with the General Plan.
- (3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (4) To protect the character, the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development.
- (5) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (6) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, parks, playgrounds, recreation, and other public requirements and facilities.
- (7) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (8) To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and establishment of survey monuments of subdivided land.
- (9) To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services though requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.
- (10) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (11) To preserve and/or improve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.
- (12) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the City.
- (13) To ensure that land is subdivided only when subdivisions are necessary to provide for uses of land for which market demand exists and which are in the public interest.
- (14) To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision and scattered.
- (15) To provide for safety and security of residents, subdivisions, commercial properties, and traffic by planning, developing, executing and requiring a city wide street lighting and general lighting design and requirement.

	<p><b>26-1-5 <u>Availability of Utility Services.</u></b> 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 at the Adopted Level of Service Standard, 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 City Engineer, using the accepted methods and measurements of the profession. <b>City Engineer Bryce Wilcox has been contacted to review this section for accuracy.</b></p> <p><b>26-1-6 Authority.</b></p> <p>(1) <b><u>City Council.</u></b> 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.</p> <p>(2) <b><u>Planning Commission.</u></b></p> <p>(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.</p> <p>(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.</p> <p>(3) <b><u>Community Development Director.</u></b></p> <p>(a) The Community Development Director is vested with the authority to review with developers and make recommendation concerning the development of sketch plats that will be utilized in the creation of preliminary plats. The efforts of the Community Development Director are intended to assist developers, however recommendations made by the Community Development Director are not binding upon the Commission or Council nor are they to imply approval of any development.</p> <p>(b) The Community Development Director of Clinton City is vested with the authority to approve, and deliver to the Mayor of Clinton City for signature, the following:</p> <p>(i) The approval of simple subdivisions of five lots or less which comply with the requirements of this Title;</p> <p>(ii) The approval of amendments to subdivisions that do not include vacating rights-of-way or easements and which comply with the requirements of this Title;</p> <p>(iii) The approval of lot line adjustments which comply with the requirements of this Title;</p> <p>(iv) The approval of property combinations which comply with the requirements of this Title;</p> <p>(v) The approval of transfers, not to include vacation of rights-of-way and easements which comply with the requirements of this Title;</p> <p>(vi) The approval of a Record of Survey Map which complies with the requirements of this Title.</p> <p><b><u>Variances.</u></b> <i>To be discussed further.</i></p>
<p><b>Commissioners Issues and Concerns</b></p>	<ul style="list-style-type: none"> <li>• <i>There were none.</i></li> </ul>
<p><b>ADJOURNMENT</b></p>	<p><b>Commissioner Buckles moved to adjourn. Commissioner Coombs seconded the motion. All those present voted in favor, the meeting adjourned at 8:50 p.m.</b></p>