

**APPLE VALLEY
ORDINANCE O-2022-27**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “11.02.060 Preliminary Plat Process” of the Apple Valley Subdivisions is hereby *amended* as follows:

BEFORE AMENDMENT

11.02.060 Preliminary Plat Process

All applications for preliminary plat approval shall be subject to the following:

- A. Town and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.
- B. If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.
- C. Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.
- D. Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to AVS 11.02.120, and required fee to planning department on or before deadline for submissions established by the Town.
- E. Staff shall review application and plat for completeness and obtain comments from joint utility committee.
- F. Zoning administrator shall place the item on an agenda for consideration at a public meeting before the planning commission.
- G. Applicant or applicant's authorized representative shall appear at the scheduled meeting before the planning commission to discuss the preliminary plat, answer questions, and receive recommendation from planning commission.
- H. Planning commission may recommend to the Town council approval, disapproval, or approval with conditions.
- I. Upon receiving a recommendation from the planning commission, the preliminary plat application will be placed on a Town council agenda. Applicant or applicant's authorized representative must appear at the Town council meeting when application is on the agenda. In the event the applicant fails to appear at the Town council meeting, or if applicant fails to obtain approval from the Town council within six (6) months said preliminary plat shall be considered void.
- J. Town Council may approve the plat, approve with conditions, recommend changes, send back to the Planning Commission, or deny the plat, subject to the following:
 - 1. The Town Council shall withhold approval of a preliminary or final plat if the

plat contains a communications easement that may have the effect of prohibiting the ability of any person to provide multichannel video programming services, cable services, information services, telecommunications or telecommunications services within the subdivision. An easement including a communications easement that limits the ability of any landowner to access a local utility or franchised cable or telecommunications service provider without payment of a fee to cross the easement violates this section.

2. The Town Council shall withhold approval of a preliminary or final plat if the property to be dedicated for streets, roads, rights of way or other parcels intended for the use and benefit of the general public is not provided free and clear of any easements, unless the Town Council finds that:
 - a. The subdivider did not create the easement, and could not reasonably be expected to obtain a release of the easement; and
 - b. Acceptance of the easement will not adversely affect the public.
- K. Approval of the preliminary plat by the Town Council shall authorize the subdivider to proceed with the preparation and review of construction drawings and the final plat.
- L. After preliminary plat approval from the Town Council, a complete application for final plat approval must be submitted within one year of the preliminary plat approval date. The Planning Commission may authorize a one-time extension not to exceed one year, provided that a written request for extension is received by the Town before the one year time period has expired.

AFTER AMENDMENT

11.02.060 Preliminary Plat Process

All applications for preliminary plat approval shall be subject to the following:

1. Town and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.
2. If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.
3. Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.
4. Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to AVS 11.02.120, and required fee to planning department on or before deadline for submissions established by the Town.
5. Staff shall review application and plat for completeness and obtain comments from joint utility committee.
6. Zoning administrator shall place the item on an agenda for consideration at a public meeting before the planning commission.
7. Applicant or applicant's authorized representative shall appear at the scheduled meeting before the planning commission to discuss the preliminary plat, answer questions, and receive recommendation from planning commission.

8. Planning commission may recommend to the Town council approval, disapproval, or approval with conditions.
9. Upon receiving a recommendation from the planning commission, the preliminary plat application will be placed on a Town council agenda. Applicant or applicant's authorized representative must appear at the Town council meeting when application is on the agenda. In the event the applicant fails to appear at the Town council meeting, or if applicant fails to obtain approval from the Town council within six (6) months said preliminary plat shall be considered void.
10. Town Council may approve the plat, approve with conditions, recommend changes, send back to the Planning Commission, or deny the plat, subject to the following:
 - A. The Town Council shall withhold approval of a preliminary or final plat if the plat contains a communications easement that may have the effect of prohibiting the ability of any person to provide multichannel video programming services, cable services, information services, telecommunications or telecommunications services within the subdivision. An easement including a communications easement that limits the ability of any landowner to access a local utility or franchised cable or telecommunications service provider without payment of a fee to cross the easement violates this section.
 - B. The Town Council shall withhold approval of a preliminary or final plat if the property to be dedicated for streets, roads, rights of way or other parcels intended for the use and benefit of the general public is not provided free and clear of any easements, unless the Town Council finds that:
 1. The subdivider did not create the easement, and could not reasonably be expected to obtain a release of the easement; and
 2. Acceptance of the easement will not adversely affect the public.
11. Approval of the preliminary plat by the Town Council shall authorize the subdivider to proceed with the preparation and review of construction drawings and the final plat.
12. After preliminary plat approval from the Town Council, a complete application for final plat approval must be submitted within one year of the preliminary plat approval date. The Planning Commission may authorize a one-time extension not to exceed one year, provided that a written request for extension is received by the Town before the one year time period has expired. Any such extension shall be subject to all requirements for improvements as found in this title at the time construction actually takes place. Any final plat approved by Town Council shall be considered to be void if not recorded within one year after receiving final approval, unless a one-year extension has been granted. All plats not otherwise extended shall be resubmitted as a preliminary plat to the Planning Commission and a new filing fee shall be paid.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley