



Planning Commission Agenda

2267 North 1500 West Clinton City, UT 84015

January 2, 2025

6:00 pm

Call to Order

1. Invocation or Thought
2. Pledge
3. Roll Call
4. Declaration of Conflicts

Business

1. **Public Hearing:** Review and possible action on text amendments to Title 26, Clinton City Subdivision Ordinance including updates to be compliant with provisions of State law regarding the subdivision review and approval process, designation of land use authority for preliminary and final plats, and various updates to improve the clarity and readability of the ordinance – Ordinance 25-01.
2. **Public Hearing:** Review and possible action on text amendments to Title 28, Clinton City Zoning Ordinance, regarding Internal Accessory Dwelling Units (ADUs) (Section 28-3-7) providing clarification regarding attached ADUs and adding regulations for Detached Accessory Dwelling Units including minimum lot size, setbacks and review and approval procedures – Ordinance 25-01Z.
3. **Public Hearing:** Review and possible action on text amendments to Title 28, Clinton City Zoning Ordinance, allowing accessory building coverage on a parcel or lot in the A-1 (Agricultural) zone containing a residential structure to not exceed 15% of the gross lot area as opposed to 10% of the gross lot area – Ordinance 25-02Z.

Other Business

1. Approval of December 5, 2024 Meeting Minutes
2. Director's Report
3. Commission Report

Adjourn

The order of agenda items may be changed, or times accelerated.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY MEETINGS

If you attend this meeting and, due to a disability, will need assistance in understanding or participating, then please notify the Community Development Department at (801) 614-0740 prior to the meeting and we will seek to provide assistance.

CLINTON CITY

PLANNING COMMISSION AGENDA ITEM

SUBJECT: <i>Public Hearing</i> (continued) – Review and possible action on text amendments to Title 26, Clinton City Subdivision Ordinance, regarding the subdivision review and approval process as required in State law and updates to various sections throughout the Title for improved clarity and consistency with best practices.	AGENDA ITEM: 1
PETITIONER: Peter Matson, Community Development	MEETING DATE: January 2, 2024
RECOMMENDATION: Recommend the City Council adopt Ordinance 25-01 (ATTACHMENT B) amending Title 26 (Subdivisions) updating the subdivision review and approval process in accordance with Utah State law together with updates to various sections for improved clarity and consistency.	ROLL CALL VOTE: YES
ORDINANCE REFERENCES: Title 26 Subdivisions	
BACKGROUND: Due to recent State law changes, a review and assessment is necessary for updating the City's Subdivision Ordinance. The proposed amendments and updates primarily aim to clarify the administrative nature of the subdivision review and approval process, particularly for single or two-family dwellings and townhomes. The goal is to align the City's Subdivision Ordinance with the provisions of SB 174 from the 2023 legislative session, ensuring a streamlined administrative review and approval process with clear guidelines. The proposed updates include sections that strictly adhere to State law, without discretionary flexibility. While State law only requires changes for single or two-family dwellings and townhomes, the existing code and proposed amendments applies to all subdivisions regardless of use.	
MAJOR CODE AMENDMENTS AND HIGHLIGHTS: ATTACHMENT C is a draft of the proposed amendments to Title 26 Subdivisions. This draft includes changes since the December 5 th meeting with strikeout/underline text indicating the changes. The following is a summary of the main highlights of this code update: 1) Administrative Land Use Authority Designation – The current code states that the planning commission is to review and make a recommendation for final approval by the Council. The update ensures that we have designated an “administrative land use authority” for preliminary plats as outlined in State law. This allows flexibility to the city to designate the planning commission as the land use authority to review and approve preliminary plats. 2) Elimination of Sketch (Concept) Plan Review - This step is eliminated from the code as required by State law. It is suggested, however, that we continue to offer an optional pre-application review at the request of the developer. 3) Complete Application – A complete application is defined for preliminary and final plat submittal. 4) Review Process Timing – The review process for preliminary and final plat defaults to what is specified in State law. The initial review of the preliminary plat is within 15 business days and final plat within 20 business days. State law also indicates that only four reviews between preliminary and final plat approval are allowed. 5) Bonding for private landscaping is no longer allowed. 6) City Road Standards – The new code follows the State law that residential roadway asphalt width cannot be required to be more than 32 feet. Collector street standards and the new townhome alternative public roadway standards are also listed. 7) The overall Subdivision Review Process is outlined in the attached flow chart (ATTACHMENT A)	

RECOMMENDATION: The attached draft of the Subdivision Ordinance (Title 26) updates is for your review and recommendation to the Council. Many of the proposed changes are presented to clean up the language and make the code more readable and hopefully easier to understand. The strikeout/underlined text are the updates since our last discussion during the December 5th meeting. If you would like to review a copy of the document with all the changes made since this review process began, please let me know and I'll send you a copy. Given the large number of changes proposed to Title 26, Ordinance 25-01 is written to repeal the Title in its entirety and replace with the updated document.

I have a few minor items to review with the city attorney before the meeting. If this review results in any proposed changes to the ordinance in this packet, I will review those with the Commission at the beginning of the discussion. Most of these items are shown in the comments listed on the right side of the body of the text.

ATTACHMENTS:

- A) Subdivision Review Process Flow Chart
- B) Ordinance 25-01
- C) Draft Title 26 Subdivisions – Updated Ordinance with Changes since 12-05-24 Meeting

ATTACHMENT A

CLINTON CITY

SUBDIVISION REVIEW AND APPROVAL PROCESS

Pre-Application Conference (Concept Plan)

(At request of Developer, not required)

City to provide:

- Land Use Regulations
- List of Standards
- Preliminary & Final Checklists

Property Rezone

(Must be approved prior to Preliminary Review Cycle)

Preliminary Review Cycle

See Section 26-3-3 for requirements

Applicant Submits Preliminary Plat, Utility, Grading & Drainage Plans for Review by Land Use Authority

Land Use Authority Begins 1st Review and Provides Written Comments to the Applicant

Applicant Addresses Comments from 1st Review and Provides Written Response

Preliminary Plat and Plans Submitted to the Planning Commission for Approval

(End of 1st Review)

Land Use Authority Reviews Comments and Approves Preliminary Plans when all Comments are Properly Addressed

(NO NEW COMMENTS)

Final Review Cycles

See Section 26-3-5 for requirements

Applicant Submits Final Plat and Construction Drawings for Review and Approval by the Land Use Authority

(Max. of 3 Reviews)

Land Use Authority begins Review and Provides Written Comments to Applicant

Applicant Addresses Comments from the Land Use Authority Review(s) and Provides Written Response

New Comments (if any) are added to the next Review Cycle. A Review Cycle is Complete when all Comments have been Completely Addressed

Administrative Land Use Authority Reviews Comments and Approves Final Plat and Plans when all Comments are Properly Addressed

Final Subdivision Approved

ORDINANCE NO. 25-01

SUBDIVISION ORDINANCE TEXT CHANGE

AN ORDINANCE REPLACING TITLE 26, CLINTON CITY SUBDIVISION
ORDINANCE

- WHEREAS,** Clinton City has established an ordinance regulating subdivisions within the City; and
- WHEREAS,** Clinton City desires to make changes to the subdivision ordinance pursuant to state law; and
- WHEREAS,** the replacement of Title 26 reflects the required changes to state code; and
- WHEREAS,** The Clinton City Planning Commission and City Council have convened public hearings and have determined that the replacement of Title 26 is needed to promote the health, safety, and general welfare of the citizens.
- NOW
THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY,
DAVIS COUNTY, STATE OF UTAH:
- SECTION 1.** The Clinton City Council voted to adopt Ordinance 25-01, attached hereto.
- SECTION 2.** Replacement. Title 26 shall be replaced in its entirety and will now read as attached in Exhibit A.
- SECTION 2.** Severability. In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.
- SECTION 3.** Effective date. This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City,
Utah, this ____ day of _____ 202_.

BRANDON STANGER
MAYOR

ATTEST:

LISA TITENSOR
CITY RECORDER

Posted: _____

ATTACHMENT C

DRAFT FOR PC REVIEW – 01/02/24

Changes/comment since 12-05-24 PC Mtg

TITLE 26 SUBDIVISION STANDARDS

CHAPTER 26-1 General Provisions

CHAPTER 26-2 Definitions

CHAPTER 26-3 Subdivision Application Procedure And Approval Process

CHAPTER 26-4 Assurance For Completion And Maintenance Of Improvements

CHAPTER 26-5 Requirements For Improvements, Reservations, And Design

CHAPTER 26-6 Impact Fees Related To Development

CHAPTER 26-7 Specifications For Documents To Be Submitted

CHAPTER 26-8 Validity And Effective Date

CHAPTER 26-1 General Provisions

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. 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 City's Ordinances and Regulations 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.

26-1-4 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 with the General Plan as an advisory guide.
- 3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, to provide necessary public services and a variety of housing types.
- 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 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 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 new development to pay fees, furnish land, or establish mitigation measures consistent with the impact of the new development 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 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 regarding these natural features.
- 12) To provide 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) 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.
- 2) Community Development Director. The Community Development Director of Clinton City is vested with the authority to:
 - a) 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.
 - b) Review and approve minor subdivisions of three (3) lots or less which comply with the requirements of Chapter 3 of this Title.
 - c) Review proposed plats 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 Planning Commission ~~or Council~~ nor are they to imply approval of any development.
 - d) Approve amendments to subdivisions. If the subdivision amendment that do not includes vacating rights-of-way or easements, and which this shall comply with the requirements of this Title.
 - e) Approve lot line adjustments which comply with the requirements of this Title.
 - f) Approve property combinations which comply with the requirements of this Title.

Commented [PM1]: Consider five (5) lots or perhaps more?

- g) Approve transfers, not to include vacation of rights-of-way and easements which comply with the requirements of this Title.

26-1-7 Jurisdiction

- 1) Applicability. These regulations apply to all subdivisions of land, as defined in this Ordinance, located within the corporate limits of the City or outside the corporate limits as provided by law.
- 2) Means. No land may be subdivided by 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 completed the subdivision application procedures and approvals as established in Chapter 3 of this Title, including the following:
 - i) The subdivider or his agent has obtained approval of the preliminary plat when required, and approval of the final plat as outlined by this Ordinance; and
 - ii) 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
 - iii) 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
 - iv) 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
 - v) The subdivider or his agent files and causes to have recorded the final plat with the Recorder for Davis County; or the City 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 determined invalid by any court having 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 Enforcement, Violations, And Penalties

- 1) 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 wastewater 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 is 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 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 landowners, 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, except as may be required by the Utah Municipal Land Use Development and Management Act, Utah Code Ann. §10-9a-101, et seq.

CHAPTER 26-2 Definitions

26-2-1 General

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

“Adequate Public Facilities” means facilities determine to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the City based upon specific levels of service.

“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.

“Area of Benefit” means an area of land which is designated by the City as receiving benefits from or creating the need for the construction, acquisition, or improvement of a Public Facilities Project.

“Area-related facility” means a capital improvement which is designated in the capital improvements program as serving new development and which is not a site-related facility. Area-related facility may include land dedication or construction of an oversized capital improvement, whether located offsite, or within or on the perimeter of the development site.

“Assessment District” see Public Facility Service Area. Special assessment is the term used in the United States to designate a unique charge that government units can assess against real estate parcels for certain public projects. This charge is levied in a specific geographic area known as a special assessment district (SAD).

“Average Density” means the total number of houses divided by the total acreage.

“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.

“Bond.” Any form of security including a cash deposit, escrow deposit account, or instrument of credit in an amount and form satisfactory to the City Attorney.

“Buffer” means a vegetated area which is landscaped and maintained as open space in order to eliminate or minimize conflicts between a development and adjacent land uses.

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

“Building Inspector” means the person or persons designated by the City to enforce the building codes.

“Capital Improvement” means a public facilities project to be owned and operated by or on behalf of the City.

“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.

“Certify” means whenever these regulations require that an agency or official certify the existence of some fact or circumstance, the municipality by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.

“City Attorney” means the licensed attorney designated by the City to furnish legal assistance for the administration of these regulations.

“City.” Clinton City, Utah

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

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

“Community Development Director” means the officer appointed by the City to administer these regulations and to assist administratively other Boards and Commissions.

“Concurrency” means a requirement that development applications demonstrate that adequate public facilities be available at prescribed levels of service concurrent with the impact or occupancy of development units.

“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 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”.

“Development Agreement” means an agreement between the Council and developer through which the Council agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or amenities by the developer in excess of those required under current community regulations.

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

“Escrow” means a deposit of cash with an escrow agent, approved by the City to secure the promise to perform some act.

“Exactions” means a requirement of development to dedicate or pay for all or a portion of land or costs of public facilities as a condition of development approval.

“Expenditure” means a sum of money paid out in return for some benefit or to fulfill some obligation. The term includes binding contractual commitments whether by development agreement or otherwise to make future expenditures as well as any other substantial change in position.

“Engineering and Standard Specifications and Standard Drawings” means the standards for construction of infrastructure in Clinton City [as outlined in Title 9 of the City Code](#).

“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.

“General Plan” means a comprehensive plan for development of the City prepared and adopted by the Planning Commission and Council pursuant to Utah State Code §10-9-301, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

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

“Homeowners Association (HOA)” means an association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision, be it a lot, parcel site, unit plot,

condominium, or any other interest, is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

“Impact Fee” means a payment of money imposed by the City on development activity pursuant to this Section as a condition of granting a building permit in order to pay for the planned facilities needed to serve new growth and development activity.

“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.

~~“General 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 three (3) 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 or outside 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.

“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, is 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.

"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.~~

Commented [PM2]: This term is not mentioned anywhere else in this Title. Also, protection strips are not allowed.

"Public Improvements." Any drainage ditch, subsurface drainage system, storm drainage system, roadway, parkway, sidewalk, pedestrian way, 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 (1 1/2) inch tall letters. The copy of the public notice will be on an 8 1/2" x 11" piece of paper contained in a weather resistant, transparent cover.

~~"Resubdivision~~Plat Amendment." 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.~~

Commented [PM3]: Regulatory language not appropriate in a definition. This term is mentioned once in reference to railroads and limited access highways.

“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 that meets city minimum standards~~ 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~~ Transportation Master 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. UDOT rights-of-way in Clinton (1800 North and 2000 West) are the only arterial streets.

“Street, Collector.” A street, existing or proposed, of considerable continuity, which is the main means of access to the ~~Major Street System~~ arterial 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 that meets the city minimum standards for length, diameter and maximum number of dwelling units served.~~

“Street, ~~Minor~~ Local” 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 purposes, 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.

“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 26-3 Subdivision Application Procedure And Approval Process

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 is encouraged to schedule a pre-application 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. A meeting with a proposed subdivision applicant shall be scheduled within fifteen (15) days of a request.

26-3-2 Notice Of Public Meetings

- 1) The Planning Commission may hold public hearings for preliminary plat applications, but such public hearings are not required.
- 2) Notice of Planning Commission or other meetings, addressing the subdivision of land which requires Public Notice, shall be provided as required by Utah Code 10-9a-205.

Commented [PM4]: Leaving this as a “may” means the PC can hold public hearings, but is not required to do so.

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 conditions upon the filing of the phases as it may deem necessary to assure that the necessary infrastructure is provided.
- 2) Complete Application Procedure and Requirements. An application for preliminary plat shall be considered complete and begin the first review cycle when the following items have been submitted:
 - a) A complete application form available from the Community Development Department together with a fee that as set forth in the Consolidated Fee Schedule.
 - b) A preliminary plat that includes 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) A plan that shows the proposed location of all streets and the general location of anticipated utility connections.
 - d) A plan that shows lot signs in conformance with the City's ordinance standards.
 - e) Two (2) 24" x 36" scaled hard copies and one digital file (PDF format) of the existing condition drawings as described in these regulations;
 - f) Two (2) full-size (24" x 36") scaled hard copies and one digital file (PDF format) of the proposed preliminary plat, a utility plan and grading and drainage plans as described in these regulations;
 - g) 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
- 3) 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 meeting or 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 a hearing officer. 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.
- 4) 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) Water is available and the proposed system connection points are shown.
 - b) Sewer service is available or will be constructed so that it is available and the proposed system connection points are shown.
 - 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.
- 5) Disapproval on Appropriate Findings. The Planning Commission is authorized to disapprove the preliminary plat based on findings where the application is not consistent with the City's ordinances or duly adopted standards and specifications for public improvement..
- 6) 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 the Planning Commission, unless:
- a) The respective final plat, or a phase thereof, has been approved; or

Commented [PM5]: Do we want to allow more time?

- 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.

26-3-5 Final Subdivision Plat

- 1) Complete Application Procedure and Requirements. Following the approval of the preliminary plat, the applicant, if wishing to proceed with the subdivision, shall file with the Community Development Director a complete application for approval of a subdivision final plat. The application shall be considered complete and begin the review cycle when the following items have been submitted:
 - a) A complete application form available from the Community Development Department, together with a fee as set forth in the Consolidated Fee Schedule.
 - b) A plat of the entire subdivision, or section thereof, which derives access from an existing state, county, or City street.
 - c) Two (2) 24"x36" scaled hard copies and a digital file (PDF format) of the subdivision plat and the construction plans, as described in these regulations.
 - d) The plat and construction plans shall comply in all respects with the preliminary plat, as approved.
 - e) Plans demonstrating that provisions have 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.
 - f) 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.
 - g) Show all dedication to the public of all streets, City uses, utilities, parks, and easements. The subdivision plat shall be marked with a notation indicating the formal offers of dedication.
 - h) Final plat application shall 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 Clinton City Engineer, 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) Approved Final Plat and Construction Plan Submission Requirements. Three (3) paper copies of the construction plans and plat, and one (1) copy of the original of the final subdivision plat on reproduction Mylar, and one (1) digital file of the final subdivision plat and one (1) copy of the final subdivision plat on an 11" x 17" paper shall be submitted to the Community Development Director for final review. A check payable to the Davis 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.

- 3) 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 written 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) 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. 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 26-3-3.
- 2) Development Agreements. The City Council is hereby authorized, but under no circumstances is required to, enter into development agreements with individuals and/or entities, pursuant to and consistent with the provisions of Utah Code Ann. §10-9a-532.

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 decision pertaining to the final plat have been satisfied.
 - b) When installation of improvement ~~is required~~ occurs 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. Simultaneously with the filing of the final plat, the Community Development Director shall record such other legal documents as shall be required to be recorded by the Clinton City Attorney.

CHAPTER 26-4 Assurance For Completion And Maintenance Of Improvements

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) with appropriate financial assurance for completion of improvements 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. The subdivider will enter into an SIA by which the subdivider covenants to complete all required public improvements and obtain conditional approval no later than two (2) years following the date on which the City approves the final plat of the subdivision. Additionally, at the time of City Conditional Approval of these public improvements, the subdivider shall warrant, as defined in Utah Code 10-9a-509.5, 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.
- b) Security. 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 improvements. The estimated cost shall be reviewed and approved by the City Engineer. The escrow agent shall be a state-licensed institution approved to conduct business in this capacity and must have an office where the City can call on the deposit or credit within seventy-five (75) miles of the incorporated boundary of the City.
- 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 City 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

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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) If and when the City conditionally accepts the offer of dedication for the last completed required public improvement, the City shall release 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 a one (1) year 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 subdivision approval and shall maintain those temporary improvements for the period specified. 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 required by law.
- 5) 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~~ The Community Development Director shall notify the subdivider and Escrow Agent of any action taken by the ~~Council~~ City. The decision to grant any extension period shall be within the sole discretion of the ~~Council~~ City.
 - 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; or

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iii) Exercise any other rights available under the law.

- 6) Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be made by the City's approvals as part of the subdivision final plat approval and authorization of the Mayor to sign the final plat. The approval of a preliminary subdivision plat by the Planning Commission shall not be deemed to constitute or imply the acceptance by the City of any required public improvements.

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.
- a) 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.
 - b) 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.
 - c) 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 and 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 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 determined 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; and
 - c) Upon such approval and recommendation by the Public Works Inspector, the Community Development Director 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.
- 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 Community Development Director for 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 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.

26-4-5 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 ensure 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~~ shall 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~~ City'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 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 26-5 Requirements For Improvements, Reservations, And Design

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 Capital Facilities Plan of the City including all streets, drainage systems and parks shown on the Capital Facilities 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 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.
- 2) Adequate Public Facilities. Adequate Public Facilities: No preliminary plat shall be approved by the Planning Commission without recommendation of approval by the City Staff who have determined that public facilities will be adequate to support and serve the area and proposed subdivision.

- a) The applicant shall submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities by possible uses of said subdivision. Public facilities and services to be examined for adequacy will include roads and public transportation facilities, sewerage, storm drain, land drain, secondary water and culinary water service.
- 3) Waterbodies, Watercourses, and Wetlands: If a tract being subdivided contains a water body, and requires any associated facilities to further develop the property, such facilities shall be owned and maintained by the Homeowner's Association. The ownership of and responsibility for safe maintenance of the water body is solely the Homeowner's Association's responsibility. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the Clinton City Engineer, that is also owned and maintained by the Homeowner's Association.
- 4) Long Term Stormwater Management Best Management Practices (BMPs): If regional or shared BMPs are required to meet water quality requirements, such facilities shall be owned and maintained by a Homeowner's/Property Owner's Association. The ownership of and responsibility for safe operation and maintenance of these facilities is solely the property owner's (Association's) responsibility. The property owner (or Association) shall enter into a maintenance agreement with the City that outlines minimum operational and maintenance efforts and requires regular, at least annual, inspections of these facilities to ensure proper functionality and capacity. Said maintenance agreement shall be recorded with the property to ensure transferring of the maintenance agreement should ownership of the property change hands.
- 5) 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.
- 6) 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.
- 7) Monuments: The applicant shall place permanent reference monuments in the subdivision as required by these regulations, the Davis County Surveyor's office, standard surveying practices, and as approved by the City Engineer.
 - a) Monuments shall be located at street intersections and angle points of curves. The external boundaries of a subdivision shall be monumented in the field by monuments of solid iron rods at least twenty-four (24) inches long and five-eighths (5/8) inches in diameter and shall have caps attached indicating the surveyor accomplishing the survey. All internal boundaries and those corners and points not referred to in the preceding

paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, and at all angle points in any line.

- b) The boundary lines of lots that do not front on a street shall be monumented in the field by iron rods at least twenty-four (24) inches long and five-eighths (5/8) inch in diameter. The lines of lots that front on a street shall be monumented in the curb at the extension of the side property line. These monuments shall be nails of sufficient size to make a permanent reference point in the curb.
 - c) All monuments required by these regulations shall be set flush with the ground and placed 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 latest Engineering and Standard Specifications and Standard Drawings of Clinton City.
 - d) All monuments shall be properly set in the ground prior to Conditional Acceptance of the subdivision.
- 8) Character of the Land. Land that is 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 and shall not involve any danger to public health, safety, and welfare.
- 9) Subdivision Name: The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in Davis County. The Planning Commission shall have final authority to designate the name of the subdivision, which shall be determined at preliminary plat approval.
- 10) 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 non-compacted fill in accordance with the current Building Codes. Improvements in the public right-of-way must be constructed according to the Clinton City Engineering and Standard Specifications and Standard Drawings.

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 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 applicable zoning district as stipulated in 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 the~~ regulations of this Title. 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 provide~~ a better street or lot ~~plat layout~~. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing sight triangles and observing the minimum front-yard and side yard setbacks 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) Lot Orientation. The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.
- 4) 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 ~~high~~ traffic arterial ~~and collector streets~~ or to overcome specific disadvantages of topography and orientation.
 - b) Access from State Highways and Collector Streets. Lots shall not, in general, derive access exclusively from a state highways or collector streets. Where driveway access from a collector street may be necessary for several adjoining lots, the Planning Commission may require that such lots be served by a combined access drive 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 state highways and collector streets.
 - c) Lot Grading and Drainage. Lots shall be laid out to provide positive drainage away from all buildings. All owners with property within the City are required to control run-off from roofs, downspouts, concrete slabs, and other impervious surfaces or excess water from landscape maintenance from flowing onto neighboring properties.
 - i) It is each landowner's responsibility to ensure that public utility and drainage easements are maintained for proper flow and not blocked by changes in grade, landscape features, concrete pads, accessory buildings or other factors. Drainage easements shall be identified on the plat along the rear property line of each lot ~~as~~ outlined in Section 23-8-13 of this Code.
- 5) 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. Removal of these items and materials shall be required prior to the expiration of any Subdivision Improvement Agreement (SIA) or dedication and Conditional Acceptance of public improvements, whichever is sooner. Any individual lot shall be cleared of the same, prior to the issuance of a Certificate of Occupancy.

26-5-3 Fencing

Each developer may 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~~Standard Specifications in Title 9 of this Code and shall be noted to the height and material on the final construction plans. Conditional acceptance shall not be approved 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 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 ensure that all lot corners are in place prior to the issuance of the building permit.

26-5-5 Roads

1) General Requirements.

- a) Traffic Impact Analysis. A traffic impact analysis may be required for any development that has a potential to impact the existing street network as determined by the City Engineer.
- b) 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 Ordinances or be secured by a bond and Subdivision Improvement Agreement required under these subdivision regulations, with the width and right-of-way required by these subdivision regulations or the Transportation Master Plan..
- c) Wherever the area to be subdivided is to utilize existing road frontage, the road shall be suitably improved as provided in Clinton City Ordinances.
- d) Grading and Improvement Plan. Roads shall be graded and improved and shall conform to the Engineering and Standard Specifications and Standard Drawings of Clinton City 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.
- e) Topography and Arrangement: Roads shall be related appropriately to the topography. 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.

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 established on the Transportation Master Plan. 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) Local streets shall be laid out to discourage use by through traffic, and to permit efficient drainage and utility systems.
 - iii) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions. All unconnected streets extended to the boundary lines of the subdivision shall be properly terminated according to Clinton City Ordinances.
 - iv) 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 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 collector or arterial 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 collector streets shall be not less than six hundred sixty (660) feet in length. Blocks along UDOT arterials shall be determined by UDOT.
 - iii) Reservations for easements to accommodate utilities, drainage facilities, or pedestrian traffic may be required and will be determined if needed at time of preliminary plat review and approval.
- g) Access to UDOT Arterials and collector streets. Residential lots shall not front collector or arterial roadways, unless it is demonstrated no other feasible options exist. Access is to be provided from an internal residential street.
- h) Address and Street Name Assignments: Addressing of individual lots will be assigned by the Community Development Department. The submitted preliminary plat may propose street names, subject to approval by the Community Development Department. A road that is or is planned as a continuation of an existing road, shall bear the same name.
- i) Road Regulatory Signs. Before issuance of certificates of occupancy for any lot in the subdivision, the applicant shall install all traffic signs per Manual of Uniform Traffic

Control Devices (MUTCD). Street number signs are to be placed at all intersections within or abutting the subdivision. Speed limit signs are to be placed at the entrance to all subdivisions from arterial and collector streets. All traffic signs are to be installed in locations as shown on the approved construction drawings.

- j) Arrangement 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.
 - k) Second Access. A development with homes numbering greater than 30 must have a second roadway access. Multi-phase developments may exceed the thirty (30) home maximum, with approval from the Fire Department.
 - l) Temporary Turnaround. All city utilities shall be installed to the subdivision boundary. A temporary turnaround and easement shall be provided on all temporary dead-end streets, greater than one lot in depth. The temporary turnaround can be abandoned when the street is no longer a dead-end.
 - m) Permanent Dead-End Roads. Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Land Use Authority for access to adjoining property, its terminus shall be a cul-de-sac designed consistent with the Engineering and Standard Specifications and Standard Drawings of Clinton City.
 - n) Streetlights. Installation of streetlights shall be required in accordance with approved construction drawings, the Engineering and Standard Specifications and Standard Drawings of Clinton City, and Section 9-22-3 of this Code. Developers shall install all streetlights before Conditional Acceptance.
 - i) 1800 North and 2000 West Streetlights shall be installed with new development based on approved Clinton City and UDOT plans and standards.
 - (1) Where streetlights have been installed adjacent to vacant land, the owner/developer shall reimburse Clinton City for the proportional cost to install the existing streetlights at the time of development.
 - (2) Where streetlights have not been installed adjacent to vacant land, the owner/developer shall install streetlights based on Clinton City and UDOT plans and standards.
 - o) 1800 North and 2000 West Planter boxes – where planter boxes have not been installed within the right-of-way, new development shall install planter boxes based on approved UDOT landscape plans. City landscaping standards behind the sidewalk or right-of-way remain applicable.
- 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,

DRAFT FOR PC REVIEW – 01/02/24

Changes/comment since 12-05-24 PC Mtg

the following design standards for roads are hereby required. Road classification may be indicated in the General Plan or Transportation Master Plan; otherwise, it shall be determined by the City Engineer.

Road Classification	Local Residential Road Design	Local Collector Road Design	Collector Road	PRD Townhome Road Option
Min Width ROW (FT)	58	60	66	*
Min Width Traveled (FT)	32	34	40	26
Park Strip (FT)	4.5	4.5	4.5	3*
Sidewalk (FT)	5	5	5	4*
Maximum Grade (%)	6	6	6	6
Design Speed (MPH)	25	25	30	25
*These widths are minimums. The final ROW width shall be approved by the City Engineer in accordance with an approved PRD plan.				

- b) Alternative Local Road Standards: Alternative road standards may be considered by the Land Use Authority, upon recommendation by the City Staff. In no circumstance shall the roadway structure (e.g. asphalt, base, subgrade) be reduced below that required in the Engineering and Standard Specifications and Standard Drawings of Clinton City.
- c) Cross Slopes. The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.
- d) Road Surfacing and Improvements. After buried utility installation, the developer shall construct curb and gutter and road-ways to the widths prescribed in these regulations and approved construction drawings. The street structure shall be constructed per the Engineering and Standard Specifications and Standard Drawings of Clinton City or an approved soils report, whichever is more stringent. The developer is responsible to have a maintenance coat applied to the surface of all new pavement.
- e) Railroads and Limited Access Highways. In residential districts where a limited access highway is so located, as to affect the subdivision of adjoining lands, 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 area when averaging of lot sizes is 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." The depth of the buffer strip may be required to be

increased or decreased, subject to attenuation standards and noise study recommendations from a qualified professional.

- i) 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.

f) Intersections.

- i) Streets shall be laid out 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.
- 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. UDOT approval is required where new streets intersect with UDOT arterial streets.
- iii) Minimum curb radius at the intersections of two roads shall be at least twenty (25) feet
- iv) Intersections shall be designed with a flat grade wherever practical. On rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
- v) 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, consistent with the dimensions and requirements for the "Sight Triangle" in Section 28-3-28 of the City Zoning Ordinance.
- g) Bridges: Bridges of primary benefit to the applicant shall be constructed at the full expense of the applicant without reimbursement from Clinton City. The sharing expense for the construction of bridges not of primary benefit to the applicant will be determined by special agreement between Clinton City and the applicant.

3) Road Dedications and Reservations.

- a) New Perimeter Streets. Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half-streets. Full-street improvements are required on all roadways.
- b) Development on Existing Roadways. Where a subdivision borders an existing local roadway that is not fully developed with curb and gutter and sidewalk or the street does not meet current standards and if homes will front the existing road, the developer will

be required to install curb and gutter, sidewalk, and reconstruct the roadway street section to current standards to the centerline of the roadway.

26-5-6 Drainage And Storm Water

- 1) General Requirements. The applicant shall install storm drain facilities in a manner prescribed by the Clinton City Engineering and Standard Specifications and Standard Drawings and Title 23 Sewer, Storm Water and Flood Irrigation. 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 or irrigation system. Storm drainage point of discharge from channel or conduit shall be protected from erosion by suitable structure or lining. Storm drain quantity and flood control calculations shall be designed by the Rational Method, or other methods as approved by the City Engineer. Storm water quality calculations shall be completed as outlined in the Water Quality Report form. A copy of the Water Quality Report shall be submitted with construction plans. The Clinton City Storm Drain Master Plan shall be referenced during the design and approval of a storm drain system. Surface water drainage patterns shall be shown for each and every lot and block. Inlets shall be provided so that surface water is not carried across or around any intersections, nor for a distance of more than 500 feet in the gutter.
- 2) Nature of Storm Water Facilities.
 - a) Location. The applicant may be required to carry away by pipe any spring or surface water that may exist either withing the boundaries of, or as a result of the subdivision. 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 Engineering and Standard Specifications and Standard Drawings of Clinton City..
 - b) Accessibility to Public Storm Sewers. Storm drains must be connected to the existing public storm drain system. If an immediate connection is not accessible, extension to the system will be required.
 - c) Accommodation of Upstream Drainage Areas. A storm drain 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 Storm Drain Master Plan. Oversized drainage facilities that do not solely benefit the development shall be charged a pro rata share, based upon the cost of over sizing the storm drain system.
 - 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. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the City may withhold approval of the subdivision until provision has been made to accommodate all drainage volumes to the satisfaction of the City Engineer and in accordance with the Engineering Standard Specifications and Drawings of Clinton City.

No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

- e) Detention Basins. Large multiple use detention basins serving multiple neighborhoods or properties will be located as designated in the Clinton City Storm Sewer Master Plan. 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:
 - i) In the case of a residential subdivision, serve as a multiple-use area for open space and park activities, and be landscaped and maintained as such; and
 - ii) In the case of a commercial development, be integrated into an approved landscaped plan.
- f) Drainage Channels: All existing drainage channels shall be preserved. Subdivision improvements shall not be permitted inside drainage channels, unless approved by City Staff and other authorized reviewing agencies.

3) Dedication of Drainage Easements.

- a) General Requirements. When a subdivision is traversed by a watercourse, pipe, 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.
- b) Drainage Easements:
 - i) During the preliminary design review process the City may require that public utility and drainage easements be placed on the plat. Easements shall be indicated on and dedicated with the plat at the time of recordation.
 - ii) Where topography or other conditions make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least twenty (20) 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. When located in easements on private property, a drivable gravel or asphalt surface access must be provided to all manholes.
 - iii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate easements must be secured, assigned to the City and properly recorded.
 - iv) 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 land use authority.
 - v) 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.

- 4) Wetlands: Wetlands in subdivisions, whether or not included in areas for dedication, shall be preserved and retained in their natural state as required by federal statute. For any plat with characteristics of typical wetlands, the developer shall submit to the Army Corp of Engineers for determination of wetlands and adhere to all requirements of the Corps, prior to preliminary plan approval by the City.

26-5-7 Land Drain

General Requirements. The applicant shall install land drain facilities in a manner prescribed by the Clinton City Engineering and Standard Specifications and Standard Drawings and Title 23 Sewer, Storm Water and Flood Irrigation.

- 1) Existing Land and Field Drains. Where existing land and field drain facilities are present, they shall be connected to the city drainage system. If said facilities conflict with proposed development, they shall be rerouted to connect to the city's system.
- 2) For footing and foundation subdrains, refer to City Code Section 23-7-3.
- 3) Land Drain Easements:
 - a) During the preliminary design review process the City may require that public utility and drainage easements be placed on the plat. Easements shall be indicated on and dedicated with the plat at the time of recordation.
 - b) 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 twenty (20) 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. When located in easements on private property, a drivable gravel or asphalt surface access must be provided to all manholes
 - c) When a proposed drainage system will carry water across private land outside the subdivision, appropriate easements must be secured, assigned to the City and properly recorded.

26-5-8 Water Facilities

- 1) General Requirements.
 - a) The applicant shall install all water facilities in a manner prescribed by the Clinton City Standard Specifications and Drawings and Title 27 Water.
 - 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 eight (8) 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.

- c) If a public water main is not accessible, the developer is required to extend the water main to their site. All water main extensions shall be approved by the Clinton City Public Works Department.
 - d) The cost of oversized water facilities that do not solely benefit the development shall be charged a pro rata share, based upon the cost of over sizing the of the water system and the required sizing of the development.
 - e) Construction drawings shall show the proposed location of all fire hydrants, all waterlines with size indicated, and water valves. The cost of the water system improvements is the responsibility of the developer and shall be included in the Subdivision Improvement Agreement.
 - f) 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.
 - g) 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 or meet the requirements of the City's adopted fire code, whichever is more stringent. All fire hydrant locations shall be approved by the Clinton City Fire Department.

26-5-9 Secondary Water System

The Davis and Weber Counties Canal Company (DWCCC) provides secondary water irrigation to Clinton City. All lots in Clinton City are required to have a secondary water service, unless otherwise approved by the Public Works Department. The developer shall bear all costs associated with the installation of the secondary water system. The system shall be designed to meet the DWCCC standards and shall be approved by DWCCC prior to construction. The development is also required to bring the irrigation water or DWCCC shares as required for irrigation. See Title 27-7 Pressure Irrigation Water Service.

26-5-10 Sewer Facilities

General Requirements.

- 1) The applicant shall install sewer facilities in a manner prescribed by the Clinton City Engineering and Standard Specifications and Standard Drawings and Title 23 Sewer, Storm Water and Flood Irrigation, and any other applicable State or County requirement. The sewer system shall be designed to accommodate flows of the development and future growth be consistent with the City's Sewer Master Plan.
- a) Use of City Sewer Collection System Mandatory. It shall not be allowed for the owner or any other person occupying or having charge of any premises within the City limits to dispose of sewage by any means other than by use of the City sewer collection system. It

shall be unlawful to construct or to continue the use of any other sewage disposal system such as a privy, vault, cesspool or septic tank on such property.

- i) Property within the City's Annexation Expansion Area that are served by septic tank systems that are annexed into the city shall be allowed to continue with the septic tank connection until such time the property is approved for new development and served by the City sewer collection system.

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) Minimum Size. No public sewer shall be less than eight (8) inches in diameter.
- c) Minimum Slope. All sewers shall be laid at a minimum of a 0.5% slope, unless otherwise approved by the City Engineer. No sewers shall be installed at less than the minimum slopes required by the Utah Division of Water Quality.
- d) Alignment. All sewers shall be laid with straight alignment between manholes. 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 500 feet..
- e) Manholes. Manholes are to be four (4) foot diameter for eight (8) and 10-inch lines. Larger sewer lines require a five (5) foot diameter manhole. Direction changes or intersections require a five (5) foot manhole. Sewer Locations. Sanitary sewers shall be located within street rights-of-way or other utility easements, as approved by the City. When located in easements on private property, a drivable gravel or asphalt surface access must be provided to all manholes
- f) Sewer Depth. No sewer shall be deeper than ten (10) feet without specific approval of the Public Works Department.
- g) Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer system. Sewer systems shall meet the requirements of the Wellhead Protection Ordinance.
- h) 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 eighteen (18) inches below the water main. In instances where separation is less than eighteen (18) inches, appropriate protection (e.g. encasing sewer line, adjusting water line joints) of the water system shall be implemented, with approval of the City Engineer and the Utah Division of Drinking Water.
- i) Individual Grinder Pump. Individual grinder or ejector pumps are not allowed to be connected to the sewer system or installed in street rights-of-way. Each lot must have a gravity sewer lateral installed to the property. If an ejector pump is needed to get the sewer from the home to the system, it must connect to the gravity sewer lateral prior to the street right-of-way. The main floor should connect to the gravity sewer and the ejector pumps should only serve the basement.

j) Lift Station System:

- i) If public sewer facilities are not available and a lift station is required to service a development or upgrades to an existing lift station are required, the developer shall extend the development system to join an existing City or NDCSD mains. The developer shall be responsible for the cost to construct all parts of the system including the lift station for the purpose of providing a sanitary sewer system capable of providing for waste removal from each proposed lot within the development.
- ii) The City will design and construct the lift station or upgrades to the lift station and the developer will reimburse the city for all the costs for design and construction.
- iii) The cost of oversized lift station facilities that do not solely benefit the developer shall be charged to the developer pro rata based upon the system capacity over that necessary for the land being developed.
- iv) All lift Stations are to be part of the Clinton Sanitary Sewer Special Service District.

26-5-11 Sidewalks

1) Required Improvements.

- a) Curb, gutter and sidewalk shall be included within the dedicated right-of-way and constructed in accordance with the Clinton Engineering and Standard Specifications.
- 2) Park strips on collector streets that are maintained by the City shall be a low maintenance surface (e.g. rock, crushed granite, concrete, pavers, etc) as approved by the City. Park strips in UDOT roadways shall be stamped concrete and maintained by the adjacent property owner.
 - a) 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.

26-5-12 Utilities

1) Location.

- a) All utility facilities, including but not limited to gas, electric power, telephone, and communication cables, shall be located underground within utility easements 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 and approved construction drawings. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense.

2) Public Utility Easements.

- a) A ten (10) foot Public Utility Easement (PUE) shall run along all street rights-of-way.
- b) Easements along rear property lines may be required for existing or future drainage and utilities and such easements shall be at least ten (10) feet wide.

- c) Easements along side property lines may be required for existing or future drainage and utilities and such easements shall be at least seven (7) feet wide.

26-5-13 Gravity Irrigation Water

No gravity 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.

26-5-14 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, Transportation Master Plan~~ 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 Planning 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, provided such requirements are proportionate to the impact of the subdivision and proposed use.
 - 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 on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

- f) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

CHAPTER 26-6 Impact Fees Related To Development

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 most recently adopted Capital Facilities Plan.

"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 a 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 most recently approved report from Impact Fee Analysis" 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 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) Ensure 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 were 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.

CHAPTER 26-7 Specifications For Documents To Be Submitted

26-7-1 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.
- 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 and 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.
 - 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.

26-7-2 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 City 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.

26-7-3 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 (1/2) inch border on top, bottom and right sides, the left side shall have a border of one and one-half (1 1/2) 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 makings shall be made on the Mylar with approved waterproof black 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, 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) Survey shall include NAD83 Survey Correction as required by the Davis County Recorder.
- e) 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.
- f) The standard forms approved by the City 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, executed by the Mayor and attested by the City Recorder.
- g) A three (3) inch by three (3) inch space in the lower right-hand corner of the drawing for recording information.
- h) Preparation. The final subdivision plat shall be prepared by a land surveyor licensed by the state.

CLINTON CITY

PLANNING COMMISSION AGENDA ITEM

SUBJECT: <i>Public Hearing</i> (continued) – Review and action on text amendments to the Clinton City Zoning Ordinance for Internal Accessory Dwelling Units (IADUs) as prescribed by recently updated State law.	AGENDA ITEM: 2
PETITIONER: Peter Matson, Community Development	MEETING DATE: January 2, 2025
RECOMMENDATION: Recommend the City Council adopt Ordinance 25-01Z amending various chapters of the Zoning Ordinance regarding internal, attached and detached accessory dwelling units (ADUs).	ROLL CALL VOTE: YES
ORDINANCE REFERENCES: Title 28 (Zoning), Chapter 2 – Definitions, Chapter 3 – Regulations, and Chapters 12-14 and 19 – Zoning Districts	
BACKGROUND: The attached ordinance amends the provisions for internal accessory dwelling units by clarifying regulations of internal/attached and detached ADUs. The proposed amendments are presented as exhibits to Ordinance 25-01Z. Exhibit A provides updated definitions for the various types of ADUs, Exhibit B provides the proposed modifications to Section 28-3-27 which outlines the purpose of ADUs, where ADUs are permitted, the approval process and development standards for each ADU type. This Section also includes a new setback table for each type of ADU. Exhibit C includes Table 14-2 which lists the various land uses allowed in the residential zones with the addition of attached and detached ADUs highlighted. Section 28-3-27 is the focus of this ordinance amendment. Please review the details, including the setback table, and be prepared to help make sure I’ve addressed all your concerns and items you want covered by this update.	
ATTACHMENTS: ▪ Ordinance 25-01Z ▪ Exhibit A ▪ Exhibit B ▪ Exhibit C ▪ ADU Setback Graphics	

ORDINANCE NO. 25-01Z

ZONING TEXT CHANGE

AN ORDINANCE AMENDING CHAPTERS 2, 3, 12, 13, 14 AND 19 OF TITLE 28, CLINTON CITY ZONING ORDINANCE, REGARDING INTERNAL, ATTACHED AND DETACHED ACCESSORY DWELLING UNITS

WHEREAS, Clinton City has established an ordinance regulating zoning within the City; and

WHEREAS, Clinton City desires to update the zoning ordinance to allow residents options for the construction of accessory dwelling units; and

WHEREAS, The Clinton City Planning Commission and City Council have convened public hearings and have determined that changes are needed in this ordinance to promote the health, safety, and general welfare of the citizens.

**NOW
THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH:

SECTION 1. Enactment

Title 28, Chapter 2 Definitions shall be amended by adding the definitions as described in Exhibit A, which is attached hereto.

SECTION 2. Enactment

Title 28, Section 28-3-27 shall be amended by the text amendments described in Exhibit B, which is attached hereto.

SECTION 3. Enactment

Title 28, Chapter 14 Single-Family Residential, Table 14.2 shall be amended by land use categories for attached and detached accessory dwelling units (ADUs) as described in Exhibit C, which is attached hereto.

SECTION 4. Planning Commission Action

Reviewed in a public hearing the 2nd day of January 2025, by the Clinton City Planning Commission and recommended for approval with specific modifications through a motion passed by a majority of the members of the Commission based on the findings that the proposed changes do not adversely affect the effectiveness of the Ordinance and are consistent with the intent of the General Plan.

SECTION 5. Severability. In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

SECTION 6. Effective date. This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City,
Utah, this ____ day of _____ 2025.

BRANDON STANGER
MAYOR

ATTEST:

LISA TITENSOR
CITY RECORDER

Posted: _____

EXHIBIT A

Title 28 Zoning Chapter 28-2 Definitions

...

"Dwelling Unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, structure, or vegetation.

"Dwelling Unit, Accessory." An accessory Dwelling Unit, or ADU, is a dwelling unit that contains its own kitchen, bedroom(s), and bathroom facilities, is subordinate to a primary dwelling unit, and is located on the same lot/parcel as the primary dwelling unit.

"Dwelling Unit, Attached Accessory". An attached accessory dwelling unit is an addition to the primary residence that creates a separate living space that can be accessed from the inside of the primary dwelling and may have a separate exterior entrance.

Dwelling Unit, Detached Accessory". A stand-alone structure that includes an ADU separate from the primary dwelling. A detached ADU can be built as an entirely separate unit or constructed as part of an existing accessory structure, such as a detached garage. It can only be within the side yard or rear yard area of the primary dwelling.

...

"Dwelling Unit, Internal Accessory" or "IADU" means a residential dwelling unit created within a primary dwelling unit, within the footprint of the primary dwelling unit at the time the IADU is created, and for the purpose of offering a long-term rental of 30 days or longer.

EXHIBIT B

28-3-27 – ~~Internal~~ Accessory Dwelling Units Standards.

1) ~~Internal accessory~~ Purpose and Intent.

~~1a)~~ Accessory dwelling units (“ADUs”) in single-family residential zones are an important tool in the overall housing goals and needs of the city and allow for alternative and flexible housing options in owner-occupied single-family residences. The purposes of the ~~IADU~~ standards for ADUs of this chapter are to:

- ~~(a)(i)~~ (i) Preserve and enhance life safety standards required for residential occupancy through the creation of a regulatory process for ~~internal~~ ADUs;
- ~~(b)(ii)~~ (ii) Provide housing options for individuals and families in all stages of life and/or with ~~moderate~~ moderate income that might otherwise have difficulty finding adequate housing within the city;
- ~~(c)(iii)~~ (iii) Provide opportunities to offset rising housing costs and promote reinvestment in existing single-family residential zones;
- ~~(d)(iv)~~ (iv) Preserve the character of single-family neighborhoods through adequate standards governing ~~internal~~ ADUs; and
- ~~(e)(v)~~ (v) ADUs shall ~~comply~~ with UTAH CODE ANN. 10-9a-530, which designates internal ADUs as permitted uses in all single-family residential zones and imposes limitations on the extent that municipalities may regulate internal ADUs.

(2) ADUs - Where permitted.

- (a) Internal and attached ADUs are permitted in primary dwellings under owner occupancy ~~on lots~~ containing more than 6,000 square feet located in the city’s R-1 (single-family), A (agricultural), and on existing single-family lots in the PZ (performance) zones, subject to the approval process detailed in this chapter.
- (b) Internal, attached and detached ADUs are prohibited ~~on any lot containing 6,000 or fewer square feet or on lots~~ where the primary dwelling is served by a failing septic tank. Internal, attached and detached ADUs in eligible areas shall be allowed as permitted uses.
- (c) Detached ADUs are permitted on lots under owner occupancy containing more than 10,000 square feet located in the city’s R-1 (single-family), A (agricultural), and on existing single-family lots in the PZ (performance) zones, subject to the approval process detailed in this chapter of a conditional use permit from the Planning Commission.

(3) ADU - Approval process. The approval process for ~~internal~~ ADUs in the city is as follows:

- (a) Internal and attached ADUs may are be allowed as a permitted use upon completion and filing of an ~~internal~~ ADU application form permit; payment of ~~all~~ applicable inspection fees; completion of a satisfactory property inspection; the city’s receipt of

the completed, signed affidavit required by this chapter; issuance of any necessary building permits; and compliance with all other applicable requirements of this chapter.

(b) The ADU permit application shall include the following:

- (i) Documentation that demonstrates the property is owner occupied;
- (ii) A to-scale site plan showing all buildings on the lot, required off-street parking, and floor plans of all buildings associated with the proposed ADU. Such plans may be conceptual but shall provide reasonable detail and specifications for full understanding of the proposed ADU;
- (iii) Payment of applicable inspection fees; and
- (iv) Review and approval by appropriate review body.

(b)(c) Permits for ~~internal~~-compliant ADUs may be renewed annually upon a satisfactory property inspection and payment of an administrative renewal fee. A portion of a principal dwelling unit with the characteristics of a separate dwelling unit but not occupied by a second family is exempt from obtaining an ~~internal~~-ADU permit and from paying the yearly renewal fee upon completion and recordation of an exemption form provided by the city. ~~Internal~~-ADUs shall comply with all other applicable building permit, zoning code, fire code and building code requirements.

(d) Upon approval and issuance of a building permit for an ~~internal~~-ADU, the city shall record a notice in the office of the county recorder that shall include:

- (i) a description of the primary dwelling;
- (ii) for an internal or attached ADU, a statement that the primary dwelling contains an ~~internal~~-accessory dwelling unit; and
- (iii) for a detached ADU, a statement that the lot contains a detached accessory dwelling unit; and
- (iv) a statement that the ~~internal~~-accessory dwelling unit may only be used in accordance with the city's land use regulations.
- (v) The city shall, upon recording the notice, deliver a copy of the notice to the owner of the ~~internal~~-ADU.

(4) **ADU Development standards.**

(a) The property's record owner (including titleholders and contract purchasers) must occupy either the primary dwelling unit or the approved ~~internal~~-ADU as such owner's permanent residence and at no time receive rent for the owner-occupied unit. An application for an ~~internal~~-ADU permit shall include evidence of owner occupancy in the form of the affidavit required by Section 5 of this Chapter and such other verification(s) as the city reasonably may require.

(b) Owner occupancy for a dwelling with an accessory dwelling unit shall not be required when:

- (i) The owner cannot live in the dwelling because of a bona fide temporary absence of three years or less for a temporary job assignment, sabbatical, or voluntary service;
- (ii) The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and
- (a)(iii) The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical, or voluntary service.
- (b)(c) Internal-ADUs shall not be used as short-term rentals.
- (c)(d) Only one internal-ADU may be created per lot or property.
- (d)(e) The design and size of the internal-ADU shall conform to all current applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new internal-ADU is proposed in or attached to an existing home, the entire internal-ADU shall be brought up to all minimum standards, as inspected and approved by city staff.
- (e)(f) The installation of separate utility meters for an internal-ADU is prohibited.
- (f)(g) Each internal-ADU shall require one off-street parking space in addition to required parking for the primary dwelling unit. In no case shall fewer than three total off-street parking stalls be provided for any property with an internal-ADU. The additional required parking space shall not be located behind or in front of the required parking spaces for the primary dwelling (i.e., tandem parking is prohibited) and shall be located on a drivable surface.
- (g)(h) Any parking spaces contained within a garage or carport shall be replaced if an internal-ADU is created within the garage or carport.
- (h)(i) Each internal or attached ADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
- (i)(j) An internal-ADUs shall maintain the same address as the primary dwelling with the addition of "Unit B".
- (j)(k) Internal-ADUs shall not be permitted within a mobile home or within a mobile home community.
- (l) An internal-ADUs may not be created within a mobile home as defined in UTAH CODE ANN. 57-16-3, as amended.
- (k)(m) ADUs shall adhere to all standards of the underlying zoning district with regards to lot coverage and maximum hard surface ratios.
- (l) An internal ADU shall not be permitted on a property with a failing septic tank.
- (m) Detached ADUs are prohibited in any zone in the city.

Table 3.27.1

<u>REQUIREMENTS</u>	<u>INTERNAL ADU</u>	<u>ATTACHED ADU</u>	<u>DETACHED ADU</u>	
			<u>DETACHED ADU Single Story</u>	<u>DETACHED ADU 2-Story</u>
<u>LOCATION</u>	<u>Part of Primary Dwelling</u>	<u>Attached to Primary Dwelling</u>	<u>Rear Yard Area</u>	<u>Rear Yard Area</u>
<u>MAXIMUM HEIGHT LIMIT^{1 & 2}</u>	<u>Same as Primary Dwelling</u>	<u>Same as Primary Dwelling</u>	<u>16' to Roof Peak</u>	<u>25' to Roof Peak</u>
<u>MINIMUM SIDE SETBACKS³</u>	<u>Same as Primary Dwelling</u>	<u>Same as Primary Dwelling</u>	<u>5 feet</u>	<u>10 feet</u>
<u>MINIMUM CORNER SIDE SETBACKS</u>	<u>Same as Primary Dwelling</u>	<u>Same as Primary Dwelling</u>	<u>Same as Primary Dwelling</u>	<u>Same as Primary Dwelling</u>
<u>MINIMUM REAR SETBACKS</u>	<u>Same as Primary Dwelling</u>	<u>Same as Primary Dwelling</u>	<u>10 feet</u>	<u>20 feet</u>
<u>WINDOWS⁴</u>	<u>No Restriction</u>	<u>No Restriction</u>	<u>Restricted</u>	<u>Restricted</u>
<u>OUTDOOR LIVING SPACE SETBACK⁵</u>	<u>No Restriction</u>	<u>No Restriction</u>	<u>10 feet</u>	<u>10 feet</u>
<u>ENTRANCE</u>	<u>Side or Rear</u>	<u>Side or Rear</u>	<u>Front, Side, Rear</u>	<u>Front, Side, Rear</u>
<u>SIZE LIMIT⁶</u>	<u>No Limitation</u>	<u>50% up to 1,200 sf</u>	<u>50% up to 1,200 sf</u>	<u>50% up to 1,200 sf</u>

1. In no case shall a detached ADU exceed the height of the primary dwelling measured at the peak of the roof.
2. Minimum roof pitch shall be 4:12; maximum roof pitch shall be 12:12.
3. Landings in side yards shall be set back 10' from side property lines for detached ADUs.
4. Skylights, clerestory, or obscured glass must be used if the ADU is located closer than 10' to the side property line and closer than 20' to the rear property line.
5. Outdoor living space shall not be allowed within 10' of a side or rear property line. Balconies, decks or similar built 4' above finished grade shall be set back 15' from the rear property line. Setbacks for balconies, decks or similar shall be measured from the fascia.
6. 50% of the primary dwelling unit's livable space is counted (parking and non-habitable storage areas shall not be counted for ADUs and primary dwellings).

(5) Affidavit.

- (a) All applications for ~~internal~~-ADU permits shall include a notarized affidavit, signed by the record owner of the property, that includes a description of the primary dwelling unit; a statement that the primary dwelling unit contains an ~~internal~~-accessory dwelling unit; and a statement that the ~~internal~~-ADU may only be used in accordance with the city's land use regulations. Change in ownership of the primary dwelling shall not require any additional zoning approval but shall require an updated ~~internal~~-ADU permit, site inspection (if applicable), and signed affidavit.

(6) Inspection.

- (a) Prior to approval of an ~~internal~~-ADU permit, all required building permits shall be completed by the applicant and inspected by the city's building official to verify compliance with all applicable city standards.
- (b) If no additional work is proposed or required to ready an ~~internal~~-ADU for occupancy, the applicant shall submit a minimum-fee building permit application, accompanied by an inspection by the city's building official, to ensure compliance with all applicable standards.

(7) Termination.

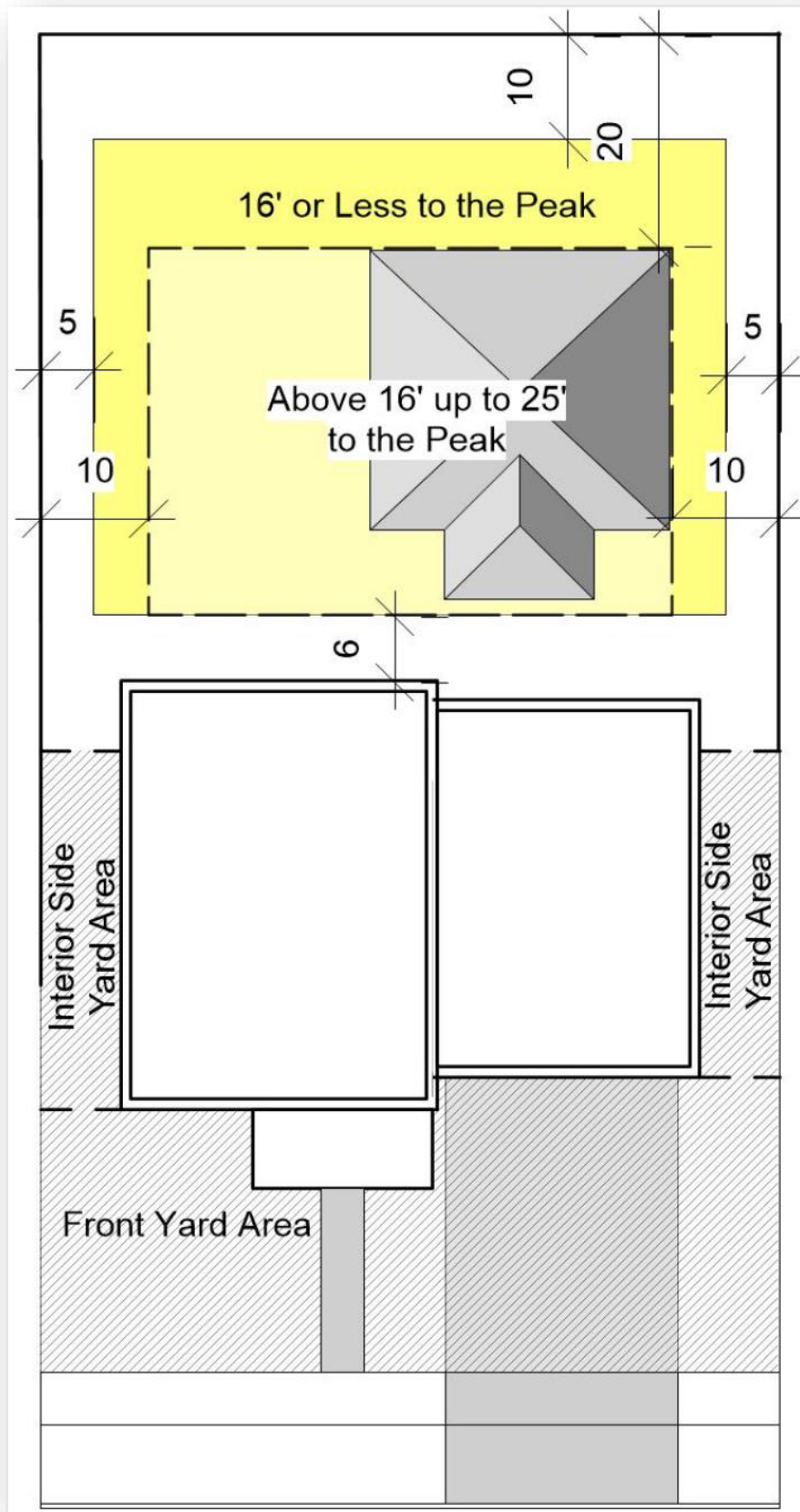
- (a) If the primary dwelling's record owner changes and is not accompanied by a new ~~internal~~-ADU application, or if the primary dwelling's record owner is no longer permanently residing in the primary dwelling, then the ~~internal~~-ADU shall be immediately vacated and shall no longer be used as an ~~internal~~-ADU. The city may revoke, or may choose to deny license renewal, to any property with unresolved violations of this code arising from or related to operation of an ~~internal~~-ADU. The city may also hold a lien against a property that contains an ~~internal~~-ADU that violated this chapter pursuant to the procedures detailed in UTAH CODE ANN. 10-9a-530(5), as amended.

Clinton City Zoning Ordinance
Residential, Single-Family

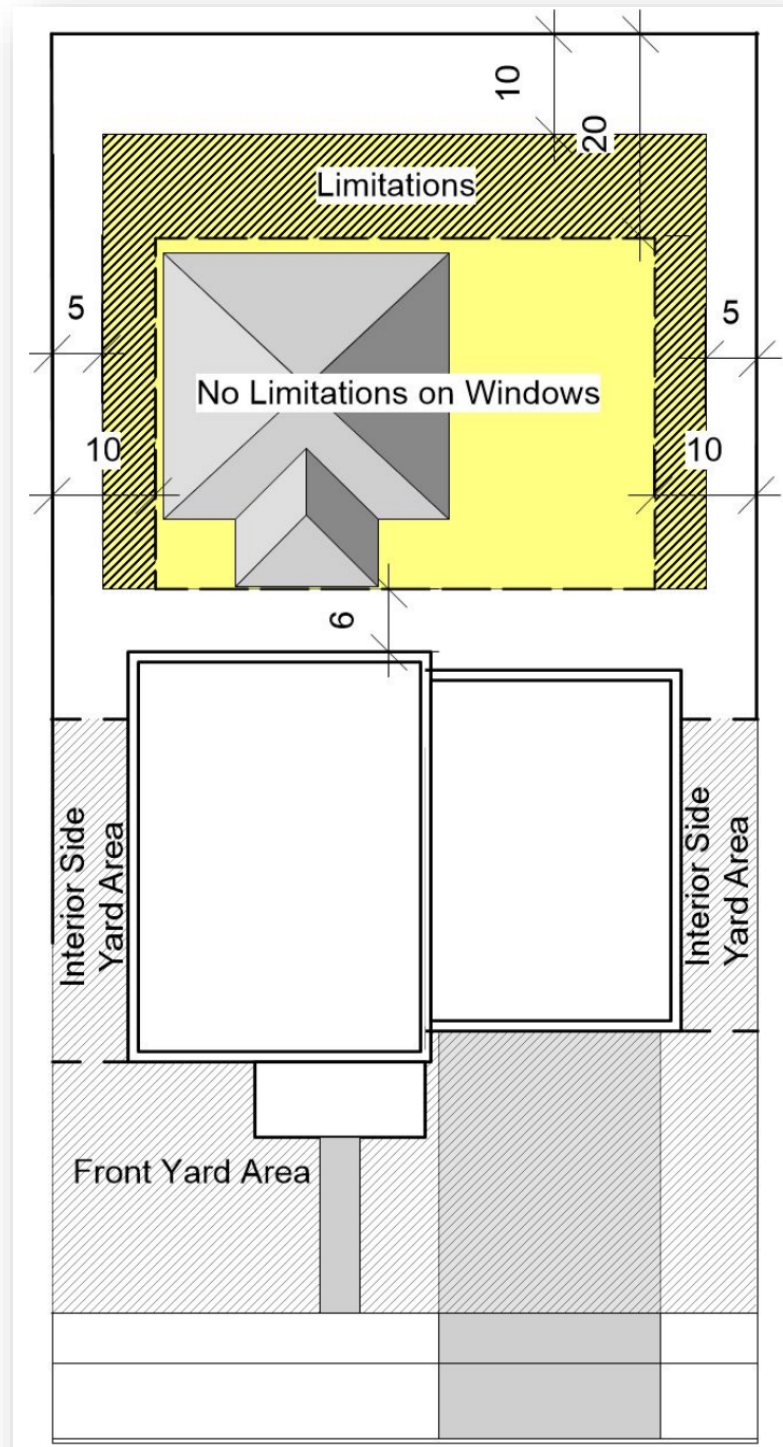
Title 28
Chapter 14

TABLE 14.2			RESIDENTIAL ZONES					
USES			R-1-6	R-1-8	R-1-8a ²⁵	R-1-9 ^{21, 24}	R-1-10	R-1-15 ⁵²
P = Permitted C = Conditional N = Not Permitted A = Accessory ¹³⁴								
1.	Agriculture		P	P	P	P	P	P
2.	Single Family Dwelling							
	1.	Site-built ⁵²	P	P	P	P	P	P
	2.	Modular Structures ⁵²	P	P	P	P	P	P
	3.	Manufactured Housing ⁵²	P	P	P	P	P	P
	4.	Camper Trailer	N	N	N	N	N	N
	5.	Mobile Home	N	N	N	N	N	N
3.	Household Pets		P	P	P	P	P	P
4.	Garages, accessory buildings, sheds, carports and uses customarily incidental to any permitted use. ^{169, 199}		P	P	P	P	P	P
5.	Public Building: public park, public recreation grounds and associated buildings.		P	P	P	P	P	P
6.	Raising, pasturing, and maintaining of not more than the following animal and fowl units for family food production or pleasure: 1 animal unit and 1 fowl unit for each one acre in the lot up to a maximum of 5 animal and 2 fowl units.		P	P	P	P	P	N
7.	Residential Chickens (see § 28-2-2) Permitted only on lots 10,000 square feet and larger. (All chickens are registered at City) ^{170, 208}		P	P	P	P	P	P
8.	Family Day Care Center ²⁶		A	A	A	A	A	A
9.	Home Business ¹⁷⁹		P	P	P	P	P	P
10.	Golf Course		C	C	C	C	C	C
11.	Churches, Synagogues, and Temples ¹⁸²		P	P	P	P	P	P
12.	Educational Institution (Elementary and Secondary, including associated grounds and athletic and other facilities) ¹⁸²		P	P	P	P	P	P
13.	Internal <u>and Attached</u> Accessory Dwelling Unit		P	P	P	P	P	P
14.	<u>Detached Accessory Dwelling Unit</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
14 15.	Public utility substation		C	C	C	C	C	C
15 16.	Handicapped Residential Facilities IAW Utah Code § 10-9-610 through §10-9-604. ¹³⁴		P	P	P	P	P	P
16 17.	Residential Facilities for Elderly IAW Utah Code § 1-9-501 through §10-9-504. ¹³⁴		P	P	P	P	P	P
17 18.	Municipal Water Wells, Reservoir, or Storage Tanks for water		C	C	C	C	C	C
18 19.	Kennels, Private or Commercial		N	N	N	N	N	N
19 20.	Garage and Yard Sales ¹⁷⁹		P	P	P	P	P	P
20 21.	Cemetery		P	P	P	P	P	P
21 22.	Sign – One nameplate or identification sign in accordance with the Clinton City Sign Ordinance ¹⁸²		P	P	P	P	P	P
22 23.	Bed and Breakfast ¹⁸²		P	P	P	P	P	P
23 24.	Temporary residences renting by the day or week ¹⁸²		P	P	P	P	P	P
24 25.	Temporary on-site storage containers for emergency construction or repair of residences, with the following stipulations: ¹⁸² a. Must be placed on a hard surface b. Can only be present for 3 months out of a 12-month period		P	P	P	P	P	P
25 26.	Garages, accessory buildings, carports uses customarily incidental to any non-residential use. ^{169, 199}		Structures will be evaluated along with application for primary use when evaluating a site plan as established in §28-3-10					

SINGLE-STORY & TWO-STORY DETACHED ADU BUILDABLE AREA

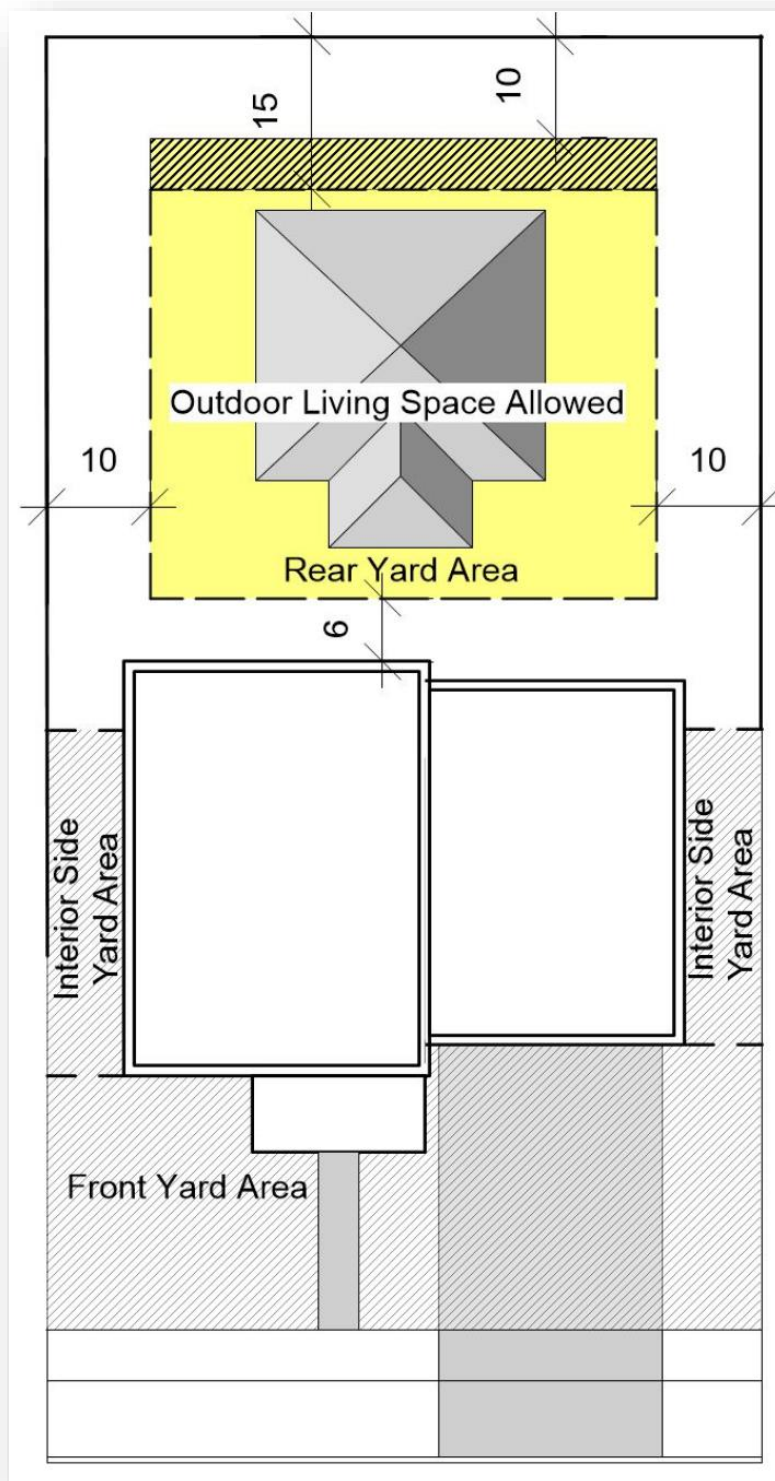


SINGLE-STORY & TWO-STORY DETACHED ADU WINDOW LIMITATIONS



Windows limited to skylights, clerestory, or obscured glass if closer than 10' from the side yard or 20' from the rear yard.

OUTDOOR LIVING SPACE



Outdoor Living Space must be 10' from the side yard or rear yard property lines. Balconies, decks or similar above 4' from finished grade must be setback 15' from rear property line.

CLINTON CITY

PLANNING COMMISSION AGENDA ITEM

SUBJECT: <i>Public Hearing:</i> Review and possible action on text amendments to Title 28, Clinton City Zoning Ordinance, allowing accessory building coverage on a parcel or lot in the A-1 (Agricultural) zone containing a residential structure to not exceed 15% of the gross lot area as opposed to 10% of the gross lot area – Ordinance 25-02Z.	AGENDA ITEM: 3
PETITIONER: Peter Matson, Community Development	MEETING DATE: January 2, 2025
RECOMMENDATION: Recommend the City Council adopt Ordinance 25-02Z amending Chapter 28-12 of the Zoning Ordinance allowing accessory building coverage on a parcel or lot in the A-1 (Agricultural) zone containing a residential structure to not exceed 15% of the gross lot area as opposed to 10% of the gross lot area.	ROLL CALL VOTE: YES
ORDINANCE REFERENCES: Title 28 (Zoning), Chapter 12 – A-1 Agricultural Zoning District	
BACKGROUND: The attached ordinance proposes to amend a note at the bottom of Table 12.4.4 in Chapter 28-12-4 of the Zoning Ordinance. Footnote “a” in this Table indicates that the combined floor area of all accessory buildings or other structures on a parcel or lot containing a residential structure cannot exceed 10% of the gross lot area. Two separate lot owners in the A-1 zone have approached city staff about this regulation wondering why this lot coverage requirement is limited to 10% in the A-1 zone when the A-E (Agricultural Estate) zone allows a maximum coverage of 15% of the gross lot area. The A-1 zone requires a one-acre minimum lot size and the A-E zone requires ½ acre as the minimum lot size. The lower percentage in the A-1 zone compared to the A-E zone appears reasonable because of the minimum lot size difference. However, a few residents with one acre or larger lots are of the opinion that they are being limited to a smaller percentage lot coverage. One property owner, for example, desires to build a +/-4,300-sf detached garage/indoor sport court with a +/-1,000 sf covered, unwallled section. The current code allows for the main structure but not the additional covered section. The attached map highlights the A-1 and A-E zoning throughout the city. Both residents interested in this proposed ordinance amendment live in the Stone Gate subdivision in west Clinton. This is likely one of the main areas where a change to this regulation would be applicable. Other A-1-zoned subdivisions where this may come into play exist along 800 North and a small section along 1300 North. Staff does not see any negative outcomes for this proposed amendment, but we certainly welcome further discussion and input before this proposal is forwarded on for further consideration.	
ATTACHMENTS: ▪ Ordinance 25-02Z • Exhibit A ▪ City Zoning Map – A-1 and A-E Zones	

ORDINANCE NO. 25-02Z

ZONING TEXT CHANGE

AN ORDINANCE AMENDING CHAPTER 12, TABLE 12.4.4 OF TITLE 28, CLINTON CITY ZONING ORDINANCE, ALLOWING A MAXIMUM GROSS LOT COVERAGE FOR ACCESORY BUILDINGS OF 15 PERCENT IN THE A-1 (AGRICULTURAL) ZONE

WHEREAS, Clinton City has established an ordinance regulating zoning within the City; and

WHEREAS, Clinton City desires to update the zoning ordinance to allow residents options for the construction of accessory dwelling units; and

WHEREAS, The Clinton City Planning Commission and City Council have convened public hearings and have determined that changes are needed in this ordinance to promote the health, safety, and general welfare of the citizens.

**NOW
THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH:

SECTION 1. The Clinton City Council voted to adopt Ordinance 25-02Z and Exhibit A, attached hereto.

SECTION 2. Severability. In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

SECTION 3. Effective date. This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this ____ day of _____ 2025.

BRANDON STANGER
MAYOR

ATTEST:

LISA TITENSOR
CITY RECORDER

Posted: _____

ORDINANCE NO. 25-02Z
EXHIBIT A

Chapter 28-12 Agricultural Zone (A-1)
28-12-4 Minimum Lot Development Standards

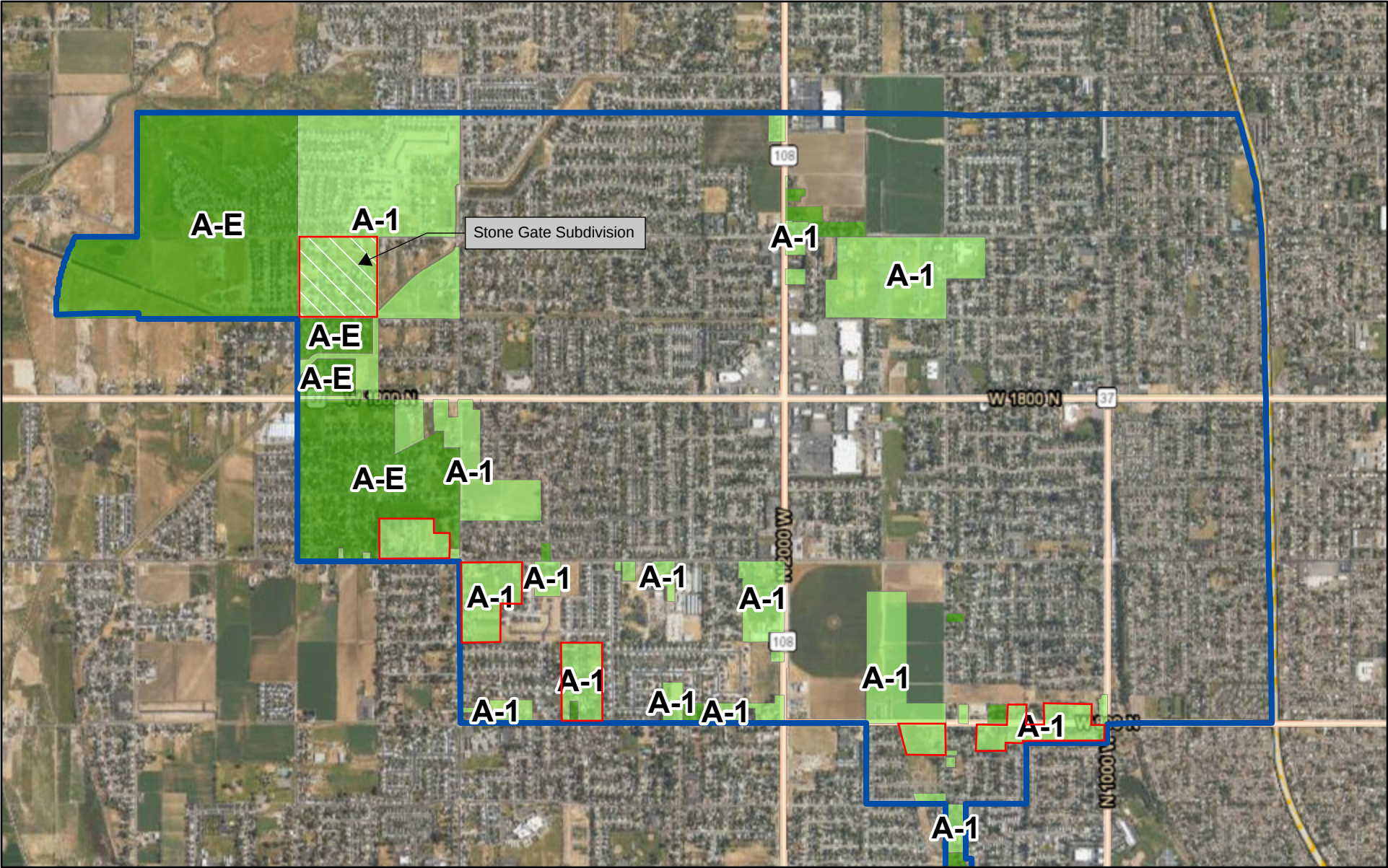
...

(6) Building Square Footage Requirement.

Table 12.4.4	
Single Family Dwelling Unit Footprint (minimum)	1200 ^b
Minimum Living Space (minimum)	1250 ^b
Accessory Garage (maximum)	2000 ^a
Detached Garage (maximum)	2000 ^a
Accessory Building (maximum)	2000 ^a
Accessory Building Large Lot	Unlimited ^a
Shed (maximum)	200 ^a
^a The combined floor area of all accessory buildings or other structures on a parcel or lot containing a residential structure cannot exceed 10% <u>15%</u> of the gross lot area.	
^b Applies to subdivisions approved after March 30,2005. For subdivisions approved prior to March 30, 2005, the Single-Family Dwelling Unit Footprint is 950 square feet and Minimum Living Space is 950 square feet for the A-1 zone.	

...

Clinton A-1 and A-E Zoning



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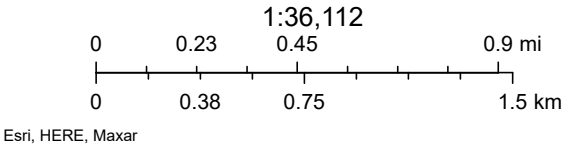
World Transportation

City Boundary

Zoning

A-1

A-E





2267 N 1500 W
Clinton UT 84015

Planning Commission Members

Jolene Cressall

Dan Evans

Mark Gregersen

Dave Jones

Chad Hansen

Jennifer Christensen

Date of Meeting	December 5, 2024	Call to Order	6:05 pm.
Staff Present	Community Development Director Peter Matson, Keaton Jones, and Becky Smith recorded the minutes.		
Attendees	Trevor Kapp, Deanna Larsen, Adam Larsen		
Prayer or Thought	Commissioner Gregersen		
Pledge	Commissioner Jones		
Roll Call/Attendance	Present were. Commissioners Jolene Cressall, Jennifer Christensen, Dan Evans, Mark Gregersen, Chad Hansen. Commissioner J Stark has resigned.		
Declaration of Conflicts	None		
PETITIONER:	Trevor Kapp – Kapp Auto Sales		
SUMMITTED BY:	Keaton Jones, Community Development Planner		
DISCUSSION	AGENDA ITEM 1 Public Hearing: Review and action on a request by Trevor Kapp for Site Plan approval for Kapp Auto Sales Storage Addition on approximately 1.01 acres (Lot 1 Clinton North Plaza Subdivision) located at 2267 North 2000 West (Parcel No. 14-474-0001). The request consists of site plan approval for a 20.37' x 84.00' foot attached storage addition to the Western side of the existing Kapp Auto Sales building located at 2267 North 2000 West. The existing Kapp Auto Sales building is located on lot 1 of the Clinton North Plaza subdivision. Located directly West of the subject property is lot 2 of Clinton North Plaza where the Kapp Auto Care service center building is located which is also owned by Mr. Kapp.		

The proposal is consistent with the development standards of the zoning ordinance. More specifically, the site plan maintains the requirements of the PZ zone including adequate parking, site circulation, landscaping, and architecture.

The architecture and color scheme of the Kapp Auto Storage Addition is in keeping with the CBD design guidelines in Chapter 20 of the zoning code. The addition is on the West side of the existing building as shown in the elevations (see Attachment C). The entire addition shifts outward 2' feet from the rest of the building on the North and South sides. Additionally, a forty-foot-long section of the West wall is shifted outward 2' feet as well.

Staff's architectural review scoring is [Attachment D](#) and can be used as a guide for the commission's evaluation. Scores greater than zero (0) are recommended for approval. Staff's initial review recommends a score of 0.54.

Based on the information provided above, the Conditions of Approval ([Attachment E](#)) and the supporting attachments, the Planning Commission can make the finding that the site plan meets the general purpose and spirit of the Performance Standard Zone standards.

Commissioner Evans questioned who owned the lot behind the proposed addition, if they are two separate lots, if the boundary setbacks still apply, and if the lot lines were adjusted would the lot be able to be sold in the future?

Mr. Keaton Jones advised the lot was owned by Mr. Kapp, and requirements will be overseen at the building permit phase. He also discussed the options that would be available to Mr. Kapp to meet the fire separation requirements.

Mr. Matson advised the lot line adjustment could also be managed administratively.

Commissioner Hansen expressed concern regarding the fire wall addition as the footings might extend over the property line by 8 inches.

Commissioner Gregersen questioned the public utility easement? If the easement is occupied by utilities currently?

Mr. Keaton Jones advised it is not, and Mr. Kapp contacted and received all the encroachment letters from the utilities prior to this application being submitted for review.

Mr. Matson explained they will deal with the lot line adjustment accordingly. He also discussed the color scheme and the roof line with the Planning Commission.

Commissioner Hansen inquired if there were any concerns about the storm sewer running under the new building?

	Mr. Matson advised that it was discussed and where it is a private system a concern was expressed but left up to the applicant as to how he wants to handle this. Mr. Kapp has said this building will only be used for an enclosed storage area. He believed it would match the building color scheme perfectly. Commissioner Gregersen asked if the lot lines would be overseen prior to the building permit being issued? Mr. Matson advised yes; they have already submitted the required documents. Chair Cressall opened the public hearing at 6:20pm and with no public input closed the hearing at 6:21pm.
Conclusion and Motion	Commissioner Evans made the motion to approve the review request by Trevor Kapp for Site Plan approval for the Kapp Auto Sales Storage Addition on 1.01 acres located at 2267 North 2000 West (Parcel No. 14-474-0001). Addressing the lot line before the building permit is issued as stated. Commissioner Hansen seconded the motion. Voting is as follows: Commissioner Jones, aye; Commissioner Evans, aye; Commissioner Hansen, aye; Commissioner Gregersen, aye; Commissioner Christensen, aye; Commissioner Cressall, aye.
Discussion	AGENDA ITEM 2 Public Hearing: Review and possible action on text amendments to Title 26, Clinton City Subdivision Ordinance including updates to be compliant with provisions of State law regarding the subdivision review and approval process, designation of land use authority for preliminary and final plats, and various updates to improve the clarity and readability of the ordinance – Ordinance 25-01. Due to recent State law changes, a review and assessment is necessary for updating the City’s Subdivision Ordinance. The proposed amendments and updates primarily aim to clarify the administrative nature of the subdivision review and approval process, particularly for single or two-family dwellings and townhomes. The goal is to align the City’s Subdivision Ordinance with the provisions of SB 174 from the 2023 legislative session, ensuring a streamlined administrative review and approval process with clear guidelines. The proposed updates include sections that strictly adhere to State law, without discretionary flexibility. While State law only requires changes for single or two-family dwellings and townhomes, the existing code and proposed amendments applies to all subdivisions regardless of use. MAJOR CODE AMENDMENTS AND HIGHLIGHTS: ATTACHMENT B is a draft of the proposed amendments to Title 26 Subdivisions. This is a clean version (no strikeout/underline text) with yellow highlights indicates proposed modifications for consistency with recent updates to State law regarding the subdivision review and approval process. The blue highlights indicate updates proposed by the city engineer and public works department to remove outdated language and to add details for the design, layout and infrastructure required in

subdivisions. The following provides a summary of the main highlights of this code update:

- 1) Administrative Land Use Authority Designation – The current code states that the planning commission is to review and make a recommendation for final approval by the Council. The update ensures that we have designated an “administrative land use authority” for preliminary plats as outlined in State law. This allows flexibility to the city to designate the planning commission as the land use authority to review and approve preliminary plats.
- 2) Elimination of Sketch (Concept) Plan Review - This step is eliminated from the code as required by State law. It is suggested, however, that we continue to offer an optional pre-application review at the request of the developer.
- 3) Complete Application – A complete application is defined for preliminary and final plat submittal.
- 4) Review Process Timing – The review process for preliminary and final plat defaults to what is specified in State law. The initial review of the preliminary plat is within 15 business days and final plat within 20 business days. State law also indicates that only four reviews between preliminary and final plat approval are allowed.
- 5) Bonding for private landscaping is no longer allowed.
- 6) City Road Standards – The new code follows the State law that residential roadway asphalt width cannot be required to be more than 32 feet. Collector street standards and the new town home alternative public roadway standards are also listed.
- 7) The overall Subdivision Review Process is outlined in the attached flow chart ([ATTACHMENT C](#))

Mr. Matson advised the State did make a change requiring Cities to only allow a maximum 32 feet of asphalt for roads, where Clinton City requirements were 33 feet.

Commissioner Cressall questioned what that does to the size of the sidewalk?

Commissioner Evans questioned the statement about the city staff and the planning commission referencing a preliminary plat review. He asked if it could be changed to the Planning Commission, who will not receive the plat until the City Staff have reviewed it.

Commissioner Christensen questioned some of the wording in 26-3-5 final subdivision plat section.

Commissioner Gregersen asked if Senate Bill 174 requires cities to make certain changes for single and two-family structures in subdivisions? The language in yellow appears to go further than what the State is requiring. What are the reasons this is thought to be beneficial?

Mr. Matson went on to explain that the City Attorney^s advised the law does not specify or mandate the non-residential subdivisions to follow the Bill, but they certainly may in the future.

Commissioner Gregersen expressed concern that Clinton City may be simplifying more than the State requires. Concerned this language required more than what the state required?

Mr. Matson advised a copy will be sent to the City Attorney, to make sure everything is clarified and to adjust or remove the code that no longer applies.

Commissioner Evans asked if the man hole language could be looked at too?

Commissioner Cressall advised the State addressing the single and the two-family subdivision, but for simplification in our ordinance staff added all subdivisions to it.

Commissioner Gregersen expressed concerned that we may be going further than the State required.

Mr. Matson explained the City Staff are taking this opportunity to clean up a very confusing piece of code.

Commissioner Gregersen is concerned that we are not holding up a high enough standard for single- and two-family residents. That it may open the bar to a lesser standard.

Mr. Matson asked the Planning Commission if they would like the wording to say there will be a public hearing or public meetings for preliminary plat approval.

Commissioner Cressall and Commissioner Evans both agreed that the Public Hearing are necessary so the Public will know.

Commissioner Cressall also stated that she really liked the input from the City Attorney and the Public Works department, so it will not have to be changed as quickly.

Chair Cressall opened the public hearing at 7:30pm.

Mr. Adam Larsen wanted to clarify changing approval from a legislative function to an administrative function. He stated he is concerned that this is being changed from elected officials to appointed officials.

Mr. Gregersen explained the steps the Planning Commission follows.

Mr. Larsen also stated it puts the voters more pressure on who the citizens vote for, so they appoint people that represent them. He expressed concern that this will only make it easier for the developers to go through their process easier and quicker. He pointed out these questions are just for his clarification. He wants to be sure he can answer the questions about what is happening in the city correctly if he is asked.

Commissioner Evans advised this is a state law that came down and the city council will not be deciding factor any longer. Therefore, it falls on the Planning Commission.

Mr. Larsen again stated this is for his clarification. This new change changes the process flow, now the elected officials are being forced out of the decision. Citizens will need to know they need to come to the Planning Commission if they have concerns.

Commissioner Christensen advised that it is important for citizens to attend meetings/stay informed. They should have been expressing them from the beginning stages of any project.

Mr. Larsen advised he has always been told to go to a City Council meeting never the Planning Commission meeting, felt that other citizens may have been told the same.

Commissioner Cressall advised sometimes she had made up her mind but when people come to the meeting and voice concerns, she listens.

Commissioner Christensen advised some of the laws passed down do have unintended consequences. Talk to your legislators. Ask your neighbors to get involved in the process.

Commissioner Gregersen expressed he values the input of the public, although there are instances where they do not know what the citizens want. Recommendations and input from the public are important for the Planning Commission to keep in mind regardless of what hat they are wearing.

	Mr. Larsen stated there is room for misunderstandings because the flexibility in one zone can vary in another. He believes the key part is to determine that this should not be about developers. The zoning decision should be what the citizens want. He believes this is a work in progress. Commissioner Gregersen advised the City Council is the legislative party. Subdivision approval is an administrative process. Mr. Larsen asked for clarification on what will go to the City Council. Mr. Matson explained the recent projects. Legislative components at zoning phase that involves a concept plan. If the council deemed it important enough, they could add a development agreement or an annexation agreement. The PRD overlay is typically used in a townhome subdivision. This was placed in this ordinance only used if applicable. Mr. Larsen clarified a PRD overlay always goes to City Council. Mr. Matson advised the zoning follows the same subject review process. Reviewed administratively, so they cross over with each other. When the overlay is involved, yes, the Council is involved. It is only allowed as an overlay in the R-M zone. Chair Cressall left the public hearing open until the next meeting on January 2, 2025
Conclusion and Motion	Commissioner Gregersen motioned to leave the public hearing open until the meeting on January 2, 2025. Commissioner Christensen seconded the motion. Voting is as follows: Commissioner Jones, aye; Commissioner Evans, aye; Commissioner Hansen, aye; Commissioner Gregersen, aye; Commissioner Christensen, aye; Commission Cressall, aye.
Discussion	AGENDA ITEM 3 Public Hearing: Review and possible action on text amendments to Title 28, Clinton City Zoning Ordinance, regarding Internal Accessory Dwelling Units (ADUs) (Section 28-3-7) providing clarification regarding the attached ADUs and adding regulations for Detached Accessory Dwelling Units including minimum lot size, setbacks, and review and approval procedures – Ordinance 25-01Z. Mr. Matson advised he still needs work on this item. Continue the hearing until the second of January. The attached ordinance amends the provisions for internal accessory dwelling units by clarifying regulations of internal/attached and detached ADUs. The proposed amendments provide modifications to Section 28-3-27 (Attachment B), which outlines the purpose of ADUs, where ADUs are permitted, the approval process and development standards for each ADU type. Table 14-2 (Attachment C) lists the various land uses allowed in the residential zones with the

	addition of detached ADUs highlighted. Attachment D is the same example setback table and graphics we reviewed in previous discussions. I have spent most of my time working on the subdivision ordinance agenda item, so I do not have the setback table and graphics complete at the time this packet went out. I am hoping to be able to work on those and present them during the meeting.
Conclusion and Motion	Commissioner Jones made a motion to keep the hearing open until the January 2 meeting. Commissioner Evans seconded the motions. Voting is as follows; Commissioner Jones, aye; Commissioner Evans, aye; Commissioner Hansen, aye; Commissioner Gregersen, aye; Commissioner Christensen, aye; Commissioner Cressall, aye.
OTHER ISSUES	• Commissioner Hansen advised he is starting his own firm named Chad Hansen Architectural Design.
DIRECTORS REPORT	• Planning Commissioner dinner is scheduled at 8pm on December 12, 2024. • Next meeting will be on January 2, 2025. • Asked the Commission what they thought if the bylaws were changed, and the chair became two years instead of one year. • Waiting for Hippo Vet Clinic to submit their resubmittal. • Greenfield Landing Subdivision application is out for review. • The General Plan process was extended, but the city has decided to contract with Psosmas as the consultant.
ADJOURNMENT	<i>Commissioner Evans moved to adjourn. Commissioner Hansen seconded the motion. Voting is as follows; Commissioner Jones, aye; Commissioner Evans, aye; Commissioner Hansen, aye; Commissioner Gregersen, aye; Commissioner Christensen, aye; Commissioner Cressall, aye. The meeting adjourned at 8:38pm.</i>

***Reviewed and Approved by the
Clinton City Planning
Commission on this.
th day of January 2025***