



PLANNING COMMISSION

2267 North 1500 West
Clinton City, UT 84015

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Revi

*Clinton City
Planning Commission*

*Chairman
Bob Buckles*

*Vice Chairman
Anthony O. Thompson*

*Members
Jacol Briggs
Jolene Cressall
Andy Hale
Jeff Ritchie
Gary Tyler*

*City Staff
Will Wright
Lisa Tidenson*

January 16, 2018

7:00 pm

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

	Pledge	Appointed
	Invocation or Thought	Appointed
	Roll Call	Chair
	City Council Report	Staff
	Planning Commission Minutes for December 5, 2017	Chair
	Declaration of Conflicts	Chair
1.	<p>PUBLIC HEARINGS: 7:05 p.m. – Review and action upon a request from Ivory Development for a Preliminary Plat for Monarch Meadows Subdivision located at 2600 W 1300 N. (Owner/agent requests that this item be tabled until February 6, 2018 Commission meeting) 7:05 p.m. Resolution 2-18 - Review and recommend to City Council upon a request to approve a Final Plat for Tryxen Meadows Subdivision at 717 W 2300 N.</p>	
2.	<p>WORK SESSION: Continue review and update effort of the City's Subdivision Ordinance with a review of Section 26-2 Definitions and other areas of the ordinance as time permits.</p>	
3.	COMMISSION COMMENTS	
4.	ADJOURN	
	<p>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 City at (801) 614-0740 at least three days prior to the meeting and we will seek to provide assistance. The order of agenda items may be changed or times accelerated as time permits with the exception of public hearings.</p>	



**CLINTON CITY PLANNING COMMISSION
CITY HALL
2267 North 1500 W Clinton UT 84015**

Planning Commission Members

Chair – Bob Buckles

Vice Chair – Tony Thompson

Jacob Briggs

Jolene Cressall

Jeff Ritchie

Andy Hale

Gary Tyler

Date of Meeting	December 5, 2017	Call to Order	7:00 p.m.
Staff Present	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
Citizens Present	Mark Staples, Nilson Homes; Dave Williams; Brian Russell; Gary Moore; Kipp Johnson; John Lee Roring		
Pledge of Allegiance	Commissioner Briggs		
Prayer or Thought	Commissioner Tyler		
Roll Call & Attendance	Present were: Commissioner’s Bob Buckles, Jolene Cressall, Jeff Ritchie, Andy Hale, Gary Tyler and Jacob Briggs Commissioner Tony Thompson		
City Council Report	Mr. Wright reported on the November 14, 2017 City Council meeting and special meeting on November 20, 2017 as recorded in the minutes.		
Declaration of Conflicts	There were none.		
Approval of Minutes	Commissioner Cressall moved to approve the November 7, 2017 Planning Commission minutes. Commissioner Tyler seconded the motion. Commissioners’ Hale, Ritchie, Briggs, Cressall, Tyler and Buckles voted in favor.		
7:05 P.M. – REVIEW AND ACTION UPON A REQUEST FROM IVORY DEVELOPMENT FOR A PRELIMINARY PLAT FOR MONARCH MEADOWS SUBDIVISION LOCATED AT 2600 W 1300 N.			
Petitioner	Chase Freebairn and Nick Mingo, representing Ivory Development		
Discussion	<p>Chase Freebairn stated Ivory Homes would like to move forward with this 66 lot subdivision. They are still negotiating with Clinton City and evaluating a park for this location; the process takes time. Per state statute, Ivory Homes has the right to submit an application for a subdivision that meets the zoning requirements. The application as submitted complies with the required standards.</p> <p>Mr. Wright explained regarding this preliminary plat request, the name has been changed to Monarch Meadows and lots have been reduced from 67 lots to 66.</p> <p>City Officials are not of the opinion that this preliminary plat should move forward at this time because it does not conform to 26-5-1 in the City Code regarding complying with the Park Master Plan.</p> <p>The City has obtained an appraisal and submitted an offer to Ivory Homes; Ivory Homes has not responded to the offer, not even with a counter offer.</p> <p>He reviewed the following information included in the staff report:</p> <p>ORDINANCE REFERENCES:</p> <ul style="list-style-type: none"> • Subdivision Ordinance 26-1-6(2) Land Use Authority Planning 		

Commission

- Section 26-5-1(1) Conformance to Applicable Rules;
- Engineering Standards and Specifications; and
- Zoning Ordinance Chapter 14 – Residential Single Family Zone for R-1-15.

1. The Parcel contains 30.035 acres and is designated as Single Family Residential Zone on which 66 lots are proposed.

2. The City Council approved the rezoning of this property from Agricultural (A-1) to Residential Single Family (R-1-15) Zone on September 5, 2017.

3. Ordinance 17-05Z approved the rezoning of this parcel and indicated the developer agrees "... to negotiate with the City for property to become a park adjacent to the detention basin."

4. Staff informed the developer early on of the City's interest in acquiring land for a park, since this area of the City was slated for a park in the City's Park Master Plan.

5. Section 26-5-1(1) states, "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:" (c) The Official Master Plan, Official Street Map, and Capital Facilities Plan of the City including all streets, drainage systems and parks shown on the Official Street Map or Master Plan as adopted."

6. Pg. 39 Table 1.04 Recommended Park Development Priorities found in the 2013 General Plan for Clinton in Section 8 - Technical Plan Updates, subsection B - Parks Master Plan 2013 there is a reference to the Child Craythorne Property at 1300 North 2750 West .

7. Staff made an offer on land for this property and continues to negotiate with the developer for this property, which site was not shown on either of the Preliminary Plats presented for the Monarch Meadows Subdivision.

8. Comments and/or questions related to changes needed in drawings have been provided to the developer.

Public Works Review Comments:

- Submittal Date: 10/5/2017

The developer shall be responsible to grade each lot such that runoff water is directed to fronting roads. Grading shall ensure that the runoff from each lot does not drain onto neighboring lots or properties.

- Show the Park property, all other comments may be affected by this
- Submit a copy of the geo tec report
- Show lots along 1300N as restricted
- Call out concrete parkstrip along 1300N
- Call out mow strip back of sidewalk along 1300N
- Clinton roadway is 3" asphalt over 10" of roadbase
- Show address and stop signs to be installed by contractor
- Call out 25 mph sign coming off of 1300N
- Call out street light locations
- All man holes to be 5' at direction changes
- Culinary water line to connect above the PRV on 1300N by 2430W
- LD man not be connected to existing LD on 2700W unless developer increases capacity or upgrades the line
- Sewer to be at .5% slope min.
- No water valves are shown
- At lot 12, culinary connection is to a separate pressure zone thus requiring a valve with wheel operator in a 5' man hole with a sump

- Sewer line is required on 2600W to edge of development
- Submit SD calculations
- Provide proof of application to DWC company
- Call out 4' park strip on 1300N, and provide roadway section for 1300N
- Multiple areas exceed 500' of curb without a CB, extend SD as necessary
- SD outfall to align with existing structure
- Show fencing along dissimilar use
- Provide letter from ditch company approving changes
- There will be a SD outfall from 2600W
- Change in notes to reflect Clinton City sewer
- Drawing should reflect the name "Monarch Meadows"

Community Development

- 1) An initial review of the 67 lots found that 8 lots had deficiencies, namely: Lot C1 (corner) corner lots must be 15,000 sq. ft.; lot 4 minimum width of lot is required to be 75'; C15 – must be 15,000 sq. ft.; C23 must be 15,000 sq. ft.; C24 must be 15,000 sq. ft.; C32 must be 15,000 sq. ft.; C37 lot must be 95' wide; and C67 must be 15,000 sq. ft..
- 2) Also, the averaging of the 47 interior lots does not meet the 15,000 sq. ft. minimum according to staff's calculations.

Mr. Freebairn referred to the following email he submitted to City Staff:

The City legally has to process the application. The park does not currently exist. The only thing that exists is our application for 66 lots which meet the current zoning requirements. The plans were updated from the previous submission and address the comments provided to us. The sole exception being the land drain which we are waiting for more information from Bryce regarding capacity and feasibility. I will also have the ditch letters to you tomorrow. Everything should be ready for the December 5th Planning Commission meeting.

Here is the state statute:

(1)(a)(i) An applicant who has filed a complete land use application, including the payment of all application fees, is entitled to substantive land use review of the land use application under the land use regulations in effect on the date that the application is complete and as further provided in this section.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the county's land use regulations in effect when a complete application is submitted and all application fees have been paid.

He then discussed the Fifth Amendment Takings Clause in the law and stated just compensation is required. The value of the property is under negotiation. The application before the Planning Commission is the application a decision is requested on. The plan can be adjusted later to include the park.

Commissioner Briggs asked if there is an expiration date to the offer.

Mr. Freebairn responded there is no expiration date; the appraisal was submitted as the offer. He expressed concern with the accuracy of the appraisal because it was appraised as raw agricultural land. Ivory would like

	<p>to seek another appraisal. The property was rezoned to R-1-15 in September. The intent is to move forward and receive just compensation for the park property. There have been ongoing email communications with Clinton City conveying these concerns.</p> <p>Commissioner Buckles commented he would like to have legal representation present for this discussion.</p> <p>Mr. Freebairn said his opinion is that the General Plan is a guide. They are not against the park; they just want to be fairly compensated. Ivory Homes tends to lose 9 or 10 lots with higher profit margins which is problematic. Negotiations can continue after approval tonight of the application that has been submitted for 66 lots. The fees for this application have been paid.</p> <p>Mr. Wright responded that City Officials do not agree with the appraisal concerns. The land is unimproved. The City would like to receive a counter offer and move forward with negotiations. One of the stipulations of the rezone for this property was negotiation for the park land.</p> <p>He clarified the Planning Commission can approve, conditionally approve or disapprove a preliminary plat.</p> <p>Commissioner Buckles asked for clarification that the recommendation from City Officials is to table or deny this request.</p> <p>Mr. Wright confirmed.</p> <p>Commissioner Tyler suggested it could be tabled until further negotiation takes place.</p> <p>Commissioner Briggs commented this is an unusual and unique situation. There is no time period requirement to act on this issue. The stipulation was identified in the rezone and Page 39 in the General Plan refers specifically to this property. He suggested more formal negotiations may be appropriate.</p> <p>Commissioner Buckles stated this is an open public hearing and at 7:34 p.m. asked for public comment; there was no public comment. He stated the public hearing will remain open.</p> <p>Mr. Wright explained that City staff met with Ivory Homes and expected Ivory Homes would come forward with an offer. Ivory Homes requested appraisal and design. The City made the offer based on the appraisal and Ivory Homes responded they did not agree with the appraisal and suggested the City go through a friendly condemnation process.</p> <p>Mr. Freebairn responded Ivory Homes agreed to negotiate for the property, they did not agree to design the park. The City is the moving party; it is not up to Ivory Homes to decide the value and design of park.</p> <p>The Planning Commission asked staff to ask legal counsel to attend.</p>
<p>CONCLUSION</p>	<p>Commissioner Tyler moved to table the Preliminary Plat for Monarch Meadows Subdivision located at 2600 W 1300 N to the January 16, 2018 Planning Commission meeting based upon the wording in the rezone when it was approved in September and based on page 39 of the Master Plan that identified this site was designated to be a park and based on staff’s recommendation including legal counsel. Commissioner Cressall seconded the motion. Voting by roll call is as follows: Commissioner Tyler, aye; Commissioner Ritchie, aye; Commissioner Briggs, aye; Commissioner Hale, aye; Commissioner Cressall aye and Commissioner Buckle’s aye.</p>

7:15 P.M. RESOLUTION 26-17 - REVIEW AND RECOMMEND TO CITY COUNCIL UPON A REQUEST TO APPROVE A FINAL PLAT FOR TOWN POINT SUBDIVISION PHASE 3 AT 1950 N 2275 W, CLINTON.

<p>Petitioner</p>	<p>Mark Staples representing Nilson Homes</p>
<p>Discussion</p>	<p>Mark Staples stated Nilson Homes is seeking approval for the Final Plat of Town Point Subdivision Phase 3; construction of phase 2 is just being completed. All staff's comments from 11/1/2017 are in the process of being addressed and will be submitted once complete.</p> <p>Commissioner Buckles asked for clarification if lots 304 and 316 meet the frontage requirements.</p> <p>Mr. Staples replied they are in compliance when you measure them from the radius or set back. He explained this is the phase where the big water line will be cut off at 1800 N.</p> <p>Mr. Wright referred to the following:</p> <ul style="list-style-type: none"> • The property was zoned on March 8, 2016 to Patio Home (PH) zone; • The preliminary plat was approved by the CC on April 19, 2016 showing a subdivision of a little more than 17.5 acres with 69 lots to be built in five phases (modified now to four phases); • Phase 3 indicates 19 lots for residential use; • The 19 lots in Phase 3 average about 7075.25 sq. ft. exceeding the 6,300 sq. ft. requirement; • The frontage of the 16 lots that are not a corner lot average about 62.01 linear feet exceeding the minimum requirement of 57'; • The 3 corner lots average frontage width is 88.34 linear feet, exceeding the minimum 61 foot width requirement and averages 7822 sq. ft. in size; • The HOA will take care of any landscaping in the park strip as well as along 1800 North.
	<p>Commissioner Buckles opened the public hearing at 8:00 p.m.; with no public comment he closed the public hearing at 8:01 p.m.</p> <p style="text-align: center;"><u>Public Works</u></p> <ul style="list-style-type: none"> • Submittal Date: 10/9/17 <p>The developer shall be responsible to grade each lot such that runoff water is directed to fronting roads. Grading shall ensure that the runoff from each lot does not drain onto neighboring lots or properties.</p> <ul style="list-style-type: none"> • Sht. 3 not 1800N • Note: remove the existing waterline through all of phase 3, connect new line to the existing line at the North end of 2250W, terminate existing water line at 1800N • Adjust sewer to .5% minimum • Show fire hydrant foot valve at the main line connection • Replace SD man hole#1 2250W 1950N with a catch basin • Call out address signs on the same post as the stop signs • Add address sign corner lot 316 • Sht. 6 remove temp retention pond, dig ditch to phase 2 SD • Provide a letter from the ditch company allowing abandoning of turnout • Lot 311 address 24" SD pipe at West property line • Verify street light locations against preliminary plat • Submit SWPP <p>RESOLUTION NO. 26-17</p> <p>A RESOLUTION APPROVING THE FINAL PLAT FOR TOWN POINT SUBDIVISION PHASE 3</p>

	<p>1 Plat shall not be recorded until a Subdivider’s Agreement and Subdivider’s Escrow Agreement have been completed and executed to insure the completion of the development.</p> <p>2 All comments related to the plat and engineering shall be corrected before the final plat is presented for signatures.</p> <p>3 Developer shall schedule, through the City, a preconstruction meeting once all engineering drawings have been corrected and approved by the City Engineer.</p> <p>4 It is the developer/contractor’s responsibility to comply with all Clinton City Standards, Ordinances, Staff, Engineer and requirements established during the approval process. Wherever there is a discrepancy between these drawings and City Standards the more stringent requirement will apply. If there is any doubt as to the requirement the developer is to seek clarification from the Community Development Department and obtain the determination in writing. Copies of the Standards are available at the Community Development Department.</p> <p>5 Prior to Conditional Acceptance and Final Acceptance by the City the Subdivider shall clear any construction debris from lots within the subdivision, except lots with buildings under construction, and level vacant lots within the subdivision in such a way that weed control, via mowing with a brush hog or similar item, is possible and all vacant lots will be mowed for weed control.</p> <p>6 The developer/contractor is responsible for insuring that all required inspections are performed by the Clinton City Public Works Department. If the developer is unsure of what inspections are required he can obtain a list from Public Works. The developer is cautioned not to proceed past an inspection point without insuring that the inspection has been performed and work passed by Public Works.</p> <p>7 It is the developer/contractor’s responsibility to insure adequate dust, trash and weed control practices are observed while any of the lots are under their control.</p>
<p>CONCLUSION</p>	<p>Commissioner Hale moved to forward a recommendation onto the City Council for approval of Res 26-17 to approve the Final Plat for Town Point Subdivision Phase 3 located at 1950 N 2275 W. Commissioner Tyler seconded the motion. Voting by roll call is as follows: Commissioner Tyler, aye; Commissioner Ritchie, aye; Commissioner Briggs, aye; Commissioner Hale, aye; Commissioner Cressall aye and Commissioner Buckle’s aye.</p>
<p>7:25 P.M. REVIEW AND ACTION UPON A REQUEST FOR A SITE PLAN AND ARCHITECTURAL REVIEW FOR A BURGER KING AT 1688 N 2000 W (OLD SONIC DRIVE-IN).</p>	
<p>Petitioner</p>	<p>Brian Russell, architect, representing Glenn of HB Boys, owner</p>
<p>Discussion</p>	<p>Brian Russell explained these changes are being proposed to the existing Sonic on 2000 W. There are challenges due to the existing building and national Burger King standards as well as finances. The intent is to add 900 sq. ft. to the front of the building for additional dining and a play area. He explained all the canopies will be removed and the outside of the building will be modified to resemble the national standard.</p> <p>Commission Buckles cautioned that sign requirements will need to be met.</p> <p>Mr. Wright reviewed the following information with the Planning Commission:</p> <p>A Site Plan shows the existing building and parking lot, along with proposed modifications. Burger King is a national company that has an established national brand which the owner hopes to have approved so that this store will be accepted in his application to the national company.</p> <p>It is a challenge to perform a site plan and architectural review with so much of the store structure and site already in place. Additionally, the parking and landscaping are pretty much laid out with the previous establishment and would be a challenge to change given site limitations. However, there are elements with the exterior of the building that can be reviewed. Again, Burger King expects their stores to look like most of the others to help it succeed with their national advertising efforts.</p> <p>Commissioners can review the exterior building materials, façade variations, color</p>

schemes, entrance and window orientations, sign interpretations and any additional features to insure the City’s standards are being considered and met whenever possible.

The store is 3,100 sq. ft. or about 10% of the parcel. Section 28-4-5 Parking Space for Commercial, Industrial and Institutional Uses is subsection (12) Eating and Drinking Establishments requires “... one space for each one hundred (100) square feet of gross floor space ...” Since this building is 3,100 sq. ft. then 31 parking spaces would be required. There are 33 parking spaces provided with 2 ADA spaces for a total of 35 parking spaces.

Commissioner Buckles opened the public hearing at 8:20 p.m.; with no public comment, he closed the public hearing at 8:21 p.m.

Mr. Russell commented the building will no longer look like a Sonic. The existing dining area helps the design. The canopies will be removed; the curb and gutter will remain; the parking will be restriped to more standard than slanted; the drive thru remains and there are no plans to remove the landscaping.

The Planning Commission completed the following review:

Table 20.1 Architectural Design Review – Points Evaluation
Point Weight (optional) Total

1.	Building orientation -----	-----	-----
a.	To the street	0	
b.	For future infill	0	
2.	Roofing type and pitch	-1	
3.	Roof line length	+1	
4.	Building height	0	
5.	Building materials	+1	
6.	Façade length variation	+1	
7.	Color schemes	0	
8.	Location and proportion of porches, and entrances	0	
9.	Location and proportion of windows	+1	
10.	Ornamentation and details	+1	
11.	Parking integration	0	
12.	Sign integration	0	
13.	Site landscaping design -----	-----	-----
a.	Fencing/walls	0	
b.	Sidewalks	0	
c.	Trees	0	
d.	Solid waste enclosures	0	
e.	Additional features	0	
14.	Exterior lighting	-1	

TOTAL 3

DESIGN REVIEW AVERAGE SCORE (Total / 19) .157

The Planning Commission agreed this is a significant improvement to the current site.

Gary Moore commented the building will show no resemblance to the old Sonic building.

CONCLUSION

Commissioner Briggs moved to approve the Site Plan and Architectural Review for Burger King located at 1688 N 2000 W based on the site plan as submitted and based on a positive score of 3. Commissioner Hale seconded the motion. Voting by roll call is as follows: Commissioner Tyler, aye; Commissioner Ritchie, aye; Commissioner Briggs, aye; Commissioner Hale, aye; Commissioner Cressall aye and Commissioner Buckle’s aye.

7:35 P.M. - ORDINANCE 17-06Z REVIEW AND RECOMMENDATION TO THE CITY COUNCIL TO AMEND SECTION 28-4-7 OF THE CLINTON CITY ZONING ORDINANCE, LOCATION OF PARKING FACILITIES, TO CLARIFY OFF-STREET PARKING REQUIREMENTS ON AN ADJACENT PARCEL.

<p>Petitioner</p>	<p>Staff per request of owner/agents for Comfort Dental Office (see attached letter)</p>
<p>Discussion</p>	<p>Mr. Wright explained the Planning Commission initially discussed Section 28-4-7 pertaining to parking requirements during the 8/1/2017 meeting and in other meetings since. Several ideas were expressed on how the Commission might amend the Zoning Ordinance to allow, under certain conditions, parking on adjacent properties. It is worth noting that a majority of Commissioners felt it is a good idea to allow parking for a commercial or industrial use on an adjacent parcel. This background is an effort to review those conditions and address them in a draft of an amendment to the Zoning Ordinance. A few suggestions mentioned in the meeting, included: 1) allowing parking on an adjacent lot if the parking is within 500 feet along the shortest available pedestrian route from the building site; 2) consider pedestrian safety by requiring available crosswalks or a means of legally and safely crossing the public street; and 3) permit only certain street classifications to be crossed, thereby prohibiting collector and arterial streets being used to access a parking facility. Section 28-4-7, Location of Parking Facilities currently reads as follows.</p> <p>Section 28-4-7 Location of Parking Facilities. “Parking space as required above shall be on the same lot with the main building, except that for the required off-street parking for any new commercial or industrial use, structure or building which, due to the size or location of the parcel, cannot be provided on the premises, may be provided on other property not more than five hundred feet distant from the building site measured along the shortest available pedestrian route of access. Access to parking spaces shall be from private roadways and not from public streets. All exterior routes to parking facilities containing accessible parking shall meet the requirements of the International Building Code adopted by the State.”</p> <p>As the Commission considered the issues of this matter, the following proposed changes to the Zoning Ordinance are offered to address the Commission and Council’s concerns, namely, “Parking space as required above shall be on the same lot with the main building, except for when overflow parking is needed to meet no more than fifty percent (50%) of the required off-street parking for any commercial, industrial and institutional uses, structure or building which, due to the size or location of the parcel, cannot be provided on the premises, may be provided on other property not more than five hundred feet in distance from the building site measured along the shortest available pedestrian route of access, and designated with a legal crosswalk for safety when crossing a public street which is designated as a local road as shown in the City’s street plan. All exterior routes to parking facilities containing accessible parking shall meet the requirements of the International Building Code adopted by the State.”</p> <p>Dr. John Lee Roring explained the intent is not to change the use of the building.</p> <p>Commissioner Buckles opened the public hearing at 9:00 p.m.</p> <p>Discussion of the ordinance as follows:</p> <p>“Parking space as required above shall be on the same lot with the main building, except for when overflow parking for an existing building is needed to meet no more than fifty percent (50%) of the required off-street parking for any commercial, industrial and institutional use, structure or building which, due to the size or location of the parcel, cannot be provided on the premises, may be provided on other property not more than five hundred feet in distance from the building site measured along the shortest available pedestrian route of access, and designated with a legal crosswalk for safety when crossing a public street which is designated as a local road as shown in the City’s street plan. All exterior routes to parking facilities containing accessible parking shall meet the requirements of the International Building Code adopted by the State.”</p>

	With no public comment the public hearing was closed at 9:07 p.m.
CONCLUSION	Commissioner Briggs moved to forward a recommendation for approval of Ord. 17-06Z on to the City Council to amend 28-4-7 of the Clinton City Zoning Ordinance. Commissioner Tyler seconded the motion. Voting by roll call is as follows: Commissioner Tyler, aye; Commissioner Ritchie, aye; Commissioner Briggs, aye; Commissioner Hale, aye; Commissioner Cressall aye and Commissioner Buckle’s aye.
WORK SESSION: CONTINUE REVIEW AND UPDATE EFFORT OF THE CITY’S SUBDIVISION ORDINANCE WITH A REVIEW OF SECTION 26-2 DEFINITIONS AND OTHER AREAS OF THE ORDINANCE AS TIME PERMITS.	
	Due to the late hour, the Planning Commission agreed to discuss this issue at a later date.
OTHER ISSUES	<ul style="list-style-type: none"> The Planning Commission agreed to cancel the January 2, 2018 Planning Commission meeting.
DISCUSSION AND ACTION ON SELECTION OF A NEW CHAIR TO SERVE IN CALENDAR YEAR 2017:	
Discussion	Mr. Wright asked the Planning Commission to vote for a Planning Commission Chair for 2018.
CONCLUSION	Chairman – Jacob Briggs Vice Chair – Gary Tyler
ADJOURNMENT	Commissioner Cressall moved to adjourn. Commissioner Tyler seconded the motion. Commissioners’ Cressall, Ritchie, Hale, Briggs, and Buckles voted in favor of the motion, the meeting adjourned at 9:19 p.m.

From: [Chase Freebairn](#)
To: [William Wright](#)
Subject: Re: Monarch Meadows
Date: Friday, January 12, 2018 9:40:56 AM

Will:

We would like to request that the Monarch Meadows Preliminary Plat Approval be tabled until the February 6th Planning Commission Meeting.

Respectfully,

Chase Freebairn
Ivory Development
801-386-6708

Chase Freebairn
Ivory Development
801-386-6708

From: William Wright <wwright@clintoncity.com>
Sent: Friday, January 12, 2018 8:26:01 AM
To: Chase Freebairn
Subject: FW: Monarch Meadows

Chase: Would you please send a simple email requesting the Monarch Meadows preliminary plat approval by tabled until February 6th for the City's records, if you do intend to ask for this delay. Thanks, Will

From: William Wright
Sent: Wednesday, January 10, 2018 11:17 AM
To: 'Chase Freebairn'
Subject: RE: Monarch Meadows

Chase: I usually send the packet out on Thursday afternoon but can do it on Friday morning at the latest. Let me know, Will

From: Chase Freebairn [<mailto:chasef@ivorydevelopment.com>]
Sent: Wednesday, January 10, 2018 10:51 AM
To: William Wright
Subject: Re: Monarch Meadows

Hello Will,

My Manager Chris and I are meeting with the Mayor and Dennis today at 1:00pm to discuss a development agreement. We don't have anything ready as of today but we can quickly put something together once we have come to an agreement. What is your hard deadline to have a preliminary plat for the January 16th meeting?

Chase

From: William Wright <wwright@clintoncity.com>

Sent: Wednesday, January 10, 2018 8:46:02 AM

To: Chase Freebairn

Subject: Monarch Meadows

Chase: As you're aware, the Preliminary Plat for Monarch Meadows is scheduled for consideration before the Planning Commission next Tuesday the 16th of January, but haven't received any updated plat layout. Could you please provide this plat update so I can forward it to the Planning Commission for their review. Thanks, Will

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CLINTON CITY PLANNING COMMISSION AGENDA ITEM

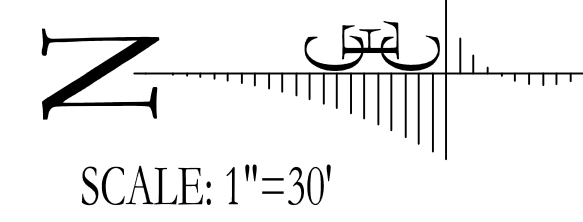
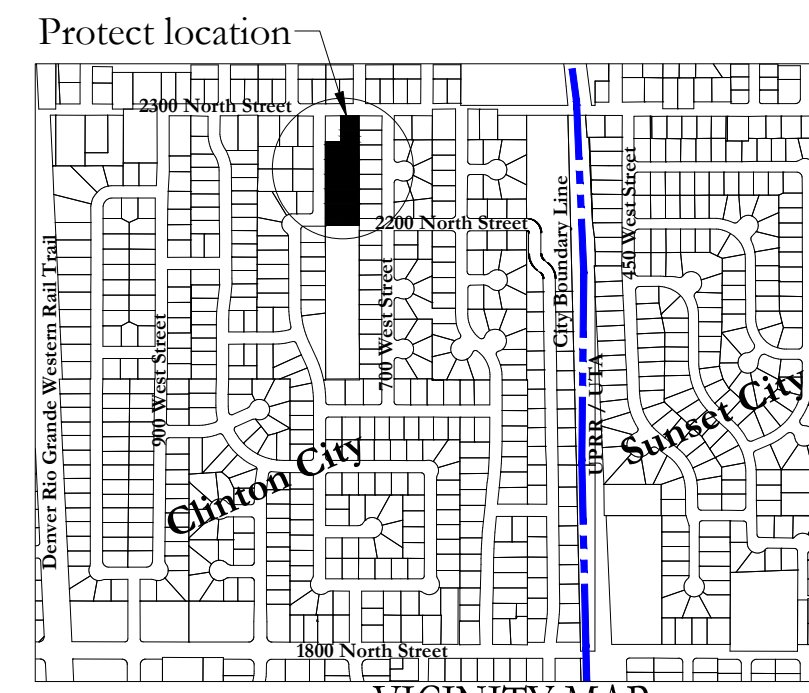
SUBJECT: 7:05 p.m. – PUBLIC HEARING – Review and recommend to the City Council a Final Plat for the Tryxen Meadows Suidivision by approving Resolution 2-18 located at about 717 W 2300 N.	AGENDA ITEM: 2
PETITIONER: Justin Barrow & Pat Burns, owners/agents developing this subdivision.	MEETING DATE: January 16, 2018
ORDINANCE REFERENCES: Subdivision Ordinance 26-1-6 Land Use Authority subsection (1) City Council; Engineering Standards and Specifications; and Zoning Ordinance Chapter 14 – Residential Single Family R-1-10 Zone.	ROLL CALL VOTE: X YES <input type="checkbox"/> NO
BACKGROUND: <ol style="list-style-type: none"> 1. The Preliminary Plat for Tryxen Meadows Subdivision was approved by the Planning Commission on September 5, 2017 with similar design for seven (7) lots as shown on this Final Plat, except for phasing. 2. The Master Land Use Map in the General Plan shows this area zoned for Residential Single Family R-1-10 Zone (R-1-10) which is approximately 1.6 acres consisting of 7 lots. 3. This Final Plat shows 7 lots that meet the R-1-10 size requirement (10,000 sf) on average in size. 4. This Preliminary Plat shows that these proposed lots meet the frontage requirement of being a minimum of 75 feet wide with an average of 85 feet (minimum width meets the 75 feet with an average of just over 92 feet when calculated with the lots that front onto 2300 North and 2100 North). 5. Comments and/or questions related to changes needed in drawings that have been provided to the developer. 	
ALTERNATIVE ACTIONS: Section 26-1-6(2) of the Subdivision Ordinance states in paragraph (b), “The Planning Commission is vested with the responsibility to review and make recommendation to the City Council concerning the approval, conditional approval or disapproval of the final plat of a subdivision of land unless specifically excepted by this ordinance.”	
ATTACHMENTS: Final Plat Plans Subdivision and Plat review comments Aerial of area to be subdivided	
SEPARATE DOCUMENTS:	

Respectfully submitted, Will Wright, Community Development Director

TRYXEN MEADOWS SUBDIVISION

A PART OF THE NORTHWEST QUARTER OF SECTION 26,
TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN
CLINTON CITY, DAVIS COUNTY, UTAH

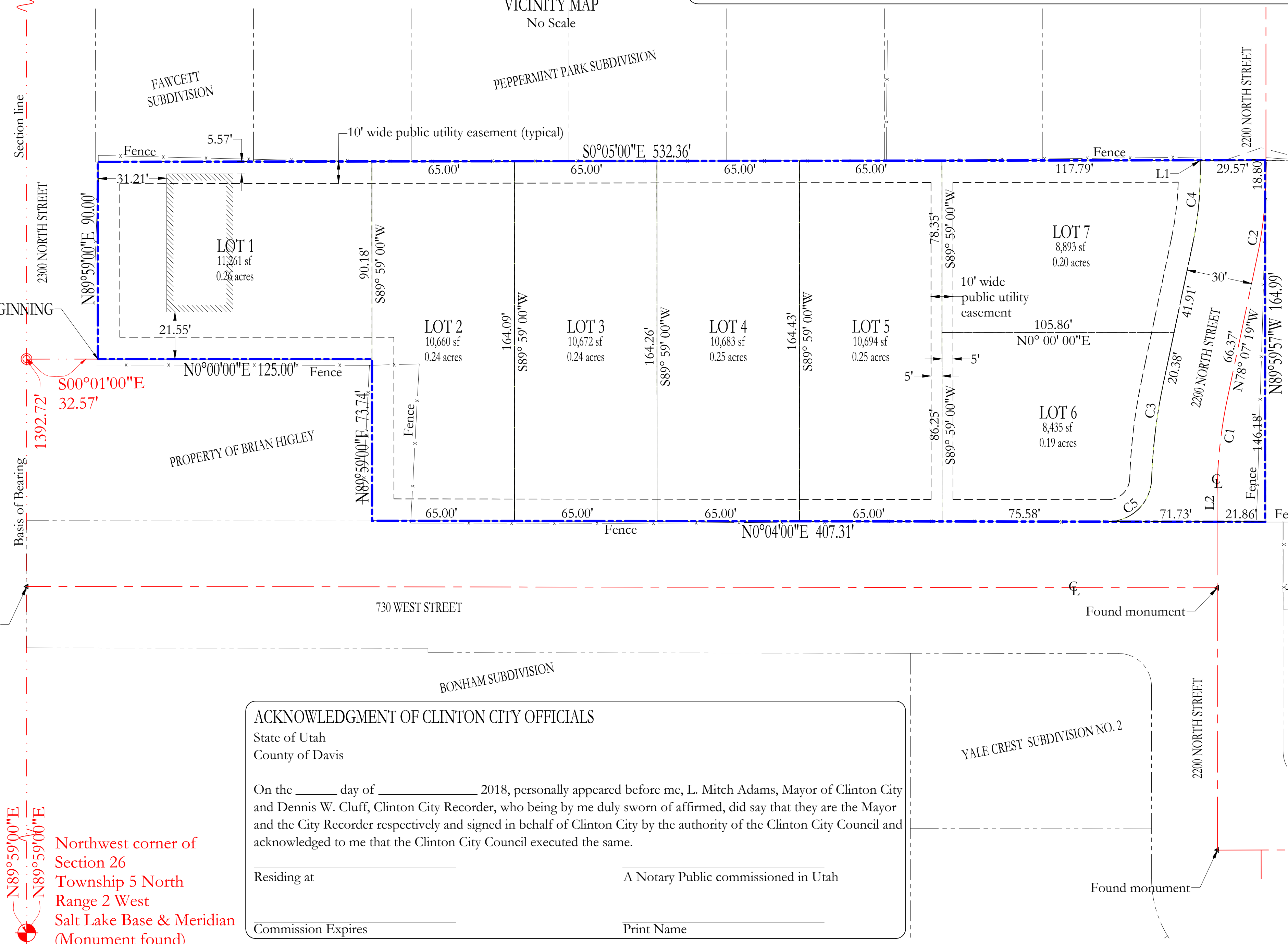
January 2018



CURVE DATA					
Curve	Radius	Length	Delta	Chord	Bearing
C1	220.00'	45.76'	11°55'03"	45.68'	N84°04'51"W
C2	185.00'	25.19'	7°48'04"	25.17'	S82°01'21"E
C3	250.00'	43.44'	9°57'18"	43.38'	S83°05'58"E
C4	155.00'	33.30'	12°18'30"	33.23'	S84°16'34"E
C5	20.00'	30.77'	88°08'37"	27.82'	S44°00'19"E

LINE TABLE		
Line #	Length	Bearing
L1	4.45'	N89°34'11"E
L2	10.85'	S89°57'37"W

North Quarter corner of Section 26
Township 5 North Range 2 West
Salt Lake Base & Meridian
(Monument not found)



BOUNDARY DESCRIPTION

A part of the Northwest Quarter of Section 26, Township 5 North, Range 1 West, Salt Lake Base & Meridian and more particularly described as follows:

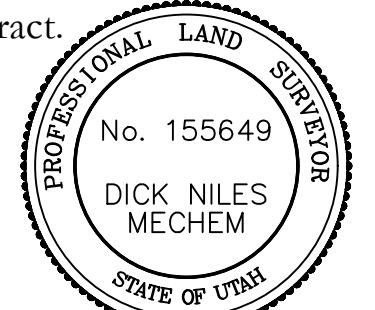
Beginning at a point on the South right-of-way line of 2300 North Street which is N89°59'00"E 1392.72 feet and S00°01'00"E 32.57 feet from the Northwest corner of said Section 26 and running: Thence along the South right-of-way line of said 2300 North Street N89°59'00"E 90.00 feet to the Northwest corner of Fawcett Subdivision, Thence S00°05'00"E 532.36 feet along Fawcett Subdivision and Peppermint Park Subdivision; Thence N89°59'57"W 164.99 feet to a point on the East right-of-way line of 730 West Street; Thence along said East right-of-way line of 730 West Street N00°04'00"E 407.31 feet; Thence N89°59'00"E 73.74 feet; Thence North 125.00 feet to the point of beginning.

Contains: 78,250 sq. ft. or 1.80 acres

SURVEYORS CERTIFICATE

I, Dick Niles Mechem, do hereby certify that I am a Professional Land Surveyor, and that I hold license number 155649, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have directed a survey of the tract of land as shown on this plat as described below and that the referenced markers shown on this plat are located as indicated and are sufficient to retrace or restore this survey, that the information shown herein is sufficient to accurately establish that lateral boundaries of the below described tract of real property and of each of the lots, located on said tract.

Signed this _____ day of _____ 2018.



Dick Niles Mechem - License No. 155649

OWNER'S DEDICATION

We the undersigned owners of the herein described tract of land, do hereby set apart and subdivide the same into lots and streets as shown hereon and name said tract, "TRYXEN MEADOWS SUBDIVISION" and do hereby dedicate to Clinton City and to public use all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares. We also hereby dedicate, grant, and convey those certain strips designated as public utility easements, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage as may be authorized by Clinton City, with no building or structures being erected within such easements.

Signed this _____ day of _____ 2018.

Pat Burns _____ Justin Barrow _____

ACKNOWLEDGMENT

State of Utah
County of Davis

On the _____ day of _____ 2018, personally appeared before me, the undersigned Notary Public, the signers of the above Owners Dedication, Pat Burns and Justin Barrow, who duly acknowledged that he signed the dedication freely and voluntarily and for the purposes therein mentioned.

Notary Public

Stamp

DOMINION ENERGY COMPANY

Dominion approves this plat solely for the purpose of confirming that the plat contains public utility easements. Dominion may require other easements in order to serve this development. This approval does not constitute abrogation or waiver of any other existing rights, obligations, or liabilities provided by law or equity. This approval does not constitute acceptance, approval, or acknowledgement of any terms contained in the owners dedication, and the notes and does not constitute a guarantee of particular terms of natural gas service. For further information, please contact Dominion's right-of-way department at 1-800-366-8532.

Approved this _____ day of _____ 2018.

By _____ Title _____

ROCKY MOUNTAIN POWER

Utilities shall have the right to install, maintain and operate their equipment above and below ground and all other related facilities within the public utility easement identified on this plat map as may be necessary or desirable in provided utility services within and without the lots identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the P.U.E. The utility may require the lot owner to remove all structures within the P.U.E. at the Owner's expense. At no time may any permanent structures be placed within the P.U.E. or any other obstruction which interferes with the use of the P.U.E. without prior written approval of the utilities with facilities in the P.U.E.

Approved by Rocky Mountain Power on this _____ day of _____ 2018.

By _____ Title _____

NARRATIVE OF SURVEY

The purpose of this survey is to create an amended subdivision plat, shown hereon, of the described parcel of land. The basis of bearing used is from the Davis County monument control. Information for the section corners is shown hereon. The plat and survey were requested by Pat Burns and Justin Barrow in order to divide the property into 7 lots.

NOTES

- A 10.0 foot wide utility easement each side of property lines unless otherwise noted, easement indicated by the dashed lines. All easements to be used for irrigation, water lines, storm drainage, sanitary sewer, electrical power, communication lines and other public utilities.
- The existing home on Lot #1 will remain.
- Many areas in Clinton City have water problems due to seasonally high (flucauating) water table. Approval of this plat does not constitute representation by the City that any building at any specified elevation will solve ground water problems. Solution of these problems is the sole responsibility of the permit applicant and property owner.

ACKNOWLEDGMENT OF CLINTON CITY OFFICIALS

State of Utah
County of Davis

On the _____ day of _____ 2018, personally appeared before me, L. Mitch Adams, Mayor of Clinton City and Dennis W. Cluff, Clinton City Recorder, who being by me duly sworn of affirmed, did say that they are the Mayor and the City Recorder respectively and signed in behalf of Clinton City by the authority of the Clinton City Council and acknowledged to me that the Clinton City Council executed the same.

Residing at _____ A Notary Public commissioned in Utah

Commission Expires _____ Print Name _____

CLINTON CITY APPROVAL

Approved this _____ day of _____ 2018 by the Clinton City Council.

Attest:

Dennis W. Cluff
Clinton City Recorder

L. Mitch Adams
Clinton City Mayor

CLINTON CITY ENGINEER

I hereby certify that this office has examined this plat and it is correct in accordance with the information on file in this office.

Signed this _____ day of _____ 2018.

Clinton City Engineer

CENTURY LINK COMMUNICATIONS

Approved by Century Link Communications this _____ day of _____ 2018.

By _____

Title _____

DAVIS AND WEBER COUNTIES CANAL COMPANY

Approved by the Davis and Weber Counties Canal Company on this _____ day of _____ 2018.

By _____

Title _____

DAVIS COUNTY RECORDER

Entry No. _____ fee paid _____ filed for record and recorded _____, at _____ in book _____ of official records page _____.

Recorded for _____
By: _____
Davis County Recorder

CIVIL ENGINEERING CONSULTANTS, PLLC.
5141 SOUTH 1500 WEST
RIVERDALE, UTAH 84405
PHONE: 801.866.0550
FAX: 801.866.0551

MtnWest Surveying & Mapping, Inc.
1825 W. 4400 S. PO Box 207
Roy, Utah 84067
Email: mwls@readytek.net

RESOLUTION NO. 2-18

A RESOLUTION APPROVING THE FINAL PLAT FOR THE TRYXEN MEADOWS SUBDIVISION

WHEREAS, Section 26-1-6(1) of the Clinton City Subdivision Ordinance vests the City Council "... with the authority to approve, amend and approve, conditionally approve or disapprove an application for final plat" and,

WHEREAS, The Clinton City Planning Commission has reviewed the Final Plat for Sharp Subdivision Phase 3 and recommended approval of the final plat.

NOW, THEREFORE, BE IT RESOLVED BY THE CLINTON CITY COUNCIL THAT THE FINAL PLAT FOR THE TRYXEN MEADOWS SUBDIVISION IS HEREBY APPROVED WITH THE FOLLOWING FINDINGS, AND CONDITIONS:

SECTION 1. By majority vote on a motion before the Clinton City Council the Final Plat for the Tryxen Meadows Subdivision is approved based upon the following findings, and conditions:

- The Council concurs with the findings of the Clinton City Planning Commission.

SECTION 2. Reviewed in a public hearing the 16th day of January 2018, by the Clinton City Planning Commission and recommended for approval through a motion passed by a majority of the members of the Commission based upon the following findings and conditions.

- 1 Plat shall not be recorded until a Subdivider's Improvement Agreement and Subdivider's Escrow Agreement have been completed and executed to insure the completion of the improvements in this development.
- 2 All comments related to the plat and engineering shall be corrected before the final plat is presented for signatures.
- 3 It is the developer/contractor's responsibility to comply with all Clinton City Standards, Ordinances, Staff, Engineer and requirements established during the approval process. Wherever there is a discrepancy between these drawings and City Standards the more stringent requirement will apply. If there is any doubt as to the requirement the developer is to seek clarification from the Community Development Department and obtain the determination in writing. Copies of the Standards are available at the Community Development Department.
- 4 Prior to Conditional Acceptance and Final Acceptance by the City the Subdivider shall clear any construction debris from lots within the subdivision, except lots with buildings under construction, and level vacant lots within the subdivision in such a way that weed control, via mowing with a brush hog or similar item, is possible and all vacant lots will be mowed for weed control.
- 5 The developer/contractor is responsible for insuring that all required inspections are performed by the Clinton City Public Works Department. If the developer is unsure of what inspections are required he can obtain a list from the Public Works Department.

- The developer is cautioned not to proceed past an inspection point without insuring that the inspection has been performed and work passed by representative(s) of Public Works.
- 6 It is the developer/contractor's responsibility to insure adequate dust, trash and weed control practices are observed while any of the lots are under their control.
- 7 A preconstruction meeting shall not be scheduled until all required changes have been made to the Final Plat and Engineering Plans (see #2) and the required number of copies have been provided to the City and indicated approved by the City.
- 8 Install a six (6) foot fence prior to occupancy along adjacent properties of dissimilar use and zones.

SECTION 3. Effective date. This Resolution shall become effective upon signature and posting.

PASSED BY MOTION AND ORDERED PUBLISHED by the Council of Clinton City, Utah, this 23rd day of January 2018.

December 29, 2017
NOTICE PUBLISHED

L. MITCH ADAMS
MAYOR

ATTEST:

DENNIS W. CLUFF
CITY RECORDER

Posted: _____



**PUBLIC WORKS
STREETS & INSPECTIONS**

**1740 North 1750 West
Clinton City, UT 84015**

Phone: (801) 614-0872

Fax: (801)614-0883

e-mail: gfolk@clintoncity.com

D E V E L O P M E N T R E V I E W

DATE: 12/7/17
TO: Will
FROM: Gregg Folk
RE: Tryxen Meadows plan review

Public Works

- Submittal Date: 12/6/17

The developer shall be responsible to grade each lot such that runoff water is directed to fronting roads. Grading shall ensure that the runoff from each lot does not drain onto neighboring lots or properties.

- Submit SWPPP
- Show street lights
- Show address and stop signs
- Pressure irrigation is Davis Weber Canal draw connections and main line
- Call out 10" of roadbase under all asphalt as per Clinton City minimum standard
- Use 5' S manhole at direction change
- 2200N waterline needs to be a 12", City to cover upsize cost
- Note: there is no Land Drain system, therefore no basements allowed
- Call out a Stop sign with an address sign at lot 6 intersection
- Note: any trenching within the roadway prior to April 15 requires select material backfill and a temporary asphalt patch to be replaced with hot mix asphalt after April 15.
- Sht.4 add storm drain catch basin NE corner, run pipe to the south and tie in to catch basin that will be placed by the City and remove the waterway

Section-Chapter 2. Definitions

26-2-1 UsageGeneral
~~1-1-26-2-2~~ Definitions

126-2-126-2-1 UsageGeneral:

(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 ~~Chapter 2~~ **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";~~

126-2-226-2-2 Definitions:

"Adequate Public Facilities" means facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the Council 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.

Seems to be a useful definition – notice requirements

"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 ~~Planning Commission~~ **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. ~~Old Term For Information Only~~

Is this term used in the code?

"Average Density" see Cluster Zoning. ~~Out with PRUD Ordinance Removal~~

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

"Bona Fide Division of Partition of Agricultural Land for Agricultural Purposes" The division of a parcel of land into two or more lots or parcels, none of which is less than ~~ten (10)~~ **five (5)** acres in area, and provided that no dedication of any streets is required to serve any such lots or parcels of agricultural land so created and providing that each lot or parcel has the minimum required frontage on an existing city street with the required, dedicated right-of-way. Refer to the Clinton City Major Street Plan for street designations. Such a lot is an agricultural lot, reference the Zoning Ordinance.

LOOK UP USE OF THIS TERM IN THE ORDINANCE. State Code 10-9a-205(2)(c)(ii)(A)

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

"Buffer" see External Buffer. ~~"External Buffer" means a naturally-vegetated area or vegetated area along the exterior boundaries of an entire a development processed in accordance with a multiphase or phased subdivision application which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such a development and adjacent land uses.~~

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“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 and Zoning Inspector” means the person or persons designated by the ~~Council~~ City to enforce the building codes and Zoning Ordinance.

“Capital Improvement” means a public facility with a life expectancy of three or more years, 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. *Keep*

Is this definition needed? If nothing else inspections need to be certified.

“City Attorney” means the licensed attorney designated by the ~~Council~~ 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” -means the licensed engineer designated by the ~~Council~~ City to furnish engineering assistance for the administration of these regulations. A professional, registered engineer retained by Clinton City, Utah.

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

“Cluster Zoning” means a technique which allows lots to be reduced in size and buildings sited closer together provided the total development density does not exceed that which could be constructed on the site under conventional zoning and the remaining land is utilized for open space or public purposes.

Is it included in the ordinance? Not since PRUD’s are no longer allowed. Yet it might be goo to specify that “clusters” are not allowed somewhere else... so as to deflect that question and issue.

“Collector Roads” means a road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

“Common Ownership” means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated association, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Is this definition needed? Keep.

“Community Improvement District” see Public Facility Service Area.

Is this definition needed? Same answer as “assessment District.”

“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 ~~Council~~ as a condition of the approval of the plat.

“Contiguous” means lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

“Council” means the Clinton City Council.

“Credit” means the amount of the reduction of an impact fee or fees, payments or charges for the same

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type of capital improvement for which the fee has been charged.

“Cul-de-Sac” means a local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

End of discussion for 10/03/17

“Design Criteria” means standards that set forth specific improvement requirements.

“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.

“Development Standards” means the Engineering and Standard Specifications and Standard Drawings as adopted by Clinton City.

“Easement” **The legally recorded** a Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property. *Keep, we have had too many unrecorded easements.*

“Engineering and Standard Specifications and Standard Drawings” (Development Standards) Means the standards for construction of infrastructure within Clinton City.

“Equivalent Dwelling Units”, see Service Unit. *(is this needed?) Keep. Billing fees & inspection fees are sometimes based on EDU’s.*

“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.

“External Buffer” means a naturally vegetated area or vegetated area along the exterior boundaries of an entire development processed in accordance with a multiphase or phased subdivision application which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses. *Other Page???*

“Fair Share”, means a properly balanced and well-ordered plan to meet the housing needs of the community and the region. *(is this needed?)*

I would rather not, but we have to annually report on our housing plan which includes our % of low/moderate housing. “Fair Share refers to meeting our moderate housing needs.

“Final Subdivision Plat” means the map plat of a subdivision to be recorded after approval by the Planning Commission, City Council and any accompanying material as described in these regulations.

“Frontage” means that side of a lot abutting on a street road or way and ordinarily regarded as the front of the lot; ~~but it shall not be considered as the ordinary side of a corner lot.~~ 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. *In the case of a corner lot only one side facing a road shall be considered frontage based on orientation of the building.*

“Frontage Street Road” means any street road to be constructed by the developer or any existing street road where development shall take place on both sides.

“General Plan” means a comprehensive plan for development of the City prepared and adopted by the

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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.

“Governing Body” means the Clinton City Council.

“Grade” The slope of a road, ~~street~~ other public way or **City utility infrastructure improvement** specified in percentage (%) terms.

Keep

“Health Department and Health Officer” means the Davis County Health Department or Davis County Health Director, respectively.

This identifies both the Department and the Director, see heading.

“Health, Safety, or General Welfare” means the purpose for which municipalities may adopt and enforce land use regulations for the prevention of harm or promotion for public benefit to the community; commonly referred to as police power.

“High Density” means those residential zoning districts in which the density is equal to or greater than one dwelling unit per 8,000 square feet of **property**.

“Homeowners Association (HOA)” *see* (Also known as Property Owners Association.) 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.

“Household” means any person or persons who reside or intend to reside in the same housing unit.

**** “Housing Unit or Unit”**, means a dwelling unit as defined in **§ 10-9-301**. Is this necessary? *Keep – family definitions & rules.*

“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. **Impact fees are used in lieu of Exactions.** "Impact fee" does not include a tax, a special assessment, a hook-up fee, a fee for project improvements, a reasonable permit or application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent impact fee calculations, or the administrative fee required for an appeal.

“Improvements” *see* Lot Improvement or Public Improvement, *Keep*

“Infill Development” means development designed to occupy scattered or vacant parcels of land which remain after the majority of development has occurred in an area.

END OF PC REVIEW 101717

“Landscaping” means acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

“Linkage” means a program that requires developers constructing nonresidential structures to either construct affordable housing units or pay money in lieu of construction into a designated fund to provide housing for the future employees of the site.

“Local Government” means the municipality of Clinton City, **Utah**.

“Local Road” means a road whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for **sewer, water, and storm drainage pipes, public utilities, cables and other utility improvements as approved by the City.**

“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.

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Subdivisions

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“Lot, Corner” means a lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

“Lot Improvement” Any building, structure, place, work of art, or other object or improvement of the land which they are situated on or under the ground 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.

“Low Density” means those residential zoning districts in which the density is equal to or less than one dwelling unit per 15,000 square feet.

“Major Arterial” means a road intended to move through traffic to and from major attractors such as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit; and/or as a route for traffic between communities or large areas and/or which carries high volumes of traffic.

“Market Value” means the fair market value of a designated unit at the time such value is determined by the Community Development Director.

“Medium Density” means those residential zoning districts in which the density is between 15,000 and 9,000 square feet per dwelling unit.

“Metropolitan or Regional Planning Commission and Metropolitan or Regional Council of Governments” means the agency performing A-95 review of all federal grant-in-aid projects that are required to be reviewed by regional and state planning boards to ensure the projects conform to regional and state needs; the planning agency established to carry on regional or metropolitan comprehensive planning.

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

“Model Home” means a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.

“Money in Lieu of Land” means payment of money into a municipally earmarked fund to provide for acquisition of facilities off-site in place of dedicating land or providing such facility on site.

“Municipality” see Local Government.

“Neighborhood Park and Recreation Improvement Fund” means a special fund established by the Council to retain monies contributed by developers in accordance with the “money in lieu or land” provisions of these regulations.

“New Development” means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the City’s subdivision regulations, the issuance of a building permit, or connection to the City’s water or sanitary sewer system.

“Nonresidential Subdivision” means a subdivision whose intended use is other than residential, such as commercial or industrial.

“Notice of Noncompliance” means a notice issued by the Community Development Director to the Planning Commission informing the applicant for approval of a major subdivision that the sketch plat is not in compliance with these regulations and that the applicant may not apply for preliminary plat approval.

“Notice to Proceed” means a notice issued by the Community Development Director to the Planning Commission informing the applicant for approval of a major subdivision that the sketch plat is in compliance with these regulations and that the applicant may proceed to apply for preliminary plat approval.

“Offset” means the amount of the reduction of an impact fee designed to fairly reflect the value of area-related facilities or other oversized facilities, pursuant

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~~to rules herein established or administrative guidelines, provided by a developer pursuant to the City's subdivision or zoning regulations or requirements.~~

~~“Major Street Plan” See Official Map.~~

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

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

~~“Off-site” means any premises not located within the area of the property to be subdivided, whether or not in the common ownership of the applicant for subdivision approval.~~

~~“Office Development Project” means any new construction, addition, extension, conversion, or enlargement, or combination thereof, of an existing structure which includes any gross square feet of office space.~~

~~“Office Use” means a space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location, services including but not limited to the following: professional, banking, insurance, management, consulting, technical, sales, and design; or the office functions of manufacturing and warehousing businesses, but excluding retail uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving, and storage; and design showcases or any other space intended and primarily suitable for display of goods. This definition shall include all uses encompassed within the meaning of § 10-1-1.~~ ~~“Off-Site~~

~~Facilities/Improvements” Improvements not on individual lots but generally within the boundaries of~~

~~the subdivision which they serve. Off-site facilities are indicated on the construction drawings, plat and outlined in the subdivider's escrow agreement, agreements with secondary water companies, public utility companies, covenants conditions and restrictions, irrigation companies and/or similar agreements.~~

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

~~“Official Master Plan” See Master Plan.~~

~~“Ordinance” means any legislative action, however denominated, of the City including any amendment or repeal of any ordinance.~~

~~“Owned Unit” means a designated unit which is a condominium, stock cooperative, or community apartment.~~

~~“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.~~

~~“Performance Criteria” means the regulation of development based on open space ratio, impervious surface ratio, density, and floor area ratio.~~

~~“Perimeter Street” means any existing street to which the parcel of land to be subdivided abuts on only one (1) side.~~

~~“Person” means any individual or group of individuals, or any corporation, general or limited partnership, joint venture, unincorporated association, or governmental or quasi-governmental entity.~~

~~“Phased Subdivision Application” means an application for subdivision approval submitted pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects,~~

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~~planned unit developments, mixed-use projects, and residential developments.~~

~~“Planned Unit Development (PUD)” means a development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or nonresidential uses on the land. “Parcel of Land” Contiguous quantity of land, in possession of, or owned by, or recorded as the property of, the same claimant person. Land in one ownership, but physically divided by a public highway, road or street, in not considered contiguous under this definition, and may therefore be used as two (2) or more individual parcels of land.~~

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

~~“Police Power” means the inherent, delegated, or authorized legislative power for purposes of regulation to secure health, safety, and general welfare. “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 Owners Association” 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.~~

~~“Public Facility” means [separately identify categories of public facilities and the types of improvements for which an impact fee will be charged for each such category under this article]. Public facility excludes those improvements that are site-related facilities.~~

~~“Public Facility Improvements Program” means the adopted plan, as may be amended from time to time, which identifies the public facilities and their costs for each public facility benefit area or subarea, which serve new development for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of public facilities fees pursuant to this ordinance.~~

~~“Public Facilities Inspector” or “Inspector” means the appropriately appointed Clinton city employee designated to inspect and pass or fail work accomplished in a Public Way.~~

~~“Public Facilities Project” means any and all public improvements the need for which is directly or indirectly generated by development, including but not limited to the following:~~

~~(1) Water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service.~~

~~(2) Lines, conduits, and other necessary works and appliances for providing electric power service.~~

~~(3) Mains, pipes, and other necessary works and appliances for providing gas service.~~

~~(4) Poles, posts, wires, pipes, conduits, lamps, and other necessary works and appliances for lighting purposes~~

~~(a) Sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, culverts, bridges, curbs, gutters, tunnels, subways or viaducts, parks and parkways, recreation areas, including all structures, buildings, and other facilities necessary to make parks and parkways and recreation areas useful for the purposes for which intended.~~

~~(5) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels, or other appurtenances.~~

~~(6) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush~~

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tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels, and appurtenances.

(7) Pipes, hydrants, and appliances for fire protection

(8) Breakwaters, levees, bulkheads, groins and walls of rock, or other material to protect the streets, places, public ways, and other property from overflow by water, or to prevent beach erosion or to promote accretion to beaches.

(9) Retaining walls, embankments, buildings, and any other structures or facilities necessary or suitable in connection with any of the work mentioned in this section.

(10) Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains, and other structures suitable for the purpose of stabilizing land.

(11) Works, systems or facilities for the transportation of people, including rolling stock and other equipment appurtenant thereto.

(12) All other work auxiliary to that described in subparagraph 12 which may be required to carry out that work, including terminal and intermediate stations, structures, platforms, or other facilities which may be necessary for the loading of people into and unloading of people from such transportation facilities.

(13) The grading or re-grading, the paving or repaving, the planking or re-planking, the macadamizing or re-macadamizing, the raveling or re-graveling, and the oiling or re-oiling of streets.

(14) Acquisition, construction, improvement, and equipping of temporary and permanent school buildings.

(15) Acquisition, construction, improvement, and equipping of fire stations.

(16) Acquisition, construction, improvement, and equipping of police stations.

(17) Acquisition, construction, and installation of traffic signs, signals, lights, and lighting.

(18) Public works maintenance facilities.

(19) All other work auxiliary to any of the above which may be required to carry out that work including, but not limited to, the maintenance of Public Facilities Projects and administrative, engineering, architectural, and legal work performed

in connection with establishing, implementing, and monitoring Public Facilities Projects.

(20) Acquisition of any and all property, easements, and rights-of-way which may be required to carry out the purposes of the project.

“Public Facility Service Area” means the service area for Clinton City.

Is this definition needed?

“Public Hearing” means an adjudicatory proceeding held by the Planning Commission preceded by published notice and actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted. Witnesses shall be sworn and subject to cross-examination. The rules of civil procedure binding on the courts shall not, however, bind the Planning Commission.

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

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

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

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

“Public Meeting” means a meeting of the Planning Commission or Council preceded by notice, open to the public and at which the public may, at the discretion of the body holding the public meeting, be heard.

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

“Recoupment” The imposition of an impact fee to reimburse the City for capital improvements previously oversized to serve new development.

“Regional Planning Commission and Regional Council of Governments” See Metropolitan or Regional Planning Commission.

“Registered Engineer” means an engineer properly licensed and registered in the State of Utah.

“Registered Land Surveyor” means a land surveyor properly licensed and registered in the State of Utah.

“Rental Unit” means a designated unit which is not a condominium, stock cooperative, or community apartment.

“Residential unit” means any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by the City, for not more than one family, and including site-built buildings, manufactured homes and modular homes. This does not include a tent, a recreational coach or trailer, hotel, motel, hospital, nursing home, or assisted living facility.

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

“Retail Use” means the space within any structure or portion thereof intended or primarily suitable for occupancy by persons or entities which supply commodities to customers on the premises including, but not limited to, stores, shops, restaurants, bars, eating and drinking businesses, and the uses defined in , and also including all space accessory to such retail use.

“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, Classification” means for the purpose of providing for the development of the streets, highways, roads and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified in the General Plan of Clinton City. The required improvements shall be measured as set forth for each street classification on the Official Map.

“Road, Dead-End” means a road or portion of a road with only one (1) vehicular-traffic outlet.

“Road Right-of-Way Width” means the distance between property lines measured at right angles to the center line of the street.

“Sale or Lease” means any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

“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.

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“Secondary Arterial” means a road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic-generating areas such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and offices and are designed to carry traffic from collector streets to the system of primary arterials.

“Security” means the letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.

“Service Area” means the area for a particular category of public facilities within the jurisdiction of the City and within which impact fees for capital improvements will be collected for new development occurring within such area and within which fees so collected will be expended for those types of improvements for that category of public facility identified in the public facility improvements program. Service areas may be subdivided into subareas for purposes of assuring that impact fees collected and expended therein reasonably benefit new development within such areas.

“Service Unit” means either which is the standardized measure of consumption, use, or generation attributable to a new unit of development for that category of public facility and which is set forth in the impact fee schedules for that category of public facility. (is this definition needed?)

“Setback” means the distance between a building and the street nearest to the building.

“Shade Tree” means a tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

“Simple Subdivision” means a minor subdivision where there is three (3) lots or less and complies in all other ways with the requirements of a minor subdivision.

“Site-related Facility” means an improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of to serve the new development, and which is not included in the capital improvements program and for which the developer or property owner is solely responsible under subdivision or other applicable regulations.

“Sketch Plat” means a sketch preparatory to the preliminary plat (or final plat in the case of minor

subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

“Specific Plan” means a document encompassing a specific geographic area of the City which is prepared for the purpose of specifically implementing the General Plan of Clinton City by (1) refining the policies of the comprehensive plan to a specific geographic area; (2) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams, and other appropriate materials showing existing and future conditions.

“Sponsor” means an applicant seeking approval for construction of an office development project subject to Section 5.13 of these Regulations, such applicant’s successors and assigns, and/or any entity which controls or is under common control with such applicant.

“Street” See Road

“Structure” means anything constructed or erected.

“Subdivide” means the act or process of creating a subdivision. **“Street”** A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty-six (26) feet wide which has been made public by right of use and which affords the principal access to abutting property.

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

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

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

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

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

“Subdivider” means any person; (1) who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or, who (2) who directly or indirectly, sells, leases, or develop, any interest, lot parcel site, unit, or plat in a subdivision; or, who (3) who engages directly offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; and, who (4) who is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

“Subdivision” means any land vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and nonresidentially zoned land, including any adjourned date thereof including any adjourned date thereof whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion. This definition shall not include bona fide division or partition of agricultural land for agricultural purposes, as defined herein nor shall it include or apply to any cemetery or burial plot, while used for the purpose The division of any tract, lot, or parcel of land as an undivided tract by one individual, or by joint tenants, or tenants in common or by the entirety, into two (2) or more lots, plots, sites, parts, or other divisions of land for the purpose, whether immediate or future, of sale, lease, or of building development. This definition shall not include bona fide division or partition of agricultural land for agricultural purpose, or to a court decree for the distribution of property. The word “subdivide” and

any derivative thereof shall have reference to the term “subdivision” as herein defined.

“Subdivision Agent” means any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

“Subdivision Improvement Agreement” means a contract entered into by the applicant and the Planning Commission on behalf of the municipality by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final subdivision plat approval.

“Subdivision, Major” See Major Subdivision

“Subdivision, Minor” See Minor Subdivision

“Subdivision Plat” means the final map or drawing, described in these regulations, on which the subdivider’s plan of subdivision is presented to the Planning Commission and the City Council for approval and which, if approved, may be submitted to the County Clerk or Recorder of Deeds for filing.

“Temporary Improvement” means an improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond, ???(security or cash bond??)

“Tract” means a lot. The term “tract” is used interchangeably with the term “lot,” particularly in the context or subdivision, where a “tract” is subdivided into several lots, parcels, sites, units, plots, condominiums, tracts, or interests.

“Transfer of Development Rights” means the conveyance of development rights by deed, easement, or other legal instrument, authorized by ordinance or regulation, to another parcel of land and the recording of that conveyance.

“Use to Use Relationship” means focusing on the unique aspects of established, newly developed, and redeveloping neighborhoods, and or commercial/industrial areas in order to achieve improved compatibility and fit of infill development projects and at the same time assist in the preservation and conservation of stable existing neighborhoods and commercial areas.

“Vested Rights” means the right to initiate or continue the establishment of a use which will be contrary to a restriction or regulation coming into

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~~effect when the project associated with the use is completed. **“Subdivision, Minor”** A “minor subdivision” shall be any division of land which: (1) consists of fewer than (5) lots; (2) does not require the dedication of any land for streets or other public uses; (3) will not be traversed or abutted by a proposed street or a street to be widened as portrayed on the Major Street Plan or on the Official Map; (4) each of the lots complies with the width and area requirements of the Zoning Ordinances; and (5) the lots are not part of a minor subdivision approved less than three years earlier.~~

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

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