



PLANNING COMMISSION

2267 North 1500 West
Clinton City, UT 84015

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*Clinton City
Planning Commission*

*Chairman
Jacob Briggs*

*Vice Chairman
Gary Tefler*

*Members
Dereck Bauer
Solene Cressall
Dan J. Evans
Andy Hale
Anthony 'Tony' Thompson*

*City Staff
Will Wright
Lisa Titensor*

April 17, 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 April 3, 2018	Chair
	Declaration of Conflicts	Chair
1.	PUBLIC HEARINGS: 7:05 p.m. – Tabled for April 3, 2018 Commission Meeting. Review and action upon a request from Paul Mackley to approve a Site Plan for a parking lot on an adjacent parcel for Comfort Dental at approximately 1800 N 2225 W.	
2.	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.	
3.		
4.	COMMISSION COMMENTS ADJOURN	
	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.	



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

Planning Commission Members

*Chair – Jacob Briggs
Vice Chair – Gary Tyler
Tony Thompson
Jolene Cressall
Andy Hale
Dereck Bauer
Dan Evans*

Date of Meeting	April 3, 2018	Call to Order	7:01 p.m.
Staff Present	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
Citizens Present	Jim Flint, Paul Hill, Alex Fisher, Mike Bastian, Craig North, Joel A.		
Pledge of Allegiance	Commissioner Cressall		
Prayer or Thought	Commissioner Evans		
Roll Call & Attendance	Present were: Commissioner’s Dereck Bauer, Jolene Cressall, Gary Tyler, Tony Thompson, Andy Hale, Dan Evans and Jacob Briggs		
City Council Report	Mr. Wright reported on the March 27, 2018 City Council Meeting as recorded in the minutes.		
Declaration of Conflicts	There were none.		
Approval of Minutes	<p>Commissioner Cressall moved to approve the March 6, 2018 Planning Commission minutes. Commissioner Bauer seconded the motion. Commissioners’ Thompson, Tyler, Cressall, Bauer, Evans and Briggs voted in favor.</p> <p>Commissioner Hale abstained because he was not present at the meeting.</p>		
7:05 P.M. - REVIEW AND RECOMMEND ACTION FOR THE CITY COUNCIL, UPON A REQUEST FROM MIKE BASTIAN REPRESENTING PERGA DEVELOPMENT, TO APPROVE THE RENAMING OF THE YORKTOWN MEADOWS SUBDIVISION TO WILLOW FLATS SUBDIVISION PHASE 3 LOCATED AT APPROX. 1650 N 3000 W			
Petitioner	Mike Bastian and Jerry Preston, owners of Perga Development		
Discussion	<p>Mike Bastian explained the mylar has not been recorded with the County. The original developer who started the process originally named the subdivision as Willow Flats. He has since passed away and his wife requested the name stay Willow Flats as a tribute to him.</p> <p>Commissioner Briggs opened the public hearing at 7:14 p.m.</p> <p>The following information was included in the staff report:</p> <ul style="list-style-type: none"> • The City Council approved the Final Plat for Yorktown Meadows Subdivision phase 1 for 16 lots on July 18, 2017. • The Planning Commission approved the Preliminary Plat for Yorktown Meadows on May 5, 2017. • The proposed Preliminary Plat shows 33 lots with lot sizes that meet the half acre size requirement (21,780 sq. ft.) • The Master Land Use Map in the General Plan shows this area is zoned Agricultural Estates (A-E) and is approximately 20 acres consisting of 33 lots. • Two parcels (about 6.4 acres) were rezoned to the (A-E) Zone by the City Council on March 14, 2017 and coincides with the remainder of the property, which is zoned (A-E) for this proposed subdivision; <p>Comments and/or questions related to changes needed in drawings have been provided to the developer.</p>		
CONCLUSION	Commissioner Thompson moved to forward a recommendation onto the City Council to approve Resolution 12-18 to amend Resolution 19-17 and approve a name change for		

	<p>Yorktown Meadows Subdivision to Willow Flats Subdivision Phase 3 located at approx. 1650 N 3000 W. Commissioner Tyler seconded the motion. Voting by roll call is as follows: Commissioner Hale, aye; Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Tyler, aye; Commissioner Cressall, aye; Commissioner Evans, aye; and Commissioner Briggs, aye.</p>
<p>7:10 P.M. – REVIEW AND RECOMMEND ACTION FOR THE CITY COUNCIL TO APPROVE THE FINAL PLAT FOR HARRISBURG COUNTRY ESTATES SUBDIVISION PHASE 6 LOCATED AT APPROXIMATELY 2700 WEST 1300 NORTH. (PETITIONER REQUESTS THIS ITEM BE TABLED TO THE MAY 1, 2018 MEETING.)</p>	
<p>Petitioner</p>	<p>Q-2, LLC and Craythorne Construction, Erik Craythorne</p>
<p>Discussion</p>	<p>Mr. Wright explained that the petitioner requested to table this item to the May 1, 2018 Planning Commission meeting.</p> <p>The following information was included in the staff report:</p> <ul style="list-style-type: none"> • This proposed subdivision is in the R-1-15 zone and consists of approximately 8 acres; • The Preliminary Plat for phases 6 & 7 for Harrisburg Country Estates Subdivision was approved on July 19, 2016. • A Preliminary Plat was changed from that which was originally approved, because the City acquired four acres of property for a drainage basin. • The latest Preliminary Plat has 38 total lots with 23 in Phase 6 (changed to 17 lots) and 15 lots (now 21) in Phase 7. <p>The Final Plat for Phase 6 of Harrisburg Country Estates has changed the phasing boundary line and shows only 17 lots on about 8 acres with the other 6 lots shifting to Phase 7 of this subdivision (compare with preliminary plat).</p> <p>At 7:21 PM, Commissioner Briggs declared the public hearing remains open and will continue to the May 1, 2018 Planning Commission meeting. He asked if there was anyone present to address this issue; there was none.</p>
<p>CONCLUSION</p>	<p>Commissioner Thompson moved to table Resolution 09-18 a request for approval of the Final Plat for Phase 6 of Harrisburg Country Estates Subdivision to the May 1, 2018 Planning Commission meeting. Commissioner Evans seconded the motion. Commissioners’ Tyler, Thompson, Bauer, Hale, Cressall, Evans and Briggs voted in favor.</p>
<p>7:15 P.M. – REVIEW AND ACTION UPON A REQUEST FROM PAUL MACKLEY TO APPROVE A SITE PLAN FOR A PARKING LOT ON AN ADJACENT PARCEL FOR COMFORT DENTAL AT APPROXIMATELY 1800 N 2225 W.</p>	
<p>Petitioner</p>	<p>Paul Mackley, owner/agent for Comfort Dental Office at 2207 West 1800 North.</p>
<p>Discussion</p>	<p>Jim Flint of Hansen and Associates representing Paul Mackely explained the plan is to expand the current Comfort Dental building use. The existing site does not meet the required parking needs. The intent is to purchase a piece of property across the street for additional parking and to move the entrance as far from 1800 N as possible onto 2225 W.</p> <p>Mr. Wright reviewed the following information in the staff report:</p> <p>In the December 5, 2017 Planning Commission meeting, the Planning Commission forwarded a recommendation onto the City Council to amend Section 28-4-7 Location of Parking Facilities of the Zoning Ordinance, which would allow an overflow parking lot to be placed on an adjacent parcel under certain conditions. The design of this parking lot is to meet requirements to insure desired aesthetics (fencing and landscaping) and sound engineering (drainage and safe driveway for parcel/street access), as well as provide for necessary public safety measures by requiring a legal crosswalk(s).</p> <p>The Site Plan for the Comfort Dental Office was approved by the Planning Commission on October 7, 2008. There were subsequent issues and approval surrounding the City’s landscaping requirements which were ultimately approved on December 3, 2008. The parking for this 6,303 sf building required 19 parking spaces. It appears that originally the building was designated for medical clinics, which currently all have the same parking requirement of six (6) spaces per 1,000 sf of building. This would mean that 37 parking spaces would be needed.</p> <p>However, apparently, about 1,175 sf of this building is available for uses other than a medical clinic, which has created issues with parking since different uses have separate and distinct parking</p>

requirements. For example, staff understands that a chiropractor utilized this office space for some time, which had the same parking requirement as a dental office. However, there is now a beauty salon in this portion of the building that requires three (3) parking spaces per chair.

The existing parking lot at Comfort Dental has 19 spaces and the amended regulations that allow an overflow parking lot on an adjacent parcel must provide "... no more than fifty (50%) of the required off-street parking for the existing building" Since Comfort Dental is amending their site plan by providing additional parking then they are required to meet current parking requirements. The current building of 6,303 sf contains the Comfort Dental Office of about 5,128 sf, which according to Section 28-4-5 **Parking Space for Commercial, Industrial, and Institutional Uses** subsection (18) Medical Clinics require six spaces per 1,000 square feet so the dental clinic requires 31 spaces, while the remaining 1,175 sf of space is currently being used as a beauty salon, which subsection (5) Barber Shop/Beautician Shop indicates 'three (3) spaces per chair'. The parking regulations limited this salon to two chairs or six more spaces for a total of 37 parking spaces for the current uses of this building. The proposed 19 parking spaces in the overflow parking is 50% of the existing parking needs for this building.

The site plan shows the configuration of the proposed parking lot and the landscaping plan, which generally conform to the City's development standards. However, the City continues to need grading and drainage information to insure the proper operation of these facilities. Further, staff continues to have a question of what the applicant plans for the front portion of this parcel and what condition this unused part of the lot will have, especially since it fronts onto a main arterial street (1800 N) of the City.

The applicant provided the following information;

CLINTON DENTAL PARKING LOT

2225 West 1800 North
Clinton, Utah

Introduction:

The existing Comfort Dental professional building is on the southeast corner of the 1800 North/ 2225 West intersection in Clinton, Utah. The desire is to more fully expand the existing building services - such precipitates a need for additional parking which cannot be achieved on-site. The owner is advancing installing the additional parking on a vacant lot immediately to the west.

Purpose

The purpose of the Site Plan is for additional parking as explained above. Any future development is not germane - this application is strictly for parking addition purposes. There is no reason to develop the 1800 North frontage as such would be eliminated/removed upon any development utilizing the north portion of the lot. The new parking lot entrance is located as far southerly as possible for two purposes: (1) UDOT encourages entrance locations as far away from highway (1800 North) as possible (2) The southerly location seems the least obtrusive location to not hamper any future development plans should they arise. The 1800 North frontage would be the most appealing for development purposes rather than for a parking lot.

As mentioned previously, parking on the vacant lot is a stand-alone project. Three parking spaces could perhaps be removed in the future to provide access for a possible northerly building. Such is not anticipated nor contemplated at this time.

Performance Zone

The site is within the 'PZ' (Performance Zone) zone per the Clinton City Zoning Map. The applicable standards are found in Chapter 19 of the Clinton City Zoning Ordinances. Despite good intentions, a ready interpretation of the code is challenged.

Chapter 19 interestingly has '28' prefixes. The first code section is 28-19-1.

28-19-1: General Intent - chapter is to balance adjoining interests.

28-19-2: N/A (meaning not specifically applicable to parking lot addition).

28-19-3: Project would be a low-volume traffic generator.

28-19-4: The professional building consists of dentists and salon personnel. The pertaining category from Table 19.4 is section 3.110. The use is a 'Permitted' use; the general use category is

	<p>'Office.'</p> <p>28-19-5: Non-residential uses require site plan review by Planning Commission - this seems at odds with a typical 'Permitted' use that is typically administratively handled by staff.</p> <p>28-19-6: Sections 19.6 and 19.7 actually means 28-19-6 and 29-19-7. This is actually a circular reference. There are no mathematical references provided per this section.</p> <p>28-19-7: Again, this is a circular reference with no mathematical criteria.</p> <p>28-19-8: 'Sight Capacity' - believed to be 'Site Capacity' - this is believed to be what is commonly called 'Lot Coverage' - typically applies to 'buildable area' and 'floor area,' not parking lot area. Table 19.7 seems to pertain to 'subdivisions.' The 'Other' category appears to offer a very wide range from 5% to 100%.</p> <p>28-19-9: This project is a parking lot addition, not a building (or existing Building) project. The purpose of this section is supposedly for 'Bufferyard' purposes. We are not dealing with an existing building buffering requirement, only with a new parking lot. Section A: Parking lot addition is 6,000 SF (0.138 acre). Section B is 0.00 acre (no public roads on lot). Section C is existing office parcel on east side of 2225 West - the area is -0.558 acre (minus sign for 'subtract land'). Section D is 0.000 acre. Section E: A minus B, C & D = -0.42 acre. Guestimating a 10-foot strip along south and west sides of proposed parking lot is 0.043 acre. The total is -0.463 acre. Due to the resulting negative value this section is deemed N/A.</p> <p>28-19-10: With Base Site area being a negative value, Permitted impervious area is N/A. The project involves no floor area.</p> <p>28-19-11: There is no perceivable, applicable open space requirement.</p> <p>28-19-12: Informational.</p> <p>28-19-13: Range of intensity class wording enumerated but no specifics provided.</p> <p>28-19-14: The 'project' is actually not 'Office' but just a parking lot. 'Office' shows up under Class V, VI, VIII, VIII, IX. Maximum density is n/a. ISR is not really applicable (parking lot is less than 50% of lot). Floor area is not applicable. Site Design standards - indeterminate from table. Maximum building height shows office allowance from 60 to 75 feet - not an applicable parameter. Hours of operation - only category is V with any listed hours. The closest category based on ISR and hours of operation is V.</p> <p>28-19-15: Bufferyard purposes stated.</p> <p>28-19-16: Bufferyard location: Section 1: Land use category from 19-4 is 'Office' (though a parking lot is not an office). Adjacent uses are residential. 2225 West Street is clearly a street that serves residential homes. Section 2: Refers to 29-19-18. Section 3: Again, refers to 19-18. Section 4: The parking lot will be post-residential development. Section 5: parking lot screening seems not applicable - all residential homes have backyard fences and parking lot isn't obtrusive. Section 5c alludes to a 10-foot buffer. Sections 5e & 5f confirm that only developed area (i.e. parking lot) needs to have landscape buffer. Conclusion - Table 19.16.1: Provide streetscape landscaping, 10 feet in width along east side of parking lot along 2225 West using a 'Residential' classification. Note - this section applies to 'streetscape' - the areas south and west of proposed parking lot, if landscaped, would provide no meaningful buffer to residential neighbors with existing backyard fences.</p> <p>28-19-17: As mentioned previously, the parking lot really isn't 'Office' (Class V). However using Table 19.17 as if it were, left classification as V, upper classification as Class III subdivision, yields a 'D' classification.</p> <p>28-19-18: Section 1: Table refers to number of plants per 100 LF. 2225 West streetside landscaping is approximately 72 LF. Section 2: Note - south and west sides already have 6-foot backyard fences. Table 19.18.2 - My understanding per 28-19-17 is that Bufferyard D is applicable - 2 Canopy trees, 4 understory trees and 6 shrubs would be required - these could be factored down by a factor of 72 LF/100 LF (72%).</p> <p>28-19-19: N/A.</p> <p>28-19-20: Lot owner to own bufferyard.</p> <p>28-19-21: Perhaps south and west sides of parking lot 'buffer' could be reduced by 50%, say to 5 feet. Such is advanced as an appropriate buffer.</p> <p>28-19-22: N/A - vacant land is single parcel on-site land.</p> <p>28-19-23: Site is within 500 feet of major roadway (1800 North) - this does not mandate frontage landscaping beyond parking lot addition.</p> <p>28-19-24: Land use intensity weakly defined as 'D' per 28-19-17.</p> <p>28-19-25: If of any practical applicability to south and west sides of parking lot (187 LF) - table is per 300 LF. Ratio of 187/300 = 62%. 'D' yields 1 Canopy, 1 Understory, 3 shrubs.</p>
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	<p>28-19-26: Off-Street parking landscaping: East, south and west sides evaluated above. 28-19-27: It is unclear whether a parking lot is mandated to have a light. If so, apply lighting standards. No light is advanced as parking lot will not be utilized at night - any specific appointments outside standard hours will park next to office building. 28-19-28: Signage will be to City standards. 28-19-29: N/A - applies to permitting residential within PZ zone. 28-19-30: Provides valuable, defining plant material information. 28-19-31: N/A.</p> <p>The Planning Commission discussed the issue at length. They expressed concern about the parcel to the north of the proposed parking lot that is left undeveloped. There is nothing shown on the drawings to show landscaping. They cautioned Mr. Flint the property is on a main arterial (1800 N) in Clinton and will need to be maintained; some landscaping will be required.</p> <p>Commissioner Briggs opened the public hearing at 7:55 p.m. There was no comment. He declared the public hearing to remain open to the April 17, 2018 Planning Commission meeting.</p>
<p>CONCLUSION</p>	<p>Commissioner Tyler moved to table the Site Plan Review to place an overflow parking lot on an adjacent parcel located on the corner of 2225 W 1800 N with the requirement for information regarding grading, a berm, streetscape and landscaping of the entire site and the corridor on 1800 N to meet City requirements, a photometric drawing for lighting if there are to be pole lights and information regarding water hookups through the Davis Weber Counties Canal Company in addition to a completed site plan to the April 17, 2018 Planning Commission meeting. Commissioner Bauer seconded the motion. Commissioners’ Tyler, Thompson, Bauer, Hale, Cressall, Evans and Briggs voted in favor.</p>
<p>7:20 P.M. – REVIEW AND RECOMMEND TO THE CITY COUNCIL TO APPROVE A REZONE REQUEST FROM CRAIG NORTH TO AMEND THE CITY ZONING MAP FROM AGRICULTURAL (A-1) TO RESIDENTIAL (R-1-15) FOR PROPERTY LOCATED AT APPROXIMATELY 2560 N 3000 W WITH LEGAL DESCRIPTION AS FOLLOWS: BEG ON N LINE DAVIS CO AT A PT 660 FT, M/L, N FR SW COR NE 1/4 OF SW 1/4 SEC 21-T5N-R2W, SLM; TH S 290 FT, M/L, TO W’LY LINE LAYTON CANAL R/W; TH N 36’08” E ALG SD R/W TO A PT E OF BEG; TH W 215 FT TO POB. CONT. 0.71 ACRES.</p>	
<p>Petitioner</p>	<p>Craig North, owner/agent for parcel</p>
<p>Discussion</p>	<p>Craig North explained this piece of is adjacent to the Patterson property which was rezoned a few years ago. It is located on the intersection of 2650 N and 3000 W with access off 2750 N to the west.</p> <p>Mr. Wright reviewed the following information included in the staff report: the .71 acre parcel is zoned Agricultural (A-1) and is designated in the Master Land Use Map of the General Plan as Residential (R-1-15) Zone. Properties immediately surrounding this parcel are designated as residential R-1-15 Zone with Patterson Homestead on the west and some of the south side, while there’s residential R-1-15 land on the east side and this parcel is bordered by Roy City on the north.</p> <p>This parcel represents a remnant property that was owned separately from the Patterson Homestead Subdivision. It will be accessed off roads in the Patterson Homestead subdivision at approximately the intersection of 2650 N and 2775 W.</p> <p>Mr. Wright cautioned the development will need to meet the development standards identified in Chapter 14.</p> <p>Commissioner Briggs opened the public hearing at 8:20 p.m. With no public comment, he closed the public hearing at 8:21 p.m.</p> <p>ORD 18-01Z includes the following findings:</p> <ul style="list-style-type: none"> • Property is currently zoned Agricultural (A-1) zone for one acre lots but is only .71 of an acre; • The Master Land Use Map shows this property is zoned as Residential, Single Family (R-1-15) Zone; • City utilities have not been stubbed out to this property.
<p>CONCLUSION</p>	<p>Commissioner Cressall moved to forward a recommendation on to the City Council to approve a rezone request for property located at approx, 2650 N 3000 W from Agricultural (A-1) Zone to Residential (R-1-15) Zone. Commissioner Bauer seconded</p>

the motion. Voting by roll call is as follows: Commissioner Hale, aye; Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Tyler, aye; Commissioner Cressall, aye; Commissioner Evans, aye; and Commissioner Briggs, aye.

7:25 P.M. – REVIEW AND RECOMMEND TO THE CITY COUNCIL TO APPROVE A REQUEST FROM CHASE FAIRBAIRN, REPRESENTING IVORY DEVELOPMENT FOR THE FINAL PLATS FOR PHASES 8 & 9 OF CRANEFIELD SUBDIVISION LOCATED AT 2500 N 3430 W AND 2560 N 3300 W, RESPECTIVELY.

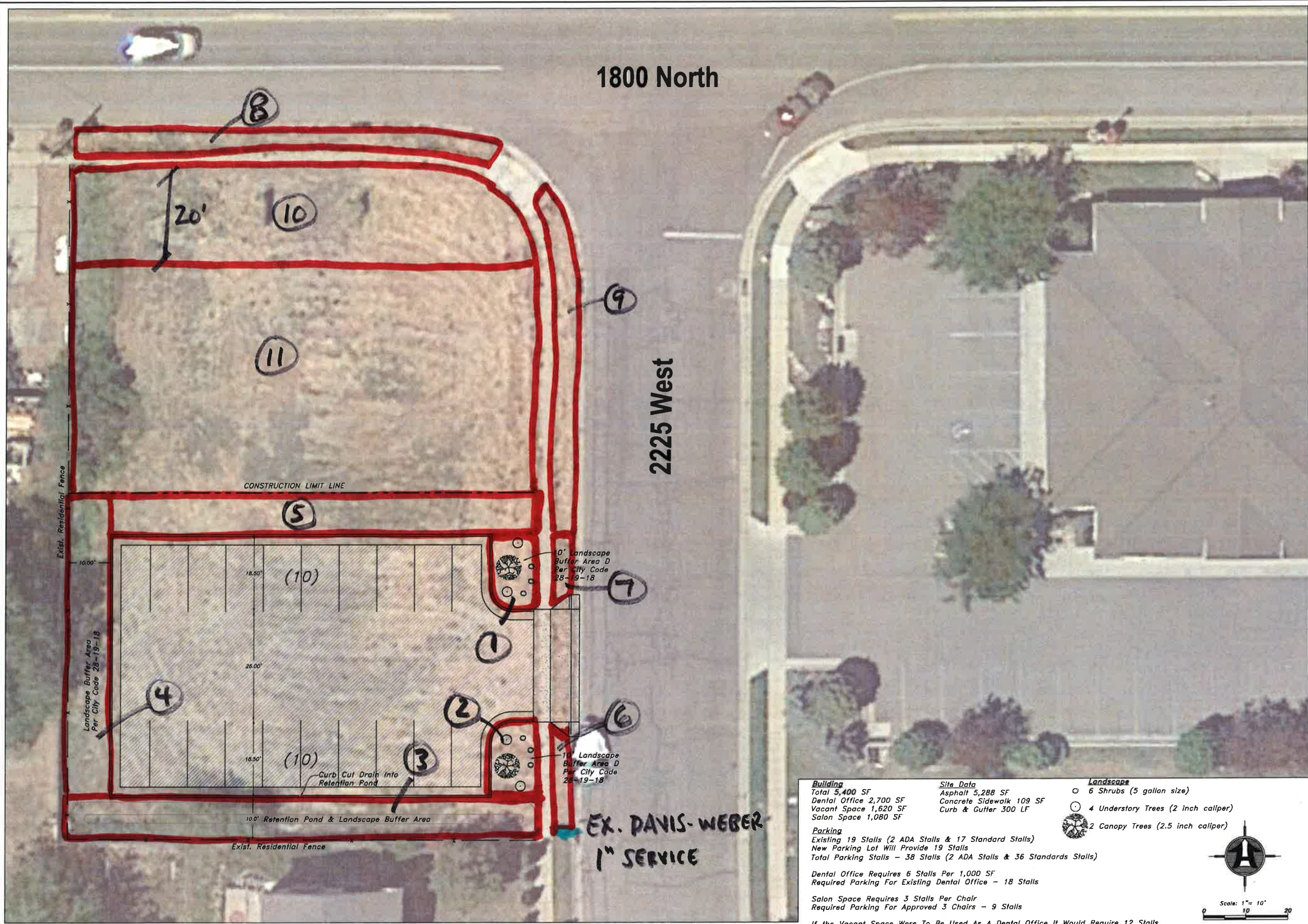
Petitioner	Chase Freebairn, representing Ivory Development
Discussion	<p>The petitioner was not present to address this issue.</p> <p>Mr. Wright reviewed the following information included in the staff report:</p> <p>The Master Land Use Map in the General Plan shows this area zoned for residential use with the land use designated as A-E Zone with a minimum of 10,000 square feet lots. Phase 8 of the Cranefield Estates Subdivision consists of 17 lots, while Phase 9 is 15 lots for a total of 32 lots. This Planned Residential Use Development is guided by the Development Agreement entered into January 27, 2009 and an approved Preliminary Plat. Comments related to corrections needed in the drawings have been provided to the developer.</p> <p><u>Public Works</u></p> <ul style="list-style-type: none"> • Submittal Date: 2/28/18 • <u>Lot Drainage:</u> Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. • Add key map to drawings • Submit SWPPP • Call out fire hydrant foot valves at main line connection • Call out water valves on main at property lines • Call out address and stop signs • Sht 3 add blow off on culinary water line at dead end 2500N • Sht 3 2500N mh 4+90.14 verify existing (not a stub) • All culinary services to be copper • Include the same general grading notes from phase 9 sht. 6 (add to sht.4) • Sht. 6 change to phase 9, not phase7 • If City is paying for ditch relocation, use shortest direct route from the dead end to lot 220 <p><u>Public Works</u></p> <ul style="list-style-type: none"> • Submittal Date: 2/28/18 • <u>Lot Drainage:</u> Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. • Add key map to drawings • Submit SWPPP • Note #3 on plat add actual pond elevation • Sht2 .50 min. on sewer main • Call out water valves on culinary main on property lines • Put fire hydrant foot valves on main line connection • Note: vegetation to be removed before imported fill brought in. Imported fill to be compacted in lifts and to meet Clinton City Standard • Sht.3 2650N, north of 2560N, do we need a LD extension between lots 202/207 for future phases? • Sht4 st. 31+95.35 use a cb instead of man hole • Sht4 call out roadway slope east of 30+45 • Call out stop and address signs • Put blow offs on culinary main at dead ends

	<p>Commissioner Briggs opened the public hearing at 8:33 p.m. and with no public comment, closed the public hearing at 8:34 p.m.</p> <p>Resolution 13-18 includes the following requirements:</p> <ol style="list-style-type: none"> 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 (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.
<p>CONCLUSION</p>	<p>Commissioner Bauer moved to forward a recommendation for approval of Resolution 13-18 onto the City Council for approval of the Final Plat for Cranefield Estates Subdivision Phases 8 & 9 located at 2500 N 3430 W & 2560 N 3300 W, respectively. Commissioner Tyler seconded the motion. Voting by roll call is as follows: Voting by roll call is as follows: Commissioner Hale, aye; Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Tyler, aye; Commissioner Cressall, aye; Commissioner Evans, aye; and Commissioner Briggs, aye.</p>
<p>OTHER SSUES</p>	<p>There were none.</p>
<p>ADJOURNMENT</p>	<p>Commissioner Cressall moved to adjourn. Commissioner Bauer seconded the motion. Commissioners’ Tyler, Thompson, Bauer, Hale, Evans and Briggs voted in favor. The meeting adjourned at 8:50 p.m.</p>

CLINTON CITY PLANNING COMMISSION AGENDA ITEM

SUBJECT: PUBLIC HEARING – Review and take action upon a request for a Site Plan Review to place an overflow parking lot on an adjacent parcel located on the corner of 2225 W 1800 N. This item tabled from the April 3, 2018 Commission meeting.	AGENDA ITEM: 1
PETITIONER: Paul Mackley, owner/agent for Comfort Dental Office at 2207 West 1800 North, represented by Jim Flint of Hansen and Associates.	MEETING DATE: April 17, 2018
ORDINANCE REFERENCES: Zoning Ordinance Chapter 28-4- Parking and Loading Space Vehicle Traffic and Access Regulations (Parking)	ROLL CALL VOTE: YES
BACKGROUND: <p>In their meeting of December 5, 2017 the Planning Commission recommended the City Council amend Section 28-4-7 <u>Location of Parking Facilities</u> of the Zoning Ordinance, which would allow an overflow parking lot to be placed on an adjacent parcel under certain conditions. The design of this parking lot is to meet requirements to insure desired aesthetics (fencing and landscaping) and sound engineering (drainage and safe driveway for parcel/street access), as well as provide for necessary public safety measures by requiring a legal crosswalk(s).</p> <p>The Site Plan for the Comfort Dental Office was approved by the Planning Commission on October 7, 2008. There were subsequent issues and approval surrounding the City’s landscaping requirements which were ultimately approved on December 3, 2008. The parking for this 6,303 sf building required 19 parking spaces. It appears that originally the building was designated for medical clinics, which currently all have the same parking requirement of six (6) spaces per 1,000 sf of building. This would mean that 37 parking spaces would be needed.</p> <p>However, apparently, about 1,175 sf of this building is available for uses other than a medical clinic, which has created issues with parking since different uses have separate and distinct parking requirements. For example, staff understands that a chiropractor utilized this office space for some time, which had the same parking requirement as a dental office. However, there is now a beauty salon in this portion of the building that requires three (3) parking spaces per chair.</p> <p>The existing parking lot at Comfort Dental has 19 spaces and the amended regulations that allow an overflow parking lot on an adjacent parcel must provide “... no more than fifty (50%) of the required off-street parking for the existing building” Since Comfort Dental is amending their site plan by providing additional parking then they are required to meet current parking requirements. The current building of 6,303 sf contains the Comfort Dental Office of about 5,128 sf, which according Section 28-4-5 <u>Parking Space for Commercial, Industrial, and Institutional Uses</u> subsection (18) Medical Clinics require six spaces per 1,000 square feet so the dental clinic requires 31 spaces, while the remaining 1,175 sf of space is currently being used as a beauty salon, which subsection (5) Barber Shop/Beautician Shop indicates ‘three (3) spaces per chair’. The parking regulations limited this salon to two chairs or six more spaces for a total of 37 parking spaces for the current uses of this building. The proposed 19 parking spaces in the overflow parking is 50% of the existing parking needs for this building.</p> <p>The site plan shows the configuration of the proposed parking lot, which generally conforms to the City’s development standards. However, the City continues to need grading and drainage information to insure the proper operation of the proposed drainage facility as well as an adequate landscaping plans for various areas. Further, staff continues to have a question what the applicant plans for the front portion of this parcel and what condition this unused part of the lot will have, especially since it fronts onto a main arterial street (1800 N).</p>	
ALTERNATIVE ACTIONS:	
ATTACHMENTS:	
SEPARATE DOCUMENTS:	

Respectfully submitted, Will Wright, Community Development Director



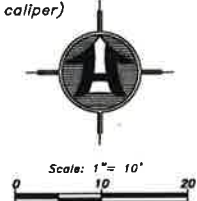
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| Building | Site Data | Landscape |
| Total 5,400 SF | Asphalt 5,288 SF | 6 Shrubs (5 gallon size) |
| Dental Office 2,700 SF | Concrete Sidewalk 109 SF | 4 Understory Trees (2 inch caliper) |
| Vacant Space 1,620 SF | Curb & Gutter 300 LF | 2 Canopy Trees (2.5 inch caliper) |
| Salon Space 1,080 SF | | |

Parking
 Existing 19 Stalls (2 ADA Stalls & 17 Standard Stalls)
 New Parking Lot Will Provide 19 Stalls
 Total Parking Stalls - 38 Stalls (2 ADA Stalls & 36 Standards Stalls)

Dental Office Requires 6 Stalls Per 1,000 SF
 Required Parking For Existing Dental Office - 18 Stalls

Salon Space Requires 3 Stalls Per Chair
 Required Parking For Approved 3 Chairs - 9 Stalls

If the Vacant Space Were To Be Used As A Dental Office It Would Require 12 Stalls



HANSEN & ASSOCIATES, INC. Consulting Engineers and Land Surveyors 536 North Main Street, Brigham, Utah 84302 Logan, Utah (801) 364-4005 (801) 724-8272	
For: Paul Mackley 730 East 1750 North North Ogden, UT Contact: 801-644-8122	
Drawn By: DJH Designed By: KE Checked By: _____ Approved By: _____ Drawing File: _____ JOB NUMBER: 18-5-2	Date: 5/22/2018
Clinton Dental Parking Lot Addition 2225 West 1800 North Clinton, Weber County, Utah	
Sheet Name	

CLINTON DENTAL PARKING LOT

2225 West 1800 North
Clinton, Utah

Introduction:

The existing Comfort Dental professional building is on the southeast corner of the 1800 North/ 2225 West intersection in Clinton, Utah. The desire is to more fully expand the existing building services - such precipitates a need for additional parking which cannot be achieved on-site. The owner is advancing installing the additional parking on a vacant lot immediately to the west.

Purpose

The purpose of the Site Plan is for additional parking as explained above. Any future development is not germane - this application is strictly for parking addition purposes. There is no reason to develop the 1800 North frontage as such would be eliminated/removed upon any development utilizing the north portion of the lot. The new parking lot entrance is located as far southerly as possible for two purposes: (1) UDOT encourages entrance locations as far away from highway (1800 North) as possible (2) The southerly location seems the least obtrusive location to not hamper any future development plans should they arise. The 1800 North frontage would be the most appealing for development purposes rather than for a parking lot.

As mentioned previously, parking on the vacant lot is a stand-alone project. Three parking spaces could perhaps be removed in the future to provide access for a possible northerly building. Such is not anticipated nor contemplated at this time.

Performance Zone

The site is within the 'PZ' (Performance Zone) zone per the Clinton City Zoning Map. The applicable standards are found in Chapter 19 of the Clinton City Zoning Ordinances. Despite good intentions, a ready interpretation of the code is challenged.

Chapter 19 interestingly has '28' prefixes. The first code section is 28-19-1.

28-19-1: General Intent - chapter is to balance adjoining interests.

28-19-2: N/A (meaning not specifically applicable to parking lot addition.

28-19-3: Project would be a low-volume traffic generator.

- 28-19-4: The professional building consists of dentists and salon personnel. The pertaining category from Table 19.4 is section 3.110. The use is a 'Permitted' use; the general use category is 'Office.'
- 28-19-5: Non-residential uses require site plan review by Planning Commission - this seems at odds with a typical 'Permitted' use that is typically administratively handled by staff.
- 28-19-6: Sections 19.6 and 19.7 actually means 28-19-6 and 29-19-7. This is actually a circular reference. There are no mathematical references provided per this section.
- 28-19-7: Again, this is a circular reference with no mathematical criteria.
- 28-19-8: 'Sight Capacity' - believed to be 'Site Capacity' - this is believed to be what is commonly called 'Lot Coverage' - typically applies to 'buildable area' and 'floor area,' not parking lot area. Table 19.7 seems to pertain to 'subdivisions.' The 'Other' category appears to offer a very wide range from 5% to 100%.
- 28-19-9: This project is a parking lot addition, not a building (or existing Building) project. The purpose of this section is supposedly for 'Bufferyard' purposes. We are not dealing with an existing building buffering requirement, only with a new parking lot. Section A: Parking lot addition is 6,000 SF (0.138 acre). Section B is 0.00 acre (no public roads on lot). Section C is existing office parcel on east side of 2225 West - the area is - 0.558 acre (minus sign for 'subtract land'). Section D is 0.000 acre. Section E: A minus B, C & D = -0.42 acre. Guestimating a 10-foot strip along south and west sides of proposed parking lot is 0.043 acre. The total is - 0.463 acre. Due to the resulting negative value this section is deemed N/A.
- 28-19-10: With Base Site area being a negative value, Permitted impervious area is N/A. The project involves no floor area.
- 28-19-11: There is no perceivable, applicable open space requirement.
- 28-19-12: Informational.
- 28-19-13: Range of intensity class wording enumerated but no specifics provided.
- 28-19-14: The 'project' is actually not 'Office' but just a parking lot. 'Office' shows up under Class V, VI, VIII, VIII, IX. Maximum density is n/a. ISR is not really applicable (parking lot is less than 50% of lot). Floor area is not applicable. Site Design standards - indeterminate from table. Maximum building height shows office allowance from 60 to 75 feet - not an applicable parameter. Hours of operation - only category is V with any listed hours. The closest category based on ISR and hours of operation is V.
- 28-19-15: Bufferyard purposes stated.
- 28-19-16: Bufferyard location: Section 1: Land use category from 19-4 is 'Office' (though a parking lot is not an office). Adjacent uses are residential. 2225

West Street is clearly a street that serves residential homes. Section 2: Refers to 29-19-18. Section 3: Again, refers to 19-18. Section 4: The parking lot will be post-residential development. Section 5: parking lot screening seems not applicable - all residential homes have backyard fences and parking lot isn't obtrusive. Section 5c alludes to a 10-foot buffer. Sections 5e & 5f confirm that only developed area (i.e. parking lot) needs to have landscape buffer. Conclusion - Table 19.16.1: Provide streetscape landscaping, 10 feet in width along east side of parking lot along 2225 West using a 'Residential' classification. Note - this section applies to 'streetscape' - the areas south and west of proposed parking lot, if landscaped, would provide no meaningful buffer to residential neighbors with existing backyard fences.

- 28-19-17: As mentioned previously, the parking lot really isn't 'Office' (Class V). However using Table 19.17 as if it were, left classification as V, upper classification as Class III subdivision, yields a 'D' classification.
- 28-19-18: Section 1: Table refers to number of plants per 100 LF. 2225 West streetside landscaping is approximately 72 LF. Section 2: Note - south and west sides already have 6-foot backyard fences. Table 19.18.2 - My understanding per 28-19-17 is that Bufferyard D is applicable - 2 Canopy trees, 4 understory trees and 6 shrubs would be required - these could be factored down by a factor of 72 LF/100 LF (72%).
- 28-19-19: N/A.
- 28-19-20: Lot owner to own bufferyard.
- 28-19-21: Perhaps south and west sides of parking lot 'buffer' could be reduced by 50%, say to 5 feet. Such is advanced as an appropriate buffer.
- 28-19-22: N/A - vacant land is single parcel on-site land.
- 28-19-23: Site is within 500 feet of major roadway (1800 North) - this does not mandate frontage landscaping beyond parking lot addition.
- 28-19-24: Land use intensity weakly defined as 'D' per 28-19-17.
- 28-19-25: If of any practical applicability to south and west sides of parking lot (187 LF) - table is per 300 LF. Ratio of 187/300 = 62%. 'D' yields 1 Canopy, 1 Understory, 3 shrubs.
- 28-19-26: Off-Street parking landscaping: East, south and west sides evaluated above.
- 28-19-27: It is unclear whether a parking lot is mandated to have a light. If so, apply lighting standards. No light is advanced as parking lot will not be utilized at night - any specific appointments outside standard hours will park next to office building.
- 28-19-28: Signage will be to City standards.
- 28-19-29: N/A - applies to permitting residential within PZ zone.

28-19-30: Provides valuable, defining plant material information.

28-19-31: N/A.

1800 North

2225 West



Building

Total 5,400 SF
Dental Office 2,700 SF
Vacant Space 1,620 SF
Salon Space 1,080 SF

Site Data

Asphalt 5,288 SF
Concrete Sidewalk 109 SF
Curb & Gutter 300 LF

Landscape

- 6 Shrubs (5 gallon size)
- 4 Understory Trees (2 inch caliper)
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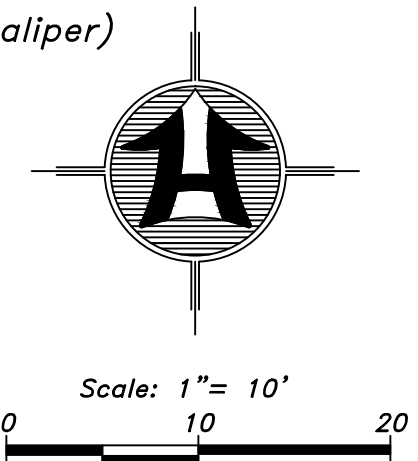
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 Logan (435) 752-8272



For: Paul Mackley
 730 East 1750 North
 North Ogden, UT

Contact: 801-644-8122

Drawn By: DJH Date: 3/22/2018
 Designed By: KE
 Checked By: _____
 Approved By: _____
 Drawing File: _____
 JOB NUMBER: 18-5-2

Clinton Dental
 Parking Lot Addition
 2225 West 1800 North
 Clinton, Weber County, Utah

Sheet Name

Section-Chapter 2. Definitions

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

126-2-226-2-1 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.

"Major Arterial Principle" means a road intended to move through traffic to and from major attraction 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 of large areas and/or which carries high volumes of traffic. See 26-5-.

"Arterial Minor" **"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 principle arterials.

"Assessment District", see Public Facility Service Area.

Is this term used in the code?

"Average Density" see Cluster Zoning. Total number of houses divided by the total acreage.

"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.

"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 ofr 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,

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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.

“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. ~~A cash deposit with the city or a financial institution.~~

“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.

“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. ~~public facilities project to be owned and operated by or on behalf of the City.~~

“Capital Improvements Program” A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. ~~All major projects requiring the expenditure of public funds, over and above the annual City’s operating expenses, for the purchase, construction, or~~

~~replacement of the physical assets for the community are included.~~

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

Is this definition needed?

“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?

“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

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Subdivisions

Section Chapter 2

an interest in each corporation, firm, partnership, entity, or unincorporated association.

Is this definition needed?

“Community Improvement District”, see Public Facility Service Area.

Is this definition needed?

“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 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.

“Display Home” means – Add definition.

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

“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?)

“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.

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

“Final Subdivision Plat”, means the map plat of a subdivision to be recorded after approval by the Planning Commission, City Council and any

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~~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 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.

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

“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?

~~REMOVE~~

“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 fees required for an appeal.~~

“Improvements”, see Lot Improvement or Public Improvement.

“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.

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“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. *Verify included in the Zoning Ordinance.*

“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. *Make sure this is consistent with the General Plan.*

“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 an approved method, by the Community Development Director.

“Master Plan” – add back definition

“Medium Density” means those residential zoning districts in which the density is between 15,000 and 98,000 square feet per dwelling unit. *Confirm with the General Plan and High Density.*

“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 of portion of the General Plan, Official Maps, Zoning Ordinances, or these regulations. *Sec 773 ADD BAC – Match what is in the code elsewhere.*

“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.

END OF PC REVIEW 011618

“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 of 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

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

"Major Street Plan" See Official Map.

"Master Plan" A comprehensive plan for the development of the City's infrastructure.

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. Needs to match what is in the rest of the ordinance.

"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. May be Unnecessary.

"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 . May not be necessary.

"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, utilities and parcel information setback lines theretofore laid out, adopted, and established by law, and any amendments or additions to be adopted by the City Council. Ask Bryce Wilcox/Mike Child

"Official Master Plan" See Master Plan. See General Plan.

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Subdivisions

Section Chapter 2

~~“Ordinance” means any legislative action, however denominated, of the City including any amendment or repeal of any ordinance. Except as otherwise specifically provided, the City Council shall exercise its legislative powers through ordinances.~~

~~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.~~

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

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~~“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.~~

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

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

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~~“Performance Criteria” means the regulation of development based on open space ratio, impervious surface ratio, density, and floor area ratio. May be unnecessary - delete if it doesn't exist somewhere else in the code~~

~~“Planning Staff” Professional City Staff or hired consultants charged with administering the planning activities of the City.~~

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

~~“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.~~

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~~“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.~~

~~“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.~~

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

~~“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.~~

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~~“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. See Chapter 7 of the Zoning Ordinance. Rescinded as of date.~~

~~“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.~~

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~~“Parcel of Land” Contiguous quantity of land owned by the same person (Person is defined above.)~~

~~Protections Strip means~~

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END OF 020618 DISCUSSION

~~“Public Facility” means separately identify categories of public facilities and the types of~~

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Subdivisions

Section Chapter 2

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. Means all facilities or infrastructure owned and operated by the City

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 Works Inspector or Inspector means the appropriately appointed Clinton eCity 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

(5) 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

(6) 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

(7) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting

sewers, ditches, drains, conduits, channels, and appurtenances

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

(9) 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

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

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

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

(13) 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

(14) The grading or re-grading, the paving or repaving, the planking or re-planking, the macadamizing or re-macadamizing, the graveling or graveling, and the rolling or re-rolling of streets

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

(16) Acquisition, construction, improvement, and equipping of fire stations

(17) Acquisition, construction, improvement, and equipping of police stations

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

(19) Public works maintenance facilities

(20) 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

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~~in connection with establishing, implementing, and monitoring Public Facilities Project.~~

~~(21) 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? **Discuss with Mike Child and Bryce Wilcox if needed in the Subdivision Ordinance or is addressed in the Engineering and Development Standards**

~~“Public Hearing” means an adjudicatory proceeding held by the Planning Commission land use authority preceded by published proper notice and actual written notice to certain persons and at which certain persons the public, including the applicant may speak to those matters which are the subject of the hearing, 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.

~~“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 ~~accompanied by the requirement of~~ **financial security**, properly bonded or escrowed.

End of discussion for 02202018.

“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.

“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.

~~Public Service District. Add definition~~

~~“Repayment” The imposition of an amount to be reimburse the City for capital improvement previously oversized to serve new development.~~

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

“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

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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 [REDACTED] 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, Street 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. **BRYCE WILL SEND NEW DEFINITION**

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

“Road, Street 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. Keep~~

“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. ~~A simple screen or buffer is a natural or manmade feature which separates land uses. Screening, buffering and landscaping requirements address visual, light and sound impacts as defined in Clinton City Ordinances.~~

“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. ~~Changed to Arterial, Minor~~

“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 improvement 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 ~~the standard 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 schedule for that category of public facility, if this definition needs it.~~

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

END OF DISCUSSION FROM STAFF MEETING

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“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.

“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 (2) who directly or indirectly, sells, leases, or develop, any interest, lot parcel site, unit, or plat in a subdivision; or (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 (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

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Subdivisions

Section Chapter 2

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 their 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 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.

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