CLEARFIELD CITY COUNCIL AND PLANNING COMMISSION
AGENDA
July 30, 2019 – WORK SESSION

Meetings of the City Council of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Clearfield City Hall
55 South State Street
Multi-purpose Room, Second Floor
Clearfield, Utah

6:00 P.M. JOINT CITY COUNCIL AND PLANNING COMMISSION

Presentation by the Davis School District on the Plans to Rebuild South Clearfield Elementary located at 990 East 700 South

Discussion on Amendments to the Form-Based Code

Open Meeting Training

Discussion on the Moderate Income Housing Objectives

Discussion on Amendments to Title 11, Chapter 4 – Conditional Use Permits (CUPs)

Discussion on Amendments to Title 11 by Establishing a Chapter to Govern Accessory Dwelling Units

*****ADJOURN THE JOINT CITY COUNCIL AND PLANNING COMMISSION WORK SESSION*****

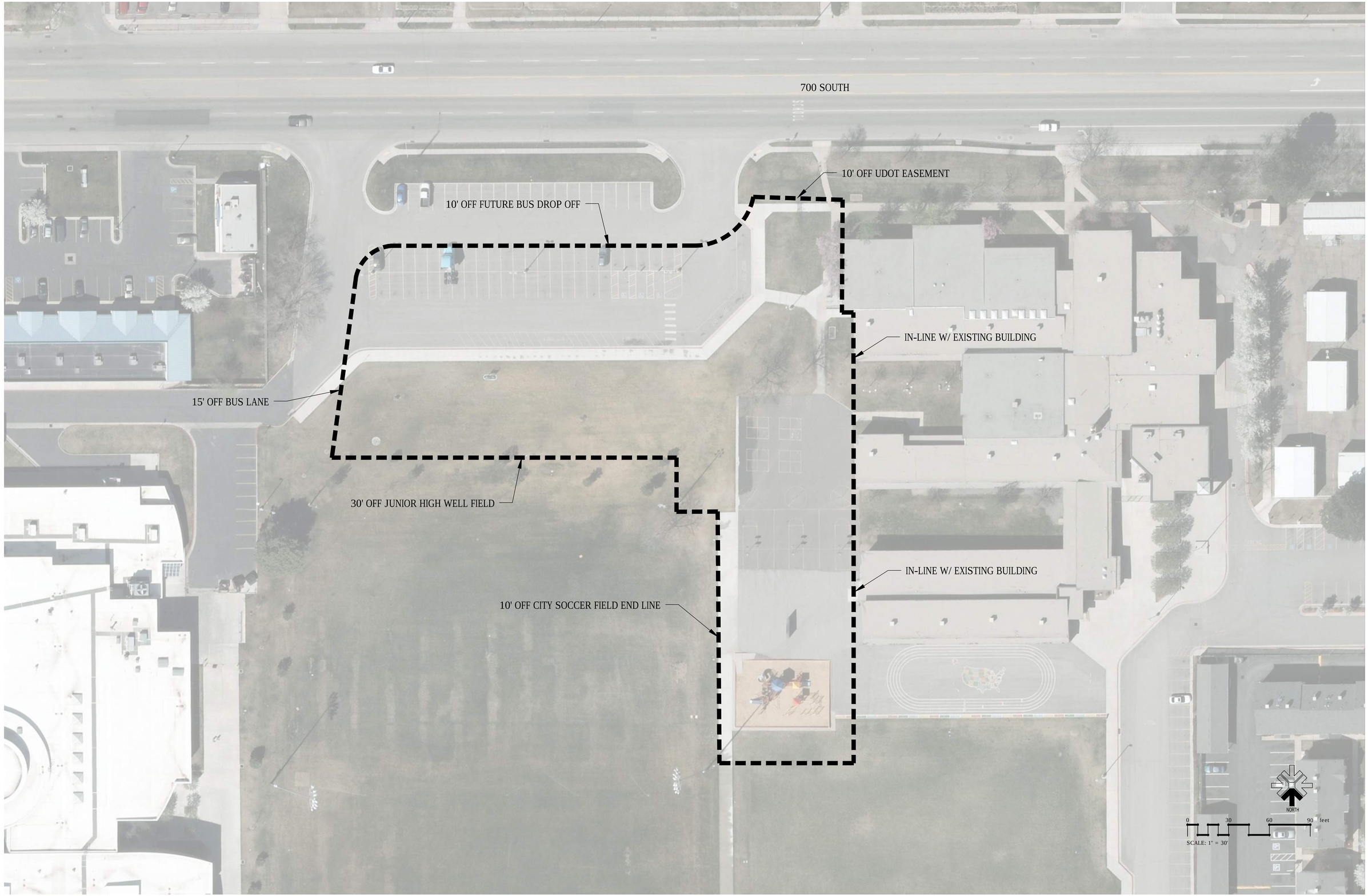
Dated this 25th day of July, 2019.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.

SOUTH CLEARFIELD ELEMENTARY REBUILD

SCHEMATIC DESIGN
SITE PLANNING



SOUTH CLEARFIELD ELEMENTARY SCHOOL SCHEMATIC DESIGN

design west architects

fni Fielding Nair International

700 SOUTH

DELIVERIES

BUS DROP-OFF

BUS ENTRY

PROJECT PATIO & FIRE ACCESS

GREEN PLAY AREA & WELL FIELD

MAIN ENTRY

KINDER DROP-OFF

FENCED KINDER PLAY AREA

FIRE ACCESS

GREEN PLAY AREA

CAR DROP-OFF

CAR DROP-OFF

KINDER DROP-OFF

STOP SIGN

TURN LANE

1000 EAST

EXPANDED PARKING LOT

CAR DROP-OFF

NORTH

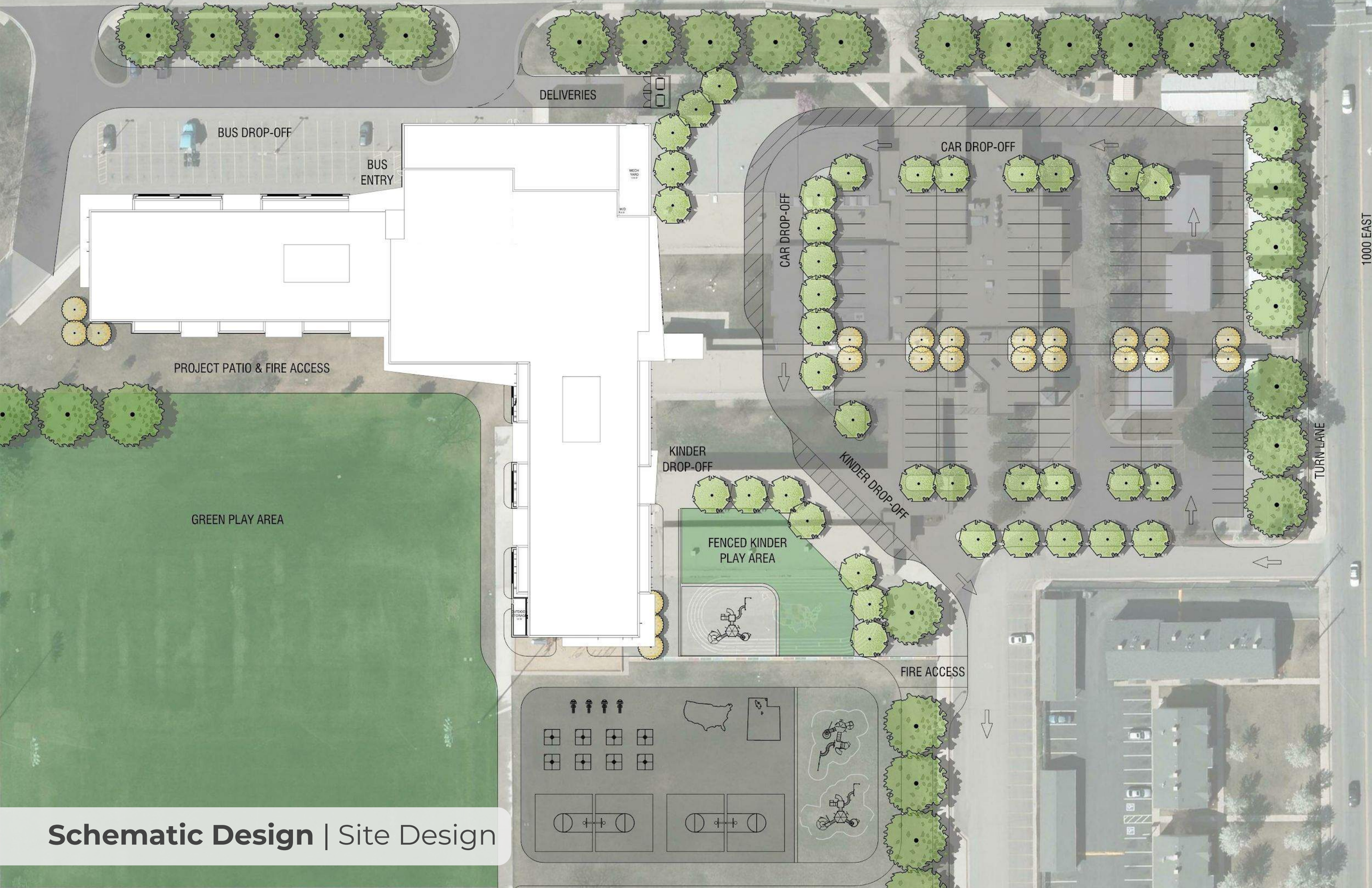
0 40 80 120 feet

SCALE: 1" = 40'

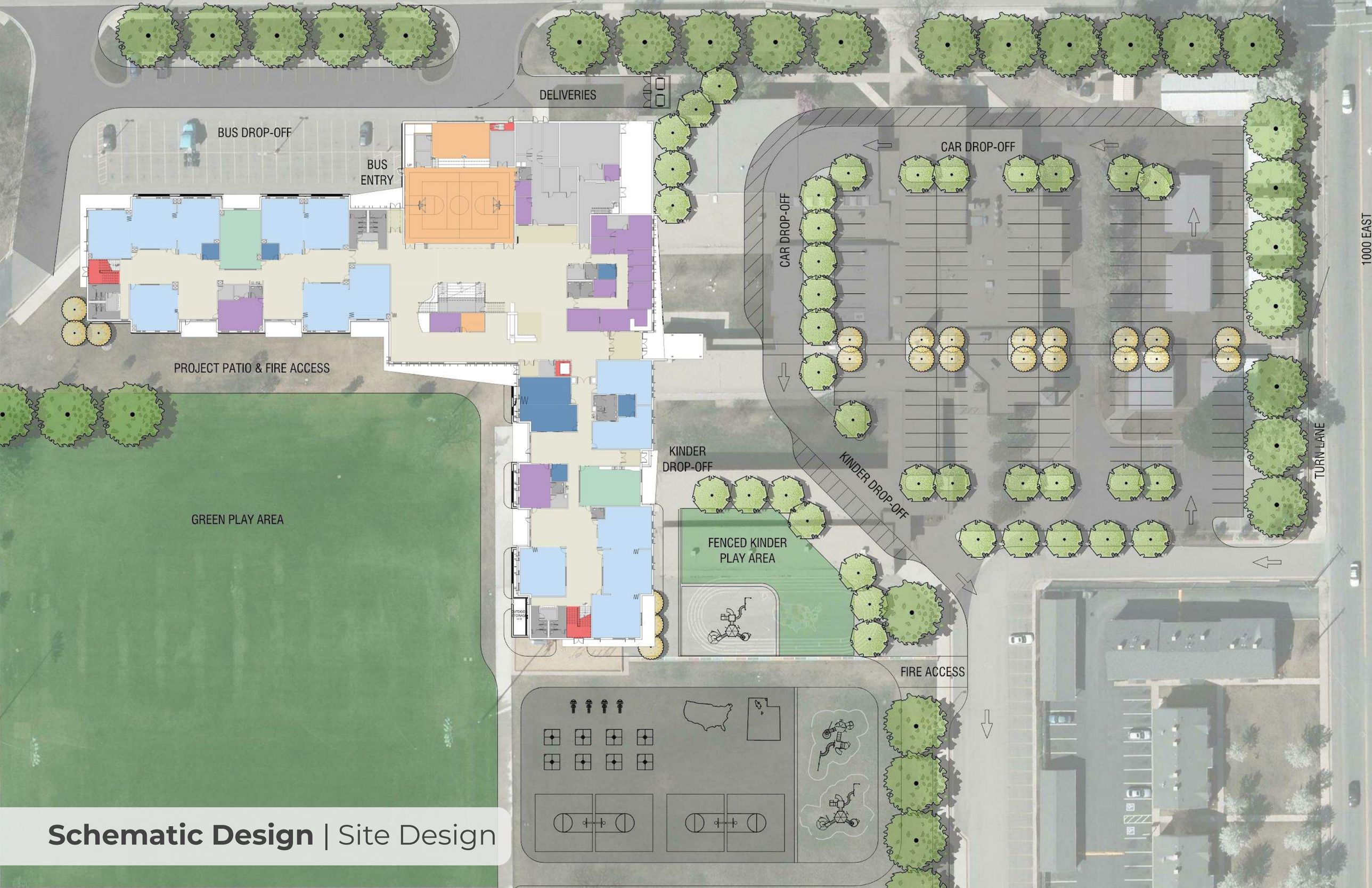
SOUTH CLEARFIELD ELEMENTARY SCHOOL SCHEMATIC DESIGN

design west architects

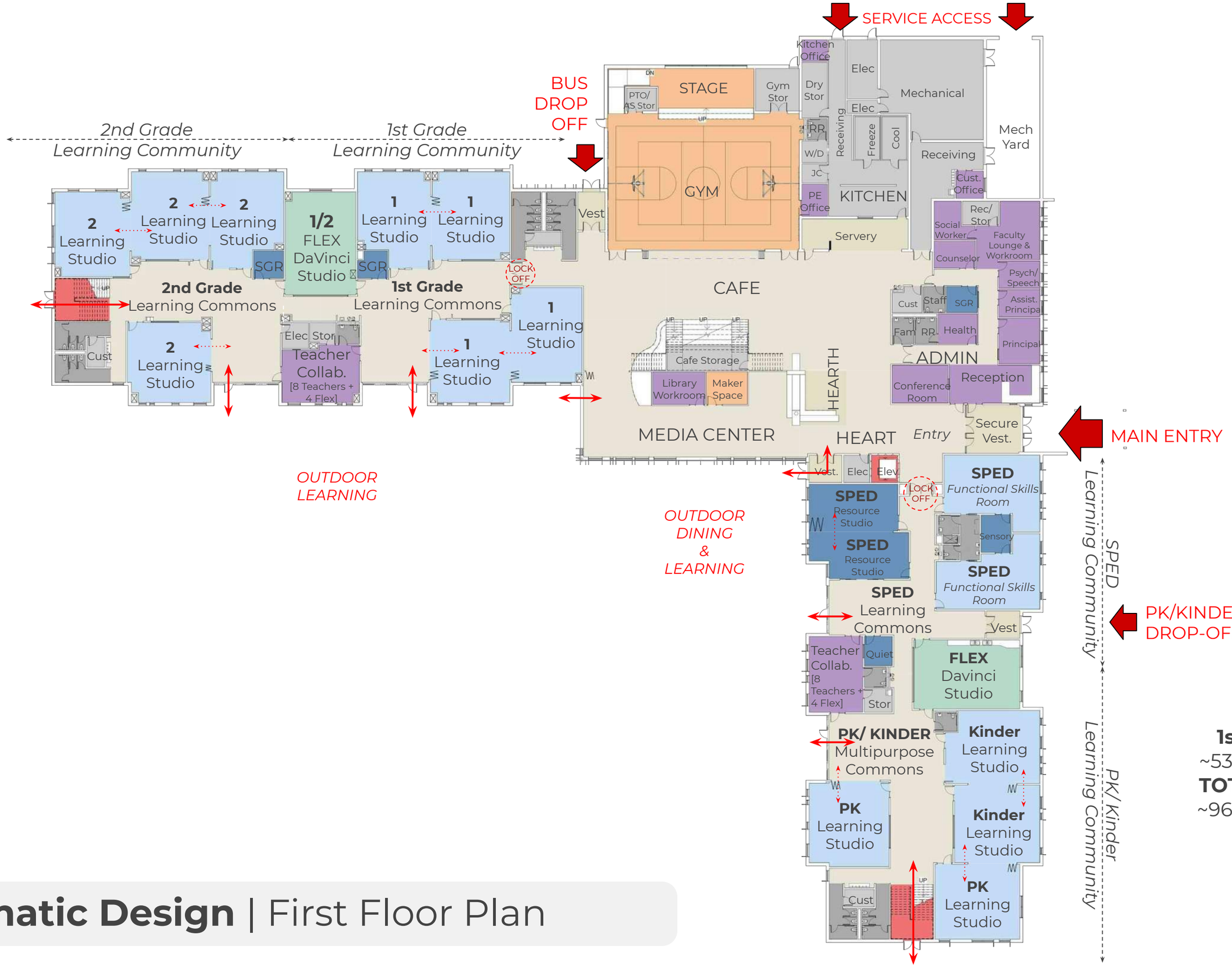
fni Fielding Nair International



Schematic Design | Site Design



Schematic Design | Site Design



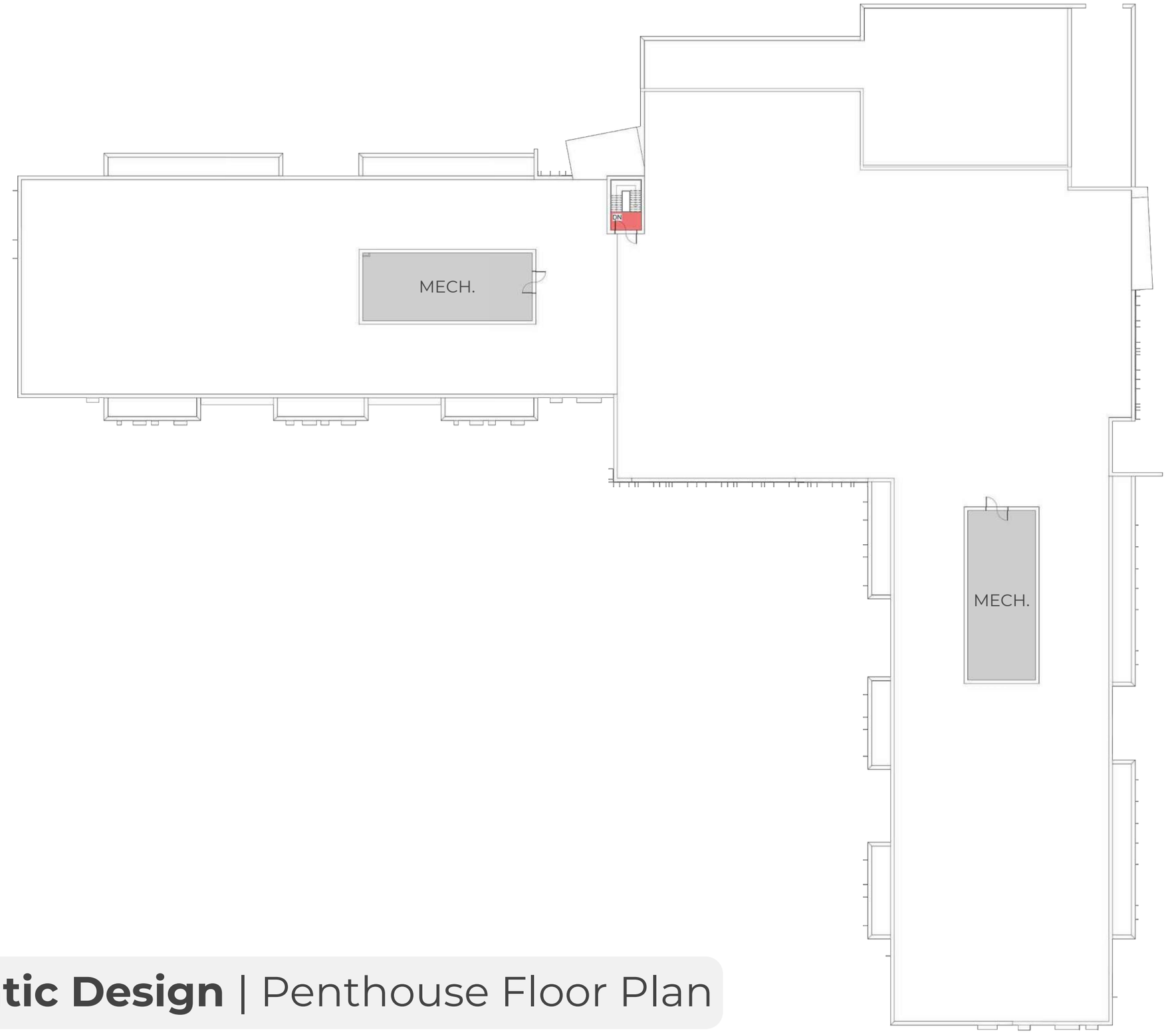
Schematic Design | First Floor Plan



2nd Floor
~40,080 SF
TOTAL SF:
~96,330 SF

N

Schematic Design | Second Floor Plan



Mech Penthouse
~2,900 SF
TOTAL SF:
~96,330 SF

N

Schematic Design | Penthouse Floor Plan

SCHEMATIC DESIGN
EXTERIOR DESIGN

Exterior Concept | Sand & Wind

The exterior design reflects nature, creating a balance of materials and textures to evoke a rich and soothing feel.

SAND

Natural colored panels

Tan and warm grey tones

Synthetic “wood look”

WIND

Textured facade and pattern

Darker colored roofing and trim to mimic natural stone









Building Exterior | Material Palette 01



BR1 - BRICK [MIX]
GLEN-GERY - UTILITY
ATHENA GREY W75/W77 [80%]
STONE GREY K12-3009 [20%]

BR2 - BRICK
ENDICOTT - UTILITY
MANGANESE IRONSPOT

BR3 - BRICK BASE
GLEN-GERY - UTILITY
STONE GREY K12-3009



MTL1 - METAL PANEL
CENTRIA
BR5-36
DARK BRONZE

MTL2 - PRE-FINISHED METAL
ALUMINUM
DARK ANODIZED

GL1 - WINDOW/ALUM STOREFRONT
EFCO SERIES 526
DARK ANODIZED ALUMINUM
CLEAR GLASS



MTL3- METAL PANEL
CENTRIA
FORMAWALL DIMENSION SERIES
COLORS [MIX]
996 CRUSHED ICE
9910 LIGHT SEAWOLF
5444 AGED COPPER
977 MOSS



MTL4 - STANDING SEAM MTL
CENTRIA SDP
DARK ANODIZED/CHARCOAL

MTL5 - METAL PANEL
KNOTWOOD
WOOD LOOK ALUMINUM SOFFIT
AUSTRALIAN CEDAR

WD1 - WOOD COLUMN
CEDAR
MTL PLATES - MATCH MTL2

Building Exterior | Material Palette 02



BR1 - BRICK [MIX]
GLEN-GERY - UTILITY
ATHENA GREY W75/W77 [80%]
STONE GREY K12-3009 [20%]

BR2 - BRICK
ENDICOTT - UTILITY
MEDIUM IRONSPOT 46

BR3 - BRICK BASE
GLEN-GERY - UTILITY
STONE GREY K12-3009



MP1 - METAL PANEL
CENTRIA
BR5-36
SLATE GRAY

MTL2 - PRE-FINISHED METAL
ALUMINUM
CLEAR ANODIZED

GL1 - WINDOW/ALUM STOREFRONT
EFCO SERIES 526
DARK ANODIZED ALUMINUM
CLEAR GLASS



MP2 - METAL PANEL
CENTRIA
FORMAWALL DIMENSION SERIES
COLORS [MIX]
133 SANDSTONE
9917 LIGHT GRAY
9923 GRANITE
9919 FASHION GRAY



MTL4 - STANDING SEAM MTL
CENTRIA SDP
SLATE GRAY

MTL5 - METAL PANEL
KNOTWOOD
WOOD LOOK ALUMINUM SOFFIT
CHESTNUT

WD1 - WOOD COLUMN
CEDAR
MTL PLATES - MATCH MTL2



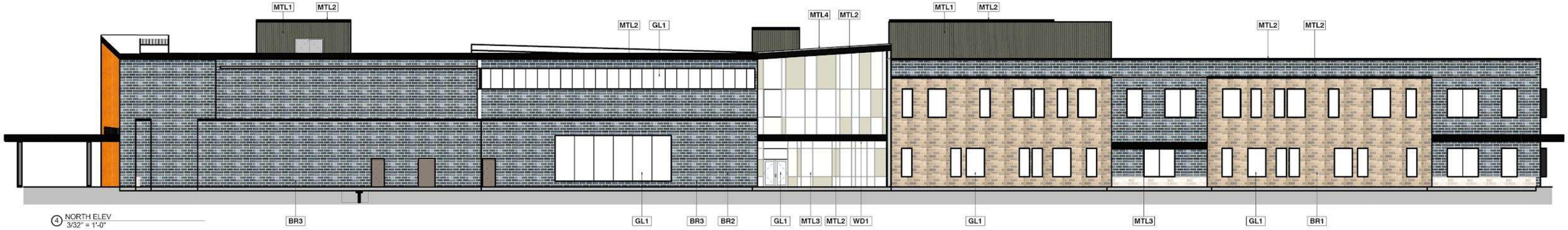
① EAST ELEV
3/32" = 1'-0"



② SOUTH ELEV
3/32" = 1'-0"



③ WEST ELEV
3/32" = 1'-0"



④ NORTH ELEV
3/32" = 1'-0"

Building Exterior | BRICK



MANGANESE IRONSPOT



MANGANESE IRONSPOT



MEDIUM IRONSPOT



MEDIUM IRONSPOT

Building Exterior | METAL PANEL

Solids

179 Regal White	996 Crushed Ice	993 Off-White	995 Cambridge White
310 Bone White	994 Colonial White	5012 Marble	992 Lee Ivory
133 Sandstone	1760 Limestone	142 Surrey Beige	9910 Light Seawolf
9911 Pebble	997 Prism Yellow	5444 Aged Copper	977 Moss
9933 Cypress Olive	978 Hunter Green	183 Evergreen	9932 Hartford Green
177 Slate Blue	9926 Arabian Blue	974 Teal Blue	9928 Cherokee Blue
200 Deep Blue Sea	9930 Night Horizon	9923 Granite	971 Chromium Gray
9917 Light Gray	9918 Dove Gray	9919 Fashion Gray	181 Slate Gray
9922 Steel Gray	9921 Charcoal Gray	9914 Midnight Bronze	154 Dark Bronze
9916 Rich Black	9912 Sage Brown	1243 Mocha	9937 Mauve
156 Colonial Red	999 Aspen Gold		

Textures

781 Adobe	782 Lava Rock	783 Sienna	784 Clay
785 Sedona	786 Beach	787 Grain	788 Shale
789 Bedrock	790 Quarry		

CENTRIA METAL PANEL COLORS

Building Exterior | MATERIAL PALETTE

Light Brick





Masonry Base




Metal Panel



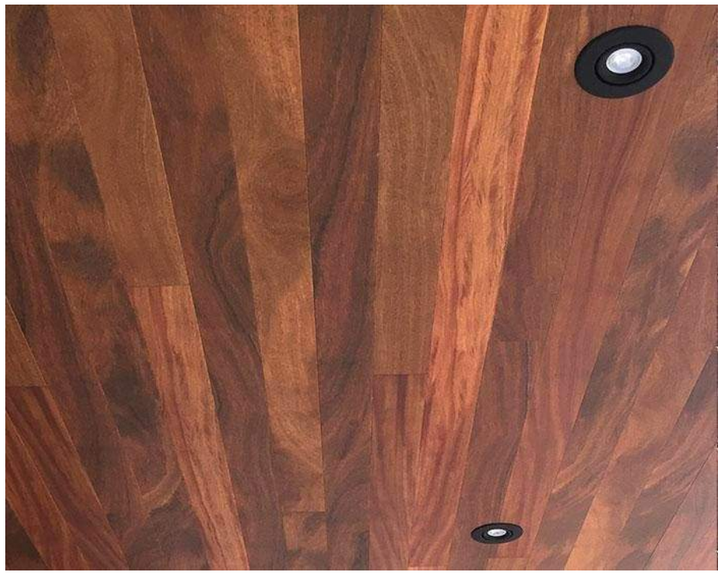

Corrugated Metal




Building Exterior | MATERIAL PALETTE

Wood Grain Aluminum Soffits





Extruded Aluminum Fins





Building Exterior | EAST ENTRANCE FACADE













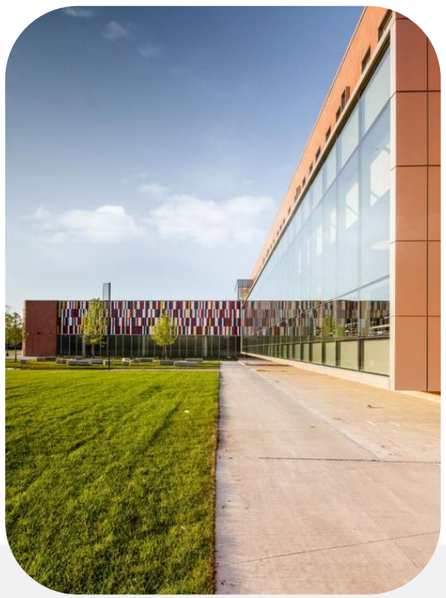


Building Exterior | WINGS











Building Exterior | GYM CLERESTORY







SCHEMATIC DESIGN
EXTERIOR RENDERINGS

EXTERIOR RENDERING | FRONT ENTRY



EXTERIOR RENDERING | MEDIA CENTER FACADE [Option A]



EXTERIOR RENDERING | MEDIA CENTER FACADE [Option B]



EXTERIOR RENDERING | NORTH ENTRY



EXTERIOR RENDERING | EAST & WEST ELEVATIONS



East Elevation



West Elevation

EXTERIOR RENDERING | NORTH & SOUTH ELEVATIONS



North Elevation



South Elevation Option A



South Elevation Option B

SOUTH CLEARFIELD ELEMENTARY SCHOOL

Schematic Design - Building Exterior

July 2019

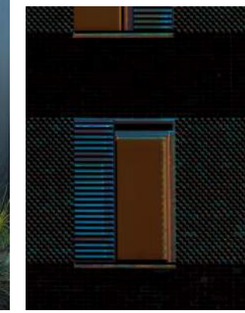




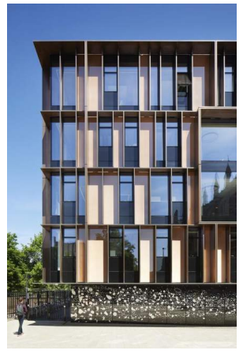


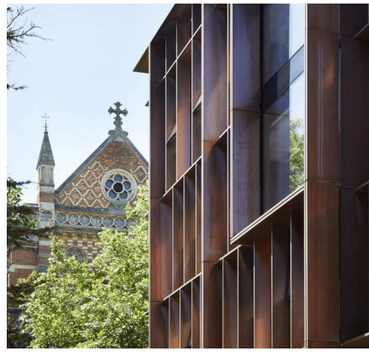










Davis School District
Learning First

South Clearfield Elementary School

IN ASSOCIATION WITH

design west | architects

STAFF REPORT

TO:	Mayor Shepherd, City Council, and Planning Commission Members
FROM:	Brad McIlrath, Senior Planner
MEETING DATE:	Tuesday, July 30, 2019
SUBJECT:	Downtown Form-Based Code Update – Progress and Discussion

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RECOMMENDED ACTION

Staff recommends that the Mayor, City Council, and Planning Commission members review with staff the current changes and provide feedback regarding the code update.

DESCRIPTION / BACKGROUND

In June 2018, the Clearfield City Council adopted the Downtown Form-Based Code (FBC) and approved the associated zone changes to match the code. The adoption of an FBC was recommended in the *Creating Downtown Clearfield* small area plan which was completed and adopted as part of the General Plan in 2016. This type of land use code addresses many aspects for the creation of a downtown and provides specific direction for the development of this type of center. The Wasatch Front Regional Council visioning process Wasatch Choice 2050 also indicates that this area of Clearfield along with areas in neighboring communities will need to become more urban to accommodate population growth. With changing market realities in retail and services, it was determined in the small area plan and a market analysis performed that in order to revitalize the downtown corridor it was necessary to provide more housing to support the local economy and to attract new business.

Following the adoption of the code and with implementation on various projects it was determined that the code needed to be updated to meet the goals and objectives of the City as outlined in the small area plan. Based upon the audits and reviews of the FBC, and with input from City Council members and Executive Staff, the Community Development office prepared a Request for Qualifications (RFQ) for consultant services to help with the update in February 2019. Out of responses received, FFKR was chosen to provide assistance with the code update and began work in June to have the update completed by October.

This update includes improvements to the layout and design of the document, content analysis and revisions, as well as additional graphic design and materials for the redevelopment of the downtown area. To date, FFKR and City staff have worked together review the vision and goals of the small area plan and the current direction of the code. Changes to the code format and some graphics have been

made which are shown in the attached draft. The consultant has worked to update content within the first three chapters, and will do so for the rest of the document following the discussion with the City Council and Planning Commission.

CORRESPONDING POLICY PRIORITY (IES)

The update of the Downtown Clearfield Form-Based Code (FBC) addresses the Policy Priority of *Improving Clearfield's Image, Livability, and Economy* in the following ways.

- The use of and update of the FBC encourages high quality economic development with increased development standards and a mix of residential and commercial uses to create a livable and walkable downtown.

- The FBC update will encourage beautification of the downtown with a clear design of the streetscape for State/Main Street and 700 South. As part of this design, specific design elements such as street lighting standards, benches, trash receptacles, street trees and grates, and other street furniture will be identified. Standards will be provided for all other streets within the downtown and will be encouraged as a connection of the downtown to the Clearfield Station site.

- The FBC update will contribute to community pride and investment by creating a downtown where people can live, work, and play. The update will provide a clear development vision with community open spaces that tie into new development and existing recreational spaces.

The update meets the Policy Priority of *Providing Quality Municipal Services* in the following ways.

- The FBC update is fueled by continuous improvement and the goal to be innovative in the ways the City develops and attracts redevelopment.

- The FBC update will build on conversations and collaboration with UDOT to provide a streetscape that is welcoming for cars, transit, bikes, and pedestrians.

FISCAL IMPACT & SCHEDULE

$45,000 was budgeted for this update which includes the consultant services until the final adoption of the update. The final document and adoption of the changes is anticipated to be no later than October, 2019.

ALTERNATIVES

None

SCHEDULE / TIME CONSTRAINTS

The final document and adoption of the changes is anticipated to be no later than October, 2019. Attachment B of the consultant services contract outlines the proposed schedule of events for the update.

An important part of the update includes the coordination of street design for State/Main and 700 South with the Utah Department of Transportation Region 1 Office (UDOT). Each UDOT region office includes a Planning Manager. With Clearfield located in UDOT's Region 1, the City would work with the Planning Manager in the development and coordination of the updated street plans. The Region 1 Planning Manager was recently promoted to the UDOT Planning Director. Once the Region 1 position is filled, Clearfield City and FFKR will meet with the Planning Manager to review plans and coordinate the design with UDOT for these two corridors. Due to this unplanned change in staff at UDOT, the design of these streets will has not been fully vetted, but conceptual designs of these streets are provided in the draft document.

It is important, however, that members of the City Council and Planning Commission provide input regarding the current designs and what they would like to see changed for the streetscape of each corridor.

LIST OF ATTACHMENTS

1. Current Draft
2. Contract Attachment B (Project Schedule)

Clearfield City
Downtown Form Based Code



Adopted October xx, 2019

Table of Contents

1.0 Introduction

1.1 Introduction

2.1 Places and Districts

2.1 Places and Districts
2.2 Zoning Map

3.0 Uses

3.1 General Requirements
3.2 Definition of Uses
3.3 Permitted Uses
3.4 Prohibited Uses

4.0 Streets

4.1 General Requirements
4.2 General Street Type Standards
4.3 General Street Layout Requirements
4.4 Alley
4.5 Mabey Place Street
4.6 Neighborhood Street
4.7 State/Main Street
4.8 Commercial Street
4.9 700 South Street
4.10 Blocks

5.0 Building Types

5.1 Introduction to Building Types
5.2 Explanation of Building Standards
5.3 MIxed-Use Building
5.4 Multi-family Building
5.5 Office Building
5.6 Commercial Building
5.7 Townhouse Building
5.8 Mansion Building
5.9 Civic Building
5.10 Adaptive Re-use Building
5.11 Entrance Types
5.12 Roof Types
5.13 Additional Design Requirements

6.0 Open Space Types

6.1 General Requirements
6.2 Plaza
6.3 Square
6.4 Green
6.5 Commons
6.6 Pocket Park
6.7 Park
6.8 Greenway

7.0 Landscape

7.1 General Requirements
7.2 Installation of Landscape
7.3 Street Trees & Streetscape Design
7.4 Frontage Buffer
7.5 Side & Rear Buffer
7.6 Interior Parking Lot Landscape
7.7 Landscape Screening

8.0 Parking

8.1 General Requirements
8.2 Parking Requirements
8.3 Parking Design Standards
8.4 Loading Requirements
8.5 Site Access and Driveways

9.0 Sign Types

9.1 General Requirements
9.2 Sign Types
9.3 Wall Sign
9.4 Projecting or Blade Sign
9.5 Projecting Marquee Sign
9.6 Awning Sign
9.7 Canopy-Mounted Sign
9.8 Window Sign
9.9 Monument Sign
9.10 Ped-Scale Pole-Mounted Sign
9.11 Cultural Identification Sign

10.0 Administration

10.1 General Provisions
10.2 Nonconformities
10.3 Definitions

TO BE UPDATED

Chapter 1.0
INTRODUCTION

1.0 Introduction

1.1 PURPOSE

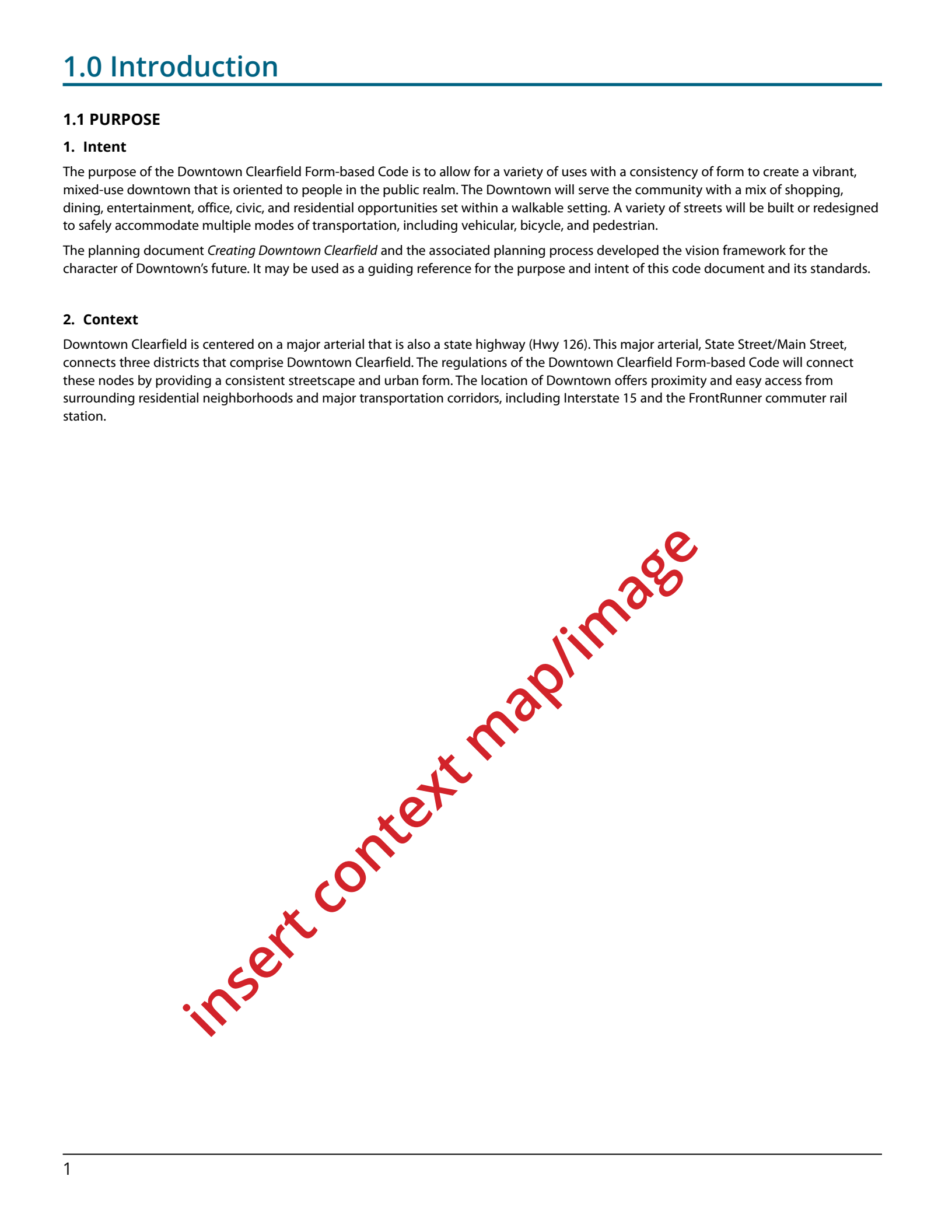
1. Intent

The purpose of the Downtown Clearfield Form-based Code is to allow for a variety of uses with a consistency of form to create a vibrant, mixed-use downtown that is oriented to people in the public realm. The Downtown will serve the community with a mix of shopping, dining, entertainment, office, civic, and residential opportunities set within a walkable setting. A variety of streets will be built or redesigned to safely accommodate multiple modes of transportation, including vehicular, bicycle, and pedestrian.

The planning document *Creating Downtown Clearfield* and the associated planning process developed the vision framework for the character of Downtown's future. It may be used as a guiding reference for the purpose and intent of this code document and its standards.

2. Context

Downtown Clearfield is centered on a major arterial that is also a state highway (Hwy 126). This major arterial, State Street/Main Street, connects three districts that comprise Downtown Clearfield. The regulations of the Downtown Clearfield Form-based Code will connect these nodes by providing a consistent streetscape and urban form. The location of Downtown offers proximity and easy access from surrounding residential neighborhoods and major transportation corridors, including Interstate 15 and the FrontRunner commuter rail station.



Creating Downtown Clearfield

2016



Clearfield City

Chapter 2.0
DISTRICTS & ZONES

2.0 Districts & Zones

2.1 Purpose

1. Intent

The districts and corridors of Downtown Clearfield contain six zone designations that provide a mix of residential, commerce, and civic uses at a range of scales. This mix of uses is intended to offer opportunities for Downtown to include income producing properties integrated with rooftops to generate demand for commerce and services for residents.

2.2 Zones

1. Urban Commerce Zone (U-C)

The Urban Commerce zone will contain buildings that are two to six stories, containing the following mix of uses:

- Retail
- Office
- Civic
- Mixed Use Residential

2. Urban Residential Zone (U-R)

The Urban Residential zone will contain buildings that are two to six stories, containing the following mix of uses:

- High density Residential
- Retail
- Office
- Mixed Use Residential

3. Town Commerce Zone (T-C)

The Town Commerce zone will contain buildings that are two to four stories, containing the following mix of uses:

- Retail
- Office
- Mixed use Residential

4. Town Residential Zone (T-R)

The Town Residential zone will contain buildings that are two to four stories, containing the following mix of uses:

- Medium to High Density Residential
- Office
- Mixed use
- Retail

5. Corridor Commerce Zone (CC)

The Corridor Commerce zone will contain buildings that are one to two stories, containing the following mix of uses:

- Retail
- Office

6. Civic Zone (CV)

The Civic zone will contain buildings that are one to four stories, containing the following mix of uses:

- Public
- Quasi-public

2.3 Districts

The Downtown contains three distinct districts that will develop into unique nodes based on their form and uses.

1. Civic Center – Northern Gateway

The Civic Center area serves as the gateway intersection into downtown from the neighborhoods and points north, including the freeway and Hill Airforce Base. The civic focal points in this district are Clearfield City Hall and the Davis County Health Department. This area will include a mix of building types that range from two (one?) to four stories.

The Civic Center District is composed of the following zones:

1. Town Commerce (T-C)
2. Town Residential (T-R)
3. Civic (CV)

2. Mabey Place – Central Downtown Core

The Mabey Place district will evolve as the center of Downtown with the highest intensity of development. Mabey Pond is a focal point for public gathering and open space surrounding by development. This area will include a mix of building types that range from two to six stories.

The Mabey Place District is composed of the following zones:

1. Urban Commerce (U-C)
2. Urban Residential (U-R)
3. Town Residential (T-R)

3. Access Point – Southern/Eastern Gateway

The Access Point area serves as the gateway intersection into downtown from the freeway and Hill Airforce Base to the east and the commuter rail station to the south. It has good visibility and access, making it a well-connected link to points beyond downtown.

The Access Point District is composed of the following zones:

1. Town Commerce (T-C)
2. Town Residential (T-R)
3. Corridor Commerce (CC)

2.4 Corridors

Downtown is served by two primary corridors – both are UDOT highways. Working with UDOT to implement a context-sensitive solution that supports the vision for Downtown Clearfield will be important in realizing the intent and purpose of this Form-Based Code.

1. State Street/Main Street

State/Main will remain the main corridor with the highest intensity of buildings. The higher intensity of uses will support its transition into a multi-modal corridor that is safe for pedestrians and bicyclists while still allowing efficient vehicle movement through the downtown to/from points beyond.

2. 700 South

700 South will serve as a primarily commercial corridor with easy access from the I-15 interchange. A lower intensity will allow for more efficient vehicle access and circulation to/from the interstate.

2.5 Regulating Plan

1. Mapped Districts.

The location and boundaries of the districts and zones in 2.2 and 2.3 are indicated on the Regulating Plan, Chapter 4.0 and included on the city's official Zoning Map.

Chapter 3.0
USES

3.0 Uses

3.1. Purpose

1. Intent

Downtown Clearfield is intended to have a broad mix of uses intermingled in a consistent urban form. As such, the focus is on regulating building types (Chapter 5.0) and to be flexible in allowing uses to occur in many of the Downtown zones.

3.2 General Provisions

The following general provisions apply to the uses outlined in this section.

1. Permitted Uses

(1) A lot/parcel may contain more than one use.

(2) Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.

(3) Permitted uses are defined both by zoning district AND building type.

(4) Uses are permitted by-right (Permitted Uses – "P") upon compliance with the requirements set forth in this code; or permitted by-right with specific development or design standards and upon obtaining a conditional development standards permit as set forth in section XX.YY of this chapter. (Conditional Uses – "D").

(5) Each use shall be located within a permitted Building Type (Refer to 5.0 Building Types) or an existing structure, unless otherwise specified. Some uses are permitted by-right in the upper stories only of some building types (Upper Story Uses – "U").

(6) Each use may have both indoor and outdoor facilities, unless otherwise specified.

2. Unspecified Uses/Uses Not Listed

Determination as to the classification of uses not specifically listed in this title shall be made by the planning and zoning administrator and shall be subject to appeal to the planning commission as set forth in section 11-1-12 of Clearfield City Code. These uses shall be determined as either an Unlisted Similar Use or an Unlisted Dissimilar Use and assessed as follows:

(1) Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a use permitted within a zoning district, the Zoning Administrator shall interpret the use as permitted.

  (a) The unlisted use will be subject to any development standards applicable to the similar permitted use.

(2) Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature, then the use is not permitted and may only be approved through an amendment of this ordinance.

3. Use Categories

Use categories are established to streamline the permitted use evaluation component of the Downtown Form-based Code. Uses are grouped into the following ten categories:

- Residential & Lodging
- Civic/Public Facilities
- Retail
- Service
- Office
- Manufacturing/Distribution/Warehouse/ Craftsman Industries
- Parking
- Utilities
- Agricultural
- Accessory

Additional subcategories are provided in Table 3.XX to indicate permitted uses (P), conditional uses with development standards (C), and uses permitted as upper story uses only (U) by zone district and building type.

3.3. Uses by Category

The uses listed for each category are permitted uses (P), conditional uses with development standards (C), and/or uses permitted as upper story uses only (U). Uses not listed are referred to section 3.2.2 Unspecified Uses/Uses Not Listed.

1. Residential and Lodging Uses

A category of uses that includes several residence types and lodging for temporary or permanent residents.

Residential:

- Single-Family Dwellings
- Two-Family Dwellings
- Multiple-Family Dwellings

Lodging:

- Assisted Living Facilities
- Convalescent facilities
- Group Homes for persons with a disability
- Group Homes for the elderly
- Nursing or rest homes
- Hotels
- Motels
- Inn
- Bed & Breakfast

2. Civic Uses

A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, parks and open space, and hospitals.

- Auditorium
- Churches
- Colleges and Universities
- Parks and open space
- Public Uses
- Schools
- Specialized schools
- Vocational and technical training facilities

3. Retail Uses

A category of uses involving the sale of goods or merchandise to the general public for personal or household consumption. Retail uses may be further categorized by Neighborhood Retail or General Retail, as established by the size of space they occupy.

- Convenience Store
- Mobile Food Vendor
- Motor Vehicle Sales
- Pawn and Secondhand business
- Produce Sales
- Retail Stores
- Retail tobacco specialty business
- Sexually Oriented Business
- Temporary or seasonal merchants

(1) Neighborhood Retail. A use in this category occupies a space of less than 12,000 square feet.

(2) General Retail. A use in this category includes all Neighborhood Retail uses occupying a space of 12,000 square feet or greater.

4. Service

A category of uses that provide patrons services and limited retail products related to those services. Service uses may be further categorized by Neighborhood Service or General Service, as established by the size of space they occupy.

- Amusement and recreation facilities
- Taverns
- Theaters
- Restaurants
- Business services
- Convalescent facilities
- Daycare facilities
- Daycares, residential
- Group homes for persons with a disability
- Nondepository lending establishments
- Personal services
- Pet grooming facilities
- Physical therapy facilities
- Preschools, commercial
- Preschools, residential
- Tattoo or body piercing establishment
- Taxidermists
- Veterinary services
- Automobile repair
- Behavior, drug, or alcohol treatment facilities
- Fireworks stands

(1) Neighborhood Service. A use in this category occupies a space of less than 12,000 square feet.

(2) General Service. A use in this category includes all Neighborhood Service uses occupying a space of 12,000 square feet or greater.

5. Office Uses

A category of uses for businesses that involve the transaction of affairs of a profession, service, industry, or government.

- Laboratories
- Medical clinics
- Offices

6. Manufacturing/Distribution/Warehouse

The category of uses for businesses that involve the production, distribution, or storage of products, including food and drink..

- Craftsman Industries
- Distribution, limited
- Landscape supply yards
- Manufacturing, light

7. Parking

A lot that does not contain a permitted building or Open Space Type and is solely used for the short or long-term storage of vehicles.

- Parking lot, stand-alone
- Parking structure, stand-alone

8. Utility

A lot that is primarily utilized for the City's infrastructure needs. Utility and infrastructure includes such uses as electric or gas services, sewage treatment, water treatment and storage, and energy conversion systems.

- Public Utility Facility

9. Agricultural

A use of land or buildings for food or plant production purposes.

- Beekeeping
- Greenhouses

10. Accessory Uses

A category of uses that are not permitted to serve as the principal use on a lot.

- Home Occupation
- Outdoor Storage

Uses	Districts					
	UC	UR	TC	TR	CV	CC
Residential & Lodging						
Residential	U	P	P	P		
Hotel & Inn	U	P	P			
Residential Care	U	P	P	P		
Civic						
Assembly	P	P	P	P	P	P
Hospital & Clinic	P	P	P	P	P	P
Library/Museum/Post Office (no distribution)	P	P	P	P	P	P
Police & Fire	P	P	P	P	P	P
School	P	P	P	P	P	P
Retail						
Neighborhood Retail	P	P	P	P	P	P
General Retail	P	P	P	P	P	D
Outdoor Sales Lot						D
Service						
Neighborhood Service	P	P	P	P		P
General Service	P	P	P			P
Vehicle Service						D
Open Space	P	P	P	P	P	P
Office						
Office	P	P	P	P	P	P
Utility						
Parking Structure	D	D	D	D	D	D
Parking Lot						D
Utility						P
Accessory Uses						
Home Occupation	P	P	P	P	P	P
Outdoor Storage of Goods						D
Parking Lot	P	P	P	P	P	P
Parking Structure	D	D	D	D	D	D

TO BE UPDATED

DISTRICT KEY::
UC = Urban Commerce
UR = Urban Residential
TC = Town Commerce
TR = Town Residential
CV = Civic
CC = Commercial Corridor

USE KEY:

P = Permitted

U = Permitted in Upper Stories Only

D = Permitted with development standards.

Table 3.3 (4). Uses by District.

Chapter 4.0
STREET & BLOCK NETWORK

4.0 Street & Block Network

4.1 Purpose

1. Intent

Downtown Clearfield is envisioned to have an cohesive, connected, and consistent urban form. The urban form is established by the street and block network, street types, streetscape elements, and building form. The consistency in urban form is intended to allow multiple developments of a range of sizes to collectively build a vibrant Downtown.

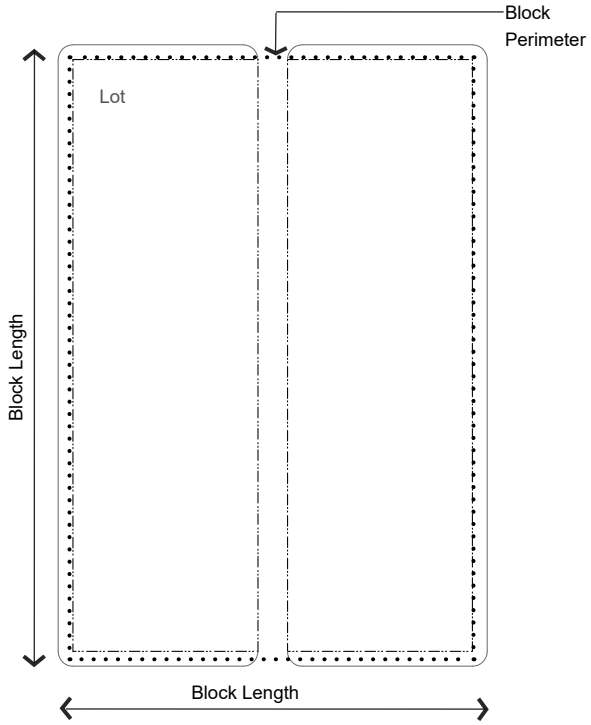


Figure 4.10 (1). Typical Block Elements.

4.2 Regulating Plan

1. Street Network

1. Interconnected Street Pattern

The network of streets within all districts shall form an interconnected pattern with multiple intersections and streets

(1) The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new developments.

(2) Cul-de-sac and dead end streets are discouraged

(3) Streets shall follow natural features rather than interrupting or dead-ending at the feature.

(4) Streets shall terminate at either an open space or a building facade.

2. Street Types/Street Hierarchy

Downtown Clearfield contains a diverse range of Street Types that support a diversity of building types, scales, and uses.

The following Street Types comprise the Street Network:

- Urban Arterial
- Arterial Corridor
- Mixed use Collector/Boulevard
- Mixed Use Neighborhood/Local
- Residential Neighborhood/Local
- Private Local/Access Road
- Shared Street
- Alleyway

Specific Street Standards for each Street Type are found in Chapter 5.0 - Street Type Standards.

2. Block Configuration

Refer to Figure 4.10 (1) for an illustration of Typical Block Elements.

(1) The shape of a block shall be generally rectangular, but may vary due to natural features or site constraints.

(2) Blocks shall typically be two lots deep with the exception of blocks containing open space. Blocks may also include an alley. Blocks may included existing lots within an existing zoning district outside the place type.

(3) Blocks shall typically be fronted with lots on at least two faces, preferably on the longest street faces.

(4) For increased energy efficiency, block orientation shall be along an east-west longitudinal axis to the maximum extent feasible. For long, central corridor buildings, this block orientation will encourage development of buildings oriented along an east-west axis, with smaller east and west facing facades, able to take advantage of passive solar technology.

4.3 Block Requirements.

1. Applicability

The following are general block, lot, and street design requirements applicable to all Place Types.

2. Maximum Block Size

Block sizes for residential and commercial development and redevelopment is formed by a maximum perimeter of 2400 linear feet length for all new development. A network of streets is required to be under the maximum block size requirement. Where new development may vary due to natural constraints or parcels backed up to parcels outside the Downtown, those blocks are exempted from the maximum block size

3. Block Layout/Access

This requirement is intended to provide a minimum level of connectivity via vehicular rights-of-way between adjacent developments and to surrounding streets.

(1) Requirement. A minimum of two access points are required for each property with site up to 10 acres. For properties larger than 10 acres a street access is required for each additional 5 acres.

4. Block Access Configurations

(1) Vehicular access is encouraged off secondary streets perpendicular to State, Main and 700 South except when such streets are not available. Street access on State/Main and 700 South requires UDOT approval. City Engineer approval is required for all streets and site access.

insert regulating plan

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The following are general block, lot, and street design requirements applicable to all Place Types.

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Block sizes for residential and commercial development and redevelopment is formed by a maximum perimeter of 2400 linear feet length for all new development. A network of streets is required to be under the maximum block size requirement. Where new development may vary due to natural constraints or parcels backed up to parcels outside the Downtown, those blocks are exempted from the maximum block size

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4. Block Access Configurations

(1) Vehicular access is encouraged off secondary streets perpendicular to State, Main and 700 South except when such streets are not available. Street access on State/Main and 700 South requires UDOT approval. City Engineer approval is required for all streets and site access. (2) Blocks may include alleys, drives, or driveway entrances with the following recommended configurations, see Figure 4.10.3.

(a) Mid-Block Access. This configuration includes an alley or drive running through the center of the block.

(b) "T" Configuration. This configuration includes two alleys within a Block that are perpendicular to each other, forming a "T," allowing development to front on three block faces.

(c) "H" Configuration. Similar to the "T" configuration, this configuration allows development to front on all four block faces.

(3) Access to blocks shall be aligned, located on opposite sides of the block as well as aligned across the street from access to other blocks.

(4) Mid-Block Pedestrian ways. Mid-Block pedestrian ways are required on blocks longer than 500 feet.

(a) When combined with mid-block street crossings, these pathways should align to facilitate easy pedestrian movements.

(b) Mid-Block pedestrian ways should be located in the middle third of a block face.

(c) Minimum width for mid-block pedestrian ways, rights-of-way, easements is 20 feet.

(c) Mid-Block pedestrian crossings are required on Mabey Place Street.

4.3 General Street Layout Requirements.

1. General Layout Standards.

The following standards apply to new streets or newly platted vehicular Rights-of-Way.

(1) Treatment of Natural Features. Streets shall be designed to respect natural features, such as rivers, woodlands, or slopes, by following rather than interrupting or dead-ending at the feature.

(2) Street Network. The network of streets shall form an interconnected pattern with multiple intersections.

(3) Existing Streets. The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions.

2. Disconnected Streets.

Disconnected streets may take the following form:

(1) Stub Streets. Where adjoining areas are not subdivided, streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.

  (a) Where abutting property is not subdivided, stub streets shall be provided at intervals no greater than the maximum block length and width recommended in Streets.

  (b) Existing stub streets adjacent to a proposed subdivision shall be connected.

(2) Half Streets. The construction of a half street shall be prohibited unless otherwise approved by Clearfield City Engineer in unusual circumstances that make it essential and where satisfactory assurances for dedication if the remaining part of the street is provided.

  (a) Proposed half streets along the periphery of the subdivision shall have no less than one-half of the right-of-way dedicated and constructed.

  (b) Existing half streets adjacent to a proposed subdivision shall be completed with the dedication of the remaining right-of-way and the complete construction of the street with the development of said proposed subdivision and property development.

(3) Cul-de-Sac Streets. Cul-de-sac streets are not permitted in any Place Type except where site design impediments prohibit the inclusion of a U-shaped street accessing the location. The following parameters shall be incorporated when the exception is taken:

  (a) The Cul-de-sac shall not be more than 300 feet in length as measured along the centerline from the closest intersection.

  (b) The Cul-de-sac shall have a maximum outside turning radius of 50 feet.

  (c) The narrow Neighborhood Street section shall be utilized for the pavement and the remaining center of the circular area shall be landscaped.

  (d) A pedestrian sidewalk connection from the cul-de-sac through to the next closest street or sidewalk.

  (e) Site design impediments may include: canals, water bodies, steep slopes greater than 30%, arterial streets and railroad lines.

3. Intersections.

(1) Curb Radii. The following curb radii shall be utilized unless otherwise authorized by Clearfield City Engineer.

  (a) Intersections should be designed for actual turning radius of the typical design vehicle as opposed to the maximum design vehicle. Small curb radii at intersections shorten pedestrian crossing distances and reduce vehicle turning speeds, thereby balancing the ease of travel of the vehicles and pedestrians. Refer to Figure 4.3 (1).

  (b) Mabey Place and Residential Streets. At the intersection of any street with a Neighborhood or a Connector Street, the following curb radii shall be utilized.

    (i) With on-street parking on both streets, a 15 foot radius may be utilized.

    (ii) Without on-street parking, a 15 foot radius is required.

  (c) Commercial Streets. Commercial Streets the following curb radii shall be utilized.

    (i) With on-street parking on both streets, a 15 foot radius is required.

    (ii) Without on-street parking on either streets, a 25 foot radius is required.

  (d) Larger Radius. For State Street and Main Street radii shall be according to the City and UDOT.

  (e) Alley Intersections. The curb radius at intersections involving Alleys shall be no greater than 10 feet.

(2) Crosswalks. Crosswalks shall be required at all intersections involving streets listed in 4.0 and arterials.

(a) Dimensions. Crosswalks shall be minimum six feet in width, measured from mid-stripe to mid-stripe, per Manual on Uniform Traffic Control Devices (MUTCD).

  (b) Markings. Crosswalks shall be appropriately indicated on the finished street surface with painted markings and/or textured or colored pavement.

  (c) Crossing Distances. To encourage pedestrian activity, typical crosswalks shall not extend over 38 feet without a landscape median, bulb-outs and/or other pedestrian refuge to mitigate the effects of vehicular traffic on

crossing and increase pedestrian safety and comfort. Refer to Figure 4.3 (2).

(d) Accessible ramps and warning panels, per the American Disabilities Act or any more stringent state requirement, are required where all sidewalks or trails terminate at a crosswalk or curb.

(e) Ramp Orientation. Ramps shall be oriented perpendicular to traffic, requiring two ramps per corner at intersecting streets.

(3) Bulb-outs. To shorten pedestrian crossing distances, bulb-outs should be utilized at all intersections, unless otherwise required by the Department of Public Works and UDOT. Refer to Figure 4.3 (3).

(a) The depth of the bulb-out shall match the utilized on-street parking, either the width of the parallel space or the depth of the diagonal space.

(b) The radius of the bulb-out shall match the requirements for the intersection.

4. Mid Block Crossing.

(1) Mid block crossings. Mid block crossing are bulb outs and pedestrian crossings.

(a) When Mabey Street or Commercial Streets have street lengths or sections longer than 500 feet pedestrian mid block crossings are required. In general the crossing should occur at a location in the middle of the streets. Typical pedestrian crosswalks standards apply.

(b) A mid block crossing is also required on State Street connecting the UC and UR districts, but may be part of a new street crossing.

7. New Lots on Blocks

(1) Typical Lot Dimensions. All lots of record shall be developed to meet the requirements outlined in 5.0 Building Type requirements.

(2) Typical Lot Configuration. All lots shall have frontage along a public street unless otherwise specified in 5.0 Building Type requirements.

(a) Lot Shape. To create regular, rectangular lots, side property lines shall be perpendicular to the vehicular right-of-way to the extent practical.

(b) Through-Lots. Through lots fronting on two parallel streets are not permitted with the exception of a lot covering 50 percent or more of a block and the two longest parallel street faces are treated as front property lines per building type requirements (refer to 5.0 Building Types).

(c) Corner Lots. Corner lots have a front yard along one street and a corner yard along the other street. The front yard of a corner lot should be consistent with one adjacent Parcel.

(i) The rear yard of a corner lot is typically the yard against an alley or another lot's rear yard.

(ii) The side yard of a corner lot is adjacent to another lot.

(d) Flag Lots. Flag lots are prohibited.

(3) Lot Orientation. For increased energy efficiency, the recommended lot orientation is typically along an east-west longitudinal axis. For single buildings, this lot orientation will usually encourage development of buildings with smaller east and west facades.

Chapter 5.0
STREET & STREETSCAPE STANDARDS

5.0 Street & Streetscape Standards

5.1 Purpose

1. Intent

The standards outlined in this section are intended to:

(1) Create complete streets that address all modes of travel, included pedestrian traffic, bicycle traffic, transit, and vehicular traffic.

(2) Address all features of the street right-of-way, including sidewalks, parkways, traffic lanes, bicycle lanes, and medians.

(3) Continue the existing logical and comprehensible system of streets and street names that result in a simple, consistent and understandable pattern of blocks, lots, and house numbers.

(4) Provide adequate access to all lots for vehicles and pedestrians.

(5) Create streets that are appropriate for their contexts in residential, commercial, or mixed use districts and are designed to encourage travel at appropriate volumes and speeds.

(6) Encourage streets that respect natural features by following topography and drainage systems, rather than interrupting or dead-ending at the feature.

(7) Create streets and public rights-of-way that result in stormwater runoff quantity reduction and improved quality of stormwater runoff.

2. Applicability

The standards in this section apply to all vehicular rights-of-way within all districts in the Clearfield Downtown Form-based Code document.

5.2 General Requirements

All proposed streets, landscape or furnishings zones, and sidewalks shall be located in dedicated vehicular Rights-of-Way as required by this article.

(1) Street Types. All new vehicular rights-of-way shall match one of the street types in Section 5.5, whether publicly dedicated or privately held.

(2) Public Use. All streets shall be available for public use at all times. Gated streets and streets posted as private are not permitted.

1. Street Construction Specifications

All construction in the right-of-way shall follow specifications defined by the Clearfield Public Works.

5.3 General Street Type Standards

1. Street Types

Street Types defined in this section outline acceptable street configurations. New streets should be designed using the principles and characteristics defined by each street type. Clearfield Public Works may require additional right-of-way, pavement width, or additional street elements depending on unique site characteristics.

2. Graphics

The graphics provided here, illustrating each street type, are samples of recommendations and illustrate a possible configuration of that street type. By applying the standards outlined here and following Public Works, other configurations are possible.

3. Typical Street Elements

Typical elements of a vehicular right-of-way are divided into the vehicular and pedestrian realm. Each street type detailed in this article outlines which facilities are applicable. Refer to Figure 4.2 (1): Typical Right-of-Way Elements.

(1) Vehicular Realm. The vehicular realm is comprised of the travel lanes, bicycle lanes, and parking lanes.

(2) Pedestrian Realm. The pedestrian realm is typically comprised of pedestrian facilities, such as sidewalk, path/trail, or off-street bicycle path, and a buffer area, consisting of a landscape zone or furnishings zone that serves to buffer pedestrians or bicyclists from the movements of higher speed vehicles in the vehicular realm.

(a) Landscape Zone or Street Buffer. A landscape area between the back of curb or edge of pavement to the sidewalk in which street trees, swales, lighting, and signage may be located. Typically used adjacent to residential buildings.

(b) Furnishings Zone. A hardscape area that extends from the sidewalk to the back of curb, in which street trees, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office buildings.

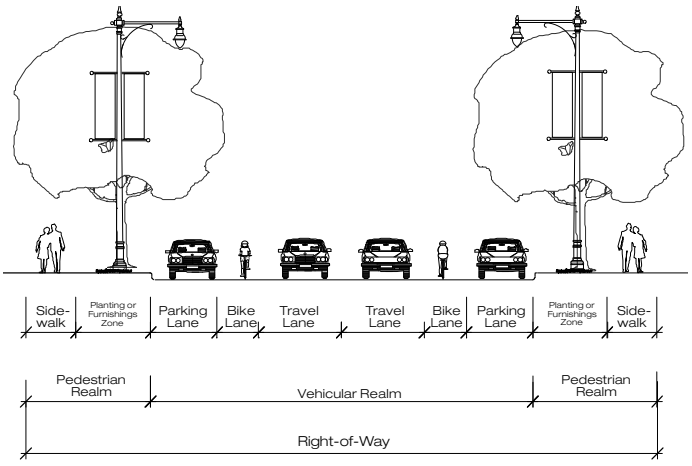


Figure 4.2 (1). Typical Right-of-Way Elements.

4. Vehicular Travel Lanes

The number and width of vehicular travel lanes are determined by the Street Type.

5. Vehicular On-Street Parking.

On-street parking, as permitted on designated street types, shall meet the following requirements.

(1) Parallel and diagonal parking is permitted on designated street types.

(2) Vehicular Parking Space Dimensions. The appropriate dimensions for on-street parking spaces are outlined in Table 4.2 (2). On-Street Parking Space Dimensions and Figure 4.2 (3&4).On-street Parking Layout. The width of a parking space shall be measured from the center of a stripe.

6. Bicycle Travel Facilities

The following types of bicycle accommodations are permitted in the vehicular realm per Street Type. Refer to Figure 4.2 (5). State Street and 700 South are planned to be buffered bike lanes.

(1) Cycle Track. A cycle track is a separate on-road bicycle facility that is typically adjacent to, but physically separated from, vehicular traffic and parking by a barrier.

(2) Dedicated Bicycle Lane. Dedicated bicycle lanes are striped lanes on the outside of the outermost travel lanes that are designated for only bicycle use. This lane occurs on both sides of the street and shall be five to six feet wide.

(3) Designated Shared Lane. A designated shared lane is a lane that is shared between vehicles and bicycles. This lane is typically wider than a standard vehicular lane, minimum 13 feet, in order to accommodate both types of users, and includes a painted bicycle marker combined with a double arrow (known as a "sharrow"). This improvement occurs on both directions.

(4) Shared Lane. A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.

7. Stormwater Management

Incorporation of stormwater management best practices into the right-of-way design is encouraged, such as incorporating drainage swales and slotted curbs into landscape areas or permeable paving in the parking lane.

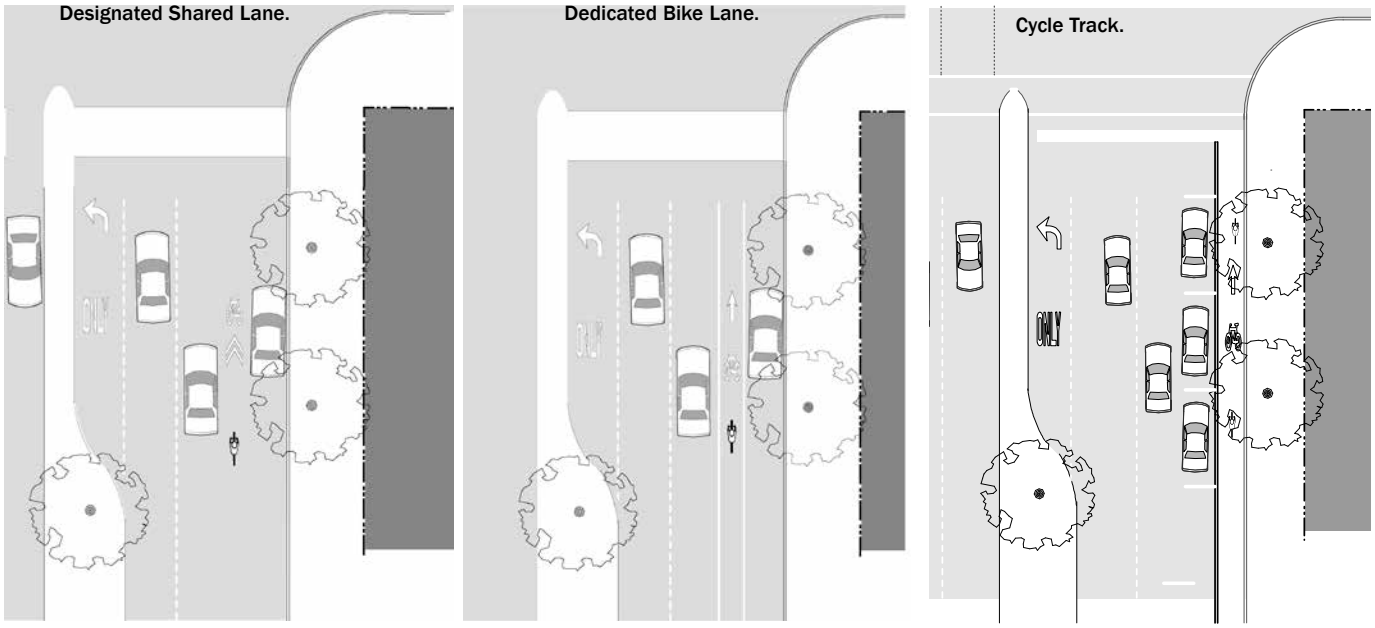


Figure 4.2 (5). Typical On-Street Bicycle Facilities.

8. Street Trees

Street trees are required along all street frontages, with the exception of the Alley.

(1) Street trees shall be located either in a Landscape Zone within a planting bed or lawn, or in a Furnishings Zone in tree wells with a grate as required.

(2) Tree grates are required for all trees located in tree wells in Pedestrian Realms less than ten feet in width.

(3) Spacing for street trees and a streetscape plan for trees are specified in Section 5.4 and on each Street Type page in Section 5.5.

9. Fire Access

Street configurations have been calculated to provided fire truck access. Where the total width of all travel lanes totaled is narrower than 20 feet, the following shall apply.

(1) Room to Pass. At 120 foot increments, a 20 foot opening in the on-street parking or a 20 foot dedicated pull-off space must be provided to allow vehicles to pull over for a fire truck to pass.

(2) Driveway or Fire Hydrant Zone. A driveway or fire hydrant zone may be utilized to fulfill the requirement.

5. Street Lighting

(1) Decorative street lighting is required on all streets within the Clearfield Downtown. All light posts shall have arms for flag banners. All lamps shall be LED.

(2) The City standard is to be used on all streets within the City Downtown including but not limited to Mabey Place Street, commercial streets, neighborhood streets, etc. See City for standard.

(3) All street light fixtures shall be Dark Sky compatible and have shields blocking up lighting.

(4) Light fixture spacing for Mabey Place street shall be a maximum of 60 feet and a maximum distance of 90 feet on all other streets.

5.4 Street Trees & Streetscape Design.

1. Intent

To line all streets with a consistent and appropriate planting of trees, pavement design, and identity to establish tree canopy for environmental benefit and a sense of identity for all streets.

2. Applicability

The requirements herein apply to all new development in all Districts.

3. Streetscape Design Submittal

A consistent streetscape design shall be submitted for approval of all new streets within the development. At a minimum, the submittal shall include the following: All Landscape Plans shall be stamped by a Professional Landscape Architect

(1) Street Trees. Trees meeting the minimum requirements of 7.3.4, below, shall be included in the streetscape design, with details related to tree pits, tree planting to meet the requirements of 7.2.5 Tree Installations.

(1) Sidewalk Pavement Design. Sidewalk paving materials and pattern shall be set for each street type (refer to 4.0 Street Types).

(2) Street Furnishings. Benches, seatwalls, planters, planter fences, trash receptacles, and bicycle racks at the least shall be specified and quantities and locations listed for each street type (refer to Section 5.5 Street Types). Benches are required on street frontage every 100 feet for Mabey Place Street and 200 feet on all other street frontages.

(3) Landscape Design. Ground plane vegetation shall be designated for any landscape bed areas, planter areas, and tree wells.

(4) Lighting. Pedestrian and vehicular lighting shall be specified and locations and quantities noted. Street lighting shall comply with Public Works Standards.

(5) Identity Elements. Any other elements designed to establish the identity of each Street, such as banners, pavement markers, artwork, or signage, shall be included in the streetscape design submittal.

4. Minimum Street Tree Requirements

The following standards apply to the installation of street trees.

(1) Exception. Street Trees are not required on Alley Street Types (refer to 4.4 Street Types).

(2) Clear Branch Height. Minimum clear branch height is eight feet.

(3) Street Tree Type. Medium and large shade trees are required to be installed as street trees see Table 7.3 (3)/(4).

(4) Street Tree Spacing. Street trees shall be planted as follows.

(a) Each Lot is required to have minimum of one tree.. Medium trees shall go in a park strip less than 6 feet and Large trees shall go in a park strip greater than 7 feet.

(b) Tree Spacing.

(i) Large trees must be spaced a minimum of 30 and a maximum of 60 feet on center.

(ii) Medium trees must be spaced a minimum of 20 and a maximum of 40 feet on center.

(c) Limited Distance between Curb and Sidewalk. Where the distance from the back of the curb to the edge of the right-of-way or property line is less than nine feet with a sidewalk, Applicant shall work with Clearfield to determine the appropriate tree species.

(5) Tree Wells. In commercial districts, where the sidewalk extends from the back of curb to the property line, tree wells shall be utilized.

(a) For tree wells adjacent to sidewalks five feet wide or less, open pit is not permitted.

(i) The opening must be covered with a tree grate or pervious pavement.

(ii) The opening in a tree grate for the trunk must be expandable.

(6) Streets shall have the same tree species per block on both sides of the streets with changes at intersections.



Table 7.3 (2). Photo Example.

Permitted Large Street Trees	
Sycamore Maple	*Acer pseudoplatanus*
Emerald Queen Maple	*Acer platanoides 'Emerald Queen'*
Catalpa	*Catalpa speciosa*
Hackberry	*Celtis occidentalis*
Riversii Beech	*Fagus sylvatica 'Riversii'*
Cimmaron Ash	*Fraxinus pennsylvanica 'Cimmaron'*
Marshall Seedless Ash	*Fraxinus pennsylvanica 'Marshall Seedless'*
Patmore Ash	*Fraxinus pennsylvanica 'Patmore'*
Gingko	*Gingko biloba 'Princeton Sentry'*
Honeylocust	*Gleditsia triacanthos*
Kentucky Coffeetree	*Gymnocladus dioicus*
London Planetree	*Platanus x acerifolia*
Japanese Pagodatree	*Sophora japonica*
Sterling Silver Linden	*Tilia tomentosa 'Sterling'*
Accolade Elm	*Ulmus carpinifolia 'Accolade'*

Table 7.3 (1). List of Permitted Tree Species.

Permitted Medium Street Trees	
Fairview Maple	*Acer platanoides 'Fairview'*
Sensation Boxelder	*Acer negundo 'Sensation'*
Briotii Horsechestnut	*Aesculus x carnea 'Briotii'*
Chinese Fringetree	*Chionanthus retusus*
Yellowwood	*Cladrastis kentukea*
Manchurian Ash	*Fraxinus mandshurica 'Mancana'*
Goldenraintree	*Koelreuteria paniculata*
Fruitless Mulberry	*Morus alba 'Fruitless'*
Mayday Tree	*Prunus padus*
Purple Robe Locust	*Robinia pseudoacacia, 'Purple Robe'*
Lacebark Elm	*Ulmus parvifolia*
Frontier Elm	*Ulmus parvifolia 'Frontier'*
Japanese Zelkova	Zelkova serrata
Chanticleer Pear	Pyrus calleryana 'Chanticleer'

Table 7.3 (2). List of Permitted Tree Species.

State/Main Street and 700 South - Street Tree Schedule	
The following tree schedule is for street trees on State/ Main	
Place Type	Designated Street Tree
Civic	Honey Locust
Commercial Corridor (in between)	Chanticleer Flowering Pear
Mabey Place	Village Green Zelkova
Commercial Corridor (in between)	Chanticleer Flowering Pear
Access Point	Frontier Elm

Table 7.3 (3). List of Permitted Tree Species for State/Main.

5.5 Alley

1. Intent

The Alley is a very low capacity drive located at the rear of parcels. From the Alley, access to parking facilities, loading facilities, and service areas, such as refuse and utilities is possible without a curb cut or driveway interrupting a street type. Refer to the typical plan and section in Figure 4.4 (1).

2. General Requirements

Alleys shall be developed using the standards in Table 4.4 (1).

Alley Requirements	
Permitted Districts	All Districts
Permitted Adjacent Building Types	All Building Types
Typical Right-of-Way Width	16′ (one way) - 20′ (two way)
Vehicular Realm	
Travel Lanes	1-2 yield lane
Lane Width	16′ - 20′
Allowable Turn Lanes	Not applicable
Parking Lanes	Not applicable
Pavement Width	Minimum 16′ (one way only) Maximum 20′
Median	
Bicycle Facilities [1]	Shared
Pedestrian Realm	
Pedestrian Facilities	Shared; travel lanes are shared among drivers, pedestrians and bicyclists
Street Buffer	None required

[1] Reference 4.2.6 for bicycle facility types and requirements



5.6 Neighborhood Street

1. Intent

The Neighborhood Street is a low capacity street designed for slow speeds with a standard right-of-way. It primarily serves those residences or businesses directly adjacent to it. Refer to the typical plan and section, Figure 4.6 (1).

2. General Requirements

The Neighborhood Street shall be developed using the standards in Table 4.6 (1).

Neighborhood Street Requirements	
Permitted Districts	TR, TC, UR
Permitted Adjacent Building Types	Residential Multi-Family, Townhouse, Mansion Apartment
Typical Right-of-Way Width	63'
Vehicular Realm	
Travel Lanes	2 lanes
Lane Width	12'
Allowable Turn Lanes	Not applicable
Parking Lanes [1]	Parallel on side of street
Pavement Width	43
Median	Permitted only for turning
Bicycle Facilities [2]	Shared
Pedestrian Realm	
Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides
Street Buffer	Required see cross section

[1] Reference 4.2 for on-street parking requirements

[2] Reference 4.2 for bicycle facility types and requirements



5.5 Mabey Place Street

1. Intent

The Mabey Place street is designed first for pedestrians, buildings, and street life and second for vehicular traffic, see Figure 4.5 (1). The street is intended for slow speeds and high pedestrian traffic. Sidewalks are wide and have the capacity for on street dining, shopping and street life.

2. General Requirements

The complete street cross section and plan shall be developed using the standards in Table 4.5 (1).

Benches for patrons should be located perpendicular to the street and may be designed as part of a planter box. Concept and construction drawings shall include street, sidewalks, trees and street furniture.

Mabey Place Requirements	
Permitted Districts	UC, TR, UR
Permitted Adjacent Building Types	Mixed-Use, Commercial, Townhouse
Typical Right-of-Way Width	99′
Vehicular Realm	
Travel Lanes	2
Lane Width	12′
Allowable Turn Lanes	Yes
Parking Lanes [1]	Diagonal
Pavement Width	Minimum 58′ Maximum 58′ for 45º parking
Median	Turning Lane at Intersections
Bicycle Facilities [2]	Shared
Pedestrian Realm	
Pedestrian Facilities	Shared; travel lanes are shared among drivers, pedestrians and bicyclists.
Street Buffer	Required see cross section

[1] Reference 4.2 for on-street parking requirements[2] Reference 4.2 for bicycle facility types and requirements

4.8 Commercial Street

1. Intent

The Commercial Street is designed first for pedestrians, buildings, street life and second for vehicular traffic, see Figure 4.8 (1). The street is intended for slow speeds and high pedestrian traffic. Sidewalks are wide and have the capacity for on street dining, shopping and street life.

2. General Requirements

The Lane shall be developed using the standards in Table 4.8 (1).

Lane Requirements	
Permitted Districts	All
Permitted Adjacent Building Types	All
Typical Right-of-Way Width	71-91
Vehicular Realm	
Travel Lanes	2
Lane Width	12'
Allowable Turn Lanes	Yes
Parking Lanes [1]	Diagonal or Parallel
Pavement Width	Minimum 50' Maximum 61' for 45° parking
Median	Turning Lane at Intersections
Bicycle Facilities [2]	Shared
Pedestrian Realm	
Pedestrian Facilities	Shared; travel lanes are shared among drivers, pedestrians and bicyclists.
Street Buffer	Required see cross section

[1] Reference 4.2 for on-street parking requirements

[2] Reference 4.2 for bicycle facility types and requirements



5.7 State/Main Street Highway 126

1. Intent

The State Route 126 Street is meant for State/Main which is State Highway 126, This is a high capacity regional thoroughfare. Figure 4.7 (1).

2. General Requirements

State/Main Street shall be developed using the standards in Table 4.7 (1).

State/Main Street Requirements	
Permitted Districts	All Districts
Permitted Adjacent Building Types	See Buildings - Section 5
Typical Right-of-Way Width	107′
Vehicular Realm	
Travel Lanes	2 lanes in each direction
Lane Width	12′
Allowable Turn Lanes	Continual
Parking Lanes [1]	Optional if room
Pavement Width	79′
Median	Permitted with 80′ or greater right-of-way. Although not anticipated to be continuous, a planted median should be provided to accent the downtown and provide a distinctly different streetscape.
Bicycle Facilities [2]	Designated or Protected
Pedestrian Realm	
Pedestrian Facilities	Minimum 6′ wide clear sidewalk on both sides
Street Buffer	Required see cross section

[1] Reference 4.2 for on street parking requirements

[2] Reference 4.2 for bicycle facility types and requirements



4.9 700 South

1. Intent

The 700 South street which is state highway 193, This is a high capacity regional thoroughfare, see Figure 4.9 (1).

2. General Requirements

700 South shall be developed using the standards in Table 4.9 (1).

State/Main Street Requirements	
Permitted Districts	All Districts
Permitted Adjacent Building Types	See Buildings - Section 5
Typical Right-of-Way Width	107′
Vehicular Realm	
Travel Lanes	2 lanes in each direction
Lane Width	12′
Allowable Turn Lanes	Continual
Parking Lanes [1]	Optional if room.
Pavement Width	79′
Median	Permitted with 80′ or greater right-of-way. Although not anticipated to be continuous, a planted median should be provided to accent the downtown and provide a distinctly different streetscape.
Bicycle Facilities [2]	Designated or Protected
Pedestrian Realm	
Pedestrian Facilities	Minimum 7′ wide clear sidewalk on both sides
Street Buffer	Required see cross section

[1] Reference 4.2 for on-street parking requirements

[2] Reference 4.2 for bicycle facility types and requirements

Chapter 6.0
BUILDING TYPES

6.0 Building Types

5.1. Introduction to Building Types

1. Introduction

The Building Types detailed in 5.0 Building Types, outline the required building forms for new construction and renovated structures within the Districts defined in Section 2.0.

2. General Requirements

All Building Types must meet the following requirements.

(1) Zoning Districts. Each Building Type shall be constructed only within its designated districts. Refer to Table 5.1 (1) Permitted Building Types by Districts.

(2) Uses. Each Building Type can house a variety of uses depending on the district in which it is located. Refer to 3.0 Uses for uses permitted per district. Some Building Types have additional limitations on permitted uses.

(3) No Other Building Types. All buildings constructed must meet the requirements of one of the Building Types permitted within the zoning district of the lot.

(4) Permanent Structures. All buildings constructed shall be of permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise noted.

(5) Accessory Structures

(a) Attached accessory structures are considered part of the principal structure.

(b) Detached accessory structures are permitted per each Building Type and shall comply with all setbacks except the following:

(i) Detached accessory structures are not permitted in the front yard.

(ii) Detached accessory structures shall be located behind the principal structure in the rear yard.

(iii) Detached accessory structures shall not exceed the height of the principal structure.

Building Types by Districts	Urban Commerce (UC)	Urban Residential (UR)	Town Commerce (TC)	Town Residential (TR)	Civic (CV)	Corridor Commercial (CC)
Mixed-use	P	P	P	P		
Multi-Family Residential	P[1]	P		P		
Office	P	P	P	P	P	P
Commercial			P	P		P
Adaptive Re-use			P	P	P	P
Townhouse			P	P		
Mansion				P		
Civic	P	P	P	P	P	P

P = Permitted

Table 5.1 (1). Permitted Building Types by District

Footnotes:

[1] Only permitted as part of a master development and not allowed on Mabey Place Street.

5.2 Explanation of Building Standards

The following explains and further defines the standards outlined on the tables for each Building Type.

1. Building Siting

The following explains the line item requirements within the first section of each Building Type Table entitled "Building Siting".

(1) Multiple Principal Structures. The allowance of more than one principal structure on a lot.

(2) Front Property Line Coverage. Measuring Front Property Line Coverage. Measurement defining the minimum percentage of street wall or building facade required along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front build-to zone (BTZ).

  (a) Certain buildings have this number set to also allow the development of a courtyard along the front property line.

(3) Occupation of Corner. Occupying the intersection of the front and corner build-to zones with a principal structure.

(4) Front Build-to Zone. The build-to zone or setback parallel to the front property line. Building components, such as awnings or signage, are permitted to encroach into the build-to zone

  (a) All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.

(5) Corner Build-to Zone. The build-to zone or setback parallel to the corner property line.

  (a) All build-to zone and setback areas not covered by building must contain either landscape, patio space, or sidewalk space.

(6) Minimum Side Yard Setback. The minimum required setback along a side property line.

(7) Minimum Rear Yard Setback. The minimum required setback along a rear property line.

(8) Minimum & Maximum Lot or Building Width. Depending on the Building Type, either the minimum or maximum building or unit width will be noted or the minimum and maximum width of a lot, all measured at or parallel to the front property line.

(9) Maximum Impervious Coverage. The maximum percentage of a lot permitted to be covered by principal structures, accessory structures, pavement, and other impervious surfaces.

(10) Additional Semi-Pervious Coverage. The additional percentage of a lot beyond the Maximum Impervious Coverage, which may be surfaced in a semi-pervious material, including a green roof or pavers.

(11) Parking, Loading Location and Parking Structure. The yard or structure in which a parking lot, detached garage, attached garage door access, loading and unloading, and associated drive is permitted.

(12) Vehicular Access. The permitted means of vehicular ingress and egress to the lot.

  (a) Alleys, when present, shall always be the primary means of vehicular access.

  (b) When alleys are not present, a driveway may be permitted per Building Type and, if an alternative is available, shall not be located off a Primary Street.

2. Height

The following explains the line item requirements for each Building Type.

(1) Minimum Overall Height. The minimum overall height for the building shall be located within the build-to zone; stories above the required minimum height may be stepped back from the facade.

(2) Maximum Overall Height. The sum of a building's total number of stories.

  (a) Half stories are located either completely within the roof structure with street-facing windows or in a visible basement exposed a maximum of one half story above grade.

  (b) A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story.

  (c) Some Building Types require a building facade to step back as its height increases. If required, the upper stories of any building facade with street frontage shall be setback a designated amount beyond the building facade of the lower stories.

(3) Ground Story and Upper Story, Minimum and Maximum Height (Measuring Height). Each frontage type includes a permitted range of height in feet for each story. Additional information is as follows:

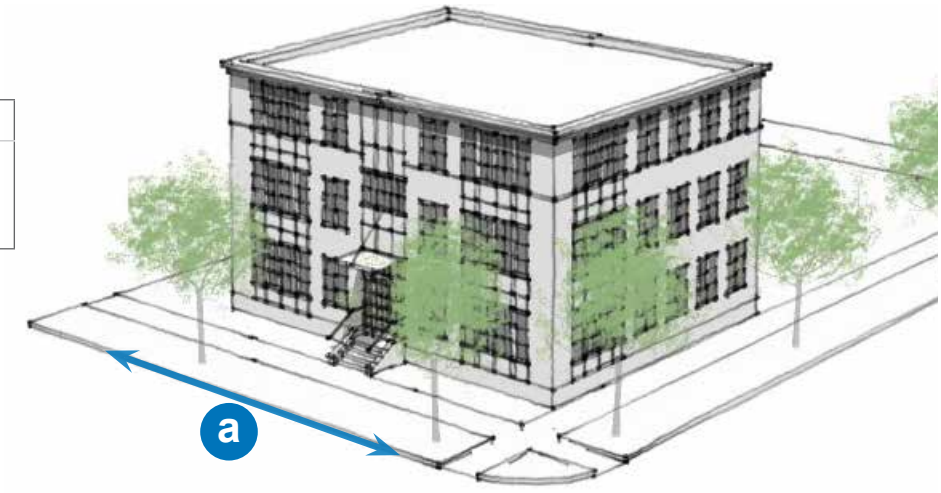
  (a) Floor height is measured in feet between the floor of a story to the floor of the story above it.

  (b) Floor height requirements apply only to street facing facades.

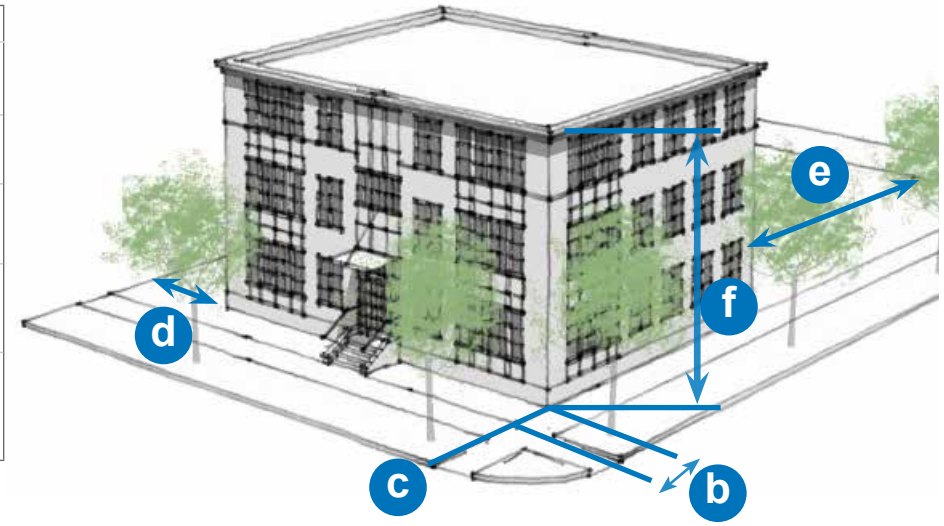
  (c) For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.

example layout:
building type elements

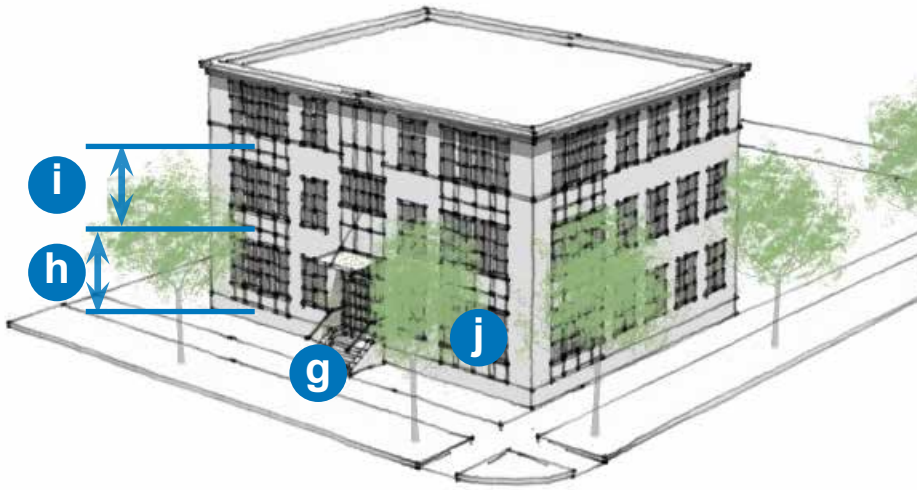
(1) Building Site		
a	Minimum Lot Width Maximum Lot Width	50' none



(2) Building Massing/Location		
b	Front Build-to Zone	0'-5' [4]
c	Corner Build-to Zone	0' to 5'
d	Minimum Side Yard Setback	0' [5]
e	Minimum Rear Yard Setback	5' [5]
f	Minimum Overall Height Maximum Overall Height	50' none



(3) Building Fenestration		
g	Principal Entrance Location	0'-5' [4]
	Required Number of Street Entrances	0' to 5'
h	Ground Story: Minimum Height Ground Story: Maximum Height	50' none
i	Upper Story: Minimum Height Upper Story: Maximum Height	50' none
j	Minimum Ground Story Transparency Measured between 2' and 8' above grade street facing	



3. Uses

The following explains the line item requirements for each Building refer to Section 3.0 for Uses. The requirements in this section of the Building Type Tables may limit those uses within a specific Building Type.

(1) Ground and Upper Story. The uses or category of uses which may occupy the ground and/or upper story of a building.

(2) Parking Within Building. The area(s) of a building in which parking is permitted within the structure.

(3) Required Occupied Space. The area(s) of a building that shall be designed as occupied space, defined as interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

4. Street Facade Requirements

Street Facade Requirements apply only to facades facing a public or private right-of-way. The rear or interior side yard facades are not required to meet these standards unless otherwise stated.

(1) Minimum Ground Story and Upper Floor Transparency, (Measuring Transparency per Facade). The minimum amount of transparency required on street facades with street frontage.

  (a) Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.

  (i) Ground Story Transparency, when defined separately from the overall minimum transparency, shall be measured between two feet and eight feet from the average grade at the base of the front facade.

  (ii) A general Minimum Transparency requirement shall be measured from floor to floor of each story.

(2) Blank Wall Limitations. A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall both be met for each story:

  (a) No rectangular area greater than 30% of a story's facade, as measured from floor to floor, may be windowless; and

  (b) No horizontal segment of a story's facade greater than 15 feet in width may be windowless.

(3) Entrance Type. The Entrance Type(s) permitted for the entrance(s) of a given Building Type.

(4) Principal Entrance Location. The facade on which the primary building entrance is to be located.

(5) Required Number of Street Entrances. The minimum number of and maximum spacing between entrances on the ground floor building facade with street frontage.

(6) Vertical Facade Divisions. The use of a vertically oriented expression line or form to divide the facade into increments no greater than the dimension shown, as measured along the base of the facade. Elements may include a column, pilaster, or other continuous vertical ornamentation a minimum of one and a half inch depth.

(7) Horizontal Facade Divisions. The use of a horizontally oriented expression line or form to divide portions of the facade into horizontal divisions. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one and a half inch depth.

5. Roof Type

The following explains the roof requirements for each Building.

(1) Permitted Roof Type. The roof type(s) permitted for a given Building Type. Refer to 5.12. Roof Types for more specific requirements.

(2) Tower. A vertical building extension that may be permitted in conjunction with another roof type on certain Building Types. Refer to 5.12. Roof Types.

All Building Types

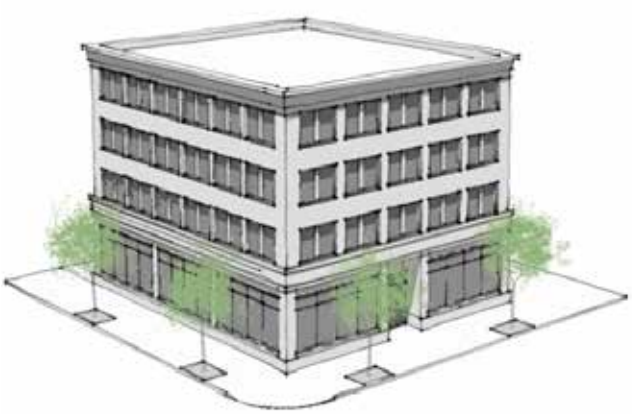


Table 5.2 (1). Mixed-use Building Type



Table 5.2 (2). Multi-family Residential Building Type

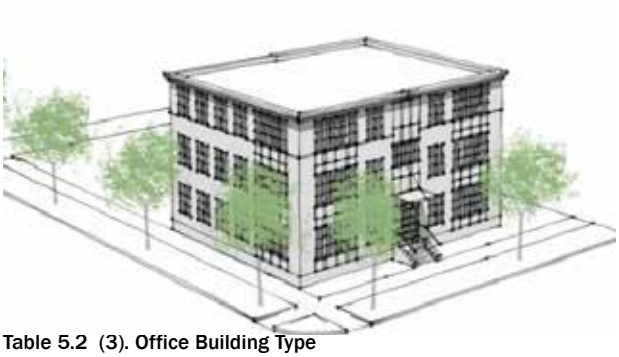


Table 5.2 (3). Office Building Type



Table 5.2 (4). Commercial Building Type



Table 5.2 (5). Townhouse Building Type



Table 5.2 (6). Mansion Building Type



Table 5.2 (7). Civic Building Type



Table 5.2 (8). Adaptive Re-use Building Type

5.3 Mixed-Use Building

1. Description & Intent

The Mixed-Use Building is intended to be located close to the front property line with parking typically in the rear or side of the lot. Parking garages and underground parking are highly encouraged.

The key facade element is large amounts of glass and regularly spaced entrances on the main floor.

This building is available for different levels of urban intensities, depending on the district within which it is located. For example, minimum and maximum heights are highest in the U-C District and lowest in the T-R District.

2. Regulations

Regulations for the Mixed-Use Building Type are defined in the adjacent table.







example layout:
building type spread

Building Type Mixed-Use	Permitted Districts UC	UR	TC	TR
(1) Building Siting Refer to Figure 5.3 (1).				
Multiple Principal Buildings	not permitted	not permitted	permitted	not permitted
Front Property Line Coverage	80%	80%	70% [1]	70% [1]
Occupation of Corner	required	required	required	required
Front Build-to Zone	0'-5' [4]	0'-10' [4]	10'-30' [4]	10'-30' [4]
Corner Build-to Zone	0' to 5'	0' to 5'	0' to 10'	0' to 5'
Minimum Side Yard Setback	0' [5]	0' [5]	5' [5]	5' [5]
Minimum Rear Yard Setback	5' [5]	5' [5]	5' [5]	5' [5]
Minimum Lot Width Maximum Lot Width	50' none	50' none	50' none	50' none
Maximum Impervious Coverage	90%	75%	70%	70%
Parking & Loading Location	rear yard	rear yard	rear & side yard[1]	rear & side yard[1]
Vehicular Access	Alley only; if no alley exists, 1 driveway is permitted per non-primary street	Alley; if no alley exists, 1 driveway is permitted per non-primary street	Alley; if no alley exists, 2 driveways are permitted off non-primary streets	Alley; if no alley exists, 1 driveway is permitted per non-primary street[3]
(2) Height Refer to Figure 5.3 (2).				
Minimum Overall Height	2 story	2 story	2 story	2 story
Maximum Overall Height	No maximum [2]	6 stories [2]	4 stories [2]	4 stories [2]
Ground Story: Minimum Height Maximum Height	14' 30' [3]	14' 24' [3]	14' 24' [3]	14' 18'
Upper Stories: Minimum Height Maximum Height	9' 14'	9' 14'	9' 14'	9' 14'
(3) Uses. Refer to 3.0 Uses for permitted uses.				
Ground Story	retail, service, office	retail, service, office	retail, service, office	retail, service, office
Upper Story	retail, service, office, residential			
Parking within Building	permitted fully in any basement and in rear of upper floors			
Required Occupied Space	40' deep on all full floors from the front facade			
(4) Street Facade Requirements Refer to Figure 5.3 (3).				
Minimum Ground Story Transparency Measured between 2' and 8' above grade street facing	65%	65%	50%	50%
Minimum Transparency per each Story	25%	25%	25%	25%
Blank Wall Limitations	required per floor refer to 5.2.4 (2)			
Front Facade Entrance Type	Mixed-Use, arcade	Mixed-Use, arcade	Mixed-Use, arcade	Mixed-Use, arcade
Principal Entrance Location	front facade	front facade	front or corner facade	front facade
Required Number of Street Entrances	1 per each or min 75' of front facade	1 per each or min 75' of front facade	1 per each or min 100' of front facade	1 per each or min 75' of front facade
Vertical Facade Divisions	every 30' of facade width	every 25' of facade width	every 50' of facade width	every 25' of facade width
Horizontal Facade Divisions	required within 3' of the top of the ground story and at the top of the highest story			
(5) Roof Type Requirements Refer to Figure 5.12				
Permitted Roof Types	parapet, flat	parapet, flat	parapet, flat	parapet, flat
Tower	permitted	permitted	permitted	permitted

Footnotes:

[1] Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

[2] Buildings taller than three stories shall have a step back of a minimum 6 feet, which is located in between top of first story to the top of the third story. The step back is required on street frontage sides only.

[3] If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

[4] In the case of plazas or porte cochere this may change up to a maximum of 25 feet as approved by Zoning Administrator.

[5] New buildings with yards adjacent to existing single family or townhome residential that are not within the Clearfield Downtown FBC area, shall have a maximum height of 36' within 30 feet of the property line and a building setback of 20 feet..

5.4 Multi-Family Residential Building

1. Description & Intent

The Mulit-Family Residential Building Type is limited in terms of uses by the district within which it is located, generally housing and/or residential uses. The Multi-Family Residential building is intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one double loaded aisle of parking is permitted in the interior or the side yard at the front property line.



2. Regulations

Regulations for the Multi-Family Residential Type are defined in the adjacent table.

example layout:
building type spread





Building Type
Multi-Family Residential

	Permitted Districts		
	UC	UR	TR
(1) Building Siting Refer to Figure 5.4 (1).			
Permitted Building Type	yes [5]	yes	yes
Multiple Principal Buildings	yes [5]	permitted	permitted
Front Property Line Coverage	80% [1]	80% [1]	60% [1]
Occupation of Corner	required	required	required
Front Build to Zone	0' to 10' [4]	10' to 20' [4]	10' to 20' [4]
Corner Build to Zone	10' to 20'	10' to 20'	10' to 20'
Minimum Side Yard Setback	0'	0'	0'
Minimum Rear Yard Setback	5'	5'	5'
Minimum Lot Width Maximum Lot Width	80' none [2]	80' none [2]	80' none [2]
Maximum Impervious Coverage	75%	75%	75%
Parking & Loading Location	rear or side yard	rear or side yard	rear or side yard
Vehicular Access	maximum 1 per 200 feet frontage or UDOT requirement	maximum 1 per 200 feet frontage or UDOT requirement	maximum 1 per 200 feet frontage or UDOT requirement
(2) Height Refer to Figure 5.4 (2).			
Minimum Overall Height	2 story	2 story	2 story
Maximum Overall Height	No Maximum [3 and 6]	6 stories [3 and 6]	4 stories [3 and 6]
All Stories: Minimum Height Maximum Height	9' 14'	9' 14'	9' 14'
(3) Uses Refer to 3.0 Uses for permitted uses.			
All Stories	residential		
Balcony	minimum 5' depth and 60 square feet		
Parking within Building	permitted fully in basement and in rear of upper floors		
(4) Street Facade Requirements Refer to Figure 5.4 (3).			
Minimum Transparency per each Story	25%	25%	25%
Blank Wall Limitations	required per floor refer to 5.2.4 (2)		
Front Facade Entrance Type	stoop, porch, Mixed-Use	stoop, porch, Mixed-Use	stoop, porch, Mixed-Use
Principal Entrance Location	front facade	front facade	front facade
Required Number of Street Entrances	1 per each 100' of front facade	1 per each 100' of front facade	1 per each 100' of front facade
Vertical Facade Divisions	every 25' of facade width	every 25' of facade width	every 25' of facade width
Horizontal Facade Divisions	required within 3' of the top of any visible basement and of the ground story, and at the beginning of the top floor		
Building Stepback	minimum horizontal distance 10 feet required at top of 3rd story		
(5) Roof Type Requirements Refer to Figure 5.12			
Permitted Roof Types	parapet, pitched, flat	parapet, pitched, flat	parapet, pitched, flat
Tower	permitted	permitted	

Footnotes

[1] A courtyard covering up to 35% of the front facade is permitted and may contribute to the Front Lot Line Coverage requirement.

[2] Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

[3] Buildings taller than three stories shall have a step back of a minimum 6 feet, which is located in between top of first story to the top of the third story. The step back is required on street frontage sides only.

[4] In the case of plazas or porte cochere this may change up to a maximum of 25 feet as approved by Zoning Administrator.

[5] Only permitted as part of a master development and not permitted to front Mabey Place Street. Only allowed in conjunction with a mixed use or commercial building, if located behind or attached to the mixed use or commercial building, as part of a master planned development.

[6] New buildings with yards adjacent to existing single family or townhome residential that are not within the Clearfield Downtown FBC area, shall have a maximum height of 36' within 30 feet of the property line and a building setback of 20 feet.

5.5 Office Building

1. Description & Intent

The Office Building Type is widely used in the Clearfield downtown districts. It is intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders. Parking may be provided in the rear or side yard of the lot. The minimum and maximum heights of this Building Type depend on the district within which it is located: taller heights in the UC and UR, with lower heights in the other districts.

2. Regulations

Regulations for the Office Building Type are defined in the adjacent table.



Building Type Office		Permitted Districts					
		UC	UR	TC	TR	CV	CC
	(1) Building Siting Refer to Figure 5.5 (1).						
	Multiple Principal Buildings	not permitted	permitted	permitted	permitted	permitted	permitted
	Front Property Line Coverage	80%	80% [1]	70% [1]	60% [1]	60% [1]	60% [1]
	Occupation of Corner	required	required	required	required	required	required
a	Front Build to Zone	0'-5' [4]	10' to 30'	0' to 30'	0' to 30'	10' to 30'	0' to 30'
	Corner Build to Zone	0' to 5'	10' to 20' [5]	10' to 20' [5]	10' to 20' [5]	10' to 20' [5]	10' to 20' [5]
b	Minimum Side Yard Setback	0' [5]	0' [4]	0' [4]	0' [4]	0' [4]	0' [4]
c	Minimum Rear Yard Setback	5' [5]	5' [4]	10' [4]	10' [4]	10' [4]	10' [4]
d	Minimum Lot Width	50'	50'	50'	50'	50'	50'
e	Maximum Lot Width	none	none	none	none	none	none
f	Maximum Impervious Coverage	90%	75%	75%	75%	75%	75%
	Parking & Loading Location	rear yard	rear or side yard	rear or side yard	rear or side yard	rear or side yard	rear or side yard
g i	Vehicular Access	Alley only; if no alley exists, 1 driveway is permitted per non-primary street	maximum 1 per 200 feet frontage or UDOT requirement	maximum 1 per 200 feet frontage or UDOT requirement	maximum 1 per 200 feet frontage or UDOT requirement	maximum 1 per 200 feet frontage or UDOT requirement	max 1 per 200 feet frontage or UDOT req.
j	**(2) Height** Refer to Figure 5.5 (2).						
k	Minimum Overall Height	2 story	2 story	1 story	1 story	1 story	1 story
l	Maximum Overall Height	No Maximum [3 and 6]	6 stories [3]	4 stories [3]	4 stories [3]	4 stories [3]	4 stories [3]
n	All Stories: Minimum Height	9'	9'	9'	9'	9'	9'
	Maximum Height	14'	14'	14'	14'	14'	14'
	(3) Uses Refer to 3.0 Uses for permitted uses.						
o	All Stories	office					
p	Parking within Building	permitted fully in basement and in rear of upper floors					
r	Balcony	not required					
	(4) Street Facade Requirements Refer to Figure 5.5 (3).						
s	Minimum Transparency ground floor	50%	50%	50%	50%	50%	50%
t	upper floors	25%	25%	25%	25%	25%	25%
	Blank Wall Limitations	required per floor refer to 5.2.4 (2)					
	Front Facade Entrance Type	stoop, porch, Mixed-Use	stoop, porch, Mixed-Use	stoop, porch, Mixed-Use	stoop, porch, Mixed-Use	stoop, porch, Mixed-Use	stoop, porch, Mixed-Use
u	Principal Entrance Location	front facade	front facade	front facade	front facade	front facade	front facade
	Required Number of Street Entrances	1 per each 100' of front facade	1 per each 100' of front facade	1 per each 100' of front facade	1 per each 100' of front facade	1 per each 100' of front facade	1 per each 100' of front facade
v	Vertical Facade Divisions	every 25' of facade width	every 25' of facade width	every 25' of facade width	every 25' of facade width	every 25' of facade width	every 25' of facade width
w	Horizontal Facade Divisions	required within 3' of the top of any visible basement and of the ground story, and at bottom part of the top story.					
	Building Stepback	not required					
	(5) Roof Type Requirements Refer to Figure 5.12						
	Permitted Roof Types	parapet, flat	parapet, flat	parapet, flat	parapet, flat	parapet, flat	parapet, flat
z	Tower	required on corners	required on corners	permitted	permitted	permitted	permitted

to be updated

Footnotes

[1] A courtyard covering up to 35% of the front facade is permitted and may contribute to the Front Lot Line Coverage requirement.

[2] Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

[3] Buildings taller than three stories shall have a step back of a minimum 6 feet, which is located in between top of first story to the top of the third story. The step back is required on street frontage sides only.

[4] New buildings with yards adjacent to existing single family or townhome residential that are not within the Clearfield Downtown FBC area, shall have a maximum height of 36' within 30 feet of the property line and a building setback of 20 feet.

[5] In the case of plazas or porte cochere this may change up to a maximum of 25 feet as approved by Zoning Administrator.

5.6 Commercial Building

1. Description & Intent

The Commercial Building Type permits a lower level of ground floor Mixed-Use facade. A wider range of uses can also be accommodated within this Building Type, including craftsman industrial uses. This Building Type is still intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders. Parking may be provided in the rear of the lot, internally in the building, or one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this Building Type depend on the district within which it is located.

2. Regulations

Regulations for the Commercial Building Type are defined in the adjacent table.



Footnotes

[1] Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

[2] Buildings taller than three stories shall have a step back of a minimum 6 feet, which is located in between top of first story to the top of the third story. The step back is required on street frontage sides only.

[3] If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

[4] New buildings with yards adjacent to existing single family or townhome residential that are not within the Clearfield Downtown FBC area, shall have a maximum height of 36' within 30 feet of the property line and a building setback of 20 feet.

[5] In the case of plazas or porte cochere this may change up to a maximum of 25 feet as approved by Zoning Administrator.

Building Type Commercial	Permitted Districts					
	UC	UR	TC	TR	CV	CC
(1) Building Siting Refer to Figure 5.6 (1).						
Permitted	no	no	yes	yes	no	yes
Multiple Principal Buildings			not permitted	not permitted		not permitted
(a) Front Property Line Coverage			65%	65%		65%
Occupation of Corner			required	required		required
(b) Front Build to Zone			0' to 15' [5]	0' to 15' [5]		0' to 15' [5]
(c) Corner Build to Zone			0' to 10'	0' to 10'		0' to 10'
(d) Minimum Side Yard Setback			5'	5'		5'
(e) Minimum Rear Yard Setback			5'	5'		5'
(f) Minimum Lot Width Maximum Lot Width			50' none	50' none		50' none
Maximum Impervious Coverage Additional Semi-Pervious Coverage			70% 20%	70% 20%		70% 20%
(g) Parking & Loading			rear & side yard	rear & side yard		rear & side yard
(h) Street Facade Service Bay Entrance	limited to one per street facade, maximum width 18'					
Vehicular Access	From alley; if no alley exists, 1 driveway per street frontage					
(i) **(2) Height** Refer to Figure 5.6 (2).						
Minimum Overall Height			1 story	1 story		1 story
(j) Maximum Overall Height			4 stories [2/4]	4 stories [2/4]		4 stories [2/4]
(k) Ground Story: Minimum Height			14'	14'		14'
(l) Maximum Height			24' [3]	24' [3]		24' [3]
(m) Upper Stories: Minimum Height			9'	9'		9'
Maximum Height			14'	14'		14'
(3) Uses Refer to 3.0 Uses for permitted uses.						
(n) Ground Story	retail, service, office, craftsman industrial					
(o) Upper Story	retail, service, office, craftsman industrial					
(p) Parking within Building	permitted fully in basement and in rear of upper floors plus one service bay width at ground floor					
(q) Required Occupied Space	30' deep on all full floors from the front facade					
(4) Street Facade Requirements Refer to Figure 5.6 (3).						
(r) Minimum Ground Story Transparency Measured between 2' and 8' above grade			55%, Service Bay door shall be transparent	55%, Service Bay door shall be transparent		55%, Service Bay door shall be transparent
(s) Minimum Transparency per each Story			15%	15%		15%
(t) Blank Wall Limitations			required per floor	required per floor		required per floor
(u) Front Facade Entrance Type			Mixed-Use, stoop	Mixed-Use, stoop		Mixed-Use, stoop
Principal Entrance Location			front or corner facade	front or corner facade		front or corner facade
Required Number of Street Entrances	1 per 100' of facade; service bay door not included; 1 per 150' of facade					
(v) Vertical Facade Divisions			every 25' of facade width			every 25' of facade width
(w) Horizontal Facade Divisions	required within 3' of the top of the ground story for all buildings over 2 stories					
(5) Roof Type Requirements Refer to Figure 5.12						
Permitted Roof Types			parapet, pitched, flat			parapet, pitched, flat
Tower			permitted			permitted

to be updated

5.7. Townhouse Building

1. Description & Intent

The Townhouse Building is a building typically comprised of multiple vertical units, each with its own entrance to the street. This Townhouse Type may be organized as townhouses or rowhouses, or it could also incorporate live/work units where uses are permitted.

Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, a minimum level of occupied space is required on the front facade to ensure that the street facade is active.

2. Regulations

Regulations for the Townhouse Building type are defined in the adjacent table.



Footnotes

[1] For the purposes of the Townhouse Building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building shall meet all requirements of the Building Type unless otherwise noted.

[2] Each building shall meet the front property line coverage requirement, except one of every five units may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on three sides by units.

[3] Rear yard setback on alleys is five feet.

[4] When the Mixed-Use entrance type is utilized, the maximum ground story transparency for the unit is 55% as measured between two feet and eight feet above grade.

[5] The Mixed-Use entrance type is permitted only on corners or buildings that are designated for live/work units.

[6] In conjunction with a planned community, single story townhouses may be constructed for up to 25% of the community.

[7] In the TC zone Townhouses shall be located behind commercial buildings and not occupy the commercial street frontage.

Building Type Townhouse	Permitted Districts					
	UC	UR	TC	TR	CV	CC
Permitted	no	no	yes [7]	yes	no	no
(1) Building Siting Refer to Figure 5.7 (1).						
Multiple Principal Buildings			permitted [1]	permitted [1]		
a Front Property Line Coverage			65%[2]	65%[2]		
Occupation of Corner			no	required		
b Front Build to Zone			10' to 20'	10' to 20'		
c Corner Build to Zone			5' to 15'	5' to 15'		
d Minimum Side Yard Setback			0' per unit; 20' between buildings	0' per unit; 20' between buildings		
e Minimum Rear Yard Setback			15' [3]	15' [3]		
f Minimum Unit Width Maximum Building Width			20' per unit maximum of 6 units per building	20' per unit maximum of 6 units per building		
g Maximum Impervious Coverage Additional Semi-Pervious Coverage			65% 20%	65% 20%		
i Parking			rear yard/ facade	rear yard/ facade		
Vehicular Access	From alley; if no alley exists, 1 driveway per building per street frontage					
(2) Height Refer to Figure 5.7 (2).						
j Minimum Overall Height			2 story [6]	2 story [6]		
k Maximum Overall Height			3 stories	3 stories		
l All Stories: Minimum Height Maximum Height			9' 14'	9' 14'		
(3) Uses Refer to 3.0 Uses for permitted uses.						
n Ground Story			residential only	residential only		
o Upper Story						
p Parking within Building	permitted fully in basement and in rear of all floors					
q Required Occupied Space	30' deep on all full floors from the front facade					
(4) Street Facade Requirements Refer to Figure 5.7 (3).						
r t Minimum Transparency per each Story			15%	15%		
Blank Wall Limitations	required per floor (refer to 5.2.8					
Front Facade Permitted Entrance Type			stoop, porch	stoop, porch		
u Principal Entrance Location per Unit				front		
v Vertical Facade Divisions			each townhome unit shall have a vertical division with materials per unit	each townhome unit shall have a vertical division with materials per unit		
w Horizontal Facade Divisions			or buildings over 3 stories, required within 3' of the top of any visible basement or ground story	for buildings over 3 stories, required within 3' of the top of any visible basement or ground story		
(5) Roof Type Requirements Refer to 5.12						
Permitted Roof Types			parapet, pitched, flat	parapet, pitched, flat		
Tower				permitted		

to be updated

5.8. Mansion Building

1. Description & Intent

The Mansion Building is a mainly residential building, incorporating a landscaped yard surrounding all sides of the building. Parking and garages are limited to the rear only with preferred access from an alley. The Mansion building typically includes 2 plus units per building.

The Mansion Building can be utilized in newly developing locations to create somewhat denser traditional neighborhoods, or as a buffer to existing neighborhoods.

2. Regulations.

Regulations for the Mansion Building Type are defined in the adjacent table.



Building Type Mansion	Permitted Districts					
	UC	UR	TC	TR	CV	CC
Permitted	no	no	no	yes	no	no
(1) Building Siting Refer to Figure 5.8 (1).						
Multiple Principal Buildings				permitted [1]		
a Front Property Line Coverage				65% [2]		
Occupation of Corner				required		
b Front Setback				15’		
c Corner Setback				10’		
d Minimum Side Yard Setback				7.5’		
e Minimum Rear Yard Setback				25’ [3]		
f Minimum Lot Width Maximum Lot Width				50’ 100’		
Maximum Impervious Coverage Additional Semi-Pervious Coverage				60% 20%		
g Parking				rear yard/facade		
i Vehicular Access	From alley; if no alley exists, 1 driveway per street frontage					
(2) Height Refer to Figure 5.8 (2).						
j Minimum Overall Height				2 story [4]		
k Maximum Overall Height				3 stories		
l Stories: Minimum Height Maximum Height				9’ 14’		
(3) Uses Refer to 3.0 Uses for permitted uses.						
n All Stories	residential only					
p Parking within Building	permitted fully in basement and in rear of all floors					
q Required Occupied Space	30’ deep on all full floors from the front facade					
(4) Street Facade Requirements Refer to Figure 5.8 (3).						
r Minimum Transparency per each Story	15%					
Blank Wall Limitations	required					
t Front Facade Entrance Type	stoop, porch					
u Principal Entrance Location per Unit	front, corner, or corner side facade					
Required Number of Street Entrances	1 per building					
Vertical Facade Divisions	not required					
Horizontal Facade Divisions	not required					
(5) Roof Type Requirements Refer to 5.12						
v Permitted Roof Types	parapet, pitched, flat					
Tower	permitted					

to be updated

Footnotes

[1] Each building shall meet all requirements of the Mansion Building Type.

[2] When multiple buildings are located on a single lot, each building shall meet the front property line coverage requirement, except one of every three buildings may front a courtyard with a minimum width of 30 feet. The courtyard shall be defined on three sides by units.

[3] Rear yard setback for detached garages on alleys is five feet.

[4] End units may be 1 story.

5.9. Civic Building

1. Description & Intent

The Civic Building is the most flexible Building Type intended only for civic and institutional types of uses. These buildings are distinctive within the urban fabric created by the other Building Types and could be designed as iconic structures. In contrast to most of the other Building Types, a minimum setback line is required instead of a build to zone, though this setback is required to be landscaped. Parking is limited to the rear in most cases. The minimum and maximum heights of this Building Type depend on the district within which it is located.

2. Regulations

Regulations for the Civic Building type are defined in the adjacent table.



Building Type Civic	Permitted Districts					
	UC	UR	TC	TR	CV	CC
Permitted	yes	yes	yes	yes	yes	yes
(1) Building Siting Refer to Figure 5.9 (1).						
Multiple Principal Buildings	permitted	permitted	permitted	permitted	permitted	permitted
Front Property Line Coverage	not required					
Occupation of Corner	not required					
b Front Setback	5’	10’	15’	15’	15’	15’
c Corner Setback	0’	5’	5’	5’	5’	5’
d Minimum Side Yard Setback	5’	5’	5’	5’	5’	5’
e Minimum Rear Yard Setback	5’	5’	5’	5’	5’	5’
f Minimum Lot Width Maximum Lot Width	50’ none	50’ none	50’ none	50’ none	50’ none	50’ none
g Maximum Impervious Coverage Additional Semi-Pervious Coverage	75% 20%	75% 15%	75% 15%	75% 15%	75% 15%	75% 15%
i Parking & Loading	rear	rear	rear & interior side yard[1]	rear & interior side yard[1]	rear & interior side yard[1]	rear & interior side yard[1]
Vehicular Access	From alley; if no alley exists, 1 driveway per street frontage					
j **(2) Height** Refer to Figure 5.9 (2).						
k Minimum Overall Height	2 story	2 story	1 story	1 story	1 story	1 story
Maximum Overall Height	6 stories [1]	No maximum	6 stories [2]	4 stories [1]	4 stories [1]	4 stories [1]
l All Stories: Minimum Height Maximum Height	9’ 20’ [2]	9’ 20’ [2]	9’ 20’ [2]	9’ 20’ [2]	9’ 20’ [2]	9’ 20’ [2]
n **(3) Uses** Refer to 3.0 Uses for permitted uses.						
p All Stories	limited to civic & institutional uses only					
q Parking within Building	permitted fully in basement and in rear of upper floors					
Required Occupied Space	30’ deep on all full floors from the front facade					
r **(4) Street Facade Requirements** Refer to Figure 5.9 (3).						
t Minimum Transparency per each Story	20%					
Blank Wall Limitations	not required					
u Front Facade Permitted Entrance Type	arcade, stoop					
Principal Entrance Location	front or corner facade	front or corner facade	front or corner facade	front or corner facade	front or corner facade	front or corner facade
Required Number of Primary Street Entrances	1 per 100’ of facade	1 per 150’ of facade	1 per 150’ of facade	1 per 150’ of facade		
Vertical Facade Divisions	not required					
Horizontal Facade Divisions	not required					
v **(5) Roof Type Requirements** Refer to 5.12						
w Permitted Roof Types	parapet, pitched, flat;					
Tower	permitted					

to be updated

Footnotes

[1] Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

[3] New buildings with yards adjacent to existing single family or townhome residential that are not within the Clearfield Downtown FBC area, shall have a maximum height of 36’ within 30 feet of the property line and a building setback of 20 feet.

5.10 Adaptive Re-use Building

1. Description & Intent

The Adaptive Re-use Building is for exterior retrofits, additions or remodels greater than 10% of the building of the building footprint.

2. Regulations

Regulations for the Adaptive Re-use Building Type are defined in the adjacent table.



Building Type Adaptive Re-use	Permitted Districts					
	UC	UR	TC	TR	CV	CC
(1) Building Siting Refer to Figure 5.10 (1).						
Permitted	no	no	yes	yes	yes	yes
Multiple Principal Buildings			not permitted	not permitted	not permitted	not permitted
(a) Front Property Line Coverage			65%	65%	65%	65%
Occupation of Corner			required	required	required	required
(b) Front Build to Zone			0' to 15' [5]	0' to 15' [5]	0' to 15' [5]	0' to 15' [5]
(c) Corner Build to Zone			0' to 10'	0' to 10'	0' to 10'	0' to 10'
(d) Minimum Side Yard Setback			5'	5'	5'	5'
(e) Minimum Rear Yard Setback			5'	5'	5'	5'
(f) Minimum Lot Width Maximum Lot Width			50' none	50' none	50' none	50' none
Maximum Impervious Coverage Additional Semi-Pervious Coverage			70% 20%	70% 20%	70% 20%	70% 20%
(g) Parking & Loading			rear & side yard	rear & side yard	rear & side yard	rear & side yard
(h) Street Facade Service Bay Entrance	limited to one per street facade, maximum width 18'					
(i) Vehicular Access	From alley if no alley exists, 1 driveway per street frontage					
(2) Height Refer to Figure 5.10 (2).						
(j) Minimum Overall Height			1 story	1 story	1 story	1 story
(k) Maximum Overall Height			4 stories [2/4]	4 stories [2/4]	4 stories [2/4]	4 stories [2/4]
(l) Ground Story: Minimum Height Maximum Height			14' 24' [3]	14' 24' [3]	14' 24' [3]	14' 24' [3]
(m) Upper Stories: Minimum Height Maximum Height			9' 14'	9' 14'	9' 14'	9' 14'
(3) Uses Refer to 3.0 Uses for permitted uses.						
(n) Ground Story	retail, service, office, craftsman industrial					
(o) Upper Story	retail, service, office, craftsman industrial					
(p) Parking within Building	permitted fully in basement and in rear of upper floors plus one service bay width at ground floor					
(q) Required Occupied Space	30' deep on all full floors from the front facade					
(4) Street Facade Requirements Refer to Figure 5.10 (3).						
(r) Minimum Ground Story Transparency Measured between 2' and 8' above grade			55%, Service Bay door shall be transparent	55%, Service Bay door shall be transparent	55%, Service Bay door shall be transparent	55%, Service Bay door shall be transparent
(s) Minimum Transparency per each Story			15%	15%	15%	15%
Blank Wall Limitations			required per floor	required per floor	required per floor	required per floor
(t) Front Facade Entrance Type			Mixed-Use, stoop	Mixed-Use, stoop	Mixed-Use, stoop	Mixed-Use, stoop
(u) Principal Entrance Location			front or corner facade	front or corner facade	front or corner facade	front or corner facade
Required Number of Street Entrances	1 per 100' of facade; service bay door not included; 1 per 150' of facade					
(v) Vertical Facade Divisions			every 25' of facade width	every 25' of facade width	every 25' of facade width	every 25' of facade width
(w) Horizontal Facade Divisions	required within 3' of the top of the ground story for all buildings over 2 stories					
(5) Roof Type Requirements Refer to 5.12						
Permitted Roof Types			parapet, pitched, flat			parapet, pitched, flat
Tower			permitted			permitted

to be updated

Footnotes

[1] Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

[2] Upper stories above the third story on any building facade with street frontage shall have a step back from the lower stories that is a minimum of six feet.

[3] If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

[4] Lots or buildings with rear or side yards adjacent to single family or townhome residential shall have a maximum height of 3 stories within 20 feet of a residential property line.

[5] In the case of plazas or porte cochere this may change up to a maximum of 25 feet as approved by Zoning Administrator.

5.11 Entrance Types

Entrance type standards apply to the ground story and visible basement of front facades of all Building Types as defined in this Section. Refer to the Building Type Table Requirements, Sections 5.3 through 5.10.

1. General

The following provisions apply to all entrance types.

(1) Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each Building Type standard (refer to Building Types 5.3 through 5.10).

(2) Applicability. The entire ground story street-facing facade(s) of all buildings shall meet the requirements of at least one of the permitted entrance types, unless otherwise stated.

(3) Measuring Transparency. Refer to 5.2 Explanation of Building Type Table Standards, for information on measuring building transparency.

2. Mixed-Use Entrance Type

(Refer to Figure 5.11 (1)). The Mixed-Use entrance type is a highly transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses.

(1) Transparency. Minimum transparency is required per Building Type.

(2) Elevation. Mixed-Use elevation shall be between zero and one foot above sidewalk.

(3) Visible Basement. A visible basement is not permitted.

(4) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.

(5) Entrance. All entries shall be recessed from the front facade closest to the street.

(a) Recess shall be a minimum of three feet and a maximum of eight feet deep, measured from the portion of the front facade closest to the street.

(b) When the recess falls behind the front build-to zone, the recess shall be no wider than eight feet.

update image examples and callouts



Figure 5.11 (1). Mixed-Use Entrance Type

3. Arcade Entrance Type

(Refer to Figure 5.11 (2)). An Arcade entrance type is a covered pedestrian walkway within the recess of a ground story.

(1) Arcade. An open-air public walkway is required from the face of the building recessed into the building a minimum of 8′ and a maximum of 15′.

(2) Build-to Zone. When the Arcade is utilized, the outside face of the Arcade shall be considered the front facade, located within the required build-to zone.

(3) Recessed or Interior Facade. Mixed-Use entrance type is required on the recessed ground story facade.

(4) Column Spacing. Columns shall be spaced between ten feet and 12 feet on center.

(5) Column Width. Columns shall be a minimum of 1′-8″ and a maximum 2′-6″ in width.

(6) Arcade Opening. Opening shall not be flush with interior arcade ceiling and shall be arched.

(7) Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.

(8) Visible Basement. A visible basement is not permitted.

4. Stoop Entrance Type

(Refer to Figure 5.11 (3)). A stoop is an unroofed, open platform.

(1) Transparency. Minimum transparency is required per Building Type.

(2) Stoop Size. Stoops shall be a minimum of three feet deep and six feet wide.

(3) Elevation. Stoop elevation shall be located a maximum of 2′-6″ above the sidewalk without visible basement and a maximum of 4′-6″ above the sidewalk with a visible basement.

(4) Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.

(5) Entrance. All entries shall be located off a stoop.

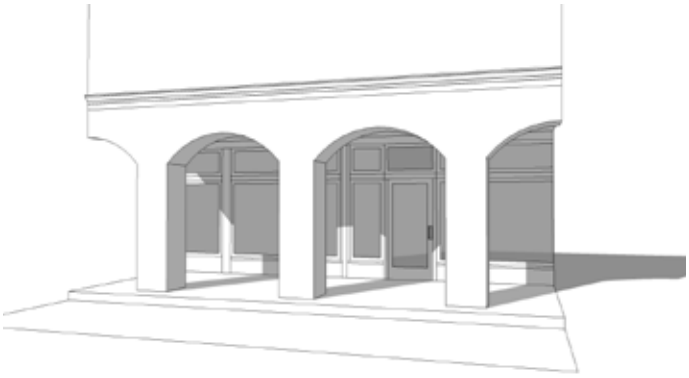


Figure 5.11 (2). Arcade Entrance Type



Figure 5.11 (3). Stoop Entrance Type

5. Porch Entrance Type

(Refer to Figure 5.11 (4)). A porch is a raised, roofed platform that may or may not be enclosed on all sides.

(1) Transparency.

  (a) Minimum transparency per Building Type is required.

  (b) If enclosed, a minimum of 40% of the enclosed porch shall be comprised of highly transparent, low reflectance windows.

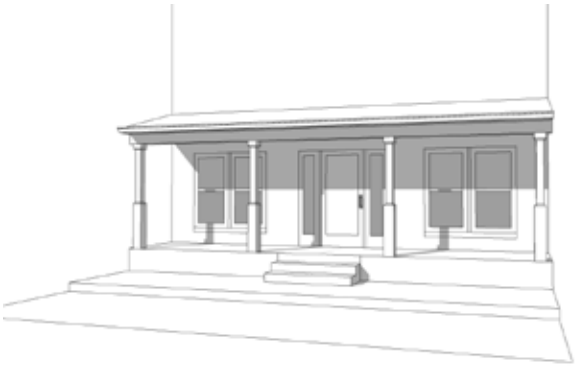
(2) Porch Size. The porch shall be a minimum of five feet deep and eight feet wide.

(3) Elevation. Porch elevation shall be located a maximum of 2'-6" above the sidewalk without a visible basement and a maximum of 4'-6" above the sidewalk with a visible basement.

(4) Visible Basement. A visible basement is permitted.

(5) Height. Porch may be two stories to provide a balcony on the second floor.

(6) Entrance. All entries shall be located off a porch.



Add contemporary entrance type

Figure 5.11 (4). Porch Entrance Type

5.12 Roof Types

Roof type standards apply to the roof and cap of all Building Types as defined in this Section. Refer to the Building Type Table Requirements, Sections 5.3 through 5.10.

1. General Provisions

The following provisions apply to all roof types.

(1) Intent. To guide the design of the cap of all buildings.

(2) Applicability. All buildings shall meet the requirements of one of the roof types permitted for the Building Type.

(3) Measuring Height. Refer to Section 5.2.2 for information on measuring building height.

(4) Other Roof Types. Other building caps not listed as a specific type may be made by a request to the Zoning Administrator with the following requirements:

(a) The roof type shall not create additional occupiable space beyond that permitted by the Building Type.

(b) The shape of the Roof Type shall be significantly different from those defined in this section 5.12 Roof Types, i.e. a dome, spire, vault.

(c) The building shall warrant a separate status within the community from the fabric of surrounding buildings, with a correspondence between the form of the roof type and the meaning of the building use.

2. Parapet Roof Type

(Refer to Figure 5.12 (1), Parapet Roof Type). A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street.

(1) Parapet Height. Height is measured from the top of the upper story to the top of the parapet.

(a) Minimum height is two feet with a maximum height of six feet.

(b) The parapet shall be high enough to screen the roof and any roof appurtenances from view of the street(s).

(2) Horizontal Expression Lines. An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.

(3) Occupied Space. Occupied space shall not be incorporated behind this roof type.

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Figure 5.12 (1). Parapet Roof Type

3. Pitched Roof Type

(Refer to Figure 5.12 (2), Pitched Roof Type). This roof type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

(1) Pitch Measure. The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12.

  (a) Slopes less than 4:12 are permitted to occur on second story or higher roofs. (Refer to Figure 5.12 (2) Low Pitched Roof).

(2) Configurations.

  (a) Hipped, gabled, and combination of hips and gables with or without dormers are permitted.

  (b) Gambrel, butterfly and mansard roofs are not permitted.

(3) Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every 100 feet of roof when the ridge line runs parallel to the front lot line. (Refer to Figure 5.12 (3). Parallel Ridge Line).

(4) Roof Height. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the Building Type.

(5) Occupied Space. Occupied space may be incorporated behind this roof type.

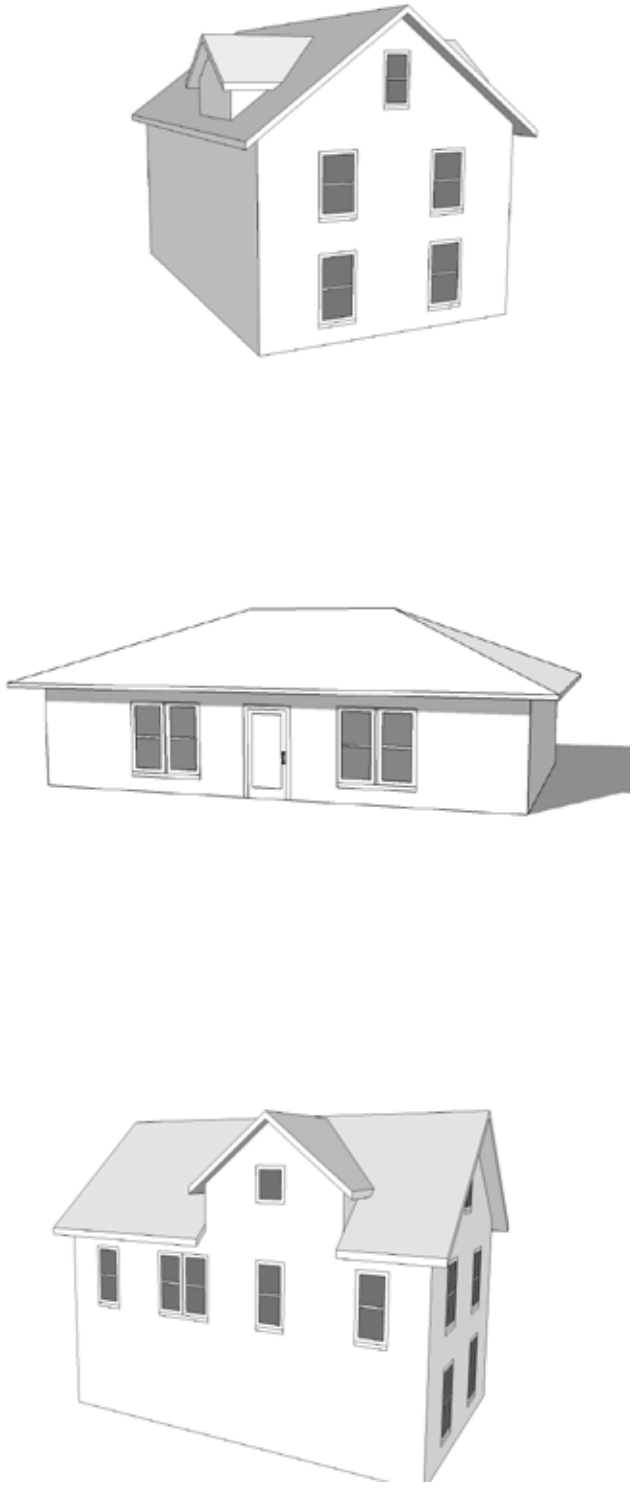


Figure 5.12 (2). Pitched Roof Type

4. Flat Roof Type

(Refer to Figure 5.12 (5). Flat Roof Type). This roof type has a flat roof with overhanging eaves.

(1) Configuration. Roofs with no visible slope are acceptable. Eaves are required on all street facing facades.

(2) Eave Depth. Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least 14 inches.

(3) Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of 8 inches thick.

(4) Interrupting Vertical Walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.

  (a) No more than one-half of the front facade can consist of an interrupting vertical wall.

  (b) Vertical walls shall extend no more than four feet above the top of the eave.

(3) Occupied Space. Occupied space shall not be incorporated behind this roof type.

5. Towers

(Refer to Figure 5.12 (4). Tower). A tower is a rectilinear or cylindrical, vertical element, that must be used with other roof types.

(1) Quantity. All Building Types, with the exception of the Civic Building, are limited to one tower per building.

(2) Tower Height. Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied.

(3) Tower Width. Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.

(4) Horizontal Expression Lines. An expression line shall define the tower from the upper stories, except on single family or attached house residential Building Types.

(5) Occupied Space. Towers may be occupied by the same uses allowed in upper stories of the Building Type to which it is applied.

(6) Application. May be combined with all other roof types.

(7) Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof roof types, or the spire may cap the tower.

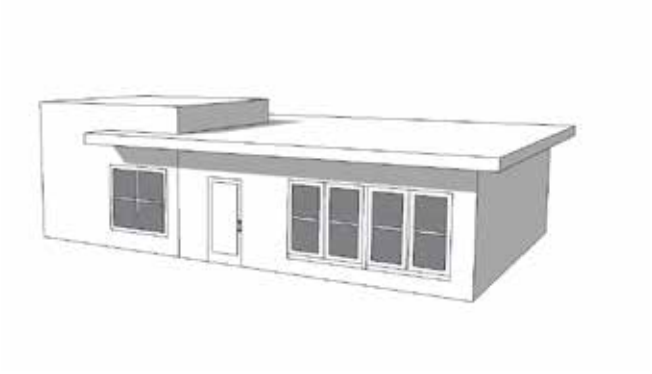


Figure 5.12 (5). Flat Roof Type



Figure 5.12 (4). Tower

5.13 Building Design Standards

The following outlines the district design guidelines that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

1. Materials

(1) Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80% requirement.

  (a) Permitted primary building materials include high quality, durable, natural materials, such as stone, brick; wood lap siding; fiber cement board lapped, shingled, or panel siding; glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Vinyl and aluminum slats are not permitted. Refer to Figure 5.13 (1).

(2) Secondary Facade Materials. Secondary materials are limited to details and accents and include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim, and ornamentation, and exterior architectural metal panels and cladding.

  (a) Exterior Insulation and Finishing Systems (EIFS) are permitted for trim only or on upper floor facades only.

(3) Roof Materials. Acceptable roof materials include 300 pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. "Engineered" wood or slate may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 5.13 (2).

update image examples

2. Color Palette

(1) Color. Main building colors shall utilize traditional palettes from any major paint manufacturer. Other colors may be utilized or details and accents, not to exceed a total area larger than 10% of the facade surface area. Colors not to be used include bright and neon colors.

3. Windows, Awnings, Shutters and Doors

(1) Windows. All upper story windows on all residential, and mixed use buildings shall be recessed, double hung. Percent of transparency is required per Building Type.

(2) Awnings. All awnings shall be canvas or metal. Plastic and vinyl awnings are not permitted. Awning types and colors for each building face shall be coordinated. Refer to Figure 5.13 (4).

(3) Shutters. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood. "Engineered" wood may be approved during the site plan process with an approved sample and examples of successful, high quality local installations.

(4) Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used on all Building Types with the exception of the Townhouse Building and the Mansion Building. Refer to Figure 5.13 (3).

3. Balconies

The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot. Refer to Figure 5.13 (5).

(1) Size. Balconies shall have a minimum dimensions of six feet deep and eight feet wide, with a total square footage of not less than 60 square feet. Balconies are required for a minimum of 40% of the units.

(2) Connection to Building. Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.

(3) Facade Coverage. A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

4. Treatments at Terminal Vistas

When a street terminates at a parcel, the parcel shall be occupied by one of the following:

(1) If the parcel is open space, any Open Space Type with the exception of the Pocket Park shall be utilized and a vertical element shall terminate the view. Acceptable vertical elements include a stand or grid of trees, a sculpture, or a fountain.

(2) If the parcel is not utilized as an Open Space Type, the front or corner side of a building, whether fronting a Primary Street or not, shall terminate the view. The building shall incorporate one of the following treatments to terminate the view: a tower, a bay, or a courtyard. Refer to Figure 5.13 (6) for one illustration of this requirement.

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5. Building Variety

Building design shall vary between vertical facade divisions, where required per the Building Types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following. Refer to Figure 5.13 (6) for two illustration of this requirement.

(1) The proportion of recesses and projections.

(2) The location of the entrance and window placement, unless Mixed-Uses are utilized.

(3) Roof type, plane, or material, unless otherwise stated in the Building Type requirements.

6. Drive-through Structures

Refer to Figure 5.13 (8) for one illustration of the following requirements.

(1) Structure/Canopy. Drive-through structures or canopies shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The structure shall not be visible from any Primary Street.

(2) Stacking Lanes. Stacking lanes shall be located behind the building and accommodate at least two cars in a lane in addition to the car at the window.

(3) The canopy and structure shall be constructed of the same materials utilized on the building.

Chapter 7.0
Open Space & Landscape Standards

7.0 Open Space & Landscape

6.1 Purpose

1. Intent

To provide Open Space as an amenity that promotes physical and environmental health within the community and to provide each household with access to a variety of active and passive Open Space types. Connections to existing and proposed trails are required when development is adjacent to those trails and open space areas.

2. Applicability

The standards outlined apply to the Open Space requirements outlined per Zone and/or District (refer to 2.0).

6.2 General Requirements

3. General Requirements

All Open Space shall meet the following requirements.

(1) All Open Space provided within the downtown Districts of UC, UR, TC, TR, CV and CC shall comply with one of the Open Space Types defined by 6.2 through 6.8.

(2) Access. All Open Space types shall provide public access from a vehicular right-of-way.

(3) Location. Open Space Types shall be platted as a lot or, with permission of The City, may be located within the right-of-way.

(3) Fencing. Open Space Types may incorporate fencing provided that the following requirements are met.

  (a) Height. Fencing shall be a maximum height of 60 inches, unless approved or directed by the City, for such circumstances as proximity to railroad right-of-way and use around swimming (6 feet) pools, ball fields, and ball courts.

  (b) Level of Opacity. Fence opacity shall be no greater than 60%.

  (c) Type. Chain-link fencing is not permitted along any street frontage, with the exception of dedicated sports field or court fencing approved by the City.

  (d) Spacing of Openings. Openings or gates shall be provided on every street face at a minimum of every 200 feet.

(4) Open Water Body. All open water bodies, such as lakes, ponds, pools, creeks, and streams, within an Open Space type shall be located at least 20 feet from a property line to allow for pedestrian and bicycle access as well as a landscape area surrounding the water body.

(5) Ownership. Open Space Types may either be publicly or privately owned.

(6) Parking Requirements. Parking shall not be required for any Open Space Type, unless a use other than Open Space is determined by the City.

(7) Continuity. Connections to existing or planned trails or Open Space types shall be made when the Open Space abuts an existing or planned trail right-of-way or other civic Open Space type. Refer to corresponding City trails master plan.

(8) The required amount of Open Space shall be combined with the landscaping percentage be a total of 20% of gross land area. In no case shall the open space be less than 5% of the gross land area. A minimum of fifty percent (50%) shall be accessible to the public in all zones, except in UC seventy percent (70%) shall be open to public.

(9) Twenty five (25%) percent of roof top garden space may be applicable to Open Space square footage requirements. The roof top garden space must be accessible to residents of the project.

4. Definition of Requirements

The following further explains or defines the requirements included in Tables 6.2 (1) through 6.8 (1) for each Open Space Type. Refer to each table for the specific requirements of each Open Space Type.

(1) Size.(See Figure 6.1 (1) below)

(a) Minimum Size. The minimum size of the Open Space Type is measured within the parcel lines of the property.

(b) Maximum Size. The maximum size of the Open Space Type is measured within the parcel lines of the property.

(c) Minimum Dimension. The minimum length or width of the Open Space Type, as measured along the longest two straight lines intersecting at a right angle defining the maximum length and width of the lot.

(2) Minimum Percentage of Vehicular Right-of-Way Frontage Required. The minimum percentage of the civic Open Space perimeter, as measured along the outer parcel line, that shall be located directly adjacent to a vehicular right-of-way, excluding alley frontage. This requirement provides access and visibility to the Open Space.

(3) Adjacent Parcels. Parcels directly adjacent to, as well as across a street from an Open Space Type

(a) Districts Permitted on Adjacent Parcels. The zoning districts permitted directly adjacent to, as well as directly across the street from the Open Space Type. Refer to 2.0 for information on Districts.

(b) Frontage Orientation of Adjacent Parcels. The preferred orientation of the adjacent parcels' frontages to the civic Open Space. Front, corner side, side, and rear refers to the property line either adjacent to the Open Space or facing the Open Space across the street.

(4) Improvements. The following types of development and improvements may be permitted on an Open Space Type.

(a) Designated Sports Fields Permitted. Sport fields, ball courts, or structures designated for one or more particular sports including, but not limited to, baseball fields, softball fields, soccer fields, basketball courts, football fields, tennis courts, climbing walls, and skate parks are permitted.

(b) Playgrounds Permitted. Playgrounds include a defined area with play structures and equipment typically for children under 12 years of age, such as slides, swings, climbing structures.

(c) Fully Enclosed Structures Permitted. Fully enclosed structures may include such uses as park offices, maintenance sheds, community centers, and restrooms.

(i) Maximum Area. For some civic Open Space types, fully enclosed structures are permitted, but limited to a maximum building coverage as a percentage of the Open Space area.

(ii) Semi-Enclosed Structures. Open-air structures, such as gazebos, are permitted in all Open Space types.

(d). Maximum Impervious and Semi-Pervious Surface Permitted. The amounts of impervious and semi-pervious coverage are provided separately to allow an additional amount of semi-pervious surface, such as permeable paving, above the Impervious surfaces permitted, including, but not limited to, parking facilities, driveways, sidewalks, paths, and structures as permitted.

(e) Maximum Percentage of Open Water Body. The maximum amount of area within an Open Space Type that may be covered by an open water body, including, but not limited to, ponds, lakes, and pools.

5. Stormwater in Open Space Types

Stormwater management practices, such as storage and retention facilities, may be integrated into Open Space Types and utilized to meet stormwater requirements for surrounding parcels.

(1) Stormwater Features. Stormwater features may be designed as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design. Stormwater features shall not be fenced and shall not impede public use of the land they occupy.

(2) Qualified Professional. A qualified landscape design professional, such as a landscape architect, shall be utilized to incorporate stormwater features into the design of the civic Open Spaces.

(3) A maximum of ten (10%) of the Open Space required area may be used for Stormwater detention/retention.

6. In Lieu Substitutions for Open Space Requirements

1. Intent.

The City finds that in certain circumstances, land or open space features may be substituted for on site Open Space requirements where it is advantageous to create important and critical Open Space areas such as a downtown Plaza or Square. The in lieu substitute for Open Space shall reflect a maximum of 50% of the required onsite Open Space acreage.

2. Applicability.

"In lieu substitution" or "in lieu of open space substitutions" are encouraged for the benefit of the Downtown by application to the Zoning Administrator under the following circumstances:

(1) In lieu substitutions of land intended to fulfill the requirements for Open Space may be allowed when it is factually established, by a qualified land appraiser, that the substituted land is at least equal to or greater than the value of land compared with the development property as if developed fully as proposed. The City may determine to approve the land area to be appraised both from the original site and the proposed substituted site prior to the appraisal. The appraiser will be selected by and contract with the City. The fees for

the appraisals will be reimbursed to the City at cost by the developer. New appraisals may not be required if recent information or appraisals are readily available.

(2) Any land which has been dedicated, set-aside, platted, or otherwise approved as Open Space may not be substituted or used for any purpose other than those allowed in this Chapter.

3. Types of Open Space Substitutions Available:

The following options are available to developers to propose to the City for in lieu substitutions for Open Space requirements:

(1) Cash in lieu: The City may, at its sole discretion, accept cash in lieu of Open Space requirements where such funds can be more effectively used to acquire land at a more appropriate or significant location consistent with the Creating Downtown Clearfield Plan, as described in this ordinance. Cash in lieu payments shall not be accepted until a qualified appraisal, authorized by the City and at the cost of the applicant, identifying the value of the original land for which the in lieu substitution is proposed, based on the use that will be permitted if the Open Space requirement is removed, and for which cash in lieu shall be offered. The City shall be obligated to use in lieu funds within the City Downtown for uses identified in this Chapter, and shall diligently pursue purchase of the land for this purpose to prevent erosion of purchasing power. If the developer wishes to provide features within an open space, the same appraisal method shall be used.

(2) Land in lieu: The City may, at its sole discretion, accept land in lieu of Open Space requirements under the following conditions:

   (a) The proposed land to be substituted is consistent with the Creating Downtown Clearfield plan identifying substitute sites for Open Space;

   (b) Other land is acceptable to and approved by the City as Open Space in a location determined by the City to be a substitute site;

4. In lieu substitution applications shall first be reviewed by the Zoning Administrator as a part of the initial application. Approval of the in lieu substitution shall be obtained from the City Council as part a development agreement before, the Final Site Plan or issuance of a building permit, whichever occurs first.

6.2 Plaza

1. Intent

To provide a formal Open Space of medium scale to serve as a gathering place for civic, social, and commercial purposes. The Plaza may contain a greater amount of impervious coverage than any other Open Space Type. Special features, such as fountains and public art installations, are encouraged.

2. Plaza Requirements	
(1) Dimensions	
Minimum Size (acres)	0.25
Maximum Size (acres)	2
Minimum Dimension (feet)	80'
Minimum % of Vehicular ROW Frontage Required	25%
(2) Adjacent Parcels	
Permitted Districts	ALL
Frontage Orientation of Adjacent Parcels	Front or Corner Side
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Not permitted
Fully Enclosed Structures Permitted	Permitted; maximum 10% of area
Maximum Impervious + Semi-Pervious Surface	minimum: 40% maximum: 80% + 10%
Maximum % of Open Water	50%
(4) Additional Design Requirements	

(a) Minimum Building Frontage. At least 50% of the plaza's perimeter that does not front on vehicular right-of-way shall be lined by building frontages.
(b) Fully Enclosed Structures Permitted. Fully enclosed structures are permitted, and are allowed to cover a maximum of 10% of the total area of the plaza.





6.3 Square

1. Intent

To provide a formal Open Space of medium scale to serve as a gathering place for civic, social, and commercial purposes. Squares are rectilinear in shape and are bordered on all sides by a vehicular right-of-way, which together with building facades creates its definition.

2. Square Requirements	
(1) Dimensions	
Minimum Size (acres)	0.25
Maximum Size (acres)	3
Minimum Dimension (feet)	80’
Minimum % of Vehicular ROW Frontage Required	25%
(2) Adjacent Parcels	
Permitted Districts	UC, UR, TC, TR, CV, CC
Frontage Orientation of Adjacent Parcels	Front or Corner Side
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Not permitted
Fully Enclosed Structures Permitted	Permitted; maximum 5% of area
Maximum Impervious + Semi-Pervious Surface	40% + 20%
Maximum % of Open Water	30%
(4) Additional Design Requirements	

(a) Fully Enclosed Structures Permitted. Fully enclosed structures are permitted, and are allowed to cover a maximum of 10% of the total area of the Square.





6.4 Green

1. Intent

To provide informal, medium scale active or passive recreation for neighborhood residents within walking distance, mainly fronted by streets..

2. Green Requirements	
(1) Dimensions	
Minimum Size (acres)	0.50
Maximum Size (acres)	3
Minimum Dimension (feet)	45’
Minimum % of Vehicular ROW Frontage Required	25%
(2) Adjacent Parcels	
Permitted Districts	UC, UR, TC, TR, CV, CC
Frontage Orientation of Adjacent Parcels	Front or Corner Side
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum Impervious + Semi-Pervious Surface	20% + 15%
Maximum % of Open Water	30%





6.5 Commons

1. Intent

To provide an informal, small to medium scale space for active or passive recreation for a limited neighborhood area. Commons are typically internal to a block and tend to serve adjacent residents.

2. Commons Requirements	
(1) Dimensions	
Minimum Size (acres)	0.25
Maximum Size (acres)	1.5
Minimum Dimension (feet)	45’
Minimum % of Vehicular ROW Frontage Required	10%; 2 access points required, minimum width each of 20’
(2) Adjacent Parcels	
Permitted Districts	TR, CC
Frontage Orientation of Adjacent Parcels	Side or Rear
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum Impervious + Semi-Pervious Surface	30% + 10%
Maximum % of Open Water	30%
(4) Additional Design Requirements	
(a) Access Points. Commons shall have a minimum of two access points from a vehicular right-of-way. Each access point shall have a minimum width of 20 feet.	





6.6 Pocket Park

1. Intent

To provide small scale, primarily landscaped active or passive recreation and gathering space for neighborhood residents within walking distance.

2. Pocket Park Requirements	
(1) Dimensions	
Minimum Size (acres)	0.10
Maximum Size (acres)	1
Minimum Dimension (feet)	None
Minimum % of Vehicular ROW Frontage Required	30%
(2) Adjacent Parcels	
Permitted Districts	UR, TR
Frontage Orientation of Adjacent Parcels	Any
(3) Improvements	
Designated Sports Fields Permitted	Not permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum Impervious + Semi-Pervious Surface	30% + 10%
Maximum % of Open Water	30%





6.7 Park

1. Intent

To provide informal active and passive large-scale recreational amenities to local residents and the greater region. Parks have primarily natural plantings and are frequently created around an existing natural feature such as a water body or stands of trees. Park may include water feature such as Mabey Pond.

2. Park Requirements	
(1) Dimensions	
Minimum Size (acres)	2
Maximum Size (acres)	None
Minimum Dimension (feet)	100’
Minimum % of Vehicular ROW Frontage Required	30%; up to 5 acres; 20% over 5 acres
(2) Adjacent Parcels	
Permitted Districts	UR, TC, TR, CC, CV
Frontage Orientation of Adjacent Parcels	Any
(3) Improvements	
Designated Sports Fields Permitted	Permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Permitted, minimum 5 acre Park required
Maximum Impervious + Semi-Pervious Surface	20% + 10%
Maximum % of Open Water	30%
(4) Additional Design Requirements	

(1) Vehicular Right-of-Way Frontage of Parks Less Than 5 Acres. At least 30% of the park shall continuously front on a vehicular right-of-way.
(2) Vehicular Right-of-Way Frontage of Parks Larger Than 5 Acres. At least 20% of the park shall continuously front on a vehicular right-of-way.





6.8 Greenway

1. Intent

To provide informal, primarily natural linear open spaces that serve to enhance connectivity between open space types and other uses. Greenways are linear open spaces that often follow a natural feature, such as a river, stream, ravine, or man-made feature, such as a vehicular right-of-way. A greenway may border other open space types.

2. Greenway Requirements	
(1) Dimensions	
Minimum Size (acres)	1
Maximum Size (acres)	None
Minimum Dimension (feet)	30'; recommended minimum average width 50'
Minimum % of Vehicular ROW Frontage Required	0%; 1 access point required per quarter mile of length, minimum 20' width
(2) Adjacent Parcels	
Permitted Districts	All
Frontage Orientation of Adjacent Parcels	Any
(3) Improvements	
Designated Sports Fields Permitted	Permitted
Playgrounds Permitted	Permitted
Fully Enclosed Structures Permitted	Not permitted
Maximum Impervious + Semi-Pervious Surface	20% + 10%
Maximum % of Open Water	30%





7.0 Open Space & Landscape

7.1 General Landscape Requirements

1. Intent

The landscape standards outlined in this section are designed to meet the following set of goals.

(1) To provide for healthy, long-living street trees within all public ways to improve the appearance of streets and to create a buffer between pedestrian and vehicular travel lanes.

(2) To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.

(3) To promote the prudent use of water and energy resources by achieving and maintaining sustainable, functional landscapes.

(4) To shade large expanses of pavement and reduce the urban heat island effect.

2. Applicability

Landscaping, trees, and buffers shall be installed as detailed in this section.

(1) General Compliance. Application of this section to existing uses shall occur with the following developments.

  (a) Any development of new or significant improvements to existing parking lots, loading facilities, and driveways. Significant improvements include new driveways, new spaces, new medians, new loading facilities, or complete reorganization of the parking and aisles.

  (b) Alteration to an existing principal or accessory structure that results in a change of 15% or more in the structure's gross floor area.

  (c) When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements.

(2) Buffers. Landscape buffers are required according to the provisions in this section with the following exceptions.

  (a) Shared Driveways. Buffers shall not be required along a property line where a curb cut or aisle is shared between two adjoining lots.

  (b) Points of Access. Buffering is not required at driveways or other points of access to a lot.

(3) Temporary Uses. These provisions do not apply to temporary uses, unless determined otherwise by the City.

(4) Landscaped roof gardens count towards required landscape areas and plant requirements.

(5) The required amount of landscape shall be combined with the open space percentage be a total of 20% of gross land area. In no case shall the landscaping be less than 5% of the gross land area. Landscaped roofs (like roof garden or green roof) may count towards fifty 50% of the landscape requirement, upon approval by the City.

7.2 Installation of Landscape

1. Intent

The following provisions aid in ensuring that all required landscaping is installed and maintained properly.

2. Applicability

These provisions apply to landscape installation as required by this section.

3. General Requirements

The installation of landscaping shall adhere to the following standards.

(1) National Standards. Best management practices and procedures according to the nationally accepted standards shall be practiced.

  (a) Installation. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.

  (b) Maintenance and Protection. All landscaping and trees shall be maintained, including its provisions on pruning, fertilizing, support systems, lighting protection, and safety.

(2) Installation. Landscaping shall be fully installed prior to the issuance of a certificate of occupancy.

  (a) If seasonal conditions preclude the complete installation, a cash escrow or irrevocable letter of credit, equal to 1.5 times the installation costs as estimated by a qualified professional shall be completed and posted with the City.

  (b) Complete installation is required within nine months of the issuance of the temporary certificate of completeness or occupancy permit or the cash escrow or letter of credit may be forfeited.

(3) Plant Requirements. Plant material shall be sized according to Table 7.2 (1) at the time of installation, unless otherwise noted in this section. Water conservation and stewardship is very important to the City.

  (a) Tree Requirements. 20 trees are required per 1 acre of project. Street trees do not count toward this requirement.

  (b) Shrub Requirements. 50 shrubs are required per 1 acre of project. Two (2) ornamental grasses or perennials count as one (1) shrub up to 60% of required shrubs.

  (c) Plant material shall be placed around the perimeter of the building footprint in a four (4) foot minimum planting strip with the exception of entrances, utilities and where setbacks are less than four feet.

(d) The maximum percentage of landscape area that may be turf grass is sixty percent (60%) and the remaining landscape area should be planter bed areas or xeric/ water wise plantings. Parks and sports fields do not have a limited turf grass requirement. Planting selection should be water wise and it is recommended to select plants from the waterwise list https://waterwiseplants.utah.gov/

(4) Condition of Landscape Materials. The landscaping materials used shall be:

(a) Healthy and hardy with a good root system.

(b) Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.

(c) Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.

(d) Appropriate for the conditions of the site, including slope, water table, and soil type.

(e) Protected from damage by grates, pavers, or other measures.

(f) Plants that will not cause a nuisance or have negative impacts on an adjacent property.

(g) Species native or naturalized to the Wasatch Front, whenever possible.

(5) Compost, Mulch, and Organic Matter. Compost, mulch, and organic matter may be utilized within the soil mix to reduce the need for fertilizers and increase water retention.

(6) Establishment. All installed plant material shall be fully maintained until established, including watering, fertilization, and replacement as necessary.

4. Ground Plane Vegetation

All unpaved areas shall be covered by one of the following.

(1) Planting Beds.

(a) Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.

(b) Nonliving materials, such as colored gravel, or mulch, are permitted for up to 50% of a bed area.

(c) Annual beds must be maintained seasonally, replanting as necessary.

(2) Grass. Seeded, plugged, or sodded grass may be planted throughout landscaped areas.

(a) Grass shall be established within 90 days of planting or the area must be reseeded, re-plugged, or resodded.

5. Tree Installations

This section applies to all trees, including street trees (refer to the list of permitted street tree types, available in this document).

(1) Tree Measurement. New trees shall be measured at six inches above the mean grade of the tree's trunk when four inch caliper or less and twelve inches for tree trunks above four inches, and as noted as caliper inches throughout this ordinance.

(2) Tree Maintenance. Tree trimming, fertilization, and other similar work shall be performed by or under the management of an ISA certified arborist.

(4) Tree Size. All trees to be installed to meet the requirements of this section shall have a minimum of 1.5 inch caliper at the time of installation.

(5) Permeable Surface. For each tree preserved or planted, a minimum amount of permeable surface area is recommended, unless otherwise stated in this ordinance.

(a) At least 50% of the future mature canopy limits of preserved trees should have a permeable surface.

(b) Planted trees have a suggested minimum permeable area and soil volume based upon tree size; refer to Table 7.2 (2) for details.

(c) Permeable area for one tree cannot count toward that of another tree.

(6) Structural Soil. When the Soil Surface Area (per Table 7.2 (2)) of a tree will extend below any pavement, structural soil is required underneath that pavement. Structural soil is a medium that can be compacted to pavement design and installation requirements while still permitting root growth. It is a mixture of gap-graded gravels (made of crushed stone), clay loam, and a hydrogel stabilizing agent to keep the mixture from separating. It provides an integrated, root penetrable, high strength pavement system that shifts design away from individual tree pits (source: Cornell University, Urban Horticulture Institute).

6. Irrigation Systems

Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.

(1) All irrigation systems shall be designed to minimize the use of water.

(2) All irrigation systems shall be installed with an EPA Waterwise controller or approved equal and must be used according to directions to save water.

(3) The irrigation system shall provide sufficient coverage to all landscape areas.

(4) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, streets, and parking and loading areas.

(5) All systems shall be equipped with a back-flow prevention device.

(6) All mechanical systems including controllers and back-flow prevention devices shall be properly screened from public view.

(7) All irrigation plans shall be stamped by Professional Landscape Architect or Certified Irrigation Designer (IA) and submitted to Clearfield City for review.

7. Maintenance of Landscape

All landscaping shall be maintained in good condition at all times to ensure a healthy and orderly appearance.

(1) All required landscape shall be maintained to adhere to all requirements of this ordinance.

(2) Replacing Unhealthy Landscaping. Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.

(3) Maintenance Responsibility. The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.

(4) Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.

(5) Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.

(6) Tree Topping. Tree topping is not permitted. When necessary, crown reduction thinning or pruning is permitted. Refer to 7.3.4(2) for clear branch height of street trees.

(7) City Inspection. All landscaped areas regulated by this ordinance may be inspected by the City.

7.4 Frontage Buffer

1. Intent & Applicability

(1) Intent. To lessen the visual impact of vehicular parking areas visible from the street.

(2) General Applicability. Applies to properties in all districts.

(a) Exceptions. Vehicular areas along alleys, except when a residential district is located across the alley; Single and two family residences.

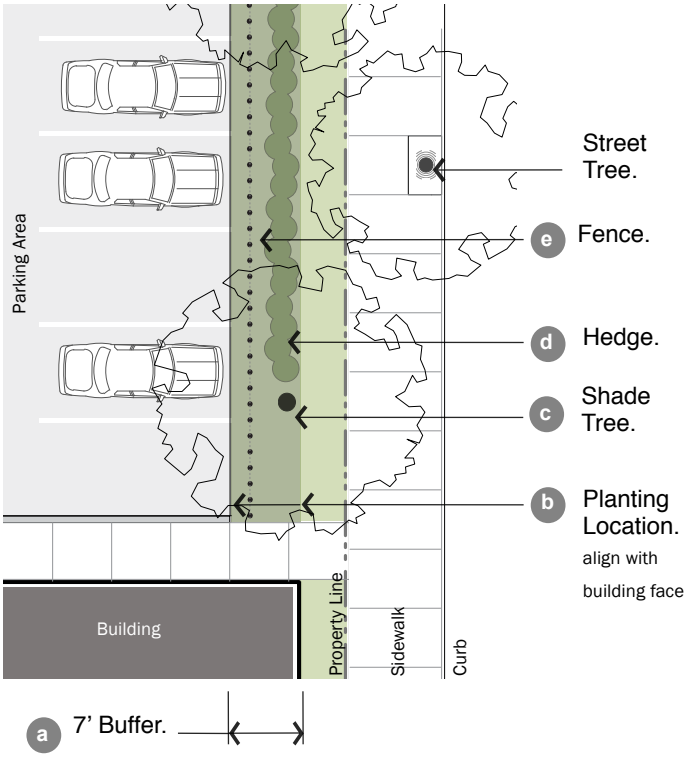


Figure 7.4 (1). Frontage Buffer Plan View

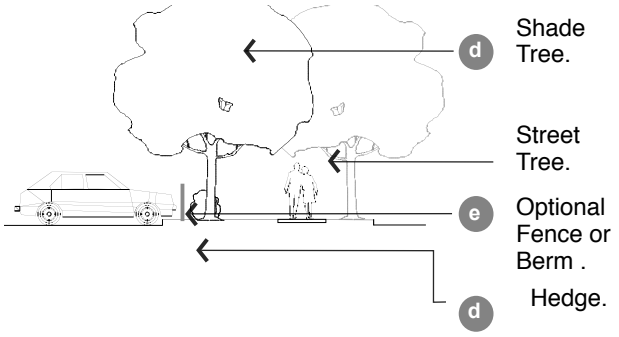


Figure 7.4 (2). Frontage Buffer Section.

7.4 Frontage Buffer Requirements		
1. Buffer Depth & Location [1]		
Depth	7'	
Location on the Site	Between street facing property line and parking area [2]	
2. Buffer Landscape Requirements		a
Uses & Materials	Uses and materials other than those indicated are prohibited in the buffer	b
Shade Trees	Medium or large shade tree required at least every 40'; Locate on the street side of the fence; Spacing should alternate with street trees	
Hedge	Required continuous hedge on street side of fence, between shade trees & in front of vehicular areas	c
Hedge Composition	Individual shrubs with a minimum width of 24", spaced no more than 36" on center, height maintained no more than 48".	d
Existing Vegetation	May be credited toward buffer area	
3. Fence (optional)		
Location	2' from back of curb of vehicular area	
Materials	Steel or colored PVC; Masonry columns (maximum width 2'6") and base (maximum 18" height) permitted	e
Minimum Height	30"	
Maximum Height	36"	
Colors	Black, gray, or dark green	
Opacity	Minimum 30%; Maximum 60%	
Gate/Opening	One gate permitted per street frontage; Opening width maximum 6'	

Notes:

[1] This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.

[2] In front, corner, and rear yards (on a through lot), when the parking area is located adjacent to any building on the lot, the buffer must be located so that it aligns with or is behind the face of the adjacent building back to the vehicular area. The area between the buffer and the property line must be landscaped.

7.5 Side & Rear Buffer

1. Intent & Applicability

(1) Intent. To minimize the impact that one zoning district may have on a neighboring district and to provide a transition between districts.

(2) General Applicability. Applies to all directly adjoining properties; parking lots may and should directly adjoin.

(3) The frontage buffer may be used for storm water drainage with a maximum depth of one foot and no more than a 2 to 1 slope on the edges. Such areas shall be creatively landscaped with a combination of trees, shrubs, inert mulches, boulders, etc.

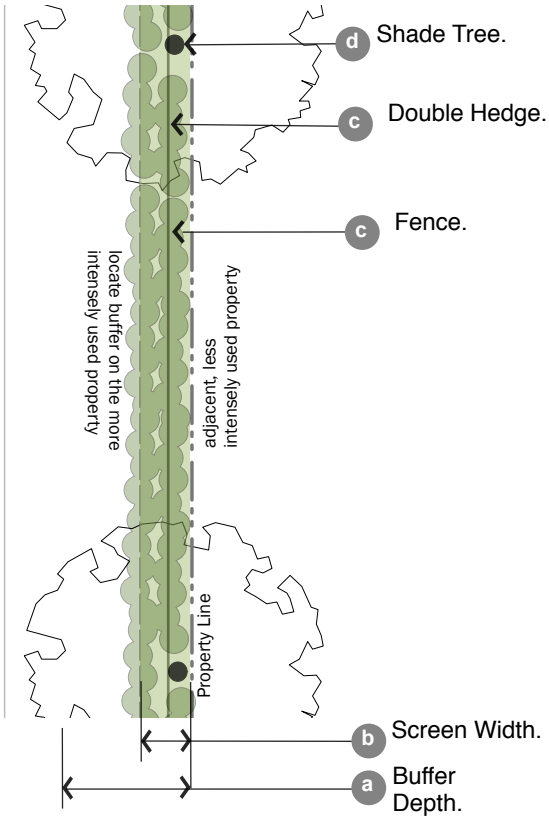


Figure 7.5 (1). Landscape Screen Plan View.

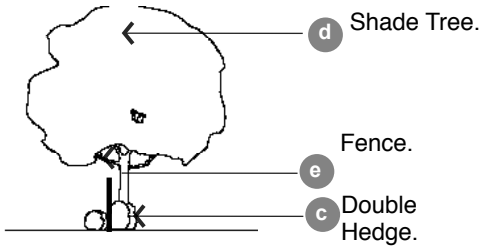


Figure 7.5 (2). Landscape Screen Section.

7.5 Side & Rear Buffer Requirements		
1. Buffer Depth & Location		
Depth	Varies based on the zoning district of the lot and the adjacent lot; see Table 7.5 (2).	a
Location on the Site	Locate buffers on more intensively zoned lot; Buffer is measured from side and rear property lines.	
2. Required Landscape Screen		
Width	5' landscape screen in addition to any other buffer landscaping	b
Location	Directly adjacent to the rear or side property line	
Hedge	Continuous double row of shrubs required between shade trees	c
Hedge Composition	Double row of individual shrubs with a minimum width of 24", spaced no more than 36" on center; Mature height in one year of 24"	
Hedge Frequency	Minimum of 15 shrubs per 100' of property line is required	
Shade Trees	At least 1 medium or large shade tree per every 40' within the buffer	d
3. Buffer Landscape Requirements		
Uses and Materials	Uses and materials other than those indicated are prohibited within the buffer	
Tree Canopy Coverage	1 medium or large shade tree required per 2,000 square feet of buffer, excluding the area within the required landscape screen	d
Existing Vegetation	May be credited toward buffer area	
4. Buffer Fence Requirements		
Uses and Materials	A six foot fence is required by where buffer requirement is applicable. The fence shall be light proof and be constructed of materials that compliment the adjacent building. White vinyl and chain link with slats are not allowed.	e

Notes:

[1] Clearfield City may reduce width of buffer, width of landscape screen, or location of landscape screen based on existing landscaping and topography.

Table 7.5 (1). Side & Rear Buffer Requirements.

Buffer Requirements between Districts			
	Buffer Required by these Districts		
	UC/UR/CV	TC/CC	TR
UC/UR/CV	not required	not required	not required
TC/CC	not required	not required	not required
TR	5'	5'	not required
existing single family adjacent to downtown	10'	10'	not required

Table 7.5 (2). Buffer Requirements between District.

7.6 Interior Parking Lot Landscape

1. Intent & Applicability

(1) Intent. To provide shade, minimize paving & associated stormwater runoff, & improve the aesthetic look of parking lots.

(2) General Applicability. All Districts.

(3) Other Internal Parking Lot Areas. Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650' thereafter.

(4) Existing Vegetation. Existing vegetation may be credited toward these requirements.

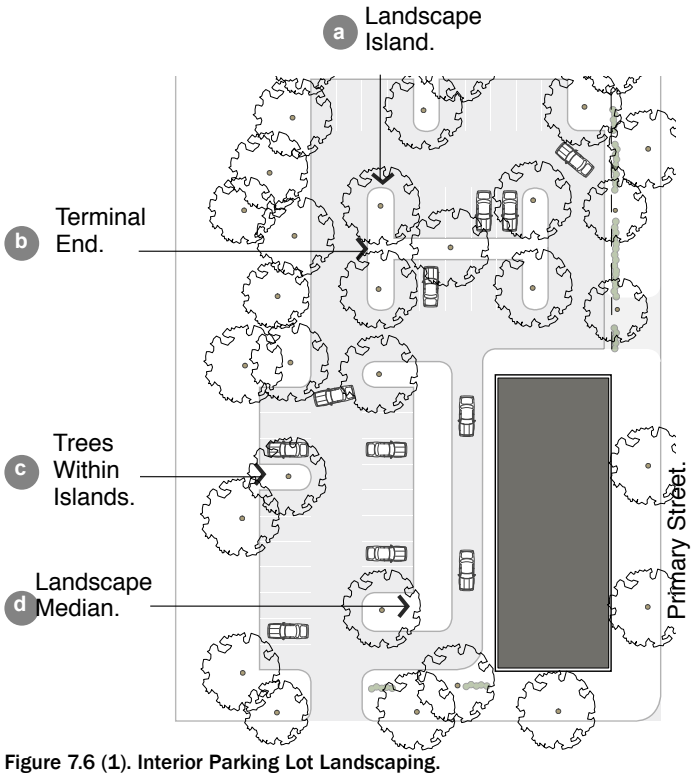


Figure 7.6 (1). Interior Parking Lot Landscaping.

7.6 Interior Parking Lot Landscape Requirements	
1. Landscape Island Requirements	
Required Island Locations	Terminal ends [2] of free standing rows or bays of parking; After every ninth parking space for rows of parking greater than 12 spaces in length [3] Landscape islands are not required specifically for stalls with covered parking, this only applies to covered parking areas.
Minimum Width	5'; Islands less than 15' must utilize structural soil under any paved surface within a tree's critical root zone; Islands under 9' must install an aeration system and utilize permeable pavement for the curb and gutter.
Required Trees and Storm Water	Minimum of 1 medium or large shade tree per island. Islands shall be designed to accommodate storm (as bio-swales) water run off where the drainage plan can be reasonably designed to accomplish that objective.
2. Landscape Median Requirements	
Required Median Location	Required in each free-standing bay of parking along the length of the bay
Minimum Width	5'; Medians less than 15' must utilize structural soil under any paved surface within a tree's critical root zone; Islands under 9' must install an aeration system and utilize permeable pavement
3. Tree Requirements	
Requirements per Parking Space [4]	Each parking space must be located within 50' of a tree planted within parking lot interior
	Minimum of 1 shade tree must be planted within parking lot interior or within 7' of parking lot's edge for every 5 parking spaces
Tree Shade Goal	Within 20 years of tree installation, 25% of the interior of the parking lot should be shaded by tree canopy. Refer to Table 7.6 (1) for calculation.

[1] Parking lot interior is defined as the area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement.

[2] Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.

[3] There shall be no more than 12 continuous parking spaces in a row without a landscape island.

[4] Trees within a designated buffer area may not be utilized to meet these requirements

Table 7.6 (1). Interior Parking Lot Landscape Requirements.

7.7 Landscape Screening

1. Intent & Applicability

(1) Intent. To reduce the visibility of open storage, refuse areas, and utility appurtenances from public areas and adjacent properties.

(2) General Applicability. All dumpsters, open storage, refuse areas, and utility appurtenances in all Districts.

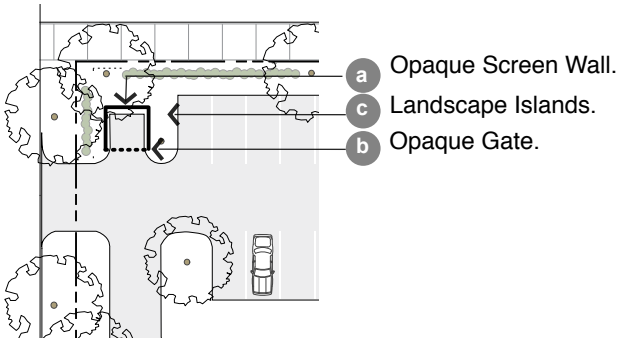


Figure 7.7 (1). Screening of Open Storage & Refuse Areas.

7.7 Screening of Open Storage, Refuse, and Utility Areas		
1. Open Storage & Refuse Area Screening Requirements		
Location on the Site	Not permitted in front or corner side yards, within 10 feet of property line and between building and street	
Opaque Screen Wall [1]	Required around 3 sides of the dumpster and trash bin area	a
Screen Wall Height	Height shall be the higher of the following: 1. 6' 2. Height of use to be screened 3. Height as determined by City to accomplish objective of the screen	b
Visible Openings	Openings visible from the public way or adjacent properties must be furnished with opaque gates	
Landscape Requirement	If refuse area is located within larger paved area, such as a parking lot, landscape islands must be located on 3 sides of the area, with at least 1 medium or large shade tree in at least 1 of the landscape areas [2]	c
2. Utility Appurtenance Screening Requirements		
Large Private Mechanical Equipment [3]	Shall be fenced with opaque wood or brick-faced masonry on all sides facing right-of-way	
Small Private Mechanical Equipment [4]	Shall have landscape screening and a shrub bed containing shrubs spaced no more than 36" on center	

Notes:

[1] Vertical structured barrier to visibility at all times such as a fence or wall

[2] This tree, if located within 50' of a parking space, may be utilized to meet the minimum shade requirements

[3] Large private mechanical equipment is equal to or greater than 4' in height

[4] Small private mechanical equipment is smaller than 4' in height

Tree Size	Estimated Canopy at Maturity (sq ft)	Estimated Height at Maturity (ft)
Very Small	150	under 15'
Small	400	15'-25'
Medium	900	25'-40'
Large	1600	40'+

Table 7.6 (2). Estimated Canopy and Height at Maturity.

Chapter 8.0
PARKING STANDARDS

8.0 Parking

8.1 General Requirements

1. Intent

The established provisions are established to accomplish the following:

(1) Ensure an appropriate level of vehicle parking, loading, and storage to support a variety of land uses.

(2) Provide appropriate site design standards to mitigate the impacts of parking lots on adjacent land uses and zoning districts.

(3) Provide specifications for vehicular site access.

2. Applicability

This section shall apply to all new development and changes in use or intensity of use for existing development, in all Clearfield downtown districts.

(1) Compliance. Compliance with the standards outlined shall be attained in the following circumstances:

  (a) Development of all new parking facilities, loading facilities, and driveways.

  (b) Improvements to existing parking facilities, loading facilities, and driveways, including re-configuration, enlargement, or the addition of curbs, walkways, fencing, or landscape installation.

  (c) Change in use requiring a change in the amount of parking.

(2) Damage or Destruction. When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is reestablished, any associated off-street parking spaces or loading facilities must be reestablished based on the requirements of this section.

(3) Site Plan Approval Required. Parking quantities, design and layout shall be approved through the Site Plan Approval process. Refer to section 10 Site Plan Approval for more information.

8.2 Parking Requirements

1. General Requirements for Parking

Off-street parking spaces shall be provided in conformance with Tables 8.2 (2) Required Vehicular Parking and 8.2 (3) Bicycle Parking.

(1) Required Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state Accessibility Code and ADA, including quantity, size, location, and accessibility.

(2) Requirements for Unlisted Uses. Upon receiving a site plan and parking study approval, occupancy certificate, or other permit application for a use not specifically addressed in this section, the Zoning Administrator is authorized to apply off-street parking standards specified for the use deemed most similar to the proposed use. In instances where an equivalent may not be clearly determined or the standard is in question, the Zoning Administrator may require the applicant to submit a parking study or funding for the City to order a parking study, that will help determine the appropriate requirements.

(3) Private Off-Premises Parking. Where private off-site parking facilities are approved, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.

  (a) Such possession may be either by deed or lease, guaranteeing availability of the parking commensurate with the use served by the parking.

  (b) The agreement providing for the use of off-site parking, executed by the parties involved, shall be in a form approved by the City Attorney and filed with the Zoning Administrator.

  (c) The deed or lease shall require the owner to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

  (d) Location of Parking. Any off-premise parking must be within 500 feet from the entrance of the use to the closest parking space measured along a dedicated pedestrian path.

(4) Tandem Parking. Tandem parking is permitted with approval of the Zoning Administrator through the site plan review process and only permitted for Townhouses and Mansion building types.

2. Required Vehicular and Bicycle Parking

Tables 8.2 (2) and 8.2 (3) outline the required vehicular and bicycle parking requirements.

(1) Organized by Use. The parking requirements are organized by use.

  (a) Parking rates are provided for general use categories; these numbers are applicable for all of the uses within these categories.

  (b) If a specific use requires a different parking rate than its use category, it is also listed in Tables 8.2 (2) and 8.2 (3) Required Vehicular and Bicycle Parking.

(2) Vehicular Spaces Required. The vehicular spaces required column indicates the required off-street parking ratio, which may be subject to credits and other reductions and a maximum number, as are detailed in this section.

(3) Maximum Allowable Vehicular Spaces. When a use requires more than 20 spaces, it is not permitted to provide greater than 10% over the minimum parking requirement.

(a) For those uses with no requirements, the maximum number of spaces required should be no more than the next level up of that use. For example, for Neighborhood Retail, the number of spaces should be no more than the requirements for General Retail.

(4) Required Bicycle Parking. The Required Bicycle Parking Table 8.2 (3) indicates the minimum bicycle parking ratio for a given use.

(5) Computation. Off-street parking spaces shall be calculated using the following information.

(a) Area Measurements. The following units of measurements shall be utilized to calculate parking requirements, see table 8.2 (2).

(i) Dwelling Unit. Parking standards for residential buildings shall be computed using dwelling unit as the unit of measure, unless otherwise stated.

(ii) Gross Square Footage. Unless otherwise expressly stated, parking standards for non-residential Uses shall be computed on the basis of gross floor area in square feet.

(iii) Occupancy- or Capacity-Based Measurements. Parking spaces required per available seat or per employee, student, or occupant shall be based on the greatest number of persons on the largest shift, the maximum number of students enrolled, or the maximum fire-rated capacity, whichever measurement is applicable.

(iv) Bench Seating. For uses in which users occupy benches, pews, or other similar seating facilities, each 24 inches of such seating shall be counted as one seat.

(b) Fractions. When computation of the number of required off-street parking spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.

(c) Multiple Uses on a Lot. When there are multiple uses on a lot, required spaces shall be calculated as an amount equal to the total requirements for all uses on the lot, unless the uses qualify for shared, cooperative, or other credits to reduce parking (Refer to 8.2 (1)).

3. Multiple Use Reductions

The following reductions may be taken for multiple non-residential uses.

(1) Shared Vehicular Parking. An arrangement in which two or more non-residential uses with different peak parking demands use the same off-street parking spaces to meet their off-street parking requirements.

(a) General Provisions. Through review of the site plan the Zoning Administrator may permit up to 100% of the parking required for a daytime use to be supplied by the off-street parking spaces provided for a nighttime or Sunday use and vice versa.

(b) Approval. In order to approve a shared parking arrangement, the Zoning Administrator must find, based on competent evidence provided by the applicant, that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

(c) Description of Uses with Weekday, Nighttime, and Sunday Peak Parking.

(i) The following uses are considered predominantly weekday uses: office and industrial uses and other similar uses as authorized by the Zoning Administrator.

(ii) The following uses are typically considered predominantly nighttime or Sunday uses: eating and drinking establishments, assembly uses, and other similar uses with peak activity at night or on Sundays, as authorized by the Zoning Administrator.

(2) Cooperative Vehicular Parking. When two or more categories of non-single family residential uses share a parking lot and are located on the same lot or adjacent lots, the following applies:

(a) General Provisions. Shared parking will be approved in accordance with the following. Refer to Table 8.2 (1).

(i) For each applicable land use category, calculate the number of spaces required as if it were the only use. Refer to Table 8.2 (2).

(ii) Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in Table 8.2 (2). This table establishes six time periods per use.

(iii) For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.

(iv) Select the time period with the highest total parking requirement and use that as the total number of parking spaces required.

(b) Uses in Different Buildings. Through review of the site plan the Zoning Administrator may approve the cooperative agreement if any of the uses are not located in the same structure or building.

(c) Location of Cooperative Parking. Any cooperative parking must be within 660 feet from the entrance of the use to the closest parking space within the cooperative parking lot, measured along a dedicated pedestrian path.

(d) Off-Site Cooperative Parking Agreement. An agreement approved by the City Attorney providing for cooperative use of off-site parking spaces, executed by the parties involved, shall be reviewed by the Zoning Administrator during review of the site plan.

(i) Off-site cooperative parking arrangements shall continue in effect only as long as the agreement remains in force. Minimum acceptable time period for such contracts is five years.

(ii) If the agreement is no longer in force, then parking must be provided as otherwise required in this section.

4. Parking Credits

Vehicular parking standards in Table 8.2 (2) may be reduced by achieving one or all of the following credits.

(1) On street parking directly in front of the project may be used to fulfill the parking requirement at a ratio of one space on-street reduces the parking demand by one space. On street credit for retail uses and office uses shall be credited to off street parking requirements, but such spaces shall only be applied to the guest parking requirements for residential uses in mixed use or multi-family buildings.

(a) Spaces shall be designated on-street parking available 24 hours of every day, but are subject to other applicable ordinances concerning snow plow accessibility during the evening hours.

(2) Transit Credit. For all uses, vehicular parking requirements may be reduced with proximity to any commuter rail station or transit line with up to 15 minutes headways. Proximity is measured along a walking path from any point along the property line to the platform or transit stop.

(a) Within 400 feet. A reduction of 10% of the required off-street parking.

(b) Within 800 feet. A reduction of 5% of the required off-street parking.

(3) Car-Share Parking Credit. The vehicular parking requirements can be reduced with the inclusion of car-share parking spaces as follows.

(a) Per each car-share parking space provided, required parking spaces shall be reduced by two spaces.

(b) Required parking spaces may be reduced up to 25%.

(c) Approval. Applicant must provide documentation of an agreement with a car-share company. If this agreement should terminate at any point, applicant shall be required to provide parking as otherwise required herein.

(4) Other Parking Reductions. Additional reductions may be approved by the Zoning Administrator with the submittal of a parking study illustrating the reduction, including the shared parking standards provided in 8.2. (1)

Use	Weekdays			Weekends		
	Midnight- 7:00 am	7:00 am- 6:00 pm	6:00 pm- Midnight	Midnight- 7:00 am	7:00 am- 6:00 pm	6:00 pm- Midnight
Residential	100%	50%	80%	100%	80%	80%
Retail & Service	5%	100%	80%	5%	100%	60%
Hotel & Inn	100%	65%	100%	100%	65%	100%
Place of Worship	0%	30%	50%	0%	100%	75%
Eating & Drinking Establishment	50%	70%	100%	70%	60%	100%
Office	5%	100%	5%	5%	5%	5%
Theater / Entertainment	5%	30%	100%	5%	80%	100%

Table 8.2 (1). Shared Parking Percentages

Required Parking By Use	
Applicable Zones	ALL CLEARFIELD DOWNTOWN ZONES
Residential [2, 3]	
Multifamily, Studio	1 / Dwelling Unit [1]
Multifamily, 1 Bedrooms	1 / Dwelling Unit [1]
Multifamily, 2 Bedrooms	1.5 / Dwelling Unit [1]
Multifamily, 3 or 3+ Bedrooms	2 / Dwelling Unit [1]
Hotel & Inn	1 / Room & 1 / 200 sq.ft. Office and Dining Room
Residential Care	.33 / Unit & .66 / Employee
Required covered parking for Multifamily	50% of Required off street Parking Stalls
Civic/Institutional	
Assembly	1 / 5 Seats
Transit Station	Per Zoning Administrator
Hospital	.20 / Bed & .66 / Employee
Library / Museum / Post Office (no distribution)	1 / 600 sq. ft.
Police & Fire	Per Zoning Administrator
Post Office (distribution)	1 / 400 sq. ft.
School: Pre K to Jr. High	1 / Classroom & 1 / 200 sq. ft Office
School: High School, Higher Education	1 / Classroom, 1 / 200 sq. ft Office, & .17 / Student
Retail	
General Retail	1 / 350 sf
Outdoor Sales Lot	1 / 250 sq. ft. of Sales Area, with 1 / 10 Vehicle Display
Service	
Neighborhood Service	1/ 250 sf
General Service	1/ 250 sf
Eating & Drinking Establishments	20 spaces for each 1,000 square feet of sales and enclosed eating space or fraction thereof
Vehicle Services	2 / Service Bay & 1 / 200 sq.ft of retail
Office & Industrial	
General Office	1 / 250 sf
Craftsman Industrial	1 / 1,000 sq. ft. of Production Space & 1 / 500 sq. ft. of Retail Space
Open Space & Recreation	
Open Space & Recreation	Per Zoning Administrator

Bicycle Parking by Use	Bicycle Spaces
Multifamily	Minimum 1 bike rack spaces per 10 parking spaces / bedroom
Civic/Institutional	Minimum 2 bike rack space per 10,000 sf
Retail	Minimum 1 bike rack spaces per 3,000 sf
Services	Minimum 1 bike spaces per 3,000 sf
Office	Minimum 1 spaces per 3,000 sf
Open Space	Per Zoning Administrator

Footnotes

[1] Visitor parking is 15% of required amounts. On street parking directly in front of buildings may count towards required parking.

[2] The Residential Multi-family standards apply to all visitor Residential Building Types.



8.3 Parking Design Standards

1. Vehicular Off-Street Parking Lots

The design or redesign of all off-street parking facilities shall be subject to the site plan approval process.

(1) Vehicular Parking Space Dimensions. The appropriate dimensions for parking spaces are outlined in Table 8.3 (1) Parking Space Dimensions and Figure 8.3 (1) Parking Lot Layout.

(a) The width of a parking space shall be measured from the center of a stripe.

(b) Each space shall have a vertical clearance of at least seven feet.

(2) Wheel Stops. Install wheel stops or bumper guards when parking is adjacent to a pedestrian pathway to limit vehicle overhang that reduces the sidewalk width. Such stops or guards shall be properly anchored or secured.

(3) Location of Parking. Refer to 5.0 Building Type Standards for information on the location of parking facilities.

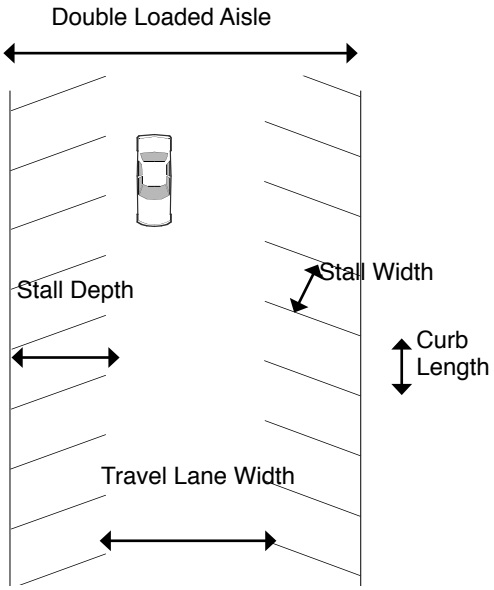


Figure 8.3 (1). Parking Lot Layout.

(4) Access. All off-street parking and loading facilities shall open directly onto an aisle, alley, or driveway designed to provide safe access to such facilities. Exceptions include:

(a) Tandem Parking. No more than two spaces may be included in a tandem parking spot, and the rear space must meet the access requirement.

(b) Parking Lifts. The lift exit shall meet the access requirement.

(5) Edge of Lot and Drives. All curb and gutter shall be located a minimum of 3 feet from any adjacent property line or right-of-way.

(6) Slopes. All parking, driveway or sidewalk access shall meet the requirements of the Utah Accessibility Code and ADA.

(7) Landscape Screening. All parking areas shall meet the requirements of 7.0 Landscape Standards.

(8) Landscape Areas and Landscape Islands. Areas not used specifically for sidewalks, parking spaces, driving aisles, loading, or refuse shall not be paved. Areas striped with diagonal striped islands are not permitted. A landscape island is required for every 12 stalls and where feasible to be used for stormwater.

(9) Pavement Construction. All parking and driveways shall be constructed using asphalt, concrete, pavers, or other semi-pervious material approved by the Zoning Administrator. One of the following shall be met:

(a) Paving materials with a solar reflectance index (SRI) of at least 29.

(b) Pervious pavement material, such as permeable asphalt, permeable concrete, or permeable pavers.

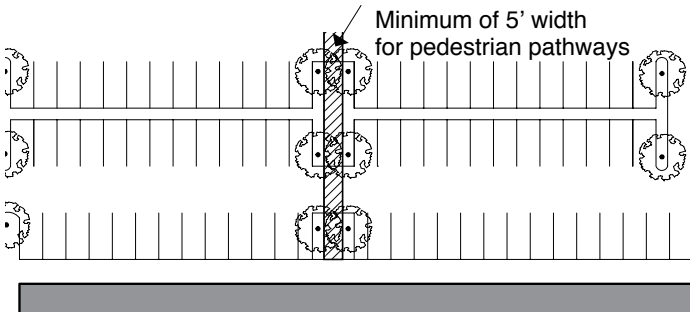


Figure 8.3 (2). Parking Lot Pedestrian Walkway.

Angle (degrees)	Curb Length (feet)	Stall Width (feet)	Stall Depth (feet)	Travel Lane Width: One-Way (feet)	Travel Lane Width: Two-Way (feet)
0	20	9	-	12	20
45	12	9	17	12	20
60	10	9 [2]	20[1]	18	22
90	9	9 [2]	18	20	24

Note
[1] Stall depth may be reduced 2' when stall directly abuts an interior parking lot median that includes an additional area beyond the minimum width outlined in 6.14.3, permitting the overhang of the adjacent parked vehicle's front bumper.
[2] 10% of stalls maybe compact width at 8.5'.

Table 8.3 (1). Parking Space Dimensions.

(c) Recycled content of 15% or more.

(10) Illumination. All off-street parking lots or parking structures shall provide a level of illumination at any point in the parking lot or structure not less than one foot-candle measured at the pavement. All lighting shall be shielded or otherwise optically controlled to provide glare-less illumination and limit trespass on adjacent properties.

2. Pedestrian Access

All parking lots with 3 or more double-loaded aisles shall provide internal pedestrian pathway(s) within the parking area and outside of the parking drive aisle.

(1) Dimension. The pathway shall be a minimum of five feet in width.

(2) Quantity. One pathway is required for every three double loaded aisles.

(3) Location. The pathway shall be centrally located within the parking area to serve a maximum number of parking stalls.

(a) Pathways shall provide direct connections to the principal structure(s) entrances from the spaces furthest from the entrance.

(b) At least one pathway shall provide a direct connection between adjacent vehicular rights-of-way and/or trails and the principal structure's entrance.

(4) Pathway Delineation. Pedestrian pathways should be clearly marked with striping or through the use of alternative materials, such as pavers. Refer to Figure 8.3 (2).

3. Bicycle Parking Design

Bicycle parking (refer to Table 8.2 (3) Required Bicycle Parking for quantity required) shall be designed and located as follows.

(1) Dimensions.

(a) Required bicycle parking spaces shall have minimum dimensions of two by six feet (2'x6') in length.

(b) An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.

(c) A minimum of two feet shall be provided beside each parked bicycle to allows access. This access may be shared by adjacent bicycles.

(d) Racks shall be installed a minimum of two feet from any wall or other obstruction.

(2) Location. Bicycle parking should be located within 50 feet of the entrance of the use.

(a) Indoor or outdoor spaces are permitted, provided they are located on the lot with which they are associated.

(b) Spaces located within individual dwelling units may not be counted toward bicycle parking requirements.

(c) Bicycle parking facilities shall be separated from vehicular parking areas to protect parked bicycles from damage. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.

(3) Racks and Structures. Racks and structures shall be provided for each unprotected parking space, and shall be designed to accommodate both chain and U-shaped locking devices supporting the bicycle frame at two points.

(4) Bicycle Storage. In multifamily or office uses bicycle storage shall be lockable and enclosed.

(5) Surface. The parking surface shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitted provided that edging materials, so that the bicycle parking area is clearly demarcated and the rock material is contained.

(6) Signage. If required bicycle parking for public use is not visible from the street, signs must be posted indicating their location.

(7) Maintenance and Lighting. Areas used for required bicycle parking must be well-lit with acceptable drainage to be reasonably free of mud and standing water. Accessory off-street parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which a bicycle may be locked by the user.

(8) Shower Facilities. Office and manufacturing uses with more than 50 employees shall provide shower and changing room facilities.

(9) Long Term Parking. For multifamily residential uses, half of the bicycle parking spaces should be provided as long term parking, safe and secure from vandalism and theft, and protected from the elements.



Figure 8.3 (2). Parking Lot Pedestrian Walkway.

8.4 Loading Requirements

1. General Requirements

All loading facilities shall adhere to the following requirements, unless otherwise approved during Site Plan Approval (refer to Section 10.1.6).

(1) Use of Off-Street Loading Areas. Space allocated to any off-street loading use shall not be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(2) Location. Unless otherwise specified, all required loading facilities shall be located on the same lot as the use to be served. No loading space shall block or project into a street, alley, access drive, or parking area.

(3) Building Frontage. Loading facilities shall be located per 5.0 Building Type requirements.

(4) Access. Loading facilities shall have clear access onto an alley or be connected to an alley or street via a driveway.

(a) Direct access to a public way, other than an alley, is prohibited.

(b) Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

2. Loading Requirements

All uses except in the residential & lodging, open space, and civic & institutional categories shall provide off-street loading spaces in compliance with Table 8.4 (1) Required Loading Facilities.

3. Computation

Loading facilities shall be calculated using the following information.

(1) Gross Square Footage. Unless otherwise expressly stated, loading standards for non-residential buildings shall be computed on the basis of gross floor area in square feet.

(2) Fractions. When computation of the number of required off-street loading spaces results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number.

(3) Shared or Central Loading Facilities. Shared or central loading facilities are permitted if the following conditions are met.

(a) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys.

(b) Total off-street loading spaces provided shall meet the minimum requirements herein specified, based on the sum of the several types of uses served unless reviewed and approved by the Zoning Administrator through site plan review.

(c) No zoning lot served shall be more than 500 feet from the central loading area.

4. Dimensions

A standard off-street loading space shall be a minimum of 10 feet in width by 26 feet in length and an oversized loading space shall be a minimum of 12 feet width and 40 feet in length, exclusive of aisle and maneuvering space and shall have a minimum vertical clearance of 15 feet.

Gross Floor Area (sq. ft.)	Loading Spaces Required
Under 5,000	0
5,000 to 20,000	1
20,001 to 40,000	2
40,001 to 70,000	3
70,001 to 100,000	4
100,001+	4 + 1 for each 100,000 over 100,001

Table 8.4 (1). Required Loading Facilities.

8.5 Site Access and Driveways

1. General Requirements

These standards shall supplement the provisions for access provided in 5.0 Building Type Standards. Each driveway providing site access from a street, alley, or other vehicular right-of-way shall be designed, constructed, and permanently maintained as follows.

2. Quantity of Driveways

The number of driveways permitted for each Building Type is located in 5.0 Building Type Standards.

3. Dimensions and Design

(1) Driveway Width at Property Line. All driveways shall have a maximum width of 24 feet as measured at the property line (Figure 8.5 (1) Driveway Width) except as stated below.

(a) Residential Building Types. Driveways constructed in residential districts shall have a maximum width of 11 feet when crossing the front or corner property line.

(b) Maximum width for one-way driveways is 16 feet at the property line.

(c) City engineer may direct driveway to be wider.

(d) Distance between corner and driveway (Figure 8.5 (1) per city engineering standards.

(2) Maximum Width. When a garage door is located on the front facade of the structure, the driveway shall be no more than two feet wider than the garage door at any location.

(3) Shared Access. When possible, adjacent developments should share points of access to minimize impervious surface.

(a) Shared Driveway Width. When access is shared between three or more non-residential users, a dedicated turn lane may be constructed, allowing an increase in the maximum driveway width from 24 feet to 34 feet provided that:

(i) A traffic impact study states its necessity.

(ii) Access must be to a street larger than alley.

(4) Sidewalk Pavement. Sidewalk pavement elevation, width, design, scoring, material, and design shall extend continuously over the driveway pavement with the intent of prioritizing the sidewalk path over the driveway. If the driveway and sidewalk are of the same material, the sidewalk path shall be scored or designated linearly over the driveway.

(5) Driveways shall maintain a clear view area defined by a triangle conforming to current AASHTO standards.

4. Location

Specific location information can be found in 5.0 Building Type Standards. Refer to Figure 8.5 (1)

(1) Driveways accessing rear yard garages are permitted within the side or rear yard setback, no closer than two feet from a side or rear property line, unless the driveway is shared.

(2) Driveways shall not be closer than 25 feet from the intersection of two streets (corner), unless otherwise stated in 5.0 Building Type Standards.

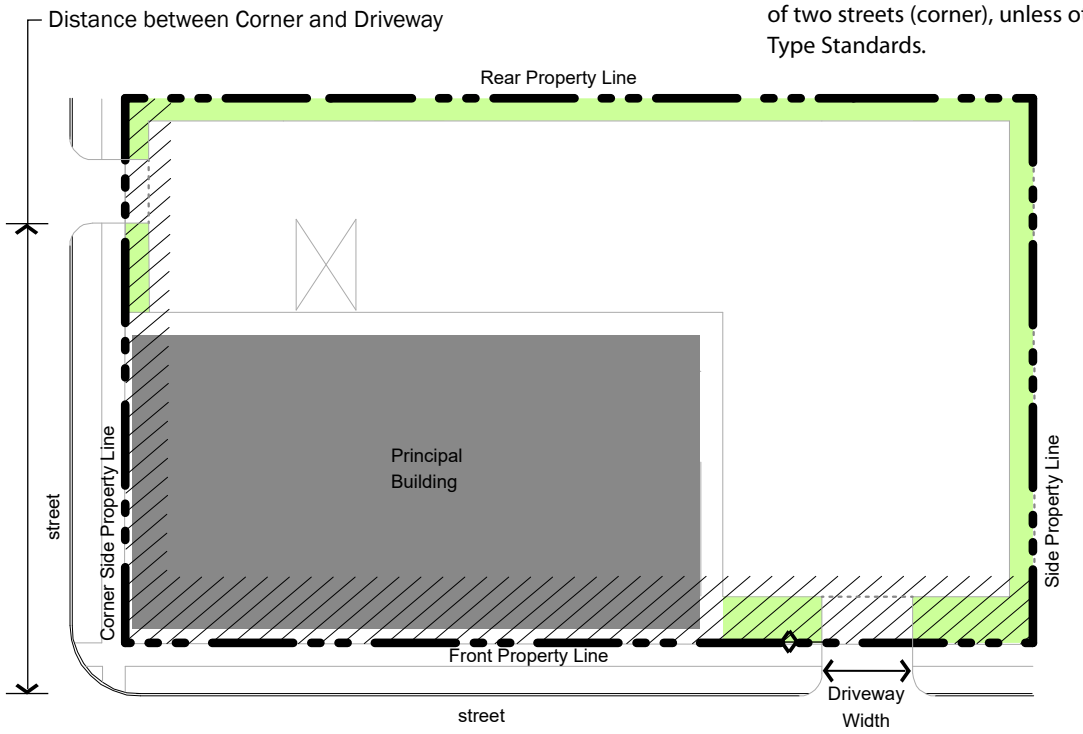


Figure 8.5 (1). Driveway Width and Location.

Chapter 9.0
SIGN TYPES

9.0 Sign Types

9.1 General Requirements

1. Intent

This section seeks to enhance the economy and aesthetic appeal of Clearfield Downtown through the reasonable, orderly, safe, and effective display of signage.

2. Applicability

These standards shall apply to signage in all Clearfield Downtown districts.

3. General Compliance

Compliance with the regulations outlined shall be attained under the following situations.

(1) Newly Constructed or Reconstructed Signage. All new signs and structural improvements to existing signs.

(2) Change in Use for Single Business Signage. For signage serving one business, whenever the existing use is changed to a new use resulting in a change in signage, including rewording.

(3) Multiple-Business Signage. For signage serving multiple businesses, whenever 50% or more of the existing uses are changed to new uses resulting in a change in signage, including rewording.

(4) Damage or Destruction. When a sign has been damaged or destroyed by fire, collapse, explosion or other cause and the cost of restoration is greater than 50% of the replacement value at the time of the destruction or damage, the replacement sign shall comply with the standards in this article.

4. Prohibited, Temporary, Exempt Signage

Refer to Clearfield City code chapter 11-15 (Sign Regulations) for information on prohibited signs, temporary signs and exemption for sign requirements.

5. Sign Permit Process

Refer to the City Community Development office for information on the Sign Permit Process.

6. Sign Location

Unless otherwise specified, signs shall only be located within the boundaries of the lot and not in the right-of-way or on public property.

(1) Certain Sign types may extend beyond a property line into the right-of-way or public property with permission from the City and in accordance with the regulations outlined in this section.

(2) No sign shall be attached to a utility pole, light pole, tree, standpipe, gutter, or drain.

(3) Signs shall be erected so as to permit free ingress to or egress from any door, window, the roof, or any other exit-way required by the building code or by fire department regulations.

(4) No Sign shall be erected or maintained in such a manner as to obstruct free and clear vision of, interfere with, or be confused with any authorized traffic sign, signal, or device.

7. Illumination

All signs shall be illuminated according to the following provisions unless otherwise stated.

(1) Signs shall be internally lit to emphasize the lettering or flooded via down lighting to prevent dark sky illumination.

(2) Individual letters or logos may be internally illuminated as permitted per each sign type; no other portion of the sign shall be internally illuminated, except as permitted for Electronic Message Boards or unless otherwise stated.

(3) When an external artificial light source is used to illuminate a Sign, the lamp (or bulb) shall be located, shielded, and directed so as to not be visible from any public street or private residence.

  (a) No receptacle or device housing a permitted light source which is attached to the sign itself shall extend more than 18 inches from the face of the Sign.

(4) The illumination of any sign, resulting from any internal or external artificial light source, shall not exceed 250 nits at the Sign face during the day and 125 nits at the Sign face after sunset, with no light trespass onto adjacent property.

8. Construction, Design, and Maintenance Standards

All signs shall meet the construction, design standards, and maintenance requirements of the City's Building Code.

9. Computation

The following standards generally apply to computing the area of signs by type and by building lot. Refer to the Sign Types 9.3-9.11 for more information.

(1) Exempt and temporary signs are not included in the maximum signage area calculations, unless otherwise specified in chapter 11-15 of the Clearfield City code.

(2) Height for freestanding signs is measured from the average grade at the front property line to the top of the sign, sign cabinet, or cap, whichever is highest.

(3) For the purposes of determining area, lot width or frontage is measured along the front property line.

  (a) If the lot is a corner lot, the width shall be measured along the front yard.

  (b) Building frontage is the width of the front facade of a building.

9.2 Sign Types

1. Sign Type Requirements

The following pertain to specific sign types detailed in this section.

(1) Permitted Quantity of Signage by District. Table 9.2 (1) details the maximum permitted amount of signage on a lot within each district. Refer to 2.0 Establishment of Districts for more information on each district.

  (a) Window Signs. Window Signs shall not count towards a lot's maximum permitted amount of signage. Refer to 9.8 Window Signs.

  (b) Signs Located in Parking Lots. One sign is permitted in addition to the maximum Signage quantities detailed in Table 9.2 (1) provided the following.

    (i) Permitted Sign Types are a wall, projecting, or awning sign.

    (ii) Maximum sign area is 30 square feet.

    (iii) Permitted location is either the side or rear facade along a parking lot.

(2) Exempt/Temporary Signs. Table 9.2 (1) does not apply to exempt or temporary signs unless otherwise specified.

(3) Iconic Sign Elements. Iconic Sign Elements of three dimensional symbols or logos are permitted under the following conditions.

  (a) Symbol or Logo Size. The symbol may not be larger than four feet in any direction, included in overall sign area and the surface area counts towards the Maximum Permitted Quantity of Signage per Lot.

  (b) No moving parts or external illumination of the symbol may be provided.

  (c) Text. The text letter size may not be more than 30% of the overall area of the sign.

(4) If externally lit, all signs shall direct the illumination downward.

District	Maximum Permitted Quantity of Signage Per Lot		
	UC, UR, CV	TC, CC	TR
All Clearfield Downtown Districts	3 square feet per 1 linear foot of lot width with a maximum of 150 square feet	2 square feet per 1 linear foot of lot width with a maximum of 150 square feet	2 square feet per 1 linear foot of lot width with a maximum of 150 square feet

Table 9.2 (1). Permitted Quantity of Signage by District.

9.3 Wall Sign

1. Description

Wall Signs, also known as flat or band signs, are mounted directly to the building face to which the sign is parallel. Refer to Figures 9.3 (1), 9.3 (2), and 9.3 (3).

2. General Requirements

Wall Signs shall be developed according to the standards in Table 9.3 (1).

(1) Building Openings. Wall Signs shall not cover windows or other building openings.

(2) Architectural Features. Wall Signs shall not cover architectural building features.

(3) Murals. Murals are not permitted.

3. Sign Size Computation

The area of a Wall Sign is calculated using the following information.

(1) Wall Signs. Area is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements, as is illustrated in Figure 9.3 (2).

Wall Sign Requirements	
Permitted Districts	All districts
Sign Area	No maximum area for sign type; Refer to Table 9.2 (1) for maximum per lot
Height	2' maximum letter or element height
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	18" maximum projection from building face
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 9.3 (1). Wall Sign Requirements.



Figure 9.3 (2). Measuring Wall Signs.

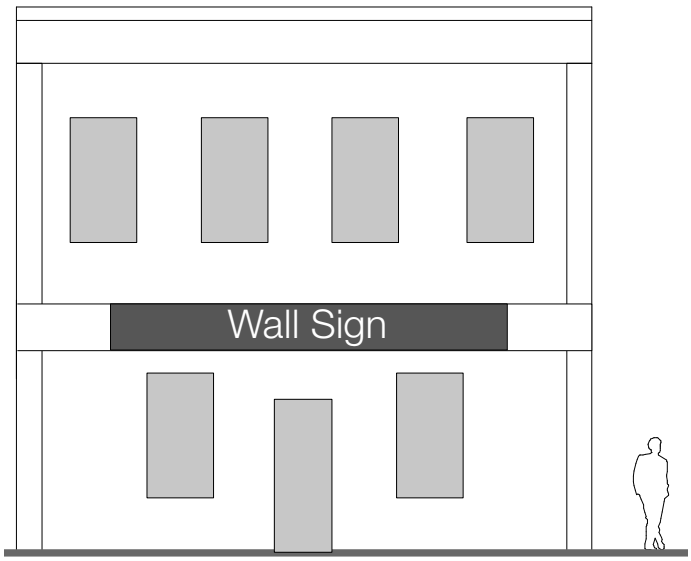


Figure 9.3 (1). Wall Sign.



Figure 9.3 (3). Photo Example.

9.4 Projecting or Blade Sign

1. Description

A Projecting or Blade Sign is attached to and projects from a building face or hangs from a support structure attached to the building face. Sign faces are typically perpendicular to the building face, but may be at an angle greater than 45 degrees from the facade. The sign may be vertically or horizontally oriented. Refer to Figure 9.4 (1).

2. General Requirements

Projecting Signs shall be developed according to the standards in Table 9.4 (1).

3. Sign Size Computation

The area of a Projecting Sign is equal to the area of one of the sign's faces.

Projecting Sign Requirements	
Permitted Districts	UR, UC, TC, TR
Sign Area	Maximum area for sign type is 36"x 48" (12 sq. feet). Refer to Table 9.2 (1) for maximum per lot
Height	8' minimum clearance to walk required
Location on the Building or Site	Permitted on all facades; Sign and structural supports shall not extend above the eave or parapet
Placement on the Building or Site	Shall not project closer than 5' from back of curb
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

Table 9.4 (1). Projecting or Blade Sign Requirements.

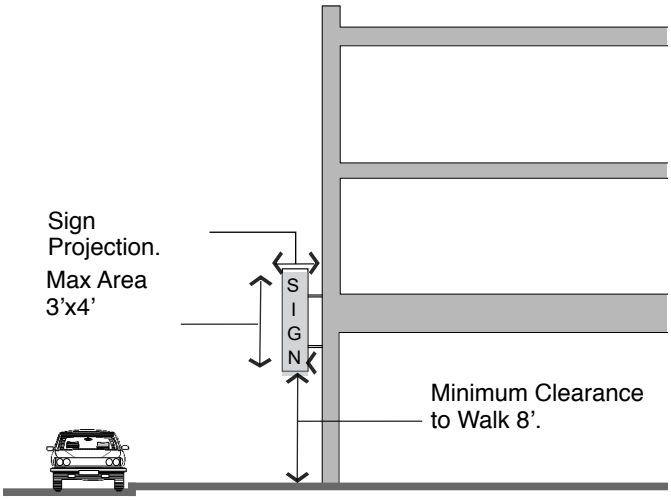


Figure 9.4 (1). Projecting or Blade Sign.







Figure 9.4 (2). Projecting or Blade Sign Picture Examples.

9.5 Projecting Marquee Sign

1. Description

A Projecting Marquee Sign is a projecting sign designed to have manually changeable copy and two to three sign faces. Refer to Figure 9.5 (1).

2. General Requirements

Projecting Marquee Signs shall be developed according to the standards in this section and Table 9.5 (1).

(1) Manually Changeable Copy Boards. Manually Changeable Copy Boards are permitted on Projecting Marquee Signs in the Core Districts by right, provided the following conditions are met:

(a) The area of the boards shall not be more than 30% of the area of the sign face on which it is located or 32 square feet, whichever is less.

(b) One sign of any type containing a Manually Changeable Copy Board is permitted per lot.

(c) Electronic Marquee signs are permitted.

3. Sign Size Computation

The sign area is calculated by combining the area of all exposed sign faces and the cabinet or structure surrounding them.

Projecting Marquee Sign Requirements	
Permitted Districts	UC and TC.
Sign Area	Maximum of 50 square feet. Refer to Table 9.2 (1) for maximum per lot
Height	8' minimum clearance to walk required
Location on the Building or Site	Front & corner side facades only
Placement on the Building or Site	Maximum projection is 5' from building
Quantity	1 per lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, masonry & neon glass; Plastic & synthetics permitted only on Sign face; Electronic Message and Manually Changeable Copy Boards permitted with conditions[1]

Table 9.5 (1). Projecting Marquee Sign Requirements.

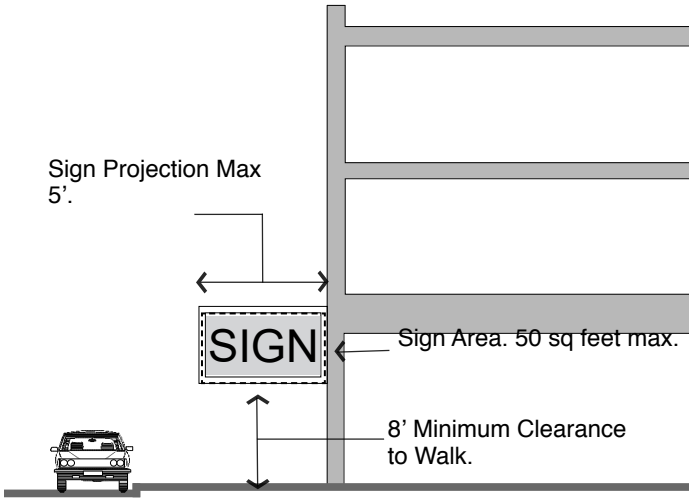


Figure 9.5 (1). Projecting Marquee Sign.



Figure 9.5 (3). Projecting Marquee Sign Plan Picture Example.

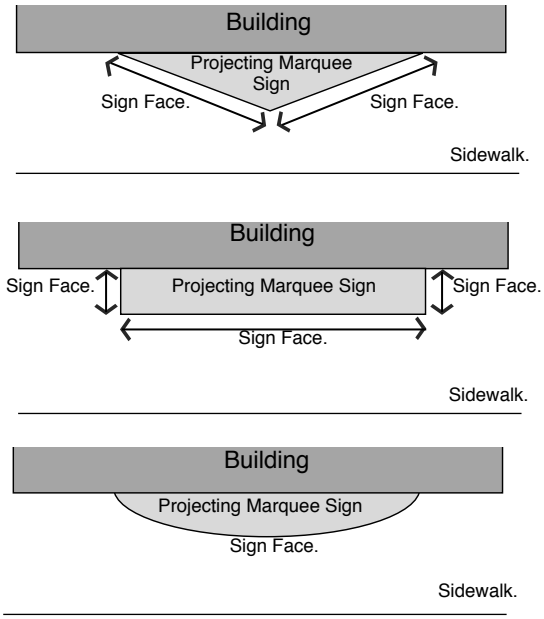


Figure 9.5 (2). Projecting Marquee Sign Plan.

9.6 Awning Sign

1. Description

A sign that is mounted or otherwise applied on or attached to an awning or canopy. Refer to Figures 9.6 (1), 9.6 (2), and 9.6 (3).

2. General Requirements

Awning Signs shall be developed according to the standards in Table 9.6 (1).

3. Sign Size Computation

The area of an Awning Sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the awning, as is illustrated in Figure 9.6 (2).

Awning Sign Requirements	
Permitted Districts	All districts
Sign Area	Up to 50% of the awning may be used for Signage; Refer to Table 9.2 (1) for maximum per lot
Height	8' minimum clearance to walk required
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Maximum projection from building is 7' from building; Shall not project closer than 2' from back of curb;
Quantity	1 per tenant per street frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Not permitted
Materials	Cloth, canvas, metal, or wood; All supports shall be made of metal or wood

Table 9.6 (1). Awning Sign Requirements.

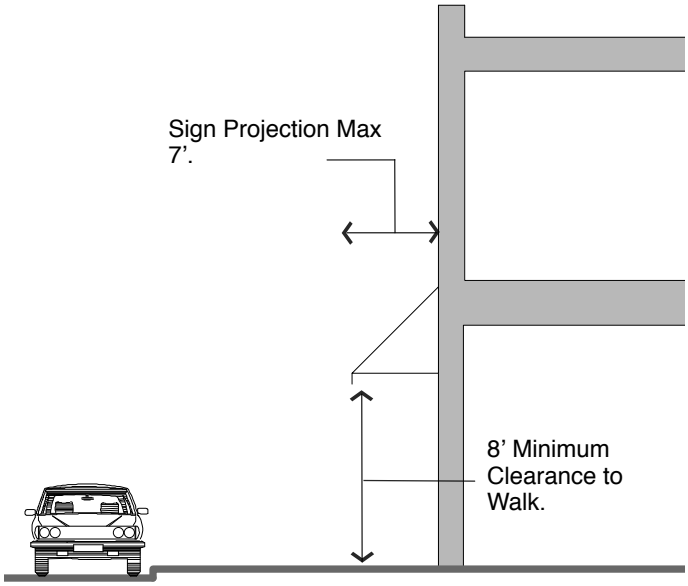


Figure 9.6 (1). Awning Sign.

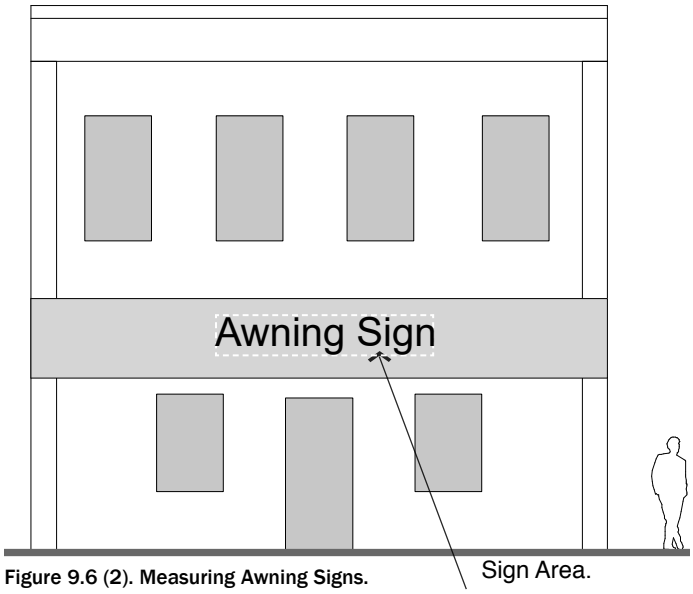


Figure 9.6 (2). Measuring Awning Signs.





Figure 9.6 (3). Awning Sign Picture Examples.

9.7 Canopy-Mounted Sign

1. Description

A sign with individual alphanumeric characters and/or logos that are mounted on top of a permanent canopy. Refer to Figures 9.7 (1), 9.7 (2), and 9.7 (3).

2. General Requirements

Canopy-Mounted Signs shall be developed according to the standards in Table 9.7 (1).

3. Sign Size Computation

The area of a Canopy-Mounted Sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the Canopy-Mounted Roof Sign, as is illustrated in Figure 9.7 (2).

Canopy-Mounted Sign Requirements	
Permitted Districts	All districts
Sign Area	Maximum 50 square feet. Refer to Table 9.2 (1) for maximum per lot
Height	2' maximum letter or element height; Cannot project more than 2' above roof line of canopy
Location on the Building or Site	Permitted on all facades; not intended for the principal roof of the building
Placement on the Building or Site	Shall not project beyond the front edge of the canopy;
Quantity	1 per tenant per public ROW frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal, & neon glass; Plastic & synthetics permitted only as separate alphanumeric characters or logos

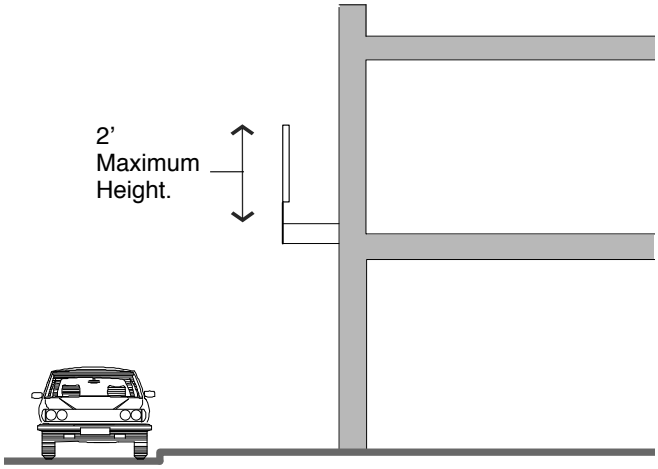


Figure 9.7 (1). Canopy-Mounted Sign.



Figure 9.7 (3). Canopy-Mounted Sign Picture Example.

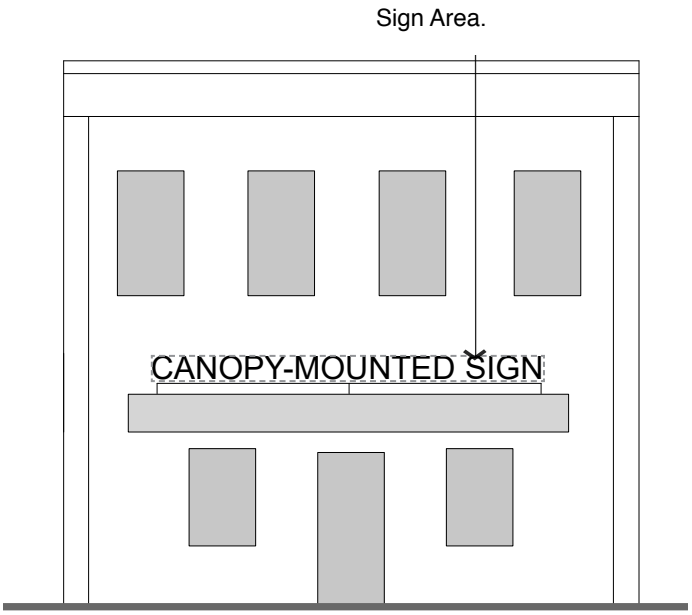


Figure 9.7 (2). Measuring Canopy-Mounted Signs.

9.8 Window Sign

1. Description

A Window Sign is posted, painted, placed, or affixed in or on a window exposed for public view or is a sign hung inside the building facing the window for public view. Window sign sizes are a percentage of window. Refer to Figure 9.8 (1).

2. General Requirements

Window Signs shall be developed according to the standards in Table 9.8 (1).

3. Sign Size Computation

A series of windows that are separated by frames or supporting material of less than six inches in width shall be considered a single window for the purposes of computation.

(1) Measurement. To measure sign area percentage, divide the total sign area by the total window area, as illustrated in Figure 9.8 (1).

(2) Maximum Allowance. Window Signs are not counted toward a site's maximum signage allowance.

(3) Exempt Signs. Address and hours of operation are considered exempt Signs and are not counted in the Window Sign area calculation. Refer to 9.2.1 (2) Exempt Signs.

(4) Temporary Window Signs. Temporary Window Signs must be included in the total percentage of signage per window calculation. Refer to 9.2.1 (2) Temporary Signs.

(5) Window Signs may not be internally illuminated by neon or similar lighting.

Window Sign Requirements	
Permitted Districts	UR, UC, CV, CC, TC
Sign Area	Up to 30% of a set of continuous windows may be covered with signage; No more than 50% of any one window panel may be covered with signage
Height	No maximum
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Ground or upper story windows; May be affixed to window or hung/mounted behind glass
Quantity	No maximum quantity, based on window Sign area for ground story; 1 per tenant per floor for upper stories
Internal Illumination	LED or similarly illuminated window signs. No flashing or moving illuminated signs.
Materials	Drawn, painted, or affixed on the glass; Wood, metal, neon glass, plastic, or other similar materials also permitted
Temporary Signs	Temporary banner or painted signs are permitted for up to 60 days. Temporary signs may add an additional 20%.

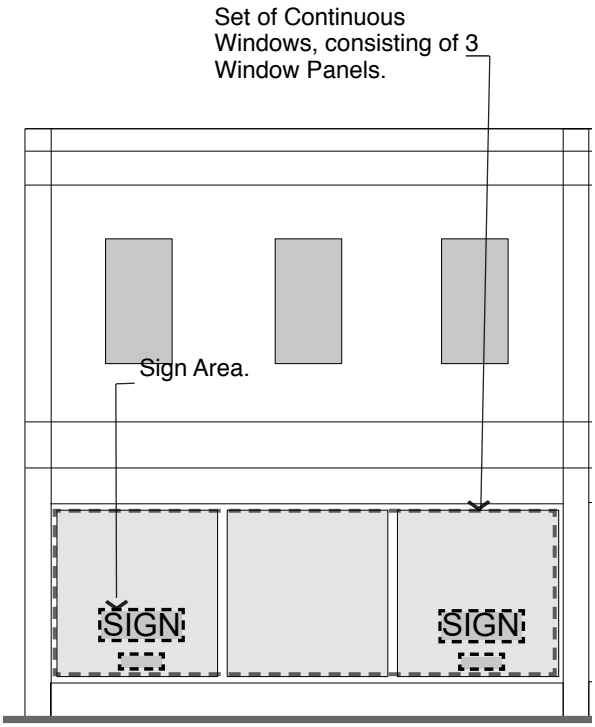


Figure 9.8 (1). Measuring Window Signs.



Table 9.8 (2). Window Sign Picture Example.

9.9 Monument Sign

1. Description

A Monument Sign is freestanding; it is located in a front or side yard of a lot. Refer to Figures 9.9 (1), 9.9 (2), and 9.9 (3).

2. General Requirements

Monument Signs shall be developed according to the standards in Table 9.9 (1).

(1) Multiple Tenants. Multiple tenant buildings on a lot with a width of greater than 300 feet, measured across the front property line, may have signage with the following parameters:

(a) Up to two Monument Signs on one frontage.

(b) Signs shall be at least 150 feet apart.

(2) Pole-Mounted Signs. Monument Signs may not be pole-mounted.

(3) Manually Changeable Copy. The area of any Manually Changeable Copy cannot equal greater than 50% of the area of the sign face on which it is located or 20 square feet, whichever is less.

(4) A base equal to no less than 20% of sign is required. The base shall relate to the adjacent building in terms of materials

(5). Electronic monument signs are permitted.

3. Sign Size Computation

The area of a two-sided Monument Sign is equal to the area of one Sign face. The area of a three or four sided Monument Sign is equal to the total area of each sign face. This measurement includes the sign, any cabinet in which it is enclosed and the electronic message center, but excludes the base of the sign.

(1) Measuring Height. Height shall include the sign face, base, cabinet, and ornamental cap.

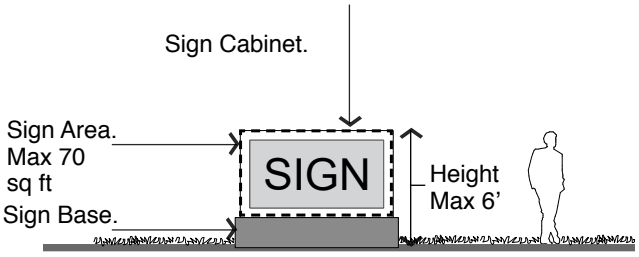


Figure 9.9 (1). Monument Sign.

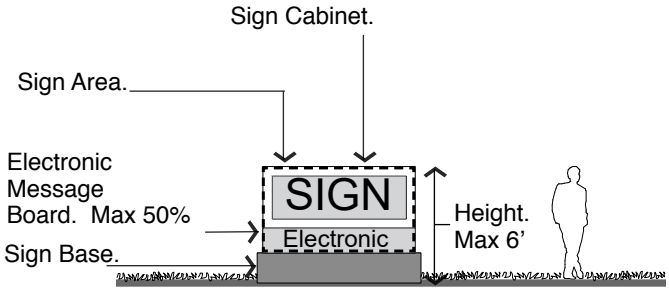


Figure 9.9 (2). Monument Sign with EMB (Max EMB 50% of sign area)

Monument Sign Requirements	
Permitted Districts	All Districts
Sign Area	Maximum 70 sq ft per Sign face, corner lots may double size upon approval by Zoning Administrator
Height	Maximum height 6’
Location on the Building or Site	Front or Corner Yards
Placement on the Building or Site	10’ Setback from driveways & side property line; 3’ Setback[1] from front & corner property lines
Quantity	1 per public ROW frontage. Must provide for a clear view near any intersection of a driveway and a street.
Internal Illumination	Permitted for individual letters and logos
Materials	Solid wood, metal & masonry; Plastic & synthetics permitted on Sign face; Electronic Message Board permitted in All Districts.

[1] If placed closer than five feet from the front and corner side property lines, sign must not be located in a sight triangle extending 10 feet from either side of an intersection of a driveway and a vehicular right-of-way or two vehicular rights-of-way.

Table 9.9 (1). Monument Sign Requirements.





Figure 9.9 (3). Monument Sign Picture Examples.

9.10 Center Identification Sign

1. Description

A Center Identification Sign is freestanding and may be mounted on one or two poles. Three configurations are permitted. Refer to Figure 9.10 (1).

(1) A sign mounted onto a double set of poles.

(2) A sign mounted on a single pole.

(3) A sign hanging from a single pole.

(4) Signs may be electronic.

2. General Requirements

Center Identification Signs shall be developed according to the standards in Table 9.10 (1).

3. Sign Size Computation

The area of a Pole-Mounted Sign is equal to the area of one sign face.

Ped-Scale Pole-Mounted Sign Requirements	
Permitted Districts	All Districts
Sign Area	100 sq ft maximum area per sign face
Height	10' maximum height for sign mounted or hanging on a single covered pole;
Location on the Building or Site	Front or Corner Yards
Placement on the Building or Site	5' setback from front & corner property lines; Cannot overhang property lines
Quantity	1 per lot frontage
Internal Illumination	Permitted, lettering should be illuminated
Materials	Solid wood, metal & masonry; Plastic & synthetics permitted on Sign face

Table 9.10 (1). Center Identification Sign Requirements.

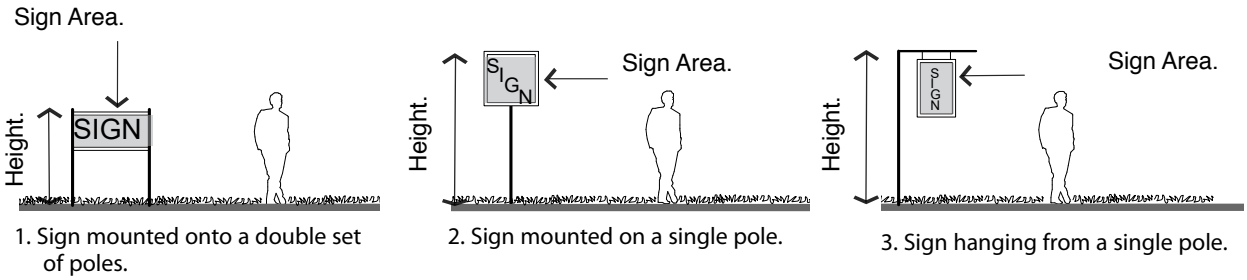


Figure 9.10 (1). Three Types of Center Identification Signs.



Figure 9.10 (2). Three Types of Center Identification Signs Picture Examples.

Chapter 10.0
ADMINISTRATION

10.0 Administration

10.1 General Provisions and Review Process

1. Scope of Regulations

(1) New Development. All development, construction, and establishment of uses within the limits of this code occurring after the effective date of this code shall be subject to all applicable regulations of this code.

(2) Renovated Structures. All building renovations affecting greater than 15% gross square footage of a structure within the limits of this code shall be subject to all applicable regulations of this code.

(3) In-Process Development. Where a building permit for a development has been applied for in accordance with the prior law in advance of this code's effective date, said development may comply with the standards under which the permit was approved and, upon completion, receive a certificate of occupancy or zoning certificate (provided all conditions are met) provided the following:

(a) Work or construction is begun within one year of the effective date of this code.

(b) Work or construction continues diligently toward completion.

(4) Nonconformities. After the effective date of this code, existing buildings and uses that do not comply with the regulations of this code shall be considered nonconforming and are subject to the standards of 10.2 Nonconformities.

2. Administration & Enforcement

The provisions of this code shall be administered and enforced by the Zoning Administrator unless otherwise specifically stated. For the purposes of this code, the term Zoning Administrator shall be inclusive of his or her designees.

Where provisions of this code differ from other provisions of this Title, the requirements of this code shall apply.

3. Development Application

Applications (form, fees, and plan sets) shall be filed with the Zoning Administrator.

(1) Application Form. Application forms are available from the City.

(2) Fees. Fee amounts are available from the City and are due at the time of application; the application will be considered incomplete if fees are not paid and City standards are not met.

(3) Plan Set Requirements. Number of copies and minimum scale of drawings shall be noted on the application form. All plans shall be submitted in both a paper and an approved digital format using NAD1983 state plane coordinates.

(4) Filing Deadline. Filing deadlines are established by the City and available at City Hall.

(5) Withdrawal of Application. Applicant may withdraw application whole or in part at any point in the process prior to being acted or ruled upon; new application form, fees, and plan sets are required for reapplication, if the new application is not received within three months.

(6) Records on File. Applications and the resulting recommendations and rulings shall be kept on file by the Zoning Administrator and shall be considered public record.

(7) Notice requirements for each process are detailed in City code.

4. Zoning Map

The areas and boundaries of the Clearfield Downtown Form Based Code listed in Chapter 2 are hereby established to scale as shown on the map entitled Zoning Map of the Clearfield City and referred to herein as "Zoning Map".

5. Process.

(1) Any development within the Clearfield Downtown shall be considered an administrative application and processed as a permitted use.

(2) The application shall generally follow the procedures in Title 11 Chapter 5 of the Clearfield City Code and include the following processes:

(a) Pre-Application Meeting. Refer to 10.1.7.

(b) Site Plan Approval, including building, site, landscaping, open space, signs, and streetscape. Refer to 10.1.8.

(c) Subdivision approval, if required.

(3) Exempt Activities. The following activities are exempt from the requirements of 10.0 Administration.

(a) Ordinary repairs for the purpose of regular building, signage, lighting or site maintenance.

(b) Construction within the interior of the structure that is not visible from the exterior of the building for the existing use.

(c) Emergency repairs ordered by any code enforcement official in order to protect health and safety.

6. Planning Commission and Staff Review

Using the Site Plan Review process, the Planning Commission shall approve, deny the application if City Standards are not met, or approve with conditions all submittals for Site Plan Approval within the Clearfield Downtown upon review by applicable City staff.

(1) The Staff Review shall include members of each regulatory agency, and a representative of each affected City Department

(2) The Staff shall review applications and forward them to the Planning Commission within 60 days.

(3) The decision regarding approval, denial of the application if City Standards are not met, or approval with conditions of a Site Plan shall be stated in writing the reasons for the action.

(4) If a dispute arises, the applicant may appeal the Planning Commission's decision to the Appeal Authority then to District Court.

(5) The Planning Commission shall act on the application with 120 days from the day of the first noticed meeting. Construction shall begin within 12 months of the formal project approval.

(a) Applicant can request an extension if done so in writing to the Zoning Administrator at least 30 days prior to the end of the 12 month period, for an extension up to an additional 12 months.

(b) Failure to begin construction within the 12 month period without an extension shall require a new application, including all forms, fees, and plan sets.

(6) Review Criteria. All Site Plan applications shall be reviewed using the following criteria.

(a) Plan's design is consistent with the intent, character, and planning criteria of this Code.

(b) Plan's design meets all of the requirements of this code.

(c) Proposed development is sufficiently served by or provides essential public facilities, such as access and open space, and services, such as utilities and emergency services.

(d) Plan is designed with regard to preserving natural features and topography.

7. Pre-Application Meeting

(1) Intent. To afford the applicant an opportunity to receive the advice and assistance of the professional staff before preparing formal plans and making an official application.

(2) Eligible Applicant. Applicant must schedule a pre-Application meeting prior to submitting an application for Site Plan approval.

(3) Application. Applicant shall submit the following.

(a) Application, Form, and Applicable Fees.

(b) Sketch Plan. A sketch plan or plans shall detail the proposal, including the following.

(i) General rough layout of block, and lots, with types of streets and Open Space Type noted.

(ii) Existing conditions such as topography, water bodies, aerial photograph, and flood plain.

(iii) Approximate distribution of hard surface, landscaping, building types, and uses.

(iv) Anticipated method of achieving parking requirements.

(iv) Site survey if available.

(c) Exceptions. A description of any desired Exception.

(4) Pre-Application Meeting. Staff shall meet with the Applicant to discuss the proposed plan within 30 days of receipt of the complete application.

8. Site Plan Approval

(1) Intent. To establish a process that allows the City staff and Planning Commission to administratively review development and redevelopment of sites and Building Types, uses, and other site requirements within the Clearfield Downtown to ensure that the full standards and intent of this code are met.

(2) Eligible Applicant. Applicant shall apply for Site Plan Approval for all projects within the Clearfield Downtown.

(3) Application. The following information shall constitute a complete application. Application shall be submitted digitally and in paper format as required by the City.

(a) Complete Application, Form, and Applicable Fees.

(b) Applicant shall submit the following in compliance with the requirements of 2.0 Districts, 3.0 Uses, 4.0 Building Types, 6.0 Open Space Types (when submitting an application for development of a Open Space Type), 7.0 Landscape, 8.0 Parking, and 9.0 Sign Types. All maps and plans shall include date of preparation, north arrow, and scale.

(i) Site Location Map, Legal Description/Limits of Plan.

(ii) Survey Plat. Dimensions of property lines, easements, rights-of-way.

(iii) Development Boundaries and Proposed Phasing, if applicable.

(iv) Existing Conditions Plan. Existing on-site and adjacent off-site structures, streets, utilities, easements, pavement noted either on an aerial photograph or site survey.

(v) Existing Natural Conditions Plan. Existing topography, vegetation, drainageways, floodplain/way, or other unique features either on an aerial photograph or site survey.

(vi) Site Plan. A Site Plan delineating all proposed structures and surfaces, including parking, pavement, decks, patios, landscape, and retaining walls.

(vii) Building Plan(s). Floor plans for all buildings illustrating compliance with the requirements of 5.0 Building Types.

(viii) Table of Uses. A table of uses is required on the Building Plan delineating locations and gross square footages of categories of uses, and illustrating compliance with 3.0 Uses.

(ix) Building Elevations. Building elevations of all facades, rendered to illustrate compliance with the requirements of 5.0 Building Types.

(x) Landscape Plan. Landscape Plan illustrating compliance with the requirements of 7.0 Landscape. All ground plane vegetation shall be illustrated. For sites with less than ten percent landscape area, the Landscape Plan may be combined with the Site Plan.

(xi) Parking Plan. Parking layout plan with table of spaces keyed to plan, illustrating compliance with 8.0 Parking. Driveways, shared parking arrangements, cooperative parking, and any other parking reductions shall be included and noted for compliance with 8.0 Parking.

(xii) Signage Plan, if Signage is included. Signage Plan illustrating compliance with the requirements of 9.0 Sign Types.

(xiii) Open Space Plan, if Open Space is included. Open Space Plan shall define all paving, structures, site furnishings, and landscape areas.

(4) Application Process Timeline. Upon submittal of a complete application, the application will be reviewed using the following process and timeline.

(a) Staff Review. Staff shall review and make recommendations on the application within 60 days of the submission of the complete application.

(b) The Planning Commission shall render a decision within 120 days of the first public meeting.

(i) The 120 days may be extended with the applicant's written consent.

(ii) The Planning Commission may approve, approve with conditions, or terminate the application until it can meet City Standards, providing the reasons for such action and any conditions for approval in writing.

(5) Procedure for Site Plan Adjustments. The Zoning Administrator may permit Minor Adjustments to an approved site plan, if the revisions are within the scope and intent of the original approval.

(a) Process. The process to review plan adjustments is as follows.

(i) Applicant shall submit a revised plan and letter of explanation detailing the change to the Zoning Administrator.

(ii) The Zoning Administrator shall review the request and notify the applicant of the decision.

(iii) If the Zoning Administrator deems the change to be a Major Adjustment to the plan, applicant must resubmit for Site Plan Review for approval of the new plan, including a new application (forms, fees, and plan sets) for review by the Planning Commission.

(iv) If the Zoning Administrator deems the changes to be Minor Adjustments and approves them as within the scope and intent of the original approval, the Applicant shall revise the plan providing copies to the Zoning Administrator for filing prior to applying for building or construction permits.

(b) Minor Adjustments are limited to the following, while still meeting the requirements of this code. All other adjustments are considered Major.

(i) Changes in dimensions or quantities less than ten percent of previous amounts.

(ii) Landscape Requirements within one foot of required dimensions. (refer to 7.0)

(iii) Parking and Loading Facilities within one foot of required dimensions. (refer to 8.0)

(iv) Sign Type Requirements within one foot of required dimensions. (refer to 9.0)

(v) Building Type Requirements within one foot of required dimensions. (refer to 5.0)

9. Development Agreement.

A development agreement may be used to further establish conditions of approval or to amend/modify provisions of this Clearfield Downtown Form Based Code. Using a template provided by the City, staff shall review, then the Planning Commission shall make a recommendation to the City Council, and then the City Council shall make a final decision about whether to enter into the agreement as presented or as modified by the process or to deny the application for a development agreement. Development agreements are a legislative action.

10. Subdivision Plat Approval.

Refer to Title 12 of the City Code for information on the subdivision plat approvals processes.

10.2 Nonconformities.

1. General Requirements.

(1) Intent. To provide a set of regulations for legal nonconforming structures and uses and to specify those circumstances and conditions under which those nonconformities may be gradually eliminated.

(2) Applicability. The standards in this section apply as follows.

(a) The provisions detailed in this section apply to all structures, uses, or site characteristics that lawfully existed prior to the adoption of or Amendment to this code, but that may not occur under the current provisions of this code.

(b) Structures, uses, and site characteristics that did not lawfully exist prior to the effective date or amendment to this code shall not be considered legal nonconformities and therefore are not protected under the provisions of this section.

(3) Continuation. All nonconformities are permitted to continue subject to the restrictions outlined in this section.

(4) Maintenance. All nonconformities shall be maintained as required by law to protect public health, safety, and welfare, provided said maintenance does not result in the expansion of the nonconformity.

2. Nonconforming Structures.

Refer to Title 11 of City Code for information on nonconforming structures.

3. Nonconforming Uses.

Refer to Title 11 of City Code for information on nonconforming uses.

4. Other Nonconformities.

(1) Intent. To establish regulations for the continuation of site characteristics, such as impervious site coverage, curb cut quantity, signage, parking, landscaping, or other non-structural, physical

characteristics of a site, that were legally constructed or installed prior to the approval or amendment of this code, but that cannot be created under the provisions of this code.

(2) Restrictions to Continuation. A nonconforming site characteristic may continue based upon the following conditions.

(a) 10% Percent Exception. A site characteristic is not considered nonconforming if the size of the nonconformance is 10% or less of this code's requirement.

(b) Change in Associated Use. The right to continue shall be terminated if the associated use changes or changes in intensity through such additions as an increase in the dwelling units, gross floor area, or capacity by 15% or more.

(c) Single or individual business signs within a multiple business center are exempt from this standard. A new tenant is permitted to install an individual business sign even if the signage on the lot as a whole is nonconforming, provided that the new sign does not increase the lot's nonconformance.

(d) Change in Associated Structure. The right to continue shall be terminated if the associated structure is altered to increase its gross floor area by 15% or more.

(d) Abandonment. The right to continue shall be terminated if the associated Use or structure, conforming or not, is abandoned for a period of 12 consecutive months.

10.3 Definitions.

1. Graphics.

The graphics, tables, and text utilized throughout this code are regulatory. In case of a conflict, text shall control over tables and tables shall control over graphics.

2. Defined Terms.

For the purposes of this code, the following terms shall have the following meanings.

(1) Animal. All non-human members of the animal kingdom, including domestic and livestock species.

(2) Animal Boarding. The commercial keeping of animals overnight: including kenneling and boarding.

(3) Applicant. The owner of a subject property or the authorized representative of the owner on which a land development application is being made.

(4) Block. The aggregate of lots, passages, lanes, and alleys bounded on all sides by streets.

(5) Block Depth. A block measurement that is the horizontal distance between the front property line on a block face and the front property line of the parallel or approximately parallel block face.

(6) Block Ends. The lots located on the end of a block; these lots are often larger than the lots in the interior of the block or those at the opposite end of the block and can be located on a more intense street type. They are typically more suitable for more intensive development, such as multiple family or mixed use development.

(7) Block Face. The aggregate of all the building facades on one side of a block.

(8) Block Length. A block measurement that is the horizontal distance along the front property lines of the lots comprising the block.

(9) Build-to-Zone. An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a property line. The zone dictates the minimum and maximum distance a structure may be placed from a property line.

(10) Building Type. A structure defined by the combination of configuration, form, and function.

(11) Courtyard. An outdoor area enclosed by a building on at least two sides and is open to the sky.

(12) Coverage, Building. The percentage of a lot developed with a principal or accessory structure.

(13) Coverage, Impervious Site. The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.

(14) Critical Root Zone. Also referred to as drip line. The area of soil and roots within the radius beneath the tree's canopy, within the dripline, or within a circular area of soil and roots with a radius out from the trunk a distance of 1.5 feet for every inch of the tree's width (measured at 4.5 feet above the mean grade of the tree's trunk, noted as diameter breast height or DBH throughout this code).

(15) Dedication. The intentional appropriation of land by the owner to the City for public use and/or ownership.

(16) Density. The number of dwelling units located in an area of land, usually denoted as units per acre.

(17) Dwelling Unit. A room or group of rooms connected together that include facilities for living, sleeping, cooking, and eating that are arranged, designed, or intended to be used as living quarters for one family, whether owner occupied, rented, or leased.

(18) Easement. A legal interest in land, granted by the owner to another person or entity, which allows for the use of all or a portion of the owner's land for such purposes as access or placement of utilities.

(19) Eave. The edge of a pitched roof; it typically overhangs beyond the side of a building.

(20) Entrance Type. The permitted treatment types of the ground floor Facade of a Building Type. Refer to 5.9 for more information and a list of permitted Entrance Types.

(21) Expression Line. An architectural feature. A decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior facade or a building typically utilized to delineate floors or stories of a building.

(22) Facade. The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front property line.

(23) Family. Family as defined by "Federal Law".

(24) Grade. The average level of the finished surface of the ground story adjacent to the exterior walls of a building.

(25) Gross Floor Area. The sum of all areas of a building, including accessory storage areas or closets within sales spaces, working spaces, or living spaces and any basement floor area used for retailing activities, the production or processing or goods, or business offices. It shall not include attic space having headroom of seven feet or less and areas devoted primarily to storage, balconies, off-street parking and loading areas, enclosed porches, roof decks, roof gardens, or basement floor area other than specified above.

(26) Impervious Surface. Also referred to as impervious material. Any hard surface, man-made area that does not absorb water, including building roofs, sidewalks, parking, driveways, and other paved surfaces.

(27) Landscape Area. Area on a lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.

(28) Lot. Also referred to as parcel. A plot of land intended to be separately owned, developed, or otherwise used as a unit.

(29) Lot, Corner. A parcel of land abutting at least two vehicular rights-of-way, excluding an alley, at their intersection.

(30) Lot, Flag. A parcel of land having its only access to the adjacent vehicular right-of-way, excluding an alley, through a narrow strip of land.

(31) Lot, Interior. A parcel of land abutting a vehicular Right-of-Way, excluding an Alley, along one (1) Property Line; surrounded by Lots along the remaining Property Lines.

(32) Lot, Through. Also referred to as a double frontage lot. An interior lot having frontage on two approximately parallel vehicular rights-of-way, excluding an alley.

(33) Lot Area. The computed area contained within the property lines; it is typically denoted in square feet or acres.

(34) Lot Depth. The smallest horizontal distance between the Front and Rear Property Lines measured approximately parallel to the Corner and/or Side Property Line.

(35) Lot Frontage. The horizontal distance between the Side Property Lines, measured at the Front Property Lines.

(36) Mullion. A vertical bar between the panes of glass in a window.

(37) Nit. A unit of visible-light intensity, commonly used to specify the brightness of a cathode ray tube or liquid crystal display computer display

(38) Nonconformance. A structure, use, lot, or site characteristic that was legally constructed or operated prior to the effective date of or Amendment to this code, but that cannot be constructed, platted, or operated after the effective date of or Amendment to this code.

(39) Occupied Space. Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

(40) Open Space Type. The permitted and regulated types of open spaces in this code. Refer to 6.0 Open Space Types for more information and a list of the permitted types.

(41) Open Water. A pond, lake, reservoir, or other water feature with the water surface fully exposed.

(42) Owner. The legal or beneficial title-holder of land or holder of a written option or contract to purchase the land.

(43) Pedestrian way. A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

(44) Pervious Surface. Also referred to as pervious material. A material or surface that allows for the absorption of water into the ground or plant material, such as permeable pavers or a vegetated roof.

(45) Plat. A map or chart of a division and/or combination of lots.

(46) Primary Street. A street designated on the Zoning Map that receives priority over other streets in terms of setting front property lines and locating building entrances.

(47) Property Line. Also referred to as lot line. A boundary line of a parcel of land or lot.

(48) Property Line, Corner. A boundary of a lot that is approximately perpendicular to the front property line and is directly adjacent to a public Right-of-Way, other than an alley or railroad.

(49) Property Line, Front. The boundary abutting a right-of-way, other than an Alley, from which the required setback or build-to zone is measured, with the following exceptions. (a) Corner and Through Lots that abut a Primary Street shall have the front property line on that Primary Street. (b) Corner and Through Lots that abut two Primary Streets or do not abut a Primary Street shall utilize the orientation of the two directly adjacent lots, or shall have the front property line determined by the Zoning Administrator.

(50) Property Line, Rear. The boundary of a lot that is approximately parallel to the front property line; this line separates lots from one another or separates a lot from an alley.

(51) Property Line, Side. The boundary of a lot that is approximately perpendicular to the front and rear property lines; it is not adjacent to the public right-of-way.

(52) Right-of-Way. Land dedicated or utilized for a Street Type, trail, pedestrian way, utility, railroad, or other similar purpose.

(53) Roof Type. The detail at the top of a building that finishes a Facade,

(54) Scale. The relative size of a building, street, sign, or other element of the built environment.

(55) Semi-Pervious Surface. Also referred to as semi-pervious material. A material that allows for at least 40% absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

(56) Setback. The horizontal distance from a property line inward, beyond which a structure may be placed. Structures or other impervious surfaces are not permitted within a setback, unless specifically permitted in this code.

(57) Sign. An object, device, or structure used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by such means as words, letters, figures, images, designs, symbols, or colors. Flags or emblems of any nation, state, city, or organization; works of art which in no way identify a product; and athletic field score boards are not considered signs.

(58) Solar Reflectance Index (SRI). A measure of a constructed surface's ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from 0 to 100 and is defined so that a standard black surface is 0 and a standard white surface is 100. To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

(59) Story. A habitable level within a building measured from finished floor to finished floor.

(60) Story, Ground. Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

(61) Story, Half. A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

(62) Story, Upper. Also referred to as upper floor. The floors located above the ground story of a building.

(63) Street Face. The facade of a building that faces a public right-of-way.

(64) Street Frontage. Also refer to lot frontage. The portion of a building or lot directly adjacent to a vehicular right-of-way.

(65) Street Type. The permitted and regulated types of streets in this code. Refer to 4.0 Street Types for more information and a list of the permitted Street Types.

(66) Streetwall. The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.

(67) Structure, Accessory. The general term for a subordinate structure detached from, but located on the same Lot as the Principal Structure; it may or may not be inhabitable.

(68) Structure, Principal. Also referred to as the principal building. A building that contains the dominant Use of the Lot. It is typically located toward the front of the lot in the front Build-to Zone or behind the Front Yard Setback.

(69) Swale. A low lying, naturally planted area with gradual slopes that facilitate the transport, absorption, and/or filtration of stormwater.

(70) Tree Canopy. The uppermost area of spreading branches and leaves of a tree.

(71) Tree Canopy Coverage. The area of ground covered or shaded by a tree's canopy, measured in square feet.

(72) Use. Also referred to as land use. A purpose or activity that may occur within a building or a lot.

(73) Use, Accessory. A use customarily, incidental, and subordinate to the principal use or structure and located on the same lot with such principal use or structure.

(74) Use, Principal. The specific, primary purpose for which a lot or building is utilized.

(75) Visible Basement. A half story partially below grade and partially exposed above with required transparency on the street facade.

(76) Water Body. A body of water, such as a river, pond, or lake that may be man-made or naturally occurring.

(77) Yard. The space on a lot which is unoccupied and unobstructed from the ground to the sky by the principal structure. Lots without a structure do not have yard designations.) Yards.

(78) Yard, Corner Side. A yard extending from the corner side building facade along a corner side property line between the front yard and rear property line.

(79) Yard, Front. A yard extending from the front facade of the principal structure along the full length of the front property line, between the side property lines or side and corner side property lines.

(80) Yard, Rear. A yard extending from the rear building facade along the rear property line between the side yards or, on a corner lot, the corner side and side yards.

(81) Yard, Side. A yard extending from the side building facade along a side property line between the front yard and rear property line.

(82) Zoning District. A designation given to each lot within the city that dictates the standards for development on that Lot. Refer to 2.0 Places and Districts for more information and a list of permitted Zoning Districts.

Attachment B

DOWNTOWN CLEARFIELD FORM-BASED CODE UPDATE
PROJECT SCHEDULE

Consultant agrees to commence work immediately and shall complete all contract work on or before October 18, 2019. All work shall be performed pursuant to a work schedule as follows:

A. Draft documents will be provided to the City on or before 12:00 pm July 16, 2019.
B. The Consultant will be present for the Joint Work Session meeting on July 30, 2019 at 6:00pm.
C. Draft document with revisions, if any, will be provided to the City on or before 5:00 pm August 12, 2019.
D. The Consultant will be present for the City Council Work Session meeting on September 17, 2019.
E. A draft document with revisions, if any due to and subsequent of, the Planning Commission public hearing and City Council Work Session meeting, will be provided to the City on or before September 24, 2019 at 12:00 p.m.
F. The Consultant will be present for the public hearing with the City Council on October 8, 2019 at 7:00pm.
G. The project final documents will be provided to the City on or before 12:00pm October 18, 2019 at 5:00 p.m.

Downtown Form-Based Code

Brad McIlrath, Senior Planner

Susie Petheram, FFKR Architects





Background

Creating Downtown Clearfield Small Area Plan

- Created the vision for the downtown and recommendations
- Goal 1: Modernize Downtown Zoning
  - Strategy 1 Option A: Develop a Form-based code for the corridor.

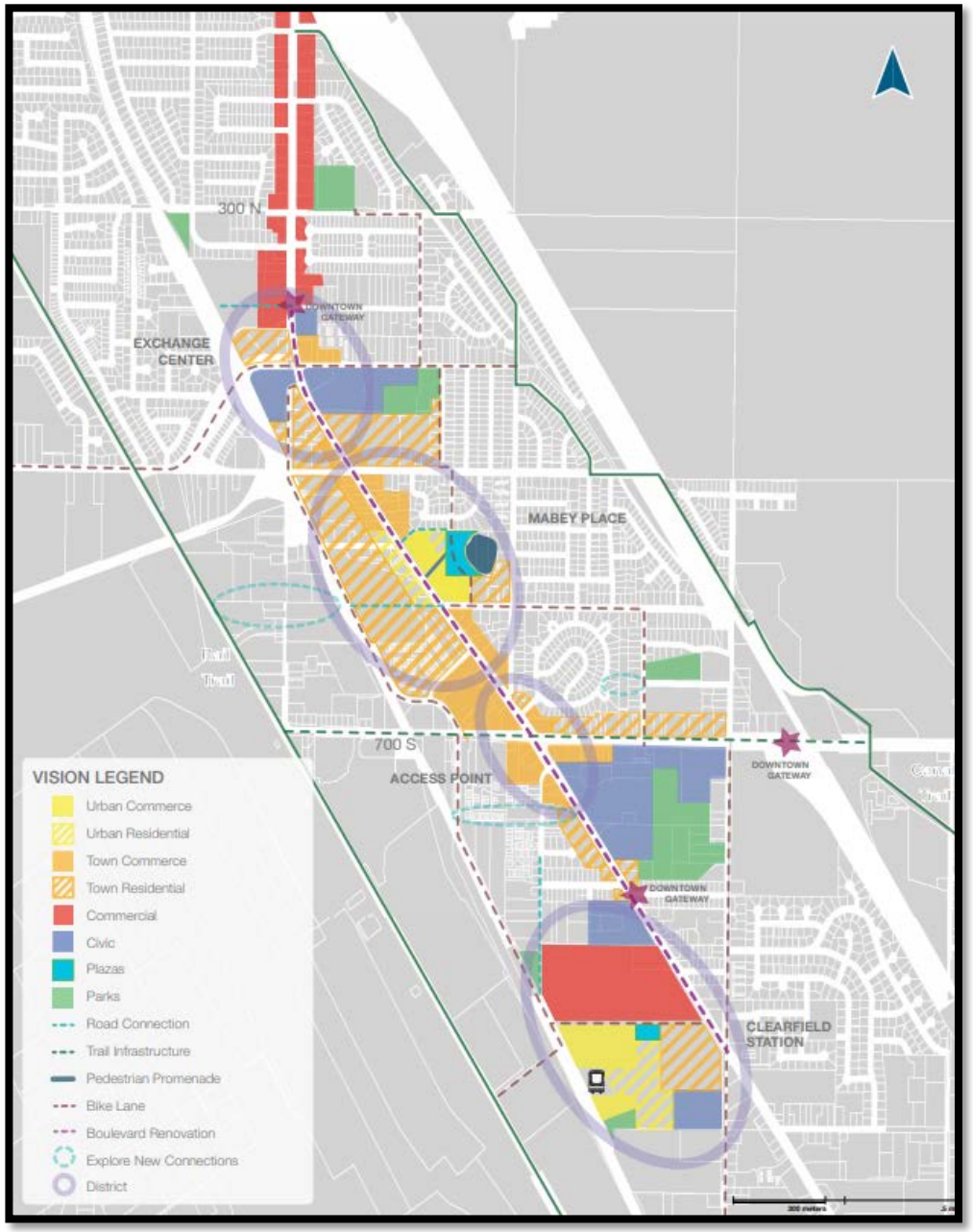
Form-Based Code Creation

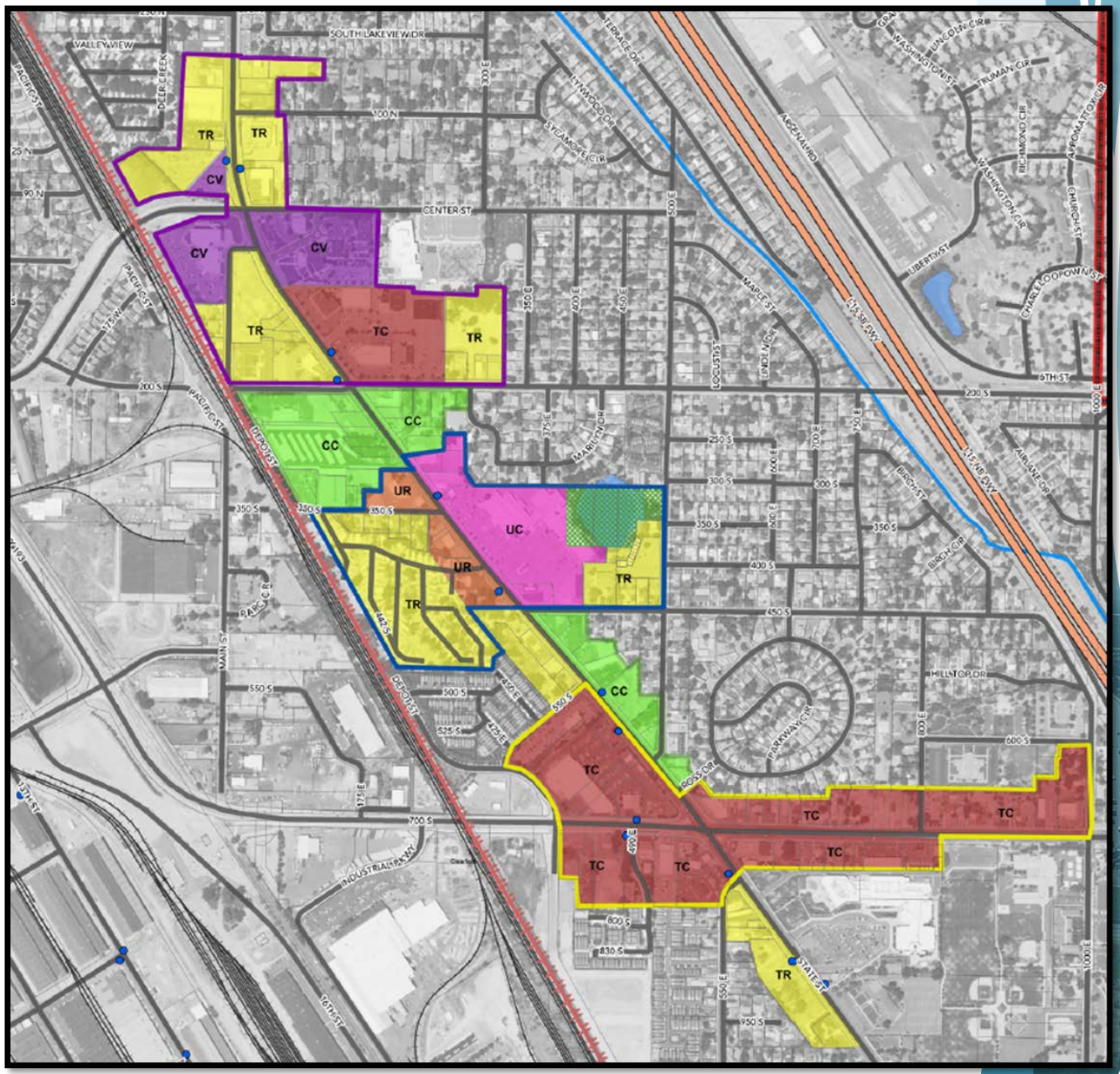
- May 2017 – June 2018

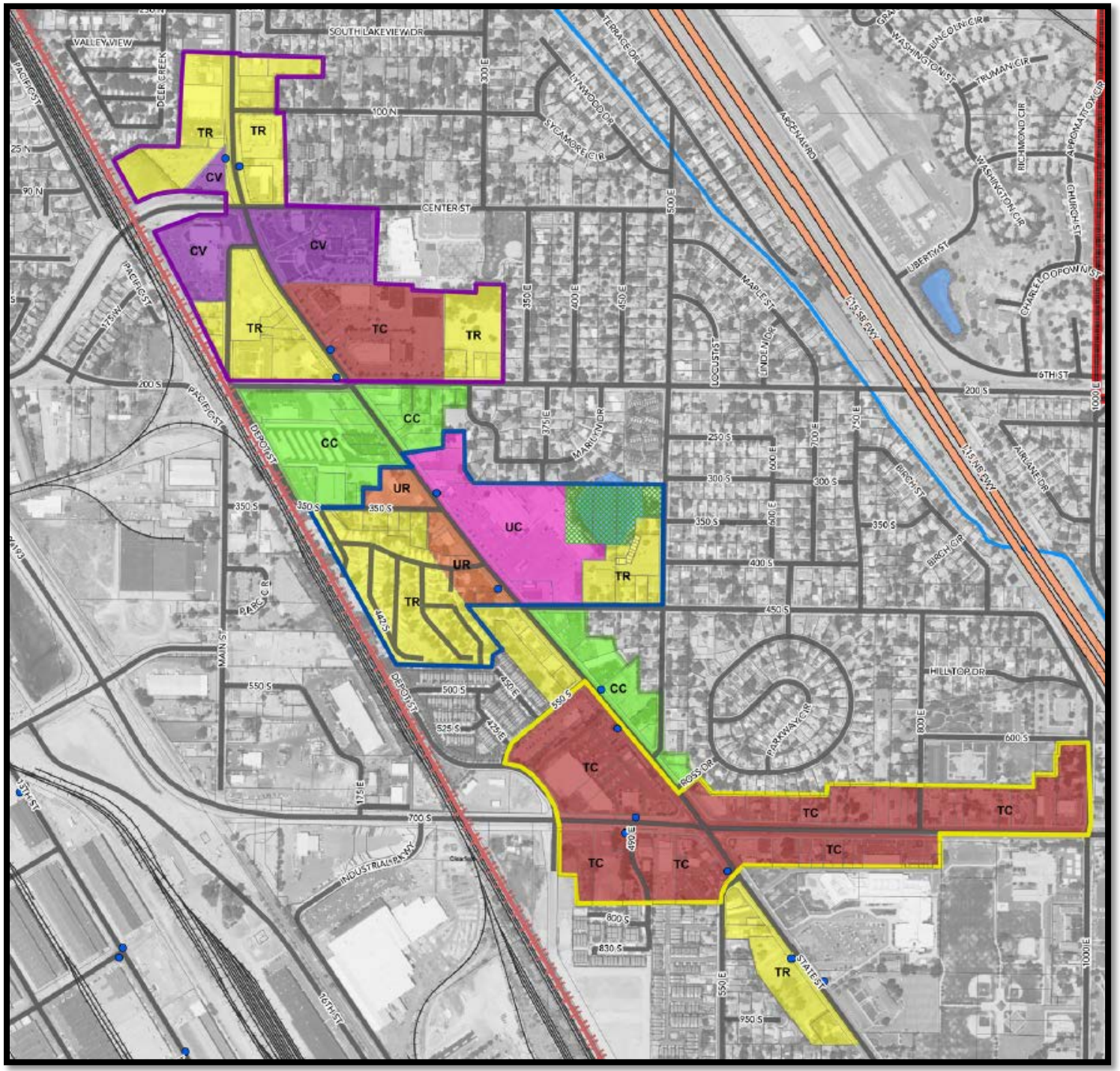
Code Update

- Adopted June 2018
- Through implementation identification of needed revisions to meet vision.
- Contracted with FFKR Architects for update to be completed by October 2019.

Consistency with Vision

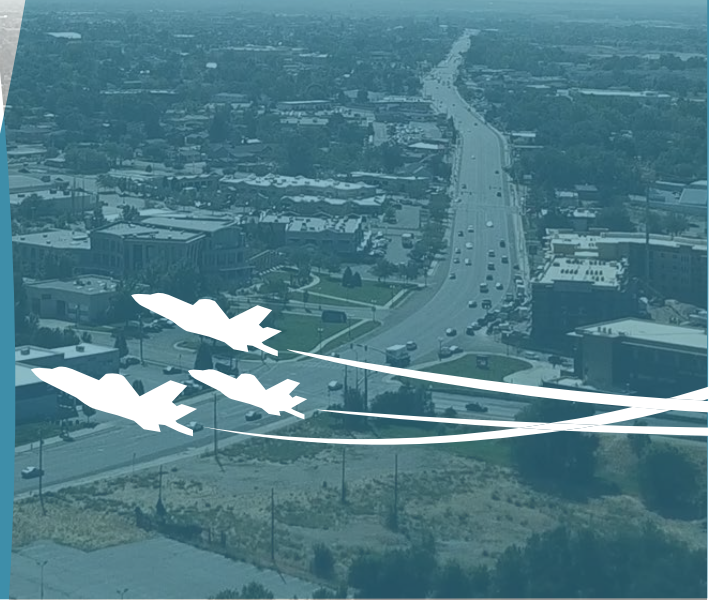


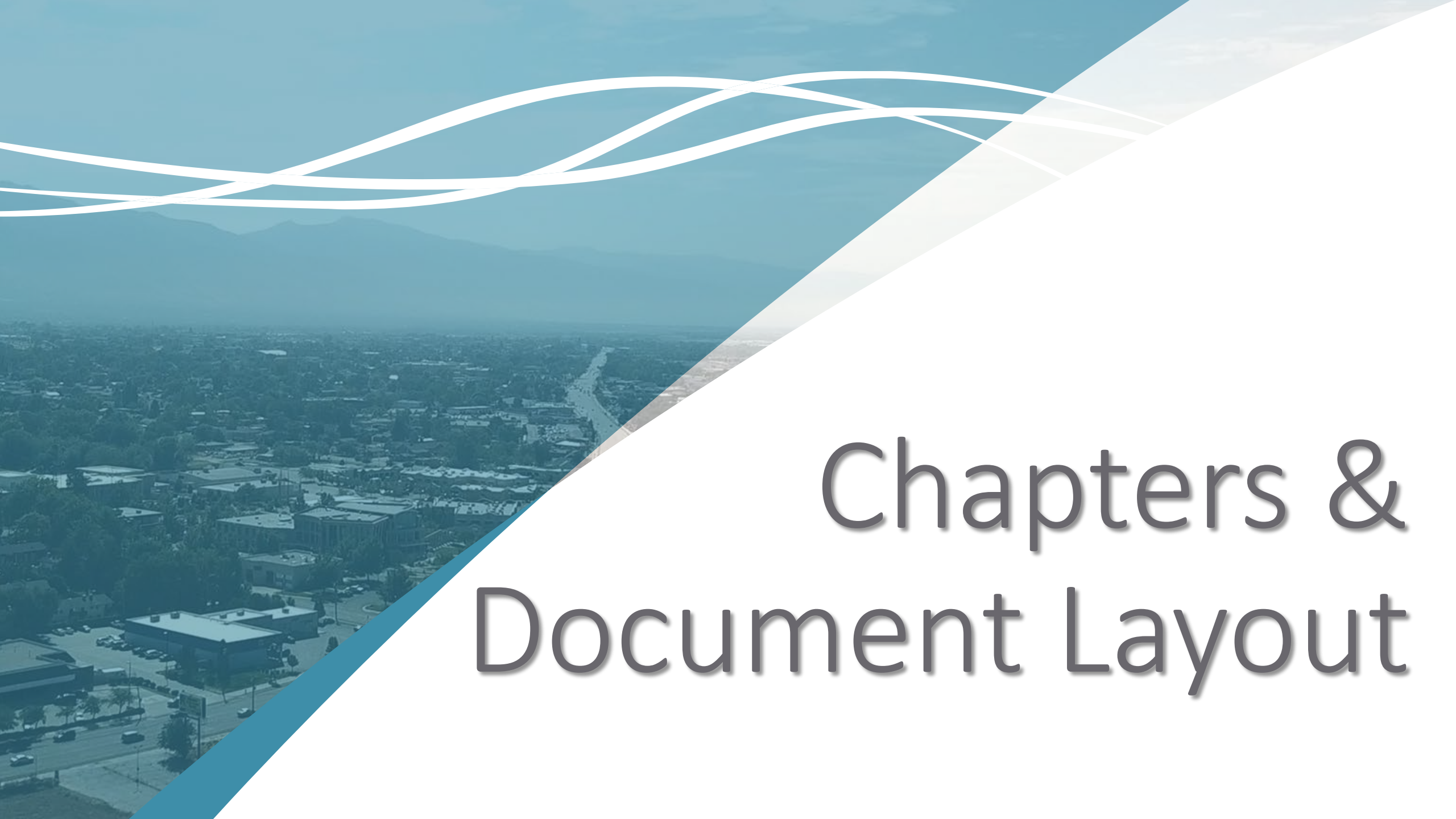




POTENTIAL CHANGES

- *Are the zones in the right places?*
- *Matching of Zones on each side of street.*
- *Evaluating Building Types*
- *Areas to include/exclude?*





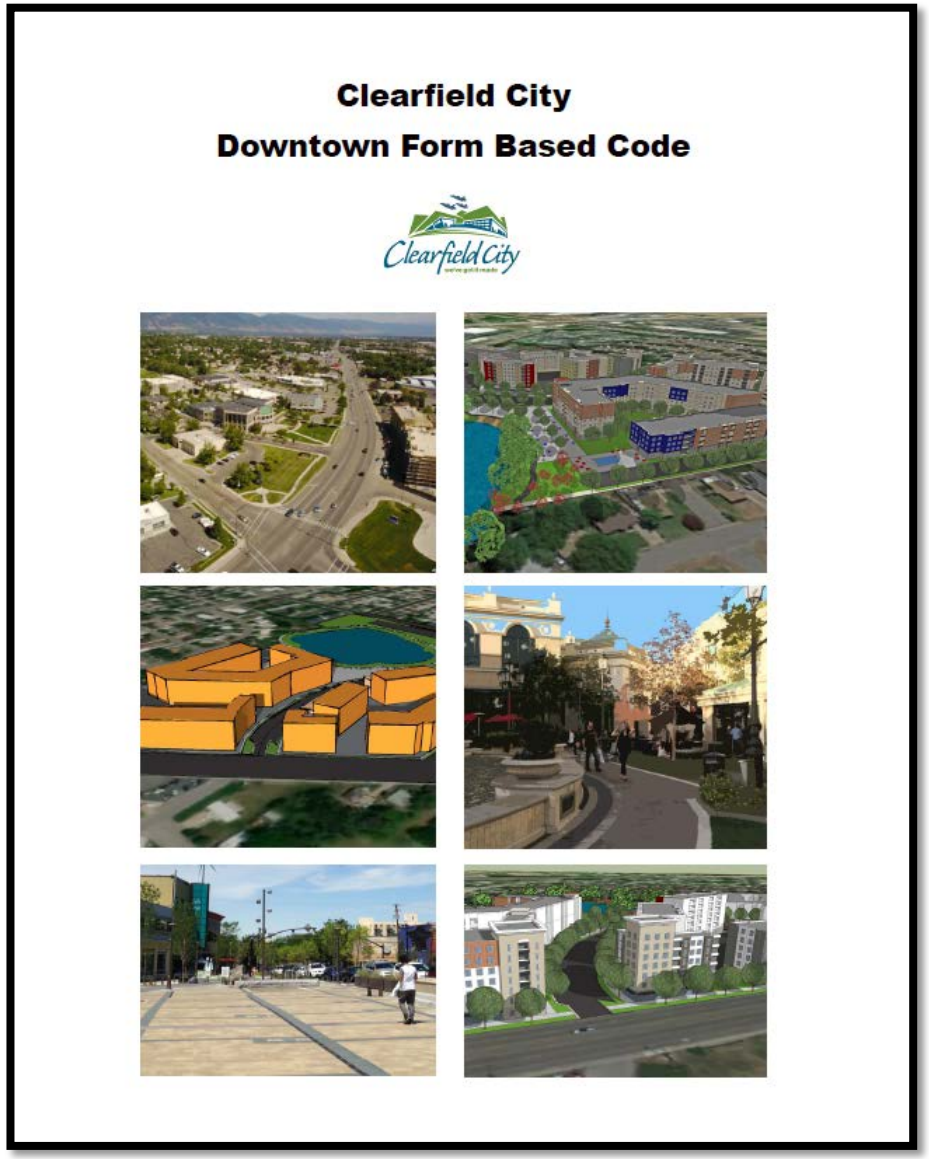
Chapters & Document Layout

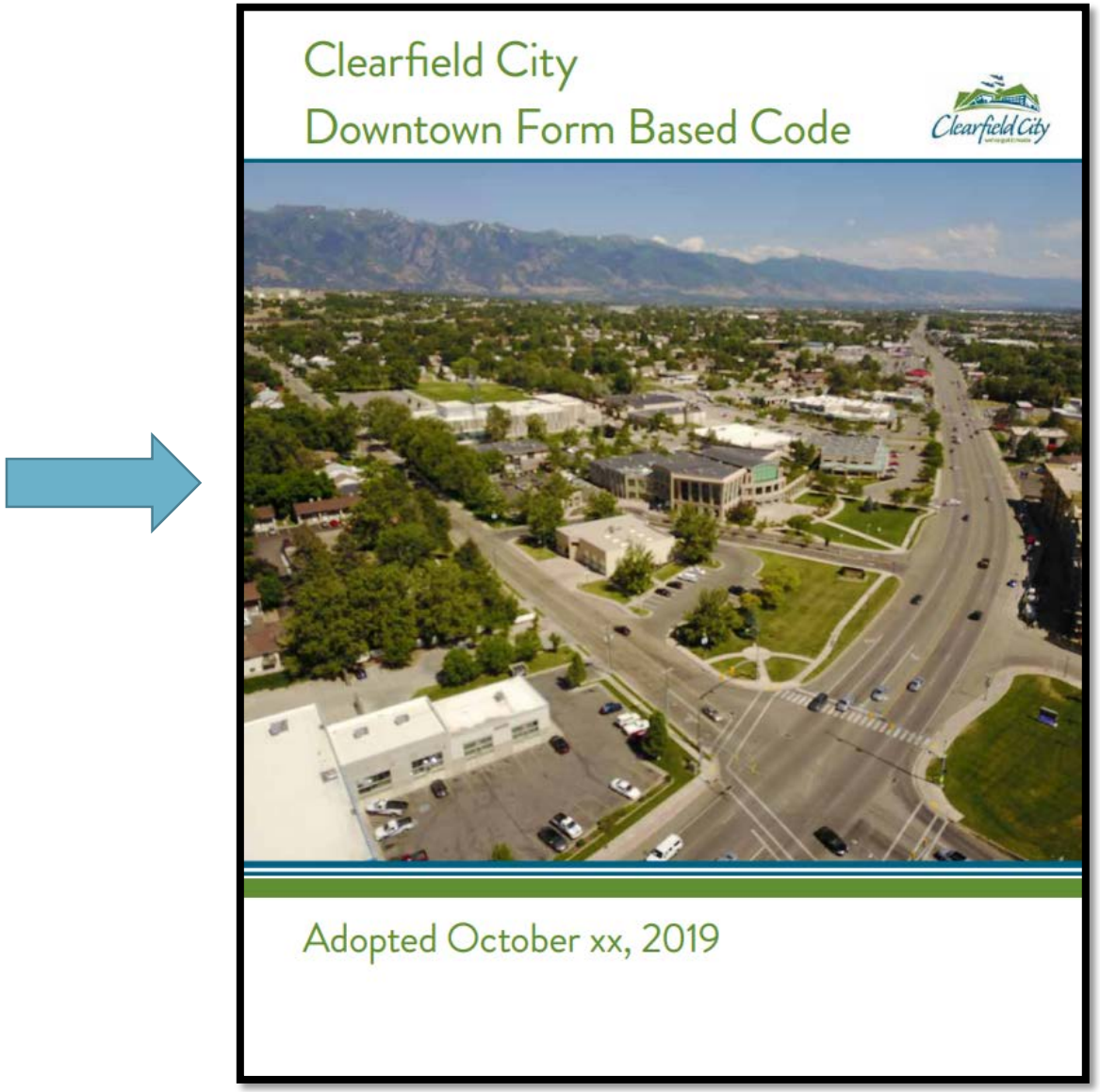
Highlights of the updates

- *New Format/Look*
- *Streamlined/Re-organized text*
- *Consistency in subsections*
- *Updated graphics*
- *Content/Layout updates*



Cover Page


Clearfield City
Downtown Form Based Code
Clearfield City


Clearfield City
Downtown Form Based Code
Clearfield City
Adopted October xx, 2019

Districts & Zones

2.0 Places and Districts

2.1 Places and Districts

1. Civic Center.

The Civic Center - surrounding 200 South and Main Street, is composed of a mixture of Civic and Residential uses. This Place includes municipal services, housing, and supporting commercial. Civic Center is intended for government/civic uses and acts as the northern gateway to the Downtown.

The Civic Center is composed of the following districts:

1. Town Residential (T-R) - townhouse, mansion style, multi-family, medium to high density residential, mixed-use, office, and commercial buildings – up to four stories in height.

2. Civic (CV)– public and quasi-public uses with a minimum of two stories.

3. Town Commerce (T-C) - retail, office, and mixed use residential (two story minimum) – up to four stories in height

2. Mabey Place.

Mabey Place - is envisioned to become easily recognizable as the heart of Clearfield. Both Urban Commerce and Urban Residential districts are located here, indicating the most intense part of Downtown. Mabey Place will capitalize on and enhance the Mabey Pond area as the City's most visible public open-space with a street to the Pond, creating an active connection.

The Mabey Place is composed of the following districts:

1. Urban Residential (U-R) – high density residential, retail, office, and mixed-use residential – minimum two stories

2. Urban Commerce (U-C) – retail, office, civic, and mixed use residential - minimum two stories

3. Town Residential (T-R) – townhouse, mansion style multi-family, medium to high density residential, mixed-use, office, and commercial buildings – up to four stories in height

3. Access Point.

Access Point - centered at 700 South and Main Street, is the most well connected, accessible part of the City and Downtown area. It is the first main intersection north of the Clearfield Frontrunner Station. It connects and functions as the gateway intersection from the freeway exit to the Downtown. Access Point is planned with Town Commerce district on all four corners of the intersection, indicating a small mixed use hub with a strong retail and commercial focus.

Access Point is composed of the following districts:

1. Town Commerce (T-C) - retail, office, and mixed use residential (two story minimum) – up to four stories in height

4. Commercial Corridor.

The Commercial Corridor (CC) represents the areas in-between the Place nodes. The Commercial Corridor primarily consists of commercial business that are 1-2 stories and these areas these areas exhibit less intensity than what will be found in the Places/nodes

2.2 Zoning Map.

1. Mapped Districts.

The areas and boundaries of the districts listed in 2.1 above are established as shown on the map entitled Clearfield Downtown and referred to herein as the "Zoning Map".

Chapter 2.0

DISTRICTS & ZONES



2.0 Districts & Zones

2.1 Purpose

1. Intent

The districts and corridors of Downtown Clearfield contain six zone designations that provide a mix of residential, commerce, and civic uses at a range of scales. This mix of uses is intended to offer opportunities for Downtown to include income producing properties integrated with rooftops to generate demand for commerce and services for residents.

2.2 Zones

1. Urban Commerce Zone (U-C)

The Urban Commerce zone will contain buildings that are two to six stories, containing the following mix of uses:

- Retail
- Office
- Civic
- Mixed Use Residential

2. Urban Residential Zone (U-R)

The Urban Residential zone will contain buildings that are two to six stories, containing the following mix of uses:

- High density Residential
- Retail
- Office
- Mixed Use Residential

3. Town Commerce Zone (T-C)

The Town Commerce zone will contain buildings that are two to four stories, containing the following mix of uses:

- Retail
- Office
- Mixed use Residential

4. Town Residential Zone (T-R)

The Town Residential zone will contain buildings that are two to four stories, containing the following mix of uses:

- Medium to High Density Residential
- Office
- Mixed use
- Retail

5. Corridor Commerce Zone (CC)

The Corridor Commerce zone will contain buildings that are one to two stories, containing the following mix of uses:

- Retail
- Office

6. Civic Zone (CV)

The Civic zone will contain buildings that are one to four stories, containing the following mix of uses:

- Public
- Quasi-public

2.3 Districts

The Downtown contains three distinct districts that will develop into unique nodes based on their form and uses.

1. Civic Center – Northern Gateway

The Civic Center area serves as the gateway intersection into downtown from the neighborhoods and points north, including the freeway and Hill Airforce Base. The civic focal points in this district are Clearfield City Hall and the Davis County Health Department. This area will include a mix of building types that range from two (one?) to four stories.

The Civic Center District is composed of the following zones:

1. Town Commerce (T-C)
2. Town Residential (T-R)
3. Civic (CV)

2. Mabey Place – Central Downtown Core

The Mabey Place district will evolve as the center of Downtown with the highest intensity of development. Mabey Pond is a focal point for public gathering and open space surrounding by development. This area will include a mix of building types that range from two to six stories.

The Mabey Place District is composed of the following zones:

1. Urban Commerce (U-C)
2. Urban Residential (U-R)
3. Town Residential (T-R)

3. Access Point – Southern/Eastern Gateway

The Access Point area serves as the gateway intersection into downtown from the freeway and Hill Airforce Base to the east and the commuter rail station to the south. It has good visibility and access, making it a well-connected link to points beyond downtown.

The Access Point District is composed of the following zones:

1. Town Commerce (T-C)
2. Town Residential (T-R)
3. Corridor Commerce (CC)

2.4 Corridors

Downtown is served by two primary corridors – both are UDOT highways. Working with UDOT to implement a context-sensitive solution that supports the vision for Downtown Clearfield will be important in realizing the intent and purpose of this Form-Based Code.

1. State Street/Main Street

State/Main will remain the main corridor with the highest intensity of buildings. The higher intensity of uses will support its transition into a multi-modal corridor that is safe for pedestrians and bicyclists while still allowing efficient vehicle movement through the downtown to/from points beyond.

2. 700 South

700 South will serve as a primarily commercial corridor with easy access from the I-15 interchange. A lower intensity will allow for more efficient vehicle access and circulation to/from the interstate.

2.5 Regulating Plan

1. Mapped Districts.

The location and boundaries of the districts and zones in 2.2 and 2.3 are indicated on the Regulating Plan, Chapter 4.0 and included on the city's official Zoning Map.

Neighborhood Street

5.6 Neighborhood Street

1. Intent

The Neighborhood Street is a low capacity street designed for slow speeds with a standard right-of-way. It primarily serves those residences or businesses directly adjacent to it. Refer to the typical plan and section, Figure 4.6 (1).

2. General Requirements

The Neighborhood Street shall be developed using the standards in Table 4.6 (1).

Neighborhood Street Requirements	
Permitted Districts	TR, TC, UR
Permitted Adjacent Building Types	Residential Multi-Family, Townhouse, Mansion Apartment
Typical Right-of-Way Width	63'
Vehicular Realm	
Travel Lanes	2 lanes
Lane Width	12'
Allowable Turn Lanes	Not applicable
Parking Lanes [1]	Parallel on side of street
Pavement Width	43
Median	Permitted only for turning
Bicycle Facilities [2]	Shared
Pedestrian Realm	
Pedestrian Facilities	Minimum 5' wide clear sidewalk on both sides
Street Buffer	Required see cross section

[1] Reference 4.2 for on-street parking requirements

[2] Reference 4.2 for bicycle facility types and requirements





State/Main Street



5.0 Street & Streetscape Standards

5.7 State/Main Street Highway 126

1. Intent

The State Route 126 Street is meant for State/Main which is State Highway 126, This is a high capacity regional thoroughfare. Figure 4.7 (1).

2. General Requirements

State/Main Street shall be developed using the standards in Table 4.7 (1).

State/Main Street Requirements	
Permitted Districts	All Districts
Permitted Adjacent Building Types	See Buildings - Section 5
Typical Right-of-Way Width	107'
Vehicular Realm	
Travel Lanes	2 lanes in each direction
Lane Width	12'
Allowable Turn Lanes	Continual
Parking Lanes [1]	Optional if room
Pavement Width	79'
Median	Permitted with 80' or greater right-of-way. Although not anticipated to be continuous, a planted median should be provided to accent the downtown and provide a distinctly different streetscape.
Bicycle Facilities [2]	Designated or Protected
Pedestrian Realm	
Pedestrian Facilities	Minimum 6' wide clear sidewalk on both sides
Street Buffer	Required see cross section

[1] Reference 4.2 for on street parking requirements

[2] Reference 4.2 for bicycle facility types and requirements



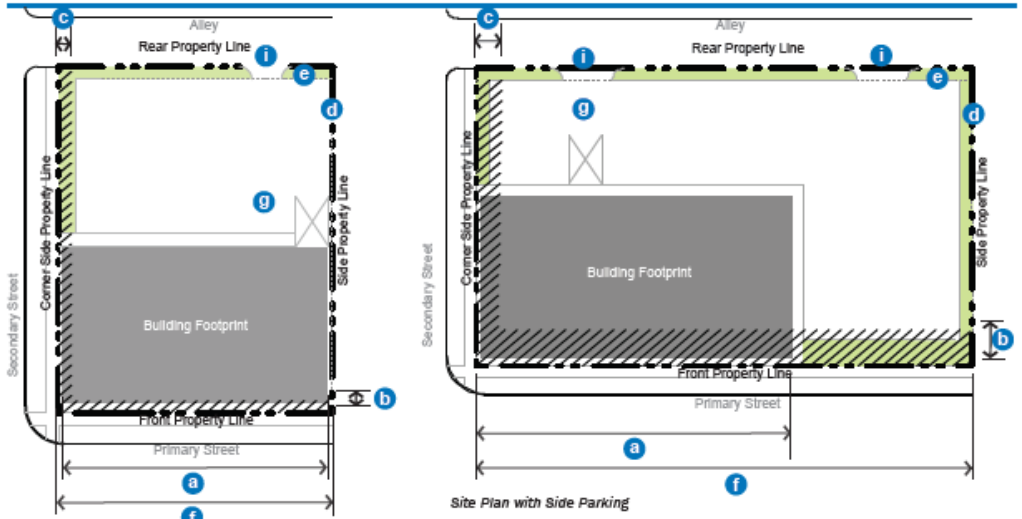


Figure 5.3 (1). Mixed-Use Building: Building Siting.

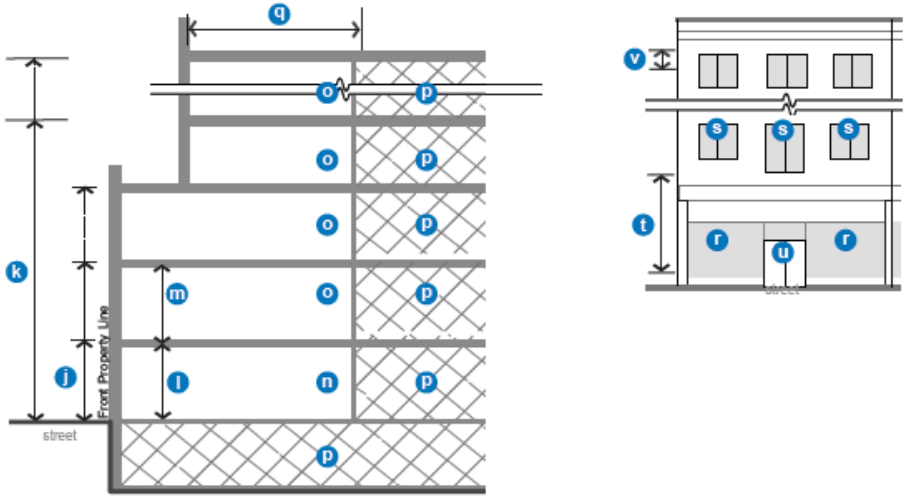
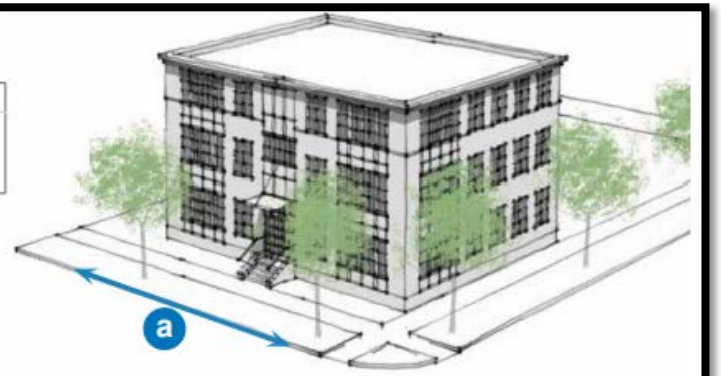


Figure 5.3 (2). Mixed-Use Building: Height & Use Requirements.

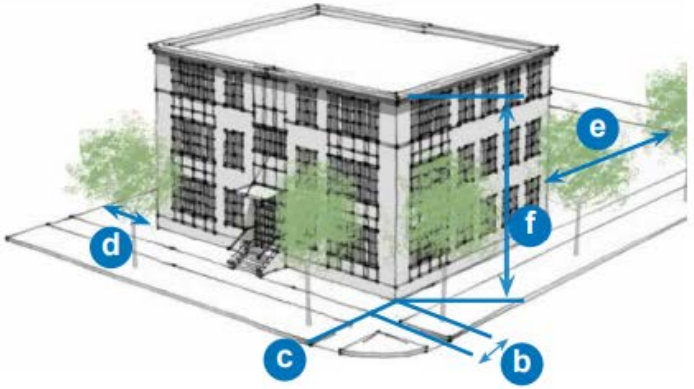


Figure 5.3 (4). Photo examples.

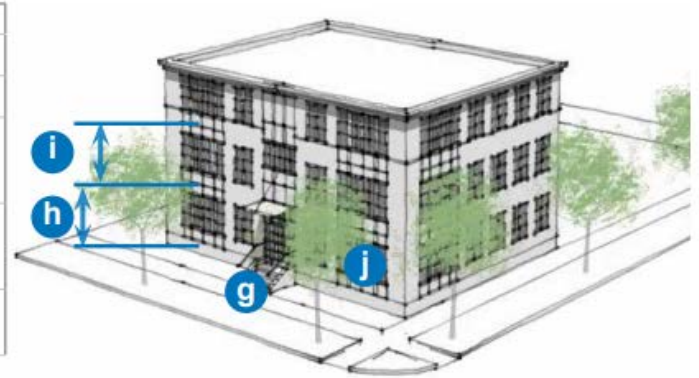
(1) Building Site		
a	Minimum Lot Width	50'
	Maximum Lot Width	none



(2) Building Massing/Location		
b	Front Build-to Zone	0'-5' [4]
c	Corner Build-to Zone	0' to 5'
d	Minimum Side Yard Setback	0' [5]
e	Minimum Rear Yard Setback	5' [5]
f	Minimum Overall Height	50'
	Maximum Overall Height	none



(3) Building Fenestration		
g	Principal Entrance Location	0'-5' [4]
	Required Number of Street Entrances	0' to 5'
h	Ground Story: Minimum Height	50'
	Ground Story: Maximum Height	none
i	Upper Story: Minimum Height	50'
	Upper Story: Maximum Height	none
j	Minimum Ground Story Transparency Measured between 2' and 8' above grade street facing	



5.3 Mixed-Use Building.

1. Description & Intent.

The Mixed-Use Building is intended to be located close to the front property line with parking typically in the rear or side of the lot. Parking garages and underground parking are highly encouraged.

The key facade element is large amounts of glass and regularly spaced entrances on the main floor.

This building is available for different levels of urban intensities, depending on the district within which it is located. For example, minimum and maximum heights are highest in the U-C District and lowest in the T-R District.

2. Regulations.

Regulations for the Mixed-Use Building Type are defined in the adjacent table.



Building Type: Mixed-Use	Permitted Districts			
	UC	UR	TC	TR
(1) Building Siting Refer to Figure 5.3 (1).				
Multiple Principal Buildings	not permitted	not permitted	permitted	not permitted
Front Property Line Coverage	80%	80%	70% [1]	70% [1]
a Occupation of Corner	required	required	required	required
Front Build-to Zone	0'-5' [4]	0'-10' [4]	10'-30' [4]	10'-30' [4]
b Corner Build-to Zone	0' to 5'	0' to 5'	0' to 10'	0' to 5'
c Minimum Side Yard Setback	0' [5]	0' [5]	5' [5]	5' [5]
d Minimum Rear Yard Setback	5' [5]	5' [5]	5' [5]	5' [5]
e Minimum Lot Width / Maximum Lot Width	50' / none	50' / none	50' / none	50' / none
f Maximum Impervious Coverage	90%	75%	70%	70%
Parking & Loading Location	rear yard	rear yard	rear & side yard[1]	rear & side yard[1]
g Vehicular Access	Alley only; if no alley exists, 1 driveway is permitted per non-primary street	Alley; if no alley exists, 1 driveway is permitted per non-primary street	Alley; if no alley exists, 2 driveways are permitted off non-primary streets	Alley; if no alley exists, 1 driveway is permitted per non-primary street[1]
i				
(2) Height Refer to Figure 5.3 (2).				
Minimum Overall Height	2 story	2 story	2 story	2 story
j Maximum Overall Height	No maximum [2]	6 stories [2]	4 stories [2]	4 stories [2]
k Ground Story: Minimum Height / Maximum Height	14' / 30' [3]	14' / 24' [3]	14' / 24' [3]	14' / 18'
l Upper Stories: Minimum Height / Maximum Height	9' / 14'	9' / 14'	9' / 14'	9' / 14'
m				
(3) Uses Refer to 3.0 Uses for permitted uses.				
Ground Story	retail, service, office	retail, service, office	retail, service, office	retail, service, office
n Upper Story	retail, service, office, residential			
o Parking within Building	permitted fully in any basement and in rear of upper floors			
p Required Occupied Space	40' deep on all full floors from the front facade			
q **(4) Street Facade Requirements** Refer to Figure 5.3 (3).				
Minimum Ground Story Transparency (Measured between 2' and 8' above grade street facing)	65%	65%	50%	50%
r Minimum Transparency (per each Story)	25%	25%	25%	25%
s Blank Wall Limitations	required per floor refer to 5.2.4 (2)			
t Front Facade Entrance Type	Mixed-Use, arcade	Mixed-Use, arcade	Mixed-Use, arcade	Mixed-Use, arcade
Principal Entrance Location	front facade	front facade	front or corner facade	front facade
u Required Number of Street Entrances	1 per each or min 75' of front facade	1 per each or min 75' of front facade	1 per each or min 100' of front facade	1 per each or min 75' of front facade
Vertical Facade Divisions	every 30' of facade width	every 25' of facade width	every 50' of facade width	every 25' of facade width
v Horizontal Facade Divisions	required within 3' of the top of the ground story and at the top of the highest story			
(5) Roof Type Requirements Refer to Figure 5.12				
Permitted Roof Types	parapet, flat	parapet, flat	parapet, flat	parapet, flat
Tower	permitted	permitted	permitted	permitted

Footnotes:

[1] Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.
[2] Buildings taller than three stories shall have a step back of a minimum 6 feet, which is located in between top of first story to the top of the third story. The step back is required on street frontage sides only.
[3] If 18 feet or more in height, ground story shall count as two stories towards maximum building height.
[4] In the case of plazas or porte cochere this may change up to a maximum of 25 feet as approved by Zoning Administrator.
[5] New buildings with yards adjacent to existing single family or townhome residential that are not within the Clearfield Downtown FBC area, shall have a maximum height of 36' within 30 feet of the property line and a building setback of 20 feet..

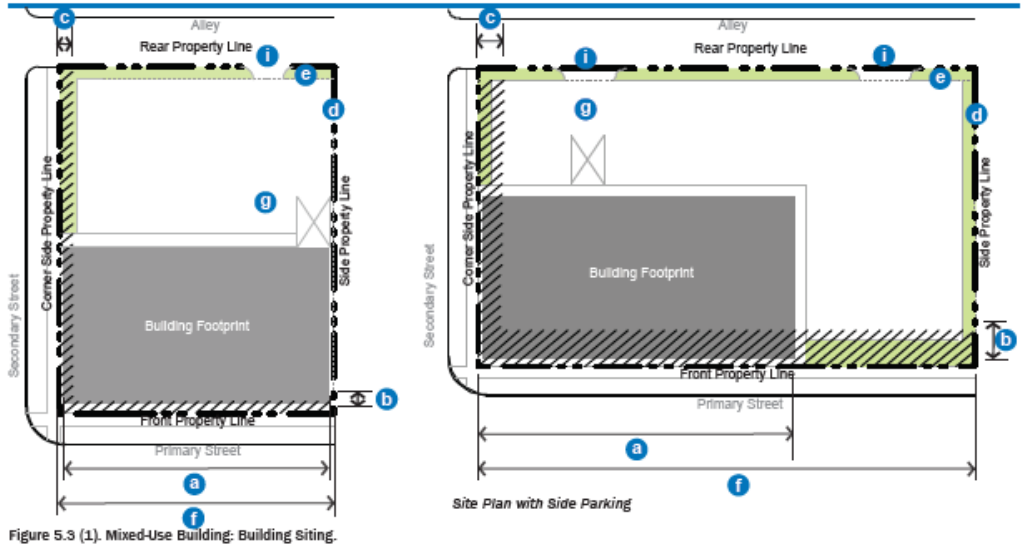


Figure 5.3 (1). Mixed-Use Building: Building Siting.

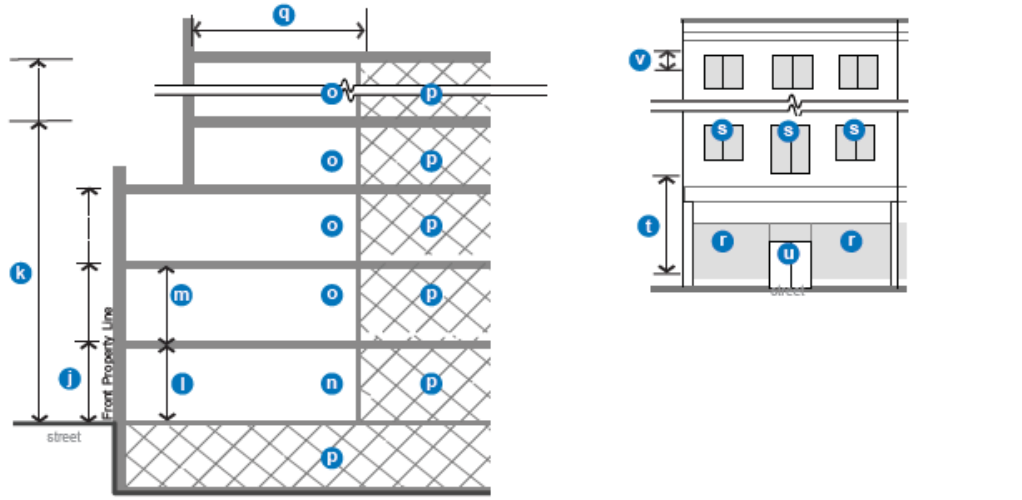


Figure 5.3 (2). Mixed-Use Building: Height & Use Requirements.



Figure 5.3 (4). Photo examples.

6.0 Building Types

5.3 Mixed-Use Building

1. Description & Intent

The Mixed-Use Building is intended to be located close to the front property line with parking typically in the rear or side of the lot. Parking garages and underground parking are highly encouraged.

The key facade element is large amounts of glass and regularly spaced entrances on the main floor.

This building is available for different levels of urban intensities, depending on the district within which it is located. For example, minimum and maximum heights are highest in the U-C District and lowest in the T-R District.

2. Regulations

Regulations for the Mixed-Use Building Type are defined in the adjacent table.







example layout:
building type spread

Building Type Mixed-Use	Permitted Districts UC	UR	TC	TR
(1) Building Siting Refer to Figure 5.3 (1).				
Multiple Principal Buildings	not permitted	not permitted	permitted	not permitted
Front Property Line Coverage	80%	80%	70% [1]	70% [1]
Occupation of Corner	required	required	required	required
Front Build-to Zone	0'-5' [4]	0'-10' [4]	10'-30' [4]	10'-30' [4]
Corner Build-to Zone	0' to 5'	0' to 5'	0' to 10'	0' to 5'
Minimum Side Yard Setback	0' [5]	0' [5]	5' [5]	5' [5]
Minimum Rear Yard Setback	5' [5]	5' [5]	5' [5]	5' [5]
Minimum Lot Width Maximum Lot Width	50' none	50' none	50' none	50' none
Maximum Impervious Coverage	90%	75%	70%	70%
Parking & Loading Location	rear yard	rear yard	rear & side yard[4]	rear & side yard[4]
Vehicular Access	Alley only; if no alley exists, 1 driveway is permitted per non-primary street	Alley; if no alley exists, 1 driveway is permitted per non-primary street	Alley; if no alley exists, 2 driveways are permitted off non-primary streets	Alley; if no alley exists, 1 driveway is permitted per non-primary street[3]
(2) Height Refer to Figure 5.3 (2).				
Minimum Overall Height	2 story	2 story	2 story	2 story
Maximum Overall Height	No maximum [2]	6 stories [2]	4 stories [2]	4 stories [2]
Ground Story: Minimum Height Maximum Height	14' 30' [3]	14' 24' [3]	14' 24' [3]	14' 18'
Upper Stories: Minimum Height Maximum Height	9' 14'	9' 14'	9' 14'	9' 14'
(3) Uses. Refer to 3.0 Uses for permitted uses.				
Ground Story	retail, service, office	retail, service, office	retail, service, office	retail, service, office
Upper Story	retail, service, office, residential			
Parking within Building	permitted fully in any basement and in rear of upper floors			
Required Occupied Space	40' deep on all full floors from the front facade			
(4) Street Facade Requirements Refer to Figure 5.3 (3).				
Minimum Ground Story Transparency Measured between 2' and 8' above grade street facing	65%	65%	50%	50%
Minimum Transparency per each Story	25%	25%	25%	25%
Blank Wall Limitations	required per floor refer to 5.2.4 (2)			
Front Facade Entrance Type	Mixed-Use, arcade	Mixed-Use, arcade	Mixed-Use, arcade	Mixed-Use, arcade
Principal Entrance Location	front facade	front facade	front or corner facade	front facade
Required Number of Street Entrances	1 per each or min 75' of front facade	1 per each or min 75' of front facade	1 per each or min 100' of front facade	1 per each or min 75' of front facade
Vertical Facade Divisions	every 30' of facade width	every 25' of facade width	every 50' of facade width	every 25' of facade width
Horizontal Facade Divisions	required within 3' of the top of the ground story and at the top of the highest story			
(5) Roof Type Requirements Refer to Figure 5.12				
Permitted Roof Types	parapet, flat	parapet, flat	parapet, flat	parapet, flat
Tower	permitted	permitted	permitted	permitted

Footnotes:

[1] Lots wider than 140 feet are permitted one double-loaded aisle of parking (maximum width of 72 feet), located perpendicular to the front property line, which is exempt from front property line coverage.

[2] Buildings taller than three stories shall have a step back of a minimum 6 feet, which is located in between top of first story to the top of the third story. The step back is required on street frontage sides only.

[3] If 18 feet or more in height, ground story shall count as two stories towards maximum building height.

[4] In the case of plazas or porte cochere this may change up to a maximum of 25 feet as approved by Zoning Administrator.

[5] New buildings with yards adjacent to existing single family or townhome residential that are not within the Clearfield Downtown FBC area, shall have a maximum height of 36' within 30 feet of the property line and a building setback of 20 feet..



3.1. General Requirements.

1. General Provisions.

The following general provisions apply to the uses outlined in this section.

(1) A lot may contain more than one use.

(2) Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.

(3) Uses are either permitted by-right in a district, or permitted by-right with specific development or design parameters.

(4) Each use shall be located within a permitted Building Type (Refer to 5.0 Building Types), unless otherwise specified.

(5) Each use may have both indoor and outdoor facilities, unless otherwise specified.

2. Organization.

The uses are grouped into general categories, which may contain lists of additional uses or clusters of uses.

(1) Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a use permitted within a zoning district, the Zoning Administrator may interpret the use as permitted.
   (a) The unlisted use will be subject to any development standards applicable to the similar permitted use.

(2) Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature, then the use is not permitted and may only be approved through an amendment of this ordinance.

3. Use Table.

Uses by District (Table 3.3) outlines the permitted uses in each zoning district. Each use is given one of the following designations for each zoning district in which that use is permitted.

(1) Permitted ("P"). These uses are permitted by-right in the districts in which they are listed.

(2) Permitted in Upper Stories Only ("U"). These uses are permitted by-right in the districts in which they are listed, provided that the uses are located in the upper stories of a structure. These uses may also be located in the ground story provided that they are located beyond a depth of at least 40 feet from the front facade.

(3) Permitted with Development Standards ("D"). These uses are permitted by-right in the districts in which they are listed, provided that they are developed utilizing the listed development standards. These standards are intended to alleviate any negative impacts associated with the use, making it appropriate in a district where it otherwise might not have been appropriate.

(4) Listed uses that are not permitted in the district are indicated by a blank space, or as otherwise notated in the accompanying tables.

4. Building Types.

The uses permitted within the district may be further limited by the building types permitted. Refer to 5.0 Building Types.

3.2. Definition of Uses.

1. Residential and Lodging Uses.

A category of uses that include several residence types.

(1) Residential. One or more dwelling units located within the principal structure of a lot, in which the units may or may not share a common wall with the adjacent (horizontally or vertically) unit or have individual entrances from the outside.

(2) Hotel & Inn. A facility offering temporary lodging to the general public consisting of sleeping rooms with or without in-room kitchen facilities. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the building. In the districts where a Hotel or Inn is permitted with development standards ("D"), the following applies:
   (a) Bed and Breakfasts are permitted.

(3) Residential care, a facility offering temporary or permanent lodging to the general public consisting of an unlimited number of sleeping rooms with or without in-room kitchen facilities. Residential care includes such uses as independent and assisted living facilities, and transitional treatment facilities. Assistance with daily activities may be provided for residents. Secondary service uses may also be provided, such as restaurants and meeting rooms. Rooms shall be accessed from the interior of the building. In the districts where a residential care facility is permitted.

2. Civic Uses.

A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and hospitals.

(1) Assembly. A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Assembly includes such uses as a community center, house of worship, and private clubs and lodges. Temporary outdoor sales are permitted.

3.3. Uses by Category

The uses listed for each category are permitted uses (P), conditional uses with development standards (C), and/or uses permitted as upper story uses only (U). Uses not listed are referred to section 3.2.2 Unspecified Uses/Uses Not Listed.

1. Residential and Lodging Uses

A category of uses that includes several residence types and lodging for temporary or permanent residents.

Residential:

- Single-Family Dwellings
- Two-Family Dwellings
- Multiple-Family Dwellings

Lodging:

- Assisted Living Facilities
- Convalescent facilities
- Group Homes for persons with a disability
- Group Homes for the elderly
- Nursing or rest homes
- Hotels
- Motels
- Inn
- Bed & Breakfast

2. Civic Uses

A category of uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, parks and open space, and hospitals.

- Auditorium
- Churches
- Colleges and Universities
- Parks and open space
- Public Uses
- Schools
- Specialized schools
- Vocational and technical training facilities

3. Retail Uses

A category of uses involving the sale of goods or merchandise to the general public for personal or household consumption. Retail uses may be further categorized by Neighborhood Retail or General Retail, as established by the size of space they occupy.

- Convenience Store
- Mobile Food Vendor
- Motor Vehicle Sales
- Pawn and Secondhand business
- Produce Sales
- Retail Stores
- Retail tobacco specialty business
- Sexually Oriented Business
- Temporary or seasonal merchants

(1) Neighborhood Retail. A use in this category occupies a space of less than 12,000 square feet.

(2) General Retail. A use in this category includes all Neighborhood Retail uses occupying a space of 12,000 square feet or greater.



Discussion Items

Focus Areas for Discussion

- *OPEN SPACES & LANDSCAPING*
- *BUILDINGS*
- *ZONES & DISTRICTS*





Open Space & Landscaping



OPEN SPACE & LANDSCAPING

- *Streetscape Elements*
- *Urban landscaping*
- *Public Spaces/Private Spaces*
- *Fee in lieu for Streetscape & Open Space*

Streetscape Elements

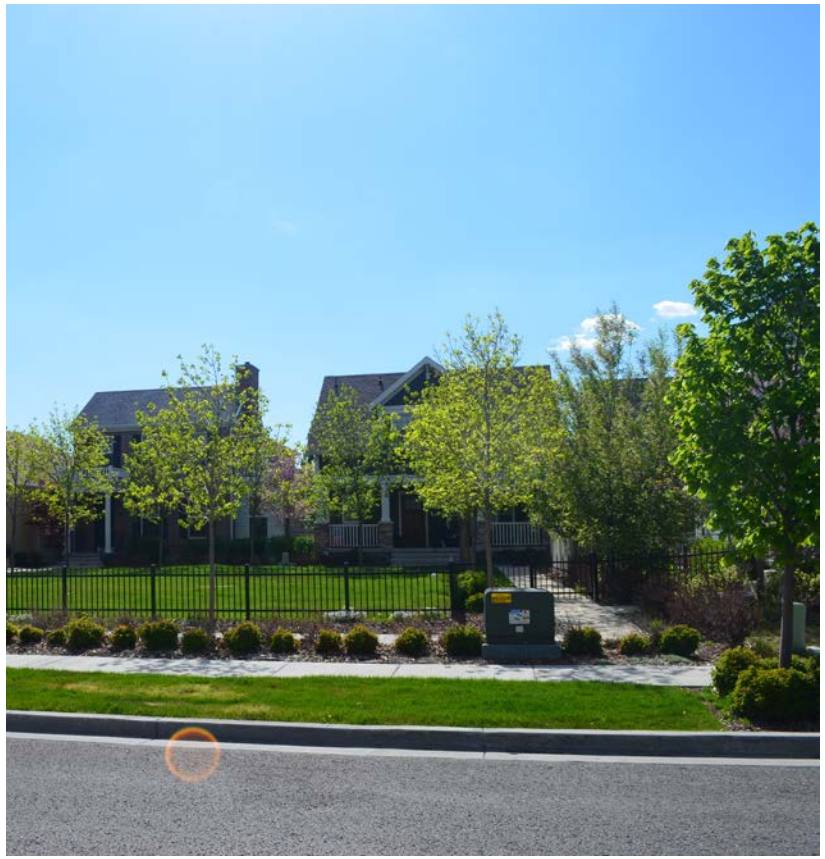






Urban landscaping

- *Usable landscape & open space vs. landscape buffers*





Public Spaces/Private Spaces

- *Improve & Expand Shared Public Spaces vs. Requiring Individual Private Spaces*





Fee in lieu

- *Fee in lieu: Streetscape & Open Space*







Buildings



BUILDING ELEMENTS

- *Siting/Location*
- *Form/Massing*
- *Details/Openings*
- *Materials/Look*

Siting/Location





Form/Massing







Details/Openings





Materials/Look





Materials/Look







Zones & Districts

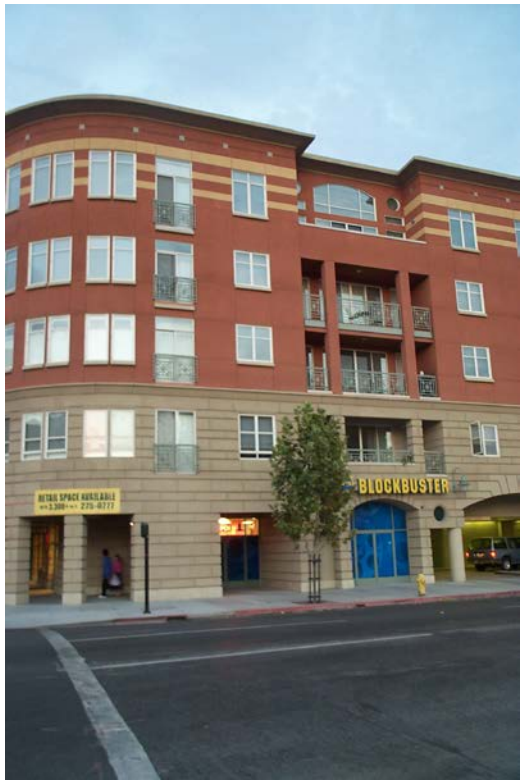


ZONES & DISTRICTS

- *Building Types*
- *Height/Massing/Siting*
- *Street Frontage/Streetscape*

Building Types







Height/Massing/Siting







Street Frontage/Streetscape





UDOT Coordination

- *On July 29th City Staff met with UDOT Planning Director & Active Transportation Manager*

- *Do we want each development to provide improvements?*
- *Do we (The City) want to develop the streetscape as a redevelopment effort?*

STAFF REPORT

TO:	Mayor Shepherd and City Council Members
FROM:	Spencer W. Brimley, Community Development Director
MEETING DATE:	Tuesday, July 30, 2019
SUBJECT:	Moderate Income Housing Plan (MIHP) Discussion – Menu Objectives

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RECOMMENDED ACTION

Staff met with the Council in a work session to discuss current legislation to identify the appropriate approach for Clearfield regarding moderate income housing and compliance with required laws. Staff has proposed menu items for inclusion in the MIHP and is requesting council feedback to ensure we have selected the most essential and highest priority items. Staff has proposed the 4 items to be included, but is open to substitutions per any council feedback.

DESCRIPTION / BACKGROUND

At the last work session with the council Staff discussed current regulations for Moderate Income housing in the State of Utah and provided the council with the "menu" of items that should be included as a part of the plan. During the discussion the Council identified several menu items that could be included in the report, but directed staff to select 4 items for inclusion at this time. This menu of items provides the basis for meeting State requirements for housing affordability.

Following the Council work session several menu items were identified for inclusion into the 2019 draft of the MIHP. Clearfield City is well prepared, given the previous efforts and discussion, to select several menu items from the list to meet State requirement for housing affordability. That being said, staff has selected the following 4 items for inclusion into the plan:

1. **(A) rezone for densities necessary to assure the production of MIH**
2. **(F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers**
3. **(G) encourage higher density or moderate income residential development near major transit investment corridors**
4. **(L) preserve existing MIH**

After completion of the plan staff will annually evaluate menu items and make necessary changes to the list to maintain compliance with State requirements and keep the plan current with other market factors.

CORRESPONDING POLICY PRIORITY (IES)

The moderate income housing plan (MIHP) is primarily intended to accomplish the second Policy Priority of **"Improving Clearfield's Image, Livability, and Economy".** This project will facilitate updates to the general plan, ordinance amendments and focus being given throughout the City. This increased **effort** to address **housing** may be **a catalyst for additional positive changes** throughout the city. This policy priority is external and focused on what the City can and will do for it residents. Seeking to provide opportunities for safe, comfortable housing is a crucial part of **"Improving Clearfield's Image, Livability and Economy**."

SCHEDULE / TIME CONSTRAINTS

The MIHP must be approved and posted on the City's website no later than December 1, 2019. Annually reporting is required each December, starting in 2020. This will be an ongoing process with the Council to discuss progress made and identify areas that require additional attention and understanding. Staff will continue to update the Council with progress on the report. The monthly update has been a good way to keep things moving forward.

The next step in this process will be the analysis of the factors and some "data crunching". This may take a little longer, but staff will maintain the monthly updates with this body and provide notice if changes to the schedule need to be accommodated. At the next step staff hopes to have a draft document with an outline and layout for the council to review. It is the hope of staff that we will also have some data for review as well, for potential inclusion into the MIHP.

Next steps:

- **Framework of report and outline for the MIHP - August**
- **Data sets and analysis for inclusions into the report Draft MIHP Plan - September and October**
- **Final Data analysis and document presented to the Council - November**
- **Final completion and adoption of the Code by December 1.**

LIST OF ATTACHMENTS

SB 34 ULCT Summary

March 22, 2019

Summary of SB 34 Affordable Housing Modifications (4th Substitute)

Sen. Jake Anderegg / Rep. Val Potter

Summary: SB34 encourages local communities to plan for housing for residents of all income levels, and coordinate that housing with transportation. Communities are required to develop a moderate income housing (MIH) plan as part of their general plan. Communities that are required to annually report on their MIH plan implementation must satisfy these requirements to remain eligible for state transportation investments.

Revisions to required elements of municipal and county general plans:

Land Use element must now consider location of land for housing for residents of various income levels in addition to the other categories of public and private uses of land (line 481 for municipalities; 1172 for counties).

Transportation and Traffic Circulation element:

- "Provide the general location and extent" of active transportation facilities in addition to freeways, arterial and collector streets, public transit, and other modes of transportation (491; 1182).
- Plan residential and commercial development around "major transit investment corridors" to improve connections between housing, employment, education, recreation, and commerce (494; 1185).
    - Defines "major transit investment corridor" as public transit service that uses or occupies: (a) public transit rail right-of-way; (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and (i) a public transit district as defined in Section 17B-2a-802, or (ii) an eligible political subdivision as defined in Section 59-12-2219 (246; 858).
    - Municipalities without a major transit investment corridor must plan for residential and commercial development in areas that maintain and improve these connections (498).
- Correlate the transportation plan with population and employment projections, and the proposed land use element (502, 1188).
- Consider the regional transportation plan developed by the region's metropolitan planning organization (MPO); if outside an MPO, consider the long-range transportation plan developed by UDOT (575; 1258).

Moderate Income Housing (MIH) element:

- ***Municipalities/counties covered:*** Utah Code has long required municipalities and counties to plan for moderate income housing growth. SB34 requires, by December 1, 2019, the following municipalities and counties to update and adopt the moderate income housing element of their general plan (444; 1074), and annually report on implementation (614; 1296):
    - all municipalities of the 1st, 2nd, 3rd, and 4th class;
    - cities of the 5th class with a population of 5,000 or more that are located in counties of the 1st, 2nd, and 3rd class;
    - metro townships with a population of 5,000 or more; and
    - all counties must plan and adopt a MIH element including strategies from the 'menu' (see below) but only counties of the 1st, 2nd, and 3rd class with an unincorporated population of 5,000 or more must annually report on implementation.
- Facilitate a reasonable opportunity for a variety of housing including MIH and shall now 1) meet the needs of people of various income levels living, working, or desiring to live or work in the community (509; 1198); 2) "allow people with various incomes to benefit from and participate in all aspects of neighborhood and community life" (511; 1200); 3) towns may and cities shall analyze how they will provide a realistic opportunity for the development of MIH within 5 years for cities (513) and within the planning horizon for counties (1203).

- ***Menu***: Shall include a recommendation to implement 3 or more of the following strategies, aka the 'menu' (518; 1205):
  - (A) rezone for densities necessary to assure the production of MIH
  - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH
  - (C) facilitate the rehabilitation of existing uninhabitable housing stock into MIH
  - (D) consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city
  - (E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones
  - (F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers
  - (G) encourage higher density or moderate income residential development near major transit investment corridors
  - (H) eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, e.g. residential development near major transit investment corridors or senior living facilities
  - (I) allow for single room occupancy developments
  - (J) implement zoning incentives for low to moderate income units in new developments
  - (K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis
  - (L) preserve existing MIH
  - (M) reduce impact fees, as defined in Section 11-36a-102, related to low and MIH
  - (N) participate in a community land trust program for low or MIH
  - (O) implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality
  - (P) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH
  - (Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity
  - (R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services
  - (S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act [not in county list of recommendations]
  - (T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH
  - (U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance
  - (V) utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency
  - (W) any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income

- In addition to the recommendations required above, municipalities that have a "fixed guideway public transit station" shall include a recommendation to implement either "G" or "H" (568) [not required for counties].

- ***Annual reporting and review of the moderate income housing plan***: The municipal/county legislative body shall annually review their MIH plan and implementation of that plan; prepare and post a report of their findings on their website; and send the report to Dept. of Workforce Services, AOG, and MPO if applicable (612; 1294).
    - The report shall include: a) revised estimate of the need for MIH in the next 5 years; b) description of progress made to provide MIH by analyzing and publishing data on the # of housing units that are at or below 80%, 50%, and 30% adjusted median family income; c) description of efforts to utilize a MIH set-aside from community reinvestment agency, redevelopment agency, or community development and renewal agency; d) description of the implementation of the MIH recommendations aka 'menu'.
    - Requires the DWS Division of Housing and Community Development to (i) assist in the creation of the MIH reports, and (ii) evaluate the reports for purposes of determining eligibility for state transportation funds. Gives DWS rulemaking authority to develop the evaluation process (1414).

Revisions to Olene Walker Housing Loan Fund (1325): SB34 did not provide any additional funding for housing. Revises Olene Walker Housing Loan Fund board to add 1 member w/expertise in transit-oriented development and 1 member who represents rural interests. The board must hold two public input meetings each year, once in a rural area. Allows fund money to be used to purchase land for low-income housing (1388).

Revisions to state transportation funding:

- Adds access to educational facilities and MIH to the prioritization process for new transportation capacity projects administered by the Utah Transportation Commission (1749).
- State Transportation Investment Fund (TIF) or Transit Transportation Investment Fund (TTIF) funds may not be used in a municipality or unincorporated county that has failed to adopt a MIH plan or has failed to report on implementation of their MIH plan as determined by DWS. TIF funds can still be used for a limited-access facility, but not for construction, reconstruction, or renovation of an interchange. TTIF funds can still be used for a multi-community fixed-guideway public transportation project, but not for the construction, reconstruction, or renovation of a station (1808).

STAFF REPORT

TO:	Mayor Shepherd, City Council Members, and Planning Commissioners
FROM:	Nick Porter, Management Intern
MEETING DATE:	Tuesday, July 30, 2019
SUBJECT:	Changes to Title 11:4, Conditional Use Permits – ZTA 1906-0006

RECOMMENDED ACTION

This is a discussion item and is not recommended for any actions at this time. Staff requesting feedback from the Council and the Commission on ZTA 1906-0006, for amendments to conditional use permits.

DESCRIPTION / BACKGROUND

As recently as this last legislative session and since 2012, the Utah State Legislature has updated the Land Use, Development, and Management Act (LUDMA) section on conditional uses. This statute requires that standards be set forth in the ordinance for the granting or denying of a conditional use. If there are no identifiable standards contained in the ordinance, there will be no basis for denying a permit.

Staff has been working on updating the conditional use chapter of the land use ordinance in order to establish standards required by the state. The draft language is also intended to simplify the language in the ordinance and application review procedure.

With the changes that were made to conditional use permits (CUPs) by the City Council last October, the current proposed changes to the ordinance are found in sections 11-4-4, 11-4-5, and 11-4-6. These changes are outlined in the following paragraphs.

In 11-4-4: Application Review Procedure, a change has been made to allow the planning and zoning administrator the ability to require a development review meeting, giving the applicant a chance to receive feedback from city staff on the development before going before the planning commission. This section also has an update in the noticing, becoming consistent with the update that was made to section 11-1-10 in February, 2019.

Section 11-4-5 is where you will find the most changes to the ordinance, and where the City is out of compliance with state code. A few things have been reworded to emphasize the standards that are being imposed across the board, not just as a way to discriminate against certain projects. This section was also reorganized in a way that will hopefully be simpler for the applicant to understand and City staff to enforce. Because this is a list of conditions being converted to a list of standards, most are tied back into other sections of code.

The final changes are in section 11-4-6: Expiration Of Permit, specifying that the clock on the CUP starts simultaneously with final land use approval, and an extension can be given by the planning and zoning administrator instead of through a public hearing. One of the reasons for this change is

because of the changes that were already made to public hearing/noticing requirements. This change also allows the City to be consistent in extensions that can be given by the planning and zoning administrator.

Approval of these changes will bring City code into compliance with state statute. The way the state is moving, however, seems to be closer to eliminating conditional uses all together. The next step for the City would be to re-identify permitted and conditional uses in each zone. Perhaps there are a number of listed conditional uses that can become permitted uses within each zone. Of course, these uses can still have certain standards.

CORRESPONDING POLICY PRIORITY

The proposed changes to this process intend to accomplish the first Policy Priority of **"Providing Quality Municipal Services."** The changes reflect continuous improvement on the City's end to comply with state statutes and simplify administrative processes for residents.

ALTERNATIVES

No change – the conditional use permit process remains the same, and does not comply with state statutes.

Necessary changes are made to the conditional use permit chapter of title 11 to comply with state statutes and simplify the procedure for obtaining a CUP.

SCHEDULE / TIME CONSTRAINTS

This is a city-initiated project and does not have any hard time constraints or schedule.

LIST OF ATTACHMENTS

1. Title 11 Chapter 4: Conditional Use Permits
2. Proposed text amendment
3. ULCT Primer

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

CLEARFIELD CITY ORDINANCE 2018-21

AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 11, Chapter 4 – Conditional Use Permits of the Clearfield City Code.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 11, Chapter 4 – Conditional Use Permits is hereby amended to read as follows:

Chapter 4
CONDITIONAL USE PERMITS link link

11-4-1: PURPOSE:

11-4-2: REQUIRED:

11-4-3: PROCEDURES:

11-4-4: APPLICATION REVIEW PROCEDURE:

11-4-5: CONDITIONS AND REQUIREMENTS:

11-4-6: EXPIRATION OF PERMIT:

11-4-7: REVOCATION; CONDITIONS:

11-4-8: APPEAL:

11-4-1: PURPOSE:

The purpose of a conditional use permit is to allow a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate the detrimental impacts. This chapter governs the process by which all new and existing conditional uses are reviewed; the review process for permitted uses is outlined in chapter 5 of this title. As outlined in Utah State Code section 10-9a-507, the land use authority shall approval a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition

of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use. Review of a conditional use permit by the land use authority is an administrative action.

11-4-2: REQUIRED:

A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations or as elsewhere in this title. The conditional use permit review shall include the review of all applicable plans and documents as listed on the official conditional use permit checklist. All new construction of conditional uses shall be processed as a conditional use permit. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the permit.

11-4-3: PROCEDURES:

A. Application: Application for a conditional use permit shall be made in writing on forms prepared by the planning and zoning administrator by the property owner or registered agent. Upon receipt of a complete application, the planning and zoning administrator shall schedule the application for consideration by the planning commission. The planning and zoning administrator shall not place any application on the planning commission agenda until all items required by this title have been submitted or are omitted for good cause.

B. Information And Items Required: Detailed site plan, location, landscaping, and building plans shall accompany an application for a conditional use permit as outlined on the official conditional use permit checklist and as appropriate. Information sufficient to demonstrate that the general and specific requirements of this title will be met by the construction and operation of the proposed building, structure or use shall be submitted with the application.

C. Fee: The application for a conditional use permit shall be accompanied by the appropriate fee, as set forth in the City's Consolidated Fee Schedule. The required fee must be paid in full at the time the application is submitted.

11-4-4: APPLICATION REVIEW PROCEDURE:

A. Planning Commission Review: The planning commission shall review all conditional use permit applications. The planning commission shall approve, approve subject to compliance with such modifications or conditions as may be deemed necessary to carry out the purposes of this chapter, or disapprove an application as outlined in subsection 11-4-3D "Determination" of this chapter.

B. Public Hearing; Notice: A public hearing shall be held by the planning commission to review applications for a conditional use permit. Notification of the public hearing for the conditional use permit application shall be mailed to all property owners adjacent to the subject property.

C. Considerations: The land use authority may allow a conditional use to be located in any zoning district in which the particular use is allowed as a conditional use by this title. In authorizing any conditional use, the Land Use Authority shall impose such requirements and conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards provided in this Chapter or elsewhere in this Title necessary for the protection of adjacent properties and the public welfare. The land use authority shall determine the following:

At the specified location, is in harmony with the general intent and purpose of the Clearfield City General Plan and the applicable zoning district regulations;

Is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood;

Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and

Conditions imposed by the Land Use Authority are based upon ordinance standards outlined in this title or as otherwise determined to be necessary by the City Engineer, Building Official, or any applicable State or Federal agency according to adopted standards of those fields of expertise.

D. Determination: A conditional use permit shall be approved if conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth herein. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth herein, the conditional use permit may be denied.

11-4-5: CONDITIONS AND REQUIREMENTS:

Applications for a conditional use permit shall conform to the requirements set forth in this title. In addition, the planning commission may establish conditions as outlined herein to meet the concerns of safety for persons and neighborhood needs, performance and administration. More specifically, the planning commission may require:

A. Setbacks: Increased setback and side yard distances from lot lines to ensure the public safety and to ensure consistency with the intended characteristics of the zone.

B. Screening: The screening of yards or other areas as protection from obnoxious land uses and activities.

C. Removal Of Inconsistent Characteristics: The removal of structures, debris or plant life inconsistent with the intended characteristics of the zone.

D. Nuisance Relocation Or Fencing: The relocation, covering or fencing of irrigation ditches, drainage channels and similar potential attractive nuisances as determined by the planning commission.

E. Sight Distance Safety: The relocation of proposed or existing structures as necessary to provide for future streets shown on the city's general plan, adequate sight distances for general safety, or similar problems.

F. Facility Construction: Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the zone and to provide for an orderly development of land.

G. Truck Loading And Unloading Facilities: The location, arrangement and dimensions of truck loading and unloading facilities.

H. Outdoor Advertising: The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.

I. Landscaping: Landscaping to ensure consistency with the intended characteristics of the zone and compliance with current landscaping standards.

J. Screen Plantings: The location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development.

K. Ground Cover: The planting of ground cover or installation of other surfacing to prevent dust and erosion or contamination of the soil or groundwater.

L. Retention Of Trees: The retention of existing healthy trees and vegetation.

M. Curb And Gutter Construction: Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the zone from the proposed conditional use.

N. Restructuring Of Land: Restructuring of the land and planting of the same as directed by the planning commission when the conditional use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.

O. Time Limits: Time limits on the validity of the conditional use permit, and identification of times for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.

P. Bond: A bond or other valuable assurance in favor of the local jurisdiction in an amount to be determined by the city council. The amount of said bond or other valuable assurance shall not exceed the amount calculated by the developer's engineer and approved by the city engineer as necessary to assure compliance with all conditions.

Q. Plans Of Development: Specific long and short range plans of development.

R. EPA And OSHA Standards: Certification and/or standards obtained and furnished by the applicant indicating that the proposed conditional use will meet and comply with standards set by the environmental protection agency, by the occupational safety and health administration and by other applicable state and federal agencies.

S. Special Site Conditions: Limitations and/or restrictions on the use and/or location of uses due to special site conditions, including, but not limited to, geologically hazardous areas; floodplains; fault zones; landslide areas; and sensitive areas due to soil capabilities, wildlife and plant life.

T. Population; Land Intensity: Population density and intensity of land uses may be limited where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare.

U. Recreational Facilities: Provisions for or construction of recreational facilities necessary to satisfy needs of the conditional use.

V. Floor Elevation And Grading Plans: Finished floor elevations and grading plans to prevent or minimize water damage from flood levels as determined by hydrology studies.

W. Hours Of Operation: The regulation of operating hours for activities affecting normal schedules and functions.

X. Mitigation Of Possible Nuisance Factors: Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to, noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.

Y. Buildings, Structures, And Other Facilities: Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities.

Z. Site Circulation: Site circulation patterns for vehicular, pedestrian and other traffic.

AA. Parking, Loading And Waste Areas: Design, location and amount of off street parking, loading areas, and solid waste disposal and collection areas.

BB. Other Reasonable Conditions: Such other conditions determined reasonable and necessary by the city to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this code.

11-4-6: EXPIRATION OF PERMIT:

A land use authorized by a conditional use permit must commence within one year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The planning commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be for six (6) months. Applications for extension must be submitted to the planning and zoning administrator in writing prior to the expiration of the original permit. The application must describe the cause for requesting the extension and be accompanied by the fee required by the city's fee schedule. A public hearing shall be held by the planning commission for any application for extension.

11-4-7: REVOCATION; CONDITIONS:

A conditional use permit may be revoked by the land use authority upon failure of compliance with the conditions precedent to the original approval of the permit or for any violation of this Title occurring on the site for which the conditional use permit was approved. Prior to the revocation of a conditional use permit, the land use authority shall hold a public hearing for the consideration of the revocation. Notice of the meeting and the grounds for consideration of revocation shall be mailed to the permittee at least ten (10) days prior to the meeting. An appeal of the decision to revoke a conditional use permit shall be filed, in writing, with the Land Use Appeal Authority within thirty (30) days from the date of revocation.

11-4-8: APPEAL:

All appeals to the provisions of this chapter shall be made in accordance with section 11-1-12 of this title.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 23rd day of October, 2018.

CLEARFIELD CITY CORPORATION

_____

Mark R. Shepherd, Mayor

ATTEST:

_____

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE: Councilmembers Bush, Peterson, Phipps, Roper and Thompson

NAY: None

Definitions for Chapter 3

DEVELOPMENT ACTIVITY: any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.

Chapter 4
CONDITIONAL USE PERMITS

11-4-1: PURPOSE:

11-4-2: REQUIRED:

11-4-3: PROCEDURES:

11-4-4: APPLICATION REVIEW PROCEDURE:

11-4-5: CONDITIONS AND REQUIREMENTS:

11-4-6: EXPIRATION OF PERMIT:

11-4-7: REVOCATION; CONDITIONS:

11-4-8: APPEAL:

11-4-1: PURPOSE:

The purpose of a conditional use permit is to allow a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate the detrimental impacts. This chapter governs the process by which all new and existing conditional uses are reviewed; the review process for permitted uses is outlined in chapter 5 of this title. As outlined in Utah State Code section 10-9a-507, the land use authority shall approval a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use. Review of a conditional use permit by the land use authority is an administrative action.

11-4-2: REQUIRED:

A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations or as elsewhere in this title. The conditional use permit review shall include the review of all applicable plans and documents as listed on the official conditional use permit checklist. All new construction of conditional uses shall be processed as a conditional use

permit. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the permit.

11-4-3: PROCEDURES:

A. Application: Application for a conditional use permit shall be made in writing on forms prepared by the planning and zoning administrator by the property owner or registered agent. Upon receipt of a complete application, the planning and zoning administrator shall schedule the application for consideration by the planning commission. The planning and zoning administrator shall not place any application on the planning commission agenda until all items required by this title have been submitted or are omitted for good cause.

B. Information And Items Required: Detailed site plan, location, landscaping, and building plans shall accompany an application for a conditional use permit as outlined on the official conditional use permit checklist and as appropriate. Information sufficient to demonstrate that the general and specific requirements of this title will be met by the construction and operation of the proposed building, structure or use shall be submitted with the application.

C. Fee: The application for a conditional use permit shall be accompanied by the appropriate fee, as set forth in the City's Consolidated Fee Schedule. The required fee must be paid in full at the time the application is submitted.

11-4-4: APPLICATION REVIEW PROCEDURE:

A. Development Review Meeting: Prior to submitting formal application and as determined necessary by the planning and zoning administrator, an applicant shall attend a development review meeting with appropriate city departments to discuss the improvements associated with the conditional use and the conditions that city staff would recommend to mitigate proposed adverse impacts. This meeting will allow city departments to provide comments on the application.

B. Planning Commission Review: The planning commission shall review all conditional use permit applications. The planning commission shall approve, approve subject to compliance with such modifications or conditions as may be deemed necessary to carry out the purposes of this chapter, or disapprove an application as outlined in subsection 11-4-3D "Determination" of this chapter.

C. Notice: Upon receipt of a complete application, the City shall provide reasonable notice as provided in Section 11-1-10 of this title. The planning commission shall review the conditional use permit application in a public meeting and shall either approve, deny, or modify and approve the application. The planning and zoning administrator shall not place any application on a planning commission agenda until the application is complete.

~~C. Public Hearing; Notice: A public hearing shall be held by the planning commission to review applications for a conditional use permit. Notification of the public hearing for the conditional use permit application shall be mailed to all property owners adjacent to the subject property.~~

D. Considerations: The land use authority may allow a conditional use to be located in any zoning district in which the particular use is allowed as a conditional use by this title. In authorizing any conditional use, the Land Use Authority shall impose such requirements and conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards provided in this chapter or elsewhere in this Title necessary for the protection of adjacent properties and the public welfare. The land use authority shall determine the following:

1. At the specified location, the use is in harmony with the general intent and purpose of the Clearfield City General Plan and the applicable zoning district regulations;

2. The Use is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood;

3. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and

4. Conditions imposed by the Land Use Authority are based upon ordinance standards outlined in this title or as otherwise determined to be necessary by the City Engineer, Building Official, or any applicable State or Federal agency according to adopted standards of those fields of expertise.

E. Determination: A conditional use permit shall be approved if conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth herein. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth herein, the conditional use permit may be denied.

11-4-5: STANDARDS FOR CONDITIONS ~~AND REQUIREMENTS~~:

The application for a conditional use in the zone must demonstrate that the proposed use complies with the applicable provisions of this code, state and federal law, and the following standards, which apply to all conditional uses:

~~Applications for a conditional use permit shall conform to the requirements set forth in this title. In addition, the planning commission may establish conditions as outlined herein to meet the concerns of safety for persons and neighborhood needs, performance and administration. More specifically, the planning commission may require:~~

A. Conditions relating to compliance with the intent of the general plan and characteristics of the zoning district

1. Landscaping: Landscaping to ensure consistency with the intended characteristics of the zone as provided in section 11-18-6 and section 11-13-23.

~~Setbacks: Increased setback and side yard distances from lot lines to ensure the public safety and to ensure consistency with the intended characteristics of the zone.~~

2. Screening: The screening of yards or other areas as a means to mitigate nuisances.

3. Removal Of Non-conforming Uses or Structures: The removal of structures, debris or plant life inconsistent with the intended characteristics of the zone.

4. Screen Plantings: The location, height and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development.

~~Bond: A bond or other valuable assurance in favor of the local jurisdiction in an amount to be determined by the city council. The amount of said bond or other valuable assurance shall not exceed the amount calculated by the developer's engineer and approved by the city engineer as necessary to assure compliance with all conditions.~~

5. Hours Of Operation: The regulation of operating hours for activities affecting normal schedules and functions.

6. Mitigation Of Possible Nuisance Factors: Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to, noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.

7. Buildings, Structures, And Other Facilities: Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities as set forth in section 11-18-5.

~~Plans Of Development: Specific long and short range plans of development.~~

B. Conditions relating to safety for persons and property

1. Nuisance Relocation Or Fencing: The relocation, covering or fencing of irrigation ditches, drainage channels and similarly potentially unsafe or attractive nuisances set forth in section 5-1-3. ~~as determined by the planning commission.~~

2. Outdoor Advertising: The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development pursuant to chapter 11-15.

~~3. Population; Land Intensity: Population density and intensity of land uses may be limited where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety and welfare.~~

4. Site Circulation: Site circulation patterns for vehicular, pedestrian and other traffic.

5. Sight Distance Safety: The relocation of proposed or existing structures as necessary to provide for future streets shown on the City's general plan, adequate sight distances for general safety, or similar problems outlined in section 11-13-10.

6. Truck Loading And Unloading Facilities: The location, arrangement and dimensions of truck loading and unloading facilities pursuant to site plan requirements in section 11-5-3.

C. Conditions relating to health and sanitation

1. Facility Construction: Construction of water mains, sewer mains and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the zone and to provide for an orderly development of land as outlined in chapter 12-9.

2. Parking, Loading And Waste Areas: Design, location and amount of off street parking, loading areas, and solid waste disposal and collection areas.

D. Conditions relating to environmental concerns

1. Ground Cover: The planting of ground cover or installation of other surfacing to prevent dust and erosion or contamination of the soil or groundwater.

2. Retention Of Trees: The retention of existing healthy trees and vegetation pursuant to section 11-13-16.

3. Curb And Gutter Construction: Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants and street lighting which serve the property in question and which may compensate in part or in whole for possible adverse impacts to the zone from the proposed conditional use.

4. Restructuring Of Land: Restructuring of the land and planting of the same ~~as directed by the planning commission~~ when the ~~conditional~~ use involves cutting and/or filling the land and where such land would be adversely affected if not restructured.

5. EPA And OSHA Standards: Certification and/or standards obtained and furnished by the applicant indicating that the proposed conditional use will meet and comply with standards set by the environmental protection agency, by the occupational safety and health administration and by other applicable state and federal agencies.

6. ~~Special~~ Site Constraints ~~Conditions~~: Limitations and/or restrictions on the use and/or location of uses due to certain site constraints ~~special site conditions,~~ including, but not limited to, geologically hazardous areas; floodplains; fault zones; landslide areas; and sensitive areas due to soil capabilities, wildlife and plant life.

7. Floor Elevation And Grading Plans: Finished floor elevations and grading plans to prevent or minimize water damage from flood levels as required by section 12-9-5. ~~determined by hydrology studies~~.

~~O. Time Limits: Time limits on the validity of the conditional use permit, and identification of times for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.~~

~~U. Recreational Facilities: Provisions for or construction of recreational facilities necessary to satisfy needs of the conditional use.~~

~~BB. Other Reasonable Conditions: Such other conditions determined reasonable and necessary by the city to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this code. (Ord. 2009-20, 11-24-2009)~~

11-4-6: EXPIRATION OF PERMIT:

A land use authorized by a conditional use permit must commence within one year of the time the permit is issued. A conditional use permit is approved with final land use approval. If the permit holder has not commenced development activity ~~action~~ under the permit within this time, the permit shall expire and the holder must apply for a new permit. The planning and zoning administrator ~~planning commission~~ may grant an extension for good cause shown. Only one extension may be granted and the maximum extension period shall be for no more than six (6) months. Applications for extension must be submitted to the planning and zoning administrator in writing prior to the expiration of the original permit. The application must describe the cause for requesting the extension and be accompanied by the fee required by the city's fee schedule. ~~A public hearing shall be held by the planning commission for any application for extension.~~

11-4-7: REVOCATION; CONDITIONS:

Comment [NP1]: Missing A-F conditions

A conditional use permit may be revoked by the land use authority upon failure of compliance with the conditions precedent to the original approval of the permit or for any violation of this Title occurring on the site for which the conditional use permit was approved. Prior to the revocation of a conditional use permit, the land use authority shall hold a public hearing for the consideration of the revocation. Notice of the meeting and the grounds for consideration of revocation shall be mailed to the permittee at least ten (10) days prior to the meeting. An appeal of the decision to revoke a conditional use permit shall be filed, in writing, with the Land Use Appeal Authority within thirty (30) days from the date of revocation.

11-4-8: APPEAL:

All appeals to the provisions of this chapter shall be made in accordance with section 11-1-12 of this title.

STANDARDS FOR GRANTING CONDITIONAL USE PERMITS (CUP)

Careful Use Precisely…
Make sure they fit!



2016

UTAH LEAGUE OF CITIES AND TOWNS

Primer on Conditional Uses

Conditional uses can be problems for cities and towns. They are a problem because many cities and towns think that they have more discretion than they actually do in the granting or denying of a conditional use permit application. These cities and towns treat conditional use permit applications like zone change requests. A conditional use permit application is not the same as a request to change a zone.

A conditional use is defined as a use that, because of its unique characteristics for potential impact on the city or town, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.[1]

It has been the common practice for Utah cities and towns to include many conditional uses in their land use ordinances. Very often this occurs because the drafters of the ordinances cannot make the hard decisions about whether or not to permit or disallow a particular use. Sometimes conditional uses are used because the city or town thinks that conditional uses give planning commissions or city councils more discretion in whether or not to allow certain uses. This cannot be further from the actual situation.

A conditional use only exists if it is created by the land use ordinance. It is not sufficient to just identify a potential use as a conditional use in a land use ordinance. The state statute requires that standards be set forth in the ordinance for the granting or denying of the conditional use.[2]A conditional use must be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with standards that are contained in the ordinance. If there are no identifiable standards contained in the ordinance, there will be no basis for denying the permit.

[1] Utah Code 10-9a-103(5).
[2] Utah Code 10-9a-507.

The granting or denial of the conditional use permit is not a legislative act, it is an administrative act. This is a significant distinction. Because it is an administrative act, it will be reviewed by the courts in a less differential manner than a legislative act. In addition, a city or town must provide an appeal process from any decision on a conditional use permit application. This appeal process must allow anyone who is aggrieved by the decision that either granted or denied a conditional use to appeal that decision. This appeal must be to someone other than the body that initially decided on the conditional use permit. After this internal appeals process has been completed, the aggrieved party can petition the district court to review the city's decision.

A court will review and support the city's decision, as it would any other administrative decision if there is a good record of what the city or town did and if the decision is supported by substantial evidence found in the record. If there is a good record of what occurred in the city and if there is not substantial evidence in that record to support the city's decision, the court will overturn the city's decision. If the record from the city is insufficient, the court will rehear the entire matter, including taking new evidence, and make its own independent determination and ignore the city's previous decision. The city's record consists of the minutes of the various meetings and the decisions made. A good record will be one that has a transcript of the meetings held and written findings and conclusions regarding the permit.

Another significant difference between the granting of a conditional use and a legislative act is the role of the public. While it is appropriate to take public comment and even hold public hearings on the granting or denial of individual conditional use permits, public clamor is not to be considered. The difference between public clamor and public input is one of substance. It is appropriate to seek from the public factual information about whether or not the applicant for the permit can meet the standards of the ordinance. It is not appropriate to seek from the public their emotional feelings about the application. Whether or not to grant a conditional use permit is not a political decision or a popularity contest; it must be based solely on the standards in the ordinance itself. The applicant can either meet the standards in the ordinance for the permit or not meet the standards.

The best practice is to avoid, as much as possible, having conditional uses. If the use is not appropriate, the ordinance should make it a non-permitted use. If the use is appropriate, it should be a permitted use. Conditional uses should be the exception and not the rule. Putting a conditional use in the ordinance is inviting the use to occur. If a city does not want a particular use in a particular area, the best practice is to not allow it. If they want it then make it permitted.

Standards for Granting Conditional Uses

Utah State Code
10-9a-507. Conditional uses.

(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

(2) (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

"Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts."

Amended by Chapter 245, 2005 General Session

The overall purpose of any condition, established as part of the Conditional Use Process, is to protect the integrity of the underlying zoning. For example: If the underlying zoning is residential, the conditions should all be justifiable as protection against the intrusion that a nonresidential use will create. As long as each use can be justified as providing such protection, a court will seldom assume conditions to be arbitrary.

A zoning ordinance may specify standards to be considered in general use permits and can also include specific conditions for specific uses, such as child care or a gravel pit. The league has samples that other cities have adopted that are provided at the end of this document.

Listed below are possible standards as well as examples of more defined conditions that might be made.

Standard: The safety of people and/or property.
Conditions:

1. Traffic control:
    i. minimizing the traffic flow
    ii. directing the traffic flow
    iii. limiting the types of vehicles
1. Requiring fencing or other types of protection
2. Requiring additional setbacks or land area

Standard: Health and Sanitation
Conditions:

1. Controlling outdoor storage
2. Requiring sewer connections
3. Demanding proper disposal of waste
4. Controlling dust or other types of air pollution

Standard: Environmental Concerns
Conditions:

1. Enforcing well-head protections standards, when applicable.
2. Requiring planting to control dust, runoff and erosion.
3. Enforcing necessary standards for the protection of water shed.
4. Controlling the disposal of hazardous materials.
5. Requiring no special uses of resources.

Standard: The General Plan and the Permitted Zoning
Conditions:

1. Protecting the quality of the underlying zone.
    i. traffic
    ii. lighting
    iii. esthetics
    iv. noise
    v. landscaping
    vi. general use and design

EXAMPLE

CONDITIONAL USE STANDARDS OF REVIEW. The City shall not issue a conditional use permit unless the Planning and Zoning Administrator, in the case of an administrative conditional use, or the Planning Commission, for all other conditional uses, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the

imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

1. **GENERAL REVIEW CRITERIA:** An applicant for a conditional use in the zone must demonstrate:

a. The application complies with all applicable provisions of this chapter, state and federal law;
b. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
c. The use is not detrimental to the public health, safety and welfare;
d. The use is consistent with the City General Plan as amended;
e. Traffic conditions are not adversely effected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
f. There is sufficient utility capacity;
g. There is sufficient emergency vehicle access;
h. The location and design of off-street parking as well as compliance with off-street parking standards;
i. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
j. Exterior lighting that complies with the lighting standards of the zone.
k. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.

2. **SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES.** In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for each of the following conditional uses:

Adult Oriented Businesses.

The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas deleterious to the health, safety and welfare of the City, and to prevent inappropriate exposure of such businesses to the community. This chapter regulates the time, place, and manner of the operation of sexually-oriented businesses, consistent with the United States and Utah State Constitutions. See also City Sexually Oriented Business Ordinance #00-104.

a. No adult-oriented business may be located within five hundred feet (500') of any:

(i) School, day care facility, cemetery, public park, library, or religious institution;

(ii) Residential zoning boundary;

(iii) Liquor store; or

(iv) Other adult-oriented business.

b. For the purposes of this section, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult-oriented business is located and:

(i) The closest exterior wall of another adult-oriented business;

(ii) The closest property line of any school, day care facility, public park, library, cemetery or religious institution; and

(iii) The nearest property line of any residential zone.

Home Occupation. Each application for a business license for a home occupation shall include the applicant's agreement that the proposed use:

1) Shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds (12,000 lbs) gross vehicle weight.
2) Shall not include identifying signage in excess of a six (6') square foot name plate, attached to the dwelling;
3) Is limited to the on-site employment of immediate family members who occupy the dwelling. (This criterion is not intended to limit the number of employees who are engaged in business for the home occupation but work off-premises.);
4) Shall not alter the residential character or appearance of the dwelling or neighborhood;
5) Shall not occupy more than twenty-five percent (25%) of the main floor of the dwelling nor more than fifty percent (50%) of the floor area of any garage or outbuilding in which the use is conducted;
6) Shall not generate business-related vehicular traffic in excess of three (3) vehicles per hour;
7) Shall not cause a demand for municipal services in excess of that associated with normal residential use;
8) Shall be enclosed within a structure in complete conformity with international building codes as adopted by the City; and
9) Is not a mortuary, animal hospital, kennel, clinic, hospital, RV service, junkyard, auto repair service, public stable or adult oriented business.

PERMIT REVOCATION:

A. The City Council may revoke the Conditional Use Permit of any person upon a finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The City Council shall send notice of the revocation to the holder of the permit and the holder of the permit shall immediately cease any use of the property which was based on the Conditional Use Permit.

B. If the City Council revokes any permit under this section, the holder of the permit shall have a right to appeal the revocation of the permit. The holder must file the appeal with the City Recorder within fifteen (15) days of the date of the notice that the City has revoked the Conditional Use Permit.

C. Upon receipt of the appeal, the City Council shall set a hearing on the appeal at its next regularly scheduled meeting which is more than fifteen (15) days after the time the City Recorder received the appeal. The City shall supply the permit holder of the time, date

and place of the hearing at least fifteen (15) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

TIME LIMIT:
Action authorized by a Conditional Use Permit must commence within one (1) year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Planning Commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must apply for an extension in writing before the expiration of the original permit. The application must be submitted to the City Recorder and the application must describe the cause for requesting the extension.

A conditional use runs with the land because it is an objective permit--it doesn't matter who owns it, but only that the conditions are fulfilled. There is nothing about a change in ownership that creates an objective change to the permit issues. That is not to say that a city must be indifferent to ownership. A condition of a permit for an environmentally challenging use, for example, could include a requirement that the permit holder demonstrate adequate financial responsibility to address any accidental hazardous condition that they may create. This might include proof of insurance, experience in the industry, a minimum capitalization ratio, or something along these lines. These conditions would then transfer to the new owner, who would also have to meet the same criteria in order to maintain the CUP.

Alternatively, a city may issue a one year CUP. However, most owners would not invest in anything significant if the CUP lapses in a year.

Summary

What is a CUP?

CUP's are regulated by the Utah State Code Title 10-Chapter 9a

Here is the state definition:
Title 10-Chapter 9a-Section 507.
"Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts."

A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

What does this really mean? I like to say-

Careful Use Precisely

What are the Rules?
Here is my Cliff Notes Summary

1. You don't have to have conditional use permits – you can allow them in one zone and not another

2. CUP's are not for catch all items that you don't know how to deal with

3. If you do you provide for CUP's you are required to have the following in your development code
   a. You need a detail list of what you will consider in each zone – you cannot consider an application that is not a use listed in your code
   b. You need general standards of review for how you will consider each permit request
   c. Any conditions you place on a CUP must be tied to one of these standards
   - They are precise land uses that may or may not fit in your zone districts – you should not have many in each zone.
   - CUP'S are an extra level of review used for small scale uses

4. You have very slim chances of denying a CUP

Title 10-Chapter 9a *2) (a) A conditional use **shall be approved** if **reasonable** conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.*

5. You need to have Standards of review in your code if you have a CUP process.
Suggested standards of review are: (you can add anything you want as a standard– it just needs to be written down)

- The safety of people and/or property.

- Health and Sanitation
- Environmental Concerns
- The General Plan and the Permitted Zoning and maybe
- traffic
- lighting
- esthetics
- noise
- landscaping
- general use and design

6. After you have your standards of review then you can apply conditions to the CUP – they need to relate to each other. For example if you have traffic as one of your standards of review you could add a condition saying "no entry off of Main Street in order to prevent traffic jams etc…) So traffic relates to a condition of limited entry…..a relationship just not subjective.

7. Read conditions into the final record and make findings as to why you are attaching the conditions.

8. Record the conditions with any maps or other land use approvals.

9. Keep a clear record so that you can enforce any violations if they occur.

10. The Council may revoke the CUP of any person upon a finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued.

Good conditions make good neighbors





The neighbors of this small restaurant, with its poorly placed dumpster, may not feel very neighborly. Conditional use standards could result in requiring limited hours of operation for the bar, and landscaping and other measures to conceal the dumpster.

Sample
Fillmore Utah
CUP ORDINANCE

Example of what you should have in your development code
(Administrative CUP simply means that the Fillmore staff approves those – they decided that those uses did not need to go to the Planning Commission)

Table 6-7-3.2: Uses

Type	Allowed	Administrative Conditional Use	Conditional Use	Business License
Accessory Structure, occupied			✓	
Accessory Structure, unoccupied	✓			
Agriculture	✓			
Apartment House			✓	✓
Child Care for Business • Center: 8 children or less • Facility: 9 children or more		✓ ✓		✓ ✓
Athletic, Tennis			✓	✓
Church	✓			
Civic Club			✓	
Condominium			✓	
Dwelling - Single	✓			
Dwelling- 2 Family			✓	
Dwelling- 3 Family			✓	✓
Dwelling- 4 Family			✓	✓
Farm Animals/Livestock	✓			
Fence, Electric		✓		
Fence, Wildlife/Large Animal		✓		
Gated Communities			✓	

6-7-3.8 <u>CONDITIONAL USE STANDARDS OF REVIEW</u>. The City shall not issue a conditional use permit unless the Planning and Zoning Administrator,

in the case of an administrative conditional use, or the Planning Commission, for all other conditional uses, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

1. GENERAL REVIEW CRITERIA An applicant for a conditional use in the zone must demonstrate:

a. The application complies with all applicable provisions of this chapter, state and federal law;
b. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
c. The use is not detrimental to the public health, safety and welfare;
d. The use is consistent with the Fillmore City General Plan as amended;
e. Traffic conditions are not adversely affected by the proposed use including the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
f. There is sufficient utility capacity;
g. There is sufficient emergency vehicle access;
h. The location and design of off-street parking as well as compliance with off-street parking standards;
i. A plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
j. That exterior lighting that complies with the lighting standards of the zone;
k. That within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.

2. SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES. In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering

whether to approve, deny or conditionally approve an application for each of the following conditional uses:

A. Accessory Structure (Occupied). New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards:

1) Proximity**:** The accessory structure must be located no less than six feet (6') from the main building.
2) Setbacks: The accessory structure must be located in either the rear or side yard, with no less than a ten foot (10') setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case, the side yard setback to the nearest side lot line must be at least fifteen feet (15').
3) Height**:** The accessory structure height may not exceed twenty-four feet (24') to the mid point for a sloped roof and twenty feet (20') to the cornice for a flat roof.
4) Building Area**:** The maximum area of an occupied accessory structure is the larger of nine hundred (900) square feet or thirteen percent (13%) of the lot area. No more than six hundred (600) square feet of the accessory structure shall be used for human occupancy.

B. Child Care Facility/Center. Each application for a childcare facility, center or home occupation must include and comply with:

1) Proof of application for state child care license;
2) Compliance with state, federal and local law;
3) A design that does not include a front yard playground;
4) A parking and traffic plan that adequately mitigates the adverse impacts of increased traffic in the neighborhood (if a facility or center);
5) Childcare providers as a home occupation may not exceed eight (8) children, 12 years of age or younger, including the providers own children at any given time;

6) Childcare providers as a home occupation may not provide services for more than 2 infants under the age of two at any given time.

C. Condominiums. Subject to the requirements set forth in Chapter 6-11 of the Fillmore City Municipal Code, condominiums are permitted as a conditional use in the R-2 zone with the following conditions:

1) Lot Size. The minimum lot size for any condominium project consisting of up to 4 individual condominium units shall be 15,000 square feet. 2,500 square feet shall be added to the minimum lot size for each additional unit.
2) Open Space. For each individual condominium unit, an area of no less than 875 square feet shall be preserved and dedicated as open space.
3) Parking. For each individual condominium unit, an area of no less than 875 square feet shall be improved for parking. Property dedicated for parking may not overlap with property dedicated for open space.
4) Spacing of Building. Up to 4 condominium units may be located in a single building. Single-story building shall be spaced at least 15 feet apart from one another. Two-story buildings shall be spaced at least 20 feet apart from one another.

D. Multiple Family Dwellings. Three-plex and four-plex dwellings may be allowed as a conditional use in the R-2 Zone with the following conditions.

1) Three-plex: 17,125 sq ft lot area which includes parking and open space requirements.
2) Four-plex: 20,380 sq ft lot area which includes parking and open space requirements.
3) Open Space requirement: 500 sf of open space per unit.

E. Intermittent Commercial Uses. The occasional use of dwellings, community buildings, private clubs, lodges, social or recreational establishments and/or their accessory buildings for commercial purposes may be allowed upon receiving a conditional use permit and provided the

provisions of this section are complied with. The following standards shall apply to all intermittent commercial uses in addition to any conditions the Planning Commission deems necessary and desirable to protect the public health, safety and general welfare.

1) The display and sales of merchandise should be contained primarily within a building.

2) The building proposed for the intermittent commercial use must comply with setback and clear vision area requirements of this ordinance and with applicable building and fire codes.

3) A business license from the City is required to conduct an intermittent commercial use.

4) Adequate parking is provided to serve the commercial use that does not create a parking shortage for other existing uses on site.

5) The use does not cause noise, light, or glare which adversely impacts surrounding uses.

F. Home Occupation. Each application for a business license for a home occupation shall include the applicants agreement that the proposed use:

1) Shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds (12,000 lbs) gross vehicle weight.
2) Shall not include identifying signage in excess of a six (6') square foot name plate, attached to the dwelling;
3) Is limited to the on-site employment of immediate family members who occupy the dwelling. (This criteria is not intended to limit the number of employees who are engaged in business for the home occupation but work off-premises.);
4) Shall not alter the residential character or appearance of the dwelling or neighborhood;

5) Shall not occupy more than twenty-five percent (25%) of the main floor of the dwelling nor more than fifty percent (50%) of the floor area of any garage or outbuilding in which the use is conducted;
6) Shall not generate business-related vehicular traffic in excess of three (3) vehicles per hour;
7) Shall not cause a demand for municipal services in excess of that associated with normal residential use;
8) Shall be enclosed within a structure in complete conformity with international building codes as adopted by Fillmore City; and
9) Is not a mortuary, animal hospital, kennel, clinic, hospital, RV service, junkyard, auto repair service, public stable or adult oriented business.

G. Gated Communities. Applicants must comply with the following standards:

1) The applicants have demonstrated a need for an entry gate to effectively control ongoing negative health, safety and welfare issues; or, in highly unique circumstances, excessive non-neighborhood parking or traffic on a regular basis.
2) The private street is not a through street and traffic circulation through the neighborhood to other parts of the community is not impacted.
3) The entry gate shall be set back 25 feet.
4) A building permit for the gate must be approved.
5) The entry gate shall meet the following design standards:
    a. The clearance distance from the gate bottom to the ground shall be a minimum of 2'.
    b. The maximum height from the bottom to top rail shall be 3'.
    c. The gate shall be constructed from visually open materials that will not obstruct more than 50% visibility (i.e. open fencing).
    d. Fencing adjacent to the gate shall not exceed a height of 4' for solid fencing materials and 6' for open materials.
    e. Columns added for architectural interest shall not exceed 9'.
    f. The gate design shall be minimal in height and scale to accomplish the goal of preventing unauthorized access.

6) An access plan for emergency services and authorized City representatives shall be provided to and approved by the City.

STAFF REPORT

TO:	Mayor Shepherd, City Council Members, and Planning Commissioners
FROM:	Nick Porter, Management Intern
MEETING DATE:	Tuesday, July 30, 2019
SUBJECT:	Addition to Title 11; Accessory Dwelling Units – ZTA 1907-0005

RECOMMENDED ACTION

This is a discussion item and is not recommended for any actions at this time. Staff requesting feedback from the Council and the Commission on ZTA 1907-0005, an ordinance to allow, encourage, and regulate accessory dwelling units (ADUs) in the City.

DESCRIPTION / BACKGROUND

In response to the recent discussions on housing affordability and the supply of residences, staff has researched Accessory Dwelling Units (ADUs) and drafted an ADU chapter to be added to Title 11 of the City's code. The ordinance is designed to both encourage the development of ADU's as a form of affordable housing and impose certain restrictions and standards to ensure compliance with the image of Clearfield.

This ordinance will allow ADU's as a permitted use for single-family uses in all residential zones, providing an opportunity for home owners to generate passive income and make improvements to their homes and lots. Two types of ADUs exist, attached (integrated) and detached. Attached ADUs include basement, main-level or second-level renovations or additions that are separate dwellings while maintaining the look of a single-family home. For many homes in Clearfield with smaller lots, this may be the best option, so long as the additions meet applicable building code. A detached ADU is a second structure on the property that meets proper setback and lot coverage requirements. A converted detached garage or tiny homes are examples.

Figure 2-3-2-3B
ADU Types: Integrated ADU

Illustrated below is an integrated ADU that is located at ground level, behind the principal residence (ADU shown in yellow).



Figure 2-3-2-3A
ADU Types: Integrated ADU (Basement)

Illustrated below is an integrated ADU that is located in a basement (ADU shown in yellow).

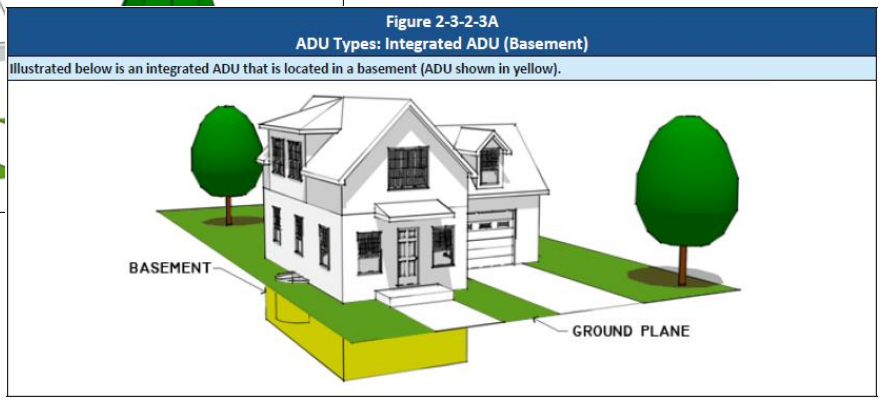


Figure 2-3-2-3C
ADU Types: Detached ADU

Illustrated below is a detached ADU located on the rear 1/2 of the lot (ADU shown in yellow).



Figure 2-3-2-3D
ADU Types: Detached ADU (Garage)

Illustrated below is a detached ADU located above an alley-facing garage (ADU shown in yellow).



These four graphics, taken from the city of Durango, Colorado, visually show four ways to configure an ADU. The intent of the ordinance is to allow flexibility for home owners to determine the best fit for their property. Size requirements, design standards, and setbacks will ensure that each lot has a clear principal or main dwelling and that this second unit is clearly an accessory.

Staff has performed a lot of research regarding ADUs, and there is a lot of new information on this current topic every day. AARP is a big advocate for ADUs and provided good information. Staff also referenced a third-party audit of the ADU situation in the Portland, Oregon metro area and cities in Utah like North Salt Lake, Murray, Salt Lake City, and Orem.

Current language of the ordinance requires owner occupancy, mandates an additional off-street parking space for the ADU that is not tandem parking, and prohibits separate utility meters. Staff requests feedback on these and all other regulations outlined in the ordinance to reflect the vision of the Commission and Council.

CORRESPONDING POLICY PRIORITY

The proposed changes to this process intend to accomplish the second Policy Priority of **"Improving Clearfield's Image, Livability, and Economy."** Accessory dwelling units give flexibility to home owners by providing a way to increase their property value, and gain passive income or provide living space for family members.

ALTERNATIVES

No adoption – the City doesn't formalize the process for ADUs.

A chapter is added to title 11 in order to encourage and regulate ADUs.

SCHEDULE / TIME CONSTRAINTS

This is a city-initiated project and does not have any time constraints or schedule.

LIST OF ATTACHMENTS

1. Draft ordinance language
2. AARP's "The ABCs of ADUs" (pdf)

Indicate ADU as permitted use for single-family homes (uses) in residential zones.

Definitions: MAIN DWELLING

Title 11 Chapter 21

ACCESSORY DWELLING UNITS:

11-14-1: PURPOSE: ~~ACCESSORY DWELLING UNITS~~

The purpose and intent of this section is to recognize the residential character of the City and to provide for supplementary living accommodations in the community, as well as provide for supplementary income opportunities of property owners. These provisions are intended to promote housing affordability with reasonable limitations to minimize the impact on neighboring properties and neighborhoods, and to promote the health, safety, and welfare of the property owners and residents of accessory dwelling units. An accessory dwelling unit is a subordinate dwelling, which has its own eating, sleeping, and sanitation facilities which is: 1) within or attached to a single-family residential building, or 2) within a detached accessory structure associated with a single-family dwelling.

11-14-2: PROCEDURES:

A. Accessory Dwelling Unit Permit: Any person owning an existing accessory dwelling unit that has not previously been permitted by the City, or any person constructing or causing the construction of a residence that has an accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, shall obtain a land use permit for the accessory dwelling unit from the Community Development Department. This shall be in addition to any required building permit for the work to be performed. In order to meet the requirements of the land use permit, the applicant shall:

1. Submit a completed land use application form including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and existing utility meters,

2. Include detailed floor plans with labels on rooms indicating uses or proposed uses,

3. Pay building permit fees, if applicable, for the construction of a new dwelling, or the remodeling of an existing dwelling, in accordance with the established fees and charges,

4. Make all corrections identified as necessary to comply with Building Code requirements, as identified by the chief building official or his designee during a building inspection, and provide ~~photos of the~~ life safety items required by Building Code, including carbon monoxide detectors, smoke detectors, and earthquake strapping on water heaters, and applicable fire-rated walls and ceilings.

5. Demonstrate and affirm that their property is otherwise in compliance with all other provisions of the zoning ordinance.

6. Detached accessory dwelling units may be constructed simultaneously with a primary dwelling and may be inhabited before the completion of the primary dwelling.

7. In accordance with Davis County Code 15.20.160, no accessory building or structure shall be erected, located, used, or occupied until the erection, location or use of the principal building or use has commenced.

11-14-3: GENERAL REGULATIONS:

A. All accessory dwelling units shall comply with the following regulations:

1. Owner Occupied: No accessory dwelling unit shall be created, established, or occupied in a single-family dwelling unless the owner of the property occupies either a portion of the main dwelling or a detached accessory unit on the same single-family lot. For the purpose of this section, the term "owner occupied" shall be defined as full time residency within the home by the bona fide property owner(s) as shown on the Davis County tax assessment rolls. Owner occupancy for a dwelling with an accessory dwelling unit shall not be required when:

a. The owner cannot live in the dwelling because of a bona fide temporary absence of three (3) years or less for a temporary job assignment, sabbatical, or voluntary service;

b. The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and

c. The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical or voluntary service.

2. Dwelling Unit Occupancy: The occupants of an accessory dwelling unit shall be limited by one of the following family categories:

a. One person living alone; or

b. Two (2) or more persons all related by blood, by marriage, by adoption; by legal guardianship or foster children; or

c. Up to four (4) unrelated persons living as a single housekeeping unit.

d. Any of the above categories plus a temporary guest. A "temporary guest" is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.

e. For purposes of the definition of family, the term "related" shall mean a spouse, parent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousins, great-grandparent, and great-grandchild. The term "related" does not include other, more distant relationships.

3. Zones: An accessory dwelling unit is a permitted for single-family uses in all residential. No accessory dwelling unit may be allowed in any multi-family dwelling or multi-family lot, or on any lot that cannot satisfy the parking, setback, or lot coverage requirements.

4. Number Of Accessory Dwelling Units: A maximum of one accessory dwelling unit shall be allowed for each single-family dwelling.

5. Location And Type:

a. Within Or Attached To Main Dwelling: Accessory dwelling units may be allowed within or attached to the main residential dwelling (basement or addition), over the garage (attached or detached), or as ~~in~~ a detached accessory structure.

b. Setback Standard Compliance: Accessory dwelling units as an ~~attached or detached~~ addition to a primary dwelling shall meet all minimum setback standards required for the primary dwelling.

c. Behind The Primary Dwelling: An accessory dwelling unit within an accessory structure must meet the minimum of side yard required by the zone for the primary dwelling and a rear yard setback of ten feet (10'), unless no windows, doors, or other openings are adjacent to the property line, in which case the allowed setback shall be five feet (5').

d. Adjacent To The Primary Dwelling: An accessory dwelling unit within the side yard of the primary dwelling is required to meet the same front, side, and rear yard setback as the primary dwelling.

e. Second Story Accessory Dwelling Units: An accessory dwelling unit located in an accessory structure may only be located on a second story if the structure meets the same minimum standards in the zone for height, as well as front, side, and rear setback as the primary dwelling.

f. Distance From The Primary Dwelling: A detached accessory dwelling unit will be located no less than five feet (5') from the primary dwelling.

6. Appearance: Single family residences with interior (attached) accessory dwelling units shall retain the appearance of a single family home. Detached accessory dwelling units shall be built with a finished, all weather exterior material and shall be finished to match the exterior of the principal building unit (e.g., exterior materials, color, and roof pitch). Storage containers used as an ADU shall not be permitted.

7. Size:

a. Basement Dwelling Units: Shall be permitted to occupy the entirety of the basement of the primary home regardless of area or bedroom count.

b. Accessory Dwelling Units (Detached Structures): The size of an accessory dwelling unit shall be at least three hundred (300) square feet and shall not exceed 75% of the square footage of the main dwelling ~~twelve hundred (1,200) square feet~~ and be limited to no more than two (2) bedrooms.

8. Lot Coverage: The combined building coverage for the detached accessory dwelling units, main dwelling and additional accessory buildings may not be larger than the maximum coverage allowed in the zone for the lot and rear yards.

9. Building Entrances: A new single-family structure approved with an accessory dwelling unit attached to or detached from the main dwelling unit, shall have a separate, accessible entrance or stairway on the side or rear of the main dwelling. An accessory dwelling unit approved in an existing structure may use existing entrances on any side of the structure that faces a street, or a side or rear entrance. Dwellings with two (2) front doors side by side may not be used to provide separate entrances for each unit ~~with the exception of dwellings where the second door provides direct access to the dwelling basement~~. The purpose of this requirement is to preserve the single-family residential appearance of the building.

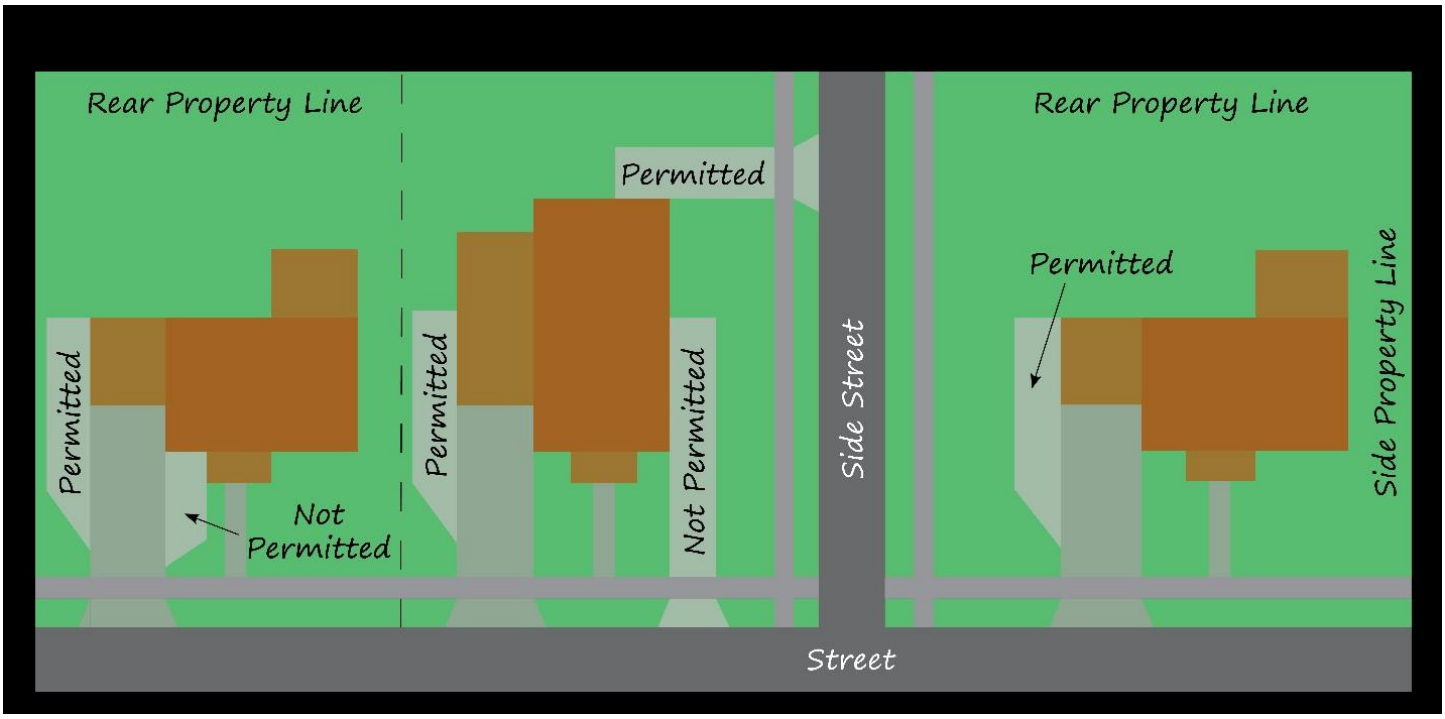
10. Address: The principal dwelling unit and the accessory dwelling unit shall have the same address number, but shall refer to the accessory dwelling unit as unit B. Addresses must be located in a visible location on the street frontage side of the home.

11. Parking:

a. A single-family dwelling with an accessory dwelling unit shall provide at least one additional off street parking space for the accessory unit, above the minimum spaces required for a single family dwelling. Accessory dwelling unit parking may not be in tandem with required parking of the main dwelling. ADUs located within one-quarter ($^1/_4$) mile of a UTA transit route shall be permitted to reduce the parking requirement by one space for the main dwelling unit.

b. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except upon ~~for within~~ an approved driveway.

c. The minimum width of parking areas and driveways shall be paved with concrete or asphalt.



12. Separate Living Areas: An accessory dwelling unit must provide living areas for eating, sleeping and sanitation facilities separate from the principal dwelling unit.

13. Building Code: All construction and remodeling shall comply with Building Codes and ordinance requirements in effect at the time of construction or remodeling, in accordance with Utah State Code section 10-9a-511.5, changes to dwellings - egress windows.

14. Utility Meters: Installing separate utility meters for the ADU is prohibited. ~~A single-family dwelling with an accessory dwelling unit shall may have separate meters for each water, gas, and electricity utility service. Each utility meter shall be in the property owner's name and the property owner shall be responsible for payment of all utilities. No additional water development or connection fee shall be required, unless a separate utility connection is requested and installed by the property owner.~~

15. Interior Access: An interior access between the main living area and an attached accessory dwelling unit must be maintained, unless sufficient means of egress have been determined during an inspection by the Fire Marshall.

B. Not Intended For Sale: The accessory dwelling unit shall not be intended for sale or detached by deed and shall only be rented.

~~T. Exceptions To Standards: The Planning Commission may issue a conditional use permit for ADUs which modify the requirements for an ADU with respect to maximum size, minimum parking, or setback.~~

~~1. In approving a conditional use permit the Planning Commission may require adherence to standards for conditions in order to mitigate the impact of the ADU on surrounding properties. Specifically the Planning Commission may require:~~

~~a. For ADUs that exceed the maximum size of one thousand two hundred (1,200) square feet: increased setbacks, privacy fencing, limitation on windows and doors adjacent to abutting property lines, and additional parking.~~

~~b. For ADUs with reduced or no additional parking: restrictions on occupancy to tenants without vehicles.~~

~~c. For ADUs with reduced setbacks: privacy fencing and limitation on windows and doors adjacent to abutting property lines.~~

C. Home Occupation Businesses: Home occupation businesses in an accessory dwelling unit shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an accessory dwelling unit without the express written permission of the property owner.

D. Failure To Complete To Obtain A Land Use Permit: If the property owner does not obtain a land use permit as outlined above, the accessory dwelling unit shall not be considered legal nor approved. Failure to obtain a land use permit for an existing accessory dwelling unit within two (2) years of the passing of this section may result in a citation for a Code violation as governed by Chapter 2 of this title.

11-14-4: SECOND KITCHENS IN SINGLE-FAMILY DWELLINGS

A. Purpose: The purpose of this chapter is to establish use and development regulations for a secondary kitchen within a single-family residence. These regulations are intended to allow Clearfield City residents to have a second kitchen within a single-family dwelling unit for use by the family residing within the dwelling unit. The purpose of the second kitchen shall be for entertaining, recreation or convenience, without creating an accessory dwelling unit.

B. Definition: Second Kitchen: A secondary location of kitchen materials which provide permanent provisions for eating, cooking, sanitation, and storing food goods, as an accessory to the primary kitchen within the dwelling.

C. Development Standards: A second kitchen in a single-family residence may be allowed in an A-1, R-1-6, R-1-8, R-1-9, or R-1-O zone if the following requirements are met:

1. The residence shall have only one primary entrance.
2. The residence shall have only one address.
3. The residence shall have no more than one electrical meter.

4. Interior access shall be maintained to all parts of the residence to assure that an accessory unit or apartment is not created.

5. A second kitchen shall exist only as part of the primary structure and shall not be installed in an accessory building.

6. The property owner shall sign a written restrictive covenant prescribed by the city which declares that the residence will not be converted into two (2) or more units without specific approval under chapter 14 of this title governing accessory dwelling units. The signature on the restrictive covenant shall be notarized, and the restrictive covenant shall be recorded with the Davis County recorder's office prior to issuance of a building permit, or any approval by city staff.

7. Construction of any such kitchen shall comply with current building codes adopted by the city and may require issuance of a building permit prior to the commencement of construction or remodeling to accommodate the additional kitchen.

8. A second kitchen shall not be established in a single-family residential structure which contains an accessory dwelling unit, whether or not such accessory structure unit was established pursuant to chapter 14 of this title.

9. Approval of a second kitchen within a single-family dwelling unit shall not constitute an approval of a second dwelling unit or accessory dwelling unit without the required approvals for such as prescribed under chapter 14 of this title.

D. Covenant: Applicants for second kitchens shall provide a copy of the signed, notarized and recorded restrictive covenant stating that the owner or leaseholder of the property will live in the primary dwelling unit as their permanent residence and shall limit the use of the single-family residence to one family only.

E. Inspection: Prior to the issuance of a certificate of occupancy the planning and zoning administrator shall inspect the project to ensure that all required improvements meet the conditions of this title.

The ABCs of ADUs

A guide to Accessory Dwelling Units and how they expand housing options for people of all ages



BASEMENT ADU



DETACHED ADU



ATTACHED ADU



SECOND-STORY ADU



GARAGE-CONVERSION ADU

AARP®
Real Possibilities

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AARP is the nation's largest nonprofit, nonpartisan organization dedicated to empowering people 50 or older to choose how they live as they age. With nearly 38 million members and offices in every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, AARP strengthens communities and advocates for what matters most to families: health security, financial stability and personal fulfillment. The AARP Livable Communities initiative works nationwide to support the efforts by neighborhoods, towns, cities, counties, rural areas and entire states to be livable for people of all ages.

Website: *OrangeSplot.net*
Email: *eli@OrangeSplot.net*

Orange Splot LLC is a development, general contracting and consulting company with a mission to pioneer new models of community-oriented, affordable green housing developments. Orange Splot projects have been featured in the *New York Times*, *Sunset Magazine* and on NBC's *Today* show. (The detached ADUs on page 3 and the back cover are by Orange Splot.) Company founder Eli Spevak has managed the financing and construction of more than 250 units of affordable housing, was awarded a Loeb Fellowship by the Harvard University Graduate School of Design, cofounded the website *AccessoryDwellings.org* and serves as a vice chair of Portland, Oregon's Planning and Sustainability Commission.

The ABCs of ADUs

A guide to Accessory Dwelling Units and how they expand housing options for people of all ages

Visit *AARP.org/ADU* to download or order this free guide and find more resources about accessory dwelling units.

WRITTEN AND EDITED BY: Eli Spevak, Orange Splot LLC | Melissa Stanton, AARP Livable Communities
ART DIRECTOR: Mimi Park, Design Park, Inc.
COPY EDITOR: Don Armstrong | **ART PRODUCTION:** Steve Walkowiak

PROJECT ADVISERS AND REVIEWERS:
Danielle Arigoni, Director, AARP Livable Communities
Karen Chapple, Professor, University of California, Berkeley
Lina Menard, Founder, Niche Consulting
Heather Peters, Senior Housing and Community Development Policy Analyst, San Mateo County, California
Kol Peterson, Cofounder, *AccessoryDwellings.org* | Caravan: The Tiny House Hotel | ADU Tour: Portland, Oregon
Denise Pinkston, Partner, TMG Partners
Harriet Tregoning, past Principal Deputy Assistant Secretary, U.S. Housing and Urban Development
Jake Wegmann, Assistant Professor, University of Texas at Austin

COVER IMAGE CREDITS (clockwise from top left)
Front: Communitecture: Architecture, Planning, Design | Alex Hayden | *AccessoryDwellings.org* | *AccessoryDwellings.org* | Melissa Stanton, AARP
Back: Kol Peterson, *BuildingAnADU.com* | Eli Spevak, Orange Splot LLC | Schuyler Smith, Polyphon Architecture & Design, LLC

A NOTE TO READERS: Many of the photographs and project examples in this publication are from Portland, Oregon, one of the first municipalities in the nation to encourage the creation of accessory dwelling units.

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Welcome! Come On In

AARP surveys consistently show that the vast majority of people age 50 or over want to remain in their homes and communities as they age rather than relocate

We know from surveys by AARP and others that a majority of Americans prefer to live in walkable neighborhoods that offer a mix of housing and transportation options and are close to jobs, schools, shopping, entertainment and parks.

These preferences — coupled with the rapid aging of the United States' population overall and decrease in households with children — will continue to boost the demand for smaller homes in more compact neighborhoods.

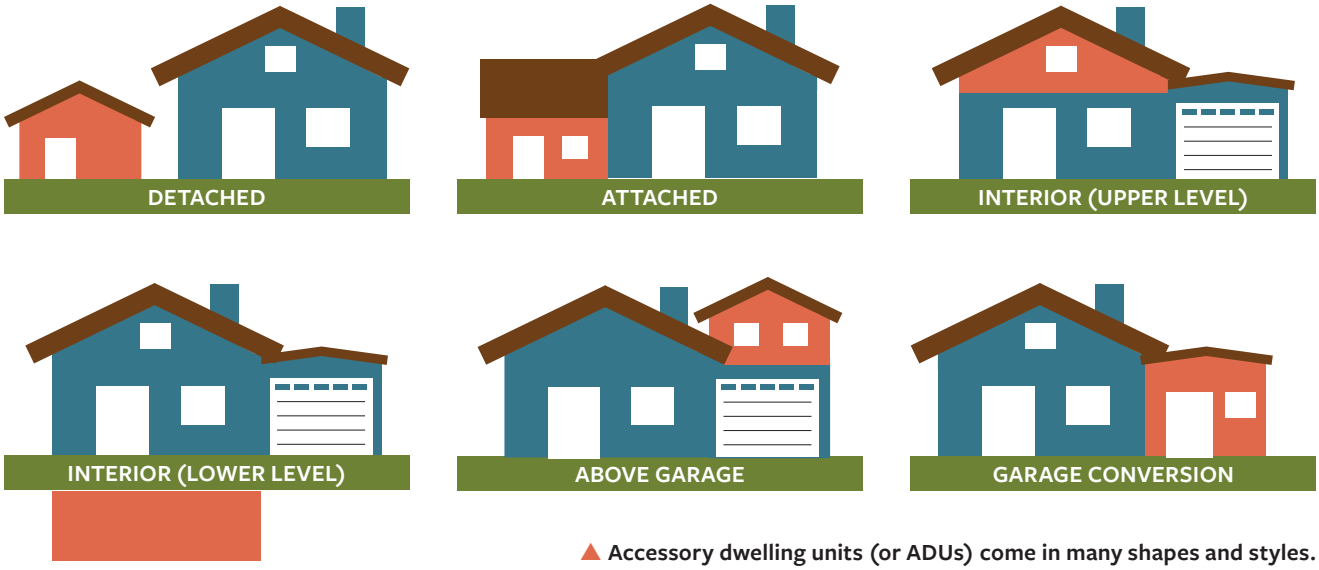
As small houses or apartments that exist on the same property lot as a single-family residence, accessory dwelling units — or ADUs — play a major role in serving a national housing need.

This traditional home type is reemerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.

In fact, in the 2018 AARP Home and Community Preferences Survey, people age 50-plus who would consider creating an ADU said they'd do so in order to:

- provide a home for a loved one in need of care (84%)
- provide housing for relatives or friends (83%)
- feel safer by having someone living nearby (64%)
- have a space for guests (69%)
- increase the value of their home (67%)
- create a place for a caregiver to stay (60%)
- earn extra income from renting to a tenant (53%)

Since ADUs make use of the existing infrastructure and housing stock, they're also environmentally friendly and respectful of a neighborhood's pace and style. An increasing number of towns, cities, counties and even states have been adapting their zoning or housing laws to make it easier for homeowners to create ADUs.



▲ **Accessory dwelling units (or ADUs) come in many shapes and styles.**

The ABCs of ADUs is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others to learn what accessory dwelling units are and how and why they are built. The guide also suggests best practices for how towns, cities, counties and states can include ADUs in their mix of housing options.

ADUs Come in Many Shapes and Styles

ADUs are a family-friendly, community-creating type of housing the nation needs more of

Although many people have never heard the term, accessory dwelling units have been around for centuries (see page 6) and are identified by many different names. To be clear about what's being discussed:

- An ADU is a small residence that shares a single-family lot with a larger, primary dwelling
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and sleeping area
- An ADU can be located within, attached to or detached from the main residence
- An ADU can be converted from an existing structure (such as a garage) or built anew
- ADUs can be found in cities, in suburbs and in rural areas, yet are often invisible from view because they're positioned behind or are indistinct from the main house
- Because ADUs are built on single-family lots as a secondary dwelling, they typically cannot be partitioned off to be sold separately
- An ADU can provide rental income to homeowners and an affordable way for renters to live in single-family neighborhoods
- An ADU can enable family members to live on the same property while having their own living spaces — or provide housing for a hired caregiver
- Unlike tiny houses (see page 17), ADUs are compact but not teeny, so they're a more practical option for individuals, couples and families seeking small, affordable housing
- For homeowners looking to downsize, an ADU can be a more appealing option than moving into an apartment or, if older, an age-restricted community
- ADUs can help older residents remain in their community and "age in place"



CREATIVE COMMONS

▲ **Accessory dwelling units show up in neighborhoods throughout the country — and even in pop culture. One example: In the sitcom *Happy Days*, Fonzie (right) rented an above-garage ADU from the Cunningham family in 1950s-era Milwaukee, Wisconsin.**

ADUs are also known as ...

Although most local governments, zoning codes and planners in the United States use the term *accessory dwelling unit* or *ADU*, these small homes and apartments are known by dozens of other names. The different terms conjure up different images. (Who wouldn't rather live in a "carriage house" than in an accessory or "ancillary" unit?) Even if you've never heard of accessory dwelling units or ADUs, you have likely heard of — and perhaps know the locations of — some of the home types noted at right.



▲ **Renting out this 350-square-foot garage-conversion ADU in Portland, Oregon, helps the property owner, who lives in the lot's primary residence, pay her home mortgage.**

- accessory apartment
- alley flat
- back house
- backyard bungalow
- basement apartment
- carriage house
- coach house
- garage apartment
- granny flat
- guest house or cottage
- in-law suite
- laneway house
- mother-daughter house
- multigenerational house
- ohana unit
- secondary dwelling unit
- sidekick

PHOTO AND LIST FROM *ACCESSORYDWELLINGS.ORG*

Since ADUs can be created in many different shapes and styles, they're able to fit discreetly into all sorts of communities, including suburban subdivisions, row-house streets (either with or without back-alleys), walkable town or urban neighborhoods — and, of course, large lots and rural regions.



◀ A **DETACHED ADU** (aka DADU) is a stand-alone home on the same lot as a larger, primary dwelling. Examples include backyard bungalows and converted outbuildings.

Location: Portland, Oregon | Photo by David Todd



▶ An **ATTACHED ADU** connects to an existing house, typically through the construction of an addition along the home's side or rear. Such units can have a separate or shared entrance.

Location: Davidsonville, Maryland | Photo by Melissa Stanton, AARP



◀ A **GARAGE ADU** makes use of an attached or detached garage by converting the space into a residence. Other options involve adding a second-story ADU above a garage or building a new structure for both people and cars.

Location: Portland, Oregon | Photo by Radcliffe Dacanay

An **INTERNAL ADU** is created when a portion of an existing home — an entire floor, part of a floor, or an attic or basement — is partitioned off and renovated to become a separate residence.

▶ Access to an **UPPER-LEVEL ADU** can be provided through a stairway inside the main home or directly from an exterior staircase. This 500-square-foot ADU sits atop a 1,900-square-foot primary dwelling.

Location: Portland, Oregon | Photo by Eli Spevak, Orange Splot LLC





▲ A **LOWER-LEVEL ADU** is typically created through the conversion of a home's existing basement (provided that height and safety conditions can be met), during construction of the house, or (see page 7) as part of a foundation replacement and house lift.

Location: Portland, Oregon | Photo by Derin Williams

ADUs Are Good for People and Places

Communities that understand the benefits of ADUs allow homeowners to create them

ADUs are an affordable housing option

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only. The lot is, in a sense, free.
- ADUs are typically owned and managed by homeowners who live on the premises. Such landlords are less likely to raise the rent once a valued tenant has moved in. Many ADUs are created for family members to reside in for free or at a discounted rate.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the *only* affordable rental choices in single-family neighborhoods, which typically contain no studio or one-bedroom housing options at all.
- Some municipalities are boosting ADUs as part of affordable housing and anti-displacement strategies. Santa Cruz, California (see opposite), is among the cities with programs to help lower-income households build ADUs or reside in them at reliably affordable rents.

ADUs are able to house people of all ages

- An individual's housing needs change over time, and an ADU's use can be adapted for different household types, income levels, employment situations and stages of life.
- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two-thirds of all households in the United States.

ADUs are good for the environment

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

ADUs are community-compatible

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a neighborhood than other options, such as multistory apartment buildings. As a result, it's often easier to get community support for ADUs than for other housing types.

Big houses are being built, small houses are needed

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

YEAR	1950	2017
Average square footage of new single-family homes	983	2,571
Number of people per household	3.8	2.5
Square feet of living space per person	292	1,012

Fact: ADUs house more people per square foot of living area than single-family homes do.

SOURCE: NATIONAL ASSOCIATION OF HOME BUILDERS (AVERAGE HOME SIZES), U.S. CENSUS BUREAU (AVERAGE HOUSEHOLD SIZES)

HOME VISIT #1

Attached ADU Addition

Santa Cruz, California
Size: 500 square feet



AARP



▲ **The area with the darker roof shingles is the ADU that was added onto the home of Carrie and Sterling Whitley.**

◀ ▼ **The Whitleys' ADU (that's Carrie showing off the front yard's new paths and plantings) has its own entrance on the side of the home and is being rented to the couple's daughter so she can help her elderly parents when needed.**

When Carrie and Sterling Whitley bought their house in 1971, they paid less than $15,000. Nearly 50 years later, similar homes on their street have sold for more than $1 million.

THE PROBLEM: The Whitleys, who are in their 80s, own the house outright and don't want to move. But the financial and physical demands involved in maintaining the house are a challenge.

A SOLUTION: To help low-income homeowners age 62 or older live independently and keep their homes, the Monterey Bay affiliate of Habitat for Humanity and the City of Santa Cruz launched My House My Home: A Partnership for Aging-in-Place. The pilot program builds accessory dwelling units so older homeowners can downsize into a new, aging-friendlier home and earn rental income from their original house. Or such homeowners can remain in their house and rent out the new, smaller residence. Participating homeowners are required to charge an affordable rental rate.

REALITY CHECK: When the Whitleys' project broke ground in April 2017, they were the first homeowners to receive an ADU through the program, which worked with them to design the ADU as an addition to their existing home. Since the dwelling was built with accessibility features, Carrie and Sterling know they can downsize into it if they ever need to. Until then, their daughter, Brenda, resides in the addition.

REAL LIFE: "I'm right next door to my parents in case they need me or need any help," Brenda says.

Design: Historic Sheds | Builder: Historic Sheds | Cost to build: $158,000 in 2017 (not including volunteer labor) | Photos by Michael Daniel | Article adapted from Where We Live: Communities for All Ages (*AARP 2018*)



ADU ADVICE: With an attached ADU, privacy between the two residences can be achieved by locating the ADU bedroom(s) and bathroom(s) as far as possible from the main house. Providing the ADU with its own yard or outdoor space is helpful too.

ADUs Are an American Tradition

While today's interest in ADUs may be new, the housing type is centuries old

Early settlers often built a small home to live in while constructing their larger, primary house nearby.

When farming was a source of survival for most of the nation's households, families routinely constructed additional homes on their land when needed.

People with wealth and acreage regularly populated their lands with secondary mansions and ancillary buildings independent of the main estate house.

In fact, until the 20th century, people with land built as many homes as they wished. There were few or no zoning rules, municipal services or infrastructure (utilities, roads, schools, trash collection, first-responders) to consider.

A historic precedent for the modern day accessory dwelling unit is the "carriage house," or "coach house." Originally built for horse-drawn carriages, the structures associated with grander homes were frequently large enough to double as living quarters for workers and stable hands.

Decades later, in response to housing shortages and economic needs, many surviving carriage houses were converted into rental homes. By becoming landlords, the owners gained income from their otherwise unused outbuildings.

Automobile garages have a similar history. Some were originally built with a housing unit upstairs. Over time, many garages were converted (often illegally or under zoning codes no longer applicable today) into small homes when the spaces became more valuable for housing people than vehicles.

With the rise of suburban single-family home developments following World War II, ADUs practically ceased to be built legally in the United States. Then as now, residential zoning codes typically allowed only one home per lot, regardless of the acreage and with no exceptions. Attached and detached garages occupied yard space that might otherwise have been available for ADUs.

Some cities, including Chicago, grandfathered in pre-existing ADUs — but only if the residences remained consistently occupied. In Houston's historic and trendy Heights neighborhood, old and new garage apartments are common and desired.

But elsewhere, even in rural areas with ample land, property owners are often prohibited from creating secondary dwellings. Many communities today don't allow new ADUs, even if they did in the past — and even if ADUs currently exist there. (Countless units in single-family homes or yards are technically illegal or are allowed simply because they were created when such residences had been legal.)

ADUs began making a comeback in the 1980s as cities explored ways to support smaller and more affordable housing options within single-dwelling neighborhoods. In 2000, in response to a growing demand for ADU-supportive guidelines, AARP and the American Planning Association partnered to release an influential model state act and local code for ADUs.

More recently, there's been renewed interest at the state and local levels (see page 8) in legalizing and encouraging the creation of ADUs, driven by the increasingly high cost of housing and, in some places, the belief that homeowners with suitable space shouldn't be so restricted in the use of their property.

▼ This carriage house containing a one-bedroom, one-bath ADU above a two-car garage sits behind a six-level, Gilded Age, Hoboken, New Jersey, townhome that was built in 1883. The dual residence property was on the market in 2018 for $5 million.



PHOTO BY MIMI PARK, DESIGN PARK, INC.

HOME VISIT #2

Garage Apartment ADU

Denver, Colorado
Size: 360 square feet



▲ **The apartment above the garage can be reached from inside the garage or from an exterior side entrance accessed from the yard it shares with the primary residence.**

"I see our ADU as something very similar to a student loan," says Mara Owen. "It's something you invest in the future with. It was cheaper than buying a house for Mom, and it lets her have independence. It's great knowing we can check in on her whenever."

AH-HA MOMENT: Owen, her partner, Andrew, and their three dogs were sharing a one-bedroom, one-bath house with her mother, Diane. When Owen learned that ADUs were allowed in the city, she decided the best way to get more space for her small home's many residents would be to remove their "leaky and defunct" garage and build a new two-car garage with an apartment above it.

WISE ADVICE: "Get a really great builder and architect," says Owen. "Interviewing architects was similar to a first date. It's not just who you feel connected with. That's important, but get to the values. It's a niche market, so see if you can find someone who has built ADUs before, because ADUs are a little different."

FUTURE PLANS: The stairs to Diane's apartment are wide enough for a stair lift, if it's ever needed. The roof was built at the correct slope for the eventual installation of solar panels.

Design: Hive Architecture | Builder: Hive Architecture | Cost to build: $167,000 in 2016 | Photo by Mara Owen | Article adapted from "ADU Case Studies" by Lina Menard on AccessoryDwellings.org. *Visit the website to read about and see photographs of more ADU projects.*

HOME VISIT #3

Basement ADU

Portland, Oregon
Size: 796 square feet

The transformation of this colorful Victorian was both a preservation and expansion project.





▲ **By lifting the house and digging beneath it, designers, engineers and builders turned a two-story, single-family home into a three-story, multifamily residence.**

TEACHING MOMENT: "Here's a very welcome breath of fresh air, especially in the face of so much gentrification that is going on in Portland!" declared Mark Lakeman, principal of Communitecture, an architectural, planning and design firm, about the pictured remodel. Writing on his company's website, he says the project provides a lesson in how to "adapt and reuse our precious historic houses so they can accommodate more people while also providing more income to support the existing home."

HOW'D THEY DO IT? To add a basement rental unit, engineers lifted the house. The resulting ADU is roughly four feet underground and four feet above.

THE ACHIEVEMENT: Adds Lakeman: "Unlike the seemingly pervasive method of simply tearing down existing buildings so that new, giant ones can be built, this approach achieves upgrades in energy efficient living places and adds density while retaining the continuity of our beloved historical urban environment."

Design: Communitecture | Home Lift: Emmert International | Builder: Tom Champion | Cost to build: $125,000 in 2015 | Photos by Communitecture (before) and Chris Nascimento (after)

The Time Is Now

Rules for ADUs continue to evolve and frequently differ from one town to the next

Some communities allow almost any home to be set up with an ADU — so long as size limits, property line setbacks and placement caveats in relation to the primary dwelling are met.

Other communities start with those basic standards and then layer on extra requirements (see page 14) that can make it challenging to create an ADU.

Municipalities nationwide have been relaxing their restrictions against ADUs, and some states have been encouraging their creation by requiring communities to allow them.

- In 2017, California required all of its cities and counties to allow ADUs so long as the property owner secured a building permit. In Los Angeles, Mayor Eric Garcetti has said ADUs could provide the city with a needed 10,000 housing units. He's touted ADUs as a "way for homeowners to play a big part in expanding our city's housing stock and make some extra money while they're at it."
- That same year, a New Hampshire law established that local zoning codes had to allow ADUs nearly everywhere single-family housing was permitted. The change stemmed in large part from the frustration of builders who couldn't construct the type of amenities, such as backyard cottages and garage apartments, that their clients desired.
- Oregon requires cities and counties of certain sizes within urban growth boundaries to allow ADUs in all single-family neighborhoods.
- As of 2019, major cities that allow ADUs include Anchorage, Alaska; Atlanta, Georgia; Austin, Texas; Denver, Colorado; Honolulu, Hawaii; Houston, Texas; Philadelphia, Pennsylvania; Phoenix, Arizona; Seattle, Washington; and Washington, D.C. Communities in Massachusetts, Kentucky, Illinois, Indiana and Oregon have sought advice from AARP and Orange Splot about revising their zoning codes to allow ADUs.

To Encourage ADUs

LOCAL OFFICIALS can ...

- allow all ADU types (detached, attached, interior)
- simplify the building permit process for ADUs
- waive or reduce permit and impact fees
- let garages be converted into ADUs without requiring replacement off-street parking
- allow a second ADU if one of the homes on the property meets accessibility standards

COMMUNITY PLANNERS can ...

- adopt simple, flexible but nondiscretionary ADU rules about setbacks, square footage and design compatibility with the primary dwelling

LENDERS can ...

- work with homeowners to finance the construction of ADUs by using renovation loans

ADVOCATES can ...

- organize tours of completed ADUs in order to inform and inspire the community
- educate homeowners, real estate agents, architects and builders about local zoning regulations and the permit process

REAL ESTATE AGENTS can ...

- educate themselves and their clients about rules for the construction of ADUs

LOCAL MEDIA can ...

- report on how and why homeowners build ADUs



PHOTO BY MELISSA STANTON, AARP

▶ The unique floor plan of this single-family Maryland farmhouse allows for a first floor residence (accessed through the door on the right) and an upper-level ADU that can be reached through the entrance at left.

HOME VISIT #4

Internal ADU (Main Level)

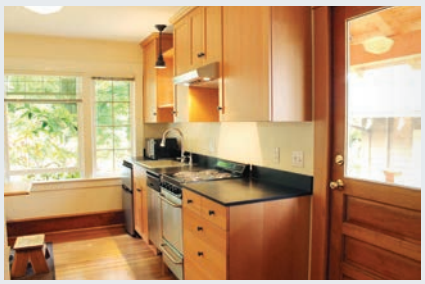
Portland, Oregon
Size: 220 square feet

Even small homes can have enough space for an ADU. An underused main floor bedroom in this 1.5-story, 1,500-square-foot bungalow was transformed into a studio apartment.

AH-HA MOMENT: According to Joan Grimm, who owns the home with Rita Haberman: "What we were looking for in terms of a community and aging in place was right under our noses. Remove a fence and create a shared open space. Build a wall and create a second dwelling unit. It doesn't have to be complicated."

REAL LIFE: "Creatively carving out an ADU from the main floor of our house saved on design and construction costs," Grimm adds. "It provides an opportunity for rental income, with no significant compromise to the livability of our home."







▲ **The steps and side entrance (top) lead to the studio apartment ADU, which was crafted out of an existing space. The covered porch to the right leads to the primary residence. The ADU contains a kitchen, small dining and living area, sleeping area, bathroom and laundry area.**

Design: Rita Haberman | Builder: RS Wallace Construction | Cost to build: $55,000 in 2015 (with some work done by the homeowners)
Photos courtesy Billy Ulmer | Article adapted from "ADU Case Studies" by Lina Menard on AccessoryDwellings.org

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HOME VISIT #5

Internal ADU (Lower Level)

Portland, Oregon
Size: 795 square feet

"We were looking for a way to live in our house for the rest of our lives and to generate at least some income in the process," Robert Mercer and Jim Heuer wrote for the program guide of the annual Portland ADU Tour when their home was part of the lineup. "An ADU offers the possibility of caregiver lodging in the future or even a place for us to live while we rent out the main house if we get to the point where we can't handle the stairs any longer."

THE SOUND OF SILENCE: Internal ADUs often require that soundproofing insulation be installed between the primary dwelling and the accessory unit that's below, above or beside it. In Portland, the building code for duplex residences requires a sound insulation rating of at least STCC45. To property owners thinking about a similar ADU setup, the duo advise: "Think about how you live in your home and how having downstairs neighbors will change what you can and can't do with your space and what investment you are prepared to make in sound insulation."

▼ **The door to the right of the garage leads to a ground-floor ADU with windows along the back and side walls. The upper-level windows seen below are part of the main residence.**



AN ADDED BONUS: "We are pleased that we have been able to provide more housing density on our property and still be in keeping with the historic character of our home."

Design: DMS Architects | Builder: Weitzer Company | Cost to build: $261,000 in 2016 | Photo by Melissa Stanton, AARP | Article adapted from the 2017 ADU Tour project profiles on AccessoryDwellings.org

Bringing Back ADUs

The reasons for creating or living in an ADU are as varied as the potential uses

ADUs are flexible. Over time, a single ADU might be used in many ways as an owner's needs and life circumstances change. Following are just a few reasons why ADUs are created and by whom:

EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.

FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.

INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)

HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

HOME-BASED WORKERS can use an ADU as their office or workshop.

HOMEOWNERS can use an ADU for guests or as housing for friends or loved ones who:

- aren't yet financially independent, such as new high school or college graduates
- need temporary housing due to an emergency or while renovating their own home
- have disabilities but can live independently if family reside nearby



▲ **The zoning code in Evanston, Illinois, permits accessory dwelling units, creating an opportunity for the owners of this 1911 home with an outbuilding in the backyard.**

Planning and Paying for ADUs

Most new homes are built by developers, entire subdivisions at a time. Apartments are also built by pros.

But ADUs are different.

Although ADUs are occasionally designed into new residential developments, the vast majority are created by individual homeowners after they move in. In other words, ADUs are usually created by enthusiastic and motivated *amateurs*.

An ADU may present the ultimate chance for a do-it-yourselfer to build his or her small dream home. More often, homeowners bring in a combination of architects, designers and construction contractors to do the work, much as they would for a home addition or major kitchen remodeling. The local municipality's planning department can provide guidance on the rules for ADUs and information about what permits, utility connections and fees are involved.

ADUs aren't cheap, and they are often the most significant home improvement project a homeowner will undertake.

Although internal ADUs can sometimes be built for about $50,000, new detached ADUs often exceed $150,000. Most ADUs are financed through some combination of savings, second mortgages, home equity lines of credit and/or funds from family members (sometimes a relative who ends up living in it).

In some areas, the cost of building an ADU can be recouped after a few years of renting it. If that's the plan, it's worth estimating the expenses versus the potential income before undertaking an ADU project.

A few cities, nonprofits and start-ups are experimenting with creative financing options that could put ADUs within reach for more homeowners and their families, as well as prospective renters.

PHOTO BY ELI SPEVAK, ORANGE SPLOT LLC



▲ **Walt Drake's Southern-style, one-bedroom ADU has an outdoor, wraparound porch that can be accessed without using steps. The design is in keeping with other buildings in the neighborhood.**

HOME VISIT #6

Detached ADU (One-Story)

Decatur, Georgia
Size: 800 square feet

When Walt Drake decided to downsize, his son Scott purchased his dad's house for himself and his family and built a detached ADU (or DADU) for Walt.

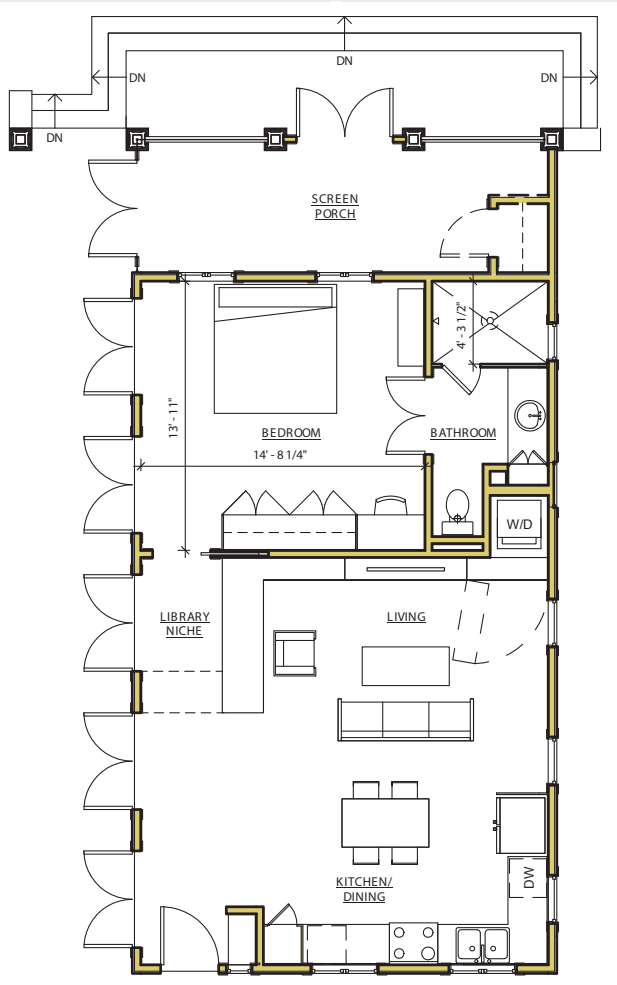
"From not finding what we wanted for Dad, we decided to create it," says Scott. "Neighborhoods built in the 1920s have carriage houses. Building an ADU was a modern day version of something people have been doing on their property in this area for a hundred years."

NEAR AND FAR: "We wanted the houses to be separate and to feel like we're each on our own property, but we're there for each other," says Scott.

AGING-FRIENDLY: Building the ADU meant Walt didn't have to sell his home and leave his neighborhood. "He was able to keep his own stuff and turn over what he didn't need to us," says Scott. "It kept my dad in place, which I think was important."

FUTURE PLANS: Scott says the ADU is "serving its intended purpose" but that someday down the road it could be used as a long- or short-term rental. "The ADU could turn into lots of different things over the course of its lifetime."

Design: Adam Wall, Kronberg Wall | Builder: Rob Morrell | Cost to build: $350,000 in 2014 | Photo by Fredrik Brauer | Floor plan by Kronberg Wall Architects | Article adapted from "ADU Case Studies" by Lina Menard on AccessoryDwellings.org



ADUs Are Age-Friendly Housing

New-construction ADUs can be created with "universal design" features

An "age-friendly" home has a zero-step entrance and includes doorways, hallways and bathrooms that are accessible for people with mobility differences. Garage conversions (such as the one pictured on page 2) are among the easiest and least expensive ADU solutions for aging in place since they're preexisting structures and generally have no-step entries. To learn more about making a home aging-friendly, download or order the AARP *HomeFit Guide* at *AARP.org/HomeFit*.

HOME VISIT #7

Detached ADU (Two-Story)

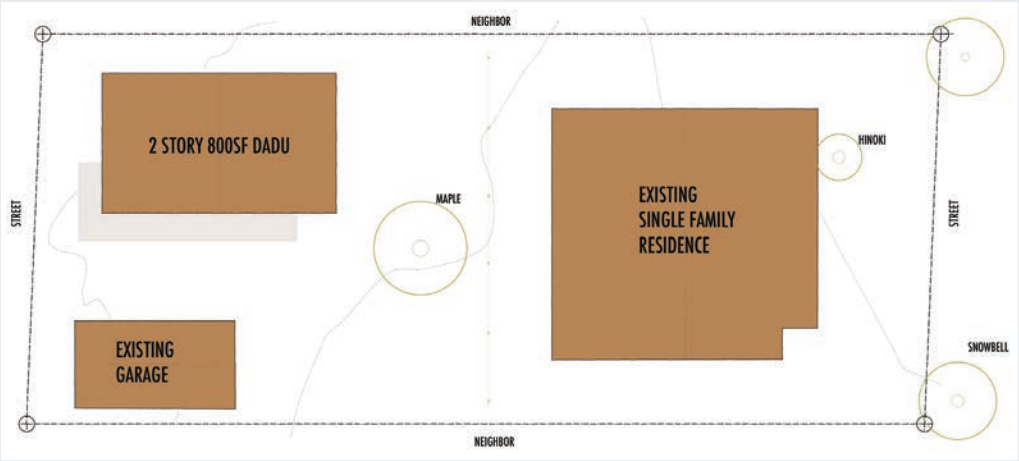
Seattle, Washington
Size: 800 square feet

Evelyn Brom's plan was to build a backyard cottage and rent it out. She would keep living in her two-bedroom home.

AH-HA MOMENT: As the design developed, Brom realized that *she* wanted to live in the stunning wood-and-glass ADU. It was a good decision. A week before moving in, Brom was laid off from her job.

REAL LIFE: The $3,000 a month Brom receives in rent for the main house (which is occupied by a three-generation family) provides a needed income. "Being laid off has made this arrangement a lifesaver," Brom says. If the stairs in the cottage ever become too hard to navigate, she can move back into her original one-story house and rent out the cottage instead. "Now I have options," she says.





▲ **There's a powder room, open kitchen and living room on the first floor, with a bedroom and bathroom upstairs.**

◀ **Although Brom's property is only 0.13 acres, it's large enough to accommodate two homes, a patio, a lawn and a garage. A slatted wood fence with a gate divides the space between the two houses and provides privacy.**

Design: Chrystine Kim, NEST Architecture & Design | Builder: Ian Jones, Treebird Construction | Photo by Alex Hayden | Cost to build: $250,000 in 2014
Article adapted from Where We Live: Communities for All Ages *(AARP 2018)*

HOME VISIT #8

Detached Bedroom

St. Petersburg, Florida
Size: 240 square feet

Bertha and her son John talked about someday buying a house with a mother-in-law suite. "Then one day someone came along and wanted my house, so I up and sold it," she explains. "But that left me homeless. I asked John if I could build a small house in his backyard and he agreed."

CREATIVE THINKING: A detached bedroom is a permanent, accessory structure that, unlike ADUs, lacks a kitchen. But that's what makes these cabin-like homes more affordable to build than many ADUs and even tiny houses.

WHAT'S INSIDE: Bertha's home contains a sleeping and living area and a full bathroom. "I paid for the little house and it's on my son's property. So I figured, if I'm cooking I can do it at my son's house," she says. (Her laundry is also done at his house.)



▲ **A detached bedroom, which contains a bathroom but no kitchen, can provide housing for a loved one or serve as a home office or guest cottage.**

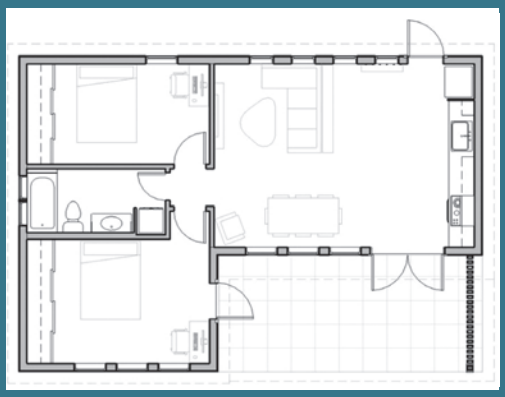
REAL LIFE: "Having access to my son's house makes it livable. Otherwise, I personally would not be happy. It's very comforting to know that John is close by. Hopefully this will be my home forever."

Design: Historic Sheds | Builder: Historic Sheds | Cost to Build: $50,000 in 2017 | Photo by Historic Sheds | Article adapted from "ADU Case Studies" by Lina Menard on AccessoryDwellings.org

A Sustainable and Sunny ADU

Tired of living in a house with so many walled off and dark spaces that the sun couldn't shine in, the home's owners built and moved into the bright, airy, modern and very accessible ADU they created in their yard. (The original, larger home has become a rental.) The ADU is located within a conservation district and was constructed using sustainable materials and environmentally friendly techniques. One such feature is the deck trellis, which allows light in while diffusing the heat of the afternoon sun.





▲ **Although this ADU has only 721 square feet of living space, there is room enough for two bedrooms.**

Design: Propel Studio | Builder: JLTB Construction | Photo by Josh Partee | Cost to build: $185,000 in 2017 | Article adapted from "ADU Case Studies" by Lina Menard on AccessoryDwellings.org

Practical Solutions for ADUs

Local laws can both allow and appropriately control the creation of accessory dwellings

There are more than 19,000 cities, 16,000 towns and 3,000 counties in the United States. Regulations about ADUs are typically written or adopted at the local government level.

Where it's legal to build ADUs, homeowners still need to follow rules about where it can be done, how tall they can be, how many square feet they can contain, what they can look like and how they can be used. These rules can be found in the local zoning code.

Over the past few decades it has become clear that there's a balance to strike between the strictness of ADU regulations and how often ADUs get built.

For instance, after Portland, Oregon, relaxed its ADU rules in 2010 and waived impact fees (a savings of up to $12,000), the number of ADUs built there increased from about 30 per year between 2000 and 2009 to practically one ADU a day in 2015.

Changes in California's ADU laws allowed Los Angeles to achieve an even more dramatic increase, going from 80 permit applications in 2016 to nearly 2,000 in 2017. Allowing both an ADU and a "Junior ADU," or JADU — an interior ADU of 500 square feet or fewer — on properties in Sonoma County were among the urgent policies adopted in the wake of Northern California's many devastating fires.

Meanwhile, in many jurisdictions, well-intentioned but burdensome rules can stymie the creation of ADUs. ADU-related zoning codes should be restrictive enough to prevent undesirable development but flexible enough that they actually get built.

When a community is worried about a potentially undesirable outcome, it can — and many do — craft regulations to prevent particular building types, locations or uses. A city concerned about the environmental impact of new structures might prohibit placing detached ADUs in precarious locations, such as on steeply sloping lots. Communities wary of ADUs becoming, for instance, off-campus student housing could establish occupancy rules.

Every community has its own priorities and concerns, and there's a wide enough range of regulatory controls that communities can write appropriate ADU rules.

This inherent flexibility in the form and function of ADUs allows them to pass political muster and get adopted in a wide range of places. (See page 16 for more about uses and rules.)

Rules that discourage ADUs

- ADU-specific regulations that don't also apply to primary dwellings (e.g., owner-occupancy requirements)
- complex design compatibility criteria and approval steps
- off-street parking requirements beyond those required for the primary dwelling
- restrictions that limit ADUs to certain geographic areas, particular zoning categories or to large lots
- caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add one to a small home

TRADING SPACES: An ADU is always the smaller of two dwellings on a property, but it's possible for an existing home to become the ADU when a larger house is built and becomes the primary dwelling.

Are ADUs allowed in your community?

Find out by calling the office in charge of land use and permits or stopping by in person. You can also search for and read the zoning code through the local government's website.

- If ADUs are allowed, ask what conditions, permit needs and impact fees apply.
- If ADUs are not allowed in your community and you want them to be, ask an elected official or the local department of zoning and planning for information about how the codes can be updated. Then get organized and start advocating!

Creating (or Understanding) an ADU Zoning Code

The ADU section of a community's zoning code needn't be overly complicated. It just needs to establish clear, objective and fair rules for the following:

1. A Definition: A good zoning code clearly defines its terminology. Here, for example, is a useful outline for what, in the real world, is a very fluid term: "An ADU is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation."

2. The Purpose: This is where the code describes key reasons a community allows ADUs. They should:

- increase the number of housing units while respecting the style and scale of single-dwelling development
- bolster the efficient use of existing housing stock and infrastructure
- provide housing that's affordable and respond to the needs of smaller, changing households
- serve as accessible housing for older adults and people with disabilities

3. Eligibility: Who can build an ADU and on what type of property? A statement in this part of the code clarifies that an ADU can be placed only on a "residentially zoned, single-family lot." (Some communities provide lot size standards, but many don't.)

4. Creation: This is where the code sets out how an ADU can be built. For instance: "An ADU may be created through new construction, the conversion of an existing structure, as an addition to an existing structure or as a conversion of a qualifying existing house during the construction of a new primary dwelling on the site."

5. Quantity: Most municipalities that permit ADUs allow one per lot. Vancouver, British Columbia; Sonoma County, California; and Tigard, Oregon, are among the few that allow two per lot (typically one internal and one external). Some communities also allow duplexes or townhomes to have ADUs, either in the backyard or on the ground floor.

6. Occupancy and Use: A code should state that the use-and-safety standards for ADUs match those that apply to the primary dwelling on the same property. (See page 17 for more about ADU uses.)

7. Design Standards:

- **Size and height:** A zoning code might specify exactly how large and tall an ADU is allowed to be. For instance, "an ADU may not exceed 1,000 square feet or the size of the primary dwelling, whichever is smaller." Codes often limit detached ADUs to 1.5 or 2 stories in height. (An example of that language: "The maximum height allowed for a detached ADU is the lesser of 25 feet at the peak of the roof or the height of the primary dwelling.")
- **Parking:** Most zoning codes address the amount and placement of parking. Some don't require additional parking for ADUs, some do, and others find a middle ground — e.g., allowing tandem parking in the driveway and/or on-street parking. (See page 16 for more about parking.)
- **Appearance:** Standards can specify how an ADU's roof shape, siding type and other features need to match the primary dwelling or neighborhood norms. Some codes exempt one-story and internal ADUs from such requirements. (See page 16 for more about making sure that ADUs fit into existing neighborhoods.)
- **Entrances and stairs:** Communities that want ADUs to blend into the background often require that an ADU's entrance not face the street or appear on the same facade as the entrance to the primary dwelling (unless the home already had additional entrances before the ADU was created).

8. Additional Design Standards for Detached ADUs:

- **Building setbacks:** Many communities require detached ADUs to either be located behind the primary dwelling or far enough from the street to be discreet. (A code might exempt preexisting detached structures that don't meet that standard.) Although this sort of rule can work well for neighborhoods of large properties with large rear yards, communities with smaller lot sizes may need to employ a more flexible setback-and-placement standard.
- **Building coverage:** A code will likely state that the building coverage of a detached ADU may not be larger than a certain percentage of the lot that is covered by the primary dwelling.
- **Yard setbacks:** Most communities have rules about minimum distances to property lines and between buildings on the same lot. ADUs are typically required to follow the same rules.

Visit *AARP.org/ADU* to see examples of ADU zoning codes from selected cities.

ADU "Hot Topics"

As communities allow ADUs or update existing zoning codes and rules to be more ADU-friendly, they inevitably wrestle with some or all of the following issues:

Adding ADUs to neighborhoods

Recognizing that ADUs may represent a new housing type for existing neighborhoods, communities often write special rules to ensure they'll fit in well. These guidelines typically address visual compatibility with the primary dwelling, appearance from the street (if the ADU can be seen) and privacy for neighbors. Rules that help achieve these goals include:

- height and size caps mandating that ADUs be shorter and smaller than the primary dwelling
- requirements that detached ADUs be behind the main house or a minimum distance from the street
- mandates that the design and location of detached ADUs be managed the same way as other detached structures (e.g., garages) on the lot
- design standards for larger or two-story ADUs so they architecturally match the primary dwelling or reflect and complement neighborhood aesthetics
- encouragement for the creation of internal ADUs, which are often unnoticed when looking at the house

Each community can strike its own unique balance between strict rules to ensure that ADUs have a minimal impact on neighborhoods and more flexible rules that make them easier to build.

▼ A top floor ADU can be a suitable rental for a student or someone who travels a lot for work. ADU expert Kol Peterson grew up in a home with an attic ADU that was usually rented to law school students. "They had to walk up the primary house's interior stairs in order to access the affordable attic unit," he writes in *Backdoor Revolution: The Definitive Guide to ADU Development*. "Over the years that each of them lived there, the tenants became parts of our family."



Providing places to park

ADU regulations often include off-street-parking minimums on top of what's already required for the primary dwelling. Such rules can prevent homeowners from building ADUs if there's insufficient physical space to accommodate the parking. However, additional parking often isn't needed.

Data from Portland, Oregon, shows that there are an average of 0.93 cars for each ADU, and that about half of all such cars are parked on the street. With fewer than 2 percent of Portland homes having ADUs (the highest percentage in the country), there is about one extra car parked on the street every six city blocks. This suggests that any impacts on street parking from ADUs are likely to be quite small and dispersed, even in booming ADU cities.

More-realistic parking rules might:

- require the creation of new parking only if the ADU displaces the primary dwelling's existing parking
- waive off-street-parking requirements at locations within walking distance of transit
- allow parking requirements for the house and ADU to be met by using some combination of off-street parking, curb parking, and tandem (one car in front of the other) parking in a driveway

Dealing with unpermitted ADUs

It's not uncommon for homeowners to convert a portion of their residence into an ADU in violation (knowingly or not) of zoning laws or without permits.

Such illegal ADUs are common in cities with tight housing markets and a history of ADU bans. One example is New York City, which gained 114,000 apartments between 1990 and 2000 that aren't reflected in certificates of occupancy or by safety inspections.

Some cities have found that legalizing ADUs, simplifying ADU regulations and/or waiving fees can be effective at getting the owners of illegal ADUs to "go legit" — and address safety problems in the process.

PHOTO BY KOL PETERSON, *BUILDINGANADU.COM*

Allowing and Restricting Uses

Communities get to decide whether to let ADUs be used just like any other housing type or to create special rules for them. Some municipalities take a simple approach, regulating ADUs just as they do other homes. So if a home-based childcare service is allowed to operate in the primary dwelling, it is also allowed in an ADU. Conversely, communities sometimes adopt ADU-specific regulations in order to avoid undesirable impacts on neighbors. Examples include:

Limiting short-term rentals

ADUs tend to work well as short-term rentals. They're small and the owner usually lives on-site, making it convenient to serve as host. However, if ADUs primarily serve as short-term rentals, such as for Airbnb and similar services, it undermines the objective of adding small homes to the local housing supply and creating housing that's affordable.

In popular markets, short-term rentals can be more profitable than long-term ones, allowing homeowners to recoup their ADU expenses more quickly. In addition, short-term rentals can provide owners with enough income that they can afford to occasionally use the ADU for friends and family.

A survey of ADU owners in three Pacific Northwest cities with mature ADU and short-term rental markets found that 60 percent of ADUs are used for long-term housing as compared with 12 percent for short-term rentals.

Respondents shared that they "greatly value the ability to use an ADU flexibly." For instance, an ADU can be rented nightly to tourists, then someday rented to a long-term tenant, then used to house an aging parent. ADUs intended primarily for visting family are sometimes used as short-term rentals between visits.

Cities concerned about short-term rentals often regulate them across all housing types. If there are already rules like this, special ones might not be needed for ADUs. An approach employed in Portland, Oregon, is to treat ADUs the same except that any financial incentives (such as fee waivers) to create them are available only if the property owner agrees not to use the ADU as a short-term rental for at least 10 years.

Requiring owner-occupancy

Some jurisdictions require the property owner to live on-site, either in the primary house or its ADU. This is a common way of addressing concerns that absentee landlords and their tenants will allow homes and ADUs to fall into disrepair and negatively impact the neighborhood.

Owner-occupancy rules are usually implemented through a deed restriction and/or by filing an annual statement confirming residency. Some cities go further, saying ADUs can be occupied only by family members, child- or adult-care providers, or other employees in service of the family.

Owner-occupancy requirements make the financing of ADUs more difficult, just as they would if applied to single-family homes. But as ADUs have become more common, owner-occupancy restrictions have become less so, which is good. Such requirements limit the appraised value of properties with ADUs and reduce options for lenders should they need to foreclose.

Enforcing owner-occupancy laws can be tricky, and the rules have been challenged in courts, sometimes successfully. However, according to a study by the Oregon Department of Environmental Quality, more than two-thirds of properties with ADUs are owner-occupied even without an owner-occupancy mandate.

While not technically ADUs, tiny houses can serve a similar purpose

▶ Because tiny houses — such as the 100-square-foot "Lucky Penny," pictured — are built on a trailer with wheels rather than on a fixed foundation, they are typically classified as recreational vehicles (RVs) rather than permanent residences. Although tiny homes are usually smaller than 400 square feet, many of them do contain a kitchen and bathroom.





Design and Builder: Lina Menard, Niche Consulting | Photos by Guillaume Ditilh, PhotoXplorer



ABOVE-GARAGE ADU



DETACHED-BEDROOM ADU



DETACHED ADU

- An accessory dwelling unit is a small residence that shares a single-family lot with a larger primary dwelling.
- As an independent living space, an ADU is self-contained, with its own kitchen or kitchenette, bathroom and living/sleeping area. (Garage apartments and backyard cottages are each a type of ADU.)
- ADUs can enable homeowners to provide needed housing for their parents, adult children, grandchildren or other loved ones.
- An ADU can provide older adults a way to downsize on their own property while a tenant or family member resides in the larger house.
- Since homeowners can legally rent out an ADU house or apartment, ADUs are an often-essential income source.
- ADUs help to improve housing affordability and diversify a community's housing stock without changing the physical character of a neighborhood.
- ADUs are a beneficial — and needed — housing option for people of all ages.

Learn more about ADUs and order or download

The ABCs of ADUs

by visiting

AARP.org/ADU

Sign up for the free, weekly

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Be among the first to learn when AARP releases more livability guides and resources.

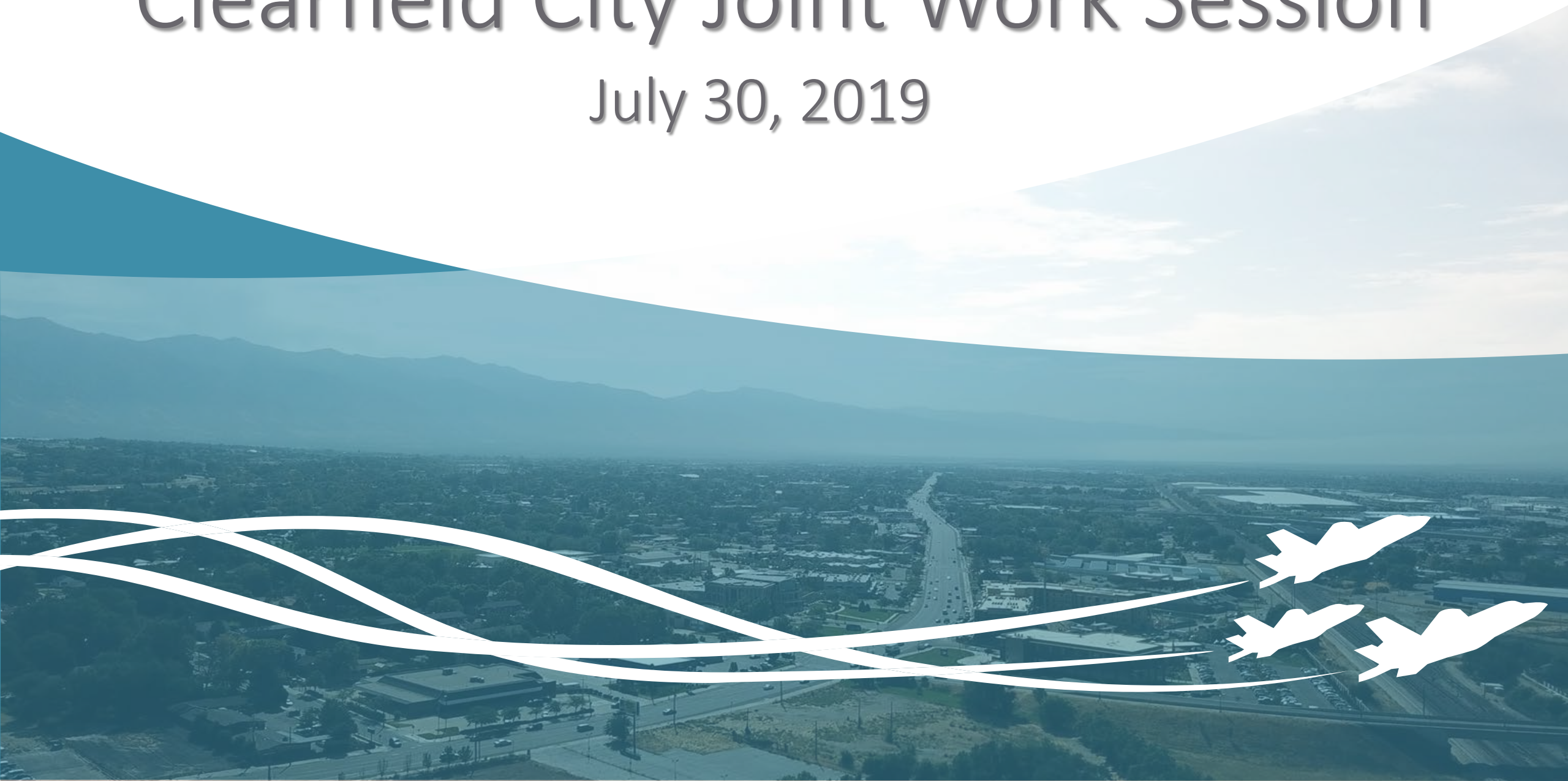
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Clearfield City Joint Work Session

July 30, 2019





STAFF DISCUSSION ITEMS
CUPs & ADUs



Conditional Use Permits

Chapter 11-4

- History
  - A way to “discriminate” against certain uses by imposing (sometimes) arbitrary conditions before a permit is granted
- State Statute
  - *A land use authority **shall approve** a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use **in accordance with applicable standards**.*



Overview of Changes

- 11-4-4 Application Review Procedure
  - Development review meeting added
  - Noticing in line with 11-1-10
- 11-4-5
  - Establish standards
  - Tie standards to existing sections of code
  - Organized in categories instead of a long list
- 11-4-6
  - Clock starts with final land use approval
  - Planning & Zoning administrator can grant extension

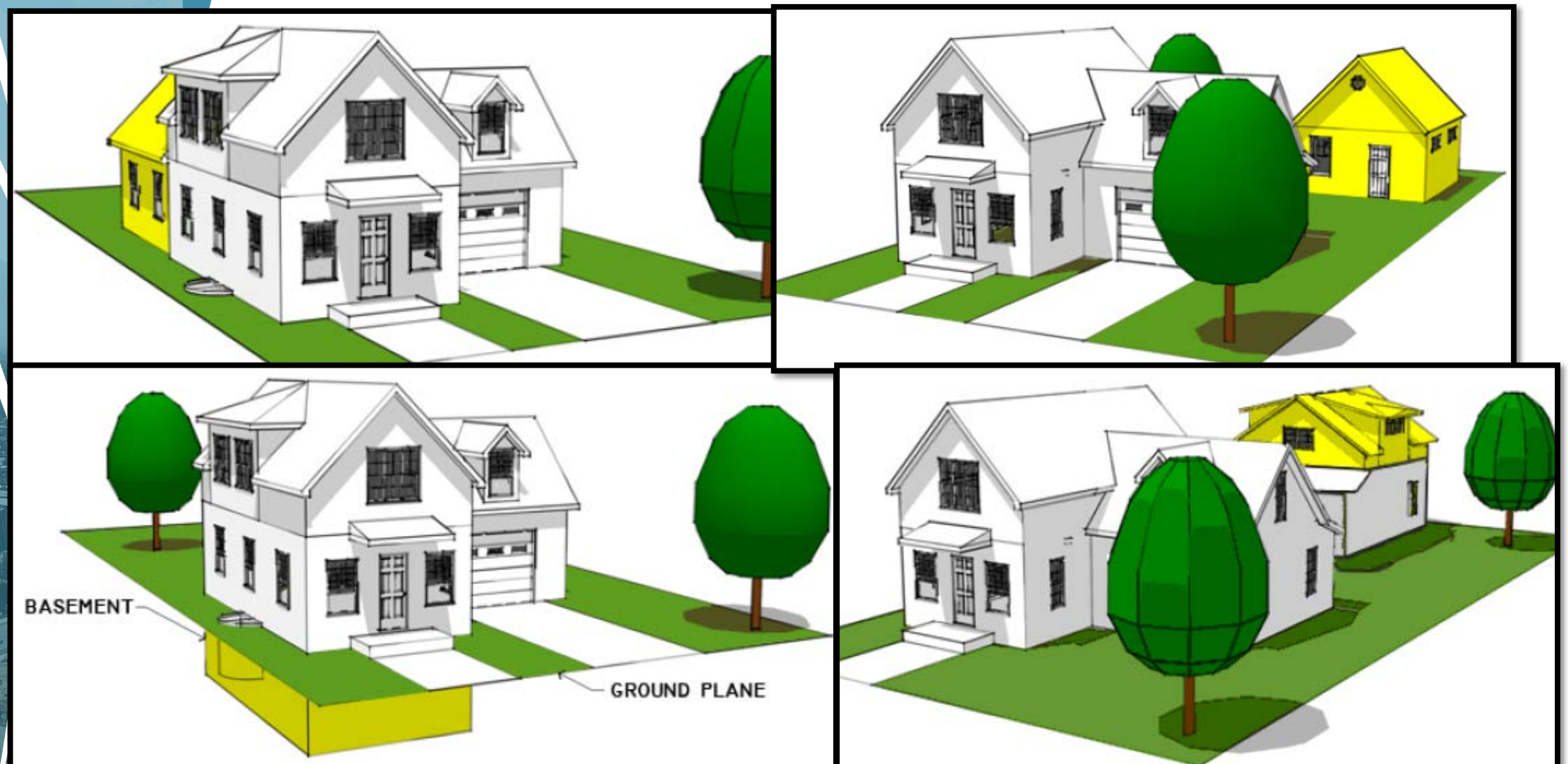
Staff Conclusion

Staff believes that the proposed changes will bring the City into compliance with state statues and simplify the language in the code for the applicant and for staff to enforce.

Accessory Dwelling Units

Chapter 11-21

- What are they?





Accessory Dwelling Units

Chapter 11-21

- Purpose of ordinance
  - Encourage and provide standards for ADUs as part of the city's housing affordability plan
  - Allow home owners an avenue for improvements and revenue
- Details of ordinance
  - Owner & unit occupancy
  - Size, lot coverage, setbacks, appearance
  - Second kitchen

Staff Conclusion

Staff is looking for feedback regarding the proposed language of Accessory Dwelling Units.