



CLEARFIELD CITY PLANNING COMMISSION MEETING AGENDA

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at **7:00 P.M., Wednesday, February 16th, 2022**, on the **3rd floor** in the City Council Chambers of the Clearfield City Municipal Building, located at 55 S. State Street, Clearfield, UT 84015.

WORK SESSION – 6:30 PM – Executive Conference Room

Review of agenda items to address questions.

REGULAR SESSION – 7:00 PM- Council Chambers

- CALL TO ORDER - PLEDGE OF ALLEGIANCE
- PLANNING COMMISSION CHAIR STATEMENT
- APPROVAL OF MINUTES: None

DECISION ITEMS

Non-Public Hearings

1. Discussion and Possible Action on **CUP 2022-010107**, a conditional use permit request by Hugo Suarez of HS Luxury Metal Works for a home occupation business to fabricate mailboxes within a detached accessory structure at the subject location. **Location:** 2681 South 200 East (TIN: 12-411-0218). **Project Area:** 0.14 Acres. **Staff:** Tyson Stoddard, Planner I (**Administrative Action**).

DISCUSSION ITEMS

1. Staff Discussion
 - a. Building Materials and Public Notices
2. Planning Commissioner's Minute
3. Staff Communications
 - a. Land Use Training – February 24th or March 3rd

****PLANNING COMMISSION MEETING ADJOURNED****

Dated this 10th day of February 2022.

/s/Tyson Stoddard, Planner I

Meetings of the Planning Commission 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 in City Code § 1-6-4H for electronic meetings.

Clearfield City, in accordance with the 'Americans with Disabilities Act', provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting accommodations for City sponsored public meetings, service programs, or events, should call the Customer Service Center at 801-525-2701, giving the City a 48 hour notice.

The Work Session meeting is a public meeting; however, public comments are only received in the formal Planning Commission meeting. The Planning Commission Public Meeting is a public forum where the Planning Commission may receive comment from applicants, the public, applicable agencies and city staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.



Planning Commission

STAFF REPORT

AGENDA ITEM
#1

TO: Clearfield City Planning Commission

FROM: Tyson Stoddard, Planner I
tyson.stoddard@clearfieldcity.org
(801) 525-2718

MEETING DATE: Wednesday, February 16th, 2022

SUBJECT: Discussion and Possible Action on **CUP 2022-010107**, a conditional use permit request by Hugo Suarez of HS Luxury Metal Works for a home occupation business to fabricate mailboxes within a detached accessory structure at the subject location. **Location:** 2681 South 200 East (TIN: 12-411-0218). **Parcel Area:** 0.14 Acres **Zone:** R-1-8 (Residential). **(Administrative Action).**

RECOMMENDATION

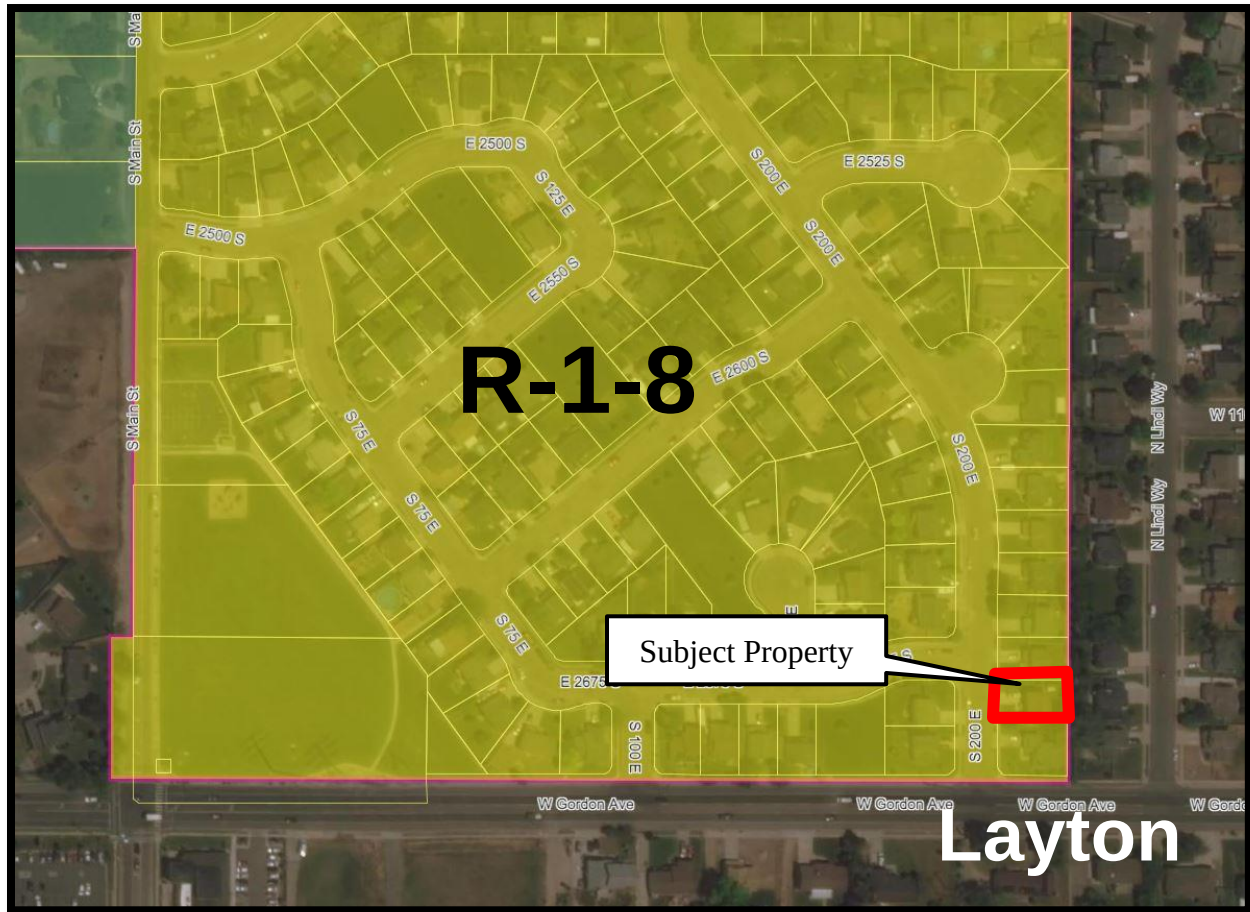
Staff recommends that the Planning Commission **approve as conditioned, CUP 2022-010107**, a conditional use permit request by Hugo Suarez of HS Luxury Metal Works for a home occupation business to fabricate mailboxes within a detached accessory structure at the property addressed 2681 South 200 East (TIN: 12-411-0218). This recommendation is based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	HS Luxury Metal Works
Site Location	2681 South 200 East
Parcel ID	12-411-0218
Applicant	Hugo Suarez
Property Owner	Susam Ruiz
Proposed Actions	Conditional Use Permit – Home Occupation (Use of Detached Accessory Structure)
Current Zoning	R-1-8 (Residential)
Parcel Area	0.14 Acres

Surrounding Properties and Uses:		Zoning District	General Plan Land Use Classification
North	Residential	R-1-8 (Residential)	Residential
East	Residential	Layton City	Layton City
South	Residential	R-1-8 (Residential)	Residential
West	Residential	R-1-8 (Residential)	Residential

Aerial Image and Zoning



BACKGROUND AND ANALYSIS

Hugo Suarez is seeking conditional use permit approval to conduct a home occupation business out of an accessory structure located on the subject property. The proposed business is for artistic welding and the fabrication of mailboxes. Home occupations are permitted in all residential zones and subject to standards outlined in Chapter 11-16 of the Clearfield City Code. Typically, a home occupation is conducted wholly within the primary structure of the premises. When the use of a garage or accessory structure is proposed as part of a home occupation, conditional use permit approval is required.

The purpose of a conditional use permit is to allow for a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be compatible as long as certain conditions are met to mitigate or eliminate any detrimental impacts.

The property is located in an R-1-8 (Residential) neighborhood that is located near Clearfield's far south boundary. The property has a lot area of 6,098 square feet (0.14 acres) and contains a single-family dwelling. The applicant is in the process of building a one hundred and ninety-eight (198) square foot accessory shed toward the northeast corner of the subject parcel, which is where the mailbox fabrication would occur. A site plan for the shed was provided to the city and reviewed for compliance on October 12, 2021.

Section 11-16-3 of the Home Occupation ordinance gives general regulations that all home occupations shall comply with. One of the regulations states that the home occupation shall not alter the residential character of the neighborhood in which it is located. Given the specific nature of welding and mailbox fabrication, staff has included conditions of approval to address hours of operation, parking, noise, and storage. The home occupation code standards together with the recommended conditions are intended to prevent the changing of the residential character of the neighborhood and to mitigate any adverse impacts to the area.

Public Comment

Public notice was placed on the property on February 8th, 2022. Staff have received approximately three phone calls from individuals inquiring about the notice. After hearing about the proposed home occupation and conditional use, they didn't provide any further feedback or concerns.

CITY DEPARTMENT / AGENCY REVIEW

The plans were shared for review by the Planning Division, Building Division, and the North Davis Fire District on February 7th, 2022. The Building Division didn't have any concerns with the proposed home occupation. The Fire District responded that as long as the business isn't open to receive walk-in customers, there aren't any code concerns.

REVIEW CONSIDERATIONS

Conditional Use Permit Review

Clearfield Land Use Ordinance Section 11-4-4 establishes the following review considerations that the Planning Commission shall review while determining to approve Conditional Use Permits.

REVIEW CONSIDERATION		Staff Analysis
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)	<i>At the specified location, [the proposed use] is in harmony with the general intent and purpose of the Clearfield City General Plan and the applicable zoning district regulations;</i>	With conditions, the proposed use is in harmony and compliance with the General Plan and zoning ordinance regulations.
2)	<i>[The proposed use] is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and neighborhood;</i>	With conditions, the proposed use will contribute to the general well-being of the community.
3)	<i>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</i>	With conditions, the use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

4)	<i>Conditions imposed by the Land Use Authority are based upon ordinance standards outlined in this title [Title 11, Land Use] 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.</i>	The proposed conditions are based upon ordinance standards.
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CONDITIONS OF APPROVAL

The following conditions of approval shall be addressed by the applicant and shown on a set of revised plans prior to issuance of final land use approval unless otherwise noted.

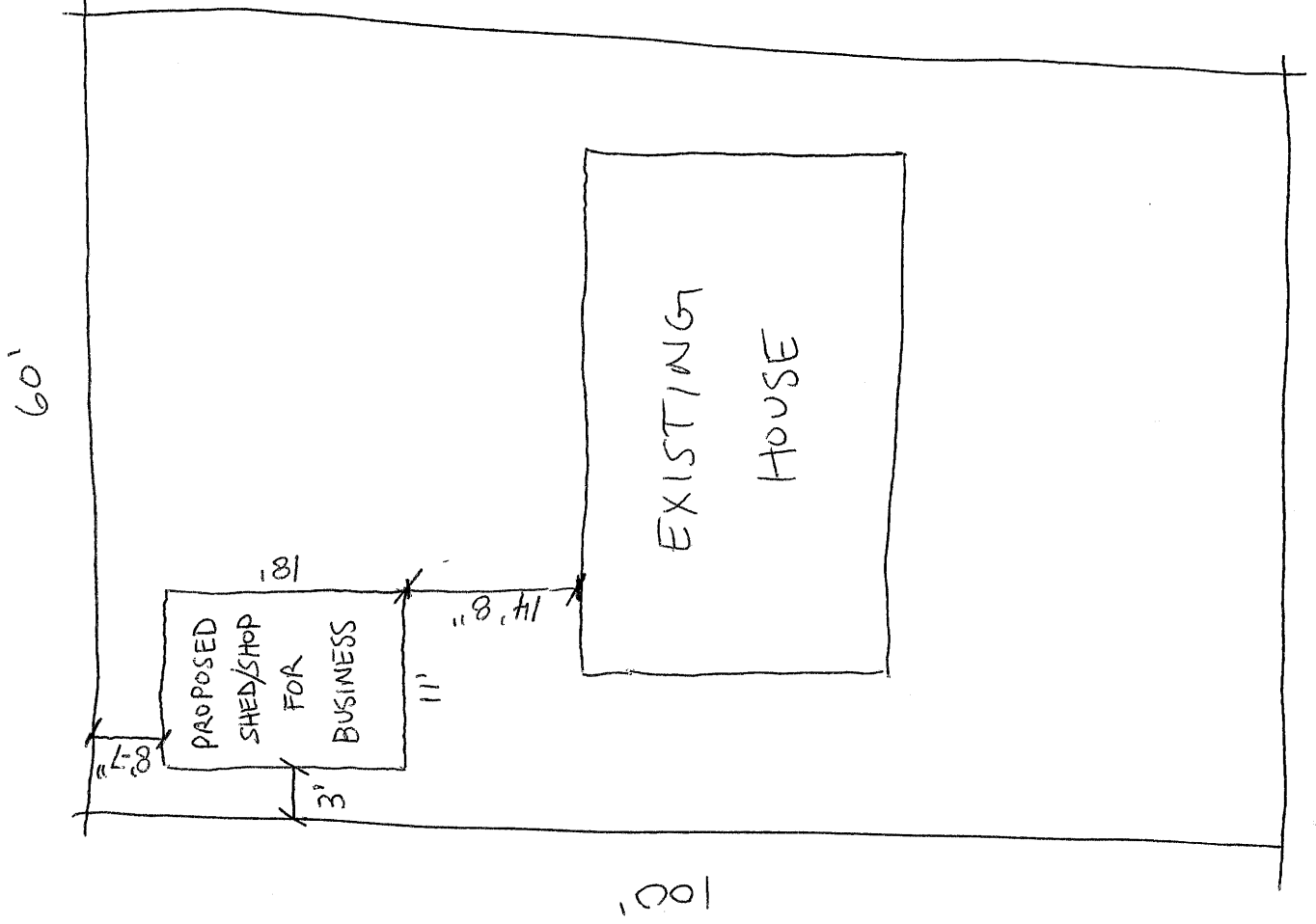
- 1) The business shall be conducted entirely within the detached shed.
- 2) No more than one (1) nonresident may be employed on the premises, at any time.
- 3) The home occupation shall not physically change the dwelling to the extent that it would alter the residential character of the neighborhood in which it is located.
- 4) The home occupation shall not allow any walk-in customers and shall be by appointment only.
- 5) The use shall not unreasonably disturb the peace and quiet of the neighborhood by reason of signage, color, design, materials, construction, lighting, sound, noises, or vibrations.
- 6) Delivery of material must occur entirely on the property.
- 7) Storage of material shall be entirely within the detached shed.
- 8) There shall be no external display of goods or materials upon the premises.
- 9) No sign or advertising shall be displayed on the premises other than signs permitted in residential zones in accordance with chapter 15 of Title 11 in the Clearfield City Code.
- 10) The home occupation shall not generate vehicular traffic significantly in excess of that which is normally generated by a residential use. The home occupation shall not generate frequent deliveries by large vehicles.
- 11) All vehicles of customers or residents must be parked in authorized portions of the lot upon which the home occupation is located and not on the public street.
- 12) There shall be complete conformity with the currently adopted building code, fire code, plumbing code, mechanical code, national electrical code, county and state health codes, and to all state and city ordinances.
- 13) The home occupation shall not be associated with noise, dust, odors, noxious fumes, glare, or other hazards to safety and health, which are emitted and may be discernable beyond the premises. The home occupation shall not create a hazard by using or storing flammable, explosive, or other dangerous materials in quantities that exceed those which may normally be found in a residence.

- 14) The home occupation shall not involve the installation on the exterior of the structure of any special equipment and/or fixtures or plumbing or electrical wiring for such special fixtures or equipment which are not ordinarily or customarily used in a residential accessory structure.
- 15) To protect the residential character of the neighborhood, the business shall operate only between the hours of 8:00 a.m. and 8:00 p.m.
- 16) The applicant shall provide proof of having obtained and maintained, as may be periodically requested by the city, all applicable local, state, and federal permits.
- 17) The applicant shall obtain a Clearfield City business license prior to the commencement of business operations from this location.

ATTACHMENTS

1. Site Plan

SITE PLAN
2681 S. 200 E.
HS LUXURY METALS





STAFF REPORT

TO: Clearfield City Planning Commission
FROM: Brad McIlrath, Senior Planner
MEETING DATE: Wednesday, February 16th, 2022
SUBJECT: Discussion on Building Material Standards and Public Notices. This is in response to the passage of House Bill 1003 and Senate Bill 201 during the 2021 Utah State Legislative Session.

DESCRIPTION / BACKGROUND

As part of the 2021 Utah State Legislative Session, two bills were passed that impact the city's ability to regulate building materials and reducing the public hearing notice requirements. House Bill (HB) 1003 prohibits a municipality from regulating the building materials on any single- and two-family dwelling. Municipalities can still regulate building materials on multi-family dwellings including townhomes. Senate Bill (SB) 201 removes the requirement to post a public hearing notice for a general plan amendment or ordinance amendment in the newspaper. This discussion item is to review these changes prior to the public hearing process for local adoption.

Building Materials

The current building materials standards in the following code sections will be removed from code to comply with state code. A summary of each of these sections is provided as an attachment.

Public Notice Requirements

Section 11-1-10 of the Land Use Title outlines the public noticing requirements applicable to land use applications in Clearfield City. Table 11.2 is provided as an attachment to show the required changes.

LIST OF ATTACHMENTS

- Building Material Changes Summary Sheet
- Public Hearing Notice Changes – Table 11.2

Building Materials Changes Summary Sheet

R-1-9 Zone

11-9A-11: OTHER REQUIREMENTS:

A. Landscaping And Open Space: A minimum of ten percent (10%) of the total project area shall be provided as landscaped open space. All landscaping shall comply with the provisions of chapter 13 of this title.

B. Floor Area: Each dwelling unit shall have a minimum finished floor area of not less than one thousand two hundred (1,200) square feet above grade for ramblers with a full basement; all other styles shall have a minimum finished floor area of not less than one thousand five hundred (1,500) square feet above grade.

C. Garages: Each dwelling unit shall have an attached two car garage, which shall be a minimum of four hundred (400) square feet in size.

D. Development Agreement: A development agreement may be required for all new development in the R-1-9 Zone. All applications for a rezone, preliminary plat, or site plan approval shall be conditioned upon final approval of the development agreement by the City Council.

~~E. Exterior Building Materials:~~

~~1. Permitted exterior building materials for main buildings shall be brick, stucco, stone, rock, or vinyl siding.~~

~~2. Vinyl siding shall not be permitted on the front elevation of a main building. (Ord. 2009-26, 11-24-2009)~~

~~3. Detached garages and carports shall be finished to match the exterior of the main building. (Ord. 2017-06, 4-25-2017)~~

~~4. The front elevation and any side elevation facing a street or right of way shall include at least two (2) of the following: brick, stucco, stone, or rock.~~

F. Footings And Foundation Required: All main buildings shall be constructed on a permanent footing and foundation.

G. Restrictions: No area needed to meet the lot width, frontage, area, setback or other requirements of this article may be divided, sold, or leased separate from such lot or building. (Ord. 2009-26, 11-24-2009)

R-1-8 Zone

11-9C-11: OTHER REQUIREMENTS:

A. Landscaping And Open Space: A minimum of fifteen percent (15%) of the total lot or parcel area shall be provided as landscaped open space. All landscaping shall comply with the provisions of chapter 13 of this title.

B. Floor Area: Each dwelling unit shall have a minimum finished floor area of not less than one thousand two hundred (1,200) square feet above grade for ramblers with a full basement; all other

styles shall have a minimum finished floor area of not less than one thousand five hundred (1,500) square feet above grade.

C. Garages: Each dwelling unit shall have an attached two car garage, which shall be a minimum of four hundred (400) square feet in size.

D. Development Agreement: A development agreement may be required for all new development in the R-1-6 Zone. All applications for a rezone, preliminary plat, or site plan approval shall be conditioned upon final approval of the development agreement by the City Council.

~~E. Exterior Building Materials:~~

~~—1. Permitted exterior building materials for main buildings shall be brick, stucco, stone, rock, or vinyl siding.~~

~~—2. Vinyl siding shall not be permitted on the front elevation of a main building. (Ord. 2009-28, 11-24-2009)~~

~~—3. Detached garages and carports shall be finished to match the exterior of the main building. (Ord. 2017-06, 4-25-2017)~~

~~—4. The front elevation and any side elevation facing a street or right of way shall include at least two (2) of the following: brick, stucco, stone, or rock.~~

F. Footings And Foundation Required: All main buildings shall be constructed on a permanent footing and foundation.

G. Restrictions: No area needed to meet the lot width, frontage, area, setback or other requirements of this article may be divided, sold, or leased separate from such lot or building. (Ord. 2009-28, 11-24-2009)

R-1-6 Zone

11-9C-11: OTHER REQUIREMENTS:

A. Landscaping And Open Space: A minimum of fifteen percent (15%) of the total lot or parcel area shall be provided as landscaped open space. All landscaping shall comply with the provisions of chapter 13 of this title.

B. Floor Area: Each dwelling unit shall have a minimum finished floor area of not less than one thousand two hundred (1,200) square feet above grade for ramblers with a full basement; all other styles shall have a minimum finished floor area of not less than one thousand five hundred (1,500) square feet above grade.

C. Garages: Each dwelling unit shall have an attached two car garage, which shall be a minimum of four hundred (400) square feet in size.

D. Development Agreement: A development agreement may be required for all new development in the R-1-6 Zone. All applications for a rezone, preliminary plat, or site plan approval shall be conditioned upon final approval of the development agreement by the City Council.

~~E. Exterior Building Materials:~~

~~—1. Permitted exterior building materials for main buildings shall be brick, stucco, stone, rock, or vinyl siding.~~

~~—2. Vinyl siding shall not be permitted on the front elevation of a main building. (Ord. 2009-28, 11-24-2009)~~

~~—3. Detached garages and carports shall be finished to match the exterior of the main building. (Ord. 2017-06, 4-25-2017)~~

~~—4. The front elevation and any side elevation facing a street or right of way shall include at least two (2) of the following: brick, stucco, stone, or rock.~~

F. Footings And Foundation Required: All main buildings shall be constructed on a permanent footing and foundation.

G. Restrictions: No area needed to meet the lot width, frontage, area, setback or other requirements of this article may be divided, sold, or leased separate from such lot or building. (Ord. 2009-28, 11-24-2009)

R-2 Zone

E. Multiple-Family Dwelling Exterior Building Materials:

1. ~~Permitted exterior building materials for single family and two family dwelling units shall be brick, stucco, stone, rock, or vinyl siding.~~

1. Vinyl siding shall not be a permitted exterior building material for multiple-family dwellings.

~~—2. Vinyl siding shall not be permitted on the front elevation of a main building.~~

~~3.2.~~ Accessory buildings shall be built with a finished, all weather exterior material. Detached garages and carports shall be finished to match the exterior of the main building.

~~4.3.~~ Any building elevation for a facing a street or right of way shall include at least two (2) of the following: brick, stucco, stone, or rock.

F. Footings And Foundation Required: All main buildings shall be constructed on a permanent footing and foundation.

G. Restrictions: No area needed to meet the lot width, frontage, area, setback or other requirements of this article may be divided, sold, or leased separate from such lot or building.

H. Design Standards: All new site development or construction in the R-2 residential zone shall incorporate the appropriate design standards described in chapter 18 of this title. (Ord. 2009-29, 11-24-2009)

R-3 Zone

F. Multiple-Family Dwelling Exterior Building Materials:

1. Permitted exterior building materials for main buildings shall be brick, stucco, stone, rock, or vinyl siding.

2. Vinyl siding shall not be a permitted exterior building material for multiple-family dwellings.

~~—2. Vinyl siding shall not be permitted on the front elevation of a main building.~~

3. Accessory buildings shall be built with a finished, all weather exterior material. Detached garages and carports shall be finished to match the exterior of the main building.

4. Any building elevation facing a street or right of way shall include at least two (2) of the following: brick, stucco, stone, or rock.

G. Footings And Foundation Required: All main buildings shall be constructed on a permanent footing and foundation.

H. Restrictions: No area needed to meet the lot width, frontage, area, setback or other requirements of this article may be divided, sold, or leased separate from such lot or building.

I. Design Standards: All new site development or construction in the R-3 residential zone shall incorporate the appropriate design standards described in chapter 18 of this title. (Ord. 2009-30, 11-24-2009)

R-1-Open Zone

~~11-9G-15: EXTERIOR FINISHES:~~

~~Exterior finishes in the R-1 Open Residential Zone shall be subject to the following regulations:~~

~~—A. Permitted exterior building materials for main buildings shall be brick, stucco, stone, rock, or vinyl siding.~~

~~—B. Vinyl siding shall not be permitted on the front elevation of a main building. (Ord. 2009-32, 11-24-2009)~~

~~—C. Detached garages and carports shall be finished to match the exterior of the main building. (Ord. 2017-06, 4-25-2017)~~

~~—D. The front elevation and any side elevation facing a street or right of way shall include at least two (2) of the following: brick, stucco, stone, or rock. (Ord. 2009-32, 11-24-2009)~~

TABLE 11.2
PUBLIC NOTICE REQUIREMENTS

	Published In A Newspaper Of General Circulation In The Area	Sent To Each "Affected Entity"	Posted In At Least 3 Public Locations Within The City; Or On City's Official Website	Provided To The Applicant(s)	Sent Via Regular U.S. Mail To All Property Owners Located Within 300 Feet Of Subject Property	Sign Posted On Or Adjacent To The Property
Adoption or modification of general plan or map	~~10 calendar days before hearing- n/a~~	10 calendar days before hearing	10 calendar days before hearing	3 calendar days before public hearing	10 calendar days before public hearing	10 calendar days before public hearing
Adoption or modification of land use ordinance or zoning map	~~10 calendar days before hearing- n/a~~	10 calendar days before hearing	10 calendar days before hearing	3 calendar days before public hearing	10 calendar days before hearing	10 calendar days before hearing
Approval or modification of subdivision preliminary plat	n/a	10 calendar days before public meeting (Entities that provide services)	n/a	3 calendar days before public meeting	n/a	10 calendar days before meeting
Approval or modification of final subdivision plat	n/a	n/a	n/a	3 calendar days before public meeting	n/a	10 calendar days before public meeting
Vacation, alteration, or amendment of a subdivision final plat or any portion of a recorded subdivision final plat	n/a	10 calendar days before public meeting (Entities that provide services)	10 calendar days before hearing	3 calendar days before public hearing	n/a	10 calendar days before hearing
Vacation, alteration, or amendment of any public street or alley, right of way, or easement	10 calendar days before hearing	10 calendar days before hearing	10 calendar days before hearing	3 calendar days before public hearing	10 calendar days before hearing	10 calendar days before hearing
Conditional Use Permit	n/a	n/a	n/a	3 calendar days before public meeting	n/a	10 calendar days before public meeting
Site Plan Review	n/a	n/a	n/a	3 calendar days before public meeting	n/a	10 calendar days before public meeting
Public meetings	n/a	n/a	At least 24 hours before meeting	At least 24 hours before meeting	n/a	n/a
Annexations	Shall comply with the requirements of title 10 of Utah Code Annotated.					