



# PLANNING COMMISSION

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Clinton City, UT 84015

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*Clinton City  
Planning Commission*

*Chairman  
Jacob Briggs*

*Vice Chairman  
Bob Buckles*

*Members  
David Coombes  
Jolene Cressall  
Andy Hale  
Jeff Ritchie  
Anthony O. Thompson*

*City Staff  
Will Wright*

## AGENDA

**March 1 2016**

7:00 pm

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

	Pledge	Appointed
	Invocation or Thought	Appointed
	Roll Call	Chair
	City Council Report	Staff
	Planning Commission Minutes	Chair
	Declaration of Conflicts	Chair
	<b>PUBLIC HEARINGS:</b>	
1.	<b>7:05 p.m. – Ordinance 16-01Z</b> - Review and recommend for Council consideration amending Chapter 28-22 Patio Home Zone to better clarify General Plan intent for senior housing.	
2.	<b>UPDATE ON SUBDIVISION ORDINANCE</b>	
3.	<b>COMMISSION COMMENTS</b>	
4.	<b>ADJOURN</b>	

# CLINTON CITY PLANNING COMMISSION AGENDA ITEM

<b>SUBJECT:</b> <b>Ordinance 16-01Z</b> - Review and recommend for Council action amending Chapter 22 of the Clinton City Zoning Ordinance 28-22 for the Patio Home Zone by changing Section 3(2)(a) to read maximum of 18 acres; Table 22.4.2 Building Height footnote to allow a ‘Habitable attic space permitted over garage area. No alteration of roofline or dormers allowed’; and Table 28-22-5 Site Development Characteristics by requiring a City street under Street Design category.	<b>AGENDA ITEM:</b>  <span style="font-size: 2em;">1</span>
<b>PETITIONER:</b> Community Development Department staff	<b>MEETING DATE:</b> March 1, 2016
<b>ORDINANCE REFERENCES:</b> Zoning Ordinance 28-22-3.(2)(a), Table 22.4.2 Building Height and Table 22.5.1 (Change from 28.22.5) Conventional (remove conventional) Site Development Characteristics.	<b>ROLL CALL VOTE:</b> <span style="font-size: 1.2em;">YES</span> <span style="font-size: 1.2em;">NO</span>
<b>BACKGROUND:</b> The City Council on February 9, 2016 asked staff to amend Chapter 28-22 Patio Home (PH) Zone to better meet the General Plan comments regarding retirement housing. Since the General Plan had not allotted sufficient area for retirement housing. Staff recommends that the area for infill be increased to 18 acres. Further, staff clarified the single story provision that allows for a habitable attic space and that the street design in this type of development should follow the City’s street standards. All references to a conventional development were removed to reduce confusions caused by this wording. The remaining changes were basically formatting changes that are minor in nature.	
<b>ALTERNATIVE ACTIONS:</b>	
<b>ATTACHMENTS:</b> Ordinance 16-01Z	
<b>SEPARATE DOCUMENTS:</b>	

Respectfully submitted,

**Will Wright, Director**  
 Community Development

# ORDINANCE 16-01Z

## AN ORDINANCE AMENDING TITLE 28, CHAPTER 22, PATIO HOME ZONE (PH), CLINTON CITY ZONING ORDINANCE

**WHEREAS,** Clinton City has an existing Title 28, Chapter 22 dealing with the patio home zone; and

**WHEREAS,** Due to the direction in the General Plan the City Council desires to clarify the intent for senior housing in Clinton City; and

**WHEREAS,** Clinton City has an obligation to provide for the health, safety, and general welfare of its citizens;

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

**BY MOTION** The Clinton City Council voted to amend this ordinance.

**SECTION 1.** Title 28, Chapter 22, Patio Home Zone (PH)

### Chapter 22.<sup>139, 195</sup> **Patio Home Zone (PH)**

28-22-1 Purpose  
28-22-2 Permitted Uses  
28-22-3 Conditional Uses  
28-22-4 Minimum Lot Development  
~~28-22-5 Homeowners Association Required~~  
~~28-22-6 Application Process~~

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**28-22-1 Purpose.** The purpose of the Patio Home Zone is to provide an acceptable housing style for single family “empty nest” type housing that is a sustainable quality product within Clinton City. Additionally the Zone is intended for infill use within the guidelines established within this Title. Development within any subdivision within the Zone is to be based upon an overall site design created by and developed completely by one developer and home builder.

#### **28-22-2 Permitted Uses.**<sup>182</sup>

- (1) Single-family dwelling.
- (2) Home Office.
- (3) Household Pets.
- (4) Sign – One nameplate and identification sign in accordance with the Clinton City Sign Ordinance.
- (5) Accessory buildings and uses customarily incidental to any permitted use.
- (6) Common area and amenities maintained by the homeowners association.
- (7) Temporary on site storage containers for emergency construction or repair of residences, with the following stipulations:
  - (a) Must be placed on a hard surface.
  - (b) Can only be present for 3 months out of a 12 month period.

#### **28-22-3 Infill Site Development Characteristics.**<sup>195</sup>

(1) Use of this Zone is only permitted to be applied for within the R-1-6, R-1-8, and R-1-9 Zones as indicated on the Master Land Use Map.

(2) Infill will only be permitted on parcels meeting the following criteria:

(a) Maximum of 18 acres;

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(b) Property can not have been subdivided from a larger parcel to meet requirements for this zone within the last ten (10) years;

(c) Property surrounding the parcel being developed must be fully developed; and,

(3) Development requirements shall comply with the minimum lot standards outlined in § 28-22-4.

**28-22-4 Minimum Lot Development Standards.**

(1) Area –

(a) Minimum: 5,100 square feet

(b) Average: 6300

(c) Corner minimum: 5,400 square feet

(2) Width –

(a) Minimum: 57 feet

(b) Average: 64 feet

(i) Corner: 61 feet

(3) Yard Setback:

Dwelling Design	Rear Lot Patio	Side Lot Patio	Adjacent Zone
Front of Dwelling Major Street As Described in the Clinton City Transportation Master Plan	Not Allowed		
Front	20	20	20
Side w/o Side Patio	5 / 5		8 / 5
Side with Side Patio		5 / 16	8 / 16
Street Side	16 / 5	16 / 16	16 / 16
Street Side Patio toward street		21 / 5	
Rear	20	10	20
Patio Awning Unenclosed	Shall not extend into more than ½ of required setback		
Patio Awning Enclosed	Shall not extend into the required setback		
Accessory Building	The size and location of any accessory buildings or sheds shall be evaluated and approved during the approval process and shall be outlined in the development agreement and CC&R's. Otherwise none allowed.		

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Note: 5-foot side lots can not be adjacent if fence is going to be part of the development design.

(4) Building Height:

Main Building	Story	1 story *
	Height	25 feet
Accessory Building	Minimum	6 feet
	Maximum	1 story or 15 feet <sup>a</sup>

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\* Habitable attic space permitted over garage area. No alteration of roofline or dormers allowed.

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<sup>a</sup> Not to exceed height of main building on lot

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(5) Building size:

Minimum Dwelling Unit Square Footage	1,430
Minimum Finished Living Space	1,430
Minimum Garage Size	2 car
Accessory Building	400 sq. ft. maximum

(6) Aesthetics:

Exterior	Front	100% Brick, Stone or fiber cement board
	Sides	100% Brick, Stone or fiber cement board
	Rear	100% Brick, Stone or fiber cement board
Patio	Minimum	200 square feet
Landscaping and Automatic Sprinkler System		Installed with construction contract
Park strip trees		1 per frontage, 1.5 average per frontage
Fencing		Standardized within development
Architecture		Consistent theme among all structures

(7) Site Development Characteristics:

Maximum Acreage	18
Maximum Density/Acre	5
Maximum Lots	90
Public Streets	Public
Utilities	Public
Street Design	<u>Standard City Design</u>
Street Lights	City Design

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**28-22-5 Homeowners Association Required:** All developments within the zone shall have a Homeowners Association established with Conditions, Covenants and Restrictions (CC&R's). CC&R's, at a minimum, are to establish the requirements of this Chapter, the Development Agreement and CC&R's shall be consistent between all phases of the development and apply equally to all property owners.

**28-22-6 Application Process.**

- (1) A rezone request shall be applied for on forms provided by the City and as outlined in Chapter 1 of this Title.
- (2) Rezone, if approved, shall be conditional upon final approval of a subdivision and development designs; and,
- (3) Subdivision and development design may be submitted simultaneous with the rezone application, however this will not have any bearing upon the approval or denial of the rezone application.

A Patio Home Infill development may create a development agreement during the approval process. If a development agreement is used, it will outline the design requirements and stipulations established between the developer and city. The agreement shall be recorded against the property and be binding upon the developer and future owners of property within the development.

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**SECTION 2. Planning Commission Action.** Reviewed in a public hearing the 1<sup>st</sup> day of March 2016, by the Clinton City Planning Commission and recommended for approval through a motion passed by a majority of the members of the Commission based upon the following findings.

- Proposed changes clarify the intent of the ordinance.
- Proposed changes do not adversely affect the effectiveness of the ordinance and are in line with the intent of the General Plan.

**SECTION 3. Severability.** In the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

**SECTION 4.** Effective date. This ordinance shall be recorded and become effective upon the date of posting indicated below.

**PASSED AND ORDERED RECORDED AND POSTED** by the Council of Clinton City, Utah, this 8<sup>th</sup> day of March, 2016.

February 12, 2016  
NOTICE PUBLISHED

\_\_\_\_\_  
L. MITCH ADAMS  
MAYOR

ATTEST:

\_\_\_\_\_  
DENNIS W. CLUFF  
CITY RECORDER

Posted: \_\_\_\_\_



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

**Planning Commission Members**

*Chair – Jacob Briggs  
Vice Chair – Bob Buckles  
Tony Thompson  
Dave Coombs  
Jolene Cressall  
Jeff Ritchie  
Andy Hale*

<b>Date of Meeting</b>	<b>February 16, 2016</b>	<b>Call to Order</b>	<b>7:02 p.m.</b>
<b>Staff Present</b>	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
<b>Citizens Present</b>	There were none.		
<b>Pledge of Allegiance</b>	Commissioner Hale		
<b>Prayer or Thought</b>	Commissioner Cressall		
<b>Roll Call &amp; Attendance</b>	Present were: Commissioners Jacob Briggs, Bob Buckles, Tony Thompson, Dave Coombs, Jolene Cressall, Jeff Ritchie and Andy Hale		
<b>City Council Report</b>	Mr. Wright reported on the February 9, 2016 City Council meeting as recorded in the minutes.		
<b>Declaration of Conflicts</b>	There were none.		
<b>Approval of Minutes</b>	<b>Commissioner Buckles moved to approve the February 2, 2016 Planning Commission Work Session minutes as written. Councilmember Thompson seconded the motion. All voted in favor of the motion.</b>		
<b>1. REVIEW OF PLANNING COMMISSION RULES OF PROCEDURE</b>			
<b>Petitioner</b>	Community Development		
<b>Discussion</b>	<p>As a result of the review and discussion of the Planning Commission Rules of Procedure, the Planning Commission recommended the following changes:</p> <ul style="list-style-type: none"> <li>• Remove all reference of Ex Officio Member</li> <li>• Update Rules of Procedure after changes to Title 2 regarding the Planning Commission are approved.</li> <li>• Chapter 1 (d) remove</li> <li>• Chapter 3 (8) change time to adjourn from 11 p.m. to 10 p.m.</li> <li>• Chapter 4 (3) (b) remove strike through on restated.</li> <li>• Chapter 4 (1) (b) add (i) City Council Report before the Approval of Minutes; renumber Approval of Minutes to (ii) etc.</li> <li>• Bold (1) Appointment of Chairperson and Vice Chairperson etc.</li> </ul>		
<b>2. CONSIDER PREVIOUSLY REVIEWED SUBDIVISION REGULATIONS BEGINNING WITH CHAPTER 1, INCLUDING CHAPTER 2, 5 &amp; 6, AS TIME PERMITS</b>			
<b>Petitioner</b>	Community Development		

Commissioner Buckles explained he has reviewed 26-1-1 and 26-1-2 and recommends the following:

**CHAPTER 1  
GENERAL PROVISIONS**

- 26-1-1 Title
- 26-1-2 Policy
- 26-1-3 Purposes
- 26-1-4 Authority
- 26-1-5 Jurisdiction
- 26-1-6 Enactment
- 26-1-7 Interpretation, Conflict, and Severability
- 26-1-8 Variances
- 26-1-9 Saving Provision
- 26-1-10 Reservations and Repeals
- 26-1-11 Enforcement, Violations and Penalties
- 26-1-12 Restrictions On Permit Or License Issuance
- 26-1-13 Constructive Notice of Time Periods
- 26-1-14 Cease And Desist, Or "Stop Work" Orders

**26-1-1 Title:**

(1) These regulations are Title 26 of the Code of Revised Ordinances of Clinton City, Utah. This code shall officially be known, cited, and referred to as the Subdivision Ordinance of the City of Clinton. These regulations may also be referred to as the "Subdivision Ordinance."

(2) Specific citations will be to the Subdivision Ordinance by paragraph and subparagraph as depicted in this document and need not include a reference to Title 26.

(3) This Title is part of the Clinton City Land Use Ordinances.

**Discussion**

**26-1-2 Policy:**

(1) It is declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City pursuant to the General Plan of the City for the orderly development of the City in accordance with the purposes stated in 26-1-3.

(2) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for surface drainage, culinary water, secondary water, sewerage, subsurface drainage, and capital improvements such as parks, recreational facilities, and transportation facilities, among other improvements that may be deemed necessary by the City to support the subdivision.

(3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the General Plan, Master Land Use Map, Engineering and Standard Specifications of the City Impact Facilities Plan and the capital facilities plan of the City. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in Utah Code, building and housing codes, zoning ordinances, land use ordinances, the General Plan, Master Land Use Map and land use plan, and the capital facilities plan of the City.

(4) Land that is to be developed, even if not being subdivided shall comply with the platting requirements of this Title. The term "developed," with all of its variations, and "subdivision," and all of its variations are synonymous unless specifically outlined otherwise in this Title.

(5) Land that has been subdivided, without City approval where approval was required, prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes identified in § 26-1-3.

**26-1-3 Purposes:**

- (1) The purposes of this Title are to provide for the health, safety, and welfare, and to promote the prosperity, and aesthetics of the City for its present and future inhabitants and businesses.
- (2) Regulation of the subdivision of land and the attachment of reasonable circumstances to land subdivision is an exercise of valid police power delegated by the State of Utah to this City. The developer has the duty of compliance with reasonable circumstances laid down by the Land use Authority for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and to the health, safety, and general welfare of the future property owners in the subdivision and of the community at large.
- (3) Additionally, these regulations are adopted for the following purposes:
  - (a) ~~To protect the tax base and secure economy in governmental expenditures.~~
  - (b) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
  - (c) To protect the character, social and economic stability of the City, to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promote infill development in existing neighborhoods and nonresidential areas with adequate public facilities, assure proper urban form and open space separation of urban areas, protect environmentally critical areas, and not encourage development in areas premature for urban development.
  - (d) To protect and conserve the value of land throughout the City, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
  - (e) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, parks, playgrounds, recreation, and other public requirements and facilities.
  - (f) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
  - (g) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
  - (h) To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services though requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.
  - (i) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community.
  - (j) To preserve and/or improve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.
  - (k) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots,

**Comment [BB1]:** Rationale for use of General plan is covered in 26-1-2 and is a tool for execution, not a purpose to be achieved.

**Comment [BB2]:** Added from previous text in 26-1-3(1)

**Comment [BB3]:** Redundant with paragraph (d)

while preserving the density of development as established in the land use ordinance of the City.

(l) To ensure that land is subdivided only when subdivisions are necessary to provide for uses of land for which market demand exists and which are in the public interest.

(m) To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

(n) To provide for safety and security of residents, subdivisions, commercial properties, and traffic by planning, developing, executing and requiring a city wide street lighting and general lighting design and requirement.

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From 26-1-3: , to protect urban development , to protect and ensure access to sunlight for solar energy devices improve the morals, peace and good order, comfort convenience, (see (2) d: and to protect property values as feasible within the powers and responsibilities of the City.

Add to (3) as new subparagraph: to protect the tax base, to secure economy in governmental expenditures,

The Planning Commission agreed it would be best to review and update the existing Clinton City Zoning Ordinance.

Commissioner Briggs asked the Commissioners to review each chapter and provide their recommendations to Mr. Wright on an individual basis.

- *The Planning Commissioners discussed the possibility of allowing them a discount on the community building rental.*

**Comment [BB4]:** What does it mean in this context?

**Commissioners  
Issues and  
Concerns**

**ADJOURNMENT**

**Commissioner Coombs moved to adjourn. Commissioner Ritchie seconded the motion. All those present voted in favor, the meeting adjourned at 8:35 p.m.**