



# PLANNING COMMISSION

2267 North 1500 West  
Clinton City, UT 84015

Phone: (801) 614-0740

Fax: (801) 614-0752

Web Site: [www.clintoncity.net](http://www.clintoncity.net)

*Clinton City  
Planning Commission*

*Chairman  
Jacob Briggs*

*Vice Chairman  
Gary Tefler*

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

*City Staff  
Will Wright  
Lisa Titensor*

## June 5, 2018

7:00 pm

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

	Pledge	Appointed
	Invocation or Thought	Appointed
	Roll Call	Chair
	City Council Report	Staff
	Planning Commission Minutes for May 15, 2018	Chair
	Declaration of Conflicts	Chair
1.	<b>WORK SESSION:</b> Continue review and update effort of the City's Subdivision Ordinance with a review of Section 26-2 Definitions and other areas of the ordinance as time permits.	
2.	<b>COMMISSION COMMENTS</b>	
3.	<b>ADJOURN</b>	
	<b>THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY MEETINGS</b> If you attend this meeting and, due to a disability, will need assistance in understanding or participating, then please notify the City at (801) 614-0740 at least three days prior to the meeting and we will seek to provide assistance. The order of agenda items may be changed or times accelerated.	



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

**Planning Commission Members**

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

<b>Date of Meeting</b>	<b>May 15, 2018</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>	Adam Benard, Jim Flint, Graydon Blair, DeLayne Hansen, Chris Shupe, Arverd Taylor, Mike Waite, Chase Freebairn		
<b>Pledge of Allegiance</b>	Commissioner Thompson		
<b>Prayer or Thought</b>	Commissioner Cressall		
<b>Roll Call &amp; Attendance</b>	Present were: Commissioner’s Dereck Bauer, Jolene Cressall, Gary Tyler, Tony Thompson, Dan Evans and Commissioner Hale  Excused were: Commissioner Jacob Briggs		
<b>City Council Report</b>	Mr. Wright reported the May 8, 2018 City Council Meeting as recorded in the minutes.		
<b>Declaration of Conflicts</b>	There were none.		
<b>Approval of Minutes</b>	<b>Commissioner Thompson moved to approve the May 1, 2018 Planning Commission minutes. Commissioner Bauer seconded the motion. Commissioners’ Thompson, Tyler, Cressall, Bauer, Evans and Hale voted in favor.</b>		
<b>7:05 P.M. – REVIEW AND ACT UPON A SITE PLAN REQUESTED BY DR. PAUL MACKLEY TO BUILD AN OVERFLOW PARKING LOT ADDITION FOR COMFORT DENTAL LOCATED ON THE CORNER LOT AT 2225 W 1800 N (ITEM TABLED FROM APRIL 3, 2018 MEETING).</b>			
<b>Petitioner</b>	Paul Mackley, owner/agent for Comfort Dental Office at 2207 West 1800 North, represented by Jim Flint of Hansen and Associates.		
<b>Discussion</b>	<p>On December 5, 2017 the Planning Commission recommended the City Council amend Section 28-4-7 <b><u>Location of Parking Facilities</u></b> of the Zoning Ordinance, which would allow an overflow parking lot to be placed on an adjacent parcel under certain conditions, which Council adopted on December 12, 2017. The design for a overflow parking lot is to meet requirements to insure desired aesthetics (fencing and landscaping) and sound engineering (drainage and safe driveway for parcel/street access), as well as provide for necessary public safety measures by requiring a legal crosswalk(s).</p> <p>The original Site Plan for the Comfort Dental Office was approved by the Planning Commission on October 7, 2008. There were subsequent issues and approval surrounding the City’s landscaping requirements which were ultimately approved on December 3, 2008. The parking for this 6,303 sq. ft. building was approved at 19 parking spaces. It appears that originally the building was designated for medical clinics, which currently have a parking requirement of six (6) spaces per 1,000 sq. ft. of building. This would mean that 38 parking spaces would be needed by current parking regulations.</p> <p>However, apparently, only 5,128 sq. ft. is used for dental office leaving about 1,175 sq. ft. of this building available for other use, which is the crux of the parking issues as different uses have different parking requirements. For example, staff understands that a chiropractor utilized this office space for some time, which had the same parking requirement as a dental office. However, there is now a beauty salon in a portion of the building that requires three spaces per chair.</p> <p>The existing parking lot at Comfort Dental has 19 spaces and the amended regulations that allow an overflow parking lot on an adjacent parcel must provide “... no more than fifty (50%) of the required off-street parking for the existing building ....” Since Comfort Dental is amending their site plan by</p>		

providing additional parking then they are required to meet current parking requirements. The current building of 6,303 sq. ft. contains the Comfort Dental Office of about 5,128 sq. ft., which according to Section 28-4-5 **Parking Space for Commercial, Industrial, and Institutional Uses** subsection (18) Medical Clinics require six spaces per 1,000 square feet so the dental clinic requires 31 spaces, while the remaining 1,175 sq. ft. of space is currently being used as a beauty salon, which subsection (5) Barber Shop/Beautician Shop indicates ‘three (3) spaces per chair’. The parking regulations limit this salon to two chairs or six more spaces for a total of 37 parking spaces for the current uses of this building. Because of the 50% rule credit for only 19 parking spaces is given for this site.

The site plan shows the configuration of the proposed parking lot, which conforms to the City’s development standards. The City Engineer has confirmed that the grading and drainage information will insure the proper operation of the proposed drainage facility. Further, the site plan shows the buffer yards and landscaping plan that generally meet regulations and corresponds to discussion with the Commission, which will be maintained by the applicant.

Mr. Wright reviewed the site plan as submitted in the staff report.

Public Works and the Fire Department provided the following:

**Public Works**

- Submittal Date: 3/28/2018
- Must have a storm drain connection
- Must have a storm water cleaner and an emergency overflow
- Submit a grading and drainage plan
- At driveway entrance remove sidewalk and replace with 6” thick walk to be driven on.

**Fire Department**

Clinton City Fire Department accepts the site plan for Clinton Dental parking lot as submitted.

Commissioner Tyler opened the public hearing at 7:16 p.m. With no public comment, he closed the public hearing at 7:17 p.m.

Commissioner Tyler stated the PZ zone landscaping requirements need to be followed. Per the IBC Code 1106.4, they are required to have one handicap stall with an 8 foot van accessible space with signage. A detention basin is required which must be tied into the storm drain.

Mr. Flint said they will meet the landscaping requirements as well as the ADA compliance and asked for engineer comments for the drainage.

Commissioner Thompson clarified public works required a 6”

- Commissioner Thompson clarified Public Works requirement of at the driveway entrance remove sidewalk and replace with 6” thick walk to be driven on.

Mr. Wright added that one street light is required on 1800 N. because it is in the central business district.

**CONCLUSION**

**Commissioner Thompson moved to approve the Site Plan for Comfort Dental to place an overflow parking lot on an adjacent parcel located on the corner of 2225 W 1800 N with the conditions that the streetscape on 1800 N meets the City requirements including a street light, ADA compliance, detention basin connected to storm drain with a metered outflow and at driveway entrance remove sidewalk and replace with 6” thick walk to be driven on and comply with any other City Ordinances that are in effect. Commissioner Evans seconded the motion. Voting by roll call is as follows: Commissioner Hale, aye; Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Evans, aye; Commissioner Cressall, aye; and Commissioner Tyler, aye.**

**7:10 P.M. - REVIEW AND RECOMMEND TO THE CITY COUNCIL FOR APPROVAL OF THE FINAL PLAT OF PHASE 6 FOR HARRISBURG COUNTRY ESTATES SUBDIVISION, LOCATED AT APPROXIMATELY 2700 W 1300 N.**

<b>Petitioner</b>	Q-2, LLC and Craythorne Construction, Erik Craythorne
<b>Discussion</b>	<p>Commissioner Tyler stated the petitioner has requested this item to be tabled for a fourth time. The City Council in their motion on May 8, 2018 requested if the applicant requests another table that the process be started over.</p> <p>Mr. Wright explained this process has been going on for sometime; the City acquired four acres from the developer for a detention basin/park.</p> <p>The motion from the May 8, 2018 CC meeting is as follows:</p> <p><i>Councilmember Mitchell moved to table Resolution 09-18 a request for final plat approval of Harrisburg Country Estates Phase 6 to the May 22, 2018 City Council Meeting with the condition that an agreement clarifying how the payback/compensation for the land the City has purchased on 1300 N will be completed, and that if the item is asked to be tabled yet another time, that the table will be denied and the process will need to be started again. Councilmember M. Petersen seconded the motion. Voting by roll call is as follows: Councilmember Patterson, aye; Councilmember K. Peterson, aye; Councilmember Stanton, aye; Councilmember Mitchell, aye; Councilmember M. Peterson, aye.</i></p> <p>Commissioner Tyler opened the public hearing t 7:32 p.m. and with no public comment, he closed the public hearing at 7:33 p.m.</p>
<b>CONCLUSION</b>	<p><b>Commissioner Bauer moved to forward a recommendation to the City Council to disapprove Res 9-18 a request for approval of the final plat for Phase 6 of Harrisburg Country Estates located at approximately 2700 W 1300 N and resubmit when the petitioner is ready to move forward. Voting by roll call is as follows: Commissioner Hale, aye; Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Evans, aye; Commissioner Cressall, aye; and Commissioner Tyler, aye.</b></p>
<p><b>7:15 P.M. - REVIEW AND ACT UPON A SITE PLAN AND ARCHITECTURAL REVIEW FOR SECURE SELF STORAGE REQUEST FROM ADAM BENARD TO EXPAND MINI-STORAGE FACILITY LOCATED AT 2277 W 1300 N.</b></p>	
<b>Petitioner</b>	Adam Benard, owner of Secure Self Storage and developer of proposed units
<b>Discussion</b>	<p>Adam Benard explained Secure Self Storage has purchased Lock It Up Self Storage. The intent is to expand the number of storage units; currently there are 213. SSS is proposing installing buildings with asphalt drive isles and underground retention. A buffer for homes to south to match existing buffer has been added. The units are all drive up with various sizes 5 x 10 to 10 x 30 with gated access.</p> <p>Mr. Wright reviewed the staff report:</p> <p>Secure Self Storage in the recent past acquired Lock It Up Self Storage along with additional property behind this storage facility. In 2/7/2006 the Planning Commission approved the storage units and a residence for this location that consisted of a little more than 2 acres and 213 storage units, along with a front office and residence to service this business site.</p> <p>The new owners acquired the property behind this storage facility in order to expand the business. The Secure Self Storage Subdivision is comprised of three (3) additional lots of which 2 of these lots are planned for the future expansion of the storage facilities. The Secure Self Storage Subdivision is a minor subdivision (three lots or less) that is being reviewed by staff and is expected to be approved by the City Engineer and Mayor, which contains 9.049 acres. It consists of three (3) lots, including: lot 1 of 2.737 acres; lot 2 is 5.31 acres; and lot 3 is a 1 acre parcel. It is planned that both lots 1 &amp; 2 will be future phases of the Secure Self Storage project. Lot 1 is the property slated for the new storage units.</p> <p>The landscaping plan shows the buffer yard on the east side at 35 feet with extensive plantings that will create a green barrier at the rear of the residential lots, which will correspond with the existing buffer yard on the original site. There is There are six drives that circulate the storage unit area including 4 drives that flow onto two drives at each end of this site. The smallest drive is 25' wide there is no parking associated with these drive isles, while there are two 35' drives. Further, the Fire Department has reviewed and approved this layout. The exterior of these storage units are steel and are a color that will be similar to the existing storage units.</p>

	<p><b><u>Public Works</u></b></p> <ul style="list-style-type: none"> <li>• Submittal Date: 4/3/18</li> <li>• Sht. C3.0 Culinary water line should be 8”</li> <li>• Note: have an emergency overflow for underground detention</li> <li>• Submit SD calculations</li> <li>• Submit SD maintenance plan</li> <li>• Submit SD long term maintenance agreement</li> </ul> <p><b><u>Fire Department</u></b></p> <p>#1 – C3.0 - Add a fire hydrant on the South-west property near where the water line will be stubbed.</p> <p>Commissioner Tyler opened the public hearing at 7:44 p.m. and with no public comment, closed the public hearing at 7:45 p.m.</p> <p>Commissioner Tyler asked for clarification on the lighting and fencing.</p> <p>Mr. Benard responded they will install down lights to match the existing lighting to avoid light pollution for neighboring homes.</p> <p>Regarding the fencing, both vinyl and chain link exist, fencing as required by the ordinance will be complied with.</p> <p>The Planning Commission recommended the legal description be amended to include the entire development including the new portion.</p>
<b>CONCLUSION</b>	<p><b>Commissioner Thompson moved to approve the Site Plan for the Secure Self Storage for the addition of 268 storage units located at 2277 W 1300 N with staff requirements met and other buffer yard and fencing requirements met. Commissioner Cressall seconded the motion. Voting by roll call is as follows: Commissioner Hale, aye; Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Evans, aye; Commissioner Cressall, aye; and Commissioner Tyler, aye.</b></p>
<p><b>7:25 P.M. - REVIEW AND ACTION UPON A REQUEST FROM IVORY DEVELOPMENT FOR A PRELIMINARY PLAT CALLED MONARCH MEADOWS SUBDIVISION LOCATED AT APPROXIMATELY 2600 W 1300 N.</b></p>	
<p><b>Petitioner</b></p>	<p>Chase Freebairn, representing Ivory Development</p>
<p><b>Discussion</b></p>	<p>Chase Freebairn reported Ivory Homes has successfully negotiated with Clinton City to sell 4 acres for a park. The lots range from 11,000 sq. ft. to half acre lots. The initial engineering comments are resolved; the new comments received today will be addressed. The development agreement allows for averaging which includes the 4 acre parcel.</p> <p>Mr. Wright reviewed the following information included in the staff report:</p> <p>This request was tabled by the Planning Commission on November 7 &amp; December 5, 2017 and January 16, 2018 due to not showing the land for a City park, thereby allowing for further negotiations by the City for this land then finally redesigning the subdivision showing the park area and lot layout per agreed upon conditions.</p> <ol style="list-style-type: none"> <li>1. The Parcel contains about 26 acres and is designated as Single Family Residential (R-1-15 Zone) on which 66 lots are proposed.</li> <li>2. The City Council approved the rezoning of this property from Agricultural (A-1) to Residential Single Family (R-1-15) Zone on September 5, 2017.</li> <li>3. Ordinance 17-05Z approved the rezoning of this parcel and indicated the developer agrees "... to negotiate with City for property to become a park adjacent to the detention basin."</li> <li>4. City management negotiated with the developer and the City Council approved on 2/13/18 a development agreement that provides for the City to acquire 4 acres for a park. Additionally, the park area can be used in averaging the size of lots which will be within the development standards for R-1-15 zone. Further, the side setbacks are reduced to 8/10 feet from the 10/10 feet. The lots must be a minimum of 11,000 sq. ft. and a max of 22,100 sq. ft. with corner lots to be 15,000 sq. ft. All 15 corner lots meet 15,000 sq. ft. requirement and the remaining 51 lots range in size from 11,122 sq. ft. to 19,777 sq. ft. with an overall average for the 66 lots of 15,515</li> </ol>

sq. ft. and just over 15,600 sq. ft. for the 51 lots when combined with the park area. All lots except for lots 50 & 63, have a width of at least 80' with lot 63 being just over 80' wide and lot 50 being over 75' in width at the setback line.

Comments and/or questions related to changes needed in the drawings have been provided to the developer as staff takes into account the few changes provided for in the development agreement.

### **Public Works**

- Submittal Date: 4/3/2018
- Submit SWPPP
- Add the following paragraph to the drawings
- Lot Drainage: Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- Provide proof of application to DWC company
- Provide letter from ditch company approving changes
- At stub streets going south, verify irrigation pipe crossing roadway is RCP
- Sht. C2 along parcel A lots 1-7 that border the park, install 6' fence with 18" mow strip
- Sht. C2 1300N roadway section should call out 5" of asphalt (collector)
- All LD and S man holes to be 5' at all direction change, including T's
- All LD main to be 8"
- Sht. C3 re route SD to 1300N, re route LD to 1300N and to pond, or re route along the North property of lot7 then to pond avoiding park
- Sht. C2 move stop/address sign from lot 49 to lot 29
- Call out street addresses
- Install stop/address sign lot 25 and lot 66 at 1300N
- Pp1 cb #35 move to property line
- Pp1 add cb at corner lot 20
- Pp2 ad cb lot line 62/63
- Pp2 on sd box26 you have a stub going nowhere
- Pp2 move sd box 29 and sd box 30 to property line
- Pp3 lot 14, add cb at 2600W phase line (across from cb17)
- Pp3 change sd man hole to a cb lot 25
- Pp4 the centerline grade break stationing doesn't match the profile plan
- Pp4 at 2600 street connection tie on the City 36" sd and route and upsize pipe to park property lot 7
- Note: all topsoil vegetation to be removed before import material brought in
- Lot 63 on 1300N need curb, gutter and sidewalk

Commissioner Tyler opened the public hearing at 8:14 p.m.

Delayne Hansen stated his property borders lots 25, 26 27 & part of 28. He expressed the following concerns:

- The southern border has a 9 – 10 foot slope; he said a retention wall may be needed to prevent sloughing. An engineer who surveyed the property commented to him that metal plates should have been installed with the storm water line.
- Visibility on 2600 W and how the road will come over the ridge.
- The fence line with Castle Creek development has two homes that have field fence and have a different zone, he feels a vinyl fence should be installed.
- The width of the road going south of this development coming into his subdivision is narrower without curb and gutter.
- The sewer line may back up because the line is so shallow. Mr. Child has previously commented that when this property is developed, the line will be lowered when being tied in.

	<ul style="list-style-type: none"> <li>• Lots 26, 27 &amp; 28 are small lots which but up against his acre and animals may be a concern for those home owners.</li> </ul> <p>Graydon Blair commented:</p> <ul style="list-style-type: none"> <li>• He is not happy with the size of the tiny lots, they are long and narrow and the homes sit too close together which he feels decreases property values.</li> <li>• From a fire perspective he is concerned with the homes so close together.</li> <li>• Six foot parking strips are too large, he would like wider roads.</li> </ul> <p>Chris Shupe said he is a homeowner in Castlecreek, his house borders lots 26 &amp; 27. He has the following concerns:</p> <ul style="list-style-type: none"> <li>• Runoff is a huge concern.</li> <li>• The size of the lots will decrease property value in surrounding developments.</li> <li>• He feels the visuality will be an issue; he is concerned for his kid’s safety. He would like to see stop signs installed at the top of the street.</li> </ul> <p>Arverd Taylor questioned if the park is being averaged into the size of the lots.</p> <p>Commissioner Tyler confirmed that it is through the Development Agreement.</p> <p>With no further public comment, the public hearing was closed at 8:28 p.m.</p> <p>Mr. Wright clarified that with the preliminary plat only the lot layout and general design are considered, the construction and engineering is dealt with in the Final Plat. Regarding the comments, he explained the following:</p> <ul style="list-style-type: none"> <li>• Curb and gutter will most likely not be required for existing developments.</li> <li>• The storm drain lines currently exist.</li> </ul> <p>Regarding other comments, Commissioner Tyler stated that the size of the lots meet the City Code and he referred to Public Works comments listed above.</p> <p>Chris Shupe</p> <p>Chase Freebairn stated he appreciate the comments and concerns identified, and provided the following information:</p> <ul style="list-style-type: none"> <li>• The engineering plans have been submitted and received back from both the City Engineer and Publics Works Director.</li> <li>• Regarding the slope, there were no concerns identified by the geo tech. It may be up to homeowners to put in a retaining wall, there will be a construction grade done to direct water away from the homes with a perimeter drain system that ties into the land drain. If retaining walls are needed, they will be considered on a case by case basis.</li> <li>• The Road connection and safety is a valid concern; the City may want to address this and Ivory will work with staff.</li> <li>• Fencing is typically left up to home owners unless abutting to dissimilar use which would most likely require vinyl fencing. The agricultural zones usual requirement is a chain link fence.</li> </ul> <p>Mr. Freebairn explained these are mid level homes costing \$400,000 and above. It is intended to be a destination and Ivory wants to be a good neighbor throughout the development process. The homes sizes will be the same for all size lots and meet setback requirements.</p>
<p><b>CONCLUSION</b></p>	<p><b>Commissioner Bauer moved based on the fact that the site plan meets code requirements to approve the Preliminary Plat for Monarch Meadows located at approx. 2513 W 1300 N. Commissioner Thompson seconded the motion. Voting by roll call is as follows: Commissioner Hale, aye; Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Evans, aye; Commissioner Cressall, aye; and Commissioner Tyler, aye.</b></p>

**7:35 P.M. - REVIEW AND ACT UPON SITE PLAN REQUESTED BY KOREY KINDER REPRESENTING MOUNTAIN AMERICA CREDIT UNION TO BUILD AN ADDITIONAL PARKING LOT AT 1727 W 1800 N.**

<p><b>Petitioner</b></p>	<p>Korey Kinder of Andersen, Wahlen &amp; Associates, representing Mountain America Credit Union.</p>
<p><b>Discussion</b></p>	<p>Arverd Taylor stated the intent is to extend the parking lot to the east and add 16 more parking stalls. There will be landscaping on 1800 N which includes trees.</p> <p>Mr. Wright reviewed the following information included in the staff report:</p> <p>The Planning Commission approved the Site Plan Review for Centennial Bank on June 2, 1998. Mountain America Credit Union then acquired this building and was approved for site modifications by the Planning Commission on July 17, 2012. The original and modified building was listed as 2,000 sq. ft. on a 25,610 sq. ft. parcel. The buildable area for the original building is 23,246 sq. ft. and has a total of 20 parking spaces including 2 handicapped spaces. There are ten (10) spaces in front of the building including the two handicapped parking spaces along with 10 spaces in the rear of the building. This parking lot addition proposes 16 new spaces located in the front of the building (east side) and when added to the original parking will provide a total of 36 spaces.</p> <p>A review of the current parking requirements for this existing building and use provides in Section 28-4-5(4) <u>Banks, Savings and Loans, Credit Union, Finance Companies, Drive-in Banking</u> that there should be “One (1) space per employee at the highest shift plus one (1) space per two hundred square feet of main floor area and one (1) space per five hundred square feet of basement or second floor area.” Since this building is 2,000 sq. ft. then ten (10) spaces are required for this size of building. Additionally, according to the branch supervisor, there are 12 employees at the highest shift requiring 12 more spaces for a total of 22 parking spaces required for this size and use of building.</p> <p>This means that the existing 20 parking spaces with the additional 16 parking spaces, including the 2 handicapped parking spaces meets or exceeds the parking requirements. Section 28-4-9 <u>Accessible Parking Spaces</u> states in subsection (2) that 2 handicapped parking spaces are required for 26-50 total parking spaces, meaning the two handicapped accessible spaces meets the City’s number of handicapped parking spaces. Further, subsection (2) of Section 28-4-9 indicates these spaces are to be “... located to provide the least travel distance to accessible facilities served, ... without crossing vehicle traffic, and ... do not exceed two hundred feet (200’) [from facilities served]”, which the current spaces meet these requirements.</p> <p>Mike Waite stated there are approximately 12 employees during peak hours, occasionally there are more prior to the credit union opening when staff meetings are held.</p> <p>Mr. Wright continued:</p> <p>The buffer yard setback along 1800 N is 28.5 feet and corresponds to the same setback shown for the original bank building. The landscape plan shows plantings similar to the current building’s landscaping. MACU’s representative contacted UDOT about future plans for this section of street and learned that improvements for this stretch of 1800 N will not materially affect this parcel or their current use on that site.</p> <p>The Planning Commission questioned what is intended for the landscaping and stated they want to make sure the entire lot is landscaped per code requirements.</p> <p>Arverd Taylor reviewed the landscaping plans.</p> <p>Commissioner Tyler clarified the landscaping requirements identified in 28-3-10 (a) requires landscaping back to the existing parking lot. The tree requirements are identified in 28-20-6(2) (a).</p> <p>Commissioner Tyler opened the public hearing at 9:20 p.m. With no public comment, he closed the public hearing at 9:21 p.m.</p>
<p><b>CONCLUSION</b></p>	<p><b>Commissioner Cressall moved to approve the Site Plan to add an additional parking lot adjacent to Mountain America Credit Union located at 1727 W 1800 N with the condition that the south part of the parking lot is landscaped according to 28-3-10 general requirements (a) and 28-20-6(2). Commissioner Evans seconded the motion. Voting by roll call is as follows: Commissioner</b></p>

	<b>Hale, aye; Commissioner Bauer, aye; Commissioner Thompson, aye; Commissioner Evans, aye; Commissioner Cressall, aye; and Commissioner Tyler, aye.</b>
<b>CONTINUE REVIEW AND UPDATE EFFORT OF THE CITY'S SUBDIVISION ORDINANCE WITH A REVIEW OF SECTION 26-2 DEFINITIONS AND OTHER AREAS OF THE ORDINANCE AS TIME PERMITS.</b>	
<b>Petitioner</b>	Community Development
<b>Discussion</b>	Due to the late hour, the Planning Commission delayed this discussion.
<b>OTHER SSUES</b>	There were none.
<b>ADJOURNMENT</b>	<b>Commissioner Hale moved to adjourn. Commissioner Evans seconded the motion. Commissioners' Tyler, Thompson, Bauer, Evans, Hale and Briggs voted in favor. The meeting adjourned at 9:34 p.m.</b>

**Section-Chapter 2. Definitions**

26-2-1 ~~Usage~~ **General**  
~~1-1-26-2-2~~ Definitions

**126-2-226-2-1 Usage** **General:**

(1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this **Chapter 2** section.

(2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural include singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations";.

**126-2-226-2-2 Definitions:**

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

**"Adjacent Landowners"** Any property owner of record, according to the records of the County Recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

Seems to be a useful definition – notice requirements

**"Alley"** A public or private right-of-way which is less than 26 feet wide primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**"Applicant"** The owner of land proposed to be subdivided or its representative. A representative shall be required to provide legal documentation to prove he has consent from the legal owner or the property.

**"Area of Benefit"** means an area of land which is designated by the ~~Planning Commission~~ **City** as receiving benefits from or creating the need for the construction, acquisition, or improvement of a **Public Facilities Project**.

**"Area-related Facility"** means a capital improvement which is designated in the capital

improvements program as serving new development and which is not a site-related facility. Area-related facility may include land dedication or construction of an oversized capital improvement, whether located offsite, or within or on the perimeter of the development site.

**"Major Arterial Principle"** means a road intended to move through traffic to and from major attractors such as central business districts, regional shopping centers, colleges and or universities, military installations, major industrial areas, and similar traffic generators within the governmental unit and/or as a route for traffic between communities or large areas and/or which carries high volumes of traffic. See 26-5-.

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

**"Assessment District"** see Public Facility Service Area.

Is this term used in the code?

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

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

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

**"Bona Fide Division of Partition of Agricultural Land for Agricultural Purposes"** The division of a parcel of land into two or more lots or parcels, none of which is less than ~~ten (10)~~ **five (5)** acres in area, and provided that no dedication of any streets is

- Formatted: Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Tab after: 0.5" + Indent at: 0.5"
- Formatted: Bullets and Numbering
- Formatted: Highlight
- Formatted: Highlight
- Formatted: Highlight
- Formatted: Highlight
- Formatted: Bullets and Numbering
- Formatted: Highlight
- Formatted: Font: Bold, Highlight
- Formatted: Highlight
- Formatted: Strikethrough, Highlight
- Formatted: Highlight
- Formatted: Bullets and Numbering
- Formatted: Strikethrough, Highlight
- Formatted: Strikethrough, Highlight
- Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough

required to serve any such lots or parcels of agricultural land so created and providing that each lot or parcel has the minimum required frontage on an existing city street with the required, dedicated right-of-way. Refer to the Clinton City Major Street Plan for street designations. Such a lot is an agricultural lot, reference the Zoning Ordinance.

**LOOK UP USE OF THIS TERM IN THE ORDINANCE.**

**“Bond”** ~~Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council. All bonds shall be approved by the City Council whenever a bond is required by these regulations. A cash deposit will~~  
~~the city or a financial institution.~~

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

**“Building”** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and includes any structure.

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

**“Capital Improvement”** means a public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City.  
~~public facilities project to be owned and operated by or on behalf of the City.~~

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

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

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

Is this definition needed?

**“City Attorney”** means the licensed attorney designated by the Council City to furnish legal assistance for the administration of these regulations.

**“City”** Clinton City, Utah

**“City Council”** The City Council of Clinton City, Utah.

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

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

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

Is it included in the ordinance?

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

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

Formatted: Strikethrough

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Font color: Red

Formatted: Font: Times New Roman, 10 pt, Strikethrough

Formatted: Font: Times New Roman, 10 pt, Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Font: Times New Roman, 10 pt, Strikethrough

Formatted: Font: Times New Roman, 10 pt, Not Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Font: Times New Roman, 10 pt, Highlight

Formatted: Font: Times New Roman, 10 pt, Highlight

Formatted: Strikethrough, Highlight

Formatted: Strikethrough, Highlight

Subdivisions

Section Chapter 2

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

Is this definition needed?

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

Is this definition needed?

“Concurrency” means a requirement that development applications demonstrate that adequate public facilities be available at prescribed levels of service concurrent with the impact or occupancy of development units.

“Construction Plan” The maps or drawing accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City Council as a condition of the approval of the plat.

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

“Council” means the Clinton City Council.

“Credit” means the amount of the reduction of an impact fee or fees, payments or charges for the same type of capital improvement for which the fee has been charged.

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

End of discussion for 10/03/17

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

“Developer” The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations. See Subdivider.

“Development Agreement” means an agreement between the Council and developer through which the Council agrees to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation in exchange for the provision of public facilities or

amenities by the developer in excess of those required under current community regulations.

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

“Display Home” means – Add definition.

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

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

“Equivalent Dwelling Units”, see Service Unit. (is this needed?)

“Escrow” means a deposit of cash with an escrow agent, approved by the City to secure the promise to perform some act.

“Exactions” means a requirement of development to dedicate or pay for all or a portion of land or costs of public facilities as a condition of development approval.

“Expenditure” means a sum of money paid out in return for some benefit or to fulfill some obligation. The term includes binding contractual commitments whether by development agreement or otherwise to make future expenditures as well as any other substantial change in position.

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

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

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

Formatted: Font: Times New Roman, 10 pt

Formatted: Highlight

Formatted: Highlight

Formatted: Font: Bold, Highlight

Formatted: Font color: Custom Color(RGB(79,129,189))

Formatted: Font: Bold, Font color: Custom Color(RGB(79,129,189))

Formatted: Highlight

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough

~~accompanying material as described in these regulations.~~

**“Frontage”** means that side of a lot abutting on a ~~street road or way and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.~~ All the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts. ~~In the case of a corner lot only one side facing a road shall be considered frontage based on orientation of the building.~~

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

**“General Plan”** means a comprehensive plan for development of the City prepared and adopted by the Planning Commission and Council pursuant to Utah State Code §10-9-301, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

**“Governing Body”** means the Clinton City Council.

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

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

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

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

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

association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision-be it a lot, parcel site, unit plot, condominium, or any other interest-is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

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

~~\*\*\*~~ **“Housing Unit or Unit”** means a dwelling unit as defined in ~~§ 10-9-301~~. Is this necessary?

~~REMOVE~~

**“Impact fee”** means a payment of money imposed by the City on development activity pursuant to this Section as a condition of granting a building permit in order to pay for the planned facilities needed to serve new growth and development activity. ~~Impact fees are used in lieu of Exactions. Impact fee does not include a fee, a special assessment, a front-up fee, a fee for project improvements, a reasonable permit or application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent impact fee calculations, or the administrative fees required for an appeal.~~

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

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

END OF PC REVIEW 101717

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

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

Formatted: Strikethrough

Formatted: Strikethrough, Highlight

Formatted: Not Strikethrough

Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough, Highlight

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Highlight

Formatted: Highlight

Formatted: Font: Times New Roman, 10 pt, Strikethrough

Formatted: Font: Times New Roman, 10 pt, Strikethrough

Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough

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

**“Local Road”** means a road whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes, public utilities, cables and other utility improvements as approved by the City. **“Joint Ownership”**, Joint ownership among persons shall be construed as the same owner; **“constructive ownership”** for the purpose of imposing subdivision relations.

**“Lot, Agricultural, Building, Corner, Interior, Development Standards”** refer to the Zoning Ordinance of the City of Clinton. *Verify included in the Zoning Ordinance.*

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

**“Lot Improvement”** Any building, structure, place, work of art, or other object or improvement of the land which they are situated on or under the ground constituting a physical betterment of real property or any part of such betterment. Certain lot improvements shall be properly bonded or escrowed as provided in these regulations.

**“Low Density”** means those residential zoning districts in which the density is equal to or less than one dwelling unit per 15,000 square feet. *Make sure this is consistent with the General Plan.*

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

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

**“Master Plan”** - add back definition

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

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

**“Minor Subdivision”** means any subdivision containing not more than five (5) lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision of portion of the General Plan, Official Map, Zoning Ordinance, or these regulations. *Sec 22? ADD BAC - Match what is in the code elsewhere.*

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

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

**“Municipality”** see Local Government.

**END OF PC REVIEW 011618**

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

**“New Development”** means a project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of land; any of which has the effect of increasing the

Formatted: Highlight

Formatted: Strikethrough

Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Font: Bold, Underline

Formatted: Font: Bold, Underline

Formatted: Strikethrough

Formatted: Font: Times New Roman, 10 pt, Highlight

Formatted: Font: Times New Roman, 10 pt, Highlight

Formatted: Font: Times New Roman, 10 pt, Strikethrough, Highlight

Formatted: Font: Italic

Formatted: Highlight

Formatted: Strikethrough

Formatted: Font: Times New Roman, 10 pt, Not Strikethrough, Highlight

Formatted: Font: Times New Roman, 10 pt, Highlight

Formatted: Strikethrough, Highlight

Formatted: Strikethrough

Formatted: Strikethrough, Highlight

Formatted: Font color: Red

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Highlight

Formatted: Strikethrough

Formatted: Highlight

Formatted: Highlight

Formatted: Font: Bold

requirements for capital improvements, measured by number of service units to be generated by such activity, and which requires either the approval of a plat pursuant to the City's subdivision regulations, the issuance of a building permit, or connection to the City's water or sanitary sewer system.

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

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

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

**"Offset"** means the amount of the reduction of an impact fee designed to fairly reflect the value of area-related facilities or other oversized facilities, pursuant to rules herein established or administrative guidelines, provided by a developer pursuant to the City's subdivision or zoning regulations or requirements. Search code

**"Major Street Plan"** See Official Map.

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

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

**"Minor Subdivision"** Any subdivision containing not more than five (5) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the

General Plan, Official Map, Zoning Ordinance, or these regulations. Needs to match what is in the rest of the ordinance.

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

**"Office Development Project"** means any new construction, addition, extension, conversion, or enlargement, or combination thereof, of an existing structure which includes any gross square feet of office space. May be Unnecessary.

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

**"Off-Site Facilities/Improvements"** Improvements not on individual lots but generally within the boundaries of the subdivision which they serve. Off-site facilities are indicated on the construction drawings, plat and outlined in the subdivider's escrow agreement, agreements with secondary water companies, public utility companies, covenants conditions and restrictions, irrigation companies and/or similar agreements.

**"Official Map"** The map established by the City Council pursuant to law showing the streets, highways, parks, drainage systems, utilities, and parcel information setback lines theretofore laid out, adopted, and established by law, and any amendments or additions to be adopted by the City Council. Ask Bryce Wilcox/Mike Child

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

Formatted: Highlight  
Formatted: Font: Times New Roman, 10 pt

Formatted: Strikethrough, Highlight  
Formatted: Strikethrough, Highlight  
Formatted: Strikethrough  
Formatted: Strikethrough

Formatted: Highlight  
Formatted: Highlight  
Formatted: Strikethrough  
Formatted: Strikethrough  
Formatted: Strikethrough

Formatted: Strikethrough  
Formatted: Highlight  
Formatted: Highlight

Formatted: Highlight  
Formatted: Font: Times New Roman, 10 pt  
Formatted: Font: Times New Roman, 10 pt

Formatted: Highlight  
Formatted: Highlight  
Formatted: Highlight

Formatted: Highlight  
Formatted: Font: Times New Roman, 10 pt  
Formatted: Strikethrough, Highlight  
Formatted: Highlight  
Formatted: Highlight  
Formatted: Highlight  
Formatted: Strikethrough, Highlight

Formatted: Highlight  
Formatted: Strikethrough, Highlight  
Formatted: Strikethrough

Subdivisions

Section Chapter 2

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

Contiguous quantity of land, in possession of, or owned by, or recorded as the property of, the same claimant person. Land in one ownership, but physically divided by a public highway, road or street, in not considered contiguous under this definition, and may therefore be used as two (2) or more individual parcels of land.

Formatted: Highlight

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

Formatted: Strikethrough

“Owner” Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land, sought to be subdivided under these regulations.

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

Formatted: Strikethrough

Formatted: Strikethrough

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

Formatted: Strikethrough

Formatted: Strikethrough

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

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

Formatted: Highlight

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

“Plat” A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

Formatted: Highlight

Formatted: Highlight

Formatted: Strikethrough

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

“Plat, Final” A proposed subdivision drawn accurately to scale and which has all measurements, data, certificates and dedications thereon, which are required for approval and acceptance by the proper agencies and for recording in the office of the County Recorder.

Formatted: Strikethrough

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

“Plat, Preliminary” The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for approval.

Formatted: Strikethrough

“Planned Unit Development (PUD)” means a development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or nonresidential uses on the land. See Chapter 7 of the Zoning Ordinance. Rescinded as of date.

“Property Owners Association” means an association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision be it a lot, parcel, site, unit plot, condominium, or any other interest is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Highlight

Formatted: Highlight

Formatted: Font: Italic

Formatted: Font: Not Bold, No underline

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough, Highlight

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

END OF 020618 DISCUSSION

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





Subdivisions

~~Section~~ Chapter 2

hotel, motel, hospital, nursing home, or assisted living facility. Most likely not needed in the subdivision ordinance.

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

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

**“Right-of-Way”** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

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

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

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

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

~~“Road” - See Street - Keep~~

**“Screening”** Either (a) a strip at least five (5) feet wide of densely planted (or having equivalent natural growth) shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. A simple screen or buffer is a natural or manmade feature which separates land uses. Screening, buffering and landscaping requirements address visual, light and sound impacts as defined in Clinton City Ordinance.

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

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

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

**“Service Unit”** means either \_\_\_\_\_ which is the standardized measure of consumption, use, or generation attributable to a new unit of \_\_\_\_\_

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Highlight

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Highlight

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Strikethrough

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Strikethrough, Highlight

Formatted: Highlight

Subdivisions

Section ~~Chapter~~ 2

development, for that category of public facility and which is set forth in the impact fee schedules for that category of public facility, (is this definition needed?)

controls or is under common control with such applicant.

Formatted: Strikethrough, Highlight

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

“Street” See Road

Formatted: Highlight

“Structure” means anything constructed or erected.

Formatted: Highlight

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

Formatted: Highlight

Formatted: Strikethrough, Highlight

Formatted: Highlight

END OF DISCUSSION FROM STAFF MEETING

End of PC discussion 050118

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

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

Formatted: Font color: Orange

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

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

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

Formatted: Highlight

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

“Sketch Plat” means a sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

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

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

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

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

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

under direct or indirect common control with any of the foregoing.

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

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

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

**“Subdivision, Major”** See Major Subdivision

**“Subdivision, Minor”** See Minor Subdivision

**“Subdivision Plat”** means the final map or drawing, described in these regulations, on which the subdivider’s plan of subdivision is presented to the

Planning Commission and the City Council for approval and which, if approved, may be submitted to the County Clerk or Recorder of Deeds for filing.

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

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

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

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

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

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

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

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Strikethrough, Highlight

Formatted: Highlight

Formatted: Highlight