



CHAPTER 1

ADMINISTRATION AND PERMITS

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1. ADMINISTRATION AND PERMITS

2 SHORT TITLE

This ordinance shall be known as the Zoning Ordinance of the City of Clinton, Utah.

3 PURPOSE, INTERPRETATION AND CONFLICT

1.Purpose:

This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the

present and future inhabitants of the City of Clinton, including among other things, the lessening of congestion and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the City's commercial and industrial growth, and the protection of both residential and non-residential development.

2.Interpretation:

In interpreting and applying the provisions of this ordinance, requirements contained herein are declared to be the minimum requirements for the purposes set forth.

3.Conflict:

This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive.

4 CHANGES AND AMENDMENTS ⁸⁸

This zoning ordinance, including the maps, may be amended from time to time by the City Council after review and recommendation by the Planning Commission and with the requirements of public hearing outlined elsewhere in this ordinance. All proposed changes and amendments shall be proposed by or submitted to the Planning Commission for its recommendation, which, within ninety days, shall be forwarded to the City Council for its consideration. Failure of the Planning Commission to submit a recommendation within the prescribed time shall be deemed approval by such commission of the proposed change or amendment. The City Council shall approve, amend, and approve or overrule the recommendation of the Planning Commission by a majority vote of its members within ninety days following the final vote of the Planning Commission. The Council may chose to return a proposal to the Commission for further consideration with cause and stipulation of the items that the Council request by reconsidered, however the Council may not return a proposal for the same consideration more than once.

5 PUBLIC HEARINGS ⁸⁸

Public hearings that are required by this ordinance shall be accomplished as outlined herewith.

1.Amendments To The Zoning Ordinance

At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the municipality.

2.Application For Changes To Property Zoning

At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the municipality. Additionally, a two (2) foot by two (2) foot sign which, in contrasting letters announces a public hearing, a phone number at the city offices

where additional information may be obtained, and a copy of the public hearing. Lettering will be of contrasting color to the background and "Public Notice" will be three (3) inches tall, the phone number will be one and one-half (1 ½) inch tall letters. The copy of the public notice will be type written on an 8 ½" x 11" piece of paper contained in a weather resistant, transparent cover. A minimum of one (1) sign shall be placed on each frontage of the subject property.

3.Application for Conditional Uses

The Planning Commission shall call a Public Hearing on any Conditional Use request. Notice of such Public Hearing shall be published in a newspaper of general circulation in the municipality at least seven (7) days prior to said public hearing.²⁰ Notification of such review shall be sent to the applicant and all property owners within a 300-foot radius of the property under review. Said notification shall not be less than seven (7) days prior to the Conditional Use application and input from said parties.

4.Application for Non- Residential Site Plan and Architectural Approval

Uses proposed requiring a site plan review outlined in section 3.10 and 18.5 of this ordinance. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the municipality. Additionally, a sign as outlined in 2 above shall be placed on the property.

5.Tabled or Continued Hearings

When a public hearing or action as a result of a public hearing required by the Planning Commission or City Council is tabled or continued to another meeting the Commission or Council will stipulate a date when the item will be re-addressed. Public Notice of pending action shall be all that is required until final action is taken by the Planning Commission or Council as necessary as long as the hearing is opened to the public and the Commission or Council tables or continues to another meeting.

6 BUILDING PERMIT REQUIRED

1.Permits Required:

Except as specified in this ordinance no building or structure regulated by the Technical Building Codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has been obtained from the building official.

2. Work Exempt From Permit:

- a. Accessory to residential uses in a residential zone: placement of a one-story detached accessory structure provided the floor area does not exceed 200 square feet. Accessory to uses regulated by the International Building Code: placement of a one-story detached accessory structure provided the floor area does not exceed 120 square feet.¹⁰¹
- b. Fences not over 6 feet high.
- c. Movable cases, counters and partitions not over 5 feet 9 inches high.
- d. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding or have the potential for impounding Class I, II or III-A liquids.
- e. Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below.
- f. Painting, papering and similar finish work.
- g. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches.
- h. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy which are less than 2 feet deep and are emptied daily.

3. Full Code Compliance:

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items where required by the applicable Technical Building Codes.

Exemption from the permit requirements outlined above shall not be deemed to grant authorization for

any work to be done in any manner in violation of the provisions of the applicable Technical Building Codes.

**7 CERTIFICATE OF OCCUPANCY
REQUIRED**

No land shall be used or occupied and no building hereafter structurally altered or erected, shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the building or structure or the proposed use thereof, or the use of land complies with the provisions of this ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A Certificate of Occupancy either for the whole or part of a building or structure shall be applied for coincidentally with the application for a Building Permit and shall be issued within ten days after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this ordinance.

8 TERRITORY ANNEXED TO THE CITY

At the time of the annexation of new territory to the City of Clinton, the City Council shall classify such territory for zoning purposes according to the zones established by this Ordinance.

**9 ADMINISTRATION AND
ENFORCEMENT**

The Community Development Director or his/her designated representative is hereby charged with the administration and enforcement of the provisions of this Ordinance to include but not be limited to:

1. Permit:

A permit for the construction of or alteration of any building or structure, nor the issue of any Certificate of Occupancy for a change in the use of a structure or parcel of land, if such construction or alteration or change would be in violation or would involve a violation of any of the provisions of this Ordinance or any other ordinance of the City of Clinton or of any law of the State of Utah.

2. Enforcement:

The inspection of buildings in course of construction, alteration or repair, and any change in the use of land. If, in the course of such inspection or otherwise, it shall come to his/her attention that any use or contemplated use of land is in violation of the provisions of this Ordinance, he/she shall issue his written order to the person responsible therefore, ordering and directing such person to cease and desist such construction, alteration, repair or use. He/she shall report violations of this Ordinance to the City Attorney for prosecution and make complaint thereof before the court or courts having jurisdiction of such violation.

3. Police Assistance:

Obtain the assistance of the Police Department whenever in his/her opinion, such assistance is necessary in the investigation of a suspected violation of this Ordinance.

4. Rules and Regulations:

Reasonable rules and regulations necessary or desirable in the administration of this Ordinance may be established. Three copies of such rules and regulations shall be filed with the City Recorder and such rules and regulations shall become effective when so filed.

10 FEES AND ASSESSMENTS

The City Council may, by resolution, prescribe an exact payment of reasonable fees and assessments to cover the expense of reviewing applications for city action regulated by this ordinance to include but not limited to: conditional use permits; zoning changes; examining plans; issuing building permits; licenses; inspecting uses; and issuing Certificates of Occupancy and may determine the method of collecting such fees.

11 ISSUANCE OF LICENSES AND PERMITS BY CITY OFFICIALS

All departments, officials and public employees of the City of Clinton, Utah, which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance. Any permit inadvertently issued in conflict with the provisions of this Ordinance shall be null and void.

12 VIOLATION A NUISANCE

Any structure made or existing illegally, and any use of land in violation of any provision of this Ordinance is hereby deemed a public nuisance and may be abated by appropriate proceedings.

13 VIOLATION A MISDEMEANOR

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine or not more than two hundred ninety-nine dollars or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, maintained, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

