

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
January 8, 2013 – REGULAR SESSION
Revised January 7, 2013

City Council Chambers
55 South State Street
Third Floor
Clearfield, Utah

Mission Statement: To provide leadership in advancing core community values; sustain safety, security and health; and provide progressive, caring and effective services. We take pride in building a community where individuals, families and businesses can develop and thrive.

6:30 P.M. WORK SESSION

Discussion on the Park Capital Facilities Plan and Park Impact Fee Study
Discussion on the Title 11, Chapter 15 – Sign Regulations

(Any items not addressed prior to the Policy Session will be addressed in a Work Session immediately following the Policy Session)

7:00 P.M. REGULAR SESSION

CALL TO ORDER:

Mayor Wood

OPENING CEREMONY:

Councilmember Bush

APPROVAL OF THE MINUTES:

December 4, 2012 – Special Session

December 11, 2012 – Regular Session

SCHEDULED ITEMS:

1. CITIZEN COMMENTS
2. CONSIDER APPROVAL OF ORDINANCE 2013-01 APPROVING TEXT AMENDMENTS TO TITLE 11 – LAND USE, ESTABLISHING A NEW MIXED USE (MU) ZONING DISTRICT

BACKGROUND: The proposed amendments to Title 11 – Land Use, establishing a new Mixed Use (MU) zoning district in the City had been presented and discussed during the December 4, 2012 City Council work session. The public hearing for the proposed ordinance took place on Tuesday, December 11, 2012 and no public comments were received. The Planning Commission also held a public hearing on the amendments Wednesday, December 5, 2012 and unanimously recommended approval.

RECOMMENDATION: Approve Ordinance 2013-01 Approving text amendments to Title 11 – Land Use, Establishing a New Mixed Use (MU) Zoning District, and authorize the Mayor's signature to any necessary documents.

COMMUNICATION ITEMS:

Mayor's Report
City Councils' Reports
City Manager's Report
Staffs' Reports

****COUNCIL MEETING ADJOURN****

Dated this 7th day of January, 2013.

/s/Nancy R. Dean, City Recorder

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

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. SPECIAL SESSION
December 4, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Kathryn Murray	Councilmember
	Mike LeBaron	Councilmember
	Bruce Young	Councilmember
PRESENT: VIA TELEPHONE:	Mark Shepherd	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Bob Wylie	Administrative Services Director
	Steve Guy	City Treasurer
	Jessica Hardy	Accountant
	Sean Montierth	IT Manager
	Chris Bateman	Management Intern
	Eric Howes	Community Services Director
	Scott Hodge	Public Works Director
	Valerie Claussen	Development Services Manager
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: There were no visitors

Mayor Wood called the meeting to order at 10:24 p.m.

CONSIDER APPROVAL OF RESOLUTION 2012R-22 AUTHORIZING AMENDMENTS TO THE INTERLOCAL AGREEMENT WITH THE DAVIS SCHOOL DISTRICT REGARDING USE OF THE CLEARFIELD AQUATIC CENTER WEIGHT ROOM – TABLED

Brian Brower, City Attorney, explained the current agreement and the proposed amendment would continue to preclude Aquatic Center patrons from using the weight room during school hours. He stated he had contacted the School District's attorney who expressed agreement that should be addressed in the amendment. He requested the Council table the item.

Councilmember LeBaron moved to table approval of Resolution 2012R-22 authorizing amendments to the interlocal agreement with the Davis School District regarding use of the Clearfield Aquatic Center Weight Room, seconded by Councilmember Bush. All Voting AYE.

CONSIDER APPROVAL OF AMENDMENTS TO THE CONTRACT WITH MERRILL SHERRIFF CONSTRUCTION FOR THE WEST PARK VILLAGE PARK AND BARLOW PARK PROJECTS

Eric Howes, Community Services Director, reminded the Council that Merrill Sherriff Construction was the contractor selected to complete the West Park Village Park project. He stated he was proposing amendments be made to the contract authorizing them to complete identified improvements needed at Barlow Park. He pointed out funding had been appropriated for the Barlow Park project and amending the contract with Merrill Sherriff would save the City significant funds in the form of construction materials for concrete work in addition to savings specific to mobilization costs. He directed the Council to the provided illustration. Mr. Howes reviewed the costs of the projects thus far and expressed his opinion there would still be funds available for grass and landscaping. He indicated this would not change the scope of the work for the expanding the project.

Councilmember LeBaron moved to approve amendments to the contract with Merrill Sherriff Construction for the West Park Village Park and Barlow Park Projects for a proposed cost of \$21,500 with a contingency of \$2,500 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Murray. All voting AYE.

There being no further business to come before the Council **Councilmember Young moved to adjourn at 10:30 p.m., seconded by Councilmember LeBaron. All voting AYE.**

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. REGULAR SESSION
December 11, 2012

PRESIDING:	Don Wood	Mayor
PRESENT:	Kent Bush	Councilmember
	Kathryn Murray	Councilmember
	Mike LeBaron	Councilmember
	Mark Shepherd	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Valerie Claussen	Development Services Manager
	Steve Guy	City Treasurer
	Bob Wylie	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder

VISITORS: Ivan Anderson, Lorin Allen, Justin Allen, Chris Williams, Kiersten Page, Trisha Arnita, Chuck Ulrich, Heather Christopherson

Mayor Wood informed the citizens present that if they would like to comment during the Public Hearings or Citizen Comments there were forms to fill out by the door.

City Councilmember Young conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE NOVEMBER 13, WORK SESSION AND THE NOVEMBER 13, 2012 REGULAR SESSION

Councilmember LeBaron moved to approve the minutes from the November 13, 2012 work session and the November 13, 2012 regular session as written, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

PRESENTATION TO IVAN ANDERSON FOR RECOGNITION OF HIS SERVICE ON THE NORTH DAVIS SEWER DISTRICT BOARD OF TRUSTEES

Ivan Anderson had served as the City's representative on the North Davis Sewer District for 24 years. The City desired to recognize him for his dedicated service. Mayor Wood and the City Council presented Mr. Anderson with a plaque expressing appreciation for his service.

Ivan Anderson, the City's representative to the North Davis Sewer District's Board of Trustees, stated it was a privilege to address the Council this evening as it would be his last report. He stated he had enjoyed his time serving the City on the Sewer Board. He indicated he began serving in 1988 and had been the Chairman of the Board since 1990. He stated Mayor Wood would be proposing a new representative which would be sworn in on Thursday, January 10, 2013. He expressed his opinion the City's next representative had the potential to be an effective leader as the position could very well be the next Chair. He reported the District had approved a \$30,000,000 Revenue Bond which had been appropriated for new storage tanks to accommodate sludge. He stated this improvement would accommodate sewer needs in the County for approximately 10-12 years.

Mr. Anderson stated when he first began his service on the Board, the District served approximately 45,000 residents and it now served approximately 100,000 residents. He stated one of the reasons he had enjoyed his years of the service on the Board because he had been able to witness projects come to fruition and completion which was different than his experience of serving on the City Council. He pointed out the staff working at the District worked in a very dangerous environment and expressed his confidence in the staff of the District. He explained the circumstances in which then Mayor Hamblin requested Mr. Anderson serve on the Board and believed he had been able to save the City significant funds over the years by his service on the Board. He expressed his appreciation for the opportunity to serve the residents of Clearfield City.

Councilmember Shepherd complimented Mr. Anderson for representing the City on the Board for 24 years and commented most people don't stay employed by one company for that long. He presented Mr. Anderson with a plaque acknowledging his service to the City and read the plaque.

PRESENTATION TO CHRIS WILLIAMS FOR RECOGNITION OF HIS SERVICE ON THE NORTH DAVIS FIRE DISTRICT'S ADMINISTRATIVE CONTROL BOARD

Chris Williams had served as the City's representative to the North Davis Fire District for four years. The City desired to recognize him for his dedicated service. Mayor Wood and the City Council presented Mr. Williams with a plaque expressing appreciation for his service.

Chris Williams stated he had enjoyed the opportunity to represent Clearfield City on the North Davis Fire District Board of Directors. He expressed appreciation for the opportunity to work with Councilmembers Murray and Shepherd for their expertise with an eye for detail and commented how tight the District's budget was. He complimented the dedicated staff of the District. He stated he thoroughly enjoyed the experience and believed he benefitted more from the service opportunity than the District had benefitted from his service.

Councilmember Murray stated she also had benefitted from working with Mr. Williams on the NDFD Board and presented him with a plaque and read it during the meeting.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO TITLE 11
– LAND USE ESTABLISHING A NEW MIXED USE ZONING DISTRICT

The Planning Commission prepared amendments to Title 11- Land Use that would establish a new Mixed Use (MU) zoning district. It held a public hearing on the amendments December 5, 2012. The zone could apply to developments with a minimum size of 40 acres.

Mayor Wood declared the public hearing open at 7:21 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember Bush moved to close the public hearing at 7:22 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

PUBLIC HEARING TO RE-OPEN THE 2012/2013 FISCAL YEAR BUDGET

State Law required a public hearing before the City Council approves amendments to the City budget. Bob Wylie, Administrative Services Director, presented amendments for the 2012/2013 Fiscal Year Budget. He directed the Council to the document included in the agenda packet as he reviewed the amendments.

Mayor Wood declared the public hearing open at 7:25 p.m.

Mayor Wood asked for public comments.

There were no public comments.

Councilmember LeBaron moved to close the public hearing at 7:26 p.m., seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

CITIZEN COMMENTS

There were no public comments.

PRESENTATION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE
YEAR ENDING JUNE 30, 2012

Chuck Ulrich of Ulrich & Associates, P.C. presented Clearfield City's Comprehensive Annual Report (CAFR) for the year ending June 30, 2012 and addressed any questions the Council had

concerning the report. He pointed out the City had exceeded the unassigned General Fund balance of eighteen percent and would need to appropriate approximately 2.5 million dollars toward projects. He emphasized the City was in excellent financial condition. He expressed appreciation to Finance staff for their efforts in completing the audit.

Adam Lenhard, City Manager, expressed appreciation to the Council and the Finance staff for their work associated with the audit. He expressed his opinion the City had implemented good policies which had allowed the City to weather the recent recession so well.

Mayor Wood also expressed appreciation to Bob Wylie, Administrative Services Director, and the Finance staff.

Councilmember Murray moved to accept Clearfield City's Comprehensive Annual Financial Report for the year ending June 30, 2012, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF THE APPOINTMENT OF INDIVIDUALS TO SERVE ON THE CITY'S PLANNING COMMISSION

Norah Baron had been serving as an alternate on the Planning Commission. Staff was recommending she be appointed to a regular member to fill the vacancy created by the resignation of Bill Moore. The Council recently interviewed other individuals interested in serving on the Planning Commission. Staff recommended Tim Roper and Keri Benson be appointed to the Planning Commission as alternate members.

Councilmember LeBaron moved to approve the Mayor's appointments of Norah Baron as a regular member to the Planning Commission with a term expiring February 2014, Tim Roper as an alternate member of the Planning Commission with a term expiring February 2017 and Keri Benson as an alternate member of the Planning Commission with a term expiring February 2016 and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF RESOLUTION 2012R-23 AUTHORIZING THE ANNEXATION OF CERTAIN AREAS IN WEST POINT INTO THE NORTH DAVIS FIRE DISTRICT

Various areas had been annexed by West Point over the past several years which were not annexed into the boundaries of the North Davis Fire District (NDFD). The Clearfield City Council acted as the Governing Authority of the NDFD and therefore approval of the annexation was necessary.

Councilmember Shepherd moved to approve Resolution 2012R-23 authorizing the annexation of certain areas in West Point into the North Davis Fire District (NDFD) and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Young.. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF RESOLUTION 2012R-24 AMENDING THE 2012/2013 FISCAL YEAR BUDGET

Councilmember LeBaron inquired about the Community Art Center renovation with respect to the replacement of the large windows replacement for \$36,000. He expressed his opinion it would be in the best interest of the City to also replace the small windows in addition to the large windows for an additional cost of \$54,000. He believed a cost savings would be recognized by only having to bid the project once, same window manufacturer and installation in addition to any energy savings.

Councilmember Bush requested benches also be included as a line item for park improvements and believed the appropriated funds for picnic tables and garbage cans would be sufficient for the inclusion. Councilmember Murray inquired if the picnic tables had to be ADA approved. She stated she had seen a vandalized ADA table at a City Park and suggested the City replace the tables with regular tables as opposed to the ADA approved tables. Eric Howes, Community Services Director, responded there were several types of tables available for the City to purchase and believed the City should be prepared to meet ADA needs.

Adam Lenhard, City Manager, inquired if the \$40,000 funds appropriated for park improvements could accommodate the park bench inclusion. Mr. Howes believed some park benches could be provided. Councilmember Murray inquired where the benches would be placed. Mr. Howes indicated they would be placed near the playgrounds.

Councilmember Murray stated she would be inclined to determine the cost of the benches and wait until the re-opening of the budget in June to ensure there sufficient funds for picnic table replacement and garbage cans. A discussion took place regarding the cost for picnic table replacement and garbage can replacement. Councilmember LeBaron pointed out if the City waited they might not be in place when experiencing good weather.

Councilmember LeBaron moved to approve Resolution 2012R-24 amending the 2012/2013 Fiscal Year Budget specifically including \$54,000 the small window replacement at the Community Arts Center and adding the verbiage of bench and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF THE CLEARFIELD PARK MEADOWS SUBDIVISION PHASE 5 FINAL ACCEPTANCE AND RELEASE OF ESCROW

In accordance with Title 12, Chapter 9, of the Clearfield City Code, the city engineer had completed the final inspection of the Meadows 5 Subdivision and found all improvements to have been installed correctly. The warranty period was over and the city engineer recommended final acceptance of the improvements for perpetual maintenance and a release of the escrow by the City Council.

Councilmember Young moved to approve the Meadows 5 Subdivision final acceptance and release of escrow and authorize the Mayor's signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF ORDINANCE 2012-16 AMENDING THE UTILITY RATES IN THE CONSOLIDATED FEE SCHEDULE

A new three-year utility rate fee structure was identified as part of a recent analysis. The new fee structure will provide the necessary funding for the City to maintain and operate its water, sewer and storm sewer utility systems.

Bob Wylie, Administrative Services Director, pointed out an additional change since the work session discussion was the increase of the utility deposit from \$65 to \$120.

Councilmember Shepherd moved to approve Ordinance 2012-16 amending the utility rates in the Consolidated Fee Schedule and authorize the Mayor's signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF RESOLUTION 2012R-22 AMENDING THE INTERLOCAL AGREEMENT WITH THE DAVIS SCHOOL DISTRICT REGARDING THE SHARED USE OF THE WEIGHT ROOM AT THE AQUATIC CENTER

In 2003, the City entered into an Interlocal Agreement with the Davis School District to jointly plan for, construct, operate and maintain a shared facility gymnasium which included the weight room at the Aquatic Center. The City and the District desired to amend the agreement as it relates to the weight room.

Brian Brower, City Attorney, pointed out the original agreement prohibited the City from using the weight room during school hours. He reported the amendment included verbiage which reflected joint use of the weight room and directed the Council to the provided amendment.

Councilmember Young moved to approve Resolution 2012R-22 amending the Interlocal Agreement with the Davis School District with the provided amendment regarding the shared use of the weight room at the Aquatic Center and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF ORDINANCE 2012-14 AMENDING VARIOUS SECTIONS OF THE CLEARFIELD CITY CODE DEALING WITH PURCHASING AUTHORIZATIONS, APPROVING AND EXECUTING CONTRACTS

This ordinance created amendments that delegate additional authority to the mayor, city manager and department heads in the procurement process for general operations of the City.

Councilmember LeBaron moved to approve Ordinance 2012-14 amending various sections of the Clearfield City Code dealing with purchasing authorizations, approving and executing contracts and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF ORDINANCE 2012-15 AMENDING TITLE 1, CHAPTER 6, SECTION 2E OF THE CLEARFIELD CITY CODE DEALING WITH THE APPOINTMENT OF A MAYOR PRO TEMPORE

This ordinance clarified the process used to select a mayor pro tempore in the absence of the mayor.

Brian Brower, City Attorney, explained the current ordinance indicated the Council would elect a mayor pro tem and stated that had not been the current practice. He stated staff had drafted an ordinance reflecting the current practice of which the Mayor would appoint the mayor pro

tempore, with the advice and consent of the City Council. He added in the absence of the Mayor and mayor pro tem the City Council would elect a mayor pro tem.

Councilmember Bush moved to approve Ordinance 2012-15 amending Title 1, Chapter 6, Section 2E of the Clearfield City Code dealing with the appointment of a mayor pro tempore and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Shepherd. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

APPROVAL OF RESOLUTION 2012R-25 MAKING AN APPOINTMENT TO THE NORTH DAVIS SEWER DISTRICT'S BOARD OF TRUSTEES

Ivan Anderson's term on the North Davis Sewer District would expire on December 31, 2012. Mayor Wood was proposing Councilmember Kent Bush be appointed to fill the vacancy.

Mayor Wood stated he had taken into consideration each councilmember's various assignments and current appointments in addition to occupations and other responsibilities in making his proposal. He announced he was proposing Councilmember Kent Bush to be appointed to the North Davis Sewer District's Board of Trustees.

Nancy Dean, City Recorder, indicated State Code referred to a four year term.

Councilmember LeBaron moved to approve Resolution 2012R-25 appointing Councilmember Kent Bush as a representative for Clearfield City on the North Davis Sewer District's Board of Trustees, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NO – None.

COMMUNICATION ITEMS

Mayor Wood –nothing to report.

Councilmember Bush

1. Expressed appreciation at being appointed to the North Davis Sewer District's Board of Trustees and stated he would represent the City to the best of his abilities.
2. Reported he had attended Boonanza and Dart the Turkey events at the Aquatic Center. He expressed appreciation to the Community Services staff. He complimented Eric Howes, Community Services Director, for the staff's had work in providing worthwhile activities in the community.
3. Stated he had also attended the Community Band Concert on Thursday, December 6, 2012. He stated he enjoyed the performance of Handel's Messiah.

Councilmember LeBaron – nothing to report.

Councilmember Murray –nothing to report.

Councilmember Young –nothing to report

Councilmember Shepherd –nothing to report.

Adam Lenhard, City Manager

1. Requested Mayor and Councilmembers report to the conference room following the meeting.
2. Announced probable date for Council Retreat was Tuesday, January 15, 2013.

STAFF REPORTS

Nancy Dean, City Recorder

1. Announced the next City Council meeting would take place on Tuesday, January 8, 2013. She stated she would be emailing the 2013 annual meeting schedule. She pointed out all meetings were scheduled for the second and fourth Tuesday of every month with the exception of August. She continued no meeting was scheduled for the second Tuesday in order to accommodate a Primary Election if necessary.
2. She informed the Council Declaration of Candidacy had been changed to June 1-June 15, 2013. She stated this would allow military voters overseas to meet the dates associated with voting by mail. She expressed her desire to contract with Davis County to provide election services for the Municipal Election. She announced the Mayor position and two Council seats were up for election.
3. Reminded the Mayor and Council of the City Christmas Party on Friday, December 21, 2012, 6:30 p.m. at the Timbermine Restaurant. She stated money needed to be paid to Finance by Monday, December 17, 2012.

There being no further business to come before the Council **Councilmember Bush moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency at 8:22 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, LeBaron, Murray, Shepherd and Young. Voting NAY – None.**

The minutes for the CDRA are in a separate location



Community Development

Planning & Zoning, Building Inspections,
Business Licensing, and CDBG Administration

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: Valerie Claussen, MPA, AICP
Development Services Manager
vclaussen@clearfieldcity.org or (801) 525-2785

MEETING DATE: January 8, 2013

SUBJECT: Discussion and Possible Action on the adoption of **Ordinance 2013-01**, which would enact text amendment ZTA 1208-0004, an amendment to the Clearfield City Land Use Ordinance Title 11, for the establishment of a new Mixed Use (MU) zoning district within the City.

RECOMMENDATION

Move to **approve** the adoption of **Ordinance 2013-01**, which would enact the text amendment ZTA 1208-0004 for the establishment of a new Mixed Use zoning district within the City, based on the discussion and findings of the Staff Reports that have been received to date, and authorize the mayor's signature to any required documents.

EXECUTIVE SUMMARY

Planning Commission Recommendation

The Planning Commission held a public hearing and considered this item at the December 5, 2012 Planning Commission meeting and unanimously recommends approval of this text amendment to the City Council.

Background

The public hearing for this item was held at the December 11, 2012 Council meeting. No public comment was received. Ordinance 2013-01 is attached to this report and will enact the text amendment and establish a new Mixed Use zoning district (*See Attachment A*). This item was also previously discussed at the City Council Work Session on December 4, 2012. All of the related Planning Commission Staff Report and exhibits were included in that report.

ATTACHMENTS

A. Ordinance 2013-01

CLEARFIELD CITY ORDINANCE 2013-01

AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 11, Chapter 11 of the Clearfield City Code by enacting Article F – Mixed-Use Zone (MU) of said title.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 11, Chapter 11, Article F of the Clearfield City Code is hereby enacted to read as follows:

TITLE 11, CHAPTER 11 ARTICLE F. MIXED-USE ZONE (MU)

11-11F-1 Purpose

- A. The Mixed Use (MU) zoning district is intended to provide a variety of land uses that are purposely combined. Mixed-Use areas are intended to support a broad range of commercial, office, entertainment, recreational, civic and residential uses within single buildings (vertical mixed-use), or within neighborhoods (horizontal mixed-use). The Mixed-Use zoning permits non-residential development (i.e. commercial or employment), or non-residential and residential development, but it does not permit residential development without a substantial non-residential component.
- B. The following objectives are among those sought to be accomplished in the MU zone:
- 1) To assist in the fulfillment of the goals, objectives and policies of the Clearfield City Master Plan and any amendments thereto.
 - 2) To accommodate variations in building design, lot arrangements and land uses that are of high quality.
 - 3) To provide for a coordinated and compatibly arranged variety of land uses through innovative site planning.
 - 4) To provide a maximum choice in the types of environments for, commercial, employment, and residential uses and facilities.
 - 5) To encourage efficient and safe traffic circulation, including the separation of pedestrian from vehicular traffic.
 - 6) To encourage economy in the construction and maintenance of streets and utilities.
 - 7) To encourage the provision of usable open space.
 - 8) To maintain a reasonable quality of living standard and minimize adverse environmental impact on surrounding areas during development.

11-11F-2 Area Requirements

The minimum area of an MU Zone shall be forty (40) acres.

11-11F-3 Location

MU developments shall be located at transportation nodes and along transportation corridors and other locations where “walkable” components (e.g., housing choices, convenience commercial, employment, community facilities, transportation linkages, parks or other open space, schools, churches) are already present, planned, or where the size and scale of development is such that said components can be provided within the project itself. The location of the MU Zone shall typically be within a quarter (1/4) mile, or a five (5) minute walking distance, of the elements described above.

11-11F-4 Ownership

The development shall either be entirely owned by a single legal entity (whether by an individual, partnership or other corporate entity), or under option to purchase by such at the time of the application; otherwise, the application shall be filed jointly by all owners of the property.

11-11F-5 Zone Establishment

- A. Each proposed MU Zone shall be accompanied by a Master Development Plan (“MDP”), a document prepared by the applicant, which shall incorporate the provisions below and include, at minimum, the following items:
 - 1) Project Area
 - 2) Land Use Regulation Plan
 - 3) Residential and Non-Residential Acreage, Density, Units and Square footage
 - 4) Permitted Uses and Conditional Uses
 - 5) Development Standards (as described in this Chapter)
 - 6) Maximum Building Heights
 - 7) Circulation and Roads (e.g., delineating private and public)
 - 8) Architectural Controls (i.e., conceptual building elevations and design schemes)
 - 9) Parking and Loading Standards
 - 10) Open and Public Spaces
 - 11) Phasing Plan
 - 12) Sign Standards

- B. An MDP is intended to create well designed, pedestrian-oriented, economically viable neighborhoods and to achieve the related goals and objectives identified in the City’s Master Plan, particularly for the Mixed-Use Land Use Classification.

- C. An MDP should be a graphically oriented development code, clearly describing the required urban and architectural design patterns, while also carefully regulating the uses of the buildings and lots within the project area. An MDP should also specify the

allowed residential densities and intensity of the development that may be achieved for the entire project area. It should also describe and regulate the design of the public space network that provides the framework and infrastructure for the specified MU zoned property, focusing on a circulation network that balances the use of all travel modes, including automobiles, pedestrians, bicycles and transit.

- D. In the development of the MDP in the Mixed Use (MU) zone the following provisions shall be considered in order to protect the intended characteristics of the zone:
- 1) Development Standards: Standards, including the following but not limited to, area and frontage regulations, yard requirements, height regulations, lot coverage, parking, loading and access shall be established in the zoning amendment process (pursuant to 11-6-1) in conjunction with a submitted and approved MDP.
 - 2) Mixture of Unit Type: The blend or mixture of residential unit type (e.g., condominiums, apartments, twin homes, single-family, unit size, etc.), within a development shall be determined depending upon the size, scale, and location of the project. Housing units shall include a mix of housing types, housing size, and number of bedrooms.
 - 3) Traffic: The applicant shall demonstrate that all potential traffic concerns regarding existing intersections, substandard streets, inadequate improvements, and access are mitigated to the City's satisfaction. As determined by the City Engineer, a traffic study may be required.
 - 4) Surrounding Properties: The applicant shall demonstrate to the satisfaction of the City, that sufficient measures have been incorporated into the development plan to assure that adjacent properties will not experience significant adverse impacts as a result of the proposed development.
 - 5) Pedestrian Realm: In order to achieve an overall "walkable" development, appropriate land uses, pedestrian connections, cross easements, common driveways, consistent site standards, etc., must be coordinated within the respective MU zone area, even though properties may be individually owned.
- E. Minimum and exclusive standards. The requirements enumerated in an MDP regarding site development, massing, materials, construction methods, forms and colors are mandatory; standards that do not meet these requirements are not acceptable. The requirements enumerated in an MDP are minimum standards for the promotion of the public health, safety, and general welfare in a mixed-use zoning district.
- F. Phased developments and approved individual plats and site plans shall conform to the adopted MDP.

11-11F-6 Adoption by Ordinance

- A. The MDP shall be adopted by the ordinance, establishing the MU zone district, for a given property or project area. A development agreement between the City and the applicant may be required by the City Council and executed before the zoning designation shall be effective.
- B. Municipal Code Provisions. The MDP adopted by ordinance will be considered a subpart of the City's Zoning Ordinance, Title 11, and be identified by MDP Project Name.
- C. Relationship of Master Development Plan to Municipal Code:
 - 1) Municipal Code and Zoning Ordinance Provision. An adopted MDP is a subpart of the zoning ordinance. As is the case with other provisions of the Zoning Ordinance, all other provisions of the Clearfield City Municipal Code continue to apply within an approved MDP.
 - 2) If a conflict occurs between a requirement or other provision of an adopted MDP and a requirement or other provision of the Zoning Ordinance, the provision of the MDP shall control regardless of whether the MDP provision is more liberal or more restrictive. In any instance where there is no conflict between a requirement of an adopted MDP and a requirement or other provision of the Zoning Ordinance because a development-related subject is addressed in the Zoning Ordinance, but not in the MDP, the zoning ordinance provision shall apply.
 - 3) In any instance where there is no conflict between a requirement of MDP and a requirement or other provision of the Municipal Code because a regulatory subject is addressed elsewhere in the Municipal Code, but not in an adopted MDP (such as, by way of example but without limitation, the home occupation requirements set forth in Title 11, Chapter 16 of the Municipal Code), the Municipal Code provision is intended to, and shall, apply.

11-11F-7 Findings for Approval

- A. The Planning Commission must make the following findings to approve a recommendation to the City Council for re-zoning the property to the MU zone:
 - 1) The MDP is consistent with the statement of objectives of a mixed-use (MU) zone contained in this Chapter.
 - 2) To the extent that the MDP departs from zoning and subdivision regulations otherwise applicable to the property (including but not limited to density, bulk and use) it is nevertheless still consistent with adopted master plan land use maps and

policies. Architectural controls and other quality measurements of design are clearly articulated in the MDP.

- 3) The ratio of residential to non-residential uses in the planned development is consistent with the Master Plan; specifically, that the MDP provides a substantial non-residential component in comparison with the residential uses proposed.
 - 4) The proposed development can be adequately served by public facilities and complies with the minimum design criteria for these public facilities, including but not limited to water, storm drain, sewer, and roads. Any upgrades or necessary improvements to public facilities have been clearly identified and the responsibility of construction and costs will not be incurred by the City.
 - 5) Any development-related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods, are mitigated by improvements or modifications either on-site or within the public right-of-way.
 - 6) The common open space provided in the MDP exceeds the minimum area and improvement standards.
 - 7) Where an MDP proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the project area and the integrity of the plan and, where the plan provides for phases, the period in which the application for each phase must be filed.
 - 8) That each individual unit or phase of the development, as well as the total development, can exist independently and be capable of creating a good environment in the locality and be as desirable and stable in any phase as in the total development.
 - 9) The project will not result in material prejudice of surrounding properties, and will not endanger the health, safety, and welfare of the community.
 - 10) The MDP has a beneficial relationship to the neighborhood and area in which it is proposed to be established. This also includes providing a thorough analysis and adequate documentation of the impact the zoning may have on the City's public schools.
- B. Length of approval. Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the approval of the MDP. After construction commences, the MDP shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the MDP. It is anticipated that the specific project phasing may require Planning Commission review and reevaluation of the project at specified points in the development of the project.

11-11F-8 Development Review

- A. As determined through the MDP approval, portions of the project area that are specifically given Site Plan approval will proceed directly to the building and engineering permitting process (pursuant to § 11-2-3). Portions of the project that are not identified as obtaining Site Plan approval at the time of the MDP approval, will proceed through the Site Plan approval process (pursuant to § 11-5-1).
- B. Should at any time, the determination be made by the Zoning Administrator, or assigned designee, that submitted construction documents are not in substantial conformance with the approved MDP, the submittal will be referred to and reviewed by the Planning Commission and will follow the modification procedures as outlined in this Chapter.
- C. Construction without approval is prohibited. No building or zoning permit shall be issued for any use under a MU zoning designation prior to approval of the MDP as prescribed herein.

11-11F-9 Modifications or Amendments

- A. Modifications to an adopted MDP, which constitute a change in concept, land use, density, unit type, or configuration of any portion or phase of the MDP will justify review of the amendments by the Planning Commission and the City Council.
 - 1) The proposed amendments will be brought to the Planning Commission and City Council for review and determination. The Planning Commission will make a recommendation to the City Council on whether the proposed modifications are of a material change to the MDP. The City Council will make a final determination on whether the proposed modifications constitute a material change.
 - 2) If the proposed modification is determined by the City Council to be of a material change, the project will be required to go through the Zoning Amendment process as outlined in Title 11 Chapter 6 and pay applicable application and review fees. An amended MDP will be required to be adopted by Ordinance.
- B. Future changes of use on developed properties in the MU Zone may still be subject to Site Plan or Conditional Use approval.

11-11F-10 MDP Administration

- A. Responsibility for Administration. The MDP shall be administered by the Zoning Administrator, or assigned designee and the other municipal decision-making authorities identified in the Plan. All findings, approvals, determinations and discretionary judgments, including those delegated to subordinates pursuant to the MDP by the Zoning Administrator, or assigned designees, shall be carried out in a manner consistent with the

purposes of the adopted MDP, the City Zoning Ordinance, the City Master Plan, and the orderly development of the City.

11-11F-11 MDP Interpretation

- A. Interpretation. Whenever the Zoning Administrator determines that the meaning or applicability of any requirement of the MDP is subject to interpretation generally or as applied to a specific case, the Zoning Administrator shall issue an official interpretation.
- B. Findings and Basis for Interpretation. The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the City Master Plan and Zoning Ordinance.
- C. Record of Interpretations. Official interpretations shall be in writing and shall quote the provisions of the MDP being interpreted, the applicability in the specific or general circumstances that caused the need for interpretations, and the determination.
- D. Appeal of Interpretations. Any appeal of an MDP interpretation issued by the Zoning Administrator shall follow the appeal process for Administrative Approvals as outlined in § 11-1-3.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 8th day of January, 2013.

CLEARFIELD CITY CORPORATION

Donald W. Wood, Mayor

ATTEST:

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED: