MEETING NOTICE OF THE CLEARFIELD CITY PLANNING COMMISSION

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at 7:00 P.M., Wednesday, August 3, 2016, on the 3rd floor in the City Council Chambers of the Clearfield City Municipal Building, 55 S. State, Clearfield, Utah.

7:00 PM CALL TO ORDER-- PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES
   A. July 6, 2016

PUBLIC HEARINGS: No public hearing items are scheduled for this meeting.

SCHEDULED ITEMS:

2. Discussion and Possible Action on SP 1607-0001, a request by Penny Dennis for Site Plan approval of a drive-thru restaurant, located at 585 N. Main Street (TIN: 14-071-0039). The property is approximately 0.62 acres and lies in the C-2 (Commercial) zoning district.

3. Discussion and Possible Action on SP 1607-0002, a request by Penny Dennis for Site Plan approval of a Dollar Tree store, located at 567 N. Main Street (TIN: 14-071-0040). The property is approximately 0.62 acres and lies in the C-2 (Commercial) zoning district.

DISCUSSION ITEMS:

4. Amendments to Title 11 & Title 12
5. Draft Beekeeping ordinance

COMMUNICATION AND TRAINING:

6. Staff Communications:
   A. August training via LUAU – Conditional Use Permits (CUPs)
      i. September training – Legislative Body and Appeal Authority
7. Planning Commissioners’ Minute

**PLANNING COMMISSION MEETING ADJOURNED**

Dated this 31st day of July, 2016
/s/Spencer W. Brimley, Development Services Manager

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 accommodations for City sponsored public meetings, service programs, or events, should call Christine Horrocks at 525-2780, giving her 48 hours notice.
TO: Planning Commission

FROM: Spencer W. Brimley, MRED
Development Services Manager
Spencer.Brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: August 3, 2016

SUBJECT: Discussion and Possible Action, on SP 1607-0001, a request by Penny Dennis for Site Plan approval for a drive-thru restaurant shell, located at 585 N. Main Street (TIN: 14-071-0039). The property is approximately 0.62 acres and lies in the C-2 (Commercial) zoning district.

RECOMMENDATIONS
Move to approve SP 1607-0001, a request by Penny Dennis for Site Plan approval of a drive-thru restaurant shell, located at 585 N. Main Street (TIN: 14-071-0039), based on discussion and findings in the staff report.

PROJECT SUMMARY

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<td>Gross Site</td>
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<th>Development Standards:</th>
<th>Proposed</th>
<th>Required</th>
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<tbody>
<tr>
<td>Lot Size</td>
<td>0.62 acres</td>
<td>No minimum</td>
</tr>
<tr>
<td>Lot Width</td>
<td>&gt;35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>118 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Side</td>
<td>22 feet and 15 feet</td>
<td>0 and 0 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>81 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Landscaping</td>
<td>&gt;10%</td>
<td>10%</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>18 spaces</td>
<td>1 spaces/100 sq. ft.</td>
</tr>
</tbody>
</table>
ANALYSIS

General Plan and Zoning
The applicant is proposing to development to a 2,240 square foot drive-thru restaurant shell, on 0.62 acres. This area of the city is zoned commercial with similar uses in the area and surrounding the property on all sides, excluding property to the west. The applicant is proposing to build a new structure for a drive-thru restaurant, which requires site plan review and approval by the planning commission.

The General Plan for the City has this area listed as commercial for the foreseeable future. Additionally, this area is also included in the area being evaluated for the Clearfield Downtown Plan.

Site Plan Review
DESIGN STANDARDS
Chapter 18 Design Standards of the Land Use Ordinance regulates new construction, and construction that requires a building permit. The chapter focuses on the use of quality materials for new and renovated structures. Staff would recommend that the applicant review Chapter 18, and make sure that selected exterior materials meet the intent of the City Code. Conformance with Chapter 18 will be confirmed prior to issuance of a building permit.
The proposed structure does not have a user yet and so it is being proposed for site plan approval, prior to a tenant being selected. Any retail/restaurant would be a permitted use in the zone, and thus approval of this structure may require additional review for the design of the building and other, tenant specific items. The applicant is requesting site plan approval of a building that will be developed in conformance with title 18. Staff is recommending an administrative approval be allowed for the final tenant who will occupy this building. The building is required to be an all-weather finished material that is painted, and conforms to Chapter 18 Design Guidelines. It is Staff’s opinion that this structure meets the intent of the Chapter 18 guidelines as proposed and can be handled administratively, at the time a tenant is selected.

Conformance with Chapter 18 Design Guidelines is included as a condition of approval.

SITE CIRCULATION and PARKING
The site will have a single drive access on the east side of the lot from Main Street. There will be a cross access agreement and connection to the KFC to the north and the dollar tree to the south. Approval from UDOT is required for access to the property, from Main Street. The applicant will be required to submit to the City UDOT’s written approval of any access changes. Stalls are proposed to be shared between this site and the Dollar Tree site directly south.

LANDSCAPING
Minimum landscaping that needs to be provided is 10%. The landscaping plan may include storm water detention areas. Minimum landscaping standards of 11-13-23 will also have to be demonstrated. The site plan storm detention facility must meet the requirements specified in the City Engineer’s letter. This item is included as a condition of approval.

GARBAGE DUMPSTER
There is a garbage dumpster enclosure shown on the west side of the site plan drawing. Increased landscaping could be provided, surrounding the dumpster enclosure, to soften it visually. At a minimum per City Code, any on-site dumpster must be screened from view within an approved enclosure. Given the nature of the business, staff is confident the location will have a minimal negative impact and should not cause any disturbance to the residents greater than the inherent disturbance the existence of a standard dumpster might have.

This item is included as a condition of approval.

FENCING PLAN
The chain link on the property must be removed and replaced with a fence of appropriate materials. Under the site plan review, the planning commission has the ability to review and approve the exact location, height and type of materials of a wall or fence. Fencing along the north and/or south sides of the property would create unnecessary barriers and reduce the ability of pedestrians to park and patronize any of the adjacent retail businesses. Staff would recommend fencing along the boundary of the parcel that abuts residential. City Code, 11-11B-12 requires fencing to separate commercial uses from residential zones or uses. Should the Commission decide to require additional fencing they should clarify the expectations of changes in a Condition of Approval.

SIGN PACKAGE
Signage is not included as part of this Site Plan approval.

AGENCY REVIEWS
Fire Department Review
North Davis Fire District (NDFD) must review and approve plans prior to final approvals being granted.

Public Works Review / Engineering Review
The Public Works Director and City Engineer are reviewing this item. All required items must be met prior to issuance of land use approval and certificate of occupancy. Storm drain and other improvements can be handled following decision by the Planning Commission.

Public Comment
No public comment has been received for this item.

REVIEW CONSIDERATIONS

Site Plan Review
Clearfield Land Use Ordinance Section 11-5-3 establishes the review considerations the Planning Commission shall make to approve Site Plans. The findings and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>Review Consideration</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traffic:</strong> The effect of the site development plan on traffic conditions on abutting streets.</td>
<td>This site has adequate access from Main Street. Staff does not foresee any traffic impacts from this site. Access on a State-owned road is controlled by UDOT and may be subject to additional approvals. No backing onto Main is allowed. A cross access agreement with the property to the north should be labeled on the site plan and any other drawings.</td>
</tr>
<tr>
<td><strong>Vehicle; Pedestrian:</strong> The layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.</td>
<td>Pedestrians and vehicle access to and around the site will not be substantially changed or impacted.</td>
</tr>
<tr>
<td><strong>Off-Street Parking:</strong> Compliance of off-street parking facilities with Chapter 14 of this Title.</td>
<td>All new parking facilities must meet applicable code and requirements. Parking lot will be design in accordance with Clearfield City Code 11-14-5</td>
</tr>
<tr>
<td><strong>Loading and Unloading Facilities:</strong> The location, arrangement and dimensions of truck loading and unloading facilities.</td>
<td>Does not apply to this request.</td>
</tr>
<tr>
<td><strong>Surfacing and Lighting; Parking:</strong> The surfacing and lighting of off-street parking.</td>
<td>All exterior lighting shall provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be reduced to the minimum levels necessary for safety and security purposes. The use of motion sensors and timers is encouraged. New lighting for both the parking lot and exterior of the building, must meet city code.</td>
</tr>
<tr>
<td><strong>Screen Planting:</strong> The location, height and materials, of walls, fences, hedges and screen planting.</td>
<td>This site is not subject to screen plantings.</td>
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<td></td>
<td>Description</td>
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<td>------------------------------------------------------------------------------</td>
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<tr>
<td>7)</td>
<td><strong>Landscaping:</strong> The layout and appropriateness of landscaping.</td>
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<tr>
<td>8)</td>
<td><strong>Drainage:</strong> The effect of the site development plan on City storm water drainage systems.</td>
</tr>
<tr>
<td>9)</td>
<td><strong>Utility:</strong> The effect of the site development plan on City utility systems.</td>
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<td>10)</td>
<td><strong>Building Locations:</strong> Consideration of building locations on the site, elevations and relation to surrounding areas (Ord. 84-06B, 9-11-1984)</td>
</tr>
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<td>11)</td>
<td><strong>Exterior Design:</strong> Consideration of exterior design in relation to adjoining structures and area character to assure compatibility with other structures in the neighborhood, existing or intended. (Ord. 84-08, 10-23-1984)</td>
</tr>
<tr>
<td>12)</td>
<td><strong>Signs:</strong> Compliance of signs with Chapter 15 of this Title and particular consideration to the location of signs upon the site, their effect upon parking, ingress and egress, the effects upon neighboring properties and the general harmony of signs with the character of the neighborhood, existing or intended.</td>
</tr>
</tbody>
</table>
CONDITIONS OF APPROVAL

1. The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1607-0001; however, they will also include and address the following:
   a. The final engineering design (construction drawings) submitted for site improvements shall meet City standards and be to the satisfaction of the City Engineer.
   b. The final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.
   c. The final building plans shall meet the minimum standards for building materials as established in C-2 Zone. The final building plans shall conform to Chapter 18 Design Guidelines. The proposed architectural materials are a stucco and rock finish, and must be painted and maintained. Staff will provide administratively approval for exterior finishes at the time a tenant is selected for the building.
   d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. An adequate number of stalls must meet ADA standards. Parking Stalls must be 9x20.
   e. Site circulation must be designed in such a manner that on site traffic flow is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site.
   f. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
   g. A minimum of 10 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.
   h. Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.
   i. Damaged or missing concrete or asphalt shall be corrected and installed prior to final occupancy being granted.

2. The garbage dumpster must be screened. It is recommended that additional landscaping be added to soften the look of the dumpster enclosure.

3. Site Plan approval is subject to North Davis Fire District review and approval.

4. Site access on a State-owned right-of-way is subject to Utah Department of Transportation (UDOT) review and approval. Applicant to provide written approval from UDOT.

5. An oil/water separator must be installed on the floor drain, and be confirmed to be in working order prior obtaining final occupancy for the structure.

6. The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

ATTACHMENTS

1. Site Plan Set
TO: Planning Commission

FROM: Spencer W. Brimley, MRED
Development Services Manager
Spencer.Brimley@clearfieldcity.org (801) 525-2785

MEETING DATE: August 3, 2016

SUBJECT: Discussion and Possible Action, on SP 1607-0002, a request by Penny Dennis for Site Plan approval of a retail Dollar Tree store, at 567 N. Main Street (TIN: 14-071-0040). The property is approximately 0.62 acres and is located in the C-2 (Commercial) zoning district.

RECOMMENDATIONS
Move to approve SP 1607-0002, a request by Penny Dennis for Site Plan approval of a retail Dollar Tree store, located at 567 N. Main Street (TIN: 14-071-0040), based on discussion and findings in the staff report.

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<td>35 feet</td>
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<td>Setbacks</td>
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<td></td>
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<tr>
<td>Front</td>
<td>120 feet</td>
<td>5 feet</td>
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<tr>
<td>Side</td>
<td>8 feet and 15 feet</td>
<td>0 and 0 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>37 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Landscaping</td>
<td>≥10%</td>
<td>10%</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>32 spaces</td>
<td>3.5 spaces/1000 sq. ft.</td>
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ANALYSIS
General Plan and Zoning
The applicant is proposing to development of a 9,000 square foot Dollar Tree, retail store, on 0.62 acres. This area of the city is zoned commercial with similar uses in the area and surrounding the property on all sides.
sides, excluding property to the west. The applicant is proposing to build a new structure for a Dollar Tree store, which requires site plan review and approval by the planning commission.

The General Plan for the City has this area listed as commercial for the foreseeable future. Additionally, this area is also included in the area being evaluated for the Clearfield Downtown Plan.

**Site Plan Review**

**DESIGN STANDARDS**

Chapter 18 Design Standards of the Land Use Ordinance regulates new construction. The chapter focuses on the use of quality materials for construction of new project within the City. Conformance with Chapter 18 will be confirmed prior to issuance of a building permit and it is the responsibility of the applicant to research City Code and provide a project consistent with Chapter 18 design standards.

Dollar Tree has a very specific look and feel for their buildings. The building is required to be an all-weather finished material that is painted, and conforms to Chapter 18 Design Guidelines. The building will consist of some stucco, a brick veneer and at least three different colors as required by code. The materials will also be painted and will be an all-weather material. It is Staff’s opinion that this structure meets the intent of the Chapter 18 guidelines as proposed.

**Conformance with Chapter 18 Design Guidelines is included as a condition of approval.**

**SITE CIRCULATION and PARKING**

The site will have a single drive access on the east side that will provide access from Main Street. The applicant will provide a cross access agreement on the site plan for the drive-thru restaurant to the north as well as the KFC. Approval from UDOT is required for access from Main Street. The applicant will be required to submit to the City, UDOT’s written approval for the access. The applicant is providing parking stalls with the appropriate number of ADA accessible stalls. Stall counts for this site is 32. Stalls are proposed to be shared between this site and the drive-thru restaurant site directly north.

**LANDSCAPING**

Minimum landscaping must be provided in the amount of no less than 10%. The landscape plan may include storm water detention areas. The proposed site plan shows landscaping being provided at approximately 14%. Minimum landscaping standards of 11-13-23 will also have to be demonstrated with appropriate numbers of trees and shrubs for the site. The site plan storm detention facility must meet the requirements specified in the City Engineer’s letter.

**This item is included as a condition of approval.**

**GARBAGE DUMPSTER**

There is a garbage dumpster enclosure shown on the west side of the site plan, between the building and the residentially zoned property. At a minimum, per City Code, any on-site dumpster must be screened from view within an approved enclosure. Given the nature of the business, staff is confident the location will have a minimal negative impact and should not cause any disturbance to the residents greater than the inherent disturbance the existence of a standard dumpster might have.

**This item is included as a condition of approval.**

**FENCING PLAN**

The chain link on the property must be removed. Dollar Tree will have large delivery trucks that come to the site for the purpose of delivery inventory. Under the site plan review, the planning commission has the ability to review and approve the exact location, height and type of materials of a wall or fence. Fencing along the north and/or south sides of the property would create unnecessary barriers and reduce the ability of pedestrians to park and patronize any of the adjacent retail businesses. Staff would recommend fencing along the boundary of the parcel that abuts residential. City Code, 11-11B-12
requires fencing to separate commercial uses from residential zones or uses. **Should the Commission decide to require additional fencing they should clarify the expectations of changes in a Condition of Approval.**

**SIGN PACKAGE**
Signage is not included as part of this Site Plan approval.

**AGENCY REVIEWS**

*Fire Department Review*
North Davis Fire District (NDFD) must review and approve plans prior to final approvals being granted.

*Public Works Review / Engineering Review*
The Public Works Director and City Engineer are reviewing this item. All required items must be met prior to issuance of land use approval and certificate of occupancy. Storm drain and other improvements can be handled following decision by the Planning Commission.

**Public Comment**
No public comment has been received for this item.

**REVIEW CONSIDERATIONS**

**Site Plan Review**
Clearfield Land Use Ordinance Section 11-5-3 establishes the review considerations the Planning Commission shall make to approve Site Plans. The findings and staff’s evaluation are outlined below:

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<td><strong>1) Traffic:</strong> The effect of the site development plan on traffic conditions on abutting streets.</td>
<td>This site has adequate access from Main Street. Traffic conditions on adjacent streets are not perceived to be increased or impacted. Access on a State-owned road is controlled by UDOT and may be subject to additional approvals. No backing onto Main is allowed. A cross access agreement with the property to the north and KFC should be labeled on the site plan and any other drawings.</td>
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<tr>
<td><strong>2) Vehicle; Pedestrian:</strong> The layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.</td>
<td>Pedestrians and vehicle access to and around the site will not be substantially changed or impacted. Improvements to the site will allow for greater access for pedestrians with safer routes.</td>
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<td><strong>3) Off-Street Parking:</strong> Compliance of off-street parking facilities with Chapter 14 of this Title.</td>
<td>All new parking facilities must meet applicable code and requirements. Parking lot will be design in accordance with Clearfield City Code 11-14-5</td>
</tr>
<tr>
<td><strong>4) Loading and Unloading Facilities:</strong> The location, arrangement and dimensions of truck loading and unloading facilities.</td>
<td>Does not apply to this request.</td>
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Surfacing and Lighting: Parking: The surfacing and lighting of off-street parking. All exterior lighting shall provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be reduced to the minimum levels necessary for safety and security purposes. The use of motion sensors and timers is encouraged. New lighting for both the parking lot and exterior of the building, must meet city code.

Screen Planting: The location, height and materials, of walls, fences, hedges and screen planting. This site is not subject to screen plantings.

Landscaping: The layout and appropriateness of landscaping. A minimum of 10 percent landscaping is a requirement in the C-2 zoning district. The construction drawings will need to demonstrate this standard is met and the provisions of 11-13-23 for the minimum number of trees and shrubs. The appropriate number of trees and shrubs will be indicated at the time of the construction documents (the building permit submittal). Landscaping areas may be used jointly as storm detention facilities, but must be improved with landscaping and a viable irrigation system. Current proposal exceed 10% requirement for the site.

Drainage: The effect of the site development plan on City storm water drainage systems. The applicant is working with staff to design a storm water detention area. The engineer’s letter addresses improvements that must be made to bring the detention up to current City standards to properly mitigate the impact on the storm drain system.

Utility: The effect of the site development plan on City utility systems. Additional impacts on City Utilities have been planned for and will be addressed by the applicant. Public works has provided requirements and standards to properly address utility impacts.

Building Locations: Consideration of building locations on the site, elevations and relation to surrounding areas (Ord. 84-06B, 9-11-1984) Building will require deliveries so moving building closer to the street may make it difficult for tenant to ship and receive. The proposed building location is consistent with the requirements of the C-2 zone.

Exterior Design: Consideration of exterior design in relation to adjoining structures and area character to assure compatibility with other structures in the neighborhood, existing or intended. (Ord. 84-08, 10-23-1984) The project is subject to the Chapter 18 Design Standards should the Commission determine further improvements are required, these should be included as Conditions of Approval.
CONDITIONS OF APPROVAL

1. The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1607-0002; however, they will also include and address the following:
   a. The final engineering design (construction drawings) submitted for site improvements shall meet City standards and be to the satisfaction of the City Engineer.
   b. The final building plans submitted shall meet building safety standards and be to the satisfaction of the City Building Official.
   c. The final building plans shall meet the minimum standards for building materials as established in C-2 Zone.
   d. The final building plans shall conform to Chapter 18 Design Guidelines. The proposed architectural colors and materials will be those consistent with those provided at the time of the application.
   e. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. An adequate number of stalls must meet ADA standards. Parking Stalls must be 9x20.
   f. Site circulation must be designed in such a manner that on site traffic flow is not impeded. Adequate paved markings and/or signage shall be provided and incorporated on the site.
   g. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
   h. A minimum of 10 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.
   i. Proposed signage must meet Title 11, Chapter 15 standards. Signs are not included as part of this Site Plan approval. Separate review and approval will be required.
   j. Damaged or missing concrete or asphalt shall be corrected and installed prior to final occupancy being granted.

2. The garbage dumpster must be screened as required by City Code.

3. Site Plan approval is subject to North Davis Fire District review and approval.

4. Site access on a State-owned right-of-way is subject to Utah Department of Transportation review and approval.

5. The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

ATTACHMENTS

1. Site Plan Set
CHAPTER 11-13-37
BEEKEEPING

13-37-1 PURPOSE:
The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

13-37-2 DEFINITIONS:
APIARY: Any place where one (1) or more colonies of bees are located.
BEEKEEPER: A person who owns or has charge of one (1) or more colonies of bees.
BEEKEEPING EQUIPMENT: Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
COLONY: Bees in any hive including queens, workers, or drones.
HIVE: A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.
HONEYBEE: The common honeybee, Apis mellifera species, at any stage of development, but not including the African honeybee, Apis mellifera scutellata species, or any hybrid thereof.

13-37-3 CERTAIN CONDUCT UNLAWFUL:
Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance. Hives are a permitted use on properties that contain a primary use on a property. Beekeeping is not permissible as primary or singular use on residentially zoned properties.

13-37-4 HIVES ON RESIDENTIAL LOTS:
A. As provided in this chapter, and notwithstanding any contrary provision in Title 11 of this code, an apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a side yard or the a rear yard of any lot zoned residential or agricultural lot less than ½ acre. On any lot zoned residential or agricultural lot which is ½ acres or larger, the number of hives located on the lot may be increased to ten (10) hives.
B. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner.
C. No hive or group of hives shall exceed six (6) feet in height

13-37-5 BEEKEEPER REGISTRATION:
Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.
13-37-6 HIVES:
A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.
B. Hives shall be placed at least five (5) feet from any property line and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.
C. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

13-37-7 FLYWAYS:
A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.

13-37-8 WATER:
Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

13-37-9 BEEKEEPING EQUIPMENT:
Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

13-37-10 CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:
In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Davis County Health Department, the most restrictive regulations shall apply.

13-37-11 VIOLATIONS:
When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a fourth or succeeding notice of violation within a twenty-four (24) month period, an authorized agent of the City shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation.

ARTICLE A. AGRICULTURAL ZONE (A-1)
11-8A-1: PURPOSE:

The A-1 agricultural zone is established to provide areas where low density residential uses may be harmoniously integrated with incidental agricultural pursuits. This zone is intended to allow the keeping of farm animals in proportion to the amount of land area provided for this purpose and within limits of reasonable rules of health and sanitation. It is intended to retain land in parcels large enough to provide efficient and attractive development as urban uses extend in an orderly manner in these areas. (Ord. 2009-24, 11-24-2009)

11-8A-2: PERMITTED USES:

The following buildings, structures, and uses of land shall be permitted in the A-1 agricultural zone upon compliance with the requirements set forth in this code:

- Agriculture.
- Beekeeping
- Churches.
- Daycares, residential.
- Farm animals (see subsection 11-8A-11A of this article).
- Home occupations.
- Parks and open space.
- Preschools, residential.
- Schools.

11-8A-3: CONDITIONAL USES:

The following buildings, structures, and uses of land shall be allowed in the A-1 agricultural zone upon compliance with the requirements set forth in this code and upon obtaining a conditional use permit as specified in chapter 4 of this title:

- Agricultural recreation.
- Beekeeping.
- Greenhouses.
- Group homes for persons with a disability.
- Group homes for the elderly.
Produce sales.

Public uses.

Temporary or seasonal merchants.


11-8A-4: AREA AND FRONTAGE REGULATIONS:

A. Lot Size: The minimum lot size shall be one-third (1/3) acre, or fourteen thousand five hundred twenty (14,520) square feet.

B. Lot Width: The minimum lot width, as measured at the front setback line, shall be one hundred feet (100').

C. Lot Frontage: The minimum lot frontage shall be one hundred feet (100'). (Ord. 2009-24, 11-24-2009)

11-8A-5: YARD REGULATIONS:

A. Front Yard: The minimum front yard setback for all main buildings shall be thirty feet (30').

B. Side Yard: The minimum side yard setback for all main buildings shall be ten feet (10') on each side.

C. Side Yard, Corner Lots: The minimum side yard setback for all main buildings on corner lots shall be twenty feet (20') on the side adjacent to a street.

D. Rear Yard: The minimum rear yard setback for all main buildings shall be twenty five feet (25').

E. Accessory Buildings: No accessory building shall be located in the required front yard area. The minimum distance between accessory buildings and the main building or other accessory buildings shall be six feet (6') at the closest points.

1. Accessory buildings up to ten feet (10') in height shall be located at least two feet (2') away from any side or rear property line.

2. Accessory buildings between ten feet (10') and twenty feet (20') in height shall be located at least eight feet (8') from any side or rear property line.

3. Accessory buildings between twenty feet (20') and thirty five feet (35') in height shall be located at least fifteen feet (15') from any side or rear property line. (Ord. 2009-24, 11-24-2009)

11-8A-6: HEIGHT REGULATION:

No building shall be erected to a height greater than thirty five feet (35'). (Ord. 2009-24, 11-24-2009)

11-8A-7: DENSITY:

Density shall not exceed three (3) dwelling units per acre. (Ord. 2009-24, 11-24-2009)

11-8A-8: LOT COVERAGE:
Lot coverage by all buildings, including main and accessory buildings, shall not be more than forty-five percent (45%). (Ord. 2009-24, 11-24-2009)

11-8A-9: PARKING, LOADING AND ACCESS:

See chapter 14 of this title. (Ord. 2009-24, 11-24-2009)

11-8A-10: SIGNS:

See chapter 15 of this title. (Ord. 2009-24, 11-24-2009)

11-8A-11: OTHER REQUIREMENTS:

A. Farm Animals And Structures:

1. Animal or fowl units for family food production or pleasure shall be kept in accordance with the following regulations:
   a. No animal or fowl unit shall be kept on any lot smaller than one-half (1/2) acre in size.
   b. Lots between one-half (1/2) acre and one acre in size shall be allowed to keep one animal unit and one fowl unit.
   c. Lots larger than one acre shall be allowed to keep one additional animal unit and one additional fowl unit per each additional one-third (1/3) acre in lot size.
   d. Animal and fowl units shall not be allowed on an incremental or prorated basis.

2. All pens, coops, barns, stables or corrals shall be set back not less than fifty feet (50') from a public street (except on corner lots where the setback from the side street may be reduced to not less than 35 feet), and located not closer than twenty feet (20') from any dwelling on the lot or fifty feet (50') from any dwelling on an adjacent lot.

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

C. Landscaping: All landscaping shall comply with the provisions of chapter 13 of this title.

D. Garages: Each dwelling unit shall have an attached two (2) car garage, which shall be a minimum of four hundred (400) square feet in size.

E. Exterior Building Materials:

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

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

This change would also allow for the beekeeping to be a permitted use in residential zones, as long as there is a residential structure on the property. The keeping of bees on a residential lot could not be the primary use on the property.