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, July 5, 2017, 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. June 7, 2017

PUBLIC HEARINGS:

1. Discussion and Possible Action on FSP 1706-0004 a request by Craig Winder on behalf of Ironwood Development for an amendment to a final plat for approval of 29 townhomes, located at approximately 823 West 1600 South (TIN: 12-854-0026). The total parcel is approximately 1.88 acres.

2. Public Hearing, for ZTA 1706-0005, a request by Clearfield City for a Zoning Text Amendment to Clearfield City Code §11-13 Supplementary Regulations, to amend standards and requirements for mobile food vendors to be consistent with recently changed State Statute. This zoning text amendment would be effective across all Commercial Zones in Clearfield City.

3. Public Hearing, for ZTA 1706-0006, a request by Clearfield City, for amendments to the Clearfield City Code §11-15 Sign Regulations for Temporary Signs, Political Signs and Municipal Field Signs. This zoning text amendment would be effective across all Commercial Zones in Clearfield City.

4. Public Hearing, for CUP 1706-0007 a request by Steve Smith, for approval of a Conditional Use Permit for an automobile repair shop, located at 975 East 700 South (TIN: 12-004-0041). The parcel is approximately 0.95 acres and is located in a C-2 (commercial) zoning district.

SCHEDULED ITEMS:

5. Discussion and Possible Action on FSP 1706-0004 a request by Craig Winder on behalf of Ironwood Development for an amendment to a final plat for approval of 29 townhomes, located at approximately 823 West 1600 South (TIN: 12-854-0026). The total parcel is approximately 1.88 acres.

6. Discussion and Possible Action on SP 1706-0004 a request by Craig Winder on behalf of Ironwood Development for site plan approval for 29 townhomes, located at approximately 823 West 1600 South (TIN: 12-854-0026). The total parcel is approximately 1.88 acres.

7. Discussion and Possible Action on ZTA 1706-0005, a request by Clearfield City for a Zoning Text Amendment to Clearfield City Code §11-13 Supplementary Regulations, to amend
standards and requirements for mobile food vendors to be consistent with recently changed State Statute. This zoning text amendment would be effective across all Commercial Zones in Clearfield City.

8. Discussion and Possible Actions on ZTA 1706-0006, a request by Clearfield City, for amendments to the Clearfield City Code §11-15 Sign Regulations for Temporary Signs, Political Signs and Municipal Field Signs. This zoning text amendment would be effective across all Commercial Zones in Clearfield City.

9. Discussion and Possible Action on CUP 1706-0007, a request by Steve Smith, for approval of a Conditional Use Permit for an automobile repair shop, located at 975 E 700 S (TIN: 12-004-0041) on approximately 0.95 acres and is located in a C-2 (commercial) zoning district.

DISCUSSION ITEMS:
10. Conditional use review:
   A. Discussion on Conditional Uses in each zone with in Clearfield City Code, Title 11. (30 mins.)

COMMUNICATION AND TRAINING:
11. Staff Communications
12. Planning Commissioners’ Minute

**PLANNING COMMISSION MEETING ADJOURNED**

Dated this 30th day of June, 2017
/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.

The Planning Commission Public Meeting is a public forum where the Planning Commission receives comment from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission’s agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.
TO: Clearfield City Planning Commission

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

MEETING DATE: Wednesday, July 5, 2017

SUBJECT: Public Hearing, Discussion and Possible Action on FSP 1706-0004 a request by Craig Winder on behalf of Ironwood Development for an amendment to a final plat for approval of 29 townhomes, located at approximately 823 West 1600 South (TIN: 12-854-0026). The total parcel is approximately 1.88 acres.

RECOMMENDATIONS
Move to recommend approval to the City Council as conditioned FSP 1706-0004 a request by Craig Winder on behalf of Ironwood Development for an amendment to a final plat for approval of 29 townhomes, located at approximately 823 West 1600 South (TIN: 12-854-0026), based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Project Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
</tr>
<tr>
<td>Site Location</td>
</tr>
<tr>
<td>Tax ID Number</td>
</tr>
<tr>
<td>Applicant</td>
</tr>
<tr>
<td>Owner</td>
</tr>
<tr>
<td>Proposed Actions</td>
</tr>
<tr>
<td>Current Zoning</td>
</tr>
<tr>
<td>Land Use Classification</td>
</tr>
<tr>
<td>Gross Site Area</td>
</tr>
</tbody>
</table>
ANALYSIS

The applicant, Mr. Craig Winder, has been working with Clearfield City Staff to identify a suitable development for the parcel located 823 W 1600 S. This request for subdivision would create 29 individually owned lots within a townhome project. Staff has reviewed the plans and makes a recommendation to the Commission for approval.

The Final Plat does not contain a phasing plan, as the site is only 1.88 acres in size. The review and analysis below includes comments and recommendations for the amended Final Plat. The plat consists of 29 lots designed for townhome development (four buildings make up the project, a single 9-unit building, two 7-unit buildings, and a single 6-unit building), at the end of 1600 South. The project will contain property held as ‘Common Area’ which will be required to be maintained through a Homeowner’s Association, as well as private landscaped yards for the units. The plat should reflect the creation of a Homeowner’s Association with a note that Common Areas will be maintained by the HOA in perpetuity.

As designed, the project is slightly below the density maximum of 16 dwelling units per acre in the R-3 zone, at approximately 15.4 dwelling units per acre. The Common Area makes up 29% of the residential portion of the site and is being provided as Landscaping/Open Space. The finished floor area of each unit will need approximately 1,500 square feet and have a single-car garage attached.

Staff recommends that the project be surrounded by 10 foot public utility easements and the existing easement along the southern end of the property be maintained for drainage and access.

DEVELOPMENT AGREEMENT ITEMS

The further clarify the proposal staff is providing an outline of regulations and how the development may differ or have any slight variation from what typical regulations may be:

Setbacks:
1. Code requires:
   a. Front: 25 feet for any main building
   b. Side: min. required is 10 feet for multi-family dwellings
   c. Rear: min required is 30 feet for multi-family dwellings
2. Applicant is asking for a reduction of 5 feet for most buildings in the rear. All other setbacks meet or exceed requirement
3. Applicant’s request is: 25 foot setback from rear property boundary lines.
   a. Not within code but okay because the requirement of a development agreement allows some flexibility in the site plan approval, so as to allow the site plan to be the governing basis for the regulation. The property is also adjacent to commercial property and will not cause any impacts that would be mitigated by have a 30 foot setback. Setbacks for each building should be outlined for each building in the development.

**Design Criteria:**

1. Code requires: for main buildings shall be brick, stucco, stone, rock, or vinyl siding. Vinyl siding shall not be a permitted exterior building material for multiple-family dwellings.
2. Applicant is asking for standards and materials consistent with the code
3. Applicant’s request is: Hardie board, baton and board with stone
   a. This request is consistent with the code and therefore should be included in the development agreement.

**Landscaping/Open Space:**

1. Code requires: No less than 25% landscaping
2. Applicant is asking for 29% landscaping for the site.
3. Applicant’s request is:
   a. More than is required by Clearfield City Code and should be included in the development agreement to insure it will be maintained over time.

**Fencing**

1. Code requires: Fencing may be required around the multi-family development as determined by the Planning Commission.
2. Applicant is not proposing any fencing for the site.
3. Staff would recommend fencing be installed, at a minimum, along the east, north and south sides of the development. Fencing along the south boundary line shall not be installed in the easement, nor cause any impediments to access or drainage for this area.

The applicant has provided the following break down for the materials for each façade of the building. Current regulations do not stipulate the percentage for materials only the materials that are required or prohibited. The applicant has provided a breakdown for the percentage of material for each façade. Staff has included that elevation, along with proposed percentages as an exhibit to this report.

Staff recommends that the Development Agreement reflect the setbacks, design standards. Staff may consider any other items the Commission may recommend, specific to this project.

**General Plan and Zoning**

The project was recently approved for a Rezone. Zoning requirements are largely met, and are recommended to be further approved through a Development Agreement.

**ENGINEERING REVIEW**

Public Works and Engineering Department are working on a joint review of the project. Planning Staff will defer to the Engineer and Public Works Director on their recommendations regarding sizing and design of the streets and storm detention. Staff does not have concerns with the proposed location of drainage as it does not affect the site plan and layout.
OTHER AGENCY REVIEW
Fire District has reviewed this proposal and provided comments to the applicant relative to the site development. The applicant is required to submit an application for review to the Fire District.

Public Comment
No public comment has been received to date.

CONDITIONS OF APPROVAL – FSP 1706-0004

1) A final clean copy of the Final Subdivision Plat needs to be filed with the Planning Department, with all changes and redlines corrected from Planning, Public Works, and Engineering.

2) Approval of this development is contingent upon approval, full execution and recording of a development agreement against the entire parcel as currently configured specifying building locations, setbacks, open space, road network, and parking requirements in substantial conformance with the submitted site plan.

3) The plat must include a note regarding creation of a Homeowner’s Association, and that Common Areas and all private amenities will be maintained by the HOA in perpetuity.

4) 10 Foot public-utility-easements must be provided around the development. Applicant must maintain easement along southern boundary of project for access and drainage.

5) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Amended Subdivision Plat request, FSP 1706-0004; 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 R-3 Zone 11-9E-11(E). The final building plans should be in substantial conformance with Chapter 18 Design Guidelines.

   d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A one car garage at minimum is required for each residential unit. An adequate number of stalls must meet ADA standards.

   e. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.

   f. A minimum of 25 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.

   g. 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.

6) As per City Code 11-13-23C, the developer shall post a bond of 125% of the value of the landscape for the project. Should the landscape not be installed prior to Certificate of Occupancy, pursuant to Land Use Ordinance 11-13-23(B), (C) and (D) the applicant must establish an escrow account, as reviewed and approved by the City Engineer and City Attorney.

7) As per City Code 12-4-5, an estimate of any public improvements not previously installed (as outlined in 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to
obtaining building permits. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established for any public improvements not installed prior to recordation of the Final Plat.

8) Plat approval is subject to North Davis County Fire District review and approval.

9) 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. Amended Final Plat
TO: Clearfield City Planning Commission

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

MEETING DATE: Wednesday, July 5, 2017

SUBJECT: Public Hearing, Discussion and Possible Action on ZTA 1706-0005, a request by Clearfield City for a Zoning Text Amendment to Clearfield City Code §11-13, Supplementary Regulations, to amend standards and requirements for mobile food vendors to be consistent with State of Utah Requirements. This zoning text amendment would be effective across all allowable zones in Clearfield City.

RECOMMENDATION

Move to recommend approval of ZTA 1706-0005 to the City Council, a request by Clearfield City for a Zoning Text Amendment to Clearfield City Code §11-13, Supplementary Regulations, to amend standards and requirements for mobile food vendors to be consistent with recently changed State Statute, based on the findings and discussion in the Staff Report.

ANALYSIS

Background
During the most recent legislative session, changes were made to the manner in which municipalities can regulate mobile food trucks. The primary changes are as follows:

1. The bill requires reciprocity between counties for health department permits and reciprocity between cities for business licensing so long as the food trucks meet the requirements.
2. Cities may not require multiple business licenses or permits for a truck to operate in multiple locations within their boundaries.
3. The bill prohibits a city from preventing a food truck from operating within a given distance of a restaurant.

Given the above described recent changes in the law, Staff is proposing to remove all references to mobile food trucks in Section 11-13-26. Removing mobile food vendors from this portion of the code will allow the City to still require a license when needed, but will also make our code more consistent with recent changes pertinent to these types of uses. Moving forward, staff will require proof of a current license for operation and verify that all other requirements have been met.

Proposed Ordinance Changes/Additions
Staff proposes the following additions and amendments to §11-13, Supplementary Regulations, as indicated below:
Standards and Requirements
The requested amendments to this code will remove conflicts as it relates to mobile food vendors within the City. The language within the statute does not allow Clearfield City to impose additional restrictions or fees on mobile food vendors.

General Plan
There is not a goal or objective from the General Plan that is being pursued other than legal compliance with Utah State Law. This change is proposed to allow the land use code to be in compliance with the new requirements of the Utah State Law.

The proposed text amendment in its entirety is attached to this report as an exhibit.

Public Comment
No public comment has been received to date.

FINDINGS

Zoning Ordinance Text Amendment
Clearfield Land Use Ordinance §11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. 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>1) The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>The proposed text amendment is consistent with the goals and policies of the Land Use Element of the City’s General Plan in that it complies with State Law. It will reduce restrictions that will allow mobile food vendors to locate in the City.</td>
</tr>
<tr>
<td>2) Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</td>
<td>Staff requests these changes to make our code consistent with recent changes to State Statute.</td>
</tr>
</tbody>
</table>

ATTACHMENTS
1. Clearfield City Code §11-13-26 Amended
Chapter 9
TEMPORARY OR SEASONAL MERCHANTS AND MOBILE FOOD VENDORS

4-9-1: APPLICABILITY:

In addition to the rules and regulations set forth in chapter 1 of this title, the regulations contained in this chapter shall apply to temporary or seasonal merchants and mobile food vendors. (Ord. 2009-15, 11-24-2009)

4-9-2: LICENSE REQUIRED:

It shall be unlawful for any person, as owner, lessee or agent thereof, to engage in the business of temporary or seasonal merchant or mobile food vendor within the city without first obtaining the license required by this chapter, except as otherwise provided. (Ord. 2009-15, 11-24-2009)

4-9-3: APPLICATION FOR LICENSE:

A. All applications for a temporary or seasonal merchant or mobile food vendor’s license shall be made in writing upon the forms provided by the city.

B. In addition to the information required by chapter 1 of this title, an application for a temporary or seasonal merchant’s license or mobile food vendor’s license shall also show:

1. A copy of a valid lease or written permission from the property owner allowing the temporary or seasonal merchant or mobile food vendor to conduct business on the property.

2. Written permission granting use of an existing restroom facility on or nearby the property within three hundred feet (300') of the business location, which shall be available during all hours of operation.

3. A site plan, drawn to scale, showing the property and its existing features (i.e., buildings, parking stalls, drive aisles, sidewalks, fire hydrants); the exact location of the vendor in relation to buildings, sidewalks, roadways, driveways, fire hydrants and other important features on the property; all components of the business with sizes/dimensions (i.e., temporary structure, storage bin, trash receptacle, required parking stalls); and photographs and/or illustrations showing all components of the business (i.e., temporary structure, storage bin, trash receptacle, signage). The site plan and photographs/illustrations shall include all information necessary to show compliance with the applicable zoning requirements set forth in title 11 of this code.

4. If power is required for the business, an electrical plan showing the power source, how it is connected to the temporary structure, how it is protected from the elements, wire size and location. If it is a new power source, an electrical permit must be obtained from the city. (Ord. 2009-15, 11-24-2009)

4-9-4: REVIEW AND APPROVAL PROCEDURES:

The process for review and approval of an application for a temporary or seasonal merchant’s license or mobile food vendor’s license shall be in accordance with chapter 1 of this title. (Ord. 2009-15, 11-24-2009)

4-9-5: RULES AND REGULATIONS:

A. Compliance With Zoning Regulations: Each temporary or seasonal merchant or mobile food vendor shall comply with the applicable zoning requirements set forth in title 11 of this code.
B. Hours Of Operation: No temporary or seasonal merchant or mobile food vendor shall conduct business before six o'clock (6:00) A.M. or after ten o'clock (10:00) P.M.

C. Location On Private Property: Each temporary or seasonal merchant or mobile food vendor and any activity associated therewith shall be located on private property and only as a secondary use to another primary commercial use. The business shall not be located on public property (including public sidewalks, public streets, public parking areas or other public places as defined by the city) or on vacant or residentially used property, regardless of the land use zone. This regulation shall not apply to temporary or seasonal merchants or mobile food vendors participating in a city sponsored event or activity. (Ord. 2009-15, 11-24-2009)

D. Temporary Nature: All aspects of a temporary or seasonal merchant or mobile food vendor shall be temporary in nature with no permanent facilities constructed on site, with the exception of the required permanent power source. No overnight parking or outdoor storage shall be allowed. (Ord. 2014-14, 6-10-2014)

E. Clientele: Temporary or seasonal merchants and mobile food vendors shall serve walk-up traffic only; drive-up window service shall be prohibited. (Ord. 2009-15, 11-24-2009)

F. Time Limit On Location: Each temporary or seasonal merchant or mobile food vendor shall be limited to a period of not more than one hundred eighty (180) consecutive days on any property or parcel of land in the city within a twelve (12) month period. Within any twelve (12) month period no more than one temporary or seasonal merchant selling a product or type of product shall be permitted on any one site or parcel of real property. (Ord. 2014-14, 6-10-2014)

4-9-6: PENALTY:

Any person violating any of the provisions of this chapter shall be guilty of a class B misdemeanor and subject to penalty as provided in section 1-4-1 of this code. Each separate day a person violates any provision of this chapter shall be a separate violation. (Ord. 2009-15, 11-24-2009)

SUPPLEMENTARY REGULATIONS (11-13) Changes:

11-13-26: FIREWORKS STAND, TEMPORARY OR SEASONAL MERCHANT, AND MOBILE FOOD VENDOR REGULATIONS:

Fireworks stands, temporary or seasonal merchants, and mobile food vendors shall be subject to the following regulations: (Ord. 2014-22, 10-14-2014)

A. Location Specified; Location Restrictions:

1. Each license shall specify the location where the business is approved to operate. No operation shall occur at locations other than the approved site. Please refer to the official mobile food vendors map filed with the city. (Ord. 2016-06, 9-27-2016)

2. Licenses issued under this section shall be limited to the following street corridors:

   a. Main Street, State Street, 1700 South, 700 South, 200 South, and 300 North, if located outside of Freeport Center or Freeport West. All fireworks stands, temporary or seasonal merchants, and mobile food vendors shall not occupy more than twenty percent (20%) of the parking stalls on the lot where the business has been approved.

   b. No location restrictions are imposed by the city if locating inside Freeport Center or Freeport West.

   c. No location restrictions are imposed by the city if locating on future developed property at SR-193 and 2000 East and Legend Hills. (Ord. 2014-22, 10-14-2014)

   d. Fireworks stands are not allowed on property at SR-193 and 2000 East nor at Legend Hills (refer to
map held at the city). (Ord. 2016-06, 9-27-2016)

e. Licenses may only be issued to properties with the following zoning: C-1, C-2, MU, C-R, D-R, and M-1.

B. Maintenance: The area around a fireworks stand, temporary or seasonal merchant, or mobile food vendor shall be kept clean and orderly. A trash receptacle shall be provided for patrons. The licensee shall promptly clean up all trash, litter, spills, etc., within a minimum twenty foot (20') radius of the business.

C. Appearance: All fireworks stands, temporary or seasonal merchants, and mobile food vendor structures and display areas shall have a professional appearance, and may not appear tattered, torn, frayed, faded, have chipped or peeling paint or otherwise be in disrepair. All equipment associated with the use shall be maintained in a new or near new condition. All retail items shall be displayed in a neat and orderly fashion. All displays, merchandise, and debris associated with the use shall be contained within the confines of the use and be cleaned at the end of each business day. A business license will not be issued or may be revoked if structures, display areas and/or equipment are not properly kept and maintained.

D. Impervious Surface: Each fireworks stand, temporary or seasonal merchant, and mobile food vendor shall be located on an impervious, all weather surface with no portion of the business located in a landscaped or unimproved area.

E. Setbacks: Each fireworks stand, temporary or seasonal merchant, and mobile food vendor shall be located a minimum of ten feet (10') behind the inside edge of a public sidewalk, or fifteen feet (15') from the edge of the street right of way if no sidewalk exists; five feet (5') from combustible walls, roof eave lines, awnings, etc.; ten feet (10') from any building openings (i.e., doors, windows, vents, etc.); and five feet (5') from a fire hydrant, driveway, handicapped parking space or loading area.

F. Traffic Safety: No fireworks stand, temporary or seasonal merchant, or mobile food vendor shall impede auto and/or pedestrian traffic or create auto/pedestrian conflicts. Private sidewalk clear widths shall not be reduced below five feet (5'), and no fireworks stand, temporary or seasonal merchant, or mobile food vendor shall interfere with the internal parking lot circulation.

G. Parking: The site shall have adequate parking to accommodate the primary use(s) on site as well as any area used by the fireworks stand, temporary or seasonal merchant, or mobile food vendor. No part of the fireworks stand, temporary or seasonal merchant, or mobile food vendor shall occupy required parking stalls for the primary use(s) of the site. A minimum of two (2) on-site parking stalls are required for each fireworks stand, temporary or seasonal merchant, or mobile food vendor.

H. Business Conduct: A fireworks stand, temporary or seasonal merchant, or mobile food vendor shall not solicit or conduct business with persons in motor vehicles or use any flashing lights, noise, sound or other motion producing devices to attract attention to its operation.

I. Minimum Separation Required:

1. No mobile food vendor shall be located within two hundred feet (200') of the primary public entrance of an existing restaurant use.

2. No temporary or seasonal merchant shall be located within two hundred feet (200') of the primary public entrance of an existing retail store which sells similar products as its primary business.

J. Signs: Each fireworks stand, temporary or seasonal merchant, or mobile food vendor shall be limited to one on premises sign, which shall not exceed eight (8) square feet in size. Signs shall not be internally illuminated or make use of flashing or intermittent lighting or animation devices. Pennants, streamers, lawn banners and other temporary signs shall be prohibited.

K. Fire Extinguisher Required: A portable fire extinguisher, type 2A-10 BC minimum, must be mounted within easy reach of each fireworks stand, temporary or seasonal merchant, or mobile food vendor.
L. City Sponsored Event Or Activity: This section shall not apply to fireworks stands, temporary or seasonal merchants, or mobile food vendors participating in a city sponsored event or activity. (Ord. 2014-22, 10-14-2014)

CONSOLIDATED FEE SCHEDULE Changes:

Temporary or seasonal merchant license or mobile food vendor license:

New - 180 days Not to exceed 365 120.00 Cleaning deposit 100.00
TO: Clearfield City Planning Commission

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

MEETING DATE: Wednesday, July 5, 2017

SUBJECT: Public Hearing, Discussion and Possible Action on ZTA 1706-0006, a request by Clearfield City, for amendments to the Clearfield City Code §11-15, Sign Regulations for Municipal Field Signs, Political Signs and Temporary Signs. This zoning text amendment would be effective across all allowable Zones in Clearfield City.

RECOMMENDATION
Move to recommend approval of ZTA 1706-0006, a request by Clearfield City, for amendments to the Clearfield City Code §11-15 Sign Regulations for Municipal Field Signs, Political Signs and Temporary Signs, based on the findings and discussion in the Staff Report.

ANALYSIS

Background
Over the past year, staff has been working on §11-15 for signage within Clearfield City. There are several items that are under review, but staff has completed review of a few items that are ready for Commission and Council consideration. The recommended changes will (1) permit advertising on the interior fence space for Steed and Fisher Parks, (2) allow political or campaign signs to be posted sooner when a primary election is to be held, making it consistent with the number of days a political and campaign sign can be displayed during an election that does not require a primary, and (4) allow for the use of “Flag Banners” within the City.

Proposed Changes
At a glance, the following modifications are proposed:
1. “Municipal Field Signage” has been added to the §11-15-7 “Signs Allowed without a Permit”: This additional will allow for signs to be posted on the interior of the fields at Steed and Fisher Parks. Additionally, a definition for “Municipal Field Signage” has been proposed.
2. Changes to political signage: Change would allow for “campaign or political signs” to be erected no less than 45 days prior to a primary election.
3. A proposal to allow “Flag Banner Signs” within the §11-15-9 “Temporary Signs”:
   a. Flag Banner Signs would include the following signs:
      i. Shark Fin Flag
      ii. Feather Flags
      iii. Teardrop Flags
      iv. Concave Flags
      v. Blade Flags
   b. A definition of “Flag Banner Signs” has also been proposed within the code.
Proposed Ordinance

Standards and Requirements
The requested changes to the sign code will apply in three sections. Each proposal for change is minor in nature and is to that benefit of the property owner, business, potential elected official, and the City’s enforcement of the sign code.

General Plan
These proposed changes conform to the City’s General Plan, specifically the Community Vision which includes “Promoting Clearfield as an area with a high-quality business environment.” A revision to the Land Use Ordinance that helps attract economic opportunity relying on various types of signs to meet that purpose. It is also consistent with the policy under the Land Use Element which states, “Continue to update the City’s Land Use Ordinance as necessary to maintain consistency with this General Plan.”

The proposed text amendment in its entirety is attached to this report as an exhibit.

Public Comment
No public comment has been received to date.

FINDINGS

Zoning Ordinance Text Amendment
Clearfield Land Use Ordinance §11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. 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>1) The proposed amendment is in accordance with the General Plan and Map; or</td>
<td>The Policy of the Land Use Element states “Continue to update the City’s Land Use Ordinance as necessary to maintain consistency with this General Plan”. Land Use Guidelines include impacts to the business community. This proposed text amendment to help allow the requested changes are to allow properties owners to better utilize signage that will help “promote Clearfield as an area with a high-quality business environment.”</td>
</tr>
<tr>
<td>2) Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.</td>
<td>No conditions are being recommended for this ordinance change.</td>
</tr>
</tbody>
</table>

ATTACHMENTS
1. §11-15 amendments
2. Flag Banner examples
Chapter 15
SIGN REGULATIONS

11-15-1: PURPOSE:
The purpose of this chapter is to regulate and to authorize the use of signs that are compatible with their surroundings, are legible under the circumstances in which they are seen, are effective in indexing the environment, are conducive to promoting traffic safety, and for the convenience and enjoyment of public travel by preventing visual distraction, protecting pedestrians, preserving and enhancing property values, establishing first class business and commercial districts, and eliminating fire hazards.

It is also the purpose of this chapter to promote short and long term civic beauty and order by establishing standards and regulations for sign design, location, size, type, compatibility, and aesthetics. By doing so, this chapter will help to create streetscapes that are functional and attractive to both residents of Clearfield City and visitors. (Ord. 2009-45, 11-24-2009)

11-15-2: SCOPE:
The intent of this chapter is to regulate the design and placement of residential, commercial and governmental identification/communication devices and structures that are built specifically to identify, inform, and direct patrons to a particular merchant, store, establishment, or service. It is not the intent of this chapter to regulate the content of public speech. The requirements of this chapter are intended to apply to both on premises and off premises signs, but do not apply to handheld placards and other similar devices traditionally used for public protest and the exercise of free speech. Any noncommercial message may be substituted for any commercial message permitted under this chapter. Any sign not expressly allowed by this chapter is prohibited. (Ord. 2009-45, 11-24-2009)

11-15-3: INTERPRETATION:
In interpreting and applying the provisions of this chapter, the sign regulations contained herein are declared to be the maximum allowable for the purposes set forth. If the zoning administrator determines that an application needs further interpretation, he may request planning commission review of the proposal.

If the applicant wishes to propose or retain a sign that exceeds ordinance standards, he may apply to the
planning commission for a variance or special exception as outlined in section 11-15-5 of this chapter. (Ord. 2014-30, 12-9-2014)

11-15-4: ENFORCEMENT:

The planning and zoning administrator or designee shall enforce all rules and regulations necessary to the operation and enforcement of this chapter. The planning and zoning administrator or designee shall be empowered and directed to:

A. Issue Permits: Issue permits to construct, alter, or repair signs that conform to the provisions of this title. The expiration date for such permits shall be one hundred eighty (180) days from the time the permit is issued.

B. Determine Conformance: Ensure that all signs are constructed in conformance with this title. Clearfield City will perform:

1. Initial Inspection After Construction: The planning and zoning administrator or designee may make an initial inspection upon the completion of construction, erection, reerection, or remodeling of any sign for which a permit has been issued and an inspection request is made. This shall also include the inspection of temporary electrical signs.

2. Reinspection (When Necessary): The planning and zoning administrator or designee may make a reinspection of any sign for which a permit was issued but which upon primary inspection was not built in conformance with the regulations of this title.

C. Legal Action: The planning and zoning administrator or designee shall institute any appropriate action or proceeding in any case where any sign is illegally erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of any city ordinance including, but not limited to, the provisions of this title by:

1. Issuing Notices Of Violations And Citations: The planning and zoning administrator or designee may issue a written notice of violation to the person having charge or control or benefit of any sign found to be unsafe or dangerous or in violation of this code, particularly when the city is contemplating removal of said sign. Such official may also issue civil citations and swear to information against violators.

2. Abating And Removing Unsafe Or Dangerous Sign: If an unsafe or dangerous sign is not repaired or made safe within five (5) working days, after giving said notice, the city may at once abate and remove said sign and the person having charge, control, or benefit of any such sign shall pay to Clearfield City, within thirty (30) calendar days, after written notice is mailed to such person, the costs incurred in such removal.

3. Abating And Removing Illegal Signs:

a. Permanent signs installed on private property in violation of this chapter shall be brought into conformance within thirty (30) calendar days of written notice by the city, either through removal of the sign or by obtaining a sign permit. Any sign not brought into compliance within the time period given in the notice may at once be abated and removed by the planning and zoning administrator or designee. The person responsible for any such illegal sign shall be liable for the cost incurred in the removal thereof, and the city is authorized to effect the collection of said cost.

b. Temporary signs installed on private property in violation of this chapter shall be brought into conformance within twenty four (24) hours of written notice by the city, either through removal of the temporary sign or by obtaining a temporary sign permit. Any sign not brought into compliance within the time period given in the notice may at once be abated and removed by the planning and zoning administrator or designee. The
person responsible for any such illegal sign shall be liable for the cost incurred in the removal thereof, and the city is authorized to effect the collection of said cost.

c. Any sign posted upon public property may be removed by the city without notice. Notwithstanding the foregoing, the sign, though removed, shall not be destroyed in a period less than thirty (30) calendar days, unless said sign is of the nature that it will have no value after the date of removal.

4. Abating And Removing Nonmaintained, Abandoned, Or Sign Identifying Discontinued Use: The planning and zoning administrator or designee shall require each nonmaintained, abandoned, or sign identifying a discontinued use to be removed from the building or premises when such sign has not been repaired or put into use by the person, owner having control or person receiving benefit of such sign within forty five (45) calendar days after written notice has been given to the owner, person having control, or person receiving benefit of such structure.

D. Failure To Remove Or Abate Any Illegal Sign: In no case shall failure to remove or abate any illegal sign constitute approval by the city of such sign. (Ord. 2009-45, 11-24-2009)

11-15-5: NONCONFORMING SIGNS:

A. Regulation, Containment, And Elimination: In order to minimize confusion and unfair competitive disadvantage to those businesses that are required to satisfy the standards of this chapter, the city shall apply firm regulation of existing nonconforming signs with a view to their eventual elimination. This goal shall be achieved by strictly enforcing limits on change, expansion, alteration, abandonment, and restoration. Excluding normal maintenance and repair, a nonconforming sign shall not be moved, altered (excluding face changes) or enlarged unless it is brought into complete compliance with this chapter. The following alterations are exempt from this provision:

1. Face changes in nonconforming multi-tenant signs; and

2. Copy changes in nonconforming permanent signs that were originally approved by the city with a changeable copy feature.

B. Abandonment: Any sign that is abandoned shall be removed or brought into compliance by the property owner in accordance with section 11-15-4 of this chapter. If removal does not occur, Clearfield City may have the entire nonconforming sign (both face and structure) removed. The person responsible for any such abandoned sign shall be liable for the cost incurred in the removal thereof, and the city is authorized to effect the collection of said cost. An abandoned sign may not regain any legal nonconforming status later, even if the original business reoccupies the property. (Ord. 2009-45, 11-24-2009)

11-15-6: PROHIBITED SIGN DEVICES:

A. Enumerated: The following signs are prohibited in any zone in Clearfield City. Any sign not specifically allowed by this chapter shall also be prohibited:

1. Balloons or other inflatable objects, except as specifically allowed by this chapter.

2. Any sign that flashes, blinks, uses chaser lights, etc., or moves in any way, animate or inanimate. (Commercial signs may be approved with time/temperature or electronic message center capability.) Subtle lighting changes of low intensity are allowed.

3. Roof signs.
4. Signs placed over other signs.

5. Temporary signs, except those provided for in this chapter.

6. Any truck, trailer, or other vehicle conspicuously or regularly parked on or off premises with an advertising message or logo displayed to attract attention to a business, product or promotion, unless such vehicle is used on a daily basis for personal or business transportation. The planning and zoning administrator or designee may require the removal of such vehicle if in his opinion such vehicle is being utilized for advertising purposes.

7. Strobe lights.

8. Graffiti.

9. Spotlights directed into the night sky except as part of an approved promotional period for temporary signs.

10. Off premises signs, except as allowed by this chapter.

11. Flags shall not be allowed for advertising purposes, except as allowed by this chapter.

(Ord. 2010-12, 6-22-2010)

B. Handbills, Signs; Public Places And Objects:

1. No person shall paint, mark or write on, or post or otherwise affix, any handbill or sign to or upon any public property, including, but not limited to, any sidewalk, crosswalk, curb, curbside, park strip, street lamppost, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph pole, or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life saving equipment, street sign or traffic sign.

2. Any handbill or sign found posted upon any public property contrary to the provisions of this section may be removed by any city official without further notice. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the city is authorized to effect the collection of said cost.

3. Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating a historical, cultural, or artistic event, location, or personality for which the public works department has granted a written permit.

4. Nothing in this section shall apply to the painting of house numbers upon curbs.

5. Nothing in this section shall apply to signs owned or installed by the city or any other authorized public entity.

(Ord. 2009-45, 11-24-2009)

11-15-7: SIGNS ALLOWED WITHOUT A PERMIT:

A. Allowed In Any Zone: The following signs are allowed in any zone (except on public property) without a sign permit:

1. Directional Or Instructional Signs: Signs which provide direction or instruction and are located entirely on premises and which do not in any way advertise a business shall not exceed four (4) square feet in area or four feet (4') in height. These signs may identify restrooms, public telephones, and walkways; or shall provide direction such as parking lot entrance and exit signs and those of a similar nature.
2. No Trespassing Or No Dumping Signs: "No trespassing" or "no dumping" signs shall not exceed sixteen (16) square feet in area for a single sign or four (4) signs at four (4) square feet for each lot unless the planning and zoning administrator finds more signs are required to prevent violation.

3. Plaques: Plaques or nameplate signs not more than two (2) square feet that are fastened directly to the building.

4. Symbols Or Insignia: Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such sign shall exceed eight (8) square feet in area; and provided further that all such signs be placed flat against the building.

5. Residential Neighborhood Identification Signs: In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood identification, provided that the legend of such sign or display shall consist of only the neighborhood name and/or address.

6. Institutional Uses: Churches, public schools, public utility companies, libraries, governmental buildings, parks, public golf courses, etc., are allowed one monument sign of thirty two (32) square feet. If the institution has more than one frontage and is located on an arterial street, then an additional sign of the same size is allowed. Wall signs for institutional uses shall be regulated as per subsection 11-15-8E of this chapter.

7. Flags: The flags, emblems, or insignia of any nation or political subdivision. Corporation flags may not exceed twelve (12) square feet and may be flown in tandem with the state or national flag. Large flags flown in high wind may cause a noise nuisance and are subject to removal upon investigation.

8. Public Necessity Signs: Signs installed by a unit of the government for control of traffic and other regulatory purposes; including street signs, danger and warning signs, railroad crossing signs, hospital signs, directional or warning signs for public service companies, utilities or institutions, or signs erected by or on the order of a public officer in the performance of his public duty.

9. Memorial Signs: Memorial signs or tablets with the names of buildings and date of erection cut into any masonry surface or inlaid so as to be part of the building.

10. Notice Bulletin Boards: Notice bulletin boards not over thirty two (32) square feet in area for medical, public, charitable or religious institutions. Such signs shall be located on the premises of such institutions and be oriented solely to the interior of the property and not used to direct exterior pedestrian or vehicular attention to any product or service of the institution.

11. Holiday Decorations: Noncommercial signs of a primarily decorative nature, clearly incidental, customary and commonly associated with any national, local, or religious holiday. Such signs may be of any type, number, area, and shall be contained entirely within the boundaries of the lot or premises on which they are erected and should be placed so as to avoid confusion with authorized traffic lights and signals and shall conform to traffic safety standards. They shall be removed within fourteen (14) days after the holiday.

12. Changing Copy: The changing of the message on a permitted sign that has an approved marquee, reader board, electronic message center, or other replaceable copy area.

13. Municipal Field Interior Signs: Interior signs shall be allowed at approved playing fields located at Steed Park and Fisher Park. Interior signs shall be allowed at approved fields located at Steed and Fisher Park as determined by the City.

   a. A municipal Signs located within the interior of any building or stadium or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater.
b. The interior of a stadium shall include signage located on outdoor facilities such as baseball, soccer, football, rugby, lacrosse, or other such similar open air stadiums.

c. Field interior signs located at Steed Park or Fisher Park in an open air stadium shall be intended for those attending or participating in the stadium activity occurring within the municipal field the sign is located on within the park. If an municipal field interior sign located within Steed Park or Fisher Park in an open air stadium is visible to those not attending or participating in the activity taking place at the municipal field stadium activity, such visibility must be ancillary to the sign’s intent, as determined by the City.

4314. Political Or Campaign Signs: In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows:

a. Political or campaign signs shall not be erected earlier than thirty-four-five (30-45) days prior to a primary election, or in such cases where no primary election is held, no earlier than forty-five (45) days prior to the general election. All political or campaign signs shall be removed by the Monday following a general election. Candidates who lose a primary election shall remove signs by the Monday following the primary election. Signs relating to elections on special issues may be installed and must be removed on the same basis.

b. Any one political or campaign sign shall not exceed thirty-two (32) square feet in aggregate area and, if freestanding, shall not exceed eight feet (8') in height. Such sign shall not be erected in a manner as to constitute a roof sign. Signs may not be placed on public property, in a public right of way, or in any place that would impede traffic visibility or safety. Signs along unimproved roadways may not be placed closer than ten feet (10') to the edge of the travel surface.

c. Political or campaign signs shall not be placed closer than one hundred fifty feet (150') to a building where any official voting station is located.

B. Allowed In Residential Zones: The following signs shall be allowed in residential zones without a permit as prescribed herein:

1. On Premises Development Identification Signs:

a. Individual Lots: One sign announcing the name of the construction/development company is allowed. The area of the sign shall not exceed sixteen (16) square feet or six feet (6') in height. The sign shall not be erected more than five (5) days prior to the beginning of construction for which a valid building permit has been issued. It shall be removed before final occupancy.

b. Subdivisions: One development promotional sign may be placed on the premises at each entrance of a development having five (5) or more lots or approved unit sites in any residential zone. The size allowed for the sign depends on the number of lots to be developed:

<table>
<thead>
<tr>
<th>Number of Lots</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 - 24 units (lots)</td>
<td>64 square feet</td>
</tr>
<tr>
<td>25 - 49 units</td>
<td>96 square feet</td>
</tr>
<tr>
<td>50 or more units</td>
<td>128 square feet</td>
</tr>
<tr>
<td>Maximum height</td>
<td>12 feet</td>
</tr>
</tbody>
</table>

Such signs shall be removed within five (5) years of the issuance of the first building permit in the project; or, if the lots are sold out before five (5) years, the sign shall be removed immediately upon sale of the last lot.
One balloon shall also be allowed for each subdivision or residential development having five (5) or more lots or approved unit sites in any residential zone. The balloon shall not exceed two hundred feet (200’) in height, and shall only be displayed during daylight hours.

2. On Premises Real Estate Signs:

   a. Signs advertising the sale, rent, or lease of property shall be limited to one real estate sign on each lot. Each such sign shall not exceed six (6) square feet in size and six feet (6’) in height.

   b. One real estate sign per street frontage is allowed for any multiuse residential or professional office building or lot intended for such. Each sign shall not exceed thirty two (32) square feet in area or eight feet (8’) in height. If the parcel is over two (2) acres in size, the sign shall not exceed sixty four (64) square feet in area or ten feet (10’) in height.

   c. Model home signs shall not exceed sixteen (16) square feet in area or six feet (6’) in height, and shall be placed entirely upon the premises of the model.

3. Open House Real Estate Signs: Up to six (6) open house real estate signs shall be allowed for each open house. Open house signs shall not exceed six (6) square feet in area and four feet (4’) in height, and shall only be placed on private property. Open house real estate signs shall be displayed only during those hours and day(s) that the house is open for actual inspection.

4. On Premises Signs For Home Occupations: Home occupations with a valid business license from the city shall be permitted to display one nonilluminated, flat wall sign no greater than three (3) square feet in area that identifies the name of the business.

5. Special Event Signs: Signage for noncommercial special events, such as a birth, anniversary, or homecoming, may be displayed on premises for a period not to exceed thirty (30) days.

C. Allowed In Commercial And Manufacturing Zones: The following signs shall be allowed in commercial and manufacturing zones without a permit as prescribed herein:

1. On Premises Development Identification Signs: One sign announcing or identifying the future development of nonresidential property shall be allowed along each public or private street frontage for the parcel(s) to be developed. The sign(s) shall not be erected before the proposed development has received site plan approval, and shall be removed before final inspection of the building or before permanent signs are installed. Each sign shall not exceed sixty four (64) square feet in area or fifteen feet (15’) in height.

2. On Premises Real Estate Signs: One on premises real estate sign per street frontage shall be allowed for any commercial or manufacturing building or lot intended for such. Each sign shall not exceed thirty two (32) square feet in area or eight feet (8’) in height, except on parcels larger than two (2) acres, for which each sign may be up to sixty four (64) square feet in size.

3. Window Signs: Window signs shall be allowed, provided that no more than thirty percent (30%) of any window or group of windows is occupied by a sign or combination of signs.

4. Menu Boards: Menu boards for restaurants shall be allowed. The location of menu boards for drive-in restaurants shall be subject to review by the planning commission through the site plan process. The following standards shall apply:

   a. Only two (2) menu boards are allowed per site. Each sign shall be located behind the front landscaped setback area.
b. No menu board shall exceed thirty five (35) square feet in area or six feet (6') in height. (Ord. 2009-45, 11-24-2009)

11-15-8: SIGNS THAT REQUIRE A PERMIT:

A. Permit Required: Except as otherwise provided in this title, it shall be unlawful for any person to erect, alter, relocate, direct, or order a person to erect, alter or relocate any of the following signs within the city without first obtaining a permit or permits from the community development department. A fee for the permit shall be paid by the applicant in accordance with the city's current fee schedule.

B. Sign Theme Required: All multi-tenant centers/buildings shall adhere to a consistent theme and utilize similar materials for all project signage.

C. On Premises Freestanding Signs: Freestanding signs shall be allowed as follows:

1. Commercial or manufacturing parcels or centers less than ten (10) acres in size: No freestanding signs shall be allowed.

2. Commercial or manufacturing parcels or centers larger than ten (10) acres in size: One freestanding sign shall be allowed per street frontage in excess of three hundred feet (300'). Sign area shall not exceed one hundred fifty (150) square feet, and sign height shall not exceed twenty five feet (25'). Signs shall be located at least two hundred feet (200') away from an intersection.

3. Reader boards, changeable copy areas and electronic message centers: No such device shall exceed fifty percent (50%) of the total copy area of the freestanding sign.

D. Monument Signs: Monument signs shall be allowed for commercial or manufacturing uses. The following standards shall apply:

1. Sign Area: No monument sign shall exceed sixty four (64) square feet in area.

2. Minimum Street Frontage: There shall be a minimum street frontage of one hundred feet (100') per monument sign. In no case shall there be more than two (2) monument signs per street frontage for any freestanding building on its own lot or for any planned commercial or manufacturing center.

3. Minimum Distance: No monument sign shall be located within one hundred feet (100') of another monument or freestanding sign on the same side of the street, whether on the same parcel or on an adjacent parcel.

4. Sign Height: Monument signs shall have at least a one foot (1') pedestal, and the illuminated cabinet shall not exceed five feet (5') for a total of six feet (6') except along 1700 South, SR 126 and SR 193 where monument signs shall have at least a one foot (1') pedestal, and the illuminated cabinet shall not exceed eight feet (8') or a total of nine feet (9'). The height to the top of the sign as measured from the street curb may vary depending upon landscaping, but the combined height of the sign and berming/landscaping shall not exceed nine feet (9'). The sign base shall be landscaped.

5. Reader Boards: Reader boards (changeable copy areas) and electronic message centers shall not exceed fifty percent (50%) of the total monument sign area.

6. Freestanding Monument Signs: A monument sign allowed by this section may be substituted with a freestanding monument sign.

E. Wall Signs: Wall signs shall be allowed as follows:
1. One wall sign shall be permitted per business. Businesses with multiple exposures (such as a single tenant in a freestanding building or a tenant occupying a corner space in a multi-tenant building) shall be allowed one wall sign per front and side building elevations. Each wall sign shall be limited in size to fifteen percent (15%) or six hundred (600) square feet, whichever is less, of the flat wall area.

2. Wall signs in a multi-tenant building may be used to advertise a single tenant or multiple tenants.

3. No part of any wall sign or of the sign structure shall project above or below the highest or lowest part of the wall upon which the sign is mounted or painted.

4. No wall sign, including any light box or structural part thereof, shall project more than eighteen inches (18") from the face of the building to which it is attached.

F. Billboards: No new billboards shall be permitted after the effective date hereof. Existing billboards shall comply with the following regulations:

1. Location: Billboards shall be allowed only on commercial parcels adjacent to the Interstate I-15 right of way and Legend Hills Drive. Billboards shall be oriented for freeway viewing and shall be located within one hundred fifty feet (150’) of the nearest freeway lane.

2. Size, Height And Spacing: Billboards shall be regulated as follows:

   a. Size: Maximum area of one face of a sign (whether single or double faced) shall be six hundred seventy five (675) square feet.

   b. Height: Maximum height of billboards shall be forty five feet (45’) above the grade of the traveled way of the interstate.

   c. Spacing: No billboard shall be erected within five hundred feet (500’) of another billboard on the same side of the street, or of an Interstate I-15 interchange.

3. Sign Construction: All billboards shall be of a monopole construction.

4. Conditional Use Permit: Billboards shall require a conditional use permit, to be obtained in accordance with the provisions of chapter 4 of this title.

G. Suspended Signs: Suspended signs may be used in place of wall signs if the architecture of the building or planned center lends itself to that design. The following standards shall apply:

1. The maximum size of a suspended sign shall be twenty (20) square feet.

2. Suspended signs shall not extend beyond five feet (5’) of the building facade to which they are attached.

3. Suspended signs shall have at least an eight foot (8’) clearance above the sidewalk or seven feet (7’) above any landscaped area.

4. There shall be a minimum horizontal distance of fifteen feet (15’) between suspended signs.

H. Awning Signs: Awning signs shall be allowed as follows:

1. The planning and zoning administrator shall approve any application for an awning sign that fully complies with these standards.
2. Awning signs in planned centers shall be designed to conform to an approved sign theme.

3. No awning signs shall be allowed on multi-tenant buildings or in planned centers unless the building or center has consistent treatment.

4. Awning signs shall be limited to single-story buildings or to the first level only of multi-story buildings.

5. Awning signs shall function as true awnings by being placed over a doorway, window, or walkway to protect such from the elements.

6. Awning signs shall not be allowed on or above sloping or mansard roofs.

7. The area of awning signs shall be a maximum of fifteen percent (15%) of the primary wall upon which the sign is mounted. Awning signs for secondary walls are limited to five percent (5%) of the wall area.

8. Area of copy/logo on awnings shall be limited to forty percent (40%) of the awning. Illuminated signs on other sides shall be permitted.

9. Awning signs shall conform to all provisions of the currently adopted building code governing such structures.

10. Illuminated (backlit), translucent, vinyl awnings shall not be permitted. Translucent letters or accents sewn into opaque canvas or acrylic awnings shall be permitted.

11. Awning signs shall not project out from the wall more than eight feet (8') or less than two feet (2'). In the case of entrance canopies the awning may project out from the building over a walkway and shall lead to a bona fide business entrance. Such canopies shall be permitted if they are compatible with the architecture of the building.

12. Awning signs shall not project above the "roofline", defined as the highest part of the vertical wall.

13. Awning signs shall maintain a minimum clearance of seven feet (7') to the bottom of the valance and eight feet (8') to the frame above the sidewalk and comply with all other clearance requirements.

14. Awning signs shall be maintained in a clean, safe and attractive condition. Failure to do so shall result in revocation of the sign permit.

   I. Gas Station Canopy Signs: Signs for canopies over gas islands are regulated as follows:

   1. Sign copy, corporate logos, etc., may be a maximum of fifteen percent (15%) of one face of the canopy.

   2. Up to three (3) sides of the canopy may be used for signs.

   3. The height to the top of the canopy shall not exceed twenty feet (20') from grade and no canopy fascia shall exceed four feet (4') in height.

   4. Individual letters, logos, or symbols shall not exceed four feet (4') in height or project out from the surface of the canopy more than eighteen inches (18") or project above or below the canopy face.

   5. Gas price signs shall be allowed on a monument sign or below the canopy over the pumps. One double faced sign for each type of fuel sold is allowed per gas island with a maximum of four (4) sets per station. Area of said sign shall not exceed four (4) square feet each.
J. Temporary Signs: Permits for temporary signs shall be required in accordance with section 11-15-9 of this chapter. (Ord. 2009-45, 11-24-2009)

11-15-9: TEMPORARY SIGNS:

A. Standards For Temporary Signs: Temporary signs shall not be placed in or over a public right of way, may not flash, blink, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind. They shall not be attached to telephone poles, fences, or trees. They shall be firmly secured to the building or ground. Temporary signs may be attached to existing permanent signs only for a grand opening period. Temporary signs may cover or obscure an existing permanent sign only if the business has changed hands or changed names. No off premises temporary signs are allowed. All temporary signs shall require a permit, except as otherwise provided in this chapter. No temporary signage shall be allowed for home occupations.

B. Allowed Purposes:

1. Business Grand Openings: Temporary signs announcing the initial opening of a business, or the relocation, or change of ownership of an existing business may be allowed provided that the event shall not continue for more than sixty (60) days and is declared to the city. The permit for a grand opening sign must be issued within the first year of operation. There shall be no more than two (2) grand opening signs allowed per business. The signs shall comply with general size and location standards for signage in this chapter and shall be removed at the end of the sixty (60) day period. Note: "Now Open", "Grand Opening", "New Location of", "New ownership", etc., are appropriate type messages for such signs. (Ord. 2009-45, 11-24-2009)

2. Going Out Of Business/Bankruptcy Period: A business may post a temporary sign in order to facilitate the liquidation of inventory for a failing business for a period not to exceed ninety (90) calendar days. There shall be no more than two (2) going out of business/bankruptcy signs allowed per business. Such signage shall be allowed only once for any business.

3. Business Special Event Signage: Temporary signs may be used to announce a special business event, such as a holiday sale, for a period not to exceed thirty (30) days. There shall be no more than two (2) business special event signs allowed per business. Each business shall be limited to two (2) permits for special event signage every twelve (12) months.

4. Business Holiday Sale Signage: A business may advertise a special sale for the following holidays:

   a. Martin Luther King Jr. Day.
   b. Presidents' Day.
   c. Valentine's Day.
   d. Easter.
   e. Mother's Day.
   f. Father's Day.
   g. Memorial Day.
   h. Independence Day.
i. Pioneer Day.

j. Labor Day.

k. Halloween.

l. Thanksgiving.

m. December holidays and New Year's Day - starting December 1 and ending January 2. It shall be a violation of this chapter to display a temporary business holiday sale sign more than seven (7) days prior to or two (2) days after the holiday with which it is associated. There shall be no more than two (2) holiday sale signs allowed per business. All holiday signs shall be clearly marked for the appropriate holiday. No permit shall be required for a temporary holiday business sale sign.

C. Additional Temporary Sign Regulations:

1. Banners: Only one banner shall be allowed per business for each purpose stated in subsection B of this section. Banners shall be mounted securely to a building and shall be kept in good repair. The maximum size for a banner shall be sixty four (64) square feet. (Ord. 2010-12, 6-22-2010)

2. Balloons: The allowable square footage of balloons shall be one square foot of balloon area for every linear foot of occupied frontage at the main entrance. Businesses with less than fifty (50) linear feet of occupied frontage may be allowed fifty (50) square feet of balloon. There shall be a maximum square footage of two hundred fifty (250) square feet of balloon for any property. Balloons shall be set back one foot (1') for every one foot (1') in height from any property line. Balloons shall not exceed a maximum of one hundred feet (100') in height. No tethered or fixed balloon shall be located so as to create a hazard or disrupt vehicular or pedestrian traffic. (Ord. 2009-45, 11-24-2009)

3. Flag banners. A maximum of one flag banner is allowed per business in a multitenant building. One flag banner per fifty feet of frontage or a maximum of two are allowed for stand-alone businesses. Flag banners may be displayed on private property for a period not to exceed fourteen consecutive days per calendar quarter up to four times per calendar year, with a maximum height of twelve feet. A temporary sign permit shall be required for each display period, fees collected as outlined in the consolidated fee schedule.

34. Other Temporary Signs: All other temporary signs shall be limited to a maximum size of six (6) square feet per sign. (Ord. 2010-12, 6-22-2010)

D. Temporary Sign Permits: A single temporary sign permit required by this section may be permitted for more than one allowed purpose named in subsection B of this section, provided all necessary

Figure 1
information for each purpose is included in the sign permit application. Any change to the information provided shall require a new permit. (Ord. 2009-45, 11-24-2009)

**E. Maintenance:** Every temporary sign shall be kept in complete operating condition. The landscaped area in which any sign is placed shall be kept free from weeds, garbage, and debris. "Maintenance" includes the replacement or repair of any temporary sign that is frayed, ripped or has been damaged.

11-15-10: PERMIT PROCESS:

A. Sign Permit Required: No person shall erect, install, or paint any sign, or change the face of any sign, whether it be temporary or permanent in nature, without obtaining a sign permit from the community development department except as provided in this chapter. This includes new signs, signs to be added to existing buildings or uses, and existing signs that are to be enlarged, changed, or modified.

B. Penalty: New or existing signs installed or altered without a permit will be required to be removed, or a penalty fee of one hundred dollars ($100.00) will be charged at the time application is made for a sign permit with the community development department. (Ord. 2009-45, 11-24-2009)

11-15-11: SITE PLAN REVIEW; SIGN DESIGN:

A. Site Plan Review: When new buildings or developments are presented for site plan review, signs proposed for the development shall be reviewed concurrently by staff. All planned centers and multi-tenant buildings shall submit a sign theme for approval by the planning commission.

B. Sign Design: Applicants for sign permits should give serious consideration to the following elements when submitting plans for signs:

1. Architectural compatibility.

2. Color and style.

3. Size, scale, proportion (balance).

4. Location.


11-15-12: REQUIRED PERMIT INFORMATION:

A. Monument And Freestanding Signs:

1. Plot plan showing relationship of sign to other signs, buildings, property lines, and setbacks from public rights of way, intersections, easements and driveways.

2. Two (2) accurately dimensioned, scaled drawings showing height, color, square foot dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street.

3. Details of sign construction including electrical plans and foundation scheme.

4. Number of acres and length of linear street frontage of property.
B. Wall Signs:

1. Two (2) scaled drawings showing square foot dimensions of both the building and the sign, sign composition, and type of illumination.

2. A profile drawing of how the sign will appear from the street/parking area and on the building.

3. Details of sign construction and attachment including electrical plan.

C. Temporary Signs:

1. Plot plan showing relationship of sign(s) to buildings, property lines, and setbacks from public rights of way, intersections, easements and driveways.

2. Length of period for display, type of request.

D. Additional Information Required:

1. Proof of current Clearfield City business license.

2. Business address and phone number.

3. Address of property owner and phone number.

4. General or electrical contractor license, phone and address. (Ord. 2009-45, 11-24-2009)

11-15-13: SAFETY AND LOCATION STANDARDS FOR PERMANENT SIGNS:

A. Standards Of Construction:

1. Code Compliance: All signs erected in Clearfield City shall comply with the provisions of the currently adopted building codes and the Clearfield City sign ordinance effective at the time the application is submitted.

2. Licensed Sign Contractor Required: No sign, fixture or device involving electrical wiring or connections shall be erected or installed in Clearfield City except by a licensed and bonded contractor.

3. Engineering Required: All sign permit applications shall be engineered to demonstrate conformance with the applicable provisions of the currently adopted building code; and, where required by the chief building official or designee, shall be accompanied by a drawing stamped by a structural engineer licensed by the state of Utah attesting to the adequacy of the proposed construction of the sign and its supports.

4. Durability: All signs must be built of durable and permanent materials.

5. Power Source: Permanent power sources for signs must be concealed underground away from public view.

B. Traffic Safety: No sign or other advertising structure shall be erected which in any manner may be confused with an official traffic sign or signal, or which bears words normally used in such signs, i.e., stop, go slow, caution, danger, warning, etc. No sign or any advertising structure shall be erected which by reason of its size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control device. No sign shall have lighting that impairs the vision of anyone traveling upon a public street or distracts any driver so as to create a public nuisance. Specifically, no sign or group of signs may exceed one foot-candle in brightness as measured at the property line.
C. Clear View: All signs shall comply with the clear view regulations found in section 11-13-10 of this title.

D. Specific Clearance And Location Requirements: The following rules apply for all signs:

1. Freestanding signs shall not extend over any pedestrian or vehicular access area.

2. No part of any sign shall interfere with the use of any fire escape, exit, required stairway, door ventilator, or window.

3. No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state of Utah or its agencies.

4. No sign shall be located on publicly owned land or inside street rights of way, except signs owned and erected by permission of an authorized public agency or specifically authorized herein.

5. High profile (freestanding) and low profile (ground or monument) signs shall be located at least their height in distance from side property lines in order to prevent damage to adjacent land in case a sign is toppled by accident or an act of God.

6. Low profile (monument) signs shall be set back at least one foot (1') from the front sidewalk.

E. Maintenance: Every sign shall be kept in complete operating condition. The landscaped area in which any sign is placed shall be kept free from weeds, garbage, and debris. "Maintenance" includes the repair of facades where signs have been removed, the painting, cleaning, repairing of the sign. "Maintenance" does not include structural alterations, cosmetic or style changes or enlargements of face changes.

F. Landscaping: All freestanding or monument detached signs installed in Clearfield City shall be incorporated into a landscape design or planter box.

G. Pole Cover Required: All on premises freestanding signs shall have the structural supports covered or concealed with pole covers (pylon covers) at least thirty six inches (36") wide. The actual structural supports shall not be exposed, and the covers shall be architecturally and aesthetically designed to match the building.

H. Foundations: Sign foundations and footings shall conform to the currently adopted building code.

I. Pedestal Required: All monument signs shall have at least a one foot (1') opaque pedestal designed as part of the foundation that conceals any pole support. The pedestal shall run at least fifty percent (50%) of the horizontal length of the sign, and there shall not be any exposed space between the pedestal and the ground or landscaped area. Variations to this requirement may be approved by the planning and zoning administrator.

J. Lighting: The light from the illumination of signs shall be carefully directed so that the light is not obtrusive or a nuisance to adjacent properties, particularly in residential areas.

K. Building Identification: All buildings shall be identified with a numbered or lettered street address in addition to optional business identification. The letters or numbers shall be at least four inches (4") in height. (Ord. 2009-45, 11-24-2009)

11-15-14: MEASUREMENT OF REGULATED SIGN AREA: 🌱
A. Wall Signs: Sign copy mounted or painted on a background panel or area distinctly painted, textured or constructed, as a background for the sign copy shall be measured as that area contained within the outside dimensions of the background panel or surface. Any illuminated bands or illuminated structures which contain sign copy, corporate logos, etc., are by definition wall signs in their entirety and as such may not exceed fifteen percent (15%) of the wall area. However, illuminated bands on canopies covering gasoline pump islands shall be regulated per this chapter.

For sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the area shall be defined as the area enclosed by the smallest six (6) sided polygon that will enclose all sign area.

For sign copy on an illuminated sign or illuminated architectural element of a building, the entire illuminated surface or illuminated architectural element that contains sign copy shall be counted as sign area.

B. Monument Signs: The regulated area of a monument sign shall include all parts of the sign or structure that contains identification (words or symbols) and information.

C. Multiple Face Signs (Including, But Not Limited To, Freestanding Or Monument Signs):

1. Single Panel: Measure the area of the single face only.

2. Double Panel: If the interior angle between the top two (2) faces is forty five degrees (45°) or less, the area to be measured will be the area of one face only. If the angle between the two (2) sign faces is greater than forty five degrees (45°), the sign area to be measured will be the sum of the areas of the two (2) faces.

3. Three Or More: The sign area shall be the sum of the areas of the three (3) or more faces.

D. Freestanding Signs: The regulated area of a freestanding sign shall include all parts of the sign or structure that contains identification (words or symbols) and information.

E. Nonplaner Signs: For spherical, freeform, sculptural, or other nonplaner signs, the sign area shall be the sum of the areas of the four (4) vertical sides of the smallest polyhedron that will encompass the sign structure. (Ord. 2009-45, 11-24-2009)

**11-15-15: DEFINITIONS:**

For the purposes of this chapter, the following words and terms shall be defined as set forth herein:

AWNING SIGN: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

BALLOON: Any inflated object. Inflatable entertainment structures shall also be considered balloons.

BILLBOARD: A freestanding, off premises sign located on commercial property adjacent to the Interstate I-15 corridor, designed or intended to direct attention to a business, product, or service as may be allowed under Utah state law.

BUS BENCH/BUS SHELTER SIGN: Any sign placed or erected on a bus bench or bus shelter.

DIRECTIONAL SIGN: A sign designed to provide direction to pedestrian or vehicular traffic.

ELECTRONIC MESSAGE BOARD: A sign or portion of a sign face which uses an electronic display for
advertising or informational purposes.

FLAG BANNER: is a vertical, portable temporary sign that contains a harpoon-style pole or staff driven into the ground for support or is supported by means of an individual stand and has a maximum height of twelve feet. Feather flags is limited to the following associated references; tear drop flags, blade flags, shark fin flags and concave flags. (see figure 1)

FREESTANDING MONUMENT SIGN: A freestanding sign with a height less than six feet (6’).

FREESTANDING SIGN: A sign mounted on a freestanding pole or similar support, as opposed to on a solid base, with a height greater than six feet (6’).

HANDBILL: A flier, leaflet, or other loose printed sheet used for advertising or informational purposes.

MONUMENT SIGN: A permanent sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports.

MUNICIPAL FIELD SIGNS: Municipal field signs are located on the interior of the fencing of the playing fields at Steed Park and Fisher Park.

OFF PREMISES SIGN: Any sign advertising merchandise, services, or businesses other than those available on the premises of the sign's location.

ON PREMISES SIGN: Any sign advertising merchandise, services, or businesses available on the premises of the sign's location.

PLANNED COMMERCIAL OR MANUFACTURING CENTER: A commercial or manufacturing site where multiple tenants are located, whether in a single building or in multiple buildings.

POLE SIGN: See definition of Freestanding Sign.

POLITICAL OR CAMPAIGN SIGN: A sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but does not mean or include any billboard owned or maintained by a commercial firm or advertising company.

READER BOARD: A sign or portion of a sign face designed for changeable copy.

REAL ESTATE SIGN: A sign announcing the sale or availability for lease of a building or lot.

ROOF SIGN: Any sign placed upon the roof of a building or structure.

SIGN: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate a firm, an association, a corporation, a profession, a business, a service or commodity, a product, or any type of publicity or propaganda, whether placed on the ground, rocks, trees, stumps or other natural objects, or on a building, wall, roof, frame, support, fence or other manmade object, which are visible from any street, public highway or public road right of way. For purpose of this title, the term "sign" does not include the flag, pennant, or insignia of any nation, state, city or other political unit, or of a nonprofit organization. It shall not include any official notice issued by any court or public body, or officer, or directional, warning or information sign, or structure required or authorized as a nonprofit organization.

SIGN AREA: See section 11-15-14 of this chapter.

SIGN HEIGHT: The vertical distance measured from the average grade at the base of the sign to the highest point of said sign.
SUSPENDED SIGN: A sign that hangs from a building or structure without being connected to a base on the ground.

TEMPORARY SIGN: Any sign, banner, pennant, valance, balloon, or advertising display constructed of cloth, canvas, fabric, cardboard, wallboard, plastic or other light materials with or without frame where the sign is not permanently affixed to the ground or structure. Spotlights shall also be considered a temporary sign.

WALL SIGN: A sign attached, affixed, or painted on the exterior wall surface of a building or structure. Suspended signs in front of and parallel to a wall surface shall also be considered wall signs.

WINDOW SIGN: A sign that is painted on or temporarily affixed to a window surface. Window signs shall not be permitted to block clear view of exits or entrances or to create a safety hazard. Any sign located directly in front of or behind a window shall be considered a window sign, regardless of the sign type or manner of construction. (Ord. 2009-45, 11-24-2009)

11-15-16: APPEALS:

All appeals to the provisions of this chapter shall be made in accordance with section 11-1-12 of this title. (Ord. 2009-45, 11-24-2009)
TO: Clearfield City Planning Commission
FROM: Spencer W. Brimley, MRED
       Development Services Manager
       Spencer.Brimley@clearfieldcity.org (801) 525-2785
MEETING DATE: Wednesday, July 5, 2017
SUBJECT: Public Hearing, Discussion and Possible Action on CUP 1706-0007, a request by Steve Smith, for approval of a Conditional Use Permit for an automobile repair shop, located at 975 East 700 South (TIN: 12-004-0041) on approximately 0.95 acres and is located in a C-2 (commercial) zoning district.

RECOMMENDATION
Move to approve as conditioned, CUP 1706-0007, a request by Steve Smith, for approval of a Conditional Use Permit for an automobile repair shop, located at 975 E 700 S (TIN: 12-004-0041), based on the findings and discussion in the Staff Report.

PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Project Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
</tr>
<tr>
<td>Site Location</td>
</tr>
<tr>
<td>Tax ID Number</td>
</tr>
<tr>
<td>Applicant</td>
</tr>
<tr>
<td>Property Owner</td>
</tr>
<tr>
<td>Proposed Actions</td>
</tr>
<tr>
<td>Current Zoning</td>
</tr>
<tr>
<td>Master Plan Land Use</td>
</tr>
<tr>
<td>Gross Site Area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Development Standards:</th>
<th>Proposed</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>0.95 acres</td>
<td>No minimum</td>
</tr>
<tr>
<td>Lot Width</td>
<td>135 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>Setbacks: Existing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>&gt;No change</td>
<td>5 feet</td>
</tr>
<tr>
<td>Side</td>
<td>&gt;No Change</td>
<td>0 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>&gt;No change</td>
<td>0 feet</td>
</tr>
<tr>
<td>Landscaping</td>
<td>No change</td>
<td>10%</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>No change</td>
<td>17 spaces</td>
</tr>
</tbody>
</table>
BACKGROUND
The site was previously occupied by Tanner Transmission. In 2006, the site was approved for the development of a 3,840 SF building. The site was developed with requirements specific to the existing 3,840 SF building. According to City business license records, Tanner Transmission left this location the fall of 2012, leaving the building vacant. The applicant is not proposing any changes to the current layout of the developed property, however, will still be required to comply with all previous site approvals.

ANALYSIS
General Plan and Zoning
The site is a 0.95-acre parcel located at 975 E 700 S to the west of AutoZone. Property to the west is zoned Commercial (C-2) but is used as residential. All items required for approval and occupancy were met when the building was constructed, however, over time items have been neglected. The applicant will be required to bring the site up to previously approved site plan. Compliance with all previously approved plans is required for applicant to obtain a business license and operate.

The future land use map of the General Plan shows this area as Commercial with the C-2 (commercial) zoning on the property. The request for a conditional use permit is for an automotive repair business. The applicant is required to maintain the site in accordance with Clearfield City Codes and shall not increase parking, reduce landscaped areas or make other substantial changes to the property without first receiving approval from the Staff or the Clearfield City Planning commission, as is appropriate.

Conditional Use Permit Review
The purpose of the CUP is to allow a land use that, because of its unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land uses, may be compatible only if certain
conditions are required that mitigate or eliminate the detrimental impacts. This location was automotive repair previously, and should be maintained in accordance any previous approval and current codes.

**AUTOMOTIVE REPAIR**
Chapter 3 of the Land Use Ordinance defines Automobile Repair as “Any activity that involves the repair of any passenger auto, pickup truck, trailer, semitrailer, recreational vehicle or other vehicle where the repair includes, but is not limited to, bodywork and collision repair; the rebuilding of engines, transmissions, or differentials; electrostatic or air gun spray painting of vehicles; inspections; tune ups; oil changes; glass, tire, or brake work; or similar repairs.”

Automotive repair may have environmental impacts that warrant mitigating conditions. To prevent contamination of the storm drainage system, fluids should not be allowed to leak onto the ground and automotive parts/scrap should be disposed of in enclosed containers. The building is an existing automotive repair shop, so verification of an oil/water separator should be provided in any floor drains that enter the sewer system. For this site, hazardous liquids shall be stored and contained in a manner consistent with North Davis Fire Department’s review and approval. The applicant will be responsible for providing the City with verification that there is an appropriate, operational oil/water separator.

**Site Plan Requirements**

**OUTDOOR STORAGE**
The applicant has not indicated any outdoor storage for the site, nor requested approval for outdoor storage. Staff would recommend outdoor storage be included as a part of this approval, with a condition of approval requiring any outdoor storage be kept in an area out of view of the public and screened by no less than a 6 foot fence, not chain-link. Any outdoor storage must be kept on an impervious surface (concrete or asphalt) and shall be free of weed, debris and any other refuse. Outdoor storage in the C-2 zoning district is only permitted as an accessory use, not as a principal or primary use and requires conditional use permit approval.

**FENCING**
One measure of mitigation of the use and the related storage needs is the requirement for fencing. Pursuant to the Land Use Ordinance 11-11B-12(C) Walls or fences may be required along all property lines which are adjacent to a residential zone or use or public right of way. The exact location, height and type of materials of the wall or fence shall be approved by the planning commission as part of the site plan approval process.

Currently there is a 6’ tall chain link fence, with slats that separate the property on the north and west. The applicant is not required to replace the fence, but is required to maintain the fence and keep it in good repair. Any damage to the fence or missing slats shall be repaired to the satisfaction of the zoning administrator. Any damaged portion, including the fencing around the dumpster enclosure, shall be repaired to the same standard. Staff recommends issuance of the license be withheld until such time that the applicant has provided verification that all fencing is in good repair, including, but not limited to the enclosure for the dumpster.

**PARKING**
According to documents in the building permit file there is an existing 3,840 square foot building on the site. At 3.5 spaces per 1,000 square feet of floor area (based on intensive commercial use), a minimum of 14 stalls for this, and at least one ADA compliant stall, must be provided. No spaces are to be used for the sale of vehicles. Each stall is required to be 9x20 (180 SF) and situated in a manner that it will not negatively impact traffic along the 700 S (SR 193) Corridor.

The number of parking stalls approved when the building was constructed was 19, one of which is an ADA stall. However since the north end of the property was never developed, there is not adequate backing space
for the 4 stalls that were approved. Staff would recommend at least two stalls be striped in the area on the north side of the building. This would provide 17 stalls for the site, one of is required to be an ADA stall. Paving and striping shown, at a minimum, the ADA parking stall for the property.

LANDSCAPING
The site plan approved previously required that landscaping be along the south and west sides, with an island for the parking on the site. All tree and shrubs that were installed with the original site plan and approval must be installed prior to final approval. Staff has provided applicant a copy of the site plan, to allow them install the correct number of shrubs and trees for the site.

The portion of the property on the north has not been maintained and although it is not included in the required landscape area, it must be maintained in compliance with Clearfield City Code. The northern portion of the property is currently in violation of Clearfield City Code 5-1. All weeds, debris and other refuse shall be removed and disposed of prior to issuance of a license for the business. Required landscaping improvements to be added will include, but is not limited to the inclusion of shrubs, trees and other landscaping that may have died and not been replaced. Additionally any areas of the property not in compliance as it relates to weeds and other debris must be completed.

SIGNAGE
Signage for this business has been reviewed in a separate submittal. Applicant is required to repair and/or restore all signage to be consistent with a new business. Discolored signs or missing portions of any signs must be resolved prior to issuance of final approval and business license.

Public Comment
Staff has not received any comments on this application.

GENERAL STANDARDS
Conditional Use Permit Review
Clearfield Land Use Ordinance §11-4-3 establishes the general standards and determination the Planning Commission shall make to approve Conditional Use Permits. The findings and staff’s evaluation are outlined below:

<table>
<thead>
<tr>
<th>General Standard</th>
<th>Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>DETERMINATION: A Conditional Use Permit shall be approved if conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards set forth [in the Land Use Code]. If the reasonably anticipated detrimental impacts or effects of the proposed conditional use cannot be substantially mitigated or eliminated by the proposal or the imposition of conditions to achieve compliance with the standards set forth [in the Land Use Code], the Conditional Use Permit may be denied.</td>
<td></td>
</tr>
<tr>
<td>1) Equivalent to Permitted Use: Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those which could reasonably be expected to arise from a use that is permitted in the zone: a. The health, safety, and welfare</td>
<td></td>
</tr>
<tr>
<td>The request is for an automotive repair business within an established commercial building with similar businesses to the east. This is a use that is compatible with adjacent properties, with appropriate mitigation efforts and requirements imposed for the surrounding properties.</td>
<td></td>
</tr>
</tbody>
</table>
of the City and its present and future inhabitants and businesses;
b. The prosperity of the City and its present and future inhabitants and businesses;
c. The peace and good order, comfort, convenience and aesthetics of the City and its present and future inhabitants and businesses;
d. The tax base;
e. Economy in governmental expenditures;
f. The State’s agricultural and other industries;
g. The urban and nonurban development;
h. Access to sunlight for solar energy devices; or
i. Property values.

| 2) | Impact Burden: Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use shall become a charge against the development so as not to constitute a burden on the municipality, surrounding neighbors, or adjacent land uses. |
| Impact burden arises from the fact that automotive businesses can become environmental hazards and can cause visual detriment due to potential problems with inoperable vehicles. |

| 3) | Conform to the Objectives of the General Plan: The proposed conditional use shall not limit the effectiveness of land use controls, imperil the success of the General Plan for the community, promote blight or injure property values. | The proposed use does not limit the effectiveness of land use controls or the success of the General Plan. The proposed use is not anticipated to promote blight or injure property values. Conditions of approval are proposed to mitigate impact to the surrounding properties. |

**CONDITIONS OF APPROVAL**

1) This Conditional Use Permit is for an automobile repair use, for Steve Smith Automotive Specialists, located at 975 East 700 South (TIN: 12-004-0041).

2) No automotive repair services shall be conducted outside of the building’s service bays.

3) Except for vehicles awaiting repair there shall be no vehicles stored outside overnight. Keeping of inoperable vehicles overnight inside the building is acceptable.
a. A vehicle kept on site for repair shall not be allowed to remain, for a period exceeding ten (10) days.

4) Fencing shall be kept in good repair. Applicant is required to provide verification that fencing is in good repair to the satisfaction of the zoning administrator, prior to the issuance of a business license.

5) No outdoor storage is approved with this request. Should the applicant request outdoor storage, it must be approved by Clearfield City and must screened by no less than a 6 foot fence with all items being stored on an impervious surface (asphalt or concrete).

6) A minimum of seventeen (17) parking spaces (for employees and customers) shall be provided and maintained at all times. Parking stalls shall meet the minimum dimensions of City Code. The stalls shall be paved and striped. The parking lot shall be striped in a manner consistent to accommodate seventeen (17) stalls, and Clearfield City Code, as well as an ADA parking stall.

7) Applicant is required to repair and/or restore all signage to be consistent with a new business. Discolored signs or missing portions of any signs must be resolved prior to issuance of final approval and business license.

8) The site shall be maintained in a neat and orderly manner and have no abandoned or leaking automotive parts except in an enclosed container for disposal.

9) Keeping of hazardous liquids and rags used to clean up spills shall be kept in accordance with North Davis Fire District’s standards. Storage of any chemicals shall be inspected and approved by North Davis Fire District.

10) An oil/water separator is necessary for all floor drains, and shall be cleaned and in proper working order and must be verified by the Public Works Department.

11) Any other businesses proposed to be located on the same site, prior to obtaining a business license, will require review and approval by the Planning Commission. Additional parking requirements necessary for additional businesses may require amending this Conditional Use Permit and any other conditions deemed appropriate to mitigate additional impacts on surrounding properties.

12) 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
Planning Commission
STAFF REPORT

AGENDA ITEM
#6

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

MEETING DATE: Wednesday, July 5, 2017

SUBJECT: Discussion and Possible Action on SP 1706-0004 a request by Craig Winder on behalf of Ironwood Development for site plan approval for 29 townhomes, located at approximately 823 West 1600 South (TIN: 12-854-0026). The total parcel is approximately 1.88 acres.

RECOMMENDATIONS

Move to approve SP 1706-0004 a request by Craig Winder on behalf of Ironwood Development for site plan approval for 29 townhomes, located at approximately 823 West 1600 South (TIN: 12-854-0026), based on discussion and findings in the staff report.

PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Project Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
</tr>
<tr>
<td>Site Location</td>
</tr>
<tr>
<td>Tax ID Number</td>
</tr>
<tr>
<td>Applicant</td>
</tr>
<tr>
<td>Owner</td>
</tr>
<tr>
<td>Proposed Actions</td>
</tr>
<tr>
<td>Current Zoning</td>
</tr>
<tr>
<td>Land Use Classification</td>
</tr>
<tr>
<td>Gross Site Area</td>
</tr>
</tbody>
</table>
ANALYSIS
The developer has gone through the process of rezoning. The zoning on the property was approved on May 23, 2017, for a change from Commercial (C-2) to Residential (R-3), on conditions that a site plan and development agreement are completed and executed. There is also a subdivision request for this site since the applicant is proposing for the sale of townhomes. Approval of the site plan and development agreement will be contingent on the approval on the amended subdivision plat. If a positive recommendation from the Commission is received, the final plat will be heard by the City Council on July 25, 2017, pending the approval, execution, and recording of a development agreement.

General Plan and Zoning
The Site Plan for multi-family residential conforms to the current General Plan land use classification and R-3 (multi-family) zoning classification.
Site Plan Review

DESIGN STANDARDS
Chapter 18 of the Land Use Ordinance, Design Standards, regulates new construction and construction that requires a building permit. The proposed structures are two story town homes with single car garages. The proposed building type and parking meets the general requirements of the R-3 zone. The development will consist of 4 buildings; 1 9-unit, 2 7-units and 1 6-unit building. The developer has provided renderings and an elevations for the buildings. All exterior finishes must be either brick, stucco, rock, masonry, or combinations thereof. Vinyl siding is not allowed for multi-family developments. Applicant has provided information consistent with Clearfield City Code. Materials will consist of hardie board, and stone. Additional design elements will include baton board, and shake shingles along the front façade. This information has been included as an exhibit to this report.

SITE CIRCULATION and PARKING
The site is at the end of a cul-de-sac designed as a public road with full sidewalk, curb, and gutter improvements currently in place. The site has two access points for the development. The development provides one car garages for each residential unit with at least one additional parking space dedicated per unit. The second parking space for each unit are provided in the 20 foot driveway. Parking for the overall site exceeds the required parking outlined in Chapter 14 of the Clearfield City Code. The applicant has

(1) Code that applies is 11-14
(2) Applicant has asked for 67 stalls for the site
(3) Applicant’s request is consistent with overall parking requirements for the site.
   a. The applicant has provided:
   b. 29 covered stalls,
   c. 29 tandem stalls
   d. 9 additional parking stalls for guests.

LANDSCAPING
Common area landscaping is approximately 29% of the site, which exceeds the 25% requirement as listed in the R-3 Zone. The landscaping plan is a combination of native vegetation with turf grass, shrubs, and street trees planted around the residential units themselves. Landscaping should be included and installed at the time of building permit is issued. In the case that the landscaping cannot be installed due to inclement weather, the developer may escrow for the improvements. A lighting plan will need to be submitted for the site. Lighting will be required within the site, as well as those lights required along the public street, as determined by Clearfield City’s engineer.

GARBAGE DUMPSTER
On-site dumpsters will be provided and screened by an enclosure consistent with the other buildings. Garbage collection will be required for the development. The developer shall provide trash services for the site, as well as contract for garbage collection. Colors and materials should be included with revised plans.

FENCING PLAN
Per City Code, walls and fences may be required around all multi-family projects. Staff would recommend fencing be provided between the commercial and residential portions of the project. Fencing should be required around portions of the project, specifically on the north, south and east. Fencing must be consistent with Clearfield Code and shall not be chain-link or chain-link with slats.

SIGN PACKAGE
Signage is not included as part of this Site Plan approval.
Fire Department Review
North Davis Fire District (NDFD) worked with the applicant in the Plat stage to best incorporate fire infrastructure into the development as a whole. NDFD was comfortable with the submittal strictly from a fire perspective based review of the Subdivision Plat documents. Final approval from the Fire District will be required prior to issuance of permits.

Public Works Review / Engineering Review
The Public Works Director and City Engineer have worked together to produce a letter stating concerns from their department perspectives. Engineer’s letter has identified items to be addressed for final approval, but will allow for a preliminary approval to be granted by the Planning Commission, based on compliance with all conditions approval.

Public Comment
No additional public comment has been received outside of the previous public hearings.

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>1) Traffic: The effect of the site development plan on traffic conditions on abutting streets.</td>
<td>The residential development of this parcel is not projected to cause any undue traffic problems. The road as designed anticipated residential development on this site.</td>
</tr>
<tr>
<td>2) Vehicle; Pedestrian: The layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.</td>
<td>The site has been developed with sidewalk and a public street. No additional pedestrian or vehicular improvements are required at this time.</td>
</tr>
<tr>
<td>3) Off-Street Parking: Compliance of off-street parking facilities with Chapter 14 of this Title.</td>
<td>The site exceeds the required parking stalls for the overall development.</td>
</tr>
<tr>
<td>4) Loading and Unloading Facilities: The location, arrangement and dimensions of truck loading and unloading facilities.</td>
<td>Not applicable to this request.</td>
</tr>
<tr>
<td>5) Surfacing and Lighting; Parking: The surfacing and lighting of off-street parking.</td>
<td>All roadways will be developed with paved surfaces and street lighting as required by Clearfield City street standards. Drive approaches for the residential units are indicated to be concrete. A lighting plan for the development must be submitted for review.</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>6)</td>
<td><strong>Screen Planting:</strong> The location, height and materials, of walls, fences, hedges and screen planting.</td>
</tr>
<tr>
<td>7)</td>
<td><strong>Landscaping:</strong> The layout and appropriateness of landscaping.</td>
</tr>
<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>
</tr>
<tr>
<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>
<tr>
<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 – SP 1706-0004

1) The developer shall submit a final clean copy of the Site Plan documents correcting all errors and omissions indicated by Staff Reviews.

2) Approval of application SP 1706-0004 shall be dependent on the approval of FSP 1706-0004 for an amended subdivision plat, as well as the completion, execution and recording of the development agreement. Development agreement must be executed and recorded prior to issuance of building permits for the site.

3) Final Subdivision Plat and Site Plan submittals shall be in substantial conformance with the Development Agreement and will address the following items as part of the development agreement:
   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 R-3 Zone 11-9E-11(E). The final building plans should be in substantial conformance with Chapter 18 Design Guidelines.
   d. The appropriate number of parking stalls shall be delineated and designed for the site and shown on submitted construction drawings. A one car garage at minimum is required for each residential unit. An adequate number of stalls must meet ADA standards.
   e. New lighting for the site, either parking lot or exterior to the building shall be shown on the construction documents and meet City Code.
   f. A minimum of 25 percent landscaping shall be provided and meet the minimum standards set forth in 11-13-23.

4) New lighting for the site, either parking lot or exterior to the building shall be shown on the revised drawings and shall meet City Code.

5) The final engineering design (Improvement Plans) shall meet City standards and be to the satisfaction of the City Engineer and Public Works Director.

6) The final Fire Infrastructure design shall meet North Davis Fire District standards and be to the satisfaction of the Fire Marshall.

7) No building permits shall be issued or construction of buildings or improvements may begin until after recordation of the final plat.

8) 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 Documents
2. Elevations and renderings
3. Plat
Elevations, Renderings and Materials

Materials:
- Hardie Board
- Stone
- Shake
- Baton Board

Façade:
- Front
  - Lap Siding - 27%
  - Shake - 42%
  - Board & Baton - 17%
  - Stone - 14%
- Sides
  - Lap Siding - 67%
  - Board & Baton - 24%
  - Stone - 9%
- Rear
  - Lap Siding - 82%
  - Shakes - 6%
  - Stone - 12%