

ORDINANCE NO. 22-07Z

ZONING TEXT CHANGE

AN ORDINANCE AMENDING TITLE 28, CHAPTER 3 OF THE CLINTON CITY ZONING ORDINANCE REGARDING STREET RIGHTS OF WAY PROJECTS IMPACT ON PROPERTIES.

WHEREAS, Clinton City has established an ordinance regulating zoning within the City; and,

WHEREAS, Clinton City desires to update the zoning ordinance to clarify property owner's vested rights when street widening impacts the City required improvements on a property; and,

WHEREAS, The Clinton City Planning Commission and City Council has convened public hearings and have determined that changes are needed in this ordinance to promote the health, safety, and general welfare of the citizens;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH:

SECTION 1. The Clinton City Council voted to adopt Ordinance 22-07Z, attached hereto.

SECTION 2. Severability. In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

SECTION 3. Effective date. This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this 13th day of September, 2022.



BRANDON STANGER
MAYOR

ATTEST:



Posted: September 14, 2022

**Chapter 3. Regulations Applicable to all
Zones**

- 28-3-1 Applicability
- 28-3-2 Additional Use Regulations
- 28-3-3 Additional Area Regulations
- 28-3-4 Additional Yard Regulations¹⁸¹
- 28-3-5 Additional Height Regulations
- 28-3-6 Fence Regulations
- 28-3-7 Lighting
- 28-3-8 Public Utility Substations
- 28-3-9 Special Provisions Relating to the Keeping of Animals and Fowl^{148, 170}
- 28-3-10 Site Plan and Architectural Approval^{147, 150}
- 28-3-11 Private Swimming Pools, Tennis Courts, and Skateboard Ramps^{13, 134, 149, 181}
- 28-3-12 Above Ground Storage of Flammable, Combustible Liquids^{29, 101, 167}
- 28-3-13 Mail Box^{35, 82}
- 28-3-14 Codes and Standards¹⁸³
- 28-3-15 Additional Standards^{150, 183}
- 28-3-16 Sexually Oriented Business⁷¹
- 28-3-17 Agriculture Protection Area⁸³
- 28-3-18 Telecommunication Structures⁹⁵
- 28-3-19 Outdoor Storage¹³⁴
- 28-3-20 Required Commercial Landscaping¹³⁷
- 28-3-21 Required Residential Landscaping¹⁴⁸
- 28-3-22 Financial Guarantee Requirements¹³⁷
- 28-3-23 Residential Facility for Elderly Persons¹³⁴
- 28-3-24 Residences for Persons with a Disability¹³⁴
- 28-3-25 Garage, Accessory Building, Shed, Carport - Single Family Dwelling^{169, 183, 192, 198, 199, 213}
- 28-3-26 Model and Display Homes¹⁷⁵

28-3-1 Applicability. The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the Zone regulations contained elsewhere in this Ordinance.

28-3-2 Additional Use Regulations.

(1) The requirements of this Ordinance as to minimum building site area shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land existing as a legal conforming lot prior to the adoption of this Ordinance or to subsequent zone changes.

(2) The City recognizes that a governmental entity may acquire additional right of way to widen a road in any zone in the City impacting improvements such as landscaping, setbacks, and parking. In such a case, the City will recognize into the future the property owner's vested rights for the continued operation of activities allowed in the zone of the impacted property. Said right-of-way impacts will not result in zoning non-conformities, and the City will allow businesses and residences to continue operation, requiring the property owner to coordinate any redesigns with the City to meet the general intent of the zone.

28-3-3 Additional Area Regulations.

(1) Every dwelling unit shall be located and maintained on a "buildable lot" as defined in this Ordinance.⁶⁷

(2) In determining compliance with the minimum lot area standards for each zone, buildable area shall be used in all areas, with the following exception:

(a) If a portion of a lot or parcel of land which meets the minimum lot area requirements of a respective zone is acquired for public use in any manner, including dedication, condemnation or purchase, and such acquisition reduces the area below such minimum requirements, the remainder of such lot or parcel shall nevertheless be considered as having the required minimum lot area if all of the following conditions are met:

(i) Such lot or parcel contains a rectangular space of at least thirty (30) by forty (40) feet exclusive of applicable front and side yard requirements, and exclusive of one-half of the applicable rear yard requirements, and such rectangular space is usable for a principal use or structure.

(ii) The remainder of such lot or parcel of land has an area of at least 75% of the required lot area of the zone in which the lot or parcel is located.

(iii) The remainder of such lot or parcel of land has access to a public street with a width of not less than twenty-six (26) feet.