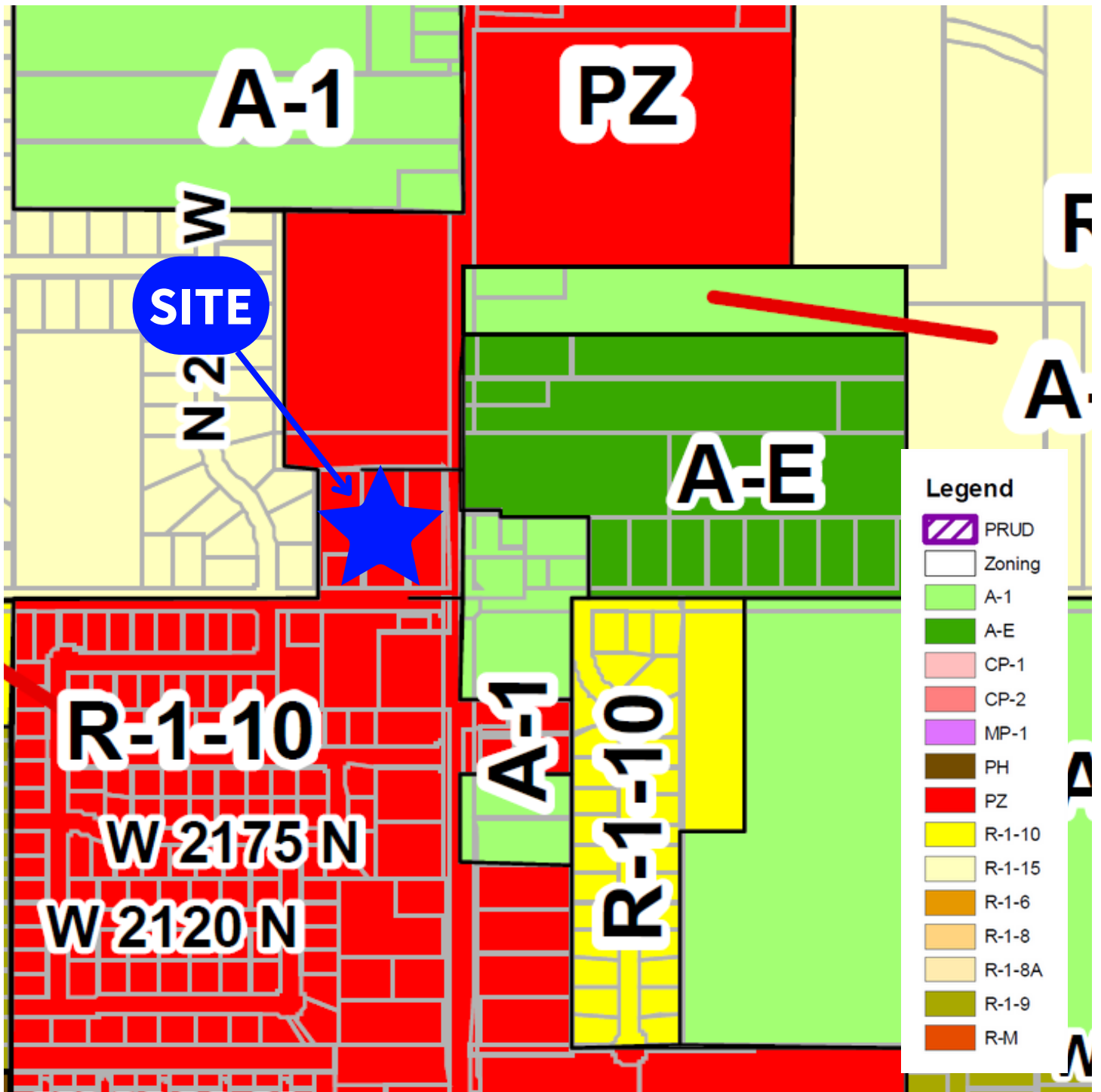


Clinton City Zoning



* This graphic and zoning information is provided as a courtesy and remains the property of Clinton City. User is advised to verify all information.

Chapter 11. Establishment of Zones

- 28-11-1 Purpose and Intent
- 28-11-2 Establishment of Zones
- 28-11-3 Boundaries of Zones
- 28-11-4 Rules Applicable Where Boundaries Uncertain

28-11-1 Purpose and Intent. To provide zones within the City of Clinton in which land uses shall be limited as specified in this Ordinance; and to guide the orderly physical growth, neighborhood compatibility and community stability.

28-11-2 Establishment of Zones. Based on location, topographic features, and other reasonable considerations, the following zones are hereby established:

Table 11.2.1	
Agricultural Zone	A-1
Agricultural Estates Zone	A-E
Single-Family Residential	PH ¹³⁹
	R-1-15 ⁵²
	R-1-10
	R-1-9 ²¹
	R-1-8
	R-1-8a ²⁵
	R-1-6 ¹
Multi-Family Residential	R-M
Mobile Home Park Zone	MHP
Neighborhood Commercial	CP-1
Area Commercial Zone	CP-2
Light Manufacturing Zone	MP-1
Performance Zone	PZ ¹⁸

28-11-3 Boundaries of Zones. The boundaries of each of the said zones are hereby established as described herein or as shown on the map entitled "Zoning Map of Clinton" or as hereafter amended, a copy of which is attached hereto, and all boundaries, notations, and other data shown on said map are made by this reference as much a part of this Ordinance as if fully described and detailed herein. The said map shall be filed in the custody of the City Recorder and may be examined by the public subject to any reasonable regulations established by the City Recorder.

28-11-4 Rules Applicable Where Boundaries Uncertain. Where uncertainty exists as to the boundary of any zone, the following rules shall apply;

(1) Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then unless otherwise definitely indicated on the map, the centerline to be the boundary of such zone.

(2) Where the indicated boundary is approximately a lot line, section line or quarter section line, said lot line, section line or quarter section line shall be construed to be the zone boundary unless otherwise indicated.

(3) Where land has not been subdivided into lots and/or blocks the zone boundary shall be determined by the use of the scale measurements shown on the map unless otherwise indicated.

(4) Where uncertainty continues to exist, the Board of Adjustment shall interpret the map.

Chapter 19. Performance Standard Zone

28-19-1 Legislative Intent
28-19-2 Establishment of Economic Development Zone
28-19-3 Introduction
28-19-4 Use Regulations ^{181, 182, 199}
28-19-5 Public Hearing Required ⁸⁸
28-19-6 Zoning District Performance Standards
28-19-7 Performance Standards ¹²³
28-19-8 Sight Capacity Calculation: Purpose ¹²³
28-19-9 Base Site Area (All Land Uses) ¹²³
28-19-10 Determination of Site Capacity (All Nonresidential Uses)
28-19-11 Open Space
28-19-12 Land Use Intensity Classification and Bufferyards
28-19-13 Land Use Intensity Class Standards
28-19-14 Table of Land Use Intensity Class Standards
28-19-15 Bufferyards: Purpose
28-19-16 Location of Bufferyards ^{153, 163, 164}
28-19-17 Table of Bufferyard Requirements
28-19-18 Bufferyard Requirements ^{151, 163}
28-19-19 Use of Bufferyards ^{151, 153}
28-19-20 Ownership of Bufferyards
28-19-21 Excess Bufferyards
28-19-22 Contractual Reduction of Bufferyard Abutting Vacant Land
28-19-23 Site Development Standards ¹³⁶
28-19-24 Site Design Standards
28-19-25 General Landscaping Requirements ¹⁴⁹
28-19-26 Off-Street Parking Landscaping Requirements ^{123, 149}
28-19-27 Exterior Lighting Standards
28-19-28 Sign Standards
28-19-29 Existing Residential Uses ¹²³
28-19-30 Moderate Density Residential ¹²³
28-19-31 Plant Materials ¹²³
28-19-32 Clinton City Central Business District Design Standards and Guidelines ¹²³

28-19-1 Legislative Intent. In enacting this chapter of the zoning ordinance, special notice has been taken of the fact that the goals of citizens and landowners of Clinton often conflict or compete. The prior method of zoning regularly forced a "winner-take-all" solution to the resolution of conflicts between neighbors or adjoining property owners. Whenever a proposed commercial use encountered objections, the City Council had only two choices: either to permit the use, to the detriment of the objectors, or to prohibit it entirely, to the detriment of the landowner who proposed it. Whenever a use was permitted

(usually by virtue of a rezoning), the preexisting adjacent users were largely unprotected from any of its negative impacts. This chapter has been designed to protect and accommodate both competing interests. This has inevitably, and properly, led to some form of compromise. In arriving at these compromises, every possible consideration has been given to the public interest, individual property rights, and externalities. While compromise implies mutual concessions or losses, it also implies - and this chapter has been designed to provide - mutual gains and benefits. It is the goal of this chapter that both the burdens and the benefits which it, like any scheme of public regulation, implies be rationally and fairly distributed among the citizens and property owners of Clinton.

28-19-2 Establishment of Economic Development Zone. This zone is intended to accommodate most of the economic development expected in Clinton during the next twenty-year period. It consists of the areas where economic development should logically locate as a consequence of planned public facilities and associated capital expenditure. This zone provides for development of a generally suburban character. It provides for necessary commercial and institutional uses. ¹²³

28-19-3 Introduction. The purpose of the regulations contained in this chapter is to allow maximum utilization of land in the zone while insuring against detrimental impacts on the environment, neighboring properties, and the public interest. This regulatory approach has been termed "performance zone" because it permits a use to be developed on a particular parcel only if that use on that parcel meets "performance" standards which have been enacted to insure against the use causing (or having the potential to cause) the negative impacts mentioned above.

The format of the regulations in this chapter differs somewhat from that of the rest of the ordinance because performance zoning requires that consideration be given to site (parcel) characteristics and the range of impacts which any use (such as "office" or "retail store") may have.

(1) Definitions. ^{28, 123}

"High Volume Traffic Generation." Any business that generates in excess of 100 vehicle trips per hour. As part of any conditional use review or site plan review a traffic study may be required by staff or the Planning Commission. ^{69, 88}

"Low-Volume Traffic Generation." Uses such as furniture stores, carpet stores, major appliance stores, etc. that are large and bulky, that need a relatively large amount of storage or display area for each unit

offered for sale, and that therefore generate less customer traffic per square foot of floor than stores selling smaller items.⁶⁹

“**Site Area, Base.**” The area of proposed development minus rights-of-way, existing roads, easements, etc. as outlined in 28-19-9.

“**Site Area, Gross.**” The entire acreage of a proposed development.

“**Site Area, Net.**” The area of a proposed development after subtracting required open spaces as outlined in 28-19-10.

28-19-4 Use Regulations.¹⁸² In the following list of uses, those designated as "P" will be permitted use. Uses designated "C" will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 5 of this Zoning Ordinance.

TABLE 19.4 ^{61, 123, 199} PERFORMANCE ZONE USES			DESIGN REVIEW	PERMITTED/ CONDITIONAL	GENERAL USE CATEGORY (SEC. 15)	
1.000	RESIDENTIAL					
1.100	Single-Family Residences (see section 19.29)					
1.150	Immediate Family Dwelling Unit (see section 19.29)					
1.200	Two-Family Residences (see section 19.29)					
1.400	Miscellaneous, rooms for rent situations					
	1.410	Bed and Breakfast	DR	P	Commercial	
	1.420	Tourist homes and other temporary residences renting by the day or week	DR	P	Commercial	
	1.430	Hotels, motels, and similar business or institutions providing overnight accommodations	DR	P	Commercial	
1.500	Temporary on site storage containers for emergency construction or repair of residences, with the following stipulations a. Must be placed on a hard surface b. Can only be present for 3 months out of a 12 month period			P	Footnote ^a	
1.600	Home Business ¹⁷⁹			P		
1.700	Garage and Yard Sales ¹⁷⁹			P		
1.800	Garages, accessory buildings, sheds, and carports when associated with a residential use will be evaluated per Table 19.29.2					
2.000	SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT					
2.100	No storage or display of goods outside fully enclosed building					
	2.110	High-volume traffic generation				
		2.111	DR	P	Commercial	
		2.112	DR	P	Commercial	
	2.120	Low-volume traffic generation				
		2.121	DR	P	Commercial	
		2.122	DR	P	Commercial	
2.200	Storage and display of goods outside fully enclosed building allowed					
	2.210	High-volume traffic generation			C	Commercial
	2.220	Low-volume traffic generation			C	Commercial
	2.230	Wholesale sales			C	Commercial
3.000	OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE					
3.100	All operations conducted entirely within fully enclosed building					
	3.110	Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stockbrokers, travel		DR	P	Office

TABLE 19.4 ^{61, 123, 199} PERFORMANCE ZONE USES			DESIGN REVIEW	PERMITTED/ CONDITIONAL	GENERAL USE CATEGORY (SEC. 15)
		agents, government office buildings, etc.			
	3.120	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	DR	P	Office
	3.130	Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area	DR	P	Office
3.200	Operations conducted within or outside fully enclosed building				
	3.210	Operations designed to attract and serve customers or clients on the premises	DR	P	Office
	3.220	Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use	DR	P	Office
	3.230	Banks with drive-in windows	DR	P	Office
	3.240	Check Cashing or Deferred Deposit Loan Business with or without a drive-up window. LIMITATIONS: No business shall be located within one thousand (1,000) feet of any other similar business. Distance shall be measured in a straight line. In addition only one business shall be allowed for every ten thousand (10,000) citizens living in Clinton City. 165	DR	P	Commercial
4.000	EDUCATIONAL INSTITUTIONS, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES				
4.100	Educational Institutions				
	4.110	Elementary and secondary (including associated grounds and athletic and other facilities)	DR	P	Institutional
	4.120	Trade or vocational schools	DR	P	Institutional
	4.130	Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	DR	P	Institutional
4.200	Churches, synagogues, and temples (including associated residential structures for religious personnel and associated buildings but not including elementary schools or secondary school buildings)		DR	P	Institutional
4.300	Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)		DR	P	Institutional
4.400	Social, fraternal clubs and lodges, union halls, and similar uses		DR	C	Institutional
5.000	RECREATION, AMUSEMENT, ENTERTAINMENT				
5.100	Activity conducted entirely within building or substantial structure				
	5.110	Amusement enterprises, arcades, video game centers, and similar uses	DR	P	Entertainment
	5.120	Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses	DR	P	Indoor Recreation
	5.130	Movie Theaters	DR	P	Indoor Recreation

TABLE 19.4 ^{61, 123, 199} PERFORMANCE ZONE USES		DESIGN REVIEW	PERMITTED/ CONDITIONAL	GENERAL USE CATEGORY (SEC. 15)
5.140	Coliseums, stadiums, and all other facilities listed in the 5.100 classification designed to seat or accommodate simultaneously more than 1,000 people	DR	P	Indoor Recreation
5.200	Activity conducted primarily outside enclosed buildings or structures			
5.210	Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some	DR	C	Outdoor Recreation
5.220	Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	DR	C	Outdoor Recreation
5.230	Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses	DR	C	Outdoor Recreation
6.000	INSTITUTIONAL RESIDENCES OR CARE OR CONFINEMENT FACILITIES			
6.100	Hospitals, clinics, other medical(including mental health) treatment facilities in excess of 10,000 square feet of floor area	DR	P	Institutional
6.200	Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions	DR	P	Institutional
6.300	Institutions (other than halfway houses) where mentally ill persons are confined	DR	P	Institutional
6.400	Nursery schools; day care centers with no overnight facilities.	DR	P	Commercial
6.500	Homes emphasizing special services or supervision in an existing residential subdivision			
6.510	Homes for handicapped or infirm		P	Special Res.
6.520	Nursing care, intermediate care homes		P	Special Res.
6.530	Child care homes		P	Special Res.
6.540	Halfway houses		C	Special Res.
7.000	RESTAURANTS, TAVERN, PRIVATE CLUBS			
7.100	Restaurant	DR	P	Commercial
7.110	Restaurant (Fast Food)	DR	P	Commercial
7.200	Tavern	DR	P	Commercial
7.300	Private Club	DR	C	Commercial
8.000	MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS ¹²⁶			
8.100	Motor vehicle sales or rental, mobile home sales ⁸⁸	DR	P	Road Service
8.200	Sales with installation of motor vehicle parts or accessories (e.g. tires, mufflers, etc.)	DR	C	Road Service
8.300	Motor vehicle repair and maintenance, not including substantial body work	DR	C	Road Service
8.400	Convenience Store	DR	P	Road Service
8.500	Liquid Fuel Sales	DR	P	Road Service
8.600	Car Wash	DR	P	Road Service
8.700	Pressurized Fuel (LPG, Natural Gas) Sales	DR	P	Commercial

TABLE 19.4 ^{61, 123, 199} PERFORMANCE ZONE USES		DESIGN REVIEW	PERMITTED/ CONDITIONAL	GENERAL USE CATEGORY (SEC. 15)
9.000	STORAGE AND PARKING			
9.100	Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related	DR	P	Commercial
9.200	Parking of vehicles or storage of equipment outside enclosed structures where: (a) vehicles or equipment are owned and used by the person making use of lot, and (b) parking or storage is more than a minor and incidental part of the overall use made of the lot	DR	P	Commercial
10.000	SERVICES AND ENTERPRISES RELATED TO ANIMALS			
10.100	Veterinarian, inside fully enclosed structure	DR	P	Commercial
	10.110 Crematorium, associated with a veterinarian	DR	C	Commercial
10.200	Kennel, inside fully enclosed structure	DR	C	Commercial
11.000	EMERGENCY SERVICES, MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES			
11.100	Municipal Offices	DR	P	Public Service
11.200	Municipal Police Stations	DR	P	Public Service
11.300	Municipal Fire Stations	DR	P	Public Service
11.400	Municipal Rescue squad, ambulance service	DR	P	Public Service
11.500	Other Municipal Structures or Uses	DR	C	Public Service
11.600	Post office	DR	P	Public Service
11.700	Bus station	DR	C	Public Service
11.800	Private Ambulance Service	DR	C	Public Service
12.000	DRY CLEANER, LAUNDROMAT	DR	P	Commercial
13.000	PUBLIC UTILITY SUBSTATIONS	DR	C	Public Service
14.000	COMMERCIAL GREENHOUSE OPERATIONS			
14.100	No on-premises sales	DR	P	Nursery
14.200	On-premises sales permitted	DR	P	Nursery
15.000	FUNERAL HOME	DR	P	Commercial
16.000	CEMETERY AND CREMATORIUM			
16.100	Cemetery	DR	P	Commercial
16.200	Crematorium, associated with a mortuary	DR	C	Commercial
17.000	TEMPORARY STRUCTURES USED IN CONNECTION WITH THE CONSTRUCTION OF A PERMANENT BUILDING OR FOR SOME NON-RECURRING PURPOSE		P	Footnote ^b
17.100	Temporary storage containers, (location, screening from public view & duration will be reviewed) ¹⁶⁵	DR	C	Commercial
18.000	COMBINATION USES	DR	C	Footnote ^c
19.000	EXISTING RESIDENTIAL SUBDIVISIONS AND SINGLE FAMILY DWELLINGS		P	See Section 19.30
21.000	EXISTING OR NON-CONFORMING USE RELATED TO MANUFACTURING,	DR	P	Light Industry

TABLE 19.4 ^{61, 123, 199} PERFORMANCE ZONE USES		DESIGN REVIEW	PERMITTED/ CONDITIONAL	GENERAL USE CATEGORY (SEC. 15)
	PROCESSING, CREATING REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT			
22.000	EXISTING AGRICULTURAL USE OR NON-CONFORMING USE ASSOCIATED WITH AGRICULTURAL, SILVICULTURAL, OR HORTICULTURAL PRODUCTION OR FARMING NOT INCLUDED IN THE LISTED ITEMS ABOVE		P	Agricultural or Agricultural Support
23.000	Garages, accessory buildings, sheds, and carports when associated with a use that is not a residential use will be evaluated during the site plan review as established in §28-3-10.			

^a Temporary structures are approved by the city staff with concurrence of the city council depending upon the urgency of the emergency and situation.

^b Land use classifications are the same as the main use on the property.

^c Uses falling under multiple Class categories as outlined in Table 19.15 will fall under the highest class category.

28-19-5 Public Hearing Required.⁸⁸ For all non-residential uses proposed in this zone, a site plan review by the Planning Commission will be required as specified in 28-3-10. of the Zoning Ordinance. Conditional uses within this zone will require review as outlined in Chapter 5 and 28-1-4 (3). Notice of public hearings for reviews other than Conditional Uses will be set forth in 28-1-4 (4).

28-19-6 Zoning District Performance Standards. Sections 19.6 and 19.7 delineate the minimum standards for open space, density, impervious surface coverage, and lot area which apply in this zone. The purpose of these performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by uses in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety, and welfare by limiting where uses may be established, insuring that traffic congestion is minimized, controlling the intensity of use, and prescribing other such performance criteria necessary to implement the Comprehensive Plan and to meet the goals and objectives of this chapter. All uses and activities shall comply fully with the provisions of the following standards as a precondition of being permitted pursuant to Table 19.4.

28-19-7 Performance Standards.¹²³ This section contains the range of basic standards applicable to the uses allowed by this chapter. All standards must be met. Whenever the standard contained in 28-19-7 is different from another performance standard articulated in this chapter, the strictest standard shall always govern. The floor area factor is the amount of

floor area of a building compared with the net buildable site area. The minimum site area specifies the minimum total number of acres for which development of a particular use may be proposed. Specific standards are dependent upon the intensity of development as outlined in 28-19-14.

28-19-8 Sight Capacity Calculation: Purpose.¹²³ Site capacity for any proposed development is equal to the net buildable area of the site multiplied by the floor area factor or impervious surface ratio, whichever is more restrictive. The site capacity calculation provides the mechanism for subtracting from the base site area all portions of a site inappropriate for development. Consequently, the purpose of this section is to determine the extent to which a site may be utilized given its unique physical characteristics.

Table of Performance Standards (Table 19.7)

Table 19.7 Use	Open Space Ratio (OSR) Minimum Sect. 12	Density Factor		Floor Area Factor (FAF)		Impervious Surface Ratio (ISR) ^a Maximum		Minimum Site Area Acres	Minimum Site Area Sq. Ft.
		Low	High	Low	High	Low	High		
Conventional Subdivision	-	3	5.5	-	-	0.3	40	-	6,000
Performance Subdivision	0.20	4.2	15	-	-	0.3	0.65	5	-
Other Uses	-	-	-	0.005	1.2	0.05	1.0	-	-

^a For conventional subdivision, ratio is applied to individual building lots. For performance subdivision and other uses, ratio is applied to total project area.

28-19-9 Base Site Area (All Land Uses). ¹²³

A. Gross site area as determined by actual on-site survey	_____ acres
B. Subtract land constituting roads and land within ultimate rights-of-way of existing roads as shown in the Clinton City Major Street Plan, rights-of-way of utilities, and easements of access.	- _____ acres
C. Subtract land which is not contiguous:	
1. A separate parcel which does not abut, adjoin or share common boundaries with the rest of the development.	- _____ acres
2. Land which is cut off from the main parcel by a road, railroad, existing land uses, or major stream, such that common use is hindered or that the land is unavailable for building purposes.	- _____ acres
D. Subtract land which in a previously approved subdivision encompassing the same land, as part or all of the subject parcel, was reserved for resource reasons (e.g. flooding or for recreation).	- _____ acres
E. Subtract land required for bufferyard area by Sections 19.16 through 24. (A preliminary decision of which buffer is to be used will need to be made at this time to arrive at this figure. Refer to Sections 19.16 and 19.18 for bufferyard requirements and sizes.)	- _____ acres
F. Equals base site area.	= _____ acres

28-19-10 Determination of site Capacity (All Nonresidential Uses). Individual site capacity is calculated as follows. Both maximum impervious surface area and maximum floor area must be calculated.

Table 19.10		
Take	BASE SITE AREA	_____ acres
Multiply by	Impervious Surface Ratio	* _____ acres
EQUALS	PERMITTED IMPERVIOUS AREA	= _____ acres
Take	Base Site Area	_____ acres
Subtract	FAR (from land use intensity class of proposed use or district maximum, whichever is less)	- _____ acres
EQUALS	Permitted floor area	= _____ acres

28-19-11 Open Space.

(1) Land which is required by this chapter to remain as open space may be used for the recreation, agriculture, resource protection, amenity and other purposes specified in this section. Open-space land shall be freely accessible to all intended users of a development with the exception that agricultural land uses shall be permitted to restrict access to that land to those solely engaged in agricultural pursuits. Open-space land shall not be occupied by non-recreational buildings, roads, road right-of-way or parking areas.¹²³

(2) All developments required by this chapter to provide open space shall meet the following requirements:

(a) Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided below.

(b) An open-space plan shall be submitted as a part of the application for site plan approval. This plan shall designate and indicate the boundaries of all open-space areas required by this ordinance. The plan shall:

(a) Designate areas to be reserved as open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site.

(b) Designate the type of open space which will be provided.

(c) Specify the manner in which the open space shall be perpetuated, maintained, and administered.

(c) The types of open space which may be provided to satisfy the requirements of this ordinance, together with the maintenance required for each type, are as follows:

(a) Agricultural uses. No specific maintenance is required.

(b) Greenways are linear green belts linking residential areas with other open-space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.

(c) Lawns consist of grass with or without trees. Maintenance is limited to watering and mowing to insure neatness.

(d) Interim open space. Land intended for future development may be designated as a holding zone

and thus remains vacant until such time as this land is annexed or rezoned as a development district.

(d) All designated open space shall be large enough to be useable open space. The minimum dimension for usable open space shall be (10) feet and the minimum area shall be one hundred (100) square feet.

(3) Preservation of open space. Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

(a) Dedication of open space to the City or an appropriate public agency, if there is a public agency willing to accept the dedication.

(b) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.

(c) Dedication of development rights of open space may be made to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility shall remain with the property owner.

(d) Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open-space land and provide the maintenance responsibility.

In the event that any private owner of open space fails to maintain same according to the standards of this ordinance, Clinton City may, in accordance with the Open-Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

28-19-12 Land Use Intensity Classification and Bufferyards.

(1) All land uses which are permitted by this chapter have been assigned a land use intensity class designation (see 28-19-14). This classification system separates uses on the basis of the type and degree of "nuisance" or negative impact they are likely to impose on land uses adjacent to them.

(2) In order to minimize any negative effects that a more obnoxious or intensive use will impose on its neighbors, this ordinance requires that bufferyards be provided between uses.

28-19-13 Land Use Intensity Class

Standards. In keeping with the concept that performance should be the relevant measure of any land use regulations, the following section classifies uses according to their respective impact (all uses within a use class are considered to have an equal impact on neighboring uses). A developer may develop at an intensity which will minimize nuisances to neighbors or provide a denser bufferyard if the land is developed at greater intensities. The impacts of greater intensity may include greater impervious surface coverage, with associated increased runoff, heat generation, reduced percolation and open space, increased bulk and height of buildings, increased traffic with associated noise and congestion, signs and exterior lighting visible from

neighboring property, late hours of operation, and other nuisances. Thus, for example, and office use on any lot may meet the standards at intensity class IV, V, VI, VII, or VIII. The range of intensity classes open to a use does not affect whether it can locate on its lot, but only how it can develop on that lot. Performance standards are specified for each intensity class; exceeding any single standard in an intensity class moves a use to the next-higher intensity class. In the event that a use does not appear in the next-higher intensity class, it may not exceed any single criteria in the highest intensity class in which it is listed.

28-19-14 Table of Land Use Intensity Class Standards.

Land Use Intensity Class Number and General Use Category	Maximum Density (Gross)	Maximum Impervious Surface Ratio	Maximum Floor Area Ratio	Site Design Standards ^a	Maximum Building Height (feet) ^b	Hours of Operation
Class I Agriculture	1.00	0.07	n/a	R	35/80	n/a
Class II Outdoor Recreation	n/a	0.05	0.003	A	20	7 am-9 pm
Class III Performance Subdivision	5.2	0.35	n/a	R	35	n/a
Outdoor Recreation	n/a	0.08	0.005	A	25	7 am- 9 pm
Class IV Performance Subdivision	15	0.65	n/a	R	40	n/a
Outdoor Recreation	n/a	0.10	0.006	A	30	7 am- 9 pm
Class V Outdoor Recreation	n/a	0.15	0.009	A	30	7 am-9 pm
Indoor recreation, institutional, and special residential	n/a	0.30	0.25	A	35	7 am-10 pm
Public Service	n/a	0.20	0.12	A	20	n/a
Office	n/a	0.20	0.05	A	25	7 am-9pm
Nursery	n/a	0.03	0.05	A	25	7 am-9 pm
Class VI Outdoor Recreation	n/a	0.25	0.01	B	30	6 am-10 pm
Indoor recreation, institutional, and special residential	n/a	0.60	0.49	B	40	6 am-10 pm
Public Service	n/a	0.50	0.35	B	30	n/a
Office	n/a	0.50	0.24	B	60	n/a
Nursery	n/a	0.20	0.27	B	30	7 am-9 pm
Class VII Outdoor Recreation	n/a	0.40	0.02	C	35	6 am-11 pm
Indoor recreation, institutional, and special residential	n/a	0.70	0.40	C	45	n/a
Public Service	n/a	0.70	0.40	C	40	n/a
Office	n/a	0.70	0.36	C	60	n/a
Commercial	n/a	0.65	0.77	C	30	n/a
Entertainment	n/a	0.65	0.77	C	30	n/a
Road Service ¹²⁶	n/a	0.50	0.19	C	25	n/a
Class VIII ¹²⁶ Outdoor Recreation	n/a	0.60	0.03	D	40	6 am-12 pm

Land Use Intensity Class Number and General Use Category	Maximum Density (Gross)	Maximum Impervious Surface Ratio	Maximum Floor Area Ratio	Site Design Standards ^a	Maximum Building Height (feet) ^b	Hours of Operation
Indoor recreation, institutional, and special residential	n/a	0.70	0.65	D	50	n/a
Public Service	n/a	0.90	0.45	D	50	n/a
Office	n/a	0.85	0.50	D	60	n/a
Commercial	n/a	0.85	1.10	D	50	n/a
Entertainment	n/a	0.85	1.10	D	50	n/a
Road Service	n/a	0.80	0.31	D	40	n/a
Class IX						
Public Service	n/a	0.90	0.59	E	50	n/a
Office	n/a	0.90	0.70	E	75	n/a
Commercial	n/a	0.90	1.20	E	60	n/a
Entertainment	n/a	0.90	1.20	E	60	n/a
Road Service	n/a	0.90	0.35	E	40	n/a
Recreational	n/a	0.80	0.30	E	25/80	n/a
Class X						
Recreational	n/a	0.90	0.40	E	40/120	n/a

^a See Sections 19.24 through 19.26: Landscaping 19.25; Off Street Parking Area Landscaping 19.26; and Exterior Lighting 19.27.

^b The figure specified in this column is the maximum permitted height of each permitted structure. When two figures are specified, the latter one is the maximum permitted height of permitted uninhabited accessory structures. The following structures are exempt from the maximum height regulations of this section, except as limited by any height restriction regulation of the Federal Aviation Agency or any height restriction imposed by any airport authority, or other municipal corporation operating an airport.

1. Agricultural buildings except residences.
2. Bulk storage silos and storage towers in all districts except agricultural, provided the maximum permitted height shall not exceed 100 feet.
3. Concrete batching and mixing towers, provided the maximum permitted height shall not exceed 100 feet.
4. Gravity feed apparatus in all districts except agricultural; the maximum permitted height shall not exceed 60 feet.
5. Public utility poles, towers, and wires.
6. Radio and television antenna and towers.
7. Towers for mechanical equipment or smoke, not exceed 16 feet above roof line of principal building.
8. Water tanks and standpipes.

calculated to insure that they do, in fact function as "buffers".

28-19-15 Bufferyards: Purpose.

(1) The bufferyard is a unit of yard together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this ordinance are designed to ameliorate nuisances between adjacent land uses or between a land use and a public road. The planting units required of bufferyards have been

(2) Bufferyards shall be required to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

28-19-16 Location of Bufferyards. ^{163 164}

(1) To determine the type of bufferyard required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed.

(a) Identify the land use category of the proposed use by referring to Table 19.4.

(b) Identify the use category of the land use(s) adjacent to the proposed use by on-site survey.

(c) Identify the land use intensity class of all adjoining land uses by referring to Table 19.14. Clinton City will supply this information.

(d) Classify any street adjacent to the proposed use by referring to the Clinton City Transportation Master Plan.

(e) Determine the bufferyard required on each boundary (or segment thereof) of the subject parcel by referring to Table 19.17.

(2) 28-19-18 specifies the bufferyard required between adjacent land uses. The requirements are expressed in terms which are further described and detailed in 28-19-18 through 28-19-22.

(3) Bufferyard specifications are detailed and illustrated in Table 19.18.2. The bufferyards illustrated constitute the total bufferyard required between the two adjacent land uses. Any of the options contained in Table 19.18.2 for the required bufferyard shall satisfy the requirement of buffering between adjacent land uses.

(4) Responsibility for bufferyards.

(a) When a use is the first to develop on two adjacent vacant parcels, this first use, if it is other than a commercial or office use shall provide the buffer which Section 19.18 requires next to a commercial use with a Class VIII land use intensity classification. ¹²³

(b) When a commercial or office use is developed adjacent to a vacant parcel, no buffering is required.

(c) The second use to develop shall, at the time it develops, provide all additional plant material and/or land necessary to provide the total bufferyard required between those two uses by 28-19-18. ²⁸

(d) Any development within the Performance Zone located against an adjacent vacant parcel in a residential zone, this first use, shall provide the buffer which Section 19.18 requires next to a residential use with a Class III land use intensity classification. ¹²³

(e) Existing plant material and/or land located on the preexisting (first developed) land use which meets the requirements of this chapter

(f) May be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

(5) Streetscape Landscaping Requirements. The requirements mentioned in this section do not in any way supersede those found within Chapter 4 of this title with regards to parking lot screening, but are to help enhance the streetscape. The landscaping along the street can be included in the calculation for landscaping requirements.

(a) Specifications for bufferyards required against adjoining streets are stipulated in Table 19.16.1.

(b) During the Site Plan Review the Planning Commission will evaluate pedestrian access through required buffer areas to ease access between the development and the public way. As a minimum placement of this access will evaluate slope, construction, texture, snow removal, safety, and continued access from the area of the buffer to structures.

(c) If the planning commission determines that a fence is necessary to be part of a street buffer, due to public safety, fences will be of a decorative nature selected from the F-#W, wrought iron, type fences or F-2B berms. If a fence is required the buffer can be deleted in width by 5-feet, however at no time will the buffer be less than 10-feet deep.

(d) Buffers at corners. In order to facilitate the sight triangle, where buffers meet at intersection corners the minimum depth of the corner buffer will be equal to the larger buffer for a distance of 40-feet from the corner.

(e) Where a development includes a public right-of-way to be developed as a street both sides of the street will be developed with a buffer. If there is property adjacent to the right-of-way that is not part of the development the buffer on that side of the street will be developed with either a street buffer or a bufferyard standard whichever is the greater.

(f) EXCEPTIONS to the streetscape landscaping requirements shall apply only to the location of the parking area and not that of the building. ¹⁶⁵

(a) Reduction of the depth requirement on adjacent streets may be reduced from one (1) to, but not beyond, five (5) feet if it is determined that the evaluation of the Architecture of the building elevations has received at least a positive score.

(b) Reduction of the depth requirement on adjacent streets may be reduced from one (1) to, but not beyond, five (5) feet if it is determined that the evaluation of the landscaping features (water features,

rock work, additional landscaping, and other significant features [refer to 28-20-6 (3) for examples], etc.) to receive at least a positive evaluation by significantly exceeding the minimum requirements.

(c) Use table 19.16.2 when evaluating both the Architectural reductions and the Streetscape landscaping reductions.

Table 19.16.1 – Streetscape Landscaping Requirements


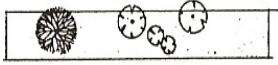

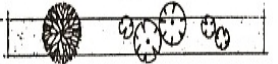



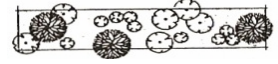
Required Plant Units / 100 l.f.	Plant Unit Multiplier	Depth (feet)	100-feet in Length	Type of Street
1 Canopy Trees 	1	20		Residential
1 Understory Trees 	1.2	20		Collector
10 Shrubs 	1.5	20		Sub-Arterial
1 Evergreen/Conifers 	2	20		Arterial
.5 Bench				

Table 19.16.2 -- Streetscape Landscaping Reduction Options

A. -- Architecture		B. -- Landscaping		Water Feature Reduction Options																													
<table border="1"> <thead> <tr> <th colspan="2">Architectural Reduction Options</th> </tr> <tr> <th>Reduction in Depth (feet)</th> <th>Average Architectural score</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>0</td> </tr> <tr> <td>1 - 2.5</td> <td>+ 1</td> </tr> <tr> <td>2.6 - 5</td> <td>+ 2</td> </tr> </tbody> </table>		Architectural Reduction Options		Reduction in Depth (feet)	Average Architectural score	0	0	1 - 2.5	+ 1	2.6 - 5	+ 2	<table border="1"> <thead> <tr> <th colspan="2">Landscaping Reduction Options</th> </tr> <tr> <th>Reduction in Depth (feet)</th> <th>* Plant unit multiplier</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>0.3</td> </tr> <tr> <td>2</td> <td>0.2</td> </tr> <tr> <td>1</td> <td>0.1</td> </tr> </tbody> </table>		Landscaping Reduction Options		Reduction in Depth (feet)	* Plant unit multiplier	3	0.3	2	0.2	1	0.1	<table border="1"> <thead> <tr> <th>Reduction in Depth (feet)</th> <th>Scope of Feature</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>8%</td> </tr> <tr> <td>2</td> <td>5%</td> </tr> <tr> <td colspan="2">% of total street frontage</td> </tr> </tbody> </table>		Reduction in Depth (feet)	Scope of Feature	3	8%	2	5%	% of total street frontage	
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<p>* Add this amount to the plant unit multiplier number within table 19.16.1</p> <p>** Rock work can not be used as both the reduction option of the streetscape and the required screening of the parking lot</p>		<table border="1"> <thead> <tr> <th colspan="2">** Rock Work Reduction Options</th> </tr> <tr> <th>Reduction in Depth (feet)</th> <th>Scope of Work</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>15%</td> </tr> <tr> <td>2</td> <td>10%</td> </tr> <tr> <td>1</td> <td>5%</td> </tr> <tr> <td colspan="2">% of total street frontage</td> </tr> </tbody> </table>		** Rock Work Reduction Options		Reduction in Depth (feet)	Scope of Work	3	15%	2	10%	1	5%	% of total street frontage		<p>Combination's of Reduction Options</p> <p>Any combination of Landscaping, water features, rock work, or other significant features may be used to add up to the five (5) feet reduction</p>																	
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28-19-17 Table of Bufferyard Requirements. The letter designations contained in this table refers to the bufferyard requirements and standards contained in table 19.18.2.

Table 19.17 Proposed Land Use Intensity Class	ADJACENT EXISTING LAND USE INTENSITY CLASS									
	I ^a	II	III	IV	V	VI	VII	VIII	IX	X
I	b	c	c	c	c	c	c	c	c	c
II	c	b	C	D	D	E	F	G	H	I
III	c	C	b	C	D	E	F	G	H	I
IV	c	D	C	b	D	E	F	G	H	I
V	A	D	D	D	b	b	C	D	E	E
VI	A	E	E	E	b	b	b	C	D	D
VII	A	F	F	F	C	b	b	b	C	C
VIII	B	G	G	G	D	C	b	b	b	B
IX	B	H	H	H	E	D	C	b	b	b
X	C	I	I	I	E	D	C	B	b	b

^a ALSO APPLIES TO VACANT LAND

^b NO BUFFERYARD REQUIRED

^c FENCING ONLY REQUIRED

28-19-18 Bufferyard Requirements. ^{151, 163}

(1) The following illustrations graphically indicate the specifications of each bufferyard. Bufferyard requirements are stated in terms of width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the options thereof illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. The type and quantity of plant materials required by each bufferyard, and each bufferyard option, are specified in this section.

Table 19.18.1 – Available Bufferyards	
Development depth in feet	Bufferyard Options Available
Less than 500 feet	All options are available
501 – 1000 feet	Smallest option is not available
1001 – 1500 feet	Smallest two (2) options are not available
1501 feet and greater	Smallest three (3) options are not available, if however there are only three options within the required bufferyard, then the largest bufferyard must be used.

(2) Each illustration depicts the total bufferyard located between two uses. However, where bufferyards are required against residential units or a residential zone the minimum bufferyard will have a minimum 6' chain link fence, to meet city standards located on the property line between the bufferyard and residencies/residential zone. Where a fence is required the type of fence shall be upgraded one step to further protect the residential use, i.e. F₂ will be installed as a F₃, F₄, as a F₅.

(3) Whenever a wall, fence, or berm is required within a bufferyard, these are shown as "structure required" in the following illustrations, wherein their respective specifications are also shown.

(4) The following plant material substitutions shall satisfy the requirements of this section.

(a) In bufferyards F, G, H, and I, evergreen canopy or evergreen understory trees may be substituted for deciduous canopy forest trees without limitation.

(b) In bufferyards A, B, C, D, E, and G, evergreen canopy or evergreen understory trees may be substituted as follows:

(a) In the case of deciduous canopy forest trees, up to

a maximum of fifty (50) percent of the total number of the deciduous canopy trees otherwise required.

(b) In the case of deciduous understory, without limitation.

(c) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

(d) In all bufferyards required of public service uses, the public service use may substitute evergreen canopy or evergreen understory plant materials for canopy forest trees and understory plant materials, without limitation.

(e) If the development on the adjoining use is existing, planned, or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

(f) Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.


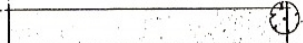

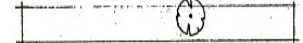











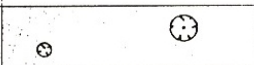



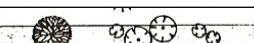


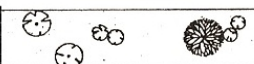






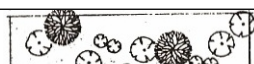





(g) The exact placement of required plants and structures shall be the decision of each user except that the following requirements shall be satisfied:
















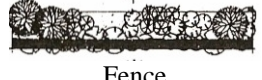





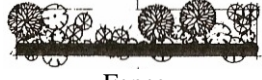









(a) Evergreen (or conifer) class III and IV plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.

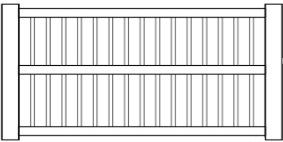
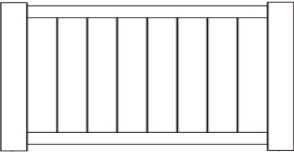
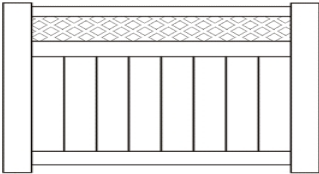
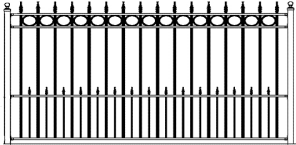
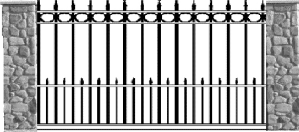
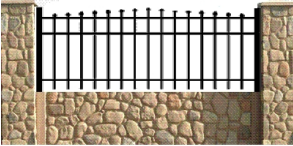
(b) Berms with masonry walls (BW₁, BW₂, and BW₃) required of bufferyard I are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source.




(c) All bufferyard areas shall be seeded with grass and provided with a means of watering.

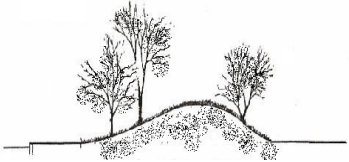
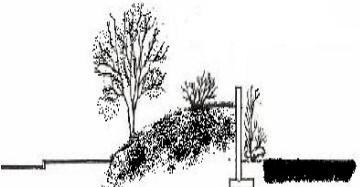
(5) The bufferyards as established within table 19.18.2 represent all of the options available for every development. However, the minimum required bufferyard changes depending on the depth of the development. Use table 19.18.1 to determine the minimum bufferyard allowed per depth of development.

Table 19.18.2					
Required Plant Units / 100 l.f.			Plant Unit Multiplier	Depth (feet)	100-foot in Length
BUFFERYARD A					
.6	Canopy Trees		.6	12.5	
1	Understory Trees		.8	10	
	Shrubs		1	7.5	
	Evergreen/Conifers				
BUFFERYARD B					
1	Canopy Trees		.6	25	
2	Understory Trees		.8	20	
	Shrubs		1	15	
	Evergreen/Conifers		1		
BUFFERYARD C					
1	Canopy Trees		.6	25	
2	Understory Trees		.8	20	
3	Shrubs		1	15	
	Evergreen/Conifers				
BUFFERYARD D					
2	Canopy Trees		.6	30	
4	Understory Trees		.8	25	
6	Shrubs		1	20	
	Evergreen/Conifers				
BUFFERYARD E					
3	Canopy Trees		.8	30	
6	Understory Trees		1	25	
9	Shrubs		.9	20	
	Evergreen/Conifers				Fence

BUFFERYARD F					
5	Canopy Trees		.8	30	
10	Understory Trees		1	25	
15	Shrubs		.9	20	
	Evergreen/Conifers		.8	15	
BUFFERYARD G					
4	Canopy Trees		.8	40	
6	Understory Trees		1	30	
24	Shrubs		.75	25	
12	Evergreen/Conifers		.7	20	
BUFFERYARD H					
5	Canopy Trees		.8	50	
7.5	Understory Trees		1	40	
30	Shrubs		.6	30	
15	Evergreen/Conifers				
BUFFERYARD I					
6	Canopy Trees		.8	75	
9	Understory Trees		1	50	
36	Shrubs		.75	40	
18	Evergreen/Conifers		.6	30	

FENCES		
SYMBOL	HEIGHT	MATERIAL
F-1V F-2V	4-feet 6-feet	 Vinyl
F-3V	6-feet	 Vinyl
F-4V	7-feet	 Vinyl
F-1W F-2W	4-feet 6-feet	 Wrought Iron
F-3W F-4W	4-feet 6-feet	 Wrought Iron and Block
F-5W F-6W	6-feet (2'w/4') 7-feet (4'w/3')	 Wrought Iron and Concrete

FENCES		
SYMBOL	HEIGHT	MATERIAL
F-1C	>3-feet	 Retaining Wall
F-2C F-3C	6-feet 8-feet	 Concrete Slide In
F-4C	8-feet	 Concrete Slide In
		Concrete slide in fencing may be replaced with decorative block or rock fencing constructed on site when approved by the Planning Commission.

BERMS		
SYMBOL	HEIGHT	MATERIAL
F-1B	>3-feet	 Planting Berm
F-2B	>3-feet wall	 Retaining Berm

28-19-19 Use of Bufferyards. ^{151, 153}

(1) A bufferyard may be used for passive recreation; it may contain pedestrian, bike, or equestrian trails, provided that:

- (a) No plant material is eliminated,
- (b) The total width of the bufferyard is maintained, and
- (c) All other regulations of the ordinance are met.

(2) In no event, however the following uses be permitted in bufferyards: ice skating rinks, playfields, stables, swimming pools, and tennis courts.

28-19-20 Ownership of Bufferyards.

Bufferyards may remain in the ownership of the original developer (and assigns) of a land use, or they may be subject to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, City, or an open-space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this ordinance.

28-19-21 Excess Bufferyards. Where the bufferyard required between a land use and vacant land turns out to be greater than that bufferyard which is required between the first use and the subsequently developed use, the following options apply:

(1) The subsequent use may provide one half (.5) of the buffer required by 28-19-17 and 28-19-18. The existing use may expand its use into the original buffer area, provided that the resulting total bufferyard between the two uses meets the bufferyard requirements of 28-19-17 and 28-19-18.

(2) The existing use may enter into agreements with abutting landowners to use its existing buffer to provide some or all of the required bufferyard of both land uses. The total buffer shall equal the requirements of 28-19-17 and 28-19-18. Provided that such an agreement can be negotiated, the initial use may provide the second use some or all of its required bufferyard and/or extra land on which it might develop. The existing use may reduce its excess buffer by transferring part or all of the excess buffer to the adjoining landowner to serve as its buffer. Any remaining excess buffer area may be used by the existing use for expansion of that use or for transfer by it to the adjoining landowner to expand that adjoining use.

28-19-22 Contractual Reduction of Bufferyard Abutting Vacant Land. When a land use is proposed adjacent to vacant land, and the

owner of that vacant land enters into a contractual relationship with the owner of the land that is to be developed first, a reduced buffer may be provided by that first use, provided that:

- (1) The contract contains a statement by the owner of the vacant land of an intent to develop at no greater than a specified land use intensity class; and
- (2) The vacant landowner makes an agreement to assume all responsibility for additional buffer, if needed, by his development of a less intense use than had been agreed upon.

28-19-23 Site Development Standards. ¹³⁶

(1) The Clinton City Master Land Use Map outlines those portions of the city intended for development within the Performance Zone. In order to provide a natural buffer between residential developments adjacent to the Performance Zone and major roadways the Performance Zone shall not be reduced in depth from major roadways or intersections of major roadways below the following distances:

Table 19.23.1 ¹³⁴	
Primary Arterial	500 foot
Minor Arterial	500 Feet
Intersection, Primary and Secondary Arterial	800 Feet
Intersection, Primary and Collector	600 Feet
Intersection, Secondary and Collector	500 foot

(2) Street designations shall be as established in the Clinton City Transportation Master Plan. Distances shall be measured perpendicular from the centerline of the street right-of-way or as a radius from the intersection monument where applicable. ^{61, 123}

28-19-24 Site Design Standards. The land use intensity classification standards (28-19-14.) regulate landscaping (both on-site and for parking areas), and exterior lighting. The following sections detail the regulations which apply to each of the six standards (R,A,B,C,D, and E) specified in Section 19.14.

28-19-25 General Landscaping Requirements. ¹⁴⁹

(1) This section details the general landscaping required of particular land uses by Section 19.14. The number and type of plant units required per three hundred (300) linear feet of building(s) perimeter comprising the subject land use are specified for standards A, B, C, D and E.

(2) The landscaping requirements specified for residential uses (R) is the requirement per ten (10) dwelling units.

(3) The requirements of this section shall be applied proportionately when the total linear feet of building(s) perimeter varies from three hundred (300) feet for nonresidential uses or ten (10) residential dwelling units. All required planting shall be located in areas which do not include any bufferyard or right-of-way. Existing plant materials which meet the requirements of this ordinance may be counted as contributing to the total landscaping required by this section.

(4) The following Table 19.25 specifies the type and number of plant units required by this section.

Table 19.25 Site Design Standard (Section 19-14)	Number of Landscaping Units Required (Per 300 feet or 10 dwelling units)			
	Standard	Canopy	Understory	Shrubs
R	5	5	0	
A	5	5	25	
B	3	3	15	
C	2	2	10	
D	2	2	5	
E	2	2	5	

28-19-26 Off-Street Parking Landscaping Requirements. ^{123, 149} See 28-3-20 and 28-4-18 for details.

28-19-27 Exterior Lighting Standards.

(1) **Purpose:** This section details the exterior lighting standards specified in 28-19-14. The purpose of this section is to regulate the spillover of light and glare on operators of motor vehicles in particular, safety considerations from the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section is not intended to apply to public street lighting.

(2) **Definitions:**

“Candlepower” the amount of light that will illuminate a surface one (1) foot distant from a light source to intensity of one (1) foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

“Cutoff” The points at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cutoff) at a specific angle above the

ground.

“Cutoff Angle” the angle formed by a line drawn from the direction of light rays at the light source and line perpendicular to the ground from the light source, above which no light is emitted.

“Cutoff-type Luminaire” a luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

“Foot-candle” a unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

“Glare” the brightness of a light source which causes eye discomfort.

“Luminaire” a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

“Maximum Permitted Illumination” The maximum illumination measured in foot-candles at the interior bufferyard line at ground level in accordance with the standards of Subsection (3) below.

(3) The following standards are required of all exterior lighting except the outdoor recreational uses specifically exempted below. Many uses have the option of providing a lower light post with a noncutoff type luminaire or a higher pole, up to sixty (60) feet, with a luminaire that totally cuts off light spillover at a cutoff angle smaller than ninety (90) degrees. The maximum height light post permitted is dependent on amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions which are permitted provide adequate protection for neighboring residential property. Exterior lighting shall meet one (1) of the following standards:

1.	When light source or luminaire has no cutoff:		
	Standard	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire
	R	0.20	10 feet
	A	0.20	15 feet
	B, C, D, E	0.30	20 feet
An illustration of this type of luminaire is provided below.			

2.	When a luminaire has total cutoff of an angle greater than ninety (90) degree, the maximum illumination and the maximum permitted luminaire height shall be:		
	Standard	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire
	R	0.30	15 feet
	A	0.50	20 feet
	B	0.75	25 feet
	C	1.0	30 feet
	D	1.5	35 feet
	E	2.0	40 feet
An illustration of this type of luminaire is provided below.			

3.	When a luminaire has total cutoff of light at an angle less than ninety (90) degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at a point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the luminaire shall be:		
	Standard	Maximum Permitted Illumination	Maximum Permitted Height of Luminaire
	R	0.50	20 feet
	A	1.00	25 feet
	B	2.00	30 feet
	C	3.00	40 feet
	D	4.00	50 feet
	E	5.00	60 feet
An illustration of this type of luminaire is provided below.			
LUMINAIRE WITH LESS THAN 90° CUT-OFF			

4.	Exemption for specified outdoor recreational uses.
	1. Because of their unique requirements for nighttime visibility and their limited hours of operation (specified in 28-19-14.), ball diamonds, playing fields, and tennis courts are exempted from the exterior lighting standards of 28-19-27 (3) above. These outdoor recreational uses must meet all other requirements of this section and of this ordinance.
	2. The outdoor recreational uses specified above shall not exceed a maximum permitted post height of eighty (80) feet.
	3. The outdoor recreational uses specified above shall not exceed a total cutoff angle of ninety (90) degrees, provided that the luminaire is shielded to prevent light and glare spillover to adjacent residential property. The maximum permitted illumination at the interior bufferyard line shall not exceed two (2) foot-candles.

(4) **Additional Regulations:** Notwithstanding any other provisions of this section to the contrary:

- (a) No flickering or flashing lights shall be permitted.
- (b) Light sources or luminaries shall not be located within bufferyard areas except on pedestrian walkways.

(5) **Measurement:**

(a) Metering equipment. Lighting levels shall be measured in foot-candles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of its use.

(b) Method of measurement. The meter sensor shall be mounted not more than (6) inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination at property line at ground level in Section 19.14. This procedure eliminates the effects of moonlight and other ambient light.

(6) **Exterior Lighting Plan:** At the time any exterior lighting is installed or substantially modified, and whenever a zoning certificate is sought, an exterior lighting plan shall be submitted to the City in order to determine whether the requirements of this section have been met.

28-19-28 Sign Standards. All signs located within this zone shall be in conformance with the Clinton City Sign Ordinance.

28-19-29 Existing Residential Uses. ¹²³

(1) **Purpose:** ¹²⁶ The purpose of this section is to permit the continued use of single family residential development established within the Performance Zone prior to April 12, 2004. Additionally, the intent is not to allow any additional single-family residences to be developed except on lots that are part of residential plats, approved by the City and Recorded with the Davis County Recorder’s Office prior to April 12, 2004. This does not create non-conforming uses of the existing single-family dwellings rather it maintains all existing rights and privileges associated with single-family dwellings.

(2) **Definitions:**

“Subdivision Conventional.” Subdivisions designed around standard, public owned rights-of-way. Lots are owned by the homeowner, typical development in residential zones within the city.

“Subdivision, Performance (single-family).” Developments of single-family units on privately owned or association owned land with facilities for recreation and open spaces as part of the subdivision. Typically referred to as town houses and cluster homes.

(3) **Table of Performance Standards**

(Table 19.29.1)

	USE	Conventional Subdivision	Performance Subdivision
Open Space ratio (OSR) Minimum			.20
Density Factor	Low	3	4.2
	High	5.5	15
Floor Area Factor (FAF) Maximum	Low		
	High		
Impervious Surface Ratio (ISR) ^a Maximum	Low	.3	.3
	High	40	.65
Minimum Site Area Acres			7
Minimum Lot area Sq.-ft		6,000	
^a For conventional subdivision, ratio is applied to individual building lot. For performance subdivision, ratio is applied to total project area			

(4) **Site Development Standards:** These standards were in place when the existing developments in the Performance Zone were established and shall remain applicable. Subdivisions and classifications existing at the time this change was implemented are:

- (a) Park David Estates, all phases.
 - (a) Class III
 - (b) Conventional Subdivision
- (b) Taylor Estates Subdivision, all phases.
 - (a) Class III
 - (b) Conventional Subdivision
- (c) Plumcreek Subdivision, all phases.

- (a) Class IV
- (b) Conventional Subdivision
- (d) Snowberry Subdivision, all phases.
- (a) Class IV
- (b) Conventional Subdivision
- (e) Tartan Ridge Subdivision, all phases.
- (a) Class IV
- (a) Conventional Subdivision
- (f) Shady Grove Subdivision, all phases.
- (a) Class IV
- (b) Performance Subdivision
- (g) Clinton Towne Center Subdivision, all phases.
- (a) Class IV
- (b) Performance Subdivision
- (h) Clinton Towne Center Apartments
- (a) Class IV

(b) Other Subdivision

Table 19.29.2 Development Standards ¹⁹⁹				Conventional Subdivision	Performance Subdivision	
1.	Minimum Lot Frontage	Interior Width		65	None	
		Corner Width		65	None	
2.	Minimum Yard Setbacks (feet)	1.	Front	Main street	35	35
				Other street	20	20
		2.	Side	Interior lot	8/10	20
				Facing major street	35	35
				Facing other street	20	20
		Garages, accessory buildings, sheds, and carports ¹⁹⁹		3 feet rated 5 feet non-rated	3 feet rated 5 feet non-rated	
		3.	Rear	Main building	25	25
Garages, accessory buildings, sheds, and carports	3 feet rated 5 feet non-rated			3 feet rated 5 feet non-rated		
3.	Building Height	Minimum stories		1	1	
		Maximum stories		2.5	3	
		Maximum feet		35	35	
		Garages, accessory buildings, sheds, and carports ¹⁹⁹		6' minimum, 1 story max, ≤ to main building on lot	6' minimum, 1 story max, ≤ to main building on lot	
4.	Building First Floor Area (sq. ft.)	Dwelling unit minimum		850	800	
		Garages, accessory buildings, sheds, and carports ¹⁹⁹		850	Evaluated during a site plan review as established in § 28-3-10.	
5.	Impervious Surface Ratio	25% The impervious surface ratio is calculated based upon the impervious surface within any required side or rear yard minimum set back.				

^a Applies to building rather than individual units

28-19-30 Plant Materials:¹²³ This section provides for the plant materials and standards that must be met in order to satisfy the requirements established in this chapter. Included in this section are regulations relating to the size of plant materials. Although this section does not generally specify the location or spacing of plant material required, all plant materials shall be located so as to achieve the maximum level of protection to the less intense use.

- (1) **Minimum Plant Size.** Unless otherwise specifically indicated elsewhere in this ordinance, all plant materials shall meet the following minimum size standards.
- (2) Species of trees and shrubs shall be designated by a state licensed landscape architect and submitted to the city for approval as part of the site plan review.

Table 19.31 Plant Material		Minimum Size	
		Planting in buffer yards abutting vacant lands	All other planting
Canopy Tree	Single Stem	2 inch caliper	2 ½ inch caliper
	Multi-Stem Clump	6 feet high	8 feet high
Understory Tree		1 ½ inch caliper	2 inch caliper
Evergreen Tree		5 feet high	7 feet high
Shrubs	Deciduous	3 gallon	5 gallon
	Evergreen	3 gallon	5 gallon

28-19-31 Clinton City Central Business District Design Standards and Guidelines.¹²³

- (1) Clinton City Central Business District Design Standards and Guidelines, referred to as the “CBD Design Standards” are adopted as a companion document to this chapter.
- (2) Unless otherwise established by the Clinton City Council the Clinton City Planning Commission shall function as the Architectural Design Review Committee.

Historic Changes to Chapter (see chapter 24 for details)
3, 28, 69, 88, 123, 134, 136, 149, 151, 153, 163, 164, 181, 182, 198, 199