

**ORDINANCE NO. 2007-02**

**AN ORDINANCE AMENDING TITLE 17, THE LAND USE ORDINANCE (FORMERLY KNOWN AS THE ZONING ORDINANCE), OF THE SOUTH JORDAN CITY MUNICIPAL CODE WITH REQUIREMENTS FROM THE STATE LAND USE DEVELOPEMENT MANAGEMENT ACT (LUDMA) ALONG WITH PROCEDURAL, GRAMMATICAL, PUNCTUATION AND FORMATING CHANGES.**

**WHEREAS**, the South Jordan Planning Commission has reviewed the proposed amendments to the Land Use Ordinance, Title 17 and made a recommendation in regards to said changes; and

**WHEREAS**, in accordance with law, public hearings have been held by the Planning Commission and City Council in South Jordan City to present the proposed amendments to the Land Use Ordinance, Title 17 and to receive comments from the public, which comments were considered by the Planning Commission and City Council; and

**WHEREAS**, the City Council desires to amend the Land Use Ordinance as recommended and proposed in order to comply with State Land Use Development Management Act (LUDMA) and also to make needed grammatical, procedural, punctuation, and formatting changes; and

**WHEREAS**, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed amendments will or may have on existing development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed amendments are in harmony with the General Plan, density, permitted uses, and other components of existing development project entitlements; and

**WHEREAS**, the City Council has found and determined that the proposed amendments to the Land Use Ordinance, Title 17, will support the best interests of the City and will promote the public health, safety and welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH AS FOLLOWS:**

**SECTION 1.** Title 17, "Zoning Ordinance", of the South Jordan Municipal Code is hereby repealed and replaced with Title 17, "Land Use Ordinance", as contained in Exhibit "A", which is attached to this ordinance and incorporated herein by reference.

**SECTION 2.** Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, provisions and words of this Ordinance shall be severable.

**SECTION 3.** Effective Date. This ordinance shall become effective on the day following final passage by the City Council.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS 16 DAY OF January, 2007 BY THE FOLLOWING VOTE.**

	YES	NO	ABSTAIN	ABSENT
David W. Colton	✓	—	—	—
Brian C. Butters	✓	—	—	—
Bradley G. Marlor	—	—	—	✓
Larry Short	✓	—	—	—
Leona Winger	✓	—	—	—



*W. Kent Money*  
W. Kent Money, Mayor

ATTEST: *Anna M. Wiss*  
City Recorder

# TITLE 17 PLANNING AND LAND USE

## CHAPTER 17.04 GENERAL AND SUPPLEMENTARY PROVISIONS

### **17.04.010: SHORT TITLE:**

This Title, including the zoning map, shall be known and may be cited as the *PLANNING AND LAND USE ORDINANCE OF SOUTH JORDAN CITY*. (2003 Code § 17.04.010)

### **17.04.020: PURPOSE AND OBJECTIVES:**

This Title and the zoning map are adopted to facilitate the following purposes:

- A. To encourage orderly growth and development.
- B. To protect the health, safety, and welfare of residents, business, and property owners.
- C. To maintain or improve property values.
- D. To improve and enhance the quality of life.
- E. To reduce traffic congestion and hazards.
- F. To provide adequate light and space and minimize the crowding of land.
- G. To improve security and living environment.
- H. To promote economic development and the economic health of the City and its inhabitants.
- I. To promote a wholesome, sustainable, and attractive City.
- J. To further the goals of the General Plan.
- K. To protect and preserve community values and identity.
- L. To encourage land uses which are compatible with the rural character of the City.
- M. To protect urban and non-urban development. (2003 Code § 17.04.020)

### **17.04.030: SCOPE:**

This Chapter is adopted to establish land use standards which are applicable in one (1) or more zones of the City and which complement the land use requirements of individual zoning districts. (2003 Code § 17.04.030)

### **17.04.040: CONFLICTING PROVISIONS:**

Where conflicting provisions exist in this Title or between this Title and other ordinances or laws, the more restrictive shall prevail unless the language clearly creates an exception. This Title does not nullify or modify the provisions of other covenants, restrictions, agreements, ordinances, or laws unless said provisions are less restrictive

than provisions of this Title. (2003 Code § 17.04.040)

#### **17.04.050: INTERPRETATION AND CLARIFICATION:**

The Community Development Director or his or her designee, after consulting with the City Manager, may clarify and interpret the provisions of this Title, including the zoning map, where there is disagreement or confusion regarding said provisions. The requirements contained in this Title shall be construed as minimums or maximums for the purposes for which the requirements are set forth. (2003 Code § 17.04.050)

#### **17.04.060: PUBLIC NOTICES:**

The following regulations shall apply in providing public notices:

- A. Required Notice: Any statutorily required public hearing shall be scheduled and held by the Planning Commission, Board of Adjustment, or City Council according to provisions of this Title and State law. Notice of the date, place and time of public hearings shall be provided by the City at least ten (10) days before the date of the public hearing, or such lesser time as provided by State statute or City ordinance, by:
  - 1) posting notice of the hearing on the South Jordan City webpage and publishing notice of the hearing in a newspaper of general circulation in the City, if one is available; and
  - 2) by giving mailed written notice of the hearing to each affected entity. A copy of each staff report pertaining to a land use applicant shall be provided to that applicant at least three (3) business days prior to the hearing. If notice given under authority of this Subsection is not challenged in accordance with applicable appeal procedures within thirty (30) days from the date of the hearing for which the notice was given, the notice is considered adequate and proper. The notice provided in this Subsection may be referred to in this Title as "required notice". Costs of required notice shall be paid by the applicant.
- B. Requirements for Notification: All applicants, except those applying for Development Ordinance text amendments, shall submit to the City at such time as directed by the Community Development Department, a VAST list, two (2) sets of printed address labels, and two (2) sets of postage for all property owners of record of the subject property and properties within three hundred (300) feet of the boundary of the subject property as evidenced by the current records of the Salt Lake County Recorder's office. It shall be the applicant's sole responsibility to ensure that the list of property owners and the address labels are accurate and complete. Subject to the limitations set forth herein, the City shall provide notice using the address labels and postage provided by the applicant.

#### **17.04.070: EFFECT OF REVISION OR AMENDMENT:**

Any amendment or revision to this Title, including the zoning map, shall supersede any prior provisions or ordinances. Provisions of this Title and the zoning map not affected by or in conflict with the amendment or revision shall continue to be valid and shall not be considered a new enactment when amendments or revisions are adopted. Any prior provisions of City land use ordinances which do not now conform to provisions of this Title are declared void. Any uses, structures, or buildings which were conforming to

previous provisions of this Title but do not now conform shall be nonconforming uses, structures, or buildings as regulated in this Chapter. (2003 Code § 17.04.070)

**17.04.080: SEVERABILITY OF PARTS:**

The various sections, paragraphs, sentences, phrases, and clauses of this Title are hereby declared to be severable. If any such part of this Title is declared to be invalid by a court of competent jurisdiction or is amended or deleted by the City Council, all remaining parts shall remain valid and in force. (2003 Code § 17.04.080)

**17.04.090: PENALTIES:**

Any person or entity found guilty of violating or causing or permitting the violation of any provision of this Title shall be guilty of a class C misdemeanor, punishable as provided by law. A violation shall be deemed a separate offense for each day the violation exists. (2003 Code § 17.04.090)

**17.04.100: ROUNDING:**

Rounding to whole numbers may be used to determine distance or height, but not in determining maximum or minimum area, density or other quantitative standards or requirements. A decimal ending with five (5) or greater may be rounded up to the next whole number. (2003 Code § 17.04.100)

**17.04.110: ZONING OF ANNEXED TERRITORY:**

Lands which are contiguous to the City boundary may be annexed to the City as provided in Utah Code Annotated. The City Council may assign a zoning designation to the territory at the time it is annexed in accordance with provisions of Utah Code Annotated and City ordinances. If the City Council does not assign a zone to the territory at the time it is annexed, the territory shall be zoned A-5 until and unless otherwise zoned by the City Council. (2003 Code § 17.04.110)

**17.04.120: STATE AND FEDERAL PROPERTY:**

Properties and land owned by the United States government, the State of Utah or other political subdivision of the State of Utah shall be subject to the provisions of this Title unless specifically exempted by State or Federal law. Any private person or entity or other local government or political subdivision of the State which may purchase, lease, rent, or otherwise possess or use State or Federally owned property within the City boundary shall observe all City ordinances and requirements. (2003 Code § 17.04.120)

**17.04.130: EFFECT OF TRANSPORTATION PLAN:**

Landowners shall take into account proposed streets and street widths indicated in the City Transportation Plan in the planning of a development. Where development is proposed, the landowner shall be required to dedicate and improve (or pay a cash bond for the cost of improvements) any street, or portion thereof, which is planned in or necessitated by the development and that is rationally related to the development's impact on the City's transportation system. Where a planned street abuts or traverses a property,

required yard spaces shall be measured from the proposed right-of-way lines of the street. (2003 Code § 17.04.130)

**17.04.140: EFFECT OF PUBLIC USES:**

If the required area, width, frontage, or yard space of a lot is rendered noncompliant as a result of acquisition of a portion of the lot for public use, the lot shall be considered a legal lot for purposes of this Title. No construction or boundary change may be undertaken which will render these requirements further noncompliant. New buildings, structures, or site improvements proposed for construction on such a lot shall meet all other requirements of the zone in which it is located. (2003 Code § 17.04.140)

**17.04.150: PERMITS AND PLANS REQUIRED:**

No building, sign, structure, wall, or collector street fence or fence over six (6) feet tall requiring a permit shall be constructed, reconstructed, remodeled, relocated, or altered without first obtaining required permits or approvals from the City. No grading or change in land use shall be commenced without first obtaining approval from the City.

Applications for permits shall be accompanied by necessary construction plans, exterior elevation plans, and site plans drawn to scale. Plans shall include actual dimensions of the lot to be built upon, the size and setbacks of existing and proposed buildings and structures, adjacent buildings and structures and other information as required by this Title and as deemed necessary by the Building, Fire, Engineering and Community Development Departments. Where required, conditional use permits, site plans, and/or plats must be approved prior to permit issuance. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's future land use plan map, zoning map, and this Title if a complete application is submitted and all fees have been paid, unless the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application, or the City has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted. (2003 Code § 17.04.150)

**17.04.160: CONFORMANCE REQUIRED:**

All licenses, permits, agreements, and plans issued or approved by the City shall comply with all requirements and standards of City ordinances. All subdivisions, site plans, buildings, construction, and infrastructure shall be constructed in conformance with City ordinances and requirements. All uses shall be conducted in conformance with City ordinances, approved plans, and requirements. New utility services shall not be provided on any property which has failed to comply with all requirements, plans, and permits. (2003 Code § 17.04.160)

**17.04.170: CERTIFICATE OF OCCUPANCY AND ZONING COMPLIANCE:**

It shall be unlawful to use or occupy, or permit the use or occupancy, of any building or premises until a certificate of occupancy has been issued for the premises and/or building

by the City. It is unlawful to occupy or to allow the occupancy of any building with uses which are not authorized under the original certificate of occupancy. A new certificate of occupancy must be obtained if the use of the building is intensified or changed to the extent that the original certificate is no longer valid due to violations of occupancy and use Codes. A certificate of occupancy may not be issued until all conditions and requirements of the pertinent conditional use permit, site plan, and/or plat are met. (2003 Code § 17.04.170)

**17.04.180: SHARED YARD SPACE:**

No required yard or open space around a building or structure or on a lot or parcel shall be considered as required yard or open space for another building, structure, lot, or parcel. (2003 Code § 17.04.180)

**17.04.190: PRESERVATION OF LOT SPACE:**

No space needed to meet requirements for lot width, yard, or open space, lot area, building coverage, parking, landscaping, public street frontage, or other requirements of this Title for a lot or building may be transferred, sold, bequeathed, or leased apart from such lot or building unless other space is provided which will achieve compliance. No land may be sold or transferred which will result in a lot that does not comply with the provisions of this Title. (2003 Code § 17.04.190)

**17.04.200: FRONT AND REAR YARD MODIFICATION;  
DEVELOPED AREAS:**

In residential subdivisions or developments which were approved with front and rear yard requirements which are now nonconforming and which have dwellings on more than seventy-five percent (75%) of the lots or parcels within the subdivision or development, the minimum front and rear yard requirements for new construction shall be equal to the average of the front or rear yards for the buildings within the subdivision or development. However, this Section shall not be interpreted to require a larger front or rear yard for new construction than the minimum front and rear yard requirements of the zoning district in which said subdivision or development is located. (2003 Code § 17.04.200)

**17.04.210: CLEAR VISION AREAS:**

No plant, rock, sign, fence, wall, structure, or object in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and the line connecting them at points thirty (30) feet from the intersection of the street lines. Mature trees which are located in the clear vision zone shall be pruned to a height of at least seven (7) feet above the established sidewalk or street elevation. (2003 Code § 17.04.210)

**17.04.220: BUILDING HEIGHT:**

Heights of buildings, fences, signs, and other structures shall be determined by the current regulations of the International Building Code and the individual zones and chapters of this Title. All buildings shall be constructed with at least one story above

grade. Building height shall be measured from the average finished ground elevation to the peak of a pitched roof or to the coping of a flat roof and need not include structures extending above the roof not intended for occupancy. The height of communications antennas shall be regulated by provisions of Chapter 17.112 of this Title. (2003 Code § 17.04.220)

### **17.04.230: TEMPORARY USES:**

"Temporary uses" shall be defined as uses which do not exceed sixty (60) days in duration and which do not require permanent structures or improvements which are not already established with an approved permanent use. Such uses may include, but are not limited to, shaved ice kiosks, Christmas tree lots, fireworks stands, revivals, and carnivals. A temporary use shall not cause or create a nuisance or hazard and shall conform to all requirements of this Title. Uses which exceed sixty (60) days in duration or are not similar to those listed above may only be authorized with a conditional use permit which need not be renewed in the future, provided that all conditions continue to be met and no hazards or nuisances have been created as a result of the use. All trash will be removed and the property will be restored to a clean condition after the temporary use has been terminated. Temporary uses shall obtain and/or provide the following:

- A. A City business license for commercial uses.
- B. Building or electrical permit (if necessary).
- C. Hours of operation.
- D. Salt Lake Valley Health Department approval.
- E. Plot plan showing the location of the use, buildings and structures, setbacks, parking, access to public streets, and adjacent uses.
- F. Mass gathering permit (if necessary).
- G. Property owner's authorization. (2003 Code § 17.04.230)

### **17.04.240: PUBLIC UTILITIES:**

- A. The City Engineer or his or her designee may approve the following public utilities in any zone:
  - 1. Electric power transmission and distribution lines with a capacity of less than sixty nine (69) kV.
  - 2. Gas transmission and distribution lines with a design pressure of less than six hundred (600) psi and pipe diameter of less than sixteen (16) inches.
  - 3. Canals and water transmission and distribution lines with a capacity of less than two hundred (200) second feet.
  - 4. Motor vehicle roads and driveways.
  - 5. Railroad tracks.
  - 6. Telephone lines.
  - 7. Cable television or communication lines.
  - 8. Easements, rights of way, service driveways, or accessory structures which are appurtenant to the above uses.
- B. The following large scale public utilities may be allowed in all zones subject to the granting of a conditional permit:
  - 1. Electric power transmission lines with a capacity of sixty-nine (69) kV or greater.

2. Gas transmission lines with a design pressure of six hundred (600) psi or greater and pipe diameter of sixteen (16) inches or larger.
  3. Water transmission lines with a capacity of two hundred (200) second feet or greater.
  4. Communication towers. (see Chapter 17.112 of this Title)
  5. Any easements, rights of way, service driveways, or accessory structures which are appurtenant to the above uses.
- C. Public facilities shall be subject to all of the height, bulk, location, and other standards for the zone in which they are located except (1) there shall be no minimum lot size required, and (2) only walled and/or roofed structures shall be required to meet the yard requirements (setbacks) of the zone. Otherwise, the public facilities listed in this Section shall have no minimum yard requirements.
- D. In new developments, all utility lines and structures shall be installed underground in properly recorded easements according to City engineering and public utility standards. Junction boxes, monitoring and pump stations, and other above ground utility structures not listed above in excess of thirty (30) square feet in area or over four (4) feet in height shall require conditional use permit approval prior to installation. (2003 Code § 17.04.240)

#### **17.04.250: SWIMMING POOLS:**

Swimming pools shall be located a minimum of five (5) feet from property lines and shall be completely enclosed with minimum six (6) foot nonclimbable fences or walls. Openings in said fences or walls shall not exceed thirty six (36) square inches, except for gates which shall be self-closing and self-latching. (2003 Code § 17.04.250)

#### **17.04.260: PUBLIC SIDEWALK TO BE KEPT CLEAR:**

Adjoining property owners shall keep public sidewalks, park strips and roads clear of obstructions and hazards. Shrubs, plants, and trees shall be maintained clear of the sidewalk. Mature trees shall be pruned at least seven (7) feet above the sidewalk. (2003 Code § 17.04.260)

#### **17.04.270: NONCONFORMING USES AND STRUCTURES:**

Nonconforming uses, buildings, or structures will, under provisions of this Title, be eliminated, safely maintained in their current conditions, or otherwise brought into conformance with the provisions of this Title. Nonconforming uses, buildings, or structures may be continued as follows:

- A. A nonconforming use may not be expanded into additional building or lot area not originally approved for occupancy of the use.
- B. A nonconforming use, except for dwellings, may not be continued or resumed if it has been suspended for longer than a full calendar year.
- C. A nonconforming use may not be substituted by another unlawful use or modified to include other unlawful uses. A nonconforming use may not be intensified or altered without coming into complete compliance with the provisions of this Title.
- D. A nonconforming business use may not be conducted without a City business license which has been approved by the City.

- E. Construction of a nonconforming building or structure or any building or structure previously approved for a use which has become nonconforming since the building or structure was approved may be completed without interference, provided that a valid building permit is obtained within one year of site plan approval, and that construction is completed within two (2) years from the time of building permit issuance.
- F. A nonconforming building or structure may not be expanded, enlarged, or structurally altered without complying with the provisions of this Title except for alterations or repairs required for compliance with building and life safety Codes or except for interior remodeling which does not constitute an expansion.
- G. A nonconforming use, building, or structure may not be continued if said use, building, or structure is declared a nuisance and is detrimental to the public health, safety, and welfare.
- H. Any use, building, or structure which was not authorized by or allowed under a previous land use ordinance or amendment or which is illegal under such ordinance shall remain unauthorized and illegal unless expressly permitted under this Title.
- I. Any nonconforming building or structure damaged to the extent of no more than fifty percent (50%) of its reasonable replacement value at the time of the damage may be restored or reconstructed and the occupancy or use of such building or structure may be continued. The City may not prohibit the reconstruction or restoration of a noncomplying structure, or terminate the nonconforming use of a structure, that is involuntarily destroyed in whole or in part due to fire or other calamity, unless the structure or use has been abandoned or the structure is reconstructed or restored in compliance with all provisions of this Title. Nonconforming single-family dwellings shall be exempt from these requirements. (2003 Code § 17.04.270)

**17.04.280: TIME COMPUTATION:**

A period of time specified in this Title shall be calendar days beginning on the day after the act, event or decision to which the time period refers and ending at five o'clock (5:00) P.M. the last day of the time period. If the last day of the time period does not fall on a business day, the next business day will be deemed to be the last day of the time period. (2003 Code § 17.04.280)

**17.04.290: HOURS OF OPERATION:**

This Section is to promote the general welfare of the City and its citizens, businesses, and visitors. This Section provides a means to enforce as a nuisance certain noise and disturbances to protect and preserve the well being of the City.

- A. It shall be unlawful to perform the following between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.:
  - 1. Mechanically sweep parking lots in the following zones: OS, C-C, Redwood Road MU, C-N, C-I, C-F, I-F, and BH-MU.
  - 2. Pick up commercial refuse trash receptacles within the OS, C-C, Redwood Road MU, C-N, C-I, C-F, I-F, and BH-MU zone districts.
  - 3. Operate construction sites within any zone district throughout the City.
- B. Excluded from the regulations of this Section are (1) projects located in areas

presenting no noise impact to the surrounding areas, (2) projects at the discretion of the City Manager or designee, which benefit the City as a whole, and (3) public or private services rendered during an actual emergency situation.

- C. Penalty: A violation of this Section is a class C misdemeanor and is punishable as such. (Ord. 2005-03, 2-1-2005)

**17.04.300: REQUIRED LANGUAGE WITHIN ALL DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS DOCUMENTS:**

The following language shall be included in the appropriate section of all declarations of covenants, conditions, and restrictions (or similar documents) for residential, commercial, or other projects approved by the City of South Jordan:

*South Jordan City shall have the right, but not the duty, to require, and if necessary, perform, at the Association's expense, landscaping, maintenance, and snow removal within the common areas if the Association fails adequately to perform such. In the event South Jordan City exercises this right, the City shall be entitled to recover any associated costs and attorney fees. In addition, the owners within this project, by virtue of purchasing a dwelling unit within this development, give South Jordan City the right, but not the duty to form, under State statutes, a Special Service District (SSD) for the purpose of ongoing maintenance or a Special Improvement District (SID) for the purpose of making needed improvements within the project. The City may take this action when either asked to take over improvements or maintenance tasks by the Home Owners Association, or by an owner. The City Council may also take one or both of these actions when it determines the need based on a historical pattern of a lack of care and maintenance. The Governing Body of any such district formed, as stated in this paragraph, shall consist of the South Jordan City Mayor, City Council and the Home Owners Association President of the project. This section shall not be amended or deleted without the approval of the City of South Jordan.*

Variations of this paragraph may be approved by the City Attorney when individual circumstances dictate. (Ord. 2005-12, 9-20-2005)

**CHAPTER 17.08  
DEFINITIONS**

**17.08.010: DEFINITIONS:**

The purpose of this Chapter is to provide specific meanings for terms as they are used in this Title and to facilitate the understanding and administration of the provisions of this Title. Meanings shall apply to the singular or plural and to any tense of a verb.

Definitions of pertinent terms provided in Utah Code Annotated are adopted as part of this Title.

“Access” means a road, lane, driveway, sidewalk, trail, path, approach, or other route

used for travel.

“Accessory use” means a use which is incidental and subordinate to the principal permitted or conditional use of the property.

“Affected entity” means a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, property owner, property owners association, or the Utah Department of Transportation, if: (1) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; (2) the entity has filed with the municipality a copy of the entity's general or long-range plan; or (3) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this Chapter.

“Agricultural” means pertaining to uses related to horticulture, crop production, farm and ranch animals, and other uses and buildings in appropriate zones as regulated under this Title, but not including processing, packaging, warehousing, or other industrial activities.

“Appeal” means a process by which a person or entity may seek relief from a requirement of the Land Use Ordinance or from a decision made by a City official or officials in the conduct of their zoning duties.

“Appeal authority” means the Board of Adjustment except where otherwise designated in this Code.

“Arterial street” means a street which has intercity or regional significance or which carries substantial traffic volumes such as I-15, Bangerter Highway, Redwood Road, South Jordan Parkway, and 11400 South. For purposes of this Title, arterial streets shall also be considered collector streets.

“Assisted living center” means an establishment for the housing of independent seniors with supervision, assistance and limited healthcare services in a home like atmosphere; may include protective oversight, food and other services. Architectural standards of this Title requiring garages and 10:12 roof pitch do not apply to this use.

“Bed and breakfast inn” means a building containing no more than four (4) short stay units which is managed and operated by a resident of the building and which has common eating facilities.

“Block” means a structural masonry unit manufactured from concrete.

“Block, decorative colored” means a concrete masonry unit which is integrally dyed a color other than natural gray at the time of manufacture and the outside surface of which is scored, split faced or otherwise textured.

“Board of Adjustment” means a group of residents appointed by the City Council to meet as needed to review requests regarding appeals and variances to City land use requirements as provided under State law.

“Building” means a roofed structure used for shelter meeting requirements of the Building Code and all requirements of this Title.

“Building, accessory” means a building or structure which is incidental and subordinate to the use of the main building on the lot or parcel.

“Building line” means an imaginary line extending across a lot or parcel which is parallel to and coincident with an outside wall of a building.

“Building, principal or main” means a building which is integral to the principal use to which the premises are devoted and which is usually the largest building or among the largest buildings, on the lot or parcel.

“Care center” means an establishment for the housing of elderly or permanently disabled persons who are incapable of independent living. Architectural standards of this Title requiring garages and 10:12 roof pitch do not apply to this use.

“Cash bond” means a payment made to the City to fund future installation of public improvements.

“Certificate of occupancy” means an authority granted by the building official to occupy or use a building upon satisfying City ordinances and all site plan and building permit requirements.

“City” means the City of South Jordan.

“City Council” means the elected legislative body empowered by State law to regulate and govern all planning and land use activities and regulations in the City.

“Collector street” means a street not less than sixty-two (62) feet in width providing for intercity or intercity motor vehicle transportation.

“Collector street fencing” means fencing located within twenty (20) feet of a collector or arterial street right of way line which is constructed of materials described elsewhere in this Title and the Development Code.

“Concept plan” means drawings and information required for review with certain conditional use permit, subdivision, and site plan applications as described in City ordinances.

“Conditional use permit” means authorization granted by the Planning Commission or City Council for a conditional use according to requirements of this Title.

“Condominium” means a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property.

“Contour” means a line which depicts the same elevation across an area of land on a topographical map.

“Cul-de-sac” means a permanent dead end street which terminates in a circular turnaround area.

“Daycare, family” means a childcare or preschool home occupation conducted in accordance with the home occupation regulations of this Title.

“Daycare, group” means a childcare or preschool facility operated as a commercial business, in accordance with City Codes and requirements, but not as a home occupation.

“Density” means the number of lots or dwelling units per acre of gross land area in a residential project.

“Development” means any use of land involving improvements and which requires site plan, plat, or conditional use approval.

“Development agreement” means a written contract between the City and a developer which sets forth the respective terms, conditions, and obligations pertaining to a development in the City.

“Development Review Committee” (DRC) means a group of appointed City officials or their designees given responsibility to review and advise concerning proposed development projects, including site plans, subdivisions, condominiums, and small residential developments.

“Development, small residential” (SRD) means construction of a dwelling on a vacant lot or parcel outside of a recorded subdivision or condominium.

“Drive through” means a commercial establishment which delivers goods or services to consumers in motor vehicles.

“Driveway” means a privately owned and maintained vehicle access to a lot or parcel.

“Dwelling, multiple family” means a building comprised of two (2) or more dwelling units.

“Dwelling” or “dwelling unit” means a building, or a portion thereof, designed for single-family residential occupancy meeting all requirements of this Title and which has at least one kitchen and one bathroom, but not including tents, garages, sheds, travel trailers, campers, motor homes, motels, hotels, lodges, or other quarters intended for transient or temporary occupants.

“Dwelling, single family” means a building comprised entirely of one dwelling unit.

“Easement” means a restricted area of a lot or parcel which is subject to a legal right of use by others who do not own the property but may control the property owner's use of the area.

“Elderly person” means a person who is at least sixty (60) years old who desires or needs to live with other elderly persons in a group setting but who is capable of living independently.

“Elevation” means the altitude of the surface of the ground.

“Elevation, building” means an architectural rendering of the front, side, or rear facade of a building, including dimensions, features, materials, and colors.

“Escrow” means a cash payment to the City to fund, if necessary, the future installation of landscaping or other site improvements.

“Family” or “household” means one or more persons related by blood, marriage, or adoption or approved foster care, a group of not more than four (4) unrelated persons occupying a dwelling unit, or a group of persons as defined by State law as elderly or disabled.

“Floor area” means the sum of all existing and possible occupied areas of a building, finished and unfinished, as measured on the exterior of the building and excluding garages, carports, patios, canopies, porches, breezeways, and similar areas.

“Garage, attached” means an enclosed building designed for motor vehicle parking which is constructed with a wall or roof which is common to a dwelling.

“General Plan” means a document adopted by the City that sets forth general guidelines for proposed future development of the land within the City as set forth in Utah Code Annotated; also referred to as the “Master Plan”.

“General Plan/land use plan map” means a map adopted by the City Council which identifies the current, proposed, or desired future land uses in the City and which guides zoning and development in the City.

“Grade” means the elevation of the ground or the slope or incline of the ground.

“Height, building” means the vertical distance from the average elevation of the rough graded lot surface as measured five (5) feet from the exterior wall of a building to the peak of a pitched roof, the deck line of a mansard roof or to the top of the coping of a flat roof of the building.

“Height, fence” means the vertical distance from the ground to the top of the fence panel (portion of fence between the fence poles or supports). Minimal fence poles or supports may extend no higher than six (6) inches above the fence panel. Fencing constructed above a retaining wall shall be located a minimum of three (3) feet from the top of said retaining wall.

“Height, structure” means the vertical distance from the average elevation of the finished

lot surface as measured five (5) feet from any part of a structure to the highest point of the structure.

“High tech use” or “research and development use” means a use which must be conducted in a clean environment involving research, development, manufacturing, consulting, or other activities related to computer software or hardware, electronic or optical instruments, medical or scientific products and processes, pharmaceuticals or other products, and equipment and activities requiring sophisticated knowledge and techniques.

“Home occupation” means any commercial business or income producing activity conducted from a residential property by family members residing in the dwelling which is clearly incidental and secondary to and compatible with the residential use of the property.

“Household pet” means animals ordinarily permitted in the house and/or kept for company or pleasure such as dogs, cats, birds, or rabbits, but not chickens, ducks, geese, sheep, goats, pigs, or other farm animals, or any animals which are likely to inflict damage, harm, or discomfort or endanger the health, safety, or welfare of any person or property. Other small animals weighing eight (8) ounces or less each which are permitted by law, not considered farm animals, housed within the dwelling and not likely to inflict damage, harm, or discomfort or endanger the health, safety, or welfare of any person or property are not regulated under this Title. Offspring of household pets within the dwelling four (4) months of age or younger shall not be regulated under this Title.

“Improvements” means utilities, roads, walkways, landscaping, parking areas, buildings, and other constructed amenities and infrastructure on public or private lands.

“Land use appeal authority” means the Board of Adjustment except where otherwise designated in this Code.

“Land use authority” means the Planning Commission except where otherwise designated in this Code.

“Letter of credit” means a bank guarantee issued to the City for public improvements to be installed by a developer.

“Local street” or “neighborhood street” means a minor street which connects individual lots or parcels to collector or arterial streets.

“Lot” means a parcel of real property in a subdivision or defined by metes and bounds, but not as part of a condominium, as recorded in the Salt Lake County Recorder's office.

“Lot area” means the square footage or acreage encompassed within a lot or parcel measured on a horizontal plane.

“Lot, corner” means a lot located at the intersection of and fronting on two (2) streets, neither of which is a collector street, where the angle of the street intersection does not exceed one hundred thirty-five (135) degrees.

“Lot coverage” means the total horizontal area of a lot occupied by buildings, including all main and accessory buildings, carports, sheds, patio covers, breezeways, covered walkways, gazebos, and other roofed structures.

“Lot, double frontage” means a lot having frontage on two (2) parallel or approximately parallel streets. Double frontage lots may only access subdivision or neighborhood streets on which the lots front.

“Flag lot” or “panhandle lot” means a lot having a larger area or "body" at the rear (resembling a flag or pan) and which is connected to the street by a narrower portion

(resembling a flagpole or handle) which does not meet the lot width or frontage requirements of the zone.

“Lot, frontage” means the line along which a lot abuts a public street.

“Lot, interior” means any lot not defined as a corner lot.

“Lot line adjustment” means the relocation of a property boundary between two (2) adjoining lots in a subdivision with consent of the owners of record.

“Lot line, front” means the line along which the front yard of a lot abuts a public street.

The front lot line of a double frontage lot shall be the line located adjacent to the subdivision or neighborhood street, not the line adjacent to a collector or arterial street.

“Lot line, rear” means the lot line most distant from and generally parallel to the front lot line. In the case of an irregularly shaped lot having no definable rear lot line, the rear lot line shall be a line ten (10) feet in length which is parallel with the front lot line and which connects two (2) of the other lot lines at points most distant from the front lot line.

“Lot line, side” means lot lines which are generally radial to the front lot line or any lot lines which are not front or rear lot lines.

“Lot width” means the distance across a lot measured at the midpoint of the minimum front yard setback line.

“Mixed use” means the integration of various land uses in a vicinity or project.

“Nonconforming building” or “nonconforming structure” means a building or structure that legally existed before its current or a previous land use regulation or designation and, because of subsequent land use ordinance changes, does not conform with the setback, height restrictions, floor area, architecture, or other regulations that govern the structure.

“Nonconforming lot” or “prior created lot” means any lot which was created prior to the adoption of this Chapter or a previous ordinance which does not meet the area, width, frontage, or other lot requirements of this Title.

“Nonconforming use” means a use of land that legally existed before the current land use regulation or designation and has been maintained continuously (meaning that the use has never been suspended for longer than one full year) since the time the land use regulations governing the land changed but, because of subsequent changes in the land use regulations, does not now conform to those regulations.

“Official map” or “street plan” means a map of proposed streets that has the legal effect of prohibiting development of the property until the municipality develops, or permits the development of, the proposed street.

“Open space” means an area preserved from development of intense urban uses in a natural, landscaped or agrarian state for recreational or other public purposes.

“Ordinance” means planning and land use regulations or other laws and requirements adopted by the City which carry the force of law and are binding upon all who visit, reside in, or own property in the City.

“Parcel” means a tract or plot of land.

“Park, active” means a park designed for organized recreational and athletic activities.

“Park, passive” means a park designed for use by the general public and not for organized activities.

“Park strip” means the area between a street curb and a sidewalk or property line.

“Phasing” means the delineation and order of specific development areas in a project as indicated in a preliminary plat or site plan.

“Planned unit development” (PUD) means a subdivision approved by the City as allowed

within a particular zone which does not meet all of the standard requirements of that zone but is approved with other standards as determined by the City Council.

“Planning Commission” means a group of South Jordan City residents appointed by the City Council to meet regularly to review General Plan issues, current planning and land use issues, proposed development projects, or other matters as directed by the City Council and as provided under State law.

“Planning and Land Use Ordinance” means the body of land use regulations contained in this Title, including the official zoning map of the City.

“Planter” means a small landscaped area usually bordered with concrete such as in a parking area or by a building foundation.

“Plat” means a document describing the ownership of land either by metes and bounds or by a subdivision. A condominium record of survey map may also be known as a plat in City ordinances.

“Private street” means a street approved by the City which is owned and maintained by property owners.

“Project” means a development or activity requiring subdivision, condominium, small residential, conditional use permit, or site plan approval.

“Protection strip” means a strip of privately owned land bordering a subdivision or a street within a subdivision which serves to bar access of adjacent property owners to public improvements within the subdivision until such time as the adjacent owners share in the cost of such improvements.

“Public property” means any land, road, utility, building, or other property or structure owned or controlled by the City, County, State, or Federal government or other political entity.

“Public use” means any use conducted by or in behalf of the City, County, State, or Federal government or other political entity.

“Public right of way” means any street, alley, or access owned by the City, County, or State which is generally open for public use or travel.

“Quasi public use” means any use conducted by a nonprofit, religious, or charitable organization for the benefit of the general public or having partial government involvement or ownership.

“Record of survey map” means the document by which a condominium is recorded.

“Recreational vehicle” means a vehicle which is (1) built on a single chassis, (2) four hundred (400) square feet or less when measured at the largest horizontal projections, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

“Residential facility for disable persons” means a single- or multi-family dwelling unit that meets the requirements of Utah Code Annotated and this Title for occupancy of disabled persons.

“Residential facility for elderly persons” means a single- or multi-family dwelling unit that meets the requirements of Utah Code Annotated and this Title for occupancy of elderly persons.

“Retail” means pertaining to the sales of goods or services to the ultimate consumer which goods or services are taxable under the retail sales tax provisions of Utah State law. Retail sales which are exempt from taxation may not be conducted in any

commercial zone in the City.

“Screening material” means any fence, wall, berm, rock, evergreen shrub, tree, plant, or other object which obscures vision.

“Secondary water system” means the water delivery system intended for irrigation of crops, landscaping and plant material and not intended for culinary use.

“Secondhand merchandising” means the marketing of goods which are used or recycled, except those goods specifically allowed in this Title.

“Setback” means the minimum required distance between a lot line and a building or structure.

“Sexually oriented business” means any business as defined in Chapter 5.68 of this Code.

“Site plan” means a schematic, scaled drawing of a commercial, residential, industrial, office, or institutional development which meets requirements of Chapter 16.24 of this Code.

“Minor retail” or “minor business service” means any commercial activity which occupies a building smaller than five thousand (5,000) square feet in area.

“Small residential development” (SRD) means the construction of a dwelling on a vacant lot or parcel outside of a recorded subdivision or condominium.

“South Jordan City Municipal Code” or “Code” means the body of laws and regulations adopted by and applicable in South Jordan City.

“State law” means the body of laws and regulations adopted by and applicable in the State of Utah.

“Stone” means a natural masonry unit or an artificial masonry unit having the appearance of natural stone including fieldstone, sandstone, marble and granite which is used on the exteriors of buildings, walls, signs, or other structures.

“Stone, simulated” means a synthetic material used on building exteriors which has the appearance of natural stone, i.e., glass fiber reinforced concrete, certain precast products, etc.

“Story” means that portion of a building located between two (2) floor surfaces or, if the uppermost floor, between the floor surface and the ceiling immediately above the floor.

“Structural alteration” means any change to a supporting member of a building or structure.

“Structure” means any object or building erected or constructed on a lot or parcel which exceeds six (6) feet in height or exceeds two (2) feet in height and forms a geometric shape covering a ground area greater than thirty (30) square feet.

“Stub street” means a dead end street which can provide access to adjoining vacant land and which will connect to a future street when the adjoining land is developed.

“Subdivision” means any division of land into two (2) or more lots or parcels. Any subdivision shall be subject to City approval and recorded in the office of the Salt Lake County Recorder. "Subdivision" does not include the adjusting or combining of existing parcel or lot boundaries which does not result in an additional lot.

“Subdivision amendment” or “condominium amendment” means any change to a recorded subdivision plat or condominium record of survey map as required under this Title and Utah Code Annotated. A "lot line adjustment" does not constitute an amendment.

“Subdivision plat” means a map designating land to be divided for individually owned lots and specifying public or quasi-public areas which is approved by the Planning

Commission and City Council and recorded by the Salt Lake County Recorder.

“Title” means the Planning and Land Use Ordinance of South Jordan City.

“Topography” means a graphic representation or description of the natural and manmade features of the surface of the ground.

“Transportation Plan” means a document adopted by the City Council containing data, goals, policies, and maps concerning existing and proposed transportation infrastructure such as major roadways, streetscapes, trails, bike routes, and mass transit.

“Use, compatible” means an existing or proposed use which is like or similar to other neighboring uses.

“Use, conditional” means any use listed as "conditional" in a zone and requiring Planning Commission or City Council approval of a conditional use permit, after a public hearing is held, and which may be incompatible with neighboring properties or which can be made compatible with certain conditions attached to the approval prior to or during conduct of the use.

“Use, incompatible” means an existing or proposed use which is unlike other neighboring uses and which conflicts or may conflict with the neighboring use or uses.

Incompatibility may be based on noise, traffic, light, odor, vibration, emissions, or other environmental or aesthetic considerations.

“Use” or “land use” means the purpose for which a parcel of land, building or structure is developed or constructed, the manner in which it is occupied or maintained, or an activity conducted on the premises on a regular basis.

“Use, permitted” means any use listed as such and allowed within a particular zone which is established and conducted in compliance with City ordinances.

“Use, temporary” means a use which is seasonal or promotional in nature and does not require permanent improvements.

“Variance” means a modification of the requirements of the land use ordinance as applied to a parcel of property granted by the Board of Adjustment.

“Yard, front” means the minimum required area extending across the entire width of a lot between the front lot line and any building or structure on the lot as regulated in this Title. In situations where a permanent, publicly owned, or controlled landscape park strip at least forty (40) feet wide has been developed as part of the permanent street improvements, required front yards abutting said landscaped park strips may be reduced up to ten (10) feet for each minimum twenty (20) foot increment of said landscaped park strip between the street curb and the property line. Owners of lots for which a front yard reduction has been allowed may be required to landscape and/or maintain all or part of the said landscaped park strip area adjoining the property. The area may, with City approval, be used to meet the minimum front yard landscape requirement for the lot or parcel adjoining said landscaped park strip and for necessary access, utilities, lighting, and signs associated with the adjoining lot or parcel. Allowed uses of said landscaped park strip will meet City requirements for said uses as though a standard street configuration existed. The landscaped park strip area provision shall not apply to single-family residential uses.

“Yard, rear” means the minimum required area extending across the entire width of a lot between the rear lot line and any main building or structure on the lot as regulated in this Title. For purposes of placing rear yard accessory buildings, the rear yard shall be defined as the entire area between the rear line of the main building and the rear lot line.

In situations where a permanent, publicly owned or controlled landscape park strip at least forty (40) feet wide has been developed as part of the permanent street improvements, required rear yards abutting said landscaped park strips may be reduced up to ten (10) feet for each minimum twenty (20) foot increment of said landscaped park strip between the street curb and the property line. Owners of lots for which a rear yard reduction has been allowed may be required to landscape and/or maintain all or part of the said landscaped park strip area adjoining the property. The area may, with City approval, be used to meet the minimum rear yard landscape requirement for the lot or parcel adjoining said landscaped park strip and for necessary access, utilities, lighting, and signs associated with the adjoining lot or parcel. Allowed uses of said landscaped park strip will meet City requirements for said uses as though a standard street configuration existed. The landscaped park strip area provision shall not apply to single-family residential uses.

“Yard, side” means the minimum required area between the side lot line and the main building extending from the required front yard to the required rear yard.

In situations where a permanent, publicly owned or controlled landscape park strip at least forty (40) feet wide has been developed as part of the permanent street improvements, required side yards abutting said landscaped park strips may be reduced up to ten (10) feet for each minimum twenty (20) foot increment of said landscaped park strip between the street curb and the property line. Owners of lots for which a side yard reduction has been allowed may be required to landscape and/or maintain all or part of the said landscaped park strip area adjoining the property. The area may, with City approval, be used to meet the minimum side yard landscape requirement for the lot or parcel adjoining said landscaped park strip and for necessary access, utilities, lighting, and signs associated with the adjoining lot or parcel. Allowed uses of said landscaped park strip will meet City requirements for said uses as though a standard street configuration existed. The landscaped park strip area provision shall not apply to single-family residential uses.

“Zone” means a district within the City in which specific regulations of this Title apply to the development, use, and maintenance of land, buildings, and structures.

“Zoning map” means a map adopted by the City Council which designates the zoning of lands and parcels within the municipal boundary of the City and which is governed by this Title. (2003 Code § 17.08; amd. Ord. 2003-17, 9-2-2003; Ord. 2003-24, 11-18-2003; Ord. 2003-35, 12-2-2003; Ord. 2004-06, 5-18-2004)

## **CHAPTER 17.12 GENERAL PLAN**

### **17.12.010: ADOPTION:**

The Planning Commission has recommended adoption of and the South Jordan City Council has adopted, by resolution, a General Plan for the City under separate cover in accordance with pertinent local and State laws. The General Plan will serve as a guide to land use and development in the City. (2003 Code § 17.12.010)

### **17.12.020: CONFORMANCE REQUIRED:**

Parcels of land shall be rezoned in conformance with the land use designations for those parcels indicated in the future land use map of the land use element of the General Plan. (2003 Code § 17.12.020)

### **17.12.030: GENERAL PLAN AMENDMENT:**

The General Plan may be amended by resolution of the City Council as follows:

- A. The process to amend the General Plan and future land use map may be initiated by members of the City Council, by the City Manager or Community Development Director, or by the owner of a subject property or his or her agent. A General Plan land use or text amendment which is not initiated by the City may not be reinitiated for an amendment which was considered within the previous year without a majority vote of the City Council. A land use amendment should not impair the development potential of the subject parcel or neighboring properties.
- B. The Planning Commission shall hold a public hearing, as required by State law, after which the Commission may modify the proposed General Plan amendment. The Planning Commission shall then forward the proposed General Plan amendment to the City Council.
- C. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing, and may accept, accept with modifications, or reject the proposed General Plan amendment. (2003 Code § 17.12.030)

### **17.12.040: LAND USE AMENDMENT APPLICATION:**

An application for a land use amendment not sponsored by the City shall be submitted to the Community Development Department and shall include the following:

- A. A completed application form and owner's affidavit as required by the Community Development Department and a statement of the requested land use amendment.
- B. Payment of the application fee **set by the City** and the cost of the newspaper notice and other notices as required
- C. A Salt Lake County plat of the subject parcels, the acreage (and/or legal description if required by the Community Development Department) of the area to be amended, and the parcels within three hundred (300) feet of the subject area
- D. A listing of names and addresses with two (2) sets of address labels and postage for owners of record at the Salt Lake County Recorder's office of the subject property and properties within three hundred (300) feet of the subject property as required in Section 17.04.060 of this Title (2003 Code § 17.12.040)

### **17.12.050: PLANNING COMMISSION REVIEW:**

Upon satisfactory submittal of an application for a land use amendment, the Community Development Department shall schedule a public hearing before the Planning Commission regarding the proposed land use amendment. Notice of the public hearing shall be provided in accordance with Section 17.04.060 of this Title. The Planning

Commission shall receive public comment at the public hearing regarding the proposed land use amendment and make a recommendation on the amendment to the City Council. (2003 Code § 17.12.050)

**17.12.060: CITY COUNCIL REVIEW:**

The Community Development Department shall schedule a public hearing before the City Council regarding the proposed land use amendment to be held subsequent to the Planning Commission meeting. Notice of the public hearing shall be provided in accordance with Section 17.04.060 of this Title. The City Council shall receive public comment at the public hearing regarding the proposed land use amendment and may thereafter take action on the proposed amendment. (2003 Code § 17.12.060)

**17.12.070: TEXT AMENDMENT APPLICATION:**

An application for a General Plan text amendment not sponsored by the City shall be submitted to the Community Development Department and shall include the following:

- A. A completed application form as required by the Community Development Department and a statement of the requested text amendment
- B. Payment of the application fee **set by the City** and the cost of the newspaper notice and other notices as required (2003 Code § 17.12.070)

**17.12.080: PLANNING COMMISSION REVIEW:**

Upon satisfactory submittal of an application for a General Plan text amendment, the Community Development Department shall schedule a public hearing before the Planning Commission regarding the proposed text amendment. Notice of the public hearing shall be provided in accordance with Section 17.04.060 of this Title. The Planning Commission shall receive public comment at the public hearing regarding the proposed text amendment and make a recommendation on the amendment to the City Council. (2003 Code § 17.12.080)

**17.12.090: CITY COUNCIL REVIEW:**

The Community Development Department shall schedule a public hearing before the City Council regarding the proposed text amendment to be held subsequent to the Planning Commission meeting. Notice of the public hearing shall be provided in accordance with Section 17.04.060 of this Title. The City Council shall receive public comment at the public hearing regarding the proposed land use amendment and may thereafter take action on the proposed amendment. (2003 Code § 17.12.090)

**CHAPTER 17.16**  
**LAND USE ADMINISTRATION**

**17.16.010: PLANNING COMMISSION:**

There is created a Planning Commission of the City which shall consist of five (5) members. Members of the Planning Commission shall be appointed by the City Council. Members of the Planning Commission shall be appointed for staggered terms with each member's term to run for four (4) years. Any vacancy occurring on said commission by reason of death, resignation, removal, or disqualification shall promptly be filled by the City Council for the unexpired term of such member. The City Council may remove any member of the Planning Commission for cause, upon written notice of such removal to the person or persons being removed.

- A. Commission Organization and Meetings: At the first regular Planning Commission meeting held in each calendar year, the members shall select from their number a Chairperson and other such officers as they deem necessary in carrying out the functions of the Commission and shall adopt such rules and regulations for the conduct of business before the Commission as they deem appropriate which rules and regulations may be modified and/or amended at any time by the Planning Commission at any of its regular meetings. Meetings of the Commission shall be held at the call of the Chairperson and at such other times as the Commission may determine in accordance with the law. Meetings of the Planning Commission shall be open to the public, unless closed in accordance with law. Three (3) members of the Planning Commission shall constitute a quorum for the transaction of business. Minutes shall be taken at the Planning Commission meetings and minutes containing the official act and recommendations of the Planning Commission shall constitute public records and shall be available for inspection upon reasonable notice at reasonable times and places. Reports of official acts of the Planning Commission shall be made in writing and shall indicate how each member of the Commission voted with respect to such acts or recommendations as the Commission may from time to time make.
- B. Functions and Duties: It shall be the function and duty of the Planning Commission, after holding public hearings, to make and adopt and certify to the legislative body, a General Plan for the physical development of the municipality, including the areas outside of its boundaries which, in the Commission's judgment, bear relation to the planning of the municipality. Where the plan involves territory outside the boundaries of the City, action shall be taken with the concurrence of the County or other municipal legislative body concerned. The General Plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the Planning Commission's recommendations for the said physical development, and may include, among other things, the general location and extent of streets. The Planning Commission may from time to time amend, extend, or add to the plan or carry any part or subject matter into greater detail. It shall be the function and the duty of the Planning Commission and it shall have the power to make, adopt, and certify to the City Council a land use plan, including the text of the Land Use Ordinance and maps representing the Planning Commission's recommendations for the regulation by districts or zones of the location, height, bulk, number of stories, size of building and other structures, the percentage of the lot which may be occupied, the size of the yard, courts and other spaces, the density and distribution of population and the use of buildings, structures and land for trade, industry, residence, recreation, commercial business, or other purposes from and after the time when a

land use ordinance has been enacted by the City Council and the official map has been recorded in the office of the City Recorder. No permit shall be issued by the Building Official or any building or structure or part thereof on any land located within the boundaries of the zoning map which would be in violation of the recommendations of the Planning Commission as shown on such official map. Any person aggrieved by his or her inability to obtain any permit may appeal to the Board of Adjustment. The foregoing list of functions and duties of the Commission shall not be construed as all inclusive and the Planning Commission shall have such additional powers and duties as are duly authorized under the laws of the State for Planning Commissions.

- C. Changes And Amendments: The Land Use Ordinance, including the maps, may from time to time be amended by the City Council after giving ten (10) days' notice of a public hearing, but all such proposed changes and amendments shall first be proposed by the Planning Commission or shall be submitted to that Commission for its consideration prior to action by the City Council. With respect to any proposed amendments, the Planning Commission shall, within thirty (30) days' time after which the proposed amendment is referred to such Commission, report its approval or disapproval or recommendations with regard to such proposed amendment to the City Council. The Planning Commission may request that the City Council grant an extension of time for an in depth study of the proposed amendment that must show cause why such additional study is necessary on making such request. Failure of the Planning Commission to submit a report or to request an extension of time within the prescribed time shall be deemed approval by the Planning Commission of such proposed change or amendment. The City Council may adopt, reject, or accept in part the recommendations of the Planning Commission by a majority vote of the members of the City Council.
- D. Street Plan: From and after the time when the Planning Commission shall have adopted a major street plan, the City Council may establish an official map of the whole or part of the municipality theretofore existing and established by law as public streets. Such official map may also show the location of the lines of streets from plats of subdivisions which shall have been approved by the Planning Commission. The City Council may make, from time to time, other additions to or modifications of the official street extensions, widenings, narrowings, or vacations which have been accurately surveyed and definitely located, provided that before taking any such action, the City Council shall hold a public hearing thereon, and that such proposed addition to or modification of the official map shall be submitted to the Planning Commission for its approval. In the event of Planning Commission disapproval, such additions or modifications shall require a favorable vote of not less than a majority of the membership of the City Council. The placing of any street or street lines upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or taking or accepting of any land for street purposes. In order to preserve the integrity of the official map, no permit shall be issued for any kind of building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map. Any person aggrieved by his inability to obtain such permit may appeal to the Board of Adjustment.

- E. Subdivision Control: From and after the time when the Planning Commission shall have adopted a major street plan and shall have certified the same to the City Council, no plat of a subdivision of land lying within the City shall be filed or recorded in the County Recorder's office until it shall have been submitted to and approved by the Planning Commission ~~and the City Council~~ and such approval entered in writing on the plat by the ~~representative of the Planning Commission and City Council~~ **City Attorney, the City Engineer, the Community Development Director and the Mayor**. The filing or recording of a plat of a subdivision without such approval shall be void. The Planning Commission shall prepare regulations covering the subdivision of land within the City. The City Council shall hold a public hearing on the subdivision regulations and thereafter may adopt said regulations for the City. Whoever being the owner of or agent of the owner of land located in the subdivision within any area of the City for which a major street plan has been adopted by the Planning Commission and the City Council, except for land located in a recorded subdivision, transfers and sell such land without first preparing a subdivision plat and having such plat approved by the ~~Planning Commission and City Council~~ **City** and recorded in the office of the County Recorder, shall be guilty of a class C misdemeanor for each lot so transferred or sold; and the description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties, except that in subdivisions of less than ten (10) lots, land may be sold by metes and bounds, without the necessity of recording of plat if all of the following conditions are met:
1. The subdivision layout shall have been first approved in writing by the Planning Commission;
  2. The subdivision is not traversed by the map lines of a proposed street as shown on the official map or maps of the City, and does not require the dedication of any land for street or other public purposes; and
  3. If the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, density, and area requirements of the Land Use Ordinance or has been granted a variance from such requirements by the Board of Adjustment. The City may enjoin such transfer or sale by action for injunction or may recover the said penalty by civil action.
  - 4. The Community Development Department has provided notice as required by this Title and the State Code.**
- F. Inspections: The Planning Commission, its members and employees and staff, in the performance of its functions, may enter upon any land at reasonable times to make examinations and survey and place and maintain necessary monuments and marks thereon.
- G. Governmental Immunity: The members of the Commission shall be deemed included in the definition of "employee" found in Utah Code Annotated Section 63-30-2. (Prior Code § 12.16.010)

### **17.16.020: BOARD OF ADJUSTMENT:**

There is created in the City a Board of Adjustment, which shall consist of five (5) regular members. The Board of Adjustment may also consist of any number of alternate

members, any one of whom may serve the same as a regular member in the event that a regular member is absent from a meeting of the board for any reason.

- A. Appointment and Removal:
  - 1. The City Council shall appoint all members of the Board of Adjustment, both regular and alternate, to staggered and specified terms by appropriate resolution.
  - 2. Any member of the Board of Adjustment may be removed for cause by resolution of the City Council, but only after giving notice to such member, including notice of the grounds for removal, and affording such member an opportunity to be heard by the City Council. Except as provided in this Subsection, the term of office of any member of the Board of Adjustment may not be shortened.
- B. Organization of Board: The Board of Adjustment shall organize and elect a Chairperson and adopt rules in accordance with the provisions of this Title. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine in accordance with law. The Chairperson or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be kept open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations or other official actions; all of which shall be immediately filed in the office of the City Recorder and shall be a public record.
- C. Appeals to the Board: Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the administrative officer. Such appeal may be taken within fourteen (14) days by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.
- D. Stay of Proceedings Pending Appeal: An appeal stays all proceedings and furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, the stay would in his opinion cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the district court on application and notice and on due cause shown.
- E. Notice of Hearing on Appeal: The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- F. Powers of Board on Appeal: The Board of Adjustment shall have the following powers:
  - 1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Title or any ordinance adopted with regard thereto.
  - 2. To hear and decide requests for special exceptions to the terms of this Title, upon

which such Board is authorized to pass.

3. To authorize upon appeal such variance from the terms of this Title as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of such ordinances will result in unnecessary hardship, provided that the spirit of this Title shall be observed, and substantial justice done. Before any variance may be authorized, however, it must be shown that (1) the variance will not substantially affect the City's Comprehensive Land Use Plan and that adherence to the strict letter of this Title will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary to carry out the general purpose of the Plan, (2) special circumstances have attached to the property covered by the application, which do not generally apply to the other property in the same district, and (3) that because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

- G. Decision on Appeal: In exercising the above mentioned powers, the Board of Adjustment may in conformity with the provisions of this Title reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- H. Vote Necessary for Reversal: The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.
- I. Variances to Official Map: In order to preserve the integrity of the official map, no building permit shall be issued for any building or structure, or part thereof, on any land located between the map lines of any street as shown on the official map. Any person aggrieved by his or her inability to obtain such a permit may appeal to the Board of Adjustment. The Board of Adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure, or part thereof, within any mapped street location in any case in which the Board of Adjustment, upon the evidence, finds (1) that the property of the appellants of which such mapped street location forms a part, will not yield a reasonable return to the owner unless such permit is granted, or (2) that, in balancing the interest of the City in preserving the integrity of the official map and interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the Board of Adjustment shall hold a public hearing thereon. In the event that the Board of Adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.
- J. Special Permits: The Board of Adjustment may, in appropriate cases, after public notice and hearing, and subject to appropriate conditions and safeguards, determine

and vary the application of the use of district regulations herein established in harmony with their general purpose and intent as follows:

1. Permit the extension of a use into a more restricted use, district, or zone immediately adjacent thereto where the boundary line divides a lot in single ownership as shown of record at the time of passage of this Chapter. Such use may extend to the entire lot, provided that in no case shall the use be extended to more than fifty (50) feet beyond the boundary line of such district in which such use is authorized.
  2. Permit in a residential district a temporary building for commerce or industry which is incidental to the residential development, such permit to be issued for a period of not more than one year.
- K. **Judicial Review of Board's Decision:** The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief there from in any court of competent jurisdiction, provided the petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the City Recorder.
- L. **Government Immunity:** The members of the Board shall be deemed included in the definition of "employee" found in Utah Code Annotated Section 63-30-2.
- M. **Appeals:** Notwithstanding the provisions herein, appeals made by any person aggrieved by any decision or ruling under Title 15 of this Code shall be made to the Board of Appeals as provided in Chapter 15.16 of this Code. (Prior Code § 12.16.020)

### **17.16.030: Community Development Director:**

The position of Director of Community Development (hereinafter "Director") is created. The Director, or his or her designee is charged with the administration and enforcement of this Title as outlined below:

- A. **Land Use Ordinance Interpretation:** The Director is authorized to interpret this Title and the zoning map.
- B. **Comprehensive Plan:** The Director shall assist the Planning Commission in all matters requiring interpretation of the goals and policies of the General Plan. The Director shall assure that the General Plan, including the base map, overlays, and other illustrative graphic material, remain current and accurate.
- C. **Planning Commission Administration:** The Director shall provide administrative services to the Planning Commission. It shall be the duty of the Director to prepare the agenda for all regular meetings of the Planning Commission and assure that it is published, mailed, and displayed in compliance with applicable law and Planning Commission procedures. The Director shall attend all regular meetings of the Planning Commission and any special meetings as may be required by the Planning Commission.
- D. **Certificates, Permits, and Reviews:** Application for all certificates, permits, and reviews shall be made at the office of the Director. Applications shall be made on the respective forms provided and shall be accompanied by the proper fee and required documents. Issuance of certificates, permits, and reviews shall proceed as provided elsewhere in this Code.
- E. **Land Use Review:** The Director shall review all applications for a building permit

and other permits, licenses, or certificates to assure compliance with land use regulations.

- F. Site Plan Review: The Director shall receive all submittals for site plan review; he or she shall assure that submittals are complete and placed upon the Planning Commission agenda for timely review.
- G. Conditional Use Permit: The Director shall receive applications for a conditional use permit. He or she shall assure that applications are complete and placed upon the Planning Commission agenda for timely review. The Director shall issue a conditional use permit after review and approval by the Planning Commission. He or she shall assure that all conditions imposed by the Planning Commission appear on the permit form.

**17.16.040: LAND USE ORDINANCE ENFORCEMENT:**

- A. Enforcement: The Code Compliance Officers of the City of South Jordan shall enforce all of the provisions of this Title. The Community Development Director shall inspect or cause to be inspected all buildings in course of construction, alteration, or repair, and any change in the use of land. If, in the course of such inspection, or otherwise, it shall come to his or her attention that any such construction, alteration or repair, or that any use or contemplated use of land is in violation of the provisions of this Title, he or she shall issue a written stop order to the person responsible therefore, ordering and directing such person to cease and desist such construction, alteration, repair or use. He or she shall report a violation of this Title to the Code Compliance Division for investigation and possible prosecution and/or to make a complaint thereof before the court or courts having jurisdiction of such violation. In addition to the Code Enforcement Division, the Director shall further have power to issue written citations pursuant to Chapter 1.16 of this Code.
- B. Assistance: The Director may call for the assistance of law enforcement personnel whenever in his or her opinion such assistance is necessary or advisable in the investigation of a suspected violation of this Title. (Prior Code § 12.16.040)

**CHAPTER 17.20  
ZONE ESTABLISHMENT**

**17.20.010: PURPOSE:**

In order to implement the purposes and provisions of this Title, this Chapter is adopted to establish the zoning districts which are applied to the lands located within the corporate boundary of the City. (2003 Code § 17.20.010)

**17.20.020: ESTABLISHMENT:**

The following land use zones are hereby established as described in this Title and shall be applied to lands within the City according to procedures established by the City Council. The zoning map, as amended, is adopted as part of this Title and shall indicate the land

use designations for individual lots and parcels in the City.

A-5	agricultural, 5 acre lot
A-1	agricultural, 1 acre lot
R-1.8	residential, 1.8 lots or units per acre - all land currently zoned as R 1.8 may remain such, but no new land shall be assigned to this land use designation
R-2.5	residential, 2.5 lots or units per acre
R-3	residential, 3 lots or units per acre
R-4	residential, 4 lots or units per acre
R-5	residential, 5 lots or units per acre
R-M	residential-multiple
O-S	office service
C-C	commercial-community
MU-Ngate	Redwood Road mixed use-north gateway
MU-R&D	Redwood Road mixed use-research and development
MU-City	Redwood Road mixed use-City center
MU-Hist	Redwood Road mixed use-historic and landmark
MU-Comm	Redwood Road mixed use-community center
MU-South	Redwood Road mixed use-south center
MU-Sgate	Redwood Road mixed use-south gateway
BH – MU	Bangerter Highway mixed use
C-N	commercial-neighborhood
C-I	commercial-industrial
C-F	commercial-freeway
I-F	industrial-freeway
P-C	planned community

(2003 Code § 17.20.020)

### **17.20.030: LOCATIONS OF ZONE BOUNDARIES:**

- A. Zone boundaries shall follow parcel boundaries unless otherwise approved by the City Council. The zone boundary shall be adopted and established by the City Council with an ordinance containing the legal description of the zone or a current Salt Lake County plat map of the subject property showing the zone boundary. Where a parcel boundary abuts a street, canal, or other right of way or quasi-public use forming an open space between parcels, the zone boundary shall follow the center of said street, canal, or other quasi-public use. Where uncertainty exists as to the location of a zone boundary, the following rules shall apply:
1. Where zone boundaries are approximately street or alley lines, they shall be construed to be the centerlines of said streets or alleys.
  2. Where zone boundaries are approximately lot lines, they shall be construed to be on the lot line unless specifically approved otherwise by the City Council.
  3. Where zone boundaries are approximately watercourses or other natural features, they shall be construed to be the centerlines of said watercourses or natural features.
  4. Where a zone boundary does not follow a street, watercourse, lot line or other

identifiable land feature, its location will be determined by measuring the zone boundary according to the scale of the zoning map.

- B. Where uncertainty exists, the Community Development Director may make a final determination as to the location of a zone boundary. (2003 Code § 17.20.030)

## **CHAPTER 17.22 ZONING AMENDMENTS**

### **17.22.010: PURPOSE AND SCOPE:**

This Chapter is adopted to establish an orderly and objective process by which provisions of this Title, including the zoning map, may be amended. The zoning map may be amended only by the City Council in accordance with the procedures set forth herein. The process to amend the zoning map (rezoning) may be initiated by members of the City Council, the City Manager, the Community Development Director, or by the owner of a subject property or his agent. Provisions of this Title may be amended by the City Council as provided by State law. (2003 Code § 17.22.010)

### **17.22.020: REZONING:**

The rezoning of property may not be considered if the proposed zoning does not conform to the General Plan. The following shall be considered in the rezoning of parcels:

- A. Whether the parcel to be rezoned meets the minimum area requirements of the proposed zone, or if the parcel, when rezoned, will contribute to a zone area which meets the minimum area requirements of the zone.
- B. Whether the parcel to be rezoned can accommodate the requirements of the proposed zone.
- C. Whether the rezoning will impair the development potential of the parcel or neighboring properties. (2003 Code § 17.22.020)

### **17.22.030: REZONING APPLICATION:**

A rezoning which is not initiated by the City may not be reinitiated for a parcel or property for which a rezoning has been considered within the previous year without a majority vote of the City Council. An application for a rezoning not sponsored by the City shall be submitted to the Community Development Department and shall include the following:

- A. A completed application form and owner's affidavit as required by the Community Development Department and a statement of the requested zoning.
- B. Payment of the application fee set **by the City** and the cost of the newspaper notice and other notices as required.
- C. A Salt Lake County plat of the subject parcel and the acreage and legal description (if required by the Community Development Department) of the area to be rezoned and the parcels within three hundred (300) feet of the subject area.
- D. A conceptual plan for the area to be rezoned, which shall include the following:

1. Conceptual elevations of the type of structure that might be built on the property (excluding proposed lot divisions).
  2. Photographs, in digital and print form, describing the current state of the property.
  3. A conceptual access plan including: (a) an outline of the subject parcel, possible entrances and exits, and street alignments surrounding the subject parcel drawn on an aerial photograph (in digital and print form), and (b) a written analysis of how the access points to the subject parcel would integrate with the City's Transportation Master Plan, including traffic volume estimates assuming the maximum density allowed under the proposed rezoning.
- E. A listing of names and addresses with two (2) sets of address labels and postage for owners of record at the Salt Lake County Recorder's office of the subject property and properties within three hundred (300) feet of the subject property as required in Section 17.04.060 of this Title (2003 Code § 17.22.030)

**17.22.040: PLANNING COMMISSION REVIEW:**

Upon satisfactory submittal of the application for a rezoning, the Community Development Department shall schedule a public hearing before the Planning Commission regarding the proposed rezoning. Notice of the public hearing shall be provided in accordance with Section 17.04.060 of this Title. The hearing shall include the applicant's presentation of the conceptual plan as required under Section 17.22.030 of this Title. The Planning Commission shall receive public comment at the public hearing regarding the proposed rezoning and make a recommendation on the rezoning to the City Council. (2003 Code § 17.22.040)

**17.22.050: CITY COUNCIL REVIEW:**

The Community Development Department shall schedule a public hearing before the City Council regarding the proposed rezoning to be held subsequent to the Planning Commission meeting. Notice of the public hearing shall be provided in accordance with Section 17.04.060 of this Title. The hearing shall include the applicant's presentation of the conceptual plan as required under Section 17.22.030 of this Title. The City Council shall receive public comment at the public hearing regarding the proposed rezoning and may thereafter take action on the proposed rezoning. (2003 Code § 17.22.050)

**CHAPTER 17.24**  
**AGRICULTURAL A-5 ZONE**

**17.24.010: PURPOSE:**

The agricultural A-5 zone (minimum 5 acre lot), may be cited as the "A-5 zone" and is established to allow for the continuation of agriculture in an expanding urban community and to complement the existing rural residential environment in the City. The regulations

of this Chapter are intended to allow for the orderly expansion of residential and commercial developments into agricultural lands while encouraging compatibility of new growth with existing agricultural uses. (2003 Code § 17.24.010)

#### **17.24.020: PERMITTED USES:**

The following uses may be conducted in the A-5 zone as limited herein:

- agricultural and residential accessory uses and buildings
- agricultural buildings not exceeding five thousand (5,000) square feet
- crop production and horticulture
- farm animals as regulated in Section 17.24.130 of this Chapter
- home occupations according to City ordinances
- household pets not exceeding two (2) per species over the age of four (4) months per dwelling
- produce stand, maximum three hundred (300) square feet, maximum one per parcel or lot for selling only produce grown on the premises
- residential facility for disabled persons as required by State law
- single-family dwelling, detached, maximum one per lot or parcel (2003 Code § 17.24.020)

#### **17.24.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the A-5 zone:

- agricultural buildings exceeding five thousand (5,000) square feet in area
- animal husbandry, unique or exotic animal specialties, or other animal uses not otherwise regulated by this Chapter
- building other than single-family dwelling as a main building on the lot
- commercial or public corrals, arenas, stables, silos, barns, equestrian, or rodeo facilities and other commercial agricultural related structures and uses
- cultural exhibits and activities
- educational activities
- golf courses and driving ranges
- group daycare facility on minimum one acre lot
- household pets, maximum one additional per dwelling regardless of species
- nature or zoological exhibits
- parks and recreational activities
- public facilities
- religious activities
- residential facility for elderly persons as required by State law (2003 Code § 17.24.030)

#### **17.24.040: USE REGULATIONS:**

Uses may be conducted in the A-5 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in the A-5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

- B. Accessory uses may be conducted in the A-5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, barns, garages, silos, corrals, sheds, stables, paddocks, swimming pools, recreational equipment, greenhouses, windmills, wells, water storage facilities, and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials, commercial goods, or wrecked or neglected materials, equipment, or vehicles in the A-5 zone.
- D. It shall be unlawful to park, store, or leave, or to permit the parking, storing, or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, whether attended or not, upon any private or public property within the A-5 zone for longer than seventy-two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored in the A-5 zone, except in conjunction with temporary development or construction activities or in conjunction with an approved use which requires such vehicles. Commercial vehicles shall include semi trucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts, or any similar vehicle or apparatus. (2003 Code § 17.24.040)
- F. Watercraft, trailers, campers, motor homes, and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an A-5 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy-two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight (8) feet from the street right of way line and if enclosed with a six (6) foot high solid vinyl or masonry fence. Travel trailers, campers, and motor homes may not be occupied as living quarters in the A-5 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2003-02, 1-21-2003)

**17.24.050: DEVELOPMENT REVIEW:**

Uses proposed in A-5 zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in A-5 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed under State law. (2003 Code § 17.24.050)

**17.24.060: LOT AREA:**

The minimum area of any lot or parcel in the A-5 zone shall be five (5) acres. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat. (2003 Code § 17.24.060)

**17.24.070: LOT WIDTH AND FRONTAGE:**

Each lot in the A-5 zone shall have a minimum width of one hundred (100) feet, measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of one hundred (100) feet, except that lots with side property lines which diverge at an angle of at least twenty (20) degrees shall abut the right of way a minimum distance of sixty (60) feet. (2003 Code § 17.24.070)

**17.24.080: PRIOR CREATED LOTS:**

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an A-5 zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this Chapter. (2003 Code § 17.24.080)

**17.24.090: DWELLING DENSITY:**

Only one single-family dwelling may be placed upon a lot or parcel of land in the A-5 zone. (2003 Code § 17.24.090)

**17.24.100: LOT COVERAGE:**

A maximum of twenty percent (20%) of the area of lots or parcels in the A-5 zone may be covered by buildings. (2003 Code § 17.24.100)

**17.24.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**

The following yard requirements shall apply in A-5 zones. Minimum yard areas are measured from the corresponding front, side, and rear property lines of lots. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, setbacks of the proposed accessory building, and other information as needed shall be submitted for review:

- A. Minimum yard requirements for main buildings are as follows:
  - 1. Front yard, interior and corner lots: Thirty (30) feet.
  - 2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty-five (25) feet.
  - 3. Side yard, interior lots: Ten (10) feet.
  - 4. Side yard, corner lots: Ten (10) feet on the side adjoining another lot, thirty (30) feet on the side adjoining the street.
  - 5. Rear yard, interior lot: Twenty-five (25) feet.
  - 6. Rear yard, corner lot: Ten (10) feet.
- B. Minimum yard requirements for accessory buildings are as follows:
  - 1. Accessory buildings: Accessory buildings may not be located between a street and

the front building line of a main building.

2. Side yard accessory building: An accessory building may be located in a side yard no closer than ten (10) feet from the side property line or boundary and no closer than six (6) feet from the dwelling or main building.

3. Street side yard accessory building - corner lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six (6) feet from the dwelling or main building.

4. Rear yard accessory building: An accessory building may be located in a rear yard no closer than six (6) feet from the dwelling or main building and no closer than three (3) feet from the side or rear property line or boundary, except as required in Subsection B5 of this Section.

5. The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen (16) feet in height shall be increased by one (1) foot for each foot of building height in excess of sixteen (16) feet.

- C. All buildings shall be separated by a minimum distance of six (6) feet. (2003 Code § 17.24.110)
- D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty (40) feet from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty (20) feet from any collector street right of way line. (Ord. 2004-16, 9-7-2004)

### **17.24.120: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in A-5 zones:

- A. Fences and walls in conformance with City ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.24.120; amd. Ord. 2003-04, 2-4-2003)

### **17.24.130: FARM ANIMALS:**

Animals totaling no more than thirty (30) points per half acre, according to the point values listed below, may be kept in A-5 zones. Other animals approved with a conditional use permit shall be assigned point values. Farm animals may not be kept on lots or parcels less than one-half (1/2) acre in area. Animal points shall not be granted for smaller than one-half (1/2) acre increments. Offspring of allowed animals on the premises not exceeding six (6) months of age are not regulated under this Section.

horses and cattle	20 points each
sheep and goats	5 points each

chickens, ducks, geese, and rabbits      2 points each  
(2003 Code § 17.24.130)

### **17.24.140: PARKING AND ACCESS:**

Parking areas and vehicle access in A-5 zones shall meet the requirements of Chapter 16.26 of this Code. (2003 Code § 17.24.140)

### **17.24.150: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in A-5 zones. A permit shall be obtained from the Community Development Department prior to construction of any fence in the A-5 zone. An application form and the location, height, and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in A-5 zones, all mechanical equipment, antennas (where possible), loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces, and other uses or zones shall be screened or buffered with fences, walls, and/or landscaping as determined with development approval.
- C. Rear and Side Yard Fencing: A maximum six (6) foot high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four (4) foot high, nonvisually obscuring decorative wrought iron, simulated wrought iron, or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk, but may not exceed three (3) feet in height. Only a maximum four (4) foot high decorative wrought iron or simulated wrought iron fence may be constructed between a dwelling and the front lot line or sidewalk adjoining a collector street. Brick pillars may be used as an alternative to metal fence posts. Brick pillars may not exceed eighteen (18) inches square or be closer than eight (8) feet on center. Posts or pillars may not extend higher than four (4) inches above the four (4) foot fence panel. (2003 Code § 17.24.150)
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty (20) feet of a collector or arterial street right of way in A-5 zones shall be constructed according to standards found in Section 16.04.200 of this Code. (Ord. 2003-35, 12-2-2003)

### **17.24.160: ARCHITECTURAL STANDARDS:**

The following exterior materials and architectural standards are required in A-5 zones:

- A. Each dwelling in A-5 zones shall be constructed with brick or stone in the minimum amount of two (2) feet times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum 5:12 roof pitch and a minimum two (2) car garage (minimum 22 feet x 22 feet, or approximate approved equivalent).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Buildings in A-5 zones may not exceed thirty-five (35) feet in height, except for structures not intended for human occupancy.
- D. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which are consistent with the buildings which they identify.
- E. The minimum floor area, finished and unfinished, of any single-family dwelling in A-5 zones shall be two thousand four hundred (2,400) square feet.
- F. The exteriors of buildings in the A-5 zone shall be properly maintained by the owners. (2003 Code § 17.24.160)
- G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2003-01, 1-21-2003)

### **17.24.170: LANDSCAPING:**

The following landscaping requirements shall apply in A-5 zones:

- A. The front and side yards of lots shall be landscaped and properly maintained with lawn and other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access, or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees need not be equally spaced except as required in parking areas and in park strips, but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in A-5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- E. In nonresidential developments in A-5 zones, the following landscaping requirements shall apply:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
  - 2. Minimum five (5) foot landscaped planters shall be provided along street sides of building foundations except at building entrances.
  - 3. All landscaped areas shall be curbed.

- F. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the City, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in A-5 zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of the site plan or plat approval. (2003 Code § 17.24.170)

**17.24.180: LIGHTING:**

The following lighting requirements shall apply in A-5 zones:

- A. A lighting plan shall be submitted with all new developments in A-5 zones. Where required by the City, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the City Engineer, will be used on the same street. (2003 Code § 17.24.180)

**17.24.190: OTHER REQUIREMENTS:**

The following requirements shall apply in A-5 zones:

- A. All developments shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All areas of lots shall be properly maintained by the owners.
- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.24.190)

**CHAPTER 17.28**  
**AGRICULTURAL A-1 ZONE**

**17.28.010: PURPOSE:**

The agricultural A-1 zone (minimum 1 acre lot), may be cited as the "A-1 zone" and is established to allow for the continuation of agriculture in an expanding urban community

and to complement the existing rural residential environment in the City. The regulations of this Chapter are intended to allow for the orderly expansion of residential and commercial developments into agricultural lands while encouraging compatibility of new growth with existing agricultural uses. (2003 Code § 17.28.010)

### **17.28.020: PERMITTED USES:**

The following uses may be conducted in the A-1 zone as limited herein:

- accessory structures not exceeding five thousand (5,000) square feet
- agricultural and residential accessory uses
- crop production and horticulture
- farm animals as regulated in Section 17.28.130 of this Chapter
- home occupations according to City ordinances
- household pets not exceeding two (2) per species over the age of four (4) months per dwelling
- produce stand, maximum three hundred (300) square feet, maximum one (1) per parcel or lot for selling only produce grown on the premises
- residential facility for disabled persons as required by State law
- single-family dwelling, detached, maximum one per lot or parcel (2003 Code § 17.28.020)

### **17.28.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the A-1 zone:

- accessory structures exceeding five thousand (5,000) square feet in area
- animal husbandry, unique or exotic animal specialties, or other animal uses not otherwise regulated by this Chapter
- building other than single-family dwelling as a main building on the lot
- commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities, and other commercial agricultural structures and uses
- cultural exhibits and activities
- educational activities
- golf courses and driving ranges
- group daycare facility on minimum one acre lot
- household pets, maximum one additional per dwelling regardless of species
- nature or zoological exhibits
- parks and recreational activities
- public facilities
- religious activities
- residential facility for elderly persons as required by State law (2003 Code § 17.28.030)

### **17.28.040: USE REGULATIONS:**

Uses may be conducted in the A-1 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in the A-1 zone. A conditional use permit must be obtained prior

- to the establishment of a conditional use.
- B. Accessory uses may be conducted in the A-1 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, barns, garages, silos, corrals, sheds, stables, paddocks, swimming pools, recreational equipment, greenhouses, windmills, wells, water storage facilities, and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
  - C. There shall be no open storage of trash, debris, used materials, commercial goods, or wrecked or neglected materials, equipment, or vehicles in the A-1 zone.
  - D. It shall be unlawful to park, store, leave, or to permit the parking, storing, or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, whether attended or not, upon any private or public property within the A-1 zone for longer than seventy-two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
  - E. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored in the A-1 zone except in conjunction with temporary development or construction activities or in conjunction with an approved use which requires such vehicles. Commercial vehicles shall include semi-trucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts, or any similar vehicle or apparatus. (2003 Code § 17.28.040)
  - F. Watercraft, trailers, campers, motor homes, and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an A-1 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy-two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight (8) feet from the street right of way line and if enclosed with a six (6) foot high solid vinyl or masonry fence. Travel trailers, campers, and motor homes may not be occupied as living quarters in the A-1 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2003-02, 1-21-2003)

### **17.28.050: DEVELOPMENT REVIEW:**

Uses proposed in A-1 zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in A-1 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City except as allowed under State law. (2003 Code § 17.28.050)

### **17.28.060: LOT AREA:**

The minimum area of any lot or parcel in the A-1 zone shall be one acre. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat. (2003 Code § 17.28.060)

**17.28.070: LOT WIDTH AND FRONTAGE:**

Each lot or parcel in the A-1 zone shall have a minimum width of one hundred (100) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of one hundred (100) feet, except that lots with side property lines which diverge at an angle of at least twenty (20) degrees shall abut the right of way a minimum distance of sixty (60) feet. (2003 Code § 17.28.070)

**17.28.080: PRIOR CREATED LOTS:**

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an A-1 zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this Chapter. (2003 Code § 17.28.080)

**17.28.090: DWELLING DENSITY:**

Only one single-family dwelling may be placed upon a lot or parcel of land in the A-1 zone. (2003 Code § 17.28.090)

**17.28.100: LOT COVERAGE:**

A maximum of thirty percent (30%) of the area of lots or parcels in the A-1 zone may be covered by buildings. (2003 Code § 17.28.100)

**17.28.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**

The following yard requirements shall apply in A-1 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or parcels. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

- A. Minimum yard requirements for main buildings are as follows:
  - 1. Front yard, interior and corner lots: Thirty (30) feet.
  - 2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty-five (25) feet.
  - 3. Side yard, interior lots: Ten (10) feet.
  - 4. Side yard, corner lots: Ten (10) feet on the side adjoining another lot, thirty (30) feet on the side adjoining the street.
  - 5. Rear yard, interior lot: Twenty-five (25) feet.
  - 6. Rear yard, corner lot: Ten (10) feet.
- B. Minimum yard requirements for accessory buildings are as follows:
  - 1. Location: Accessory buildings may not be located between a street and the front

building line of a main building.

2. Side yard: An accessory building may be located in a side yard no closer than ten (10) feet from the side property line or boundary and no closer than six (6) feet from the dwelling or main building.

3. Street side building - corner lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six (6) feet from the dwelling or main building.

4. Rear yard: An accessory building may be located in a rear yard no closer than six (6) feet from the dwelling or main building and no closer than three (3) feet from the side or rear property line or boundary, except as required in Subsection B5 of this Section.

5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen (16) feet in height shall be increased by one (1) foot for each foot of building height in excess of sixteen (16) feet.

C. All buildings shall be separated by a minimum distance of six (6) feet. (2003 Code § 17.28.110)

D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty (40) feet from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty (20) feet from any collector street right of way line. (Ord. 2004-16, 9-7-2004)

### **17.28.120: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in A-1 zones:

A. Fences and walls in conformance with City ordinances.

B. Agricultural crops and landscape elements, including trees, shrubs, and other plants.

C. Utility or irrigation equipment or facilities.

D. Decks not more than two (2) feet in height.

E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.

F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.28.120; amd. Ord. 2003-04, 2-4-2003)

### **17.28.130: FARM ANIMALS:**

Animals totaling no more than thirty (30) points per half acre, according to the point values listed below, may be kept in A-1 zones. Other animals approved with a conditional use permit shall be assigned point values. Farm animals may not be kept on lots or parcels less than one-half (1/2) acre in area. Animal points shall not be granted for smaller than one-half (1/2) acre increments. Offspring of allowed animals on the premises not exceeding six (6) months of age are not regulated under this Section.

horses and cattle

20 points each

sheep and goats	5 points each
chickens, ducks, geese, and rabbits	2 points each

(2003 Code § 17.28.130)

**17.28.140: PARKING AND ACCESS:**

Parking areas and vehicle access in A-1 zones shall meet requirements of Chapter 16.26 of this Code. (2003 Code § 17.28.140)

**17.28.150: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in A-1 zones. A permit shall be obtained from the Community Development Department prior to construction of any fence in the A-1 zone. An application form and the location, height, and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in A-1 zones, all mechanical equipment, antennas (where possible), loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces, and other uses or zones shall be screened or buffered with fences, walls, and/or landscaping as determined with development approval.
- C. Rear And Side Yard Fencing: A maximum six (6) foot high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four (4) foot high, nonvisually obscuring decorative wrought iron, simulated wrought iron, or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three (3) feet in height. Only a maximum four (4) foot high decorative wrought iron or simulated wrought iron fence may be constructed between a dwelling and the front lot line or sidewalk adjoining a collector street. Brick pillars may be used as an alternative to metal fence posts. Brick pillars may not exceed eighteen (18) inches square or be closer than eight (8) feet on center. Posts or pillars may not extend higher than four (4) inches above the four (4) foot fence panel. (2003 Code § 17.28.150)
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty (20) feet of a collector or arterial street right of way in A-1 zones shall be constructed according to standards found in Section 16.04.200 of this Code. (2003 Code § 17.28.150)

**17.28.160: ARCHITECTURAL STANDARDS:**

The following exterior materials and architectural standards are required in A-1 zones:

- A. Each dwelling in A-1 zones shall be constructed with brick or stone in the minimum amount of two (2) feet times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum 5:12 roof pitch and a minimum two (2) car garage (minimum 22 feet x 22 feet, or approximate approved equivalent).
- B. All building materials shall be high quality, durable, and low maintenance.
- C. Buildings in A-1 zones may not exceed thirty-five (35) feet in height, except for structures not intended for human occupancy.
- D. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which are consistent with the buildings which they identify.
- E. The minimum floor area, finished and unfinished, of any single-family dwelling in A-1 zones shall be two thousand four hundred (2,400) square feet.
- F. The exteriors of buildings in the A-1 zone shall be properly maintained by the owners. (2003 Code § 17.28.160)
- G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2003-01, 1-21-2003)

### **17.28.170: LANDSCAPING:**

The following landscaping requirements shall apply in A-1 zones:

- A. The front and side yards of lots shall be landscaped and properly maintained with lawn and other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access, or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one (1) tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees need not be equally spaced except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in A-1 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- E. In nonresidential developments in A-1 zones, the following landscaping requirements shall apply:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
  - 2. Minimum five (5) foot landscaped planters shall be provided along street sides of building foundations except at building entrances.
  - 3. All landscaped areas shall be curbed.

- F. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the City, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in A-1 zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval. (2003 Code § 17.28.170)

**17.28.180: LIGHTING:**

The following lighting requirements shall apply in A-1 zones:

- A. A lighting plan shall be submitted with all new developments in A-1 zones. Where required by the City, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the City Engineer, will be used on the same street. (2003 Code § 17.28.180)

**17.28.190: OTHER REQUIREMENTS:**

The following requirements shall apply in A-1 zones:

- A. All developments shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All private areas of lots or parcels shall be properly maintained by the owners.
- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.28.190)

**CHAPTER 17.32  
RESIDENTIAL R-1.8 ZONE**

**17.32.010: PURPOSE:**

The residential R-1.8 zone (single-family residential, 1.8 lots per acre), may be cited as the "R-1.8 zone" and is established to provide areas where residential uses may be

harmoniously integrated with incidental agricultural pursuits. Limited farm animal and horticultural uses may be combined to provide a transition between higher density residential areas and agricultural areas and to maintain a rural component of the City. (2003 Code § 17.32.010)

### **17.32.020: PERMITTED USES:**

The following uses may be conducted in the R-1.8 zone as limited herein:

- agricultural and residential accessory uses.
- home occupations according to City ordinances
- household pets not exceeding two (2) per species over the age of four (4) months per dwelling
- residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling
- residential facility for disabled persons as required by State law
- single-family dwelling, detached, maximum one (1) per lot or parcel (2003 Code § 17.32.020)

### **17.32.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the R-1.8 zone:

- commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities, and other agricultural related structures and uses
- cultural exhibits and activities
- educational activities
- golf courses
- group daycare facility on minimum one acre lot
- household pets, maximum one additional per dwelling regardless of species
- nature or zoological exhibits
- parks and recreational activities
- public facilities
- religious activities
- residential facility for elderly persons as required by State law
- single-family dwelling planned unit development (PUD) or condominium projects.(Ord. 2005-10, 3-15-2005)

### **17.32.040: USE REGULATIONS:**

Uses may be conducted in the R-1.8 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in the R-1.8 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-1.8 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, farm animals on minimum three quarters (.75) of an acre lots as regulated in Section 17.32.130 of this Chapter, greenhouses and other structures and

activities which are incidental and subordinate to the principal permitted or conditional use on the premises.

- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-1.8 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-1.8 zone for longer than seventy-two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored in the R-1.8 zone, except in conjunction with temporary development or construction activities or in conjunction with an approved use which requires such vehicles. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts, or any similar vehicle or apparatus. (2003 Code § 17.32.040)
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-1.8 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy-two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight (8) feet from the street right of way line and if enclosed with a six (6) foot high solid vinyl or masonry fence. Travel trailers, campers, and motor homes may not be occupied as living quarters in the R-1.8 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2003-02, 1-21-2003)

### **17.32.050: DEVELOPMENT REVIEW:**

Uses proposed in R-1.8 zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in R-1.8 zones. All uses shall be conducted according to the approved plan, map, or plat and any conditions of approval. Plans, maps, or plats may not be altered without prior approval of the City except as allowed under State law. (2003 Code § 17.32.050)

### **17.32.060: LOT AREA:**

The minimum area of any lot or condominium private ownership space (unit in which building dimensions are not recorded) in R-1.8 zones shall be fourteen thousand five hundred twenty (14,520) square feet, except where smaller lots or units are allowed in a

PUD or condominium project, in which case the minimum lot or unit size shall be twelve thousand (12,000) square feet. Farm animals may not be kept on lots or condo units that are smaller than thirty two thousand six hundred seventy (32,670) square feet (or 0.75 acres) in area. Lots in subdivisions or units in condominium projects thirty two thousand six hundred seventy (32,670) square feet or larger in area shall be clustered and appropriately buffered from smaller lots or units. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2005-10, 3-15-2005)

**17.32.070: LOT DENSITY:**

The maximum gross density in any residential development in R-1.8 zones shall be 1.8 lots or dwelling units per acre. (Ord. 2005-10, 3-15-2005)

**17.32.080: LOT WIDTH AND FRONTAGE:**

Each lot or parcel in the R-1.8 zone shall have a minimum width of ninety (90) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel, except in condominium projects and PUDs where private streets are permitted, shall abut the right of way line of a public street a minimum distance of ninety (90) feet, except that lots with side property lines which diverge at an angle of at least twenty (20) degrees shall abut the right of way a minimum distance of fifty (50) feet. (Ord. 2005-10, 3-15-2005)

**17.32.090: PRIOR CREATED LOTS:**

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-1.8 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this Chapter. (2003 Code § 17.32.090)

**17.32.100: LOT COVERAGE:**

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-1.8 zones may be covered by buildings. (2003 Code § 17.32.100)

**17.32.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**

The following yard requirements shall apply in R-1.8 zones. Minimum yard areas are measured from the corresponding front, side, and rear property lines of lots or from the boundaries of private ownership areas in condominium projects. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, and setbacks of the proposed accessory building and other information as needed shall be submitted for review. (Ord. 2005-10, 3-15-2005)

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty (30) feet.

2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty-five (25) feet.
  3. Side yard, interior lots: Ten (10) feet.
  4. Side yard, corner lots: Ten (10) feet on the side adjoining another lot, thirty (30) feet on the side adjoining the street.
  5. Rear yard, interior lot: Twenty-five (25) feet.
  6. Rear yard, corner lot: Ten (10) feet.
- B. Minimum yard requirements for accessory buildings are as follows:
1. Accessory buildings may not be located between a street and the front building line of a main building.
  2. Side yard accessory building: An accessory building may be located in a side yard no closer than ten (10) feet from the side property line or boundary and no closer than six (6) feet from the dwelling or main building.
  3. Street side yard accessory building - corner lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six (6) feet from the dwelling or main building.
  4. Rear yard accessory building: An accessory building may be located in a rear yard no closer than six (6) feet from the dwelling or main building and no closer than three (3) feet from the side or rear property line or boundary, except as required in Subsection B5 of this Section.
  5. The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen (16) feet in height shall be increased by one (1) foot for each foot of building height in excess of sixteen (16) feet.
- C. All buildings shall be separated by a minimum distance of six (6) feet. (2003 Code § 17.32.110)
- D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty (40) feet from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty (20) feet from any collector street right of way line. (Ord. 2004-16, 9-7-2004)

### **17.32.120: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in R-1.8 zones:

- A. Fences and walls in conformance with City ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.32.120; amd. Ord. 2003-04, 2-4-2003)

### **17.32.130: FARM ANIMALS:**

Animals totaling no more than thirty (30) points per half acre, according to the point values listed below, may be kept in R-1.8 zones only in conjunction with a single-family dwelling on the property. No other animals, except household pets as regulated in Title 6 of this Code, may be kept in R-1.8 zones. Farm animals may not be kept on lots or parcels less than three quarters (.75) of an acre in area such as in PUDs, one-third (1/3) acre lot areas, bonus lot density areas and on nonconforming parcels where animal rights were once allowed but later forfeited. Animal points shall not be granted for smaller than one-half (.5) acre increments (e.g., minimum 1 acre lot required for 31 to 60 points, minimum 1.5 acre lot required for 61 to 90 points, etc.). Offspring of allowed animals on the premises not exceeding six (6) months of age are not regulated under this Section.

horses and cattle	20 points each
sheep and goats	5 points each
chickens, ducks, geese, and rabbits	2 points each

(2003 Code § 17.32.130)

**17.32.140: PARKING AND ACCESS:**

Parking areas and vehicle access in R-1.8 zones shall meet requirements of Chapter 16.26 of this Code. (2003 Code § 17.32.140)

**17.32.150: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in R-1.8 zones. A permit shall be obtained from the Community Development Department prior to construction of any fence in the R-1.8 zone. An application form and the location, height, and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-1.8 zones, all mechanical equipment, antennas (where possible), loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses including waterways, trails, parks, open spaces, and other uses or zones shall be screened or buffered with fences, walls, and/or landscaping as determined with development approval.
- C. Rear and Side Yard Fencing: A maximum six (6) foot high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four (4) foot high, nonvisually obscuring decorative wrought iron, simulated wrought iron, or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three (3) feet in height. Only a maximum four (4) foot high decorative wrought iron or simulated wrought iron fence may be constructed between a dwelling and the front lot line or sidewalk adjoining a collector street. Brick pillars may be used as an alternative to metal fence posts. Brick pillars may not exceed eighteen (18) inches square or be closer than eight (8) feet on center. Posts or pillars may not extend higher than four (4) inches above the four (4) foot fence panel. (2003

Code § 17.32.150)

- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty (20) feet of a collector or arterial street right of way in R-1.8 zones shall be constructed according to standards found in Section 16.04.200 of this Code. (2003 Code § 17.32.150)

### **17.32.160: ARCHITECTURAL STANDARDS:**

The following exterior materials and architectural standards are required in R-1.8 zones:

- A. Each dwelling in R-1.8 zones shall be constructed with brick or stone in the minimum amount of two (2) feet times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum 5:12 roof pitch and a minimum two (2) car garage (minimum 22 feet x 22 feet, or approximate approved equivalent).
- B. All building materials shall be high quality, durable, and low maintenance.
- C. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling (except in PUDs) in R-1.8 zones shall be two thousand four hundred (2,400) square feet
- E. Main buildings in R-1.8 zones may not exceed thirty-five (35) feet in height. Accessory buildings may not exceed twenty-five (25) feet in height.
- F. The exteriors of buildings in the R-1.8 zone shall be properly maintained by the owners. (2003 Code § 17.32.160)
- G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2003-01, 1-21-2003)

### **17.32.170: LANDSCAPING REQUIREMENTS:**

The following landscaping requirements shall apply in the R-1.8 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of PUD, condominium projects and nonresidential developments not approved for parking, buildings, recreation facilities, access, or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.
- C. In PUD, condominium projects and nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent

(30%) of required trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site. (Ord. 2005-10, 3-15-2005)

- D. All collector street and other public and private park strips in R-1.8 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- E. In nonresidential developments in R-1.8 zones, the following landscaping requirements shall apply:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
  - 2. Minimum five (5) foot landscaped planters shall be provided along street sides of building foundations, except at building entrances.
  - 3. All landscaped areas shall be curbed.
- F. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the City, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-1.8 zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval. (2003 Code § 17.32.170)

### **17.32.180: LIGHTING:**

The following lighting requirements shall apply in R-1.8 zones:

- A. A lighting plan shall be submitted with all new developments in R-1.8 zones. Where required by the City, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the City Council and City Engineer, will be used on the same street. (2003 Code § 17.32.180)

### **17.32.190: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:**

As used in this Chapter, "planned unit development" (PUD) or "condominium project"

shall mean a single-family residential development in the R-1.8 zone which meets the requirements of this Section as well as other pertinent provisions of this Title.

- A. A PUD may be allowed only with a conditional use permit in the R-1.8 zone. Uses allowed in a PUD shall be the same as those allowed in the R-1.8 zone. Farm animals may only be kept on 0.75 acre or larger lots.
- B. Each PUD or condominium shall contain a minimum of ten (10) acres. (Ord. 2005-10, 3-15-2005)
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space, recreation, and/or pasture by the owners. Private yard areas may not be counted as open space. The City may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The City may also determine the acceptability of proposed recreational amenities. The City may require a cash bond or a letter of credit to guarantee installation of the open space improvements. (2003 Code § 17.32.190)
- D. The following standards shall apply in PUDs and condominium projects:
  - 1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing, and other design components shall be provided for review and applied throughout the PUD or condominium project.
  - 2. Each dwelling shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet x 22 feet, or approximate approved equivalent).
  - 3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
  - 4. All dwellings shall be constructed of brick or stone in the minimum amount of three (3) feet times (x) the perimeter of the foundation (including garage).
  - 5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/sub-base shall be designed and built as required in Section 16.04.180A of this Code.
  - 6. For private streets, setbacks shall be measured from the back of the curb.
  - 7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one (1) space per unit shall be covered. One (1) space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the Planning Commission if the applicant can show that the design of the project makes this requirement unnecessary. (Ord. 2005-12, 9-20-2005)
- E. The minimum yard, width and frontage requirements of lots and units in the R-1.8 zones may be altered in a PUD or condominium project. (2003 Code § 17.32.190)

### **17.32.200: OTHER REQUIREMENTS:**

The following requirements shall apply in R-1.8 zones:

- A. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel

licensed to practice law in the State that the condominium project or PUD meets requirements of State law, and record the covenants with the condominium or PUD plat for the project.

- B. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights, and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City. (Ord. 2005-10, 3-15-2005)
- C. All developments shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- D. All private areas of lots or parcels shall be properly maintained by the owners.
- E. A project phasing plan shall be submitted for at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.32.200)

## **CHAPTER 17.36 RESIDENTIAL R-2.5 ZONE**

### **17.36.010: PURPOSE:**

The residential 2.5 zone (single-family residential, 2.5 lots per acre), may be cited as the "R-2.5 zone" and is established to provide areas for low density single-family housing without farm animal uses. This zone is intended to represent the standard for residential development in the City. (2003 Code § 17.36.010)

### **17.36.020: PERMITTED USES:**

The following uses may be conducted in the R-2.5 zone as limited herein:

- home occupations according to City ordinances
- household pets not exceeding two (2) per species over the age of four (4) months per dwelling
- residential accessory buildings, the footprints of which do not exceed sixty percent (60%) of the footprint area of the dwelling
- residential accessory uses
- residential facility for disabled persons as required by State law
- single-family dwelling, detached, maximum one per lot or parcel (2003 Code § 17.36.020)

### **17.36.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the R-2.5 zone:

educational activities  
golf courses  
group daycare facility on minimum one acre lot  
household pets, maximum one additional per dwelling regardless of species  
parks and recreational activities  
public facilities  
religious activities  
residential facility for elderly persons as required by State law  
single-family dwelling planned unit development (PUD) or condominium project  
(Ord. 2005-10, 3-15-2005)

### **17.36.040: USE REGULATIONS:**

Uses may be conducted in the R-2.5 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in the R-2.5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-2.5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses, and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods, or wrecked or neglected materials, equipment, or vehicles in the R-2.5 zone.
- D. It shall be unlawful to park, store, or leave, or to permit the parking, storing, or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, whether attended or not, upon any private or public property within the R-2.5 zone for longer than seventy-two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored on any lot or parcel in the R-2.5 zone except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semi-trucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts, or any similar vehicle or apparatus. (2003 Code § 17.36.040)
- F. Watercraft, trailers, campers, motor homes, and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-2.5 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy-two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main

building and at least eight (8) feet from the street right of way line and if enclosed with a six (6) foot high solid vinyl or masonry fence. Travel trailers, campers, and motor homes may not be occupied as living quarters in the R-2.5 zone except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2003-02, 1-21-2003)

**17.36.050: DEVELOPMENT REVIEW:**

Uses proposed in R-2.5 zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in R-2.5 zones. All uses shall be conducted according to the approved plan, map, or plat and any conditions of approval. Plans, maps, or plats may not be altered without prior approval of the City except as allowed under State law. (2003 Code § 17.36.050)

**17.36.060: LOT AREA:**

The minimum area of any lot or condominium private ownership space (unit in which building dimensions are not recorded) in R-2.5 zones shall be fourteen thousand five hundred twenty (14,520) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case the minimum lot or unit size shall be ten thousand (10,000) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2005-10, 3-15-2005)

**17.36.070: LOT DENSITY:**

The maximum gross density in any residential development in R-2.5 zones shall be 2.5 lots or dwelling units per acre. (Ord. 2005-10, 3-15-2005)

**17.36.080: LOT WIDTH AND FRONTAGE:**

Each lot or parcel in the R-2.5 zone shall have a minimum width of ninety (90) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel, except in condominium projects and PUDs, shall abut the right of way line of a public street a minimum distance of ninety (90) feet, except that lots with side property lines which diverge at an angle of at least twenty (20) degrees shall abut the right of way a minimum distance of fifty (50) feet. (Ord. 2005-10, 3-15-2005)

**17.36.090: PRIOR CREATED LOTS:**

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-2.5 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this Chapter. (2003 Code § 17.36.090)

### **17.36.100: LOT COVERAGE:**

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-2.5 zones may be covered by buildings. (2003 Code § 17.36.100)

### **17.36.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**

The following yard requirements shall apply in R-2.5 zones. Minimum yard areas are measured from the corresponding front, side, and rear property lines of lots or from the boundaries of private ownership areas in condominium projects. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, and setbacks of the proposed accessory building, and other information as needed shall be submitted for review. (Ord. 2005-10, 3-15-2005)

- A. Minimum yard requirements for main buildings are as follows:
  - 1. Front yard, interior and corner lots: Thirty (30) feet.
  - 2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty-five (25) feet.
  - 3. Side yard, interior lots: Ten (10) feet.
  - 4. Side yard, corner lots: Ten (10) feet on the side adjoining another lot, thirty (30) feet on the side adjoining the street, ~~thirty-five (35) feet along a side adjoining a collector.~~
  - 5. Rear yard, interior lot: Twenty-five (25) feet.
  - 6. Rear yard, corner lot: Ten (10) feet.
- B. Minimum yard requirements for accessory buildings are as follows:
  - 1. Location: Accessory buildings may not be located between a street and the front building line of a main building.
  - 2. Side yard: An accessory building may be located in a side yard no closer than ten (10) feet from the side property line or boundary and no closer than six (6) feet from the dwelling or main building.
  - 3. Street side yard - corner lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six (6) feet from the dwelling or main building.
  - 4. Rear yard: An accessory building may be located in a rear yard no closer than six (6) feet from the dwelling or main building and no closer than three (3) feet from the side or rear property line or boundary, except as required in Subsection B5 of this Section.
  - 5. Minimum setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen (16) feet in height shall be increased by one (1) foot for each foot of building height in excess of sixteen (16) feet.
- C. All buildings shall be separated by a minimum distance of six (6) feet. (2003 Code § 17.36.110)

### **17.36.120: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in R-2.5 zones:

- A. Fences and walls in conformance with City ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.36.120; amd. Ord. 2003-04, 2-4-2003)

### **17.36.130: PARKING AND ACCESS:**

Parking areas and vehicle access in R-2.5 zones shall meet requirements of Chapter 16.26 of this Code. (2003 Code § 17.36.130)

### **17.36.140: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in R-2.5 zones. A permit shall be obtained from the Community Development Department prior to construction of any fence in the R-2.5 zone. An application form and the location, height, and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-2.5 zones, all mechanical equipment, antennas (where possible), loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces, and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear and Side Yard Fencing: A maximum six (6) foot high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four (4) foot high, nonvisually obscuring decorative wrought iron, simulated wrought iron, or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three (3) feet in height. Only a maximum four (4) foot high decorative wrought iron or simulated wrought iron fence may be constructed between a dwelling and the front lot line or sidewalk adjoining a collector street. Brick pillars may be used as an alternative to metal fence posts. Brick pillars may not exceed eighteen (18) inches square or be closer than eight (8) feet on center. Posts or pillars may not extend higher than four (4) inches above the four (4) foot fence panel. (2003 Code § 17.36.140)

- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty (20) feet of a collector or arterial street right of way in R-2.5 zones shall be constructed according to standards found in Section 16.04.200 of this Code. (2003 Code § 17.36.140)

**17.36.150: ARCHITECTURAL STANDARDS:**

The following exterior materials and architectural standards are required in R-2.5 zones:

- A. Each dwelling in R-2.5 zones shall be constructed with brick or stone in the minimum amount of two (2) feet times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum 5:12 roof pitch and a minimum two (2) car garage (minimum 22 feet x 22 feet, or approximate approved equivalent).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-2.5 zones shall be two thousand four hundred (2,400) square feet.
- E. Main buildings in R-2.5 zones may not exceed thirty-five (35) feet in height. Accessory buildings may not exceed twenty-five (25) feet in height.
- F. The exteriors of buildings in the R-2.5 zone shall be properly maintained by the owners. (2003 Code § 17.36.150)
- G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2003-01, 1-21-2003)

**17.36.160: LANDSCAPING REQUIREMENTS:**

The following landscaping requirements shall apply in the R-2.5 zones:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of PUD, condominium project and nonresidential developments not approved for parking, buildings, recreation facilities, access, or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In PUD, condominium project and nonresidential developments, a minimum of one (1) tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees need not be

equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site. (Ord. 2005-10, 3-15-2005)

- D. All collector street and other public and private park strips in R-2.5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- E. In nonresidential developments in R-2.5 zones, the following landscaping requirements shall apply:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
  - 2. Minimum five (5) foot wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.
  - 3. All landscaped areas shall be curbed.
- F. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the City, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-2.5 zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval. (2003 Code § 17.36.160)

### **17.36.170: LIGHTING:**

The following lighting requirements shall apply in R-2.5 zones:

- A. A lighting plan shall be submitted with all new developments in R-2.5 zones. Where required by the City, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the City Council and City Engineer, will be used on the same street. (2003 Code § 17.36.170)

### **17.36.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:**

As used in this Chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-2.5 zone which meets the requirements of this Section as well as other pertinent provisions of this Title.

- A. A PUD or condominium project may be allowed only with a conditional use permit in the R-2.5 zone. Uses allowed in a PUD or condominium project shall be the same as those allowed in the R-2.5 zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space, and/or recreation by the owners. Private yard areas may not be counted as open space. The City may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The City may also determine the acceptability of proposed recreational amenities. The City may require a cash bond or a letter of credit to guarantee installation of the open space improvements. (Ord. 2005-10, 3-15-2005)
- D. The following standards shall apply in PUDs and condominium projects:
  - 1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing, and other design components shall be provided for review and applied throughout the PUD or condominium project.
  - 2. Each dwelling shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum (minimum twenty-two (22) feet x twenty-two (22) feet, or approximate approved equivalent).
  - 3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
  - 4. All dwellings shall be constructed of brick or stone in the minimum amount of three (3) feet times (x) the perimeter of the foundation (including garage).
  - 5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in Subsection 16.04.180A of this Code.
  - 6. For private streets, setbacks shall be measured from the back of the curb.
  - 7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one (1) space per unit shall be covered. One (1) space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the Planning Commission if the applicant can show that the design of the project makes this requirement unnecessary. (Ord. 2005-12, 9-20-2005)
- E. The minimum yard, width and frontage requirements of lots and units in the R-2.5 zones may be altered in a PUD or condominium project. (Ord. 2005-10, 3-15-2005)
- F. Before final plat approval, all PUD or condominium projects shall have approved by the staff of the City of South Jordan and recorded with the Salt Lake County Recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to City conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by City staff and approved by the Planning Commission. Said restrictive covenants shall also comply with Section 17.04.300 of this Title. (Ord. 2005-12, 9-20-2005)

**17.36.190: OTHER REQUIREMENTS:**

The following requirements shall apply in R-2.5 zones:

- A. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the State that the condominium or PUD meets requirements of State law, and record the covenants with the condominium or PUD plat for the project.
- B. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City.
- C. All development shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- D. All private areas of lots or parcels shall be properly maintained by the owners.
- E. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.36.190)

## **CHAPTER 17.40 RESIDENTIAL R-3 ZONE**

### **17.40.010: PURPOSE:**

The residential R-3 zone (single-family residential, 3 lots per acre), may be cited as the "R-3 zone" and is established to provide areas for medium density single-family housing in the City. (2003 Code § 17.40.010)

### **17.40.020: PERMITTED USES:**

The following uses may be conducted in the R-3 zone as limited herein:

- home occupations according to City ordinances
- household pets not exceeding two (2) per species over the age of four (4) months per dwelling
- residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling
- residential accessory uses
- residential facility for disabled persons as required by State law
- single-family dwelling, detached, maximum one (1) per lot or parcel (2003 Code § 17.40.020)

### **17.40.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the R-3 zone:

- educational activities
- golf courses
- group daycare facility on minimum one acre lot
- household pets, maximum one additional per dwelling regardless of species
- parks and recreational activities
- public facilities
- religious activities
- residential facility for elderly persons as required by State law
- single-family dwelling planned unit developments (PUD) or condominium projects (Ord. 2005-10, 3-15-2005)

#### **17.40.040: USE REGULATIONS:**

Uses may be conducted in the R-3 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in the R-3 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-3 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses, and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials, commercial goods, or wrecked or neglected materials, equipment, or vehicles in the R-3 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, whether attended or not, upon any private or public property within the R-3 zone for longer than seventy-two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored on any lot or parcel in the R-3 zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semi-trucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts, or any similar vehicle or apparatus. (2003 Code § 17.40.040)
- F. Watercraft, trailers, campers, motor homes, and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-3 zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy-two (72) hours. Recreational and utility vehicles may be stored permanently in the street side

yard of a corner lot only if stored completely behind the front line of the main building and at least eight (8) feet from the street right of way line and if enclosed with a six (6) foot high solid vinyl or masonry fence. Travel trailers, campers, and motor homes may not be occupied as living quarters in the R-3 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2003-02, 1-21-2003)

**17.40.050: DEVELOPMENT REVIEW:**

Uses proposed in R-3 zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in R-3 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed under State law. (2003 Code § 17.40.050)

**17.40.060: LOT AREA:**

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-3 zones shall be ten thousand (10,000) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be eight thousand (8,000) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2005-10, 3-15-2005)

**17.40.070: LOT DENSITY:**

The maximum gross density in any residential development R-3 zones shall be three (3) lots or dwelling units per acre. (Ord. 2005-10, 3-15-2005)

**17.40.080: LOT WIDTH AND FRONTAGE:**

Each lot or parcel in the R-3 zone shall have a minimum width of ninety (90) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of ninety (90) feet, except that lots with side property lines which diverge at an angle of at least twenty (20) degrees shall abut the right of way a minimum distance of fifty (50) feet. Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects. (Ord. 2005-10, 3-15-2005)

**17.40.090: PRIOR CREATED LOTS:**

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-3 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this Chapter. (2003 Code § 17.40.090)

### **17.40.100: LOT COVERAGE:**

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-3 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects. (Ord. 2005-10, 3-15-2005)

### **17.40.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**

The following yard requirements shall apply in R-3 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

- A. Minimum yard requirements for main buildings are as follows:
  - 1. Front yard, interior, and corner lots: Thirty (30) feet.
  - 2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty-five (25) feet.
  - 3. Side yard, interior lots: Ten (10) feet.
  - 4. Side yard, corner lots: Ten (10) feet on the side adjoining another lot, thirty (30) feet on the side adjoining the street.
  - 5. Rear yard, interior lot: Twenty-five (25) feet.
  - 6. Rear yard, corner lot: Ten (10) feet.
- B. Minimum yard requirements for accessory buildings are as follows:
  - 1. Location: Accessory buildings may not be located between a street and the front or side building line of a main building.
  - 2. Side yard: An accessory building may be located in a side yard no closer than ten (10) feet from the side property line or boundary and no closer than six (6) feet from the dwelling or main building.
  - 3. Street side yard - corner lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six (6) feet from the dwelling or main building.
  - 4. Rear yard: An accessory building may be located in a rear yard no closer than six (6) feet from the dwelling or main building and no closer than three (3) feet from the side or rear property line or boundary, except as required in Subsection B5 of this Section.
  - 5. Minimum setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen (16) feet in height shall be increased by one (1) foot for each foot of building height in excess of sixteen (16) feet.
- C. All buildings shall be separated by a minimum distance of six (6) feet. (2003 Code § 17.40.110)

### **17.40.120: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in R-3 zones:

- A. Fences and walls in conformance with City ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.40.120; amd. Ord. 2003-04, 2-4-2003)

### **17.40.130: PARKING AND ACCESS:**

Parking areas and vehicle access in R-3 zones shall meet the requirements of Chapter 16.26 of this Code. (2003 Code § 17.40.130)

### **17.40.140: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in R-3 zones. A permit shall be obtained from the Community Development Department prior to construction of any fence in the R-3 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-3 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces, and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear and Side Yard Fencing: A maximum six (6) foot high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four (4) foot high, nonvisually obscuring decorative wrought iron, simulated wrought iron, or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three (3) feet in height. Only a maximum four (4) foot high decorative wrought iron or simulated wrought iron fence may be constructed between a dwelling and the front lot line or sidewalk adjoining a collector street. Brick pillars may be used as an alternative to metal fence posts. Brick pillars may not exceed eighteen (18) inches square or be closer than eight (8) feet on center. Posts or pillars may not extend higher than four (4) inches above the four (4) foot fence panel. (2003 Code § 17.40.140)
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least

seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)

- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty (20) feet of a collector or arterial street right of way in R-3 zones shall be constructed according to standards found in Section 16.04.200 of this Code. (2003 Code § 17.40.140)

### **17.40.150: ARCHITECTURAL STANDARDS:**

The following exterior materials and architectural standards are required in R-3 zones:

- A. Each dwelling in R-3 zones shall be constructed with brick or stone in the minimum amount of two (2) feet times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum 5:12 roof pitch and a minimum two (2) car garage (minimum twenty-two (22) feet x twenty-two (22) feet, or approximate approved equivalent).

)).

- B. All building materials shall be high quality, durable, and low maintenance.
- C. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-3 zones shall be two thousand four hundred (2,400) square feet.
- E. Main buildings in R-3 zones may not exceed thirty-five (35) feet in height. Accessory buildings may not exceed twenty-five (25) feet in height.
- F. The exteriors of buildings in the R-3 zone shall be properly maintained by the owners. (2003 Code § 17.40.150)
- G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2003-01, 1-21-2003)

### **17.40.160: LANDSCAPING REQUIREMENTS:**

The following landscaping requirements shall apply in the R-3 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access, or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one (1) tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch

caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.

- D. All collector street and other public and private park strips in R-3 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- E. In nonresidential developments in R-3 zones, the following landscaping requirements shall apply:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs, or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
  - 2. Minimum five (5) foot wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.
  - 3. All landscaped areas shall be curbed.
- F. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the City, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-3 zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval. (2003 Code § 17.40.160)

#### **17.40.170: LIGHTING:**

The following lighting requirements shall apply in R-3 zones:

- A. A lighting plan shall be submitted with all new developments in R-3 zones. Where required by the City, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the City Council and City Engineer, will be used on the same street. (2003 Code § 17.40.170)

#### **17.40.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:**

As used in this Chapter, planned unit development (PUD) or condominium project shall mean a single-family residential development in the R-3 zone which meets the

requirements of this Section as well as other pertinent provisions of this Title.

- A. A PUD may be allowed only with a conditional use permit in the R-3 zone. Uses allowed in a PUD shall be the same as those allowed in the R-3 zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space, and/or recreation by the owners. Private yard areas may not be counted as open space. The City may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The City may also determine the acceptability of proposed recreational amenities. The City may require a cash bond or a letter of credit to guarantee installation of the open space improvements.
- D. The following standards shall apply in PUDs and condominium projects:
  - 1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing, and other design components shall be provided for review and applied throughout the PUD or condominium project.
  - 2. Each dwelling unit shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two-car garage (minimum twenty-two (22) feet x twenty-two (22) feet, or approximate approved equivalent).
  - 3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
  - 4. All dwellings shall be constructed of brick or stone in the minimum amount of three (3) feet times (x) the perimeter of the foundation (including garage).
  - 5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/sub-base shall be designed and built as required in Subsection 16.04.180A of this Code.
  - 6. For private streets, setbacks shall be measured from the back of the curb.
  - 7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one (1) space per unit shall be covered. One (1) space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the Planning Commission if the applicant can show that the design of the project makes this requirement unnecessary. (Ord. 2005-12, 9-20-2005)
- E. The minimum yard, width, and frontage requirements of lots and units in the R-3 zones may be altered in a PUD or condominium project. (Ord. 2005-10, 3-15-2005)
- F. Before final plat approval, all PUD or condominium projects shall have approved by the staff of the City of South Jordan and recorded with the Salt Lake County Recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements, and common areas, adherence to City conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by City staff and approved by the Planning Commission. Said restrictive covenants shall also comply with Section 17.04.300 of this Title. (Ord. 2005-12, 9-20-2005)

#### **17.40.190: OTHER REQUIREMENTS:**

The following requirements shall apply in R-3 zones:

- A. All developments shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All private areas of lots or parcels shall be properly maintained by the owners.
- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City.
- D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, street lights, and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City. (Ord. 2005-10, 3-15-2005)

## **CHAPTER 17.45 RESIDENTIAL R-4 ZONE**

### **17.45.010: PURPOSE:**

The residential R-4 zone (single-family residential, four (4) lots per acre), may be cited as the "R-4 zone" and is established to provide areas for medium density single-family housing in the City.

### **17.45.020: PERMITTED USES:**

The following uses may be conducted in the R-4 zone as limited herein:

home occupations according to City ordinances.

household pets not exceeding two (2) per species over the age of four (4) months per dwelling.

residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

residential accessory uses.

residential facility for disabled persons as required by State law.

single-family dwelling, detached, maximum one per lot or parcel.

### **17.45.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the R-4 zone:

educational activities.

golf courses.

group daycare facility on minimum one-acre lot.

household pets, maximum one additional per dwelling regardless of species.

parks and recreational activities.

public facilities.

religious activities.

residential facility for elderly persons as required by State law.

single-family dwelling planned unit developments (PUD) or condominium projects.)

#### **17.45.040: USE REGULATIONS:**

Uses may be conducted in the R-4 zone only in accordance with the following regulations:

A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-4 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory uses may be conducted in the R-4 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.

C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-4 zone.

D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-4 zone for longer than seventy-two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.

E. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored on any lot or parcel in the R-4 zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semi-trucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.

F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-4 zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy-two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight (8) feet from the street right of way line and if enclosed with a six (6) foot high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the R-4 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year.

**17.45.050: DEVELOPMENT REVIEW:**

Uses proposed in R-4 zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in R-4 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed under State law.

**17.45.060: LOT AREA:**

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-4 zones shall be nine thousand (9,000) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be seven thousand five hundred (7,500) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project.

**17.45.070: LOT DENSITY:**

The maximum gross density in any residential development in a R-4 zone shall be four (4) lots or dwelling units per acre.

**17.45.080: LOT WIDTH AND FRONTAGE:**

Each lot or parcel in the R-4 zone shall have a minimum width of eighty (80) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of eighty (80), feet except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty (50) feet. Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects.

**17.45.090 PRIOR CREATED LOTS:**

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-4 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter.

**17.45.100: LOT COVERAGE:**

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-4 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects.

**17.45.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**

The following yard requirements shall apply in R-4 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A zoning permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Twenty-five (25) feet to the dwelling and thirty

(30) feet to the front of the garage.

2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty-five (25) feet to the dwelling and thirty (30) feet to the front of the garage.

3. Side yard, interior lots: Eight (8).feet

4. Side yard, corner lots: Eight (8) feet on the side adjoining another lot, twenty-five (25) feet on the side adjoining the street.

5. Rear yard, interior lot: Twenty (20).feet

6. Rear yard, corner lot: Ten (10) feet.

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front or side building line of a main building.

2. Side yard: An accessory building may be located in a side yard no closer than eight (8) feet from the side property line or boundary and no closer than six (6) feet from the dwelling or main building.

3. Street side yard - corner lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six (6) feet from the dwelling or main building.

4. Rear yard: An accessory building may be located in a rear yard no closer than six(6) feet from the dwelling or main building and no closer than three (3) feet from the side or rear property line or boundary, except as required in subsection B5 of this section.

5. Minimum setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen (16) feet in height shall be increased by one (1) foot for each foot of building height in excess of sixteen (16) feet .

C. All buildings shall be separated by a minimum distance of six (6) feet.

**17.45.120: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in R-4 zones:

- A. Fences and walls in conformance with City ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two(2) feet into a side yard or four (4) feet into a front or rear yard.

**17.45.130: PARKING AND ACCESS:**

Parking areas and vehicle access in R-4 zones shall meet the requirements of chapter 16.26 of this Code.

**17.45.140: FENCING, SCREENING AND CLEAR VISION:**

The following fencing, screening and clear vision requirements shall apply in R-4 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-4 zone. An application form and the location, height

and description of the proposed fence shall be submitted for review.

A. Utility Screening: In non single-family residential developments requiring conditional use approval in R-4 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.

B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

C. Rear And Side Yard Fencing: A maximum six (6) foot high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.

D. Front Yard Fencing: A maximum four (4) foot high, non-visually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three (3) feet in height. Only a maximum four (4) foot high decorative wrought iron or simulated wrought iron fence may be constructed between a dwelling and the front lot line or sidewalk adjoining a collector street. Brick pillars may be used as an alternative to metal fence posts. Brick pillars may not exceed eighteen (18) inches square or be closer than eight (8) feet on center. Posts or pillars may not extend higher than four (4) inches above the four (4) foot fence panel.

E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot (triangular area formed by the right of way lines of intersecting streets.

F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty (20) feet of a collector or arterial street right of way in R-4 zones shall be constructed according to standards found in section 16.04.200 of this Code.

#### **17.45.150: ARCHITECTURAL STANDARDS:**

The following exterior materials and architectural standards are required in R-4 zones:

- A. Each dwelling in R-4 zones shall be constructed with brick or stone in the minimum amount of two (2) feet times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum 5:12 roof pitch and a minimum two (2) car garage (minimum twenty-two (22) feet x twenty-two (22) feet, or approved approximate equivalent area).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-4 zones shall be two thousand-four hundred (2,400) square feet.
- E. Main buildings in R-4 zones may not exceed thirty-five (35) feet in height. Accessory buildings may not exceed twenty-five (25) feet in height.
- F. The exteriors of buildings in the R-4 zone shall be properly maintained by the owners.
- G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street.

**17.45.160: LANDSCAPING REQUIREMENTS:**

The following landscaping requirements shall apply in the R-4 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven

(7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in R-4 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.

E. In nonresidential developments in R-4 zones, the following landscaping requirements shall apply:

1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
2. Minimum five (5) foot wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.
3. All landscaped areas shall be curbed.

F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the City, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in R-4 zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.

#### **17.45.170: LIGHTING:**

The following lighting requirements shall apply in R-4 zones:

A. A lighting plan shall be submitted with all new developments in R-4 zones. Where

required by the City, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.

B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.

C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the City Council and City Engineer, will be used on the same street.

**17.45.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:**

As used in this chapter, planned unit development (PUD) or condominium project shall mean a single-family residential development in the R-4 Zone which meets the requirements of this section as well as other pertinent provisions of this title.

A. A PUD may be allowed only with a conditional use permit in the R-4 Zone. Uses allowed in a PUD shall be the same as those allowed in the R-4 Zone.

B. Each PUD or condominium project shall contain a minimum of five (5) acres.

C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The City may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The City may also determine the acceptability of proposed recreational amenities. The City may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUD's and condominium projects:

1. Consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.

2. Each dwelling unit shall contain a total of at least three thousand (3,000) square feet of floor area and a minimum two car garage (minimum twenty-two (22) foot by twenty-two

(22) foot, or approved approximate equivalent).

3. All buildings shall be constructed with minimum 6:12 roof pitches.

4. All dwelling units shall be constructed of brick or stone in the minimum amount of three (3) feet times (x) the perimeter of the foundation (including garage).

E. The minimum yard, width and frontage requirements of lots and units in the R-4 zones may be altered in a PUD or condominium project.

F. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium project or PUD meets requirements of State law, and record the covenants with the condominium or PUD plat for the project.

#### **17.45.190: OTHER REQUIREMENTS:**

The following requirements shall apply in R-4 zones:

A. All developments shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

B. All private areas of lots or parcels shall be properly maintained by the owners.

C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City.

D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, street lights and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City.

## **CHAPTER 17.46 RESIDENTIAL R-5 ZONE**

## **CHAPTER 17.46**

### **RESIDENTIAL R-5 ZONE**

#### **17.46.010: PURPOSE:**

The residential R-5 zone (single-family residential, five (5) lots per acre), may be cited as the "R-5 zone" and is established to provide areas for medium density single-family housing in the City.

#### **17.46.020: PERMITTED USES:**

The following uses may be conducted in the R-5 zone as limited herein:

- home occupations according to City ordinances
- household pets not exceeding two (2) per species over the age of four (4) months per dwelling
- residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling
- residential accessory uses
- residential facility for disabled persons as required by State law
- single-family dwelling, detached, maximum one per lot or parcel.

#### **17.46.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the R-5 zone:

- educational activities
- golf courses
- group daycare facility on minimum one-acre lot
- household pets, maximum one additional per dwelling regardless of species
- parks and recreational activities
- public facilities

religious activities

residential facility for elderly persons as required by State law

single-family dwelling planned unit developments (PUD) or condominium projects)

#### **17.46.040: USE REGULATIONS:**

Uses may be conducted in the R-5 zone only in accordance with the following regulations:

A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in the R-5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory uses may be conducted in the R-5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses, and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.

C. There shall be no open storage of trash, debris, used materials or commercial goods, or wrecked or neglected materials, equipment, or vehicles in the R-5 zone.

D. It shall be unlawful to park, store, or leave, or to permit the parking, storing, or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, whether attended or not, upon any private or public property within the R-5 zone for longer than seventy-two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.

E. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored on any lot or parcel in the R-5 zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semi trucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts, or any similar vehicle or apparatus.

F. Watercraft, trailers, campers, motor homes, and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main

building on the lot or parcel in an R-5 zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy-two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight (8) feet from the street right of way line and if enclosed with a six (6) foot high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the R-5 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year.

**17.46.050: DEVELOPMENT REVIEW:**

Uses proposed in R-5 zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in R-5 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed under State law.

**17.46.060: LOT AREA:**

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-5 zones shall be seven thousand-five hundred (7,500) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be seven thousand (6,500) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project.

**17.46.070: LOT DENSITY:**

The maximum gross density in any residential development in a R-5 zone shall be five (5) lots or dwelling units per acre.

**17.46.080: LOT WIDTH AND FRONTAGE:**

Each lot or parcel in the R-5 zone shall have a minimum width of seventy (70) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of sixty-five (65) feet, except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty (50) feet. Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects.

### **PRIOR CREATED LOTS:**

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-5 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this Chapter.

### **17.46.100: LOT COVERAGE:**

A maximum of fifty percent (50%) of the area of lots or private ownership areas in R-5 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects.

### **17.46.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**

The following yard requirements shall apply in R-5 zones. Minimum yard areas are measured from the corresponding front, side, and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A zoning permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Twenty-five (25) feet to the dwelling and thirty (30) feet to the front of the garage.
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty-five (25) feet to the dwelling and thirty (30) feet to the front of the garage.

3. Side yard, interior lots: Eight (8) feet.
4. Side yard, corner lots: Eight (8) feet on the side adjoining another lot, twenty-five (25) feet on the side adjoining the street.
5. Rear yard, interior lot: Twenty (20) feet.
6. Rear yard, corner lot: Ten (10) feet.

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front or side building line of a main building.
2. Side yard: An accessory building may be located in a side yard no closer than eight (8) feet from the side property line or boundary and no closer than six (6) feet from the dwelling or main building.
3. Street side yard - corner lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six (6) feet from the dwelling or main building.
4. Rear yard: An accessory building may be located in a rear yard no closer than six (6) feet from the dwelling or main building and no closer than three (3) feet from the side or rear property line or boundary, except as required in Subsection B5 of this Section.
5. Minimum setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen (16) feet in height shall be increased by one (1) foot for each foot of building height in excess of sixteen (16) feet.

C. All buildings shall be separated by a minimum distance of six (6) feet.

17.46.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-5 zones:

- A. Fences and walls in conformance with City ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.

17.46.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-5 zones shall meet the requirements of Chapter 16.26 of this Code.

17.46.140: FENCING, SCREENING, AND CLEAR VISION:

The following fencing, screening, and clear vision requirements shall apply in R-5 zones. A permit shall be obtained from the Community Development Department prior to construction of any fence in the R-5 zone. An application form and the location, height, and description of the proposed fence shall be submitted for review.

A. Utility Screening: In non single-family residential developments requiring conditional use approval in R-5 zones, all mechanical equipment, antennas (where possible), loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.

B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces, and other uses or zones shall be screened or buffered with fences, walls, and/or landscaping as determined with development approval.

C. Rear and Side Yard Fencing: A maximum six (6) foot high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.

D. Front Yard Fencing: A maximum four (4) foot high, non-visually obscuring decorative wrought iron, simulated wrought iron, or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three (3) feet in height. Only a maximum four (4) foot high decorative wrought iron or simulated wrought iron fence may be constructed between a dwelling and the front lot line or sidewalk adjoining a collector street. Brick pillars may be used as an alternative to metal fence posts. Brick pillars may not exceed eighteen (18) inches square or be closer than eight (8) feet on center. Posts or pillars may not extend higher than four (4) inches above the four-foot fence panel.

E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets.

F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty (20) feet of a collector or arterial street right of way in R-5 zones shall be constructed according to standards found in Section 16.04.200 of this Code.

### **17.46.150: ARCHITECTURAL STANDARDS:**

The following exterior materials and architectural standards are required in R-5 zones:

A. Each dwelling in R-5 zones shall be constructed with brick or stone in the minimum amount of two (2) feet times (x) the perimeter of the foundation (including garage). Dwellings shall be constructed with minimum 5:12 roof pitch and a minimum two (2) car garage (minimum 22 feet x 22 feet, or approved approximate equivalent area).

B. All building materials shall be high quality, durable, and low maintenance.

C. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which are consistent with the buildings which they identify.

D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-5 zones shall be two thousand-two hundred (2,200) square feet.

E. Main buildings in R-5 zones may not exceed thirty-five (35) feet in height. Accessory buildings may not exceed twenty-five (25) feet in height.

F. The exteriors of buildings in the R-5 zone shall be properly maintained by the owners.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street.

#### **17.46.160: LANDSCAPING REQUIREMENTS:**

The following landscaping requirements shall apply in the R-5 zone:

A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.

B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access, or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.

C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in R-5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by

the City unless otherwise allowed with development approval.

E. In nonresidential developments in R-5 zones, the following landscaping requirements shall apply:

1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
2. Minimum five (5) foot wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.
3. All landscaped areas shall be curbed.

F. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis ) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the City, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in R-5 zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.

### **17.46.170: LIGHTING:**

The following lighting requirements shall apply in R-5 zones:

A. A lighting plan shall be submitted with all new developments in R-5 zones. Where required by the City, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.

B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.

C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the City Council and City Engineer, will be used on the same street.

### **17.46.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:**

As used in this Chapter, planned unit development (PUD) or condominium project shall mean a single-family residential development in the R-5 Zone which meets the requirements of this section as well as other pertinent provisions of this Title.

A. A PUD may be allowed only with a conditional use permit in the R-5 Zone. Uses allowed in a PUD shall be the same as those allowed in the R-5 Zone.

B. Each PUD or condominium project shall contain a minimum of five (5) acres.

C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space, and/or recreation by the owners. Private yard areas may not be counted as open space. The City may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The City may also determine the acceptability of proposed recreational amenities. The City may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUD's and condominium projects:

1. Consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing, and other design components shall be provided for review and applied throughout the PUD or condominium project.

2. Each dwelling unit shall contain a total of at least three thousand (3,000) square feet of floor area and a minimum two (2) car garage (minimum twenty-two (22) feet x

twenty-two (22) feet, or approximate approved equivalent).

3. All buildings shall be constructed with minimum 6:12 roof pitches.

4. All dwelling units shall be constructed of brick or stone in the minimum amount of three (3) feet times (x) the perimeter of the foundation (including garage).

E. The minimum yard, width and frontage requirements of lots and units in the R-5 zones may be altered in a PUD or condominium project.

F. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the State that the condominium project or PUD meets requirements of State law, and record the covenants with the condominium or PUD plat for the project.

#### **17.46.190: OTHER REQUIREMENTS:**

The following requirements shall apply in R-5 zones:

A. All developments shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

B. All private areas of lots or parcels shall be properly maintained by the owners.

C. A project-phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City.

D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, street lights and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City.

## **CHAPTER 17.48**

### **RESIDENTIAL R-M ZONE**

#### **17.48.010: PURPOSE:**

The residential R-M zone (multiple-family residential), may be cited as the "R-M zone" and is established to provide for higher density residential developments such as condominiums and planned unit developments (PUD). The dwelling density of each R-M zone is indicated on the official zoning map with a numerical suffix as described in Section 17.48.070 of this Chapter. (2003 Code § 17.48.010)

#### **17.48.020: PERMITTED USES:**

The following uses may be conducted in the R-M zone as limited herein:

- home occupations according to City ordinances
- household pets not exceeding two (2) per species over the age of four (4) months per dwelling
- residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling
- residential accessory uses
- residential facility for disabled or elderly persons as required by State law
- single-family dwelling, detached, maximum one per lot or parcel (Ord. 2004-06, 5-18-2004)

#### **17.48.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the R-M zone:

- assisted living centers, maximum two (2) stories
- care centers, maximum two (2) stories
- educational activities
- golf courses
- group daycare facility on a minimum one (1) acre lot
- household pets, maximum one additional per dwelling regardless of species
- parks and recreational activities
- public facilities
- religious activities
- residential condominium on minimum five (5) acre parcel
- residential planned unit development (PUD) on minimum five (5) acre parcel
- retail or office uses on main building level with upper level residential in a PUD (Ord. 2004-06, 5-18-2004)

#### **17.48.040: USE REGULATIONS:**

Uses may be conducted in the R-M zone only in accordance with the following

regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in the R-M zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-M zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses, and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods, or wrecked or neglected materials, equipment, or vehicles in the R-M zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing, or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, whether attended or not, upon any private or public property within the R-M zone for longer than seventy-two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored on any lot or parcel in the R-M zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semi-trucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts, or any similar vehicle or apparatus. (2003 Code § 17.48.040)
- F. Watercraft, trailers, campers, motor homes, and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-M zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy-two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight (8) feet from the street right of way line and if enclosed with a six (6) foot high solid vinyl or masonry fence. Travel trailers, campers, and motor homes may not be occupied as living quarters in the R-M zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2003-02, 1-21-2003)

#### **17.48.050: DEVELOPMENT REVIEW:**

Uses proposed in R-M zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this regarding development review in the preparation and review of development proposals in R-M zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior

approval of the City, except as allowed under State law. Condominiums and planned unit developments (PUDs) may be developed with approval of a conditional use permit in accordance with State law and City ordinances. A PUD is a subdivision in which certain zoning and subdivision requirements are modified or waived in exchange for enhanced development criteria. (2003 Code § 17.48.050)

**17.48.060: LOT AREA:**

The minimum area of any single-family lot in R-M zones shall be ten thousand (10,000) square feet, except where otherwise approved with a conditional use permit for a PUD or condominium development. Every portion of a parcel being subdivided or recorded as a condominium shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium. (2003 Code § 17.48.060)

**17.48.070: DWELLING DENSITY:**

The maximum gross density (dwelling units per acre) in R-M zones shall be as follows:

<u>Zone</u>	<u>DU/Acre</u>
R-M 5	5
R-M 6	6
R-M 7	7
R-M 8	8

(2003 Code § 17.48.070)

**17.48.080: LOT WIDTH AND FRONTAGE:**

No minimum lot width is required for lots in the R-M zones. Each lot or parcel in R-M zones, except in condominiums and PUDs, shall abut the right of way line of a public street a minimum distance of ninety (90) feet, except that lots with side property lines which diverge at an angle of at least twenty (20) degrees shall abut the right of way a minimum distance of fifty (50) feet. (2003 Code § 17.48.080)

**17.48.090: PRIOR CREATED LOTS:**

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-M zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this Chapter. (2003 Code § 17.48.090)

**17.48.100: LOT COVERAGE:**

A maximum of sixty percent (60%) of the area of a lot or condominium private ownership area in R-M zones may be covered by buildings. (2003 Code § 17.48.100)

**17.48.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**

The following yard requirements shall apply in R-M zones unless otherwise approved

with a conditional use permit for a condominium or PUD. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

- A. Minimum yard requirements for main buildings are as follows:
  - 1. Front yard, interior and corner lots: Thirty (30) feet.
  - 2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty-five (25) feet.
  - 3. Side yard, interior lots: Ten (10) feet.
  - 4. Side yard, corner lots: Ten (10) feet on the side adjoining another lot, thirty (30) feet on the side adjoining the street.
  - 5. Rear yard, interior lot: Twenty-five (25) feet.
  - 6. Rear yard, corner lot: Ten (10) feet.
- B. Minimum yard requirements for accessory buildings are as follows:
  - 1. Location: Accessory buildings may not be located between a street and the front or side building line of a main building.
  - 2. Side yard: An accessory building may be located in a side yard no closer than ten (10) feet from the side property line or boundary and no closer than six (6) feet from the dwelling or main building.
  - 3. Street side yard - corner lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six (6) feet from the dwelling or main building.
  - 4. Rear yard: An accessory building may be located in a rear yard no closer than six (6) feet from the dwelling or main building and no closer than three (3) feet from the side or rear property line or boundary, except as required in Subsection B5 of this Section.
  - 5. Minimum setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen (16) feet in height shall be increased by one (1) foot for each foot of building height in excess of sixteen (16) feet.
- C. All buildings shall be separated by a minimum distance of six (6) feet. (2003 Code § 17.48.110)

### **17.48.120: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in R-M zones:

- A. Fences and walls in conformance with City ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the

building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.48.120; amd. Ord. 2003-04, 2-4-2003)

### **17.48.130: PARKING AND ACCESS:**

Parking areas and vehicle access in residential zones shall meet the requirements of Chapter 16.26 of this Code. Recreational vehicle parking in multiple-family, condominium, or PUD developments shall only be provided in a screened area designated for such parking. (2003 Code § 17.48.130)

### **17.48.140: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in R-M zones. A permit shall be obtained from the Community Development Department prior to construction of any fence in the R-M zone. An application form and the location, height, and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-M zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces, and other uses or zones shall be screened or buffered with fences, walls, and/or landscaping as determined with development approval.
- C. Rear and Side Yard Fencing: A maximum six (6) foot high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four (4) foot high, nonvisually obscuring decorative wrought iron, simulated wrought iron, or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three (3) feet in height. Only a maximum four (4) foot high decorative wrought iron or simulated wrought iron fence may be constructed between a dwelling and the front lot line or sidewalk adjoining a collector street. Brick pillars may be used as an alternative to metal fence posts. Brick pillars may not exceed eighteen (18) inches square or be closer than eight (8) feet on center. Posts or pillars may not extend higher than four (4) inches above the four (4) foot fence panel. (2003 Code § 17.48.140)
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty (20) feet of a collector or arterial street right of way in R-M zones shall be constructed according to standards

found in Section 16.04.200 of this Code. (2003 Code § 17.48.140)

**17.48.150: ARCHITECTURAL STANDARDS:**

The following exterior materials and architectural standards are required in R-M zones:

- A. Each dwelling in R-M zones shall be constructed with brick or stone in the minimum amount of two (2) feet times (x) perimeter of the foundation (including garage). *Dwellings* shall be constructed with a minimum 6:12 roof pitch and a minimum two (2) car garage (minimum twenty-two (22) feet x twenty-two (22) feet, *or approximate approved equivalent*) for each single-family dwelling unit. Attached dwellings shall be constructed with a minimum one car garage (minimum twelve (12) feet x twenty-two (22) feet, *or approximate approved equivalent*) per dwelling unit.
- B. All building materials shall be high quality, durable, and low maintenance.
- C. All facades of multi-family dwellings containing four (4) units or more shall receive similar design treatment. Architecture of multi-family dwellings is subject to the review and approval of the City.
- D. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which are consistent with the buildings which they identify.
- E. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-M zones shall be two thousand four hundred (2,400) square feet. The minimum total floor area of each unit in a two-family or multi-family dwelling shall be one thousand four hundred (1,400) square feet.
- F. Main buildings in R-M zones may not exceed thirty-five (35) feet in height. Accessory buildings may not exceed twenty-five (25) feet in height.
- G. The exteriors of all multi-family dwellings shall be properly maintained by the owners. (2003 Code § 17.48.150)
- H. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2003-01, 1-21-2003)

**17.48.160: LANDSCAPING AND OPEN SPACE:**

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. The minimum gross land area of a PUD, condominium, or multi-family residential development to be preserved as open space in R-M zones shall be as follows:

<u>Zone</u>	<u>Required Open Space</u>
R-M 5	12 percent
R-M 6	14 percent
R-M 7	16 percent
R-M 8	18 percent

The open space, if not dedicated to the City, will be labeled and recorded as a lot or lots in a subdivision, as common area in a condominium or as a perpetual open space easement to be jointly owned and properly maintained as open space and/or

recreation by an owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City. Required yard areas may not be counted as open space. The City may determine the location of open space in consideration of topography, drainage or other land features. Open space shall include recreational improvements such as play courts, swimming pools, tot lots, picnic areas, and walking paths. The City may determine the acceptability of proposed recreational amenities before a site plan, plat, or condominium is approved. The City may require a cash bond to guarantee installation of the open space improvements. All open spaces shall be preserved and properly maintained by the owners.

- C. All areas of developments not approved for parking, buildings, recreation facilities, access, or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- D. In PUD, condominium, multi-family, and nonresidential developments, a minimum of one (1) tree per one thousand (1,000) square feet, or part thereof, of landscaped common areas, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- E. All collector street and other public and private park strips in R-M zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- F. Required trees may not be topped nor may any required landscape material be removed in R-M zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval.
- G. In multi-family and nonresidential developments in R-M zones, the following landscaping requirements shall apply:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Said planters shall be at least five (5) feet wide.
  - 2. Minimum five (5) foot landscaped planters shall be provided along street sides of building foundations, except at building entrances.
  - 3. All landscaped areas shall be curbed.
- H. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- I. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

- J. All landscaped areas, including adjoining public right of way areas not maintained by the City, shall be properly irrigated and maintained by the owners. (2003 Code § 17.48.160)

### **17.48.170: LIGHTING:**

The following lighting requirements shall apply in R-M zones:

- A. A lighting plan shall be submitted with all new developments in R-M zones. Where required by the City, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the City Council and City Engineer, will be used on the same street. (2003 Code § 17.48.170)

### **17.48.180: PLANNED UNIT DEVELOPMENT AND CONDOMINIUM:**

As used in this Chapter, "planned unit development (PUD) and condominium project" shall mean any residential development in the R-M zone approved by the City which meets the following criteria:

- A. A PUD or condominium project may be allowed only with a conditional use permit in the R-M zone. Uses allowed in a PUD or condominium project shall be the same as those allowed in the R-M zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. The maximum gross residential density in a PUD or condominium project shall be as provided in Section 17.48.070 of this Chapter.
- D. The minimum area, yard, width, frontage, and other dimensional requirements of the R-M zone may be altered in a PUD or condominium project.
- E. Architectural standards of this Chapter for dwellings in the R-M zone may be altered in PUDs and condominium projects provided that the proposed architectural style and design of the dwellings clearly surpasses and is unique to that of other dwellings in neighboring residential developments.
- F. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/sub-base shall be designed and built as required in Subsection 16.04.180A of this Code.
- G. For private streets, setbacks shall be measured from the back of the curb.
- H. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the Planning Commission if the applicant can show that the design of the project makes this requirement unnecessary.
- I. Before final plat approval, all PUD or condominium projects shall have approved by

the staff of the City of South Jordan and recorded with the Salt Lake County Recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements, and common areas, adherence to City conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by City staff and approved by the Planning Commission. Said restrictive covenants shall also comply with Section 17.04.300 of this Title. (Ord. 2005-12, 9-20-2005)

### **17.48.190: OTHER REQUIREMENTS:**

The following requirements shall apply in R-M zones:

- A. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the City Attorney for review, including, if requested by the City Attorney, an opinion of legal counsel licensed to practice law in the State, that the condominium or PUD meets requirements of State law, and record the covenants with the condominium or PUD plat for the project.
- B. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights, and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually owned by the owners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City.
- C. All developments shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- D. All private areas of lots or parcels shall be properly maintained by the owners.
- E. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.48.190)

## **CHAPTER 17.50 OFFICE SERVICE (O-S) ZONE**

### **17.50.010: PURPOSE:**

The office service (O-S) zone may be cited as the "O-S zone" and is established to provide areas where large and small scale offices and office parks can be located in the City. Smaller office developments should be harmoniously integrated with surrounding residential areas and serve as residentially compatible buffers to heavier uses such as commercial and industrial businesses and major roadways. Large office buildings should be well buffered from residential areas with landscaped open space. Buildings and signs should be coordinated with high quality materials and architecture. (2003 Code § 17.50.010)

### **17.50.020: PERMITTED USES:**

The following uses may be conducted in the O-S zone:

- computer services
- healthcare facilities and services
- insurance, accounting, marketing, finance, tax, and similar services
- medical and dental offices or clinics
- real estate, engineering, legal, architectural, development, and similar services
- research and development
- telemarketing (2003 Code § 17.50.020)

### **17.50.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the O-S zone:

- assisted living centers, maximum two (2) stories
- banks, credit unions, and other financial institutions
- buildings exceeding two (2) stories with only allowed O-S uses
- care centers, maximum two (2) stories
- computer software and media production and distribution
- convention, arena, reception, and assembly facilities
- cultural exhibits and activities
- educational and training activities
- electronics and computer hardware production and distribution
- golf courses
- group daycare center
- health and fitness centers
- hospitals
- hotels and motels
- mortuaries and funeral homes
- nature or zoological exhibits
- parks
- personal or business services
- personal or business services within an office building
- public and quasi-public facilities
- publishing and printing
- research and development with ancillary manufacturing and distribution
- restaurants (not fast food) (Ord. 2005-07, 3-1-2005)

### **17.50.040: USE REGULATIONS:**

Uses may be conducted in O-S zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in O-S zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business is prohibited in O-S zones.
- B. All uses in O-S zones shall be conducted within completely enclosed buildings unless otherwise allowed in this Chapter.
- C. Accessory uses and buildings are permitted in O-S zones only in conjunction with

allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.

- D. There shall be no open storage of trash, debris, used materials, wrecked, or neglected equipment or materials in O-S zones. No commercial materials, equipment, goods, or inventory may be stored in open areas in O-S zones except those specifically allowed in conjunction with a permitted or conditional use on the premises.
- E. No vehicle, boat, trailer, or part thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, attended or not, may be parked or stored in O-S zones for longer than seventy-two (72) hours unless stored within a completely enclosed building.
- F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers, or any commercial truck, trailer, or vehicle may be stored in O-S zones for longer than seventy-two (72) hours, except in conjunction with an approved use or approved development or construction activities on the property.
- G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers, and all-terrain vehicles, may not be stored in any area in O-S zones. (2003 Code § 17.50.040)

#### **17.50.050: DEVELOPMENT REVIEW:**

All uses proposed in O-S zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements this Code regarding development review in the preparation and review of development proposals in O-S zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed under State law. Condominiums may be approved in accordance with State law and City ordinances. (2003 Code § 17.50.050)

#### **17.50.055: PERFORMANCE DEVELOPMENT:**

- A. The use and zoning standards of this Chapter and of any other section of this Title or of the development Code pertaining to development in the O-S zone may be altered or waived for a "performance development" by the Planning Commission, only with the positive recommendation of City staff, with a conditional use permit. "Performance development" shall be defined as any development in the O-S zone which is exempted from certain land use and development requirements but which demonstrates superior design and function. Variations in the standard requirements of the O-S zone will be based on additional enhancements provided in the development and the desirability of the proposed development relating to one or more of the following: amenities, economic benefit, additional architectural features, resolution of neighbors' concerns, and the development's contribution to principles of quality growth suggested by "Envision Utah's Urban Planning for Quality Growth". The following provisions will govern the review of a proposed performance development:

1. The minimum area of a performance development shall be five (5) acres unless otherwise recommended by City staff and approved by the Planning Commission.
  2. The conditional use permit/site plan application shall delineate the requested exceptions and variations from City ordinances and the offsetting upgrades and benefits proposed. Possible exceptions may include, but are not limited to, unlisted uses, yard requirement reduction, building height increase, alternative screening technique, and reduced parking requirements. Possible upgrades may include, but are not limited to, improved landscape design, architectural enhancements, and coordination with adjoining development. Staff will make a determination as to the reasonableness of the proposed exceptions and upgrades and make recommendations to the Planning Commission. Proposed upgrades and enhancements must clearly exceed what would normally be expected for development in the O-S zone.
  3. Uses which significantly diverge from the character and purpose of the O-S zone, such as industrial uses, are prohibited.
  4. All nonoffice uses proposed shall be supportive of office uses in the development as described in Section 17.50.010 of this Chapter.
  5. Residential and retail uses may be incorporated as components of mixed use office developments.
  6. Sexually oriented businesses are prohibited.
- B. The following standards and regulations may not be varied for performance developments:
1. Building and infrastructure construction standards.
  2. Use regulations as set forth in Section 17.50.040 of this Chapter.
  3. Required landscaping as set forth in Section 17.50.140 of this Chapter, except open space.
  4. Sign regulations as set forth in Chapter 16.36 of this Code.
  5. Requirements of Section 16.24.050 of this Code.
  6. Requirements of Section 16.24.070 of this Code.
  7. Any standards relating to the public health, safety, and welfare. (Ord. 2004-20, 12-21-2004)

### **17.50.060: LOT WIDTH AND FRONTAGE:**

No minimum lot width is required for lots in the O-S zone except for the initial lot of a development which shall have a minimum width of one hundred fifty (150) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. The initial lot shall abut the right of way line of a public street a minimum distance of one hundred fifty (150) feet. Lots not fronting on a street must be accessible to the public via a recorded easement or right of way. (2003 Code § 17.50.060)

### **17.50.070: AREA REQUIREMENTS:**

The following area requirements shall apply in the O-S zone:

- A. Minimum Zone Area: The minimum area of an O-S zone shall be one acre.
- B. Minimum Project Area: "Project" shall be defined as any development in O-S zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in O-S zones shall be one acre.

- C. Minimum Lot Area: There shall be no minimum lot area in O-S zones. (2003 Code § 17.50.070)

### **17.50.080: PRIOR CREATED LOTS:**

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an O-S zone shall be brought into conformance with the requirements of this Chapter prior to development. (2003 Code § 17.50.080)

### **17.50.090: YARD REQUIREMENTS:**

The following yard requirements shall apply on lots in the O-S zone:

- A. Front Yard, Interior, and Corner Lots: The minimum landscaped front yard for lots in O-S zones shall be twenty (20) feet.
- B. Side Yard, Interior Lots: No minimum side yard is required adjacent to nonresidential or nonagricultural zones. The minimum side yard for lots adjacent to residential or agricultural zones shall be thirty (30) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.
- C. Side Yard, Corner Lots: The minimum landscaped street side yard for corner lots shall be twenty (20) feet.
- D. Rear Yard: No minimum rear yard is required adjacent to nonresidential or nonagricultural zones. The minimum rear yard for lots adjacent to residential or agricultural zones shall be thirty (30) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.
- E. Minimum Yard Size: The minimum side and rear yards adjacent to residential or agricultural zones shall be twenty (20) feet per story for three-story or higher buildings, of which at least twenty (20) feet adjacent to the property line shall be landscaped.
- F. Easements: Buildings may not be located within a public easement.
- F. Distance Between Buildings: All buildings in O-S zones shall be separated by a minimum distance of twenty (20) feet. (2003 Code § 17.50.090)

### **17.50.100: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in the O-S zone:

- A. Fences and walls in conformance with City Codes and ordinances.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.50.100; amd. Ord. 2003-04, 2-4-2003)

### **17.50.110: PARKING AND ACCESS:**

Parking areas and access in O-S zones shall meet requirements of Chapter 16.26 of this Code. (2003 Code § 17.50.110)

### **17.50.120: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in O-S zones:

- A. All mechanical equipment, antennas (where possible), loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. The boundary of an O-S zone which is not in or adjacent to a street and which is adjacent to a residential or agricultural zone shall be fenced with a six (6) foot, decorative precast concrete panel or masonry fence as determined with development approval. Six (6) foot solid vinyl boundary fencing may be used in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed in unusual circumstances. A building permit is required for fences and walls over six (6) feet high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces, or other uses as determined with development approval.
- C. No wall, fence, or screening material shall be erected between a street and a front or street side building line in O-S zones, except as required in Subsection A of this Section.
- D. Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and a street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)

### **17.50.130: ARCHITECTURAL STANDARDS:**

The following architectural standards are required in O-S zones:

- A. Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with site plan review. In projects containing multiple buildings, a design book containing architectural theme, features, exterior materials, and colors governing the entire project shall be submitted.
- B. All building materials shall be high quality, durable and low maintenance.
- C. Exterior walls of buildings, in excess of sixty (60) feet in length, shall have relief features at least four (4) feet deep at planned intervals. All sides of buildings shall receive design consideration.
- D. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which complement the buildings which they identify.
- E. The maximum building height in O-S zones shall be six (6) stories or seventy (70) feet, whichever is less.
- F. The exteriors of buildings in the O-S zone shall be properly maintained by the owners. (2003 Code § 17.50.130)

### **17.50.140: LANDSCAPING REQUIREMENTS:**

The following landscaping requirements and standards shall apply in O-S zones:

- A. The front, side, and rear yards of lots in O-S zones, as described in Section 17.50.090 of this Chapter, shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.
- B. A minimum of thirty percent (30%) landscaped open space, which may include required landscaped yard areas, shall be provided with each development in the O-S zone.
- C. All areas of lots in O-S zones not approved for parking, buildings, or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.
- D. A minimum of one (1) tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in O-S zones in addition to other trees required in this Section. A minimum of thirty percent (30%) of required yard area trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees required in this Section need not be equally spaced but shall be dispersed throughout the required yard areas on the site.
- E. All collector streets and other public and private park strips in O-S zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- F. Trees may not be topped nor may any landscape material be removed in O-S zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval.
- G. The following landscaping requirements shall apply in paved areas in O-S zones:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs, or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
  - 2. Shade trees shall be planted in double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum thirty (30) foot intervals and no farther than six (6) feet from the parking area.
  - 3. Minimum five (5) foot landscaped planters shall be provided around building foundations except at building entrances, drive-up windows, and loading and utility areas.
  - 4. All landscaped areas adjacent to parking areas shall be curbed.
- H. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.
- I. All required landscaping in O-S zones shall be installed (or escrowed due to season) prior to occupancy.

- J. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners. (2003 Code § 17.50.140)

**17.50.150: LIGHTING:**

The following lighting requirements shall apply in O-S zones:

- A. A lighting plan shall be submitted with all new developments in the O-S zone. Site lighting shall be shielded to prevent glare on adjacent properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight design, approved by the City Engineer, will be used on the same street. (2003 Code § 17.50.150)

**17.50.160: OTHER REQUIREMENTS:**

- A. Private Covenants: The developer of a condominium project in an O-S zone shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the State that the condominium meets requirements of State law, and record the covenants with the condominium plat for the project.
- B. Grading and Drainage: All development sites in O-S zones shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Maintenance: All private areas in developments shall be properly maintained by the owners.
- D. Easements: Buildings may not be located within a public easement.
- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.50.160)

**CHAPTER 17.52**  
**COMMERCIAL-COMMUNITY (C-C) ZONE**

**17.52.010: PURPOSE:**

The commercial-community (C-C) zone may be cited as the "C-C zone" and is established to provide areas for large scale community or regional retail and service uses. These areas will generally be located near major transportation hubs but should be designed to buffer neighboring residential areas. Coordinated circulation, architecture and landscaping and a balance of uses should be incorporated in developments in the C-C zone. (2003 Code § 17.52.010)

**17.52.020: PERMITTED USES:**

The following uses may be conducted in the C-C zone:

- apparel, footwear, and sewing supplies retailing
- auto and equipment parts retailing (no service)
- books, videos, media, copies, photography, art and drafting supplies, office supplies, and stationery retail
- department, discount, and food stores
- furniture, electronics, appliances, and home furnishings retailing
- hardware and home improvement retailing
- health, beauty, medical products, and prescription drugs retailing
- hobbies and crafts retailing
- household goods retailing
- miscellaneous retail sales
- restaurants and eating establishments
- shopping centers and malls with only allowed uses
- sporting goods and toy retailing (2003 Code § 17.52.020)

### **17.52.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the C-C zone:

- automotive services, including lube, tune up, wash, inspection, tires, mufflers, and minor repairs
- banks, credit unions, and other financial institutions
- beauty and fitness centers
- bed and breakfast inns
- drive-through facilities for allowed uses
- educational and training activities
- equipment and appliance light repairs and service enclosed within a building
- fast food with no eating accommodations
- gas stations and convenience stores
- group daycare centers
- laundry
- lumber, building materials, and landscaping retail sales yards
- medical, health or dental services
- mortuaries and funeral homes
- pharmacies
- public facilities
- secondhand goods retailing
- theaters, amusement, and recreational activities
- title loan, check cashing, or other similar deferred deposit loan businesses no closer than one mile from a similar business (Ord. 2003-20, 8-19-2003)

### **17.52.040: USE REGULATIONS:**

Uses may be conducted in C-C zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in C-C zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business is prohibited in C-

C zones. Notwithstanding Section 17.52.030 of this Chapter listed conditional uses which are primarily nonretail in nature (more than 40 percent of sales are nontaxable) may occupy as a permitted use up to fifty percent (50%) of the total floor area of nonanchor stores in a shopping center or mall (including pads) or occupy an in line shop space up to five thousand (5,000) square feet of floor area in said shopping center or mall. Nonretail uses, as defined above, may be allowed as conditional uses beyond the fifty percent (50%) allowed for permitted uses or the five thousand (5,000) square feet of floor area in a shopping center or mall, if the applicant can show that there is not an unreasonable lack of taxable retail sales being generated from the shopping center or mall (to help in determining this taxation clause, the City Finance Department shall make a recommendation to the land use authority). An anchor store shall be any single shop space greater than twenty thousand (20,000) square feet in floor area. (Ord. 2005-16, 10-18-2005)

- B. All uses in C-C zones shall be conducted within completely enclosed buildings, unless otherwise allowed in this Chapter, except those temporary uses customarily conducted in the outdoors, including Christmas tree lots, fireworks stands, and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) one-week periods per year.
- C. Accessory uses and buildings may be conducted in C-C zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas, and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- D. There shall be no open storage of trash, debris, used, wrecked, or neglected materials, equipment, or vehicles in C-C zones. No commercial materials, goods, or inventory may be stored in open areas in C-C zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten (10) feet from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two (2) feet square, per business may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies, and building materials is permitted only in screened areas approved for such purpose with site plan review.
- F. No vehicle, boat, trailer, or part thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, attended or not, may be parked or stored in C-C zones for longer than seventy-two (72) hours unless stored within a completely enclosed building. (2003 Code § 17.52.040)
- G. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers, or any commercial truck, trailer, or vehicle may be stored in C-C zones for longer than seventy-two (72) hours except in conjunction with an approved use, or approved development or construction activities on the property. (Ord. 2004-20, 12-21-2004)
- H. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers, and all-terrain vehicles may not be stored in any area in C-C zones. (2003 Code § 17.52.040)

### **17.52.050: DEVELOPMENT REVIEW:**

All uses proposed in C-C zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in C-C zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed under State law. (2003 Code § 17.52.050)

### **17.52.055: PERFORMANCE DEVELOPMENT:**

- A. The land use standards of this Chapter and of any other section of this Title or of the development Code pertaining to development in the C-C zone may be altered or waived for a "performance development" by the Planning Commission, only with the positive recommendation of City staff, with a conditional use permit. "Performance development" shall be defined as any development in the C-C zone which is exempted from certain land use and development requirements but which demonstrates superior design and function. Variations in the standard requirements of the C-C zone will be based on additional enhancements provided in the development and the desirability of the proposed development relating to one or more of the following: amenities, economic benefit, additional architectural features, resolution of neighbors' concerns, and the development's contribution to principles of quality growth suggested by "Envision Utah's Urban Planning for Quality Growth". The following provisions will govern the review of a proposed performance development:
1. The minimum area of a performance development shall be five (5) acres unless otherwise recommended by City staff and approved by the Planning Commission.
  2. The conditional use permit/site plan application shall delineate the requested exceptions and variations from City ordinances and the offsetting upgrades and benefits proposed. Possible exceptions may include, but are not limited to, unlisted uses, yard requirement reduction, building height increase, alternative screening technique, and reduced parking requirements. Possible upgrades may include, but are not limited to, improved landscape design, architectural enhancements, and coordination with adjoining development. Staff will make a determination as to the reasonableness of the proposed exceptions and upgrades and make recommendations to the Planning Commission. Proposed upgrades and enhancements must clearly exceed what would normally be expected for development in the C-C zone.
  3. Uses which significantly diverge from the character and purpose of the C-C zone, such as industrial uses, are prohibited.
  4. All nonretail uses proposed shall be supportive of retail uses in the development as described in Section 17.52.010 of this Chapter.
  5. Residential and office uses may be incorporated as components of mixed use commercial developments.
  6. Sexually oriented businesses are prohibited.
- B. The following standards and regulations may not be varied for performance developments:

1. Building and infrastructure construction standards.
2. Use regulations as set forth in Section 17.52.040 of this Chapter, except for office use restrictions in Subsection A of said Section.
3. Required landscaping as set forth in Section 17.52.140 of this Chapter.
4. Sign regulations as set forth in Chapter 16.36 of this Code.
5. Requirements of Section 16.24.050 of this Code.
6. Requirements of Section 16.24.070 of this Code.
7. Any standards relating to the public health, safety, and welfare. (Ord. 2004-20, 12-21-2004)

**17.52.060: LOT WIDTH AND FRONTAGE:**

No minimum lot width is required for lots in C-C zones, except for the initial lot of a development which shall have a minimum width of one hundred fifty (150) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. The initial lot shall abut the right of way line of a public street a minimum distance of one hundred fifty (150) feet. Lots not fronting on a street must be accessible to the public via a recorded easement or right of way. (2003 Code § 17.52.060)

**17.52.070: AREA AND DENSITY REQUIREMENTS:**

The following area and density requirements shall apply in the C-C zone:

- A. Minimum Zone Area: The minimum area of a C-C zone shall be five (5) acres.
- B. Minimum Project Area: "Project" shall be defined as any development in C-C zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in C-C zones shall be one (1) acre.
- C. Minimum Lot Area: There shall be no minimum lot area in C-C zones.
- D. Density: C-C zones shall be established in conformance with commercial designations on the future land use plan. (2003 Code § 17.52.070)

**17.52.080: PRIOR CREATED LOTS:**

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of a C-C zone shall be brought into conformance with the requirements of this Chapter prior to development. (2003 Code § 17.52.080)

**17.52.090: YARD REQUIREMENTS:**

The following yard requirements shall apply on lots in C-C zones:

- A. Front Yard, Interior, and Corner Lots: The minimum landscaped front yard for lots in C-C zones shall be twenty (20) feet.
- B. Side Yard, Interior Lots: No minimum side yard is required adjacent to nonresidential or nonagricultural zones. The minimum side yard for lots adjacent to residential or agricultural zones shall be thirty (30) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.
- C. Side Yard, Corner Lots: The minimum landscaped street side yard for corner lots shall be twenty (20) feet.
- D. Rear Yard: No minimum rear yard is required adjacent to nonresidential or

nonagricultural zones. The minimum rear yard for lots adjacent to residential or agricultural zones shall be thirty (30) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.

- E. Distance Between Buildings: All buildings in C-C zones shall be separated by a minimum distance of twenty (20) feet. (2003 Code § 17.52.090)

### **17.52.100: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in C-C zones:

- A. Fences and walls in conformance with City Codes and ordinances.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.52.100; amd. Ord. 2003-04, 2-4-2003)

### **17.52.110: PARKING AND ACCESS:**

Parking areas and access in C-C zones shall meet requirements of Chapter 16.26 of this Code. (2003 Code § 17.52.110)

### **17.52.120: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in C-C zones:

- A. All mechanical equipment, antennas (where possible), loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. The boundary of a C-C zone which is not in or adjacent to a street and which is adjacent to a residential or agricultural zone shall be fenced with a six (6) foot, decorative precast concrete panel or masonry fence as determined with development approval. Six (6) foot solid vinyl boundary fencing may be used in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed in unusual circumstances. A building permit is required for fences and walls over six (6) feet high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces, or other uses as determined with development approval.
- C. No wall, fence, or screening material shall be erected between a street and a front or street side building line in C-C zones, except as required in Subsection A of this Section. (2003 Code § 17.52.120)
- D. Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and a street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of

intersecting streets. (Ord. 2004-11, 7-6-2004)

### **17.52.130: ARCHITECTURAL STANDARDS:**

The following exterior materials and architectural standards are required in C-C zones:

- A. Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with site plan review. In projects containing multiple buildings, a design book containing architectural theme, features, exterior materials, and colors governing the entire project shall be submitted.
- B. All building materials shall be high quality, durable, and low maintenance.
- C. Exterior walls of buildings in excess of sixty (60) feet in length shall have relief features at least four (4) feet deep at planned intervals. All sides of buildings shall receive design consideration.
- D. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which complement the buildings which they identify.
- E. Buildings and structures in the C-C zone shall not exceed thirty-five (35) feet in height unless otherwise allowed in this Title.
- F. The exteriors of buildings in C-C zones shall be properly maintained by the owners. (2003 Code § 17.52.130)

### **17.52.140: LANDSCAPING:**

The following landscaping requirements and standards shall apply in C-C zones:

- A. The front, side and rear yards of lots in C-C zones, as described in Section 17.52.090 of this Chapter, shall be landscaped and properly maintained with grass, trees, and other plant material.
- B. All areas of lots in C-C zones not approved for parking, buildings or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.
- C. A minimum of one (1) tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in C-C zones in addition to other trees required in this Section. A minimum of thirty percent (30%) of required yard area trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees required in this Section need not be equally spaced but shall be dispersed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in C-C zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- E. Trees may not be topped nor may any landscape material be removed in C-C zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval.
- F. The following landscaping requirements shall apply in parking areas in C-C zones:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.

2. Shade trees shall be planted between double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum intervals of three (3) stalls and no farther than six (6) feet from the parking area. Shade trees are not required in parking rows which are adjacent to buildings.

3. All landscaped areas adjacent to parking areas shall be curbed.

- G. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.
- H. All required landscaping in C-C zones, shall be installed (or escrowed due to season) prior to occupancy.
- I. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners. (2003 Code § 17.52.140)

### **17.52.150: LIGHTING:**

The following lighting requirements shall apply in C-C zones:

- A. A lighting plan shall be submitted with all new developments in C-C zones. Site lighting shall be shielded to prevent glare on adjacent properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight design, approved by the City Engineer, will be used on the same street. (2003 Code § 17.52.150)

### **17.52.160: OTHER REQUIREMENTS:**

The following provisions shall apply in C-C zones:

- A. Private Covenants: The developer of a condominium project in a C-C zone shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the State that the condominium meets requirements of State law, and record the covenants with the condominium plat for the project.
- B. Grading and Drainage: All development sites in C-C zones shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Maintenance: All private areas in developments shall be properly maintained by the owners.
- D. Easements: Buildings may not be located within a public easement.
- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.52.160)

## **CHAPTER 17.54**

### **REDWOOD ROAD MIXED USE (MU) ZONES**

#### **17.54.010: PURPOSE:**

The Redwood Road mixed use (MU) zones are established to implement the land use element of the General Plan and the Redwood Road Centers map, as amended, which is included for reference in this Chapter. The purpose of the MU zones is to establish unique and distinct districts in a succession of nodes along the Redwood Road corridor. These districts are defined by separate classes of uses and development standards which identify the character of the individual districts. The allowed uses and standards applicable to each district are set forth in this Chapter and are intended to create a distinctive identity representative of the City's quality of life. The MU zones will encourage orderly, aesthetically pleasing development and a balance of uses while discouraging strip commercial with its attendant congestion, pollution, and visual blight. (Ord. 2003-35, 12-2-2003)

#### **17.54.020: ZONING MAP DESIGNATIONS:**

The MU zones shall be established according to the boundary of the individual center indicated on the "Redwood Road Centers" map and according to the land uses designated on the General Plan land use plan map, as adopted or amended by the City Council. The MU zones shall be noted as follows on the official zoning map of the City:

MU-Ngate	Mixed use-north gateway zone
MU-R&D	Mixed use-research and development zone
MU-City	Mixed use-City center zone
MU-Hist	Mixed use-historic and landmark zone
MU-Comm	Mixed use-community center zone
MU-South	Mixed use-south center zone
MU-Sgate	Mixed use-south gateway zone

(Ord. 2003-35, 12-2-2003)

#### **17.54.030: USES:**

Uses may be conducted in the MU zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in the MU zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented businesses are prohibited in the MU zones.
- B. All uses established in the MU zones shall be conducted within completely enclosed buildings, except those uses deemed, through conditional use approval, to be customary "outdoor" uses such as recreation, garden nursery, lumber yards, or other similar uses.

- C. Accessory uses and buildings are permitted in the MU zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking areas, utility and loading areas, and other buildings and activities which are incidental and subordinate to the permitted or conditional use on the premises. Accessory buildings in residential developments shall meet requirements for residential zones found elsewhere in this Title.
- D. There shall be no open storage of trash, debris, used, wrecked, or neglected materials, equipment, or vehicles in MU zones. No commercial materials, goods, or inventory may be stored in open areas in MU zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten (10) feet from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two (2) feet square per business, may be attached to the displays, and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies, and building materials is permitted only in screened areas approved for such purpose with site plan review. (2003 Code § 17.54.030)
- E. No vehicle, boat, or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, attended or not, may be parked or stored in MU zones for longer than seventy two (72) hours unless stored within a completely enclosed building or opaque fence enclosure which completely obscures said vehicle or parts from public view. No more than two (2) such vehicles may be so stored on a lot in MU zones. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers, or any commercial truck, trailer, or vehicle may be stored in MU zones for longer than seventy two (72) hours, except in conjunction with an approved use or approved development or construction activities on the property. (Ord. 2004-20, 12-21-2004)
- F. Watercraft, trailers, campers, motor homes, and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an MU zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight (8) feet from the street right of way line and if enclosed with a six (6) foot high solid vinyl or masonry fence. Travel trailers, campers, and motor homes may not be occupied as living quarters in MU zones, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2003-02, 1-21-2003)
- G. Home occupations may be licensed in any residence in MU zones according to provisions of Chapter 17.98 of this Title. Home occupation daycare or schooling not exceeding six (6) attendees may only be allowed with a conditional use permit.
- H. Religious activities may be allowed in buildings in residential areas in MU zones with approval of a conditional use permit. (2003 Code § 17.54.030)

**17.54.040: SITE PLAN/PLAT APPROVAL:**

All uses proposed in the MU zones shall be established in conjunction with an approved conditional use permit, site plan, subdivision plat or condominium map. Procedures and requirements of this Title and Title 16 of this Code concerning site plan, condominium map, and plat approval shall be followed in the preparation and review of developments proposed in the MU zones. All uses shall be conducted according to the approved site plan, condominium map, or plat and any conditions of approval. Site plans or plats may be altered according to procedures set forth in Title 16 of this Code. (2003 Code § 17.54.040)

#### **17.54.045: PERFORMANCE DEVELOPMENT:**

- A. The land use standards of this Chapter and of any other Section of this Title or of the Development Code pertaining to development in the MU zones may be altered or waived for a "performance development" by the Planning Commission, only with the positive recommendation of City staff, with a conditional use permit. "Performance development" shall be defined as any development in the MU zones which is exempted from certain land use and development requirements but which demonstrates superior design and function. Variations in the standard requirements of the MU zones will be based on additional enhancements provided in the development and the desirability of the proposed development relating to one or more of the following: amenities, economic benefit, additional architectural features, resolution of neighbors' concerns, and the development's contribution to principles of quality growth suggested by "Envision Utah's Urban Planning for Quality Growth". The following provisions will govern the review of a proposed performance development:
1. The minimum area of a performance development shall be five (5) acres unless otherwise recommended by City staff and approved by the Planning Commission.
  2. The conditional use permit/site plan application shall delineate the requested exceptions and variations from City ordinances and the offsetting upgrades and benefits proposed. Possible exceptions may include, but are not limited to, unlisted uses, yard requirement reduction, building height increase, alternative screening technique, and reduced parking requirements. Possible upgrades may include, but are not limited to, improved landscape design, architectural enhancements, and coordination with adjoining development. Staff will make a determination as to the reasonableness of the proposed exceptions and upgrades and make recommendations to the Planning Commission. Proposed upgrades and enhancements must clearly exceed what would normally be expected for development in the MU zones.
  3. Uses which significantly diverge from the character and purpose of the MU zones, such as industrial uses, are prohibited.
  4. All nonretail uses proposed shall be supportive of retail uses in areas planned for commercial development.
  5. Residential and office uses may be incorporated as components of mixed use developments in areas planned for commercial development.
  6. Sexually oriented businesses are prohibited.
- B. The following standards and regulations may not be varied for performance developments:
1. Building and infrastructure construction standards.

2. Use regulations as set forth in Section 17.54.030 of this Chapter.
3. Required landscaping as set forth in Section 17.54.160 of this Chapter.
4. Sign regulations as set forth in Chapter 16.36 of this Code.
5. Requirements of Section 16.24.050 of this Code.
6. Requirements of Section 16.24.070 of this Code.
7. Any standards relating to the public health, safety, and welfare. (Ord. 2004-20, 12-21-2004)

**17.54.050: ZONE AND PROJECT AREA:**

The minimum area of any MU zone shall be five (5) acres. The minimum area of any project in the MU zones shall be five (5) acres. "Project" shall be defined as any residential, commercial, institutional, office or mixed use development for which preliminary plat, map, or site plan approval has been proposed or granted. If a project is proposed to be smaller than five (5) acres, a concept plan shall be prepared according to Section 16.24.030 of this Code with the involvement of the neighboring property owners and submitted for review by the Planning Commission. The concept plan shall facilitate future coordination of land use, access, parking, landscaping and building placement between the parcel proposed for development and neighboring parcels. The area for which the concept plan shall be prepared will be determined by the Community Development Department but shall include, at a minimum, all parcels within five (500) hundred feet of the subject parcel. After reviewing the concept plan, the Planning Commission may authorize the developer to proceed with the site plan application according to the concept plan, require modifications to the concept plan before proceeding with the site plan, or reject the concept plan. If the applicant proceeds with the site plan application, the concept plan may be considered by the Planning Commission in approving or denying the site plan for the project. Any project under five (5) acres in area shall be a conditional use in the MU zones. (2003 Code § 17.54.050)

**17.54.060: LOT FRONTAGE, WIDTH, AND COVERAGE:**

- A. No minimum lot width is required for lots in MU zones, except for single-family lots developed to R-2.5 standards which shall have a minimum width of ninety (90) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line.
- B. Each lot developed to R-2.5 standards, except in a PUD or condominium, shall abut the right of way line of a public street a minimum distance of ninety (90) feet, except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty (50) feet.
- C. All developments not meeting R-2.5 standards shall abut a public street a minimum distance of one hundred fifty (150) feet.
- D. Side property lines shall be within five degrees (5°) of perpendicular to the front lot line.
- E. No maximum lot coverage by buildings is required in the MU zones, except for single-family (R-2.5 standards) residential development, in which case the maximum lot coverage shall be forty percent (40%). (2003 Code § 17.54.060)

**17.54.070: YARD REQUIREMENTS:**

The following minimum yard areas are required in the MU zones. The "project perimeter" yard area shall be measured from the exterior boundary of the preliminary plat or site plan. Yard requirements for self-storage facilities, PUDs, or condominiums shall be determined with development review. Yards indicated as "landscaped" shall be landscaped with lawn, trees, shrubs or other plant material, except for necessary driveways and walkways.

- A. Single-Family Residential (R-2.5 Zone Standards):
  - front 30 feet (landscaped)
  - side 10 feet
  - corner lot street side 30 feet (landscaped)
  - collector street side 35 feet
  - rear 25 feet
  - corner lot rear 10 feet
  - collector street rear 35 feet
- B. Office and Institutional:
  - front and street side 20 feet (landscaped)
  - project perimeter adjacent to office use 0 feet
  - project perimeter adjacent to retail use 5 feet (landscaped)
  - project perimeter adjacent to multi-family residential use 10 feet (landscaped)
  - project perimeter adjacent to single-family residential or agricultural use 10 feet (landscaped)
  - between buildings partially paved 20 feet (landscaped, may be
- C. Retail:
  - front and street side 20 feet (landscaped)
  - project perimeter adjacent to office use 5 feet (landscaped)
  - project perimeter adjacent to retail use 0 feet
  - project perimeter adjacent to multi-family residential use 10 feet (landscaped)
  - project perimeter adjacent to single-family residential use 15 feet (landscaped)
  - between buildings 0 feet
- D. The minimum side and rear landscaped yards for office and retail buildings or structures adjacent to residential or agricultural zones or uses shall be an additional foot for each foot of building height over twenty five (25) feet. The minimum setback from property lines for accessory buildings and structures exceeding twelve (12) feet in height shall be increased by one (1) foot for each foot of height in excess of twelve (12) feet. At least fifty percent (50%) of additional required yard areas shall be landscaped.
- E. Projections into required yard areas shall be regulated according to the respective residential (R-1.8, R-2.5, R-3, R-M), commercial (C-C, C-N), industrial (C-I) and office (O-S) requirements found elsewhere in this Title. (2003 Code § 17.54.070)

**17.54.080: OPEN SPACE:**

Open space is landscaped area, including required landscaped yard areas. Open space

may include recreational improvements, including sports courts, swimming pools, and walking paths. All open spaces shall be preserved and properly maintained by the owners. A perpetual open space easement or common area shall be recorded for developments by an owners' association with power to assess and collect fees for maintenance. Open space requirements for self-storage facilities, PUDs, and condominiums shall be determined with development review. The following minimum landscaped open spaces shall be provided in the MU zones:

residential condominium or PUD	as required for densities in Section 17.48.160 B
office, plant or institutional	30 %
retail	None
single-family residential (R-2.5 zone standards) (2003 Code § 17.54.080)	None

**17.54.090: MIXED USE-NORTH GATEWAY (MU-NGATE) ZONE:**

- A. Purpose: The mixed use-north gateway zone (MU-Ngate) is established to encourage primarily residential development which is representative of the residential character and lifestyle of the City. This zone will serve to identify and distinguish the City at the north boundary on Redwood Road.
- B. Permitted Uses: The following use may be conducted in the MU-Ngate zone:  
Single-family residential development R-2.5 standards
- C. Conditional Uses: The following uses may be allowed in the MU-Ngate zone with approval of a conditional use permit:  
active parks and recreation facilities  
group daycare  
medical or dental office  
office or commercial PUD or condominium, minimum five (5) acres  
office service  
passive parks  
project smaller than five (5) acres, except residential PUD or condominium  
residential facility for disabled or elderly persons qualified under Utah Code Annotated  
buildings for religious activities  
residential PUD or condominium with attached or detached single-family dwellings, not stacked, maximum eight (8) units per acre, project minimum five (5) acres, maximum ten (10) acres total in the zone  
schools (2003 Code § 17.54.090)

**17.54.100: MIXED USE-RESEARCH AND DEVELOPMENT (MU-R&D) ZONE:**

- A. Purpose: The mixed use-research and development zone (MU-R&D) is established to encourage primarily office, commercial, high tech laboratories, and manufacturing development in a well landscaped campus environment. This zone will establish a visible area in the City for business and research facilities which promotes the use, open space, and architectural standards of the community.

- B. Permitted Uses: The following uses may be conducted in the MU-R&D zone:
  - office service
  - research and development facilities (2003 Code § 17.54.100)
- C. Conditional Uses: The following uses may be allowed in the MU-R&D zone with approval of a conditional use permit:
  - group daycare
  - high tech light manufacturing, warehousing, and distribution
  - office PUD or condominium, minimum five (5) acres
  - offices with customers on the premises
  - project smaller than five (5) acres
  - public or quasi-public uses
  - residential PUD or condominium with attached or detached single-family dwellings, not stacked, maximum five (5) units per acre, minimum twenty (20) acres (2003 Code § 17.54.100; amd. Ord. 2003-35, 12-2-2003)

**17.54.110: MU-CITY CENTER (MU-CITY) ZONE:**

- A. Purpose: The mixed use-City center zone (MU-City) is established to provide a centralized retail hub within the 10400 South Redwood Road vicinity. This center will help to meet the routine retail and service needs of local residents and motorists. Development should be geared toward commerce and demonstrate the high architectural standards of the City. "Post modern" architectural style is encouraged in building design.
- B. Permitted Uses: The following uses may be conducted in the MU-City zone:
  - health, beauty, and fitness services
  - offices with customers on the premises
  - public facilities
  - retail uses
- C. Conditional Uses: The following uses may be allowed in the MU-City zone with approval of a conditional use permit:
  - active parks and recreation facilities
  - assisted living centers, maximum two (2) stories
  - automotive repairs entirely within enclosed buildings, maximum total of two (2) acres in the MU-City zone (no outside storage of parts, supplies, equipment, or damaged vehicles)
  - automotive services, including lube, tune up, wash, inspection, tires, mufflers, and minor repairs (no outside storage of parts, supplies, or equipment)
  - banks, credit unions, and other financial institutions
  - bed and breakfast inns
  - business services
  - care centers, maximum two (2) stories.
  - cultural facilities
  - drive-through facilities for allowed use
  - educational and training activities
  - entertainment and amusement
  - equipment and appliance light repairs and service enclosed within a building
  - fast food with no eating accommodations

- gas stations and convenience stores
- group daycare centers
- laundry
- lumber, building materials, and landscaping retail sales yards
- office or commercial PUD or condominium, minimum five (5) acres
- office service
- passive parks
- pharmacies
- project smaller than five (5) acres
- public or quasi-public facilities
- restaurants
- second or third story residential use above office or retail use on main level
- self-storage facilities, maximum total of three (3) acres in the MU-City zone (Ord. 2004-02, 1-20-2004)

**17.54.120: MU-HISTORIC AND LANDMARK (MU-HIST) ZONE:**

- A. Purpose: The mixed use-historic and landmark zone (MU-Hist) is established to preserve the historic and cultural heritage of the City while providing limited residential, commercial and office opportunities. Uses established in the MU-Hist zone will reflect and be sensitive to the historic nature of this zone. Buildings should reflect the architecture of historic the state, possibly implementing Victorian characteristics. Historic buildings and sites shall be preserved as required by the City Council.
- B. Permitted Uses: The following uses may be conducted in the MU-Hist zone:
  - bed and breakfast lodging
  - minor retail uses
  - restaurants
- C. Conditional Uses: The following uses may be allowed in the MU-Hist zone with approval of a conditional use permit:
  - active parks and recreational activities
  - buildings for religious activities
  - cultural facilities
  - minor business services
  - office or commercial PUD or condominium, minimum five (5) acres
  - office service
  - passive parks
  - project smaller than five (5) acres
  - public or quasi-public facilities
  - residential facility for disabled or elderly persons qualified under the Utah Code Annotated
  - schools
  - second or third story residential use above office or retail use on main level (2003 Code § 17.54.120)

**17.54.130: MU-COMMUNITY CENTER (MU-COMM) ZONE:**

- A. Purpose: The mixed use-community center zone (MU-Comm) is established to encourage centralized civic facilities with supporting and compatible office and commercial development. This zone should be characterized by a campus like environment with pedestrian amenities.
- B. Permitted Uses: The following uses may be conducted in the MU-Comm zone:
  - cultural facilities
  - office service
  - public and quasi-public facilities
  - restaurants
  - retail business
- C. Conditional Uses: The following uses may be allowed in the MU-Comm zone with approval of a conditional use permit:
  - active parks and recreational facilities
  - buildings for religious activities
  - drive-through service
  - group daycare
  - health, beauty, and fitness services
  - office or commercial PUD or condominium, minimum five (5) acres
  - passive parks
  - project smaller than five (5) acres
  - residential facility for disabled or elderly persons qualified under Utah Code Annotated
  - residential PUD or condominium with attached or detached single-family dwellings, maximum eight (8) units per acre, minimum ten (10) acres
  - schools
  - second or third story residential use above office or retail use on main level (2003 Code § 17.54.130)

**17.54.140: MU-SOUTH CENTER (MU-SOUTH) ZONE:**

- A. Purpose: The mixed use-south center zone (MU-South) is established to provide a retail hub at the intersection with 1400 South. This center will help to meet the routine retail and service needs of residents in this vicinity and motorists passing through this major intersection. Development will be geared toward commerce and demonstrate the high architectural standards of the City. An equestrian theme is desired both in uses and architecture.
- B. Permitted Uses: The following uses may be conducted in the MU-South zone:
  - health, beauty, and fitness services
  - offices with customers on the premises
  - public facilities
  - restaurants
  - retail uses
- C. Conditional Uses: The following uses may be allowed in the MU-South zone with approval of a conditional use permit:
  - active parks and recreational facilities
  - automotive repairs entirely within enclosed buildings, maximum total of two (2) acres in the MU-South zone (no outside storage of parts, supplies, equipment or

damaged vehicles)  
 automotive services, including lube, tune up, wash, inspection, tires, mufflers, and  
 minor repairs (no outside storage of parts, supplies, or equipment)  
 banks, credit unions, and other financial institutions  
 bed and breakfast lodging  
 business services  
 cultural facilities  
 drive-through service  
 educational and training activities  
 entertainment and amusement  
 equipment and appliance light repairs and service enclosed within a building  
 fast food with no eating accommodations  
 gas stations and convenience stores  
 group daycare centers  
 laundry  
 lumber, building materials and landscaping retail sales yards  
 office or commercial PUD or condominium  
 office service  
 passive parks  
 pharmacies  
 project smaller than five (5) acres  
 public or quasi-public facilities  
 second or third story residential use above office or retail use on main level  
 self-storage facilities, maximum total of three (3) acres in the MU-South zone (Ord.  
 2003-26, 10-21-2003)

**17.54.150: MU-SOUTH GATEWAY (MU-SGATE) ZONE:**

- A. Purpose: The mixed use-south gateway zone (MU-Sgate) is established to encourage primarily office development which is representative of the character and lifestyle of the City. This zone will serve to identify and distinguish the City at the south boundary on Redwood Road. Architecture should be residential in scale and flavor.
- B. Permitted Uses: The following use may be conducted in the MU-Sgate zone:  
 office service
- C. Conditional Uses: The following uses may be allowed in the MU-Sgate zone with approval of a conditional use permit:  
 active parks and recreation facilities  
 group daycare  
 office or commercial PUD or condominium  
 passive parks  
 projects smaller than five (5) acres  
 public or quasi-public facilities (2003 Code § 17.54.150)

**17.54.160: LANDSCAPING:**

- A. The following landscaping requirements shall apply in the MU zones:
  - 1. Single-Family Residential: The front and side yards of single-family lots shall be

landscaped and properly maintained with grass, trees and other plant material unless otherwise approved with a conditional use permit.

2. Residential PUD Or Condominium: Grass, shrubs, ground cover, two (2) inch or larger caliper deciduous trees, seven (7) feet or taller evergreen trees; grass and two (2) inch or larger caliper deciduous trees in public park strips.

3. Office, Plant, Or Institution: Grass, shrubs, ground cover, two (2) inch or larger caliper deciduous trees, seven (7) feet or taller evergreen trees; grass and two (2) inch or larger caliper deciduous trees in public park strips.

4. Retail Business: Grass, shrubs, ground cover, two (2) inch or larger caliper deciduous trees, seven (7) feet or taller evergreen trees; grass in public park strips.

- B. Areas of a development that are not covered by paving or buildings shall be landscaped. All required landscaping in yard areas and open spaces, except in R-2.5 developments, shall be installed or escrowed (due to weather) prior to occupancy.
- C. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners unless otherwise allowed with development approval.
- D. Trees may not be topped nor may any landscape material be removed without City approval unless replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval.
- E. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
- F. Shade trees shall be planted between double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum intervals of three (3) stalls and no farther than six (6) feet from the parking area. Shade trees are not required in parking rows which are adjacent to buildings.
- G. In commercial and institutional developments, minimum five (5) foot landscaped planters shall be provided along the street sides of buildings except at building entrances or drive-up windows. In office developments, said planters shall be provided around the entire building except at building entrances or drive-up windows.
- H. All landscaped areas other than in single-family residential developments shall be separated from driveways and parking areas with minimum four (4) inch high curbs.
- I. Minimum three (3) to four (4) foot high berms or hedges shall be provided in landscaped areas between public streets and parking areas of developments in the MU zones. Berms or hedges are not required where the entire area, excluding walkways, between the public street and a building is landscaped.
- J. Trees shall be planted on private property, except in R-2.5 developments, at the minimum rate of one per seven hundred (700) square feet of required landscaped area. At least thirty percent (30%) of all required trees, excluding public park strip trees, shall be evergreens.
- K. Trees are required in park strips along collector and arterial streets and shall be selected from and planted according to the City's street tree plan. Trees shall be planted along the property side of the sidewalk on Redwood Road thirty (30) feet on center and six (6) feet from the sidewalk. Grass shall be planted and maintained in the park strip along Redwood Road.

- L. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included may be counted toward required open space for the development. Waterways which traverse developments may be left open if properly landscaped and maintained. Any entity or agency having jurisdiction over said waterways must grant approval for any redevelopment of said waterways.
- M. All development applications shall be accompanied by landscape plans prepared by a professional landscape architect. (2003 Code § 17.54.160)

**17.54.170: ARCHITECTURAL STANDARDS:**

- A. The following architectural standards are required for the respective uses listed in the MU zones:
  - 1. Single-Family Residential: Brick or stone in the minimum amount of two (2) feet times (x) perimeter of the foundation (including); minimum 5:12 roof pitch; minimum two (2) car garage (minimum twenty-two (22) feet x twenty-two (22) feet, or approximate approved equivalent) per dwelling; minimum two thousand four hundred (2,400) square feet minimum dwelling unit size.
  - 2. Residential PUD Or Condominium: Brick or stone in the minimum amount of two (2) feet times (x) perimeter of the foundation (including garage) and stucco; minimum 5:12 roof pitch; minimum two (2) car garage (minimum twenty-two (22) feet x twenty-two (22) feet, or approximate approved equivalent) per dwelling; minimum two thousand four hundred (2,400) square feet per dwelling.
  - 3. Small Office, Plant, Institution, Or Retail Business (<5,000 Square Foot Building): Minimum of fifty percent (50%) brick or stone; balance of exterior wall area shall consist of brick, stone, glass, decorative integrally colored block and/or no more than fifteen percent (15%) stucco or tile. Decorative accents and trim of other materials are permitted with Planning Commission approval. Roofs to be hipped or gabled with minimum 6:12 pitch.
- B. All building materials shall be high quality, durable and low maintenance. All buildings and structures in MU zones shall be maintained in good condition.
- C. Remodeling or re-facing of buildings, except in R-2.5 developments, may not be commenced without the approval of the Planning Commission.
- D. All masonry and concrete materials, except minimal foundations, shall be integrally colored.
- E. Exterior walls of buildings, except for single-family dwellings, in excess of forty (40) feet in length, shall have relief features at least four (4) feet deep at planned intervals.
- F. All sides of multi-family dwellings containing more than four (4) units shall receive similar design treatment.
- G. Maximum height of all buildings in the MU zones shall be thirty-five (35) feet.
- H. Signs shall meet requirements of Chapter 16.36 of this Code according to O-S zone standards for office uses and according to C-C zone standards for commercial uses and shall be constructed of materials which are compatible with the buildings which they identify.
- I. All buildings and signs in individual developments shall possess a consistent

architectural theme which reflects the character of the district in which they are located.

- J. All buildings and structures shall be designed by a licensed professional architect.
- K. Any site or building in MU zones believed by the City Council to have historical significance shall be preserved for a maximum period of six (6) months upon written notification to the City that a change in use, redevelopment, or demolition of the property is desired. The owner or developer of the subject site or building shall request that the City make a determination on the disposition of the property. If the City Council determines that preservation is desired, negotiations should be undertaken and finalized within the six (6) month period. If negotiations to preserve the site or building are not completed or continued in a mutually acceptable manner within six (6) months, the building or site may be redeveloped, remodeled, or demolished in conformance with the provisions of this Chapter. (2003 Code § 17.54.170)
- L. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2003-01, 1-21-2003)

### **17.54.180: PARKING AND ACCESS:**

The following parking and access requirements shall apply in the MU zones:

- A. Parking areas and vehicle access shall meet the requirements of Chapter 16.26 of this Code. Defined pedestrian access shall be provided between adjacent developments, buildings and parking areas as required by the Planning Commission. Sidewalks over which parked vehicles may overhang shall be at least six (6) feet wide on single parking rows and eight (8) feet wide between double loaded rows. Sidewalks shall be at least six (6) inches higher than driveway and parking surfaces. An eight (8) foot wide sidewalk shall be required along Redwood Road and shall be set back a minimum of two (2) feet from the right of way line. The eight (8) foot sidewalk shall be considered landscaping for purposes of this Chapter. Park strips (minimum 12 feet wide) between the sidewalk and the curb shall be landscaped and maintained with grass.
- B. If approved by the Planning Commission, cash may be paid to the City for future construction of improvements for roads which are designated for widening in the Transportation Master Plan.
- C. Access to public streets shall be approved by the City Engineer and, if a state road, by UDOT. Vehicle access to developments from collector and arterial streets shall be shared as required by the Planning Commission. Driveways and streets intercepting or intersecting the same collector or arterial street shall be separated by a minimum distance of three hundred (300) feet. Double frontage lots may be accessed only from a subdivision or neighborhood street, not from a collector or arterial street.
- D. Streets and related improvements shall be designed, constructed, and dedicated according to State and/or City standards and according to the design widths established by the Transportation Master Plan and the road and bridge design and construction standards of the City. Proposed streets on the Redwood Road land use plan, or other acceptable alignments, shall be implemented with new development and shall be designed to right of way widths as specified by the City Council.

- E. New development shall make reasonable accommodation for mass transit facilities. The developer shall consult the State Transit Authority as required by the City.
- F. Easements, rights of way or improvements shall be provided for urban trails according to the City Trails Plan or as required by the Planning Commission.
- G. Loading areas shall be located at the rear of buildings and shall be separated from parking areas.
- H. Buildings shall be arranged in clusters to encourage pedestrian access. Areas between streets or parking areas and the building or at the center of the building cluster shall consist of sidewalks, plazas, landscaped planters with shade trees, benches, waste receptacles and other street furniture and amenities as approved and required by the Planning Commission. On street parking may be allowed in calculating the minimum parking requirement, provided that sufficient street width is provided to accommodate said parking. (Ord. 2003-35, 12-2-2003)

**17.54.190: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in the MU zones:

- A. All mechanical equipment, antennas, loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible land uses shall be screened with six (6) foot vinyl, simulated wood, or masonry fences as determined by the Planning Commission. A minimum six (6) foot decorative masonry wall is required between commercial or office zones and agricultural or residential zones. A higher fence or wall may be allowed or required by the Planning Commission in unusual circumstances. A building permit is required for fences or walls over six (6) feet high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces, or other uses as determined by the Planning Commission.
- C. In residential developments and except for development perimeter fencing, no wall, fence or opaque hedge or screening material higher than six (6) feet shall be erected or maintained in any rear or side yard. Buffering and screening elements associated with a private recreation facility shall be exempt from this Section.
- D. In residential developments, no wall, fence, or screening material shall be erected between a street side building line and a street, except as required in Subsection A of this Section. (2003 Code § 17.54.190)
- E. Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)
- F. Any wall or fence erected or maintained at the rear or side property line in residential developments adjacent to and parallel with a collector or arterial street shall be six (6) feet tall and shall be constructed in accordance with provisions for collector street fencing in Section 16.04.200 of this Code. A building permit is required for construction of a collector street fence. Construction drawings and brick samples are required. Collector street fences shall be installed so as to prevent weed growth

between the fence and the public sidewalk. Other fences may be installed no closer than twenty (20) feet from any street right of way line, except as otherwise prohibited in this Title. Proposed modifications to collector street fencing must be consistent with adjacent fencing provided that the adjacent fencing meets requirements for collector street fencing. Proposed collector street fences may not be installed until reviewed by the Community Development Director or his designee. (Ord. 2003-35, 12-2-2003)

#### **17.54.200: LIGHTING:**

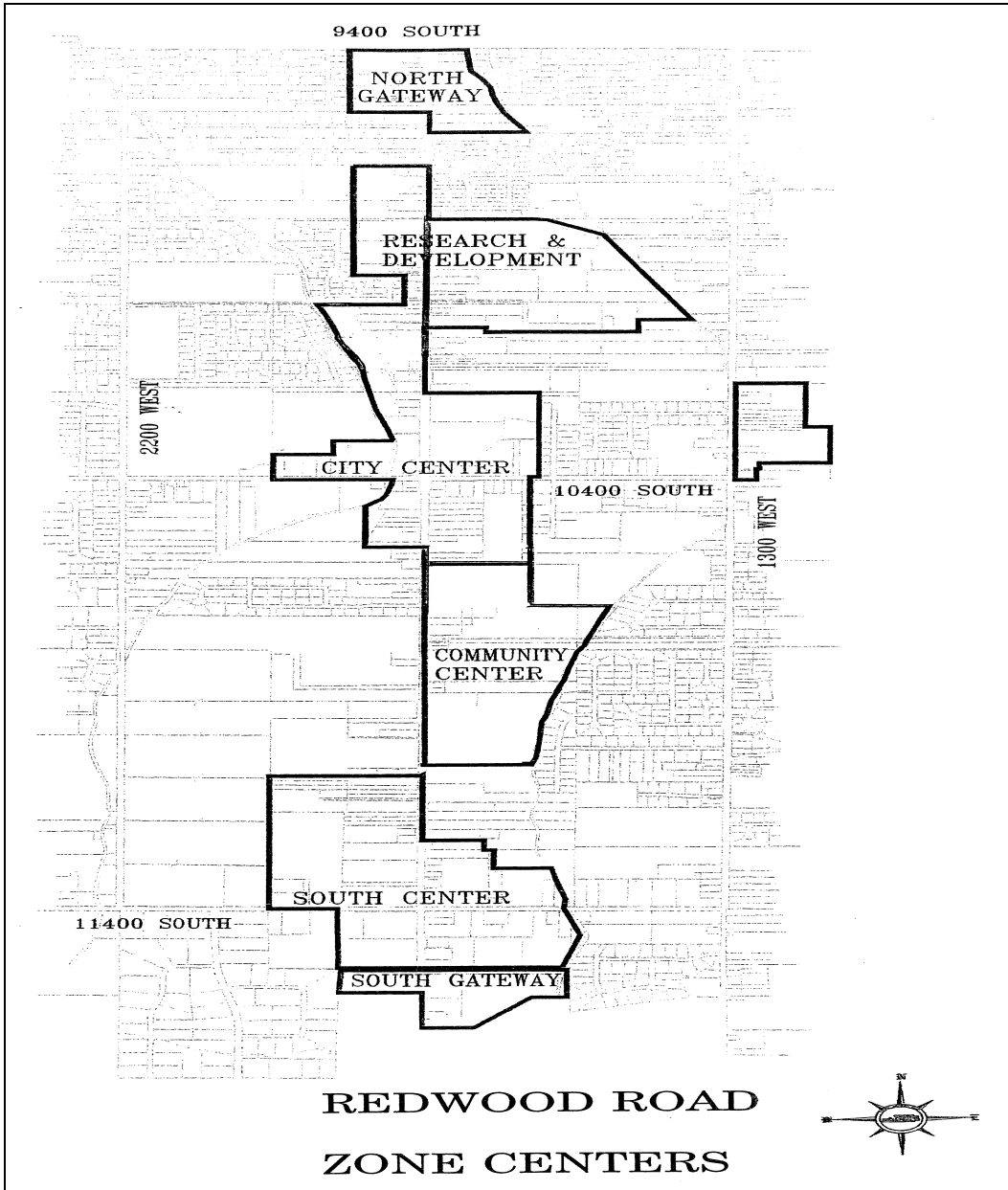
The following lighting requirements shall apply in the MU zones:

- A. A lighting plan shall be submitted with all new developments in the MU zones. Site lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight design, approved by the City Council and the Engineering Department, will be used on the same street. (2003 Code § 17.54.200)

#### **17.54.210: OTHER REQUIREMENTS:**

- A. Private Covenants: The developer of condominium or PUD projects shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the State that the condominium meets requirements of State law, and record the covenants with the condominium or PUD plat for the project.
- B. Grading and Drainage: All residential developments shall be graded according to the City engineering and building requirements to provide adequate drainage in said developments. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Maintenance: All private common areas in residential developments shall be properly maintained by the owners.
- D. Easements: Permanent buildings may not be located within a public easement.
- E. Phasing Plan: A project phasing plan shall be submitted for review by the Planning Commission at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the Planning Commission. (2003 Code § 17.54.210)

#### **17.54.220: MAP:**



(2003 Code)

**CHAPTER 17.56  
COMMERCIAL-NEIGHBORHOOD (C-N) ZONE**

**17.56.010: PURPOSE:**

The commercial-neighborhood (C-N) zone may be cited as the "C-N zone" and is established to provide areas where small scale commercial retail and service uses may be located to accommodate the daily needs of local residents and motorists. Uses should be

harmoniously integrated with surrounding neighborhoods and impose minimal detriment as a result of traffic, lighting, noise or other negative effects. (2003 Code § 17.56.010)

#### **17.56.020: PERMITTED USES:**

The following uses may be conducted in the C-N zone:

retail sales and services, excluding auto services such as lube, stand alone car wash, tune up, tires, or repairs (2003 Code § 17.56.020)

#### **17.56.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the C-N zone:

banks and credit unions

bed and breakfast inns

drive-through establishments such as fast food, financial institutions, pharmacies, but excluding auto services such as lube, stand alone car wash, tune up, tires, or repairs

gas stations and convenience stores

office, no larger than a three thousand (3,000) square foot building

restaurants (2003 Code § 17.56.030)

#### **17.56.040: USE REGULATIONS:**

Uses may be conducted in the C-N zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in C-N zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business and secondhand merchandising are prohibited in C-N zones.
- B. All uses in C-N zones shall be conducted within completely enclosed buildings, unless otherwise allowed in this Chapter, except those temporary uses customarily conducted in the outdoors, including Christmas tree lots, fireworks stands, and sidewalk sales associated with an approved use on the property.
- C. Accessory uses and buildings may be conducted in C-N zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots, properly screened utility and loading areas, and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- D. There shall be no open storage of trash, debris, used, wrecked, or neglected materials, equipment, or vehicles in C-N zones. No commercial materials, goods, or inventory may be stored in open areas in C-N zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten (10) feet from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two (2) feet square, per business may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies, and building materials is permitted only in screened areas approved for such purpose

- with site plan review.
- E. No vehicle, boat, or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, attended or not, may be parked or stored in C-N zones for longer than seventy two (72) hours unless stored within a completely enclosed building.
  - F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers, or any commercial truck, trailer, or vehicle may be stored in C-N zones for longer than seventy two (72) hours except in conjunction with development or construction activities on the property.
  - G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers, and all-terrain vehicles, may not be stored in any area in C-N zones. (2003 Code § 17.56.040)

### **17.56.050: DEVELOPMENT REVIEW:**

All uses proposed in C-N zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in C-N zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed by State law. (2003 Code § 17.56.050)

### **17.56.060: LOT WIDTH AND FRONTAGE:**

No minimum lot width is required for lots in C-N zones, except for the initial lot of a development which shall have a minimum width of one hundred fifty (150) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. The initial lot shall abut the right of way line of a public street a minimum distance of one hundred fifty (150) feet. Lots not fronting on a street must be accessible to the public via a recorded easement or right of way. (2003 Code § 17.56.060)

### **17.56.070: AREA AND DENSITY REQUIREMENTS:**

The following requirements shall apply in C-N zones:

- A. Minimum Zone Area: The minimum area of a C-N zone shall be one (1) acre. The maximum area of a C-N zone shall be ten (10) acres. (Ord. 2004-20, 12-21-2004)
- B. Minimum Project Area: "Project" shall be defined as any development in C-N zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in C-N zones shall be one (1) acre.
- C. Minimum Lot Area: There shall be no minimum lot area in C-N zones.
- D. Density: C-N zones shall be established in conformance with commercial designations on the future land use plan but shall not be located within one-third (1/3) mile of another C-N, C-C or C-F zone. (2003 Code § 17.56.070)

### **17.56.080: PRIOR CREATED LOTS:**

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of a C-N zone shall be

brought into conformance with the requirements of this Chapter prior to development. (2003 Code § 17.56.080)

### **17.56.090: YARD REQUIREMENTS:**

The following yard requirements shall apply on lots in C-N zones:

- A. Front Yard, Interior, and Corner Lots: The minimum landscaped front yard for lots in C-N zones shall be twenty (20) feet.
- B. Side Yard, Interior Lots: No minimum side yard is required adjacent to nonresidential or nonagricultural zones. The minimum side yard for lots adjacent to residential or agricultural zones shall be thirty (30) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.
- C. Side Yard, Corner Lots: The minimum landscaped street side yard for corner lots shall be twenty (20) feet.
- D. Rear Yard: No minimum rear yard is required adjacent to nonresidential or nonagricultural zones. The minimum rear yard for lots adjacent to residential or agricultural zones shall be thirty (30) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.
- E. Easement: Buildings may not be located within a public easement.
- F. Distance Between Buildings: All buildings in C-N zones shall be separated by a minimum distance of ten (10) feet. (2003 Code § 17.56.090)

### **17.56.100: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in C-N zones:

- A. Fences and walls in conformance with City codes and ordinances.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.56.100; amd. Ord. 2003-04, 2-4-2003)

### **17.56.110: PARKING AND ACCESS:**

Parking areas and access in C-N zones shall meet requirements of Chapter 16.26 of this Code. (2003 Code § 17.56.110)

### **17.56.120: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in C-N zones:

- A. All mechanical equipment, antennas (where possible), loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. The boundary of a C-N zone which is not in or adjacent to a street and which is

adjacent to a residential or agricultural zone shall be fenced with a six (6) foot, decorative precast concrete panel or masonry fence as determined with development approval. A higher fence may be required or allowed in unusual circumstances. A building permit is required for fences and walls over six (6) feet high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined with development approval.

- C. No wall, fence, or screening material shall be erected between a street and a front or street side building line in C-N zones, except as required in Subsection A of this Section. (2003 Code § 17.56.120)
- D. Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and a street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)

### **17.56.130: ARCHITECTURAL STANDARDS:**

Buildings and signs should be coordinated and of residential scale with residentially compatible materials and architecture. The following exterior materials and architectural standards are required in C-N zones:

- A. Exterior walls of buildings in the C-N zone shall be constructed with a minimum of fifty percent (50%) brick or stone. The balance of exterior wall area shall consist of brick, stone, glass, decorative integrally colored block and/or no more than fifteen percent (15%) stucco or tile. Decorative accents and trim of other materials are permitted with development approval. Roofs shall be hipped or gabled with minimum 6:12 pitch.
- B. All building materials shall be high quality, durable and low maintenance.
- C. Exterior walls of buildings, in excess of sixty (60) feet in length, shall have relief features at least four (4) feet deep at minimum twenty (20) foot intervals.
- D. All buildings in a development shall be designed with a consistent architectural theme. All sides of buildings shall receive design consideration.
- E. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which are consistent with the buildings which they identify.
- F. Buildings in C-N zones shall not exceed twenty five (25) feet in height. Other structures may not exceed thirty-five (35) feet in height unless otherwise allowed in this Title.
- G. The exteriors of buildings in C-N zones shall be properly maintained by the owners. (2003 Code § 17.56.130)

### **17.56.140: LANDSCAPING:**

The following landscaping requirements and standards shall apply in C-N zones:

- A. The front, side, and rear yards of lots in C-N zones, as described in Section 17.56.090 of this Chapter, shall be landscaped and properly maintained with grass, trees, and other plant material.
- B. All areas of lots in C-N zones not approved for parking, buildings or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and

evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.

- C. A minimum of one (1) tree per four hundred (400) square feet, or part thereof, of required landscaped yard areas is required in C-N zones in addition to other trees required in this Section. A minimum of thirty percent (30%) of the required yard area trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees required in this Section need not be equally spaced but shall be dispersed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in C-N zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- E. Trees may not be topped nor may any landscape material be removed in C-N zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval.
- F. The following landscaping requirements shall apply in parking areas in C-N zones:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
  - 2. Shade trees shall be planted in double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum thirty (30) foot intervals and no farther than six (6) feet from the parking area.
  - 3. Minimum five (5) foot landscaped planters shall be provided around building foundations except at building entrances, drive-up windows and loading and utility areas.
  - 4. All landscaped areas adjacent to parking areas shall be curbed.
- G. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.
- H. All required landscaping in C-N zones shall be installed (or escrowed due to season) prior to occupancy.
- I. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners. (2003 Code § 17.56.140)

### **17.56.150: LIGHTING:**

The following lighting requirements shall apply in C-N zones:

- A. A lighting plan shall be submitted with all new developments in C-N zones. Site lighting shall be shielded to prevent glare on adjacent properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight

design, approved by the City Engineer, will be used on the same street. (2003 Code § 17.56.150)

### **17.56.160: OTHER REQUIREMENTS:**

- A. Private Covenants: The developer of a condominium project in a C-N zone shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the State that the condominium meets requirements of State law, and record the covenants with the condominium plat for the project.
- B. Grading and Drainage: All development sites in C-N zones shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Maintenance: All private areas in developments shall be properly maintained by the owners.
- D. Easements: Buildings may not be located within a public easement.
- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.56.160)

## **CHAPTER 17.60 COMMERCIAL-INDUSTRIAL (C-I) ZONE**

### **17.60.010: PURPOSE:**

The commercial-industrial (C-I) zone may be cited as the "C-I zone" and is established to provide areas where research and development, light manufacturing, assembling, processing, packaging, warehousing, distribution and related activities can be located and preserved without creating significant negative impacts on surrounding commercial, office and residential uses. The C-I zone is also intended to prevent the introduction of more sensitive land uses which may undermine the industrial or business park nature of the zone. Buffering and harmonious integration of neighboring uses should provide for compatibility and continuity in aesthetic design and quality of life in and around the C-I zone. (2003 Code § 17.60.010)

### **17.60.020: PERMITTED USES:**

The following uses may be conducted in the C-I zone:

- computer software and entertainment media production
- manufacturing, processing, and/or distribution of the following:
  - auto parts, machinery, hardware, and equipment
  - electronic and communication equipment
  - food and nonalcoholic beverages
  - furniture, appliances, and home furnishings

- household products
- medical, health, and beauty products
- motor vehicles, boats, and trailers
- pharmaceuticals
- scientific or controlling instruments and optical goods
- sporting goods, outdoor goods, and toys
- textiles, apparel, and footwear
- research and development, associated light manufacturing
- warehousing and distribution (2003 Code § 17.60.020)

### **17.60.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the C-I zone:  
fuel stations, convenience stores, car washes, and other suitable retail uses  
manufacturing, processing, and/or distribution of the following items and those not listed elsewhere:

- agricultural products
- chemical products
- metal products
- paper, cardboard, and packaging products
- rubber and plastic products
- wood products
- personal and business services such as:
  - building and maintenance services
  - catering and food services
  - coating, plating, and engraving
  - laundry
  - public facilities
  - special training
  - storage units and services
  - vehicle and equipment service and repair
- printing and publishing (2003 Code § 17.60.030)

### **17.60.040: USE REGULATIONS:**

Uses may be conducted in C-I zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in C-I zones. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. All uses in C-I zones shall be conducted within completely enclosed buildings unless otherwise allowed in this Chapter.
- C. Accessory uses and buildings are permitted in C-I zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- D. There shall be no open storage of trash, debris, used materials, wrecked or neglected

equipment, or materials in C-I zones. No commercial materials, equipment, goods, or inventory may be stored in open areas in C-I zones, except those specifically allowed by the City Council in conjunction with a permitted or conditional use on the premises.

- E. No vehicle, boat, or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, attended or not, may be parked or stored in C-I zones for longer than seventy two (72) hours unless stored within a completely enclosed building.
- F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers, or any commercial truck, trailer, or vehicle may be stored in C-I zones for longer than seventy two (72) hours except in conjunction with an approved use or approved development or construction activities on the property.
- G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers, and all-terrain vehicles, may not be stored in any area in C-I zones, except those allowed by the City Council in conjunction with a permitted or conditional use on the premises. (2003 Code § 17.60.040)

**17.60.050: DEVELOPMENT REVIEW:**

All uses proposed in C-I zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in C-I zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed under State law. Condominiums may be approved in accordance with State law and City ordinances. (2003 Code § 17.60.050)

**17.60.060: LOT WIDTH AND FRONTAGE:**

No minimum lot width is required for lots in C-I zones, except for the initial lot of a development which shall have a minimum width of one hundred fifty (150) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. The initial lot shall abut the right of way line of a public street a minimum distance of one hundred fifty (150) feet. Lots not fronting on a street must be accessible to the public via a recorded easement or right of way. (2003 Code § 17.60.060)

**17.60.070: AREA REQUIREMENTS:**

The following area requirements shall apply in the C-I zone:

- A. Minimum Zone Area: The minimum area of a C-I zone shall be twenty (20) acres.
- B. Minimum Project Area: "Project" shall be defined as any development in C-I zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in the C-I zone shall be five (5) acres.
- C. Minimum Lot Area: The minimum area of a lot in the C-I zone shall be two (2) acres. (2003 Code § 17.60.070)

**17.60.080: PRIOR CREATED LOTS:**

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of a C-I zone shall be brought into conformance with the requirements of this Chapter prior to development. (2003 Code § 17.60.080)

### **17.60.090: YARD REQUIREMENTS:**

The following yard requirements shall apply on lots in C-I zones:

- A. Front Yard, Interior, and Corner Lots: The minimum landscaped front yard for lots in C-I zones shall be forty (40) feet. Where the front yard is adjacent to a residential zone, the minimum front yard shall be one hundred (100) feet, of which a minimum of forty (40) feet adjacent to the front lot line shall be landscaped.
- B. Side Yard, Interior Lots: No minimum side yard is required adjacent to nonresidential or nonagricultural zones. The minimum side yard for lots adjacent to residential or agricultural zones shall be one hundred (100) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.
- C. Side Yard, Corner Lots: The minimum landscaped street side yard for corner lots shall be forty (40) feet. Where the side yard is adjacent to a residential zone, the minimum side yard shall be one hundred (100) feet, of which a minimum of forty (40) feet adjacent to the street right of way line shall be landscaped.
- D. Rear Yard: No minimum rear yard is required adjacent to nonresidential or nonagricultural zones. The minimum rear yard for lots adjacent to residential or agricultural zones shall be one hundred (100) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.
- E. Easements: Buildings may not be located within a public easement.
- F. Distance Between Buildings: All buildings in C-I zones shall be separated by a minimum distance of twenty (20) feet. (2003 Code § 17.60.090)

### **17.60.100: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in C-I zones:

- A. Fences and walls in conformance with City codes and ordinances.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.(2003 Code § 17.60.100; amd. Ord. 2003-04, 2-4-2003)

### **17.60.110: PARKING AND ACCESS:**

Parking areas and access in C-I zones shall meet requirements of Chapter 16.26 of this Code. (2003 Code § 17.60.110)

### **17.60.120: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in C-I zones:

- A. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. The boundary of a C-I zone which is not in or adjacent to a street and which is adjacent to a residential or agricultural zone shall be fenced with a six (6) foot, decorative precast concrete panel or masonry fence as determined with development approval. A higher fence may be required or allowed in unusual circumstances. A building permit is required for fences and walls over six (6) feet high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces, or other uses as determined with development approval.
- C. No wall, fence, or screening material shall be erected between a street and a front or street side building line in C-I zones, except as required in Subsection A of this Section. (2003 Code § 17.60.120)
- D. Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and a street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)

### **17.60.130: ARCHITECTURAL STANDARDS:**

The following architectural standards are required in C-I zones:

- A. Building exteriors in C-I zones shall be constructed with a minimum of twenty five percent (25%) brick or stone. The balance of exterior wall area shall consist of brick, stone, glass, decorative block or concrete, simulated stone panels, and/or no more than fifteen percent (15%) stucco. Decorative accents and trim of other materials are permitted with development approval. Exterior wall area may not exceed forty percent (40%) glass.
- B. All building materials shall be high quality, durable, and low maintenance.
- C. Exterior walls of buildings, in excess of sixty (60) feet in length, shall have relief features at least four (4) feet deep at minimum twenty (20) foot intervals.
- D. All buildings in a development shall be designed with a consistent architectural theme. All sides of buildings shall receive design consideration.
- E. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which are consistent with the buildings which they identify.
- F. Buildings and structures in the C-I zone shall not exceed fifty (50) feet in height unless otherwise allowed in this Title.
- G. The exteriors of buildings in the C-I zone shall be properly maintained by the owners. (2003 Code § 17.60.130)

### **17.60.140: LANDSCAPING REQUIREMENTS:**

The following landscaping requirements and standards shall apply in the C-I zone:

- A. The front, side, and rear yards of lots in C-I zones, as described in Section 17.60.090 of this Chapter, shall be landscaped and properly maintained with grass, trees, and

- other plant material.
- B. All areas of lots in C-I zones not approved for parking, buildings, or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.
  - C. A minimum of one (1) tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in C-I zones in addition to other trees required in this Section. A minimum of thirty percent (30%) of required yard area trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees required in this Section need not be equally spaced but shall be dispersed throughout the required yard areas on the site.
  - D. All collector street and other public and private park strips in C-I zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
  - E. Trees may not be topped nor may any landscape material be removed in C-I zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval.
  - F. The following landscaping requirements shall apply in paved areas in C-I zones:
    - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
    - 2. Shade trees shall be planted in double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum thirty (30) foot intervals and no farther than six (6) feet from the parking area.
    - 3. Minimum five (5) foot landscaped planters shall be provided around building foundations, except at building entrances, drive-up windows and loading and utility areas.
    - 4. All landscaped areas adjacent to parking areas shall be curbed.
  - G. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.
  - H. All required landscaping in C-I zones shall be installed (or escrowed due to season) prior to occupancy.
  - I. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners. (2003 Code § 17.60.140)

### **17.60.150: LIGHTING:**

The following lighting requirements shall apply in C-I zones:

- A. A lighting plan shall be submitted with all new developments in C-I zones. Site lighting shall be shielded to prevent glare on adjacent properties.

- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight design, approved by the City Engineer, will be used on the same street. (2003 Code § 17.60.150)

**17.60.160: OTHER REQUIREMENTS:**

- A. Private Covenants: The developer of a condominium project in a C-I zone shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel, licensed to practice law in the State, that the condominium meets requirements of State law, and record the covenants with the condominium plat for the project.
- B. Grading and Drainage: All development sites in C-I zones shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Maintenance: All private areas in developments shall be properly maintained by the owners.
- D. Easements: Buildings may not be located within a public easement.
- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.60.160)

**CHAPTER 17.64**  
**COMMERCIAL-FREEWAY (C-F) ZONE**

**17.64.010: PURPOSE:**

The commercial-freeway (C-F) zone may be cited as the "C-F zone" and is established along the interstate freeway to provide areas for major commercial uses which are both compatible with and dependent on freeway visibility and access. Developments in the C-F zone should be generally upscale with attention given to coordination of traffic circulation and building placement. The C-F zone should provide a pleasing and functional environment which represents the quality of life in the City but also enhances employment opportunities and the retail tax base of the City. (2003 Code § 17.64.010)

**17.64.020: PERMITTED USES:**

The following uses are permitted in C-F zones:

- auto and equipment parts retailing, but no service
- banks, credit unions, and other financial institutions
- beauty, health, and fitness centers
- books, videos, media, photography, copies, art and drafting supplies, office supplies, and stationery retail

department, discount, and food stores  
furniture, electronics, appliances, and home furnishings retailing  
hardware and home improvement retailing  
health, beauty, medical products, and prescription drugs retailing  
hobbies and crafts retailing  
hotels and motels  
household goods retailing  
miscellaneous retail sales  
restaurants and eating establishments  
shopping centers and malls containing only allowed uses  
sporting goods and toy retailing  
textiles, sewing supplies, apparel, and footwear retailing  
theaters, concert halls, and entertainment facilities (2003 Code § 17.64.020)

### **17.64.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the C-F zone:

automobile sales-new and ancillary used  
automobile sales-used; minimum eight thousand (8,000) square foot building  
required  
automotive services enclosed within a building including lube, tune up, automatic  
wash, inspection, tires, mufflers, and minor repairs  
bed and breakfast inns  
convention, arena, reception, and assembly facilities  
cultural exhibits and activities  
drive-through facilities for allowed use  
educational and training activities  
entertainment, amusement, and recreational activities  
equipment and appliance light repairs and service enclosed within a building  
fast food with no eating accommodations  
gas stations and convenience stores  
golf courses and ranges  
group daycare center  
laundry  
lumber, building material, and landscaping retail sales yards  
medical, health, or dental services  
nature or zoological exhibits  
office buildings in "commercial office" area only (see map in this Chapter).  
parks  
pharmacies  
public facilities  
recreational vehicle and boat sales-new and ancillary used  
secondhand goods retailing (2003 Code § 17.64.030)

### **17.64.040: USE REGULATIONS:**

Uses may be conducted in C-F zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in C-F zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business is prohibited in C-F zones. Uses which are primarily nonretail in nature (more than 40 percent of sales are nontaxable) may not occupy more than forty percent (40%) of the total floor area of nonanchor stores in a shopping center or mall (including pads) or occupy an in-line shop space greater than four thousand (4,000) square feet of floor area in said shopping center or mall. An anchor store shall be any single shop space greater than twenty thousand (20,000) square feet in floor area.
- B. All uses in C-F zones shall be conducted within completely enclosed buildings, unless otherwise allowed in this Chapter, except those temporary uses customarily conducted in the outdoors, including, Christmas tree lots, fireworks stands, and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) one week periods per year.
- C. Accessory uses and buildings may be conducted in C-F zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas, and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- D. There shall be no open storage of trash, debris, used, wrecked, or neglected materials, equipment, or vehicles in C-F zones. No commercial materials, goods, or inventory may be stored in open areas in C-F zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten (10) feet from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two (2) feet square, per business may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies, and building materials is permitted only in screened areas approved for such purpose with site plan review.
- E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, attended or not, may be parked or stored in C-F zones for longer than seventy two (72) hours unless stored within a completely enclosed building. (2003 Code § 17.64.040)
- F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers, or any commercial truck, trailer, or vehicle may be stored in C-F zones for longer than seventy two (72) hours, except in conjunction with an approved use or approved development or construction activities on the property. (Ord. 2004-20, 12-21-2004)
- G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers, and all-terrain vehicles, may not be stored in any area in C-F zones, except those specifically allowed by the City Council in conjunction with a permitted or conditional use on the premises.
- H. Home occupations may be licensed in any residence in C-F zones according to provisions of Chapter 17.98 of this Title. (2003 Code § 17.64.040)

**17.64.050: DEVELOPMENT REVIEW:**

All uses proposed in C-F zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in C-F zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed under State law. (2003 Code § 17.64.050)

### **17.64.055: PERFORMANCE DEVELOPMENT:**

- A. The land use standards of this Chapter and of any other Section of this Title or of the Development Code pertaining to development in the C-F zone may be altered or waived for a "performance development" by the Planning Commission, only with the positive recommendation of City staff, with a conditional use permit. "Performance development" shall be defined as any development in the C-F zone which is exempted from certain land use and development requirements but which demonstrates superior design and function. Variations in the standard requirements of the C-F zone will be based on additional enhancements provided in the development and the desirability of the proposed development relating to one or more of the following: amenities, economic benefit additional architectural features, resolution of neighbors' concerns, and the development's contribution to principles of quality growth suggested by "Envision Utah's Urban Planning for Quality Growth". The following provisions will govern the review of a proposed performance development:
  - 1. The minimum area of a performance development shall be five (5) acres unless otherwise recommended by City staff and approved by the Planning Commission.
  - 2. The conditional use permit/site plan application shall delineate the requested exceptions and variations from City ordinances and the offsetting upgrades and benefits proposed. Possible exceptions may include, but are not limited to, unlisted uses, yard requirement reduction, building height increase, alternative screening technique, and reduced parking requirements. Possible upgrades may include, but are not limited to, improved landscape design, architectural enhancements, and coordination with adjoining development. Staff will make a determination as to the reasonableness of the proposed exceptions and upgrades and make recommendations to the Planning Commission. Proposed upgrades and enhancements must clearly exceed what would normally be expected for development in the C-F zone.
  - 3. Uses which significantly diverge from the character and purpose of the C-F zone, such as industrial uses, are prohibited.
  - 4. All nonretail uses proposed shall be supportive of retail uses in the development in areas planned for commercial development and as described in Section 17.64.010 of this Chapter.
  - 5. Residential and office uses may be incorporated as components of mixed use commercial developments.
  - 6. Sexually oriented businesses are prohibited.
- B. The following standards and regulations may not be varied for performance developments:
  - 1. Building and infrastructure construction standards.

2. Use regulations as set forth in Section 17.64.040 of this Chapter, except for office use restrictions in Subsection A of this Section.
3. Required landscaping as set forth in Section 17.64.140 of this Chapter.
4. Sign regulations as set forth in Chapter 16.36 of this Code.
5. Requirements of Section 16.24.050 of this Code.
6. Requirements of Section 16.24.070 of this Code.
7. Any standards relating to the public health, safety, and welfare. (Ord. 2004-20, 12-21-2004)

### **17.64.060: LOT WIDTH AND FRONTAGE:**

No minimum lot width is required for lots in C-F zones, except for the initial lot of a development which shall have a minimum width of one hundred fifty (150) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. The initial lot shall abut the right of way line of a public street a minimum distance of one hundred fifty (150) feet. Lots not fronting on a street must be accessible to the public via a recorded easement or right of way. (2003 Code § 17.64.060)

### **17.64.070: AREA REQUIREMENTS:**

The following area requirements shall apply in the C-F zone:

- A. Minimum Zone Area: The minimum area of a C-F zone shall be five (5) acres.
- B. Minimum Project Area: "Project" shall be defined as any development in C-F zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in C-F zones shall be one acre.
- C. Minimum Lot Area: There shall be no minimum lot area in C-F zones. (2003 Code § 17.64.070)

### **17.64.080: PRIOR CREATED LOTS:**

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of a C-F zone shall be brought into conformance with the requirements of this Chapter prior to development. (2003 Code § 17.64.080)

### **17.64.090: YARD REQUIREMENTS:**

The following yard requirements shall apply on lots in C-F zones:

- A. Front Yard, Interior, and Corner Lots: The minimum landscaped front yard for lots in C-F zones shall be twenty (20) feet.
- B. Side Yard, Interior Lots: No minimum side yard is required adjacent to nonresidential or nonagricultural zones. The minimum side yard for lots adjacent to residential or agricultural zones shall be thirty (30) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.
- C. Side Yard, Corner Lots: The minimum landscaped street side yard for corner lots shall be twenty (20) feet.
- D. Rear Yard: No minimum rear yard is required adjacent to nonresidential or nonagricultural zones. The minimum rear yard for lots adjacent to residential or agricultural zones shall be thirty (30) feet, of which at least ten (10) feet adjacent to

the property line shall be landscaped.

- E. Distance Between Buildings: All buildings in C-F zones shall be separated by a minimum distance of twenty (20) feet. (2003 Code § 17.64.090)

### **17.64.100: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in C-F zones:

- A. Fences and walls in conformance with City codes and ordinances.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.64.100; amd. Ord. 2003-04, 2-4-2003)

### **17.64.110: PARKING AND ACCESS:**

Parking areas and access in C-F zones shall meet requirements of Chapter 16.26 of this Code. (2003 Code § 17.64.110)

### **17.64.120: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in C-F zones:

- A. All mechanical equipment, antennas (where possible), loading and utility areas, and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. The boundary of a C-F zone which is not in or adjacent to a street and which is adjacent to a residential or agricultural zone shall be fenced with a six (6) foot, decorative precast concrete panel or masonry fence as determined with development approval. Six (6) foot solid vinyl boundary fencing may be allowed in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed by the City, in unusual circumstances. A building permit is required for fences and walls over six (6) feet high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces, or other uses as determined with development approval.
- C. No wall, fence, or screening material shall be erected between a street and a front or street side building line in C-F zones, except as required in Subsection A of this Section. (2003 Code § 17.64.120)
- D. Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground and fences, shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and a street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)

### **17.64.130: ARCHITECTURAL STANDARDS:**

The following architectural standards are required in C-F zones:

- A. Architectural drawings and elevations, exterior materials, and colors of all buildings shall be submitted in conjunction with site plan review. In projects containing multiple buildings, a design book containing architectural theme, features, exterior materials, and colors governing the entire project shall be submitted.
- B. All building materials shall be high quality, durable, and low maintenance.
- C. Exterior walls of buildings, in excess of sixty (60) feet in length, shall have relief features at least four (4) feet deep at planned intervals. All sides of buildings shall receive design consideration.
- D. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which complement the buildings which they identify.
- E. No maximum building height is required in C-F zones.
- F. The exteriors of buildings in the C-F zone shall be properly maintained by the owners. (2003 Code § 17.64.130)

### **17.64.140: LANDSCAPING:**

The following landscaping requirements and standards shall apply in the C-F zone:

- A. The front, side, and rear yards of lots in C-F zones, as described in Section 17.64.090 of this Chapter, shall be landscaped and properly maintained with grass, trees, and other plant material.
- B. All areas of lots in C-F zones not approved for parking, buildings, or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.
- C. A minimum of one (1) tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in C-F zones in addition to other trees required in this Section. A minimum of thirty percent (30%) of required yard area trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees required in this Section need not be equally spaced but shall be dispersed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in C-F zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- E. Trees may not be topped nor may any landscape material be removed in C-F zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval.
- F. The following landscaping requirements shall apply in parking areas in C-F zones:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs, or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
  - 2. Shade trees shall be planted between double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum intervals of three (3) stalls and no farther than six (6) feet from the parking area. Shade trees are not required in

parking rows which are adjacent to buildings.

3. All landscaped areas adjacent to parking areas shall be curbed.

- G. A minimum twenty (20) foot wide landscaped planter shall be required along the freeway right of way on lots in the C-F zone which adjoin the freeway right of way. This area may be counted toward any minimum yard area that would otherwise be required adjacent to the freeway right of way. These areas shall be planted with grass, trees, and other plant materials.
- H. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the City, Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.
- I. All required landscaping in C-F zones, shall be installed (or escrowed due to season) prior to occupancy.
- J. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners. (2003 Code § 17.64.140)

#### **17.64.150: LIGHTING:**

The following lighting requirements shall apply in C-F zones:

- A. A lighting plan shall be submitted with all new developments in C-F zones. Site lighting shall be shielded to prevent glare on adjacent properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight design, approved by the City Engineer, will be used on the same street. (2003 Code § 17.64.150)

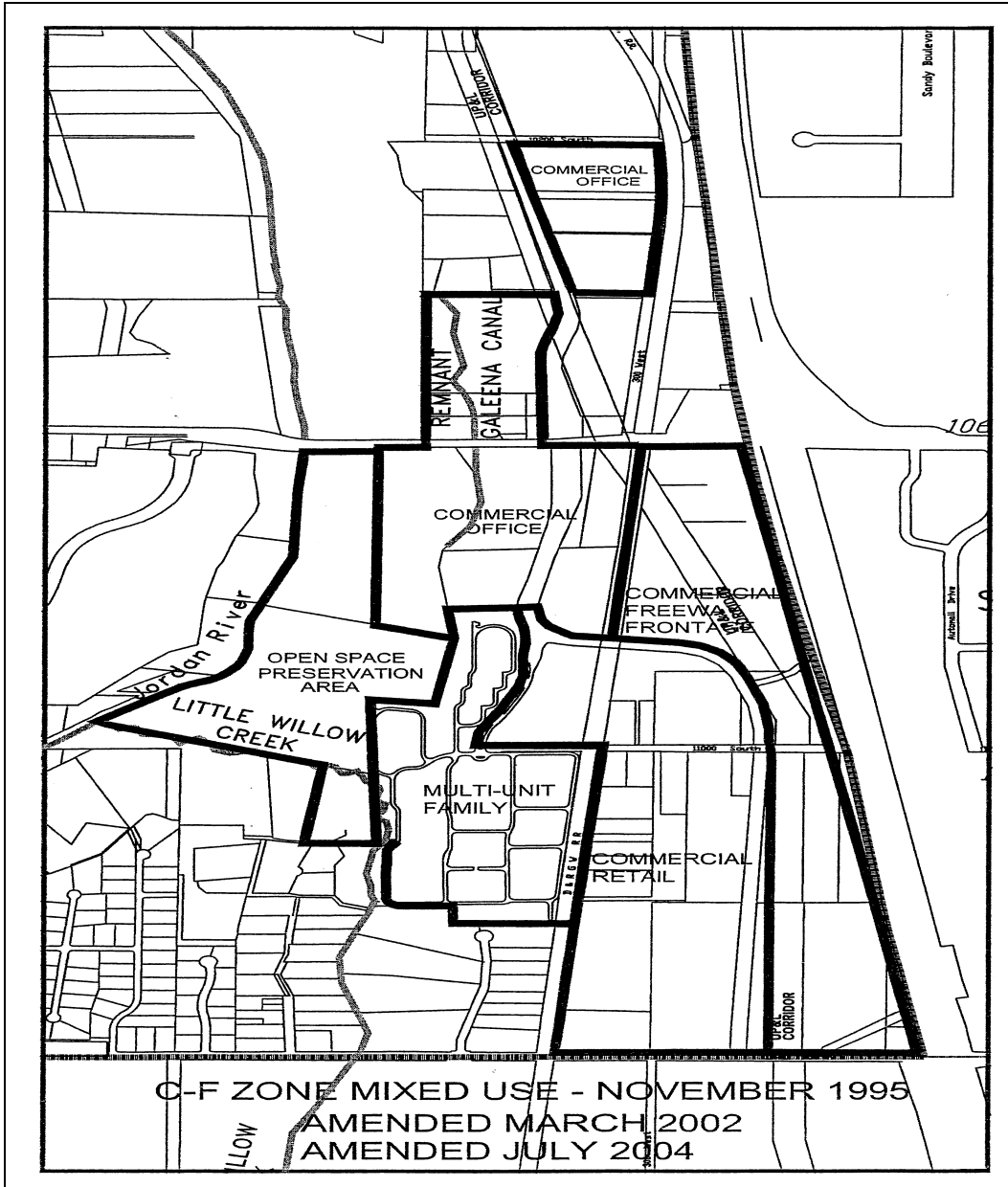
#### **17.64.160: OTHER REQUIREMENTS:**

The following provisions shall apply in C-F zones:

- A. Private Covenants: The developer of a condominium project in a C-F zone shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the State that the condominium meets the requirements of State law, and record the covenants with the condominium plat for the project.
- B. Grading and Drainage: All development sites in C-F zones shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Maintenance: All private areas in developments shall be properly maintained by the owners.
- D. Easements: Buildings may not be located within a public easement.
- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of

preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.64.160)

**17.64.170: MAP:**



(Ord. 2004-12, 7-20-2004)

**CHAPTER 17.68  
LIGHT INDUSTRIAL-FREEWAY (I-F) ZONE**

### **17.68.010: PURPOSE:**

The light industrial-freeway (I-F) zone may be cited as the "I-F zone" and is established along the interstate freeway to provide areas for major commercial uses which are compatible with the freeway and dependent on freeway visibility and access. The I-F zone will provide areas for a variety of uses to promote economic diversity and stability and provide broad employment opportunities. Developments in the I-F zone should be generally upscale with attention given to coordination of traffic circulation and building placement. High architectural standards will maintain an appropriate introduction and gateway image for the City. The I-F zone should provide a pleasing and functional environment which represents the quality of life in the City but also enhances the commercial tax base of the City. (2003 Code § 17.68.010)

### **17.68.020: PERMITTED USES:**

The following uses may be conducted in the I-F zone:

- computer software and entertainment media production

- general distribution and warehousing

- general office and clerical uses

- manufacturing, processing, and/or distribution of the following:

  - electronic and communication equipment

  - food and nonalcoholic beverages

  - furniture, appliances, and home furnishings

  - household products

  - medical, health, and beauty products

  - pharmaceuticals

  - scientific and controlling instruments and optical goods

  - sporting goods, outdoor goods, and toys

  - textiles, sewing supplies, apparel, and footwear

- personal and business services:

  - banks, credit unions, and other financial institutions

  - beauty and fitness centers

  - hotels and motels

  - real estate, insurance, tax, and other professional services

  - restaurants and eating establishments

  - theaters and concert halls

- research, development, and associated light manufacturing

- retailing:

  - auto and equipment parts, but no service

  - books, art and drafting supplies, videos, media, photography, copies, office

  - supplies, and stationery

  - department, food, and discount stores

  - furniture, electronics, appliances, and home furnishings

  - health, medical, beauty products, and prescription drugs

  - hobbies and crafts

  - home improvement and hardware

  - household goods

- miscellaneous retail sales
- shopping centers and malls containing only allowed uses
- specialty retail shops
- sporting goods and toys
- textiles, sewing supplies, apparel, and footwear (2003 Code § 17.68.020)

### **17.68.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the I-F zone:

manufacturing, processing, and/or distribution of the following items and those not listed elsewhere:

- agricultural products
- chemical products
- metal products
- paper, cardboard, and packaging products
- rubber and plastic products
- wood products

personal and business services:

- automotive services enclosed within a building including lube, tune up, automatic wash, inspection, tires, mufflers, and minor repairs
- bed and breakfast inns
- building and maintenance services
- catering and food services
- coating, plating, and engraving
- convention, arena, reception, and assembly facilities
- cultural exhibits and activities
- drive-through facilities for allowed uses
- educational and training activities
- entertainment, amusement, and recreational activities
- equipment and appliance light repairs and service enclosed within a building
- golf courses and ranges
- group daycare centers
- laundry
- medical, health, or dental services
- nature or zoological exhibits
- parks
- public facilities

printing and publishing.

retailing:

- agricultural products
- automobile sales-new and ancillary used.
- automobile sales-used; minimum eight thousand (8,000) square foot building required
- fast food with no eating accommodations
- gas stations and convenience stores
- lumber, building material, and landscaping sales yards
- recreational vehicle and boat sales-new and ancillary used.

### **17.68.040: USE REGULATIONS:**

Uses may be conducted in I-F zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in I-F zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented businesses are prohibited in I-F zones. Uses which are primarily nonretail in nature (more than 40 percent of sales are nontaxable) may not occupy more than forty percent (40%) of the total floor area of nonanchor stores in a shopping center or mall (including pads) or occupy an in-line shop space greater than four thousand (4,000) square feet of floor area in said shopping center or mall. An anchor store shall be any single shop space greater than twenty thousand (20,000) square feet in floor area.
- B. All uses in I-F zones shall be conducted within completely enclosed buildings, unless otherwise allowed in this Chapter, except those temporary uses customarily conducted in the outdoors, including Christmas tree lots, fireworks stands, and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) one week periods per year.
- C. Accessory uses and buildings are permitted in I-F zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas, and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- D. There shall be no open storage of trash, debris, used, wrecked, or neglected materials, equipment, or vehicles in I-F zones. No commercial materials, goods, or inventory may be stored in open areas in I-F zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten (10) feet from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two (2) feet square, per business may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies, and building materials is permitted only in screened areas approved for such purpose with site plan review.
- E. No vehicle, boat, or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, attended or not, may be parked or stored in I-F zones for longer than seventy two (72) hours unless stored within a completely enclosed building.
- F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers, or any commercial truck, trailer, or vehicle may be stored in I-F zones for longer than seventy two (72) hours, except if for sale in an approved sales lot or unless in conjunction with an approved use or approved development or construction activities on the property.
- G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers, and all-terrain vehicles, may not be stored in any area in I-F zones, except those allowed in conjunction with a permitted or conditional use on the

premises. (2003 Code § 17.68.040)

### **17.68.050: DEVELOPMENT REVIEW:**

All uses proposed in I-F zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in I-F zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed under State law. Condominiums may be approved in accordance with State law and City ordinances. (2003 Code § 17.68.050)

### **17.68.060: LOT WIDTH AND FRONTAGE:**

No minimum lot width is required for lots in the I-F zone, except for the initial lot of a development which shall have a minimum width of one hundred fifty (150) feet measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. The initial lot shall abut the right of way line of a public street a minimum distance of one hundred fifty (150) feet. Lots not fronting on a street must be accessible to the public via a recorded easement or right of way. (2003 Code § 17.68.060)

### **17.68.070: AREA REQUIREMENTS:**

The following area requirements shall apply in the I-F zone:

- A. Minimum Zone Area: The minimum area of an I-F zone shall be five (5) acres.
- B. Minimum Project Area: "Project" shall be defined as any development in I-F zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in the I-F zone shall be five (5) acres.
- C. Minimum Lot Area: There shall be no minimum lot area in I-F zones. (2003 Code § 17.68.070)

### **17.68.080: PRIOR CREATED LOTS:**

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an I-F zone shall be brought into conformance with the requirements of this Chapter prior to development. (2003 Code § 17.68.080)

### **17.68.090: YARD REQUIREMENTS:**

The following yard requirements shall apply on lots in I-F zones:

- A. Front Yard, Interior, and Corner Lots: The minimum landscaped front yard for lots in I-F zones shall be twenty (20) feet.
- B. Side Yard, Interior Lots: No minimum side yard is required adjacent to nonresidential or nonagricultural zones. The minimum side yard for lots adjacent to residential or agricultural zones shall be thirty (30) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.
- C. Side Yard, Corner Lots: The minimum landscaped street side yard for corner lots in

- I-F zones shall be twenty (20) feet.
- D. Rear Yard: No minimum rear yard is required adjacent to nonresidential or nonagricultural zones. The minimum rear yard for lots adjacent to residential or agricultural zones shall be thirty (30) feet, of which at least ten (10) feet adjacent to the property line shall be landscaped.
  - E. Distance Between Buildings: All buildings in I-F zones shall be separated by a minimum distance of twenty (20) feet. (2003 Code § 17.68.090)

### **17.68.100: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in I-F zones:

- A. Fences and walls in conformance with City codes and ordinances.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard. (2003 Code § 17.68.100; amd. Ord. 2003-04, 2-4-2003)

### **17.68.110: PARKING AND ACCESS:**

Parking areas and access in I-F zones shall meet requirements of Chapter 16.26 of this Code. (2003 Code § 17.68.110)

### **17.68.120: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in I-F zones:

- A. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. The boundary of an I-F zone which is not in or adjacent to a street and which is adjacent to a residential or agricultural zone shall be fenced with a six (6) foot, decorative precast concrete panel or masonry fence as determined with development approval. Six (6) foot solid vinyl boundary fencing may be allowed in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed in unusual circumstances. A building permit is required for fences and walls over six (6) feet high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces, or other uses as determined with development approval.
- C. No wall, fence, or screening material shall be erected between a street and a front or street side building line in I-F zones except as required in Subsection A of this Section. (2003 Code § 17.68.120)
- D. Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed three (3) feet in height within a ten

(10) foot triangular area formed by the edge of a driveway and a street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)

### **17.68.130: ARCHITECTURAL STANDARDS:**

The following architectural standards are required in I-F zones:

- A. Architectural drawings and elevations, exterior materials, and colors of all buildings shall be submitted in conjunction with site plan review. In projects containing multiple buildings, a design book containing architectural theme, features, exterior materials, and colors governing the entire project shall be submitted.
- B. All building materials shall be high quality, durable, and low maintenance.
- C. Exterior walls of buildings, in excess of sixty (60) feet in length, shall have relief features at least four (4) feet deep at planned intervals. All sides of buildings shall receive design consideration.
- D. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which complement the buildings which they identify.
- E. No maximum building height is required in the I-F zones.
- F. The exteriors of buildings in the I-F zones shall be properly maintained by the owners. (2003 Code § 17.68.130)

### **17.68.140: LANDSCAPING REQUIREMENTS:**

The following landscaping requirements and standards shall apply in the I-F zone:

- A. The front, side, and rear yards of lots in I-F zones, as described in Section 17.68.090 of this Chapter, shall be landscaped and properly maintained with grass, trees, and other plant material.
- B. All areas of lots in I-F zones not approved for parking, buildings, or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan or plat for the development.
- C. A minimum of one (1) tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in I-F zones in addition to other trees required in this Section. A minimum of thirty percent (30%) of required yard area trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees required in this Section need not be equally spaced but shall be dispersed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in I-F zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- E. Trees may not be topped nor may any landscape material be removed in I-F zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval.
- F. The following landscaping requirements shall apply in paved areas in I-F zones:
  - 1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs, or ground cover shall be installed at the ends of parking rows. Planters shall be at

least five (5) feet wide.

2. Shade trees shall be planted between double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum intervals of three (3) stalls and no farther than six (6) feet from the parking area. Shade trees are not required in parking rows which are adjacent to buildings.

3. All landscaped areas adjacent to parking areas shall be curbed.

- G. A minimum twenty (20) foot wide landscaped planter shall be required along the freeway right of way on lots in the I-F zone which adjoin the freeway right of way. This area may be counted toward any minimum yard area that would otherwise be required adjacent to the freeway right of way. These areas shall be planted with grass, trees, and other plant materials.
- H. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.
- I. All required landscaping in I-F zones shall be installed (or escrowed due to season) prior to occupancy.
- J. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners. (2003 Code § 17.68.140)

### **17.68.150: LIGHTING:**

The following lighting requirements shall apply in I-F zones:

- A. A lighting plan shall be submitted with all new developments in I-F zones. Site lighting shall be shielded to prevent glare on adjacent properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight design, approved by the City Engineer, will be used on the same street. (2003 Code § 17.68.150)

### **17.68.160: OTHER REQUIREMENTS:**

The following provisions shall apply in I-F zones:

- A. Private Covenants: The developer of a condominium project in an I-F zone shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the State that the condominium meets requirements of State law, and record the covenants with the condominium plat for the project.
- B. Grading and Drainage: All development sites in I-F zones shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

- C. Maintenance: All private areas in developments shall be properly maintained by the owners.
- D. Easements: Buildings may not be located within a public easement.
- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (2003 Code § 17.68.160)

## **CHAPTER 17.70**

### **BANGERTER HIGHWAY MIXED USE (BH-MU) ZONE**

#### **17.70.010: PURPOSE:**

The Bangerter Highway mixed use zone may be cited as the "BH-MU zone" and may be established along the east side of Bangerter Highway to provide areas for higher density, mixed use development. Such development will be compatible with a major arterial highway corridor and would discourage low density single-family residential development near the highway. It is intended that a variety of retail, office, entertainment, and residential uses be combined to create a self-contained environment for workers, shoppers, residents, and visitors in a pedestrian oriented unified manner while accommodating automobile traffic to regional services dependent upon a major transportation facility. The BH-MU zone will encourage orderly, aesthetically pleasing development and a balance of uses while discouraging strip commercial with its attendant congestion, pollution, and visual blight. (Ord. 2004-05, 5-4-2004)

#### **17.70.020: PERMITTED USES:**

The following uses are permitted in the BH-MU zone:

- auto and equipment parts retailing
- banks, credit unions, and other financial institutions
- beauty, health, and fitness centers
- books, videos, media, photography, copies, art and drafting supplies, office supplies, and stationery retail
- department, discount, and food stores
- furniture, electronics, appliances, and home furnishings retailing
- hardware and home improvement retailing
- health, beauty, medical products, and prescription drugs retailing
- hobbies and crafts retailing
- hotels and motels
- household goods retailing
- medical, dental, and health services
- miscellaneous retail sales
- movie theaters and concert halls
- office uses
- pharmacies

restaurants and eating establishments  
sewing supplies, apparel, and footwear retailing  
shopping centers and malls  
sporting goods and toy retailing (Ord. 2004-05, 5-4-2004)

### **17.70.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the BH-MU zone:  
automobile sales-new and ancillary used, maximum three (3) acres per business, no closer than four hundred (400) feet from residential development.  
automobile sales-used, minimum eight thousand (8,000) square foot building required, maximum three (3) acres per business, no closer than four hundred (400) feet from residential development  
automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, and minor repairs  
bed and breakfast inns  
convention, arena, reception, and assembly facilities  
cultural exhibits and activities  
daycare centers  
drive-through facilities for allowed uses  
entertainment, amusement, and recreational activities  
equipment and appliance light repairs and service enclosed within a building  
fast food  
gas stations and convenience stores  
golf courses and ranges  
hospitals  
laundry  
lumber, building material, and landscaping retail sales yards  
nature or zoological exhibits  
office buildings  
parks  
public facilities  
recreational vehicle and boat sales-new and ancillary used.  
schools, educational, and training activities  
single-family residential PUD or condominium - maximum eight (8) units per acre  
street vendors  
upper floor residential condominium combined with commercial and/or office use on the main floor in the same building (Ord. 2004-05, 5-4-2004)

### **17.70.040: USE REGULATIONS:**

Uses may be conducted in BH-MU zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in BH-MU zones. Residential uses (not including upper floor residential) in a BH-MU zone may not exceed twenty percent (20%) of the gross land area in the zone. A conditional use permit must be obtained prior to the

establishment of a conditional use. Sexually oriented business is prohibited in BH-MU zones.

- B. All uses in BH-MU zones shall be conducted within completely enclosed buildings, unless otherwise allowed in this Chapter, except those temporary uses customarily conducted in the outdoors, including Christmas tree lots, fireworks stands, and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) 1-week periods per year.
- C. Accessory uses and buildings may be conducted in BH-MU zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas, and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- D. There shall be no open storage of trash, debris, used, wrecked, or neglected materials, equipment, or vehicles in BH-MU zones. No commercial materials, goods, or inventory may be stored in open areas in BH-MU zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten (10) feet from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two (2) feet square, per business may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies, and building materials is permitted only in screened areas approved for such purpose with site plan review.
- E. No vehicle, boat, or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, attended or not, may be parked or stored in BH-MU zones for longer than seventy two (72) hours unless stored within a completely enclosed building. (Ord. 2004-05, 5-4-2004)
- F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers, or any commercial truck, trailer, or vehicle may be stored in the BH-MU zone for longer than seventy two (72) hours, except in conjunction with an approved use, or approved development or construction activities on the property. (Ord. 2004-20, 12-21-2004)
- G. Utility trailers and recreational vehicles such as motor homes, travel trailers, water craft, campers, and all-terrain vehicles, may not be stored in any area in BH-MU zones, except in conjunction with a single-family dwelling. Said trailers and vehicles shall be stored within lawfully constructed buildings or behind the front line of the dwelling, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight (8) feet from the street right of way line and if enclosed with a six (6) foot high solid vinyl or masonry fence. Travel trailers, campers, and motor homes may not be occupied as living quarters in the BH-MU zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year.
- H. Home occupations may be licensed in any residence in BH-MU zones according to

provisions of Chapter 17.98 of this Title. (Ord. 2004-05, 5-4-2004)

### **17.70.050: ZONE ESTABLISHMENT:**

Each proposed BH-MU zone shall be contiguous to the Bangerter Highway right of way. Each proposed BH-MU zone shall be accompanied by a master development plan ("MDP") which specifies land use areas and residential densities. Retail, office, residential 8, mixed use (containing upper floor residential), open space and public/quasi-public land use areas will be shown on the MDP. The MDP shall be adopted as an exhibit to the ordinance establishing the BH-MU zone in which it is proposed. The MDP may be amended by the City Council after the establishment of the BH-MU zone by following standard rezoning procedures of Chapter 17.22 of this Title. (Ord. 2004-05, 5-4-2004)

### **17.70.060: DEVELOPMENT REVIEW:**

All uses proposed in BH-MU zones may only be established in conformance with development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in BH-MU zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the City, except as allowed under State law. The following procedure shall be used or site plan review of projects in the BH-MU zone:

- A. The developer shall prepare and submit a concept plan as described in Section 16.24.030 of this Code.
- B. The developer shall prepare and submit a design book with the concept plan containing typical renderings of cross sections and plan views of the following:
  1. Existing and proposed public street curb, gutter, sidewalk, park strip, landscaping, streetlights, and pavement.
  2. Yard areas between buildings and public streets, including trees, grass, shrubs, ground cover, signs, and screen walls.
  3. Parking areas, walkways, driveways, landscaped areas, and storm detention/retention areas.
  4. Architectural features, including materials and colors, of buildings, freestanding and wall mounted signs and light fixtures, trash enclosures, utility and loading area screen walls, pedestrian furniture, and artwork.
  5. Other improvements as required by City staff.
- C. The City staff shall review the concept plan and design book and provide comments to the developer who will make needed revisions to the documents. Upon final review and approval of City staff, the concept plan and design book for the development will be scheduled on the Planning Commission agenda for a public hearing.
- D. Upon approval of the concept plan and design book by the Planning Commission, site plans for all or portions of the BH-MU zone may be prepared according to Section 16.24.040 of this Code and submitted to City staff for review. City staff may approve, approve with conditions, or deny the site plans for the proposed development.
- E. A decision of the City staff regarding site plans in the BH-MU zone may be appealed

according to procedures set forth in Section 16.04.370 of this Code. (Ord. 2004-20, 12-21-2004)

### **17.70.070: LOT WIDTH AND FRONTAGE:**

No minimum lot width is required in the BH-MU zone except as established with development approval. Each lot or parcel in BH-MU zones must front on or have legal access to a public street. (Ord. 2004-05, 5-4-2004)

### **17.70.080: AREA REQUIREMENTS:**

The following area requirements shall apply in the BH-MU zone:

- A. Minimum Zone Area: The minimum area of a BH-MU zone shall be one hundred (100) acres.
- B. Minimum Project Area: "Project" shall be defined as any development in BH-MU zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in BH-MU zones shall be one acre.
- C. Minimum Lot Area: There shall be no minimum lot area in BH-MU zones, except as established with development approval.
- D. Maximum residential use area in BH-MU zones is twenty percent (20%) of the gross land area in the zone. (Ord. 2004-05, 5-4-2004)

### **17.70.090: PRIOR CREATED LOTS:**

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of a BH-MU zone shall be brought into conformance with the requirements of this Chapter prior to development. (Ord. 2004-05, 5-4-2004)

### **17.70.100: YARD REQUIREMENTS:**

Yard requirements in the BH-MU zone shall be determined with site plan, subdivision, and/or condominium review by the Planning Commission. Nonsingle-family residential buildings shall be separated from single-family residential lot lines by a minimum distance of thirty (30) feet, of which ten (10) feet adjacent to the property line shall be landscaped, unless said uses are contained in the same building. (Ord. 2004-05, 5-4-2004)

### **17.70.110: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in BH-MU zones:

- A. Fences and walls in conformance with City codes and ordinances.
- B. Landscape elements, including trees, shrubs, and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two (2) feet in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, or similar architectural features attached to the building extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the

building not exceeding eight (8) feet wide and extending not more than two (2) feet into a side yard or four (4) feet into a front or rear yard.(Ord. 2004-05, 5-4-2004)

### **17.70.120: PARKING AND ACCESS:**

Parking areas and access in BH-MU zones shall meet requirements of Chapter 16.26 of this Code. Strategies for walkable commercial development as suggested by "Envision Utah's Urban Planning For Quality Growth" shall be implemented where appropriate. (Ord. 2004-05, 5-4-2004)

### **17.70.130: FENCING, SCREENING, AND CLEAR VISION:**

The following fencing, screening, and clear vision requirements shall apply in BH-MU zones:

- A. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. The boundary of a BH-MU zone which is not in or adjacent to a street and which is adjacent to a single-family residential or agricultural zone shall be fenced with a six (6) foot, decorative precast concrete panel or masonry fence as determined with development approval. Six (6) foot solid vinyl boundary fencing may be allowed in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed by the City in unusual circumstances. A building permit is required for fences and walls over six (6) feet high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined with development approval.
- C. No wall, fence, or screening material shall be erected between a street and a front or street side building line in BH-MU zones, except as required in Subsection A of this Section. (Ord. 2004-05, 5-4-2004)
- D. Landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, and fences shall not exceed two (2) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and a street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)

### **17.70.140: ARCHITECTURAL STANDARDS:**

The following architectural standards are required in BH-MU zones:

- A. Architectural drawings and elevations, exterior materials, and colors of all buildings shall be submitted in conjunction with development review. An architectural theme governing the project shall be submitted for review.
- B. All building materials shall be high quality, durable, and low maintenance.
- C. Single-family residential and town home dwellings shall be constructed with brick or stone in the minimum amount of three (3) feet times (x) the perimeter of the foundation (including garage), a minimum 8:12 roof pitch and a minimum two car garage (minimum twenty-two (22) feet by twenty-two (22) feet, or approximate approved equivalent).

- D. Exterior walls of buildings, in excess of sixty (60) feet in length, shall have relief features at least four (4) inches deep at planned intervals. All sides of buildings shall receive design consideration.
- E. Signs shall meet requirements of Chapter 16.36 of this Code and shall be constructed of materials which complement the buildings which they identify.
- F. Maximum building height in BH-MU zones shall be four (4) stories, except that the maximum height shall be two (2) stories within four hundred (400) feet of any single-family residential zone.
- G. The exteriors of buildings in the BH-MU zone shall be properly maintained by the owners. (Ord. 2004-05, 5-4-2004)

### **17.70.150: LANDSCAPING:**

The following landscaping requirements and standards shall apply in the BH-MU zone:

- A. The front, side, and rear yards of lots in BH-MU zones shall be landscaped and properly maintained with grass, trees, and other plant material.
- B. All areas of lots in BH-MU zones not approved for parking, buildings, or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material approved in conjunction with a site plan, plat, or record of survey map for the development.
- C. A minimum of one (1) tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in BH-MU zones in addition to other trees required in this Section. A minimum of thirty percent (30%) of required yard area trees shall be minimum seven (7) foot evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees required in this Section shall be dispersed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in BH-MU zones shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
- E. Trees may not be topped nor may any landscape material be removed in BH-MU zones without City approval. Any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan, plat, or map approval.
- F. The following landscaping requirements shall apply in parking areas in BH-MU zones:
  1. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs, or ground cover shall be installed at the ends of parking rows. Planters shall be at least five (5) feet wide.
  2. Shade trees shall be planted between double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum intervals of three (3) stalls and no farther than six (6) feet from the parking area. Shade trees are not required in parking rows which are adjacent to buildings.
  3. All landscaped areas adjacent to parking areas shall be curbed.
- G. A minimum twenty (20) foot wide landscaped planter shall be required along the Bangerter Highway right of way on lots and parcels in the BH-MU zone which adjoin the highway right of way. This area may be counted toward any minimum yard area that would otherwise be required adjacent to the highway right of way.

These areas shall be planted with trees and other plant materials approved with the development.

- H. Developments which are contiguous to canals, streams, or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.
- I. All required landscaping in BH-MU zones, shall be installed (or escrowed due to season) prior to occupancy.
- J. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners. (Ord. 2004-05, 5-4-2004)

### **17.70.160: LIGHTING:**

The following lighting requirements shall apply in BH-MU zones:

- A. A lighting plan shall be submitted with all new developments in BH-MU zones. Site lighting shall not exceed forty (40) feet in height. Site and street lighting shall not exceed twenty (20) feet in height within three hundred (300) feet of any single-family residential zone or in public park strips.
- B. Lighting for commercial uses which is within three hundred (300) feet of residential lots shall be shielded to prevent glare on said residential lots.
- C. All lighting fixtures shall be architectural grade consistent with the architectural theme of the development. Lighting fixture detail will be submitted for approval with the development. (Ord. 2004-20, 12-21-2004)

### **17.70.170: OTHER REQUIREMENTS:**

The following provisions shall apply in BH-MU zones:

- A. Private Covenants: The developer of a condominium project or PUD in a BH-MU zone shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the State that the condominium meets requirements of State law, and record the covenants with the condominium map or subdivision plat for the project.
- B. Grading and Drainage: All developments in BH-MU zones shall be graded according to the City engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Easements: Buildings may not be located within public easements without written approval from the affected parties.
- D. Maintenance: All developments shall be properly maintained by the owners.
- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City. (Ord. 2004-05, 5-4-2004)

## **CHAPTER 17.72**

### **PLANNED COMMUNITY (P-C) ZONE**

#### **17.72.010: PURPOSE:**

- A. The planned community (P-C) zone is established to promote the following:
  - 1. High quality, innovative, and creative development that includes a mixture of uses, heights and setbacks, varying densities and lot sizes, and sufficient diversity of housing types to meet the full life cycle of housing needs of City residents.
  - 2. Preservation of open space.
  - 3. Retail, employment, and recreational uses that meet or exceed the needs of the residents of the P-C zone.
  - 4. A pedestrian environment which encourages transit and bicycle usage.
  - 5. A desirable living and working environment with unique identity and character.
- B. The P-C zone will be designed to include neighborhoods, villages, towns, business and research parkways, and open space with convenient pedestrian access among residential, commercial, office, retail, and recreational areas. Individual structures within neighborhoods, villages, towns, and business and research parkways may contain mixed uses. Permitted densities and intensity of land use in villages and towns may be higher than those permitted in neighborhoods. (2003 Code § 17.72.010)

#### **17.72.020: LAND USE DESIGNATIONS:**

The P-C zone shall consist of the following land uses, which shall be identified in the community structure plan as provided in this Chapter. Land uses so identified are described in the land use element of the General Plan. Various uses proposed in the P-C zone may only be established in conformance with provisions of this Chapter.

- A. **Neighborhood:** This category is designed for comparatively low density mixed use development that emphasizes residential (single- and multi-family) use, but also includes office, commercial, industrial, public/semipublic, and recreation/open space uses. This category may accommodate gross residential density of five (5) units per acre. The aggregate building floor area of all nonresidential uses may not exceed sixty (60) square feet per dwelling unit.
- B. **Village:** This category is designed for medium density mixed use development that includes residential (single- and multi-family), office, commercial, industrial, public/semipublic, and recreation/open spaces uses, without a predetermined emphasis on any single use. This category may accommodate gross residential density of eighteen (18) units per acre. The aggregate building floor area of all buildings in a village may not exceed forty five percent (45%) of the total land area in the village.
- C. **Town:** This category is designed for high density mixed use development that emphasizes office, commercial, and recreational uses, but also includes residential (single and multi-family), public/semipublic, industrial, and open space uses. This category may accommodate gross residential density of twenty five (25) units per

acre. The aggregate building floor area of all buildings in a town may not exceed one hundred twenty five percent (125%) of the total land area in the town.

- D. Business and Research Parkway: This category is designed to accommodate (but not require) a mixture of all uses: residential (single- and multi-family), office, commercial, industrial, recreational, and public/semipublic uses. The principal land use in this category should be office, commercial, and industrial. The aggregate floor area of all buildings in a business and research parkway may not exceed fifty percent (50%) of the total land area in the business and research parkway and the total floor area of all residential uses may not exceed ten percent (10%) of the aggregate building floor area in the business and research parkway.
- E. Open Space: Landscaped or natural area or farmland which is established to provide and preserve outdoor recreational, agricultural, or other similar uses. (2003 Code § 17.72.020)

### **17.72.030: PERMITTED USES:**

The following uses may be conducted anywhere within the P-C zone:

- churches
- daycare facilities
- healthcare facilities
- home based occupations according to Chapter 17.98 of this Title
- industrial and manufacturing uses
- mix of permitted uses (including, without limitation, office/commercial, office/residential, retail/residential) within individual structures
- open space, including landscaped areas and areas in natural vegetation, golf courses, parks, and recreational areas
- public facilities, such as schools, playgrounds, and trails
- residential uses of all types on a range of lot sizes including, without limitation, single-family detached; single-family attached; multi-family residential; townhomes; loft apartments; residential units above ground floor retail, commercial, or office uses; condominiums; and group homes as required by State law
- retail, service, office, hotel, restaurant, entertainment, and all other commercial uses of any type
- other accessory uses which are ancillary to, and designed to serve, any of the foregoing uses (2003 Code § 17.72.030)

### **17.72.040: CONDITIONAL USES:**

Each developer requesting the creation of a P-C zone or approval of a P-C zone plan, community structure plan, master subdivision plat, or project plan/preliminary subdivision plat may propose, in the applicable P-C zone plan, community structure plan, master subdivision plat, or project plan/preliminary subdivision plat, the inclusion of: a) land use categories in addition to those set forth in Section 17.72.020 of this Chapter; b) specific uses within each land use category in addition to the permitted uses set forth in Section 17.72.030 of this Chapter; and c) land uses that the Community Development Director deems to be substantially or materially inconsistent with the purpose and

function of the P-C zone and the land use categories as described in this Chapter and in the land use element of the General Plan. Such decisions of the Community Development Director can be appealed to the City Council. The inclusion of any proposed additional land use category or any additional permitted use must be approved by the City Council as a conditional use. Design standards for such conditional use shall be included in the applicable master subdivision plat or project plan/preliminary subdivision plat. (2003 Code § 17.72.040)

### **17.72.050: USE REGULATIONS:**

Uses may be conducted in the P-C zone only in accordance with the following regulations:

- A. Only permitted, conditional, or accessory uses as set forth in this Chapter may be conducted in the P-C zone. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business is prohibited in the P-C zone.
- B. All uses in the P-C zone shall be conducted within fully enclosed buildings, except those uses customarily conducted in the outdoors, including outdoor eating establishments, Christmas tree lots, golf courses, gardens, nurseries, and parks.
- C. Accessory uses may be conducted in the P-C zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, home occupations, recreational facilities, swimming pools, gardens, garages, sheds, parking lots and terraces, properly screened utility and loading areas, satellite dishes, and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- D. There shall be no open storage of trash, debris, used materials or commercial goods, or wrecked or neglected materials, equipment, or vehicles in the P-C zone. No commercial materials, inventory, or equipment may be stored in the open, except as otherwise approved by this Chapter or by the City Council.
- E. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative, or abandoned condition, whether attended or not, upon any private or public property within the P-C zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building.
- F. No commercial vehicle or commercial earth moving or material handling equipment shall be parked or stored on any lot or parcel in the P-C zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semi-trucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts, or any similar vehicle or apparatus.
- G. Watercraft, trailers, campers, motor homes, and other utility or recreational vehicles shall be stored within completely enclosed, lawfully constructed buildings or within opaque fence enclosures at least six (6) feet behind the front line and the street side line of the main building on the lot or parcel in a P-C zone, except that said vehicles

may be stored temporarily in front or side yards for no longer than twenty four (24) hours. Travel trailers, campers, and motor homes may not be occupied as living quarters in the P-C zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (2003 Code § 17.72.050)

**17.72.060: ZONE AREA:**

Each planned community zone shall contain a minimum of five hundred (500) acres. If the P-C zone contains multiple owners, the owners may, if necessary to reach the five hundred (500) acre threshold, or if such owners otherwise desire, combine their properties for planning and development purposes. (2003 Code § 17.72.060)

**17.72.070: PLANNING AND APPROVAL PROCESS FOR P-C ZONE:**

Development within the P-C zone will require a series of plans to be prepared and submitted for approval. The purpose of this process is to clearly establish the development plans for property within P-C zones while recognizing the large scale nature of the development and the need for integrated planning. The first step is the preparation and approval of a P-C zone plan that establishes the development program for the P-C zone and, upon approval, vests the entitlement to build up to the number of dwelling units and up to the square footage of nonresidential uses reflected in the P-C zone plan. The second step is the creation and approval of the community structure plan that establishes the major infrastructure systems, the unifying systems for the development such as open space and transportation corridors, and provides locations of the more specific land uses (neighborhoods, villages, towns and business and research parkways). The third step is a recorded master subdivision plat that provides more detailed information regarding the proposed development of a multi-phased portion of the property and, when recorded, subdivides portions of the property into logical development units. Prior to commencing development, the developer must submit a project plan/preliminary subdivision plat providing sufficient detail for the creation of lots, dedication of roads, layout of specific land uses and the engineering of requisite infrastructure and a final subdivision plat. If the project includes condominiums, a condominium map is required as per state law.

This process is summarized in the following table:

Approval Step	Scale (Area Covered By Application)	What is Described in Plan	Approval Level
P-C zone and plan	Total land area to be rezoned P-C.	Land area to be rezoned with land use table outlining number of residential units and square feet of nonresidential development.	Planning Commission and City Council
Community structure	Any portion of project that has a common	Major systems for the larger development such	Staff

plan		street system, open space system or other infrastructure system.		as major roadways, open space networks, general location of villages, towns, neighborhoods and business and research parkways.	
Master subdivision		Multiple phases of development. May, but is not required to, include entire P-C zone.		Similar to requirements of preliminary plat, but with less detail. Show major development parcel locations, open space system, major infrastructure associated with roadways.	Planning Commission and City Council
Project plan/ preliminary subdivision plat		Single phase of development.		All requirements of preliminary plat and many requirements of site plan review and condominium map review processes, if applicable.	Planning Commission
Final plat approval		Phase or parts thereof.		Final plat, site plan, and condominium map requirements.	City Attorney, City Engineer, and Community Development Director

Development within a P-C zone will also be governed by design guidelines. This Chapter provides for at least two (2) levels of design guidelines to be prepared and recorded as covenants that will establish the design standards for public and private improvements. At the time that the master subdivision plat is approved, guidelines that govern the design and maintenance of major public infrastructure improvements (including, without limitation, sidewalks, street lighting, paving, street furniture, etc.), and general building placement, massing, and design criteria will be recorded. The second set of guidelines will be created at the time of the project plan/preliminary subdivision plat application. These guidelines will establish in much greater detail the character and nature of the design of public and private improvements within the area covered by the project plan/preliminary subdivision plat. The project plan/preliminary subdivision plat will be a fully integrated development plan and may simultaneously address subdivision, site plan, and condominium mapping considerations. If all of these considerations are addressed, this case, the design guidelines shall meet the design guideline requirements of site plans, subdivisions, and condominium maps. The design guidelines developed for the final project plan/subdivision plat shall be consistent with those submitted at the project plan/preliminary subdivision plat stage as such submittals may be modified based on the comments of City staff. To the extent that any portion of the development is not covered by the final project plan/subdivision plat, design guidelines may be prepared and

presented for approval as part of individual subdivision plat, condominium map, or site plan applications.

In acting on requests for approval of a P-C zone plan, community structure plan, master subdivision plat, project plan/preliminary subdivision plat, or final subdivision plat (including the site plan or condominium map components, if applicable), neither City staff, the Planning Commission nor the City Council shall be bound by limitations on density or intensity of use, use restrictions and limitations, design standards, or similar limitations on development or construction contained in other portions of this Title. Decisions with respect to such matters (including, without limitation, appropriate densities and intensity of use) will be made by the City staff, Planning Commission and City Council, as applicable, in connection with each request for approval of a P-C zone plan, community structure plan, master subdivision plat, project plan/preliminary subdivision plat, or final subdivision plat (including the site plan or condominium map components, if applicable), taking into account the purpose of the P-C zone and the densities, intensity of use, uses and mix of uses permitted herein. In addition, in the event of any conflict between the provisions of this Chapter and other portions of this Title, the provisions of this Chapter shall control. Neither the City staff, the Planning Commission nor the City Council shall have the discretion to disapprove a P-C plan, community structure plan, master subdivision plat, or final subdivision plat (including the site plan or condominium map components, if applicable) on the basis of types of uses proposed, mixture of uses, location of uses, densities, or intensities of use so long as the proposed uses, densities, and intensities of use are permitted under this Chapter. (2003 Code § 17.72.070)

#### **17.72.080: P-C ZONE PLAN:**

- A. The P-C zone may only be established in an area designated as "large scale master planned community" by the General Plan in accordance with provisions of Chapter 17.22 of this Title. A plan for the P-C zone shall be submitted for review by the Planning Commission and City Council at the time of rezoning. The plan shall govern development within the P-C zone but may be amended through standard rezoning procedures. The following information shall be provided on a twenty four (24) inch by thirty six (36) inch sheet (5 copies) and an eleven (11) inch by seventeen (17) inch reduced copy, unless otherwise required by the Community Development Director:
1. Name of planned community.
  2. Names, addresses, and phone numbers of applicant and owners.
  3. P-C zone parcel location, acreage, boundary, scale, and north arrow.
  4. A land use table showing the number of dwelling units, the total acreage of open space in the P-C zone (minimum 25 percent of the gross P-C zone area), and areas (in square footage or acreage) of the various nonresidential land uses proposed in the P-C zone.
  5. Existing waterways, major utilities and easements, and flood boundary.
  6. Adjacent parcels, owners and uses.
  7. Topography and significant features on or adjacent to the property.
- B. The approval or conditional approval of the P-C zone plan by the City Council shall confer a vested right to proceed with the development of the property included

within the P-C zone, including construction of up to the number of dwelling units and up to the square footage of nonresidential uses reflected in the approved P-C zone plan, in compliance with the ordinances, policies, and standards in effect at the time the P-C zone plan is approved or conditionally approved, subject to such amendments, changes or additions to such ordinances, policies, and standards as are necessary to protect the health, safety, or welfare of the citizens of the City. (2003 Code § 17.72.080)

### **17.72.090: COMMUNITY STRUCTURE PLAN:**

- A. Upon approval of the P-C zone plan, a community structure plan may be submitted to the City staff for review. The community structure plan shall contain a contiguous area within the P-C zone, which includes one or more neighborhoods, villages, business and research parkways, and/or towns. The community structure plan shall be submitted on a twenty four (24) inch by thirty six (26) inch sheet (5 copies) and on an eleven (11) inch by seventeen (17) inch sheet and shall show the following:
1. Name of planned community and community structure plan.
  2. Names, addresses, and phone numbers of applicant and owners.
  3. Community structure plan location, acreage, boundary, scale, and north arrow.
  4. Proposed land use designations (neighborhood, village, town, open space, business and research parkway) boundaries and acreage; a table showing the number of dwelling units, open space acreage, and acreage of the various nonresidential land uses.
  5. A master circulation system plan, including a street network, pedestrian circulation, bicycle and trail system plans (including possible equestrian trails), identification of street alignments and right of way widths, illustrative cross sections which accommodate and specify vehicular, pedestrian and bicycle use in the right of way. Pedestrian and bicycle trail systems shall connect neighborhoods, villages, business and research parkways, towns, schools, and open space areas and provide linkages to other trail systems in existing or future areas of the P-C zone and the City.
  6. Existing and proposed waterways and water bodies, major utilities and easements, flood boundary, and flood control facilities.
  7. Adjacent parcels, owners and uses.
  8. Topography and significant features on or adjacent to the property.
  9. Documentation of existing and proposed secondary water rights, shares, and usage.
  10. Open space plan that provides general description and locations of major open space.
  11. General descriptions and locations of existing and proposed major infrastructure, including water, sanitary sewer, storm drainage, street improvements, and service adequacy analysis.
  12. Other information as needed.
- B. The City staff shall have the discretion to disapprove a community structure plan only on the basis of (a) the failure of the proposed community structure plan to include all of the elements required in this Section 17.72.090 of this Chapter, (b) the failure of the proposed master circulation system to adequately serve the

communities within and surrounding the P-C zone, (c) the failure of the proposed major infrastructure to provide adequate service to the communities within the P-C zone, (d) the inclusion of uses not permitted or conditionally permitted under this Chapter, or (e) the failure to include the amount of open space required by this Chapter. (2003 Code § 17.72.090)

### **17.72.100: MASTER SUBDIVISION PLAT:**

- A. Upon approval of the community structure plan, a master subdivision plat may be prepared and submitted to the Planning Commission and City Council for review. The master subdivision plat is a mixed use plan containing one or more land use categories in a contiguous area within the area covered by the community structure plan. For purposes of this Section, "subdivision" shall be defined as any division of land recorded by metes and bounds in accordance with provisions of this Section. The master subdivision plat shall be submitted with an application and fee set by the City on a twenty four (24) inch by thirty six (36) inch sheet (5 copies), on a twenty four (24) inch by thirty six (36) inch Mylar and on an eleven (11) inch by seventeen (17) inch sheet, and shall show the following:
1. Name of the areas covered by the P-C zone plan, community structure plan, and master subdivision plat (approved by Salt Lake County recorder).
  2. Master subdivision plat location, acreage, boundary, scale, and north arrow.
  3. Descriptions of collector and local street character.
  4. Total percentage of open space and parks and their locations and uses.
  5. Layout of parcels (lots) that will be subdivided as part of the master subdivision plat.
  6. Land use designations, acreage, and boundaries.
  7. Number of dwelling units.
  8. Areas of the various nonresidential uses.
  9. Trail and walkway system.
  10. Waterways and water bodies.
  11. Phasing schedule.
- B. Design guidelines covering the area shown in the master subdivision plat shall be submitted for review by the Planning Commission and City Council with the master subdivision plat. Upon approval by the Planning Commission and City Council, the design guidelines shall be recorded as covenants, conditions, and restrictions running with the land. The design guidelines submitted with the master subdivision plat shall address (at a minimum) the following:
1. Minimum lot dimensions and areas.
  2. Minimum yard requirements and restrictions.
  3. Building placement restrictions.
  4. Landscaping and open space.
  5. Parking, driveways, and access.
  6. Building materials.
  7. Fencing.
  8. Lighting.
  9. Streets and alleys.
  10. Outdoor furniture and artwork.

- 11. Walkways and trails.
- 12. Other design and use restrictions.
- C. The master subdivision shall be reviewed by City staff and the Planning Commission and, upon approval by the City Council, recorded in the office of the Salt Lake County Recorder. Final engineering plans and public infrastructure construction and bonding shall not be required with the master subdivision plat. Signature blocks for the master subdivision plat shall include, but not be limited to, the Mayor and the Chairperson of the Planning Commission.
- D. The City staff, Planning Commission and City Council shall have discretion to disapprove a master subdivision plat only on the basis of: 1) the failure of the proposed master subdivision plat to include all of the elements required by this Section; 2) the failure of the proposed master subdivision plat to substantially comply with the approved community structure plan; 3) the failure of the proposed local and collector streets to adequately serve the community covered by the proposed master subdivision plat; 4) the inclusion of uses not permitted or conditionally permitted under this Chapter; or 5) the failure of the design guidelines to provide for a community the character of which would be substantially inconsistent with the purpose of the P-C zone. (2003 Code § 17.72.100)

**17.72.110: PROJECT PLAN/PRELIMINARY SUBDIVISION PLAT:**

- A. Upon approval and recording of the master subdivision plat, a project plan/preliminary subdivision plat may be submitted for review. The purpose of the project plan/preliminary subdivision plat is to allow for the creation and approval of a fully integrated development plan that may include vertical and horizontal mixtures of uses on a given lot or series of lots. Therefore, the project plan/preliminary subdivision plat may contain a combination of proposed subdivisions, condominiums, and/or site plans that are submitted concurrently for review and approval. In that case, the project plan/preliminary subdivision plat shall meet all of the application requirements of this Section and the site plan and condominium map sections (as applicable) described in this Chapter. Condominiums may be designated on lots in the master subdivision plat. The project plan/preliminary subdivision plat application shall be reviewed and approved by the City staff prior to submittal of final subdivision plat. The project plan/preliminary subdivision plat application shall consist of the following information or other information as required by the Community Development Department and City Engineer. Any requirements of this Section considered by the Community Development Director and the City Engineer to be nonapplicable may be waived or altered in writing by the City.
- B. The application shall include:
  - 1. A completed application form and owner's affidavit.
  - 2. Payment of the application fee set by the City (note that if the application includes subdivision plats, condominium maps, and site plans, a combined fee as adopted by the City shall apply).
  - 3. Five (5) twenty four (24) inch by thirty six (36) inch copies and an eleven (11) inch by seventeen (17) inch reduced copy of the plat and three (3) copies of the certified engineering drawings drawn to an acceptable scale showing the following and other information as requested by the City:

- a. Name(s) of the areas covered by P-C zone plan, community structure plan, master subdivision plat, and project plan/preliminary subdivision plat.
  - b. Project plan/preliminary subdivision plat location, acreage, and boundary.
  - c. Names, addresses and phone numbers of applicant, architect, and engineer.
  - d. Date, scale, north arrow of project plan/preliminary subdivision plat property address, acreage, dimensions, and tax identification number(s).
  - e. Existing streets (with names) and right of way widths, culverts, bridges, waterways, irrigation ditches, and systems, wells, springs, utilities, easements, rights of way, flood boundary, geologic hazards, parks, trails, open space, major infrastructure, soil conditions, topography (USGS contours), survey monuments, section lines, and other features and infrastructure on or adjacent to the property or as requested by the City Engineer or Community Development Department.
  - f. Proposed subdivision and, at owner's election, condominium and site plan boundaries and dimensions, streets (with names and widths), lot layout, lot sizes and dimensions, phasing, gross lot density, land use designations, waterways, demolition, easements, parks, trails, open space, public land dedications, general storm and subsurface drain systems, detention and retention areas, flood boundary (FEMA approval required), general sanitary sewer system, modifications to existing topography and infrastructure, general culinary and secondary water systems, utilities, soil erosion and sedimentation control plan, and any other infrastructure or improvements on or adjacent to the property and any information requested by the City Engineer or Community Development Department.
  - g. Documentation and/or reports as required by the City Engineer concerning agreements with adjacent owners, geotechnical and soils studies, preliminary title report verifying ownership, agreements for the provision of utilities and easements, encumbrances, traffic impacts, compliance with all Federal, State, County and local requirements, or other as requested by the City Engineer or Community Development Department.
- C. All single-family lot areas within the project plan/preliminary subdivision plat shall be platted as subdivisions and all condominiums shall be indicated on an appropriate condominium map prior to development in accordance with procedures of this Chapter. All other developments will be considered site plans which can be designated as lots in subdivisions or as private, limited common or common areas in condominium plats. Site plan and/or conditional use permit approvals are required for all nonsingle-family residential areas or developments prior to construction. However, subdivisions, condominiums, and site plans may be integrated into the project plan/preliminary subdivision plat application and reviewed and approved concurrently.
- D. All plats, plans, and maps shall conform to the P-C zone plan, the community structure plan, the master subdivision plat, the project plan/preliminary subdivision plat, and all associated restrictions, unless otherwise agreed to by the City. Applicants shall follow the procedures and requirements of this Chapter in the preparation and review of subdivisions, condominiums, or site plans in the P-C zone. All City ordinances relating to development and construction shall be met unless otherwise provided in this Chapter. All uses shall be conducted according to the approved plan, plat, or map and any conditions of approval. Plans, plats, or maps

may not be altered without prior approval of the City.

- E. The City staff shall have discretion to disapprove a project plan/preliminary subdivision plan (and related site plans and condominium maps) only on the basis of: 1) the failure of the proposed project plan/preliminary subdivision plan to include all of the elements required by this Section; 2) the failure of the proposed project plan/preliminary subdivision plat to substantially comply with the approved master subdivision plat; 3) to the extent the proposed infrastructure has not been previously approved, the failure of the proposed infrastructure to adequately serve the community covered by the proposed project plan/preliminary subdivision plat; 4) the inclusion of uses not permitted or conditionally permitted under this Chapter; or 5) the failure to adequately address geotechnical or other physical limitations of area covered by the project plan/preliminary subdivision plat. (2003 Code § 17.72.110)

### **17.72.120: FINAL PROJECT PLAN/SUBDIVISION PLAT:**

After the project plan/preliminary subdivision plat is approved, a final project plan/subdivision plat covering all or portions of the area covered by the project plan/preliminary subdivision plat may be submitted for approval. All single-family lot areas within the final project plan/subdivision plat shall be platted as subdivisions and all condominiums shall be indicated on an appropriate condominium map prior to development in accordance with procedures of this Chapter. All other developments will be considered site plans which can be designated as lots in subdivisions or as private, limited common, or common areas in condominium plats. Site plan and/or conditional use permit approvals are required for all nonsingle-family residential areas or developments prior to construction. However, subdivisions, condominiums, and site plans may be integrated into the final project plan/preliminary subdivision plat application and reviewed and approved concurrently, according to the processes outlined for final subdivision plat, condominium map, and site plan outlined below: (2003 Code § 17.72.120)

#### **17.72.120.10: FINAL PROJECT PLAN/SUBDIVISION/ CONDOMINIUM PLAT APPLICATION:**

- A. A final subdivision plat application may be submitted to the Community Development Department for any proposed subdivision within the project plan/preliminary subdivision plat only after the project plan/preliminary subdivision plat has been approved by the City staff. The final subdivision plat application shall be reviewed by the City staff. City staff will review the final plat. Each lot in the subdivision shall be designated for a certain permitted or conditional use or uses on the Mylar which designations shall run with the property. The final plat application shall consist of the following information or other information as required by the Community Development Department and City Engineer. Any requirements of this Section considered by the Community Development Director and the City Engineer to be nonapplicable to a specific project may be waived or altered in writing by the City except as required by State law.
- B. The application shall include the following:
  - 1. A completed application form.

2. Payment of the application fee set by the City.
3. Owner's or agent's affidavit.
4. Six (6) twenty four (24) inch by thirty six (36) inch copies and one eleven (11) inch by seventeen (17) inch reduced copy of the final subdivision plat and three (3) copies of the certified engineering drawings drawn to an acceptable scale showing the following and other information as requested by the City:
  - a. Subdivision name prominently printed at the top of the plat.
  - b. Names, addresses, and phone numbers of the applicant, engineer, and surveyor (must be licensed in the State).
  - c. Location map.
  - d. Vicinity map showing the general location of the subdivision.
  - e. Date, scale, and north arrow.
  - f. An accurate and complete survey acceptable to the City Engineer.
  - g. Accurately drawn subdivision boundary showing proper bearings and dimensions properly tied to public survey monuments and drawn slightly bolder than lot and street lines.
  - h. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the subdivision shall show the calculated Salt Lake County Coordinates and State Plane Coordinates. Lot and boundary closure shall be calculated to the nearest one-hundredth (.01) of a foot.
  - i. All lots, blocks, and parcels offered for dedication for any purpose delineated and their designated uses with dimensions, boundaries, and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication other than for streets or easements shall be clearly designated on the plat. Sufficient linear, angular, and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.
  - j. The right of way lines of each street and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.
  - k. All lots and blocks numbered consecutively under a definite system approved by the City Engineer. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.
  - l. All streets within the subdivision numbered (named streets shall also be numbered) in accordance with, and in conformity with, the street numbering system adopted by the City. All proposed street names shall be approved by Salt Lake County and the developer shall submit evidence of such approval. Each lot shall show the street addresses assigned thereto, and shall be according to the

standard addressing methods approved by the City. In the case of corner lots, an address may be assigned for each part of the lot having street frontage.

m. The side lines of all easements shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.

n. All fully and clearly shown stakes, monuments, and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the developer under the direction of the City Engineer. The following required monuments shall be shown on the final plat:

(1) The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties.

(2) All right of way monuments at angle points and intersections as approved by the City Engineer.

(3) The name of the surveyor, together with the date of the survey, the scale of the map, and number of sheets. The following certificates, acknowledgments, and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:

(A) Registered land surveyor's "certificate of survey."

(B) Owner's dedication certificate.

(C) Notary public's acknowledgment for each signature on the plat.

(D) A correct metes and bounds description of all property included within the subdivision.

(E) Plats shall contain blocks for signature of the Community Development Director, South Valley Sewer District City Engineer, City Attorney, City Council (a signature line for the Mayor and an attestation by the City Recorder). A block for the Salt Lake County Recorder shall be provided in the lower right corner of the final plat.

(F) Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, by this Title, or by the City Attorney.

(H) Prior to recordation of the plat, the developer shall submit a current title report to be reviewed by the City Attorney. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.

(I) The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final plat shall be in the form prescribed by the City's subdivision standards and specifications.

(J) When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the developer shall submit, with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain, and pay taxes on such lands and common areas.

(K) Other information such as the location of jurisdictional boundary lines (Federal Emergency Management Agency, U.S. Army Corps of Engineers, Salt Lake County Flood Control, etc.), streetlights, fire hydrants, adjoining lot lines or property owners, fencing notes, or any other special notes or requirements as deemed necessary by the Community Development Department, the City Engineer, or the City Attorney.

(L) The developer shall note on the final plats for the subdivision those public right of way areas, including public park strips, for which the adjoining owners shall have responsibility for landscape improvements and maintenance.

5. Each final plat shall be accompanied by design guidelines for open space, yard requirements, landscaping, fencing, architecture, building materials, lighting, signage, outdoor furniture and artwork, and other components of the development that shall be recorded as enforceable restrictions and covenants with the subdivision. (2003 Code § 17.72.120.10)

#### **17.72.120.20: CITY ENGINEER REVIEW:**

The City Engineer shall review the final plat and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in City standards and ordinances and the laws of the State. The City Engineer shall sign the final plat if the City Engineer finds that the subdivision and the construction plans fully comply with the improvement standards required by City ordinances, that the survey description is correct, and that all easements are correctly described and located. If the final plat complies, the City Engineer shall prepare an estimate of the construction costs for all proposed public improvements and sign the plat in the appropriate signature block. If the final plat or the construction plans do not comply the City Engineer shall return the plat to the developer with comment. (2003 Code § 17.72.120.20)

#### **17.72.120.30: COMMUNITY DEVELOPEMNT DIRECTOR REVIEW:**

Once all application requirements have been met, redline corrections made, revised plans and plat submitted, and City staff approval given, the applicant shall submit a twenty four (24) inch by thirty six (36) inch Mylar drawing of the corrected final plat with the signatures of the owners and the City Engineer.

The Community Development Director shall have the discretion to disapprove a final project plan/subdivision plat (and related site plans and condominium maps) only on the basis of: a) the failure of the proposed final project plan/subdivision plat to include all of the elements required by this Section; b) a material inconsistency with the approved project plan/preliminary subdivision plat; or c) the failure of the design guidelines to provide for a community the character of which would be substantially inconsistent with the purpose of the P-C zone. (2003 Code § 17.72.120.30)

#### **17.72.120.40: CITY ATTORNEY REVIEW:**

The applicant shall submit, with the final plat, a current title report to be reviewed by the

City Attorney. A current title report is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final map. The applicant shall submit the improvement guarantee and any other documents and information required by the City Attorney. (2003 Code § 17.72.120.40)

### **17.72.120.60: FINAL SUBDIVISION PLAT EXPIRATION:**

If the final subdivision plat is not recorded within one (1) year from the date of City Council approval, the approval shall expire and the final plat shall be null and void. (2003 Code § 17.72.120.60)

### **17.72.120.70: RECORDING OF FINAL PLAT:**

The City Recorder or his/her designee shall record the final subdivision plat at the office of the Salt Lake County Recorder. The final subdivision plat may not be recorded until all of the following items have been completed:

- A. The final plat has been approved by the City Engineer, Community Development Director and City attorney and all requirements of the Planning Commission.
- B. The Mayor's signature and City Recorder's certification have been applied to the Mylar plat drawing.
- C. The improvement guarantee determined by the City Engineer and approved by the City Attorney has been properly posted with the City.
- D. All engineering fees have been paid including storm drain, streetlight, and review fees.
- E. All necessary deeds and agreements have been executed and submitted to the City.
- F. Required water shares have been submitted to the City.
- G. The approved design guidelines have been submitted for recording as perpetual deed restrictions with the plat. (2003 Code § 17.72.120.70)

### **17.72.130: PRELIMINARY CONDOMINIUM MAP APPLICATION:**

A preliminary condominium map application may be submitted as part of an integrated plan as outlined in the project plan/preliminary subdivision plat or may be separately made to the Community Development Department for any proposed condominium only after the project plan/preliminary subdivision plat has been reviewed. The preliminary condominium map application shall be reviewed by the City staff prior to submittal of a final map application for the condominium. City staff will review the preliminary map and may discuss it in a Development Review Committee meeting. If a final condominium map is not approved within one (1) year of the date of preliminary approval, the preliminary map shall be void. Any requirements of this Section considered by the Community Development Director and the City Engineer to be nonapplicable to a specific condominium project may be waived or altered in writing by the City. The preliminary map application shall consist of the following information or other information as required by the Community Development Department and City Engineer:

- A. A completed application form and owner's affidavit
- B. Payment of the application fee set by the City
- C. Five (5) twenty four (24) inch by thirty six (36) inch copies and one (1) eleven (11)

inch by seventeen (17) inch reduced copy of the condominium map and three (3) copies of the certified engineering drawings drawn to an acceptable scale showing the following and other information as requested by the City:

1. Location map and name of condominium project.
2. Vicinity plan showing adjacent parcels, lots, owners, roads, buildings and canals.
3. Address, tax identification number, legal description, and acreage of subject parcel.
4. Date, scale, north arrow, dimensions of buildings, setbacks, driveways, streets, parking stalls, and other proposed improvements.
5. Developer's, architect's, and engineer's phone numbers, addresses; licensed architects and engineers (Utah) required.
6. Boundaries and legal description of the subject parcel and phases of the development.
7. Adjacent buildings, streets, fences, utilities, waterways, and easements.
8. Existing on site and adjacent utilities and sizes, buildings, street improvements (curb, gutter, sidewalk, pavement), easements, waterways, ditches, significant vegetation, contours at one (1) foot intervals, and fault lines.
9. Proposed exterior mechanical equipment, utilities, irrigation systems, and storm drainage system.
10. Proposed building uses, footprints, canopies, exterior stairwells and landings, floor area, elevation plans, and exterior materials and colors.
11. Proposed street improvements (curb, gutter, sidewalk, pavement), access, driveways, and parking and loading areas.
12. Proposed landscaping including species, sizes, and area of landscape coverage.
13. Proposed freestanding signs.
14. Proposed screening, fencing, and trash enclosures.
15. On and off site lighting plans.
16. Required engineering drawings for on and off site improvements.
17. Traffic study as directed by the City Engineer.
18. Geotechnical study as directed by the City Engineer.
19. Data table showing parcel, building, landscaping, parking areas and percentages; number of parking stalls required and provided. (2003 Code § 17.72.130)

#### **17.72.130.10: FINAL CONDOMINIUM MAP APPLICATION:**

- A. A final condominium map application may be made concurrent with the final project plan/subdivision plat as outlined above, or may be separately submitted to the Community Development Department for any proposed condominium only after the preliminary condominium map has been approved by the City staff. The final condominium map application shall be reviewed by the City staff, Planning Commission and City Council. City staff will review the final map. Each private, limited common and common ownership area in the condominium shall be designated for a certain use or uses on the Mylar which designations shall run with the property. The final map application shall consist of the following information or other information as required by the Community Development Department and City Engineer. Any requirements of this Section considered by the Community Development Director and the City Engineer to be nonapplicable to a specific project

may be waived or altered in writing by the City, except as required by State law.

B. The application shall include:

1. A completed application form
2. Payment of the application fee set by the City Council
3. Five (5) twenty four (24) inch by thirty six (36) inch copies and one (1) eleven (11) inch by seventeen (17) inch reduced copy of the final condominium map and three (3) copies of the certified engineering drawings drawn to an acceptable scale showing the following and other information as requested by the City:
  - a. Condominium name prominently printed at the top of the map.
  - b. Names, addresses, and phone numbers of the applicant, engineer, and surveyor.
  - c. Vicinity map showing the general location of the condominium.
  - d. Date, scale, and north arrow.
  - e. An accurate and complete survey acceptable to the City Engineer.
  - f. Accurately drawn condominium boundary showing proper bearings and dimensions properly tied to public survey monuments and drawn slightly bolder than unit and street lines.
  - g. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments within the condominium shall show the calculated Salt Lake County Coordinates and State Plane Coordinates. Boundary closure shall be calculated to the nearest one-hundredth (1/100) of a foot.
  - h. All parcels offered for dedication for any purpose delineated and designated with dimensions, boundaries, and courses clearly shown and defined in every case; all common, limited common, and private ownership spaces; convertible space; parcels offered for dedication other than for streets or easements clearly designated on the map. Sufficient linear, angular, and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block and parcel which is a part thereof. No ditto marks for dimensions.
  - i. The right of way lines of each street and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty (50) feet of the condominium shall be shown with dotted lines. If any street in the condominium is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.
  - j. All units numbered consecutively under a definite system approved by the City Engineer. Numbering shall continue consecutively throughout the condominium with no omissions or duplications.
  - k. All private, limited common, and common ownership areas properly identified and their designated uses.
  - l. All private streets within the condominium numbered (named streets shall also be numbered) in accordance with, and in conformity with, the adopted street numbering system adopted by the City. All proposed street names shall be

approved by Salt Lake County and the developer shall submit evidence of such approval. Each unit shall show the street addresses assigned thereto, and shall be according to the standard addressing methods approved by the City.

m. The side lines of all easements shown by fine dashed lines. The width of all easements and sufficient ties thereto to definitely locate the same with respect to the condominium shall be shown. All easements shall be clearly labeled and identified.

n. All fully and clearly shown stakes, monuments and other evidence indicating the boundaries of the condominium as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the developer under the direction of the City Engineer. The following required monuments shall be shown on the final map:

- (1) The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties.
- (2) All right of way monuments at angle points and intersections as approved by the City Engineer.
- (3) The name of the surveyor, together with the date of the survey, the scale of the map, and number of sheets. The following certificates, acknowledgments, and descriptions shall appear on the title sheet of the final map, and such certificates may be combined where appropriate:
  - (A) Registered land surveyor's "certificate of survey."
  - (B) Owner's dedication certificate.
  - (C) Notary public's acknowledgment for each signature on the plat.
  - (D) A correct metes and bounds description of all property included within the condominium.
  - (E) Maps shall contain blocks for signature of the Planning Commission, South Valley Sewer District, Salt Lake County Flood Control, Salt Lake Valley Health Department, City Engineer, City Attorney, City Council (a signature line for the mayor and an attestation by the City Recorder); a block for the Salt Lake County Recorder shall be provided in the lower right corner of the final map.
  - (F) Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, by this Title, or by the City Attorney.
  - (G) The owner's dedication certificate, registered land surveyor's certificate of survey, and any other certificates contained on the final map shall be in the form prescribed by the City standards and specifications.
  - (H) Other information such as the location of jurisdictional boundary lines (Federal Emergency Management Agency, U.S. Army Corps of Engineers, Salt Lake County Flood Control, etc.), streetlights, fire hydrants, adjoining lot lines and property owners, fencing notes or any other special notes or requirements as deemed necessary by the Community Development Department, the City Engineer or the City Attorney.

o. The developer shall note on the final maps for the condominium those public right of way areas, including public park strips, for which the adjoining owners

shall have responsibility for landscape improvements and maintenance; and  
p. Each final map shall be accompanied by design guidelines for the condominium. Design guidelines for open space, yard requirements, landscaping, fencing, architecture, building materials, lighting, signage, outdoor furniture and artwork, and other components of the development shall be provided and recorded as enforceable covenants and restrictions with the condominium. (2003 Code § 17.72.130.10)

**17.72.130.20: CITY ENGINEER REVIEW:**

The City Engineer shall review the final map and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in City ordinances and the laws of the State. The City Engineer shall sign the final map if the City Engineer finds that the condominium and the construction plans fully comply with the improvement standards required by City ordinances, that the survey description is correct, and that all easements are correctly described and located. If the final map complies, the City Engineer shall prepare an estimate of the construction costs for all proposed public improvements, sign the map in the appropriate signature block, and forward the plat to the Planning Commission. If the final map or the construction plans do not comply the City Engineer shall return the map to the developer with comment. (2003 Code § 17.72.130.20)

**17.72.130.30 COMMUNITY DEVELOPEMNT DIRECTOR REVIEW:**

Once all application requirements have been met, redline corrections made, revised plans and plat submitted, and City staff approval given, the applicant shall submit a twenty four (24) inch by thirty six (36) inch Mylar drawing of the corrected final plat with the signatures of the owners and the City Engineer.

The Community Development Director shall have the discretion to disapprove a final condominium plat (and related site plans and condominium maps) only on the basis of: a) the failure of the proposed final project plan/subdivision plat to include all of the elements required by this Section; b) a material inconsistency with the approved project plan/preliminary subdivision plat; or c) the failure of the design guidelines to provide for a community the character of which would be substantially inconsistent with the purpose of the P-C zone. (2003 Code § 17.72.120.30)  
(2003 Code § 17.72.130.30)

**17.72.130.40: CITY ATTORNEY REVIEW:**

The applicant shall submit, with the final map, a current title report to be reviewed by the City Attorney. A current title report is considered to be one which correctly discloses all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final map. The applicant shall submit to the City Attorney the proposed declaration of covenants for the condominium with the opinion of legal counsel licensed to practice law in the State that the proposed condominium map and declaration meet requirements of the condominium act. (2003 Code § 17.72.130.40)

### **17.72.130.60: FINAL CONDOMINIUM MAP EXPIRATION:**

If the final condominium map is not recorded within one (1) year from the date of City Council approval, the approval shall expire and the final map shall be null and void. (2003 Code § 17.72.130.60)

### **17.72.130.70: RECORDING OF FINAL MAP:**

The City Recorder or his/her designee shall record the final subdivision plat at the office of the Salt Lake County Recorder. The final subdivision plat may not be recorded until all of the following items have been completed:

- A. The final plat has been approved by the City Engineer, Community Development Director and City attorney and all requirements of the Planning Commission have been met.
- B. The Mayor's signature and City Recorder's certification have been applied to the Mylar plat drawing.
- C. The improvement guarantee determined by the City Engineer and approved by the City Attorney has been properly posted with the City.
- D. All engineering fees have been paid including [but not limited to](#) storm drain, streetlight, and review fees.
- E. All necessary deeds and agreements have been executed and submitted to the City.
- F. Required water shares have been submitted to the City.
- G. The approved design guidelines have been submitted for recording as perpetual deed restrictions with the plat. (2003 Code § 17.72.120.70)

### **17.72.140: SITE PLAN REVIEW:**

Site plans may be reviewed concurrently with the project plan/preliminary subdivision and final project plan/subdivision plats. Any proposed commercial, office, industrial, multi-family residential, open space, parks, or institutional developments and alterations to existing developments not included in the project plan/preliminary subdivision plat shall be on recorded lots in subdivision plats or within areas of recorded condominium maps and shall meet the site plan review requirements outlined in this Chapter. All City ordinances and requirements shall be met in preparing site plan applications and in designing and constructing the development. Building permits may not be obtained nor shall any site work be performed prior to site plan approval. (2003 Code § 17.72.140)

#### **17.72.140.10: SITE PLAN APPLICATION:**

Application for site plan review shall be made by the owner or authorized agent of the property. A site plan application shall consist of the following items:

- A. Application form.
- B. Owner's or agent's affidavit.
- C. Application fee.
- D. Five (5) twenty four (24) inch by thirty six (36) inch copies of the site plan drawn to scale not exceeding sixty (60) feet/inch and one (1) eleven (11) inch by seventeen (17) inch copy of the site plan containing the following information unless other

information is requested by the City Engineer or the Community Development Director:

1. Location map.
  2. Vicinity plan showing adjacent parcels, lots, owners, roads, buildings, and canals.
  3. Address, tax identification number, legal description and acreage of subject parcel.
  4. Date, scale, north arrow, dimensions of buildings, setbacks, driveways, streets, parking stalls, and other proposed improvements.
  5. Developer's, architect's, and engineer's phone numbers and addresses; licensed architects and engineers (Utah) required.
  6. Boundaries and legal description of the subject parcel and phases of the development.
  7. Adjacent buildings, streets, fences, utilities, waterways, and easements.
  8. Existing on site and adjacent utilities and sizes, buildings, street improvements (curb, gutter, sidewalk, pavement), easements, waterways, ditches, significant vegetation, contours at one (1) foot intervals, and fault lines.
  9. Proposed exterior mechanical equipment, utilities, irrigation systems, and storm drainage system.
  10. Proposed building uses, footprints, canopies, exterior stairwells and landings, floor area, elevation plans, and exterior materials and colors.
  11. Proposed street improvements (curb, gutter, sidewalk, pavement), access, driveways, and parking and loading areas.
  12. Proposed landscaping including species, sizes, and area of landscape coverage.
  13. Proposed freestanding and wall signs.
  14. Proposed screening, fencing, and trash enclosures.
  15. On and off site lighting plans.
  16. Required engineering drawings for on and off site improvements.
  17. Traffic study as directed by the City Engineer.
  18. Geotechnical study as directed by the City Engineer.
  19. Data table showing parcel, building, landscaping, parking areas and percentages; number of parking stalls required and provided.
- E. Each site plan shall be accompanied by design guidelines for the development. Design guidelines for open space, yard requirements, landscaping, fencing, architecture, building materials, lighting, signage, outdoor furniture and artwork, and other components of the development shall be provided and recorded as enforceable covenants and restrictions with the property. The design guidelines prepared for a site plan will establish in much greater detail the character and nature of the design of public and private improvements that will have been submitted with the master subdivision plat.
- After reviewing the site plan drawings, City staff may provide comments and corrections to the applicant. (2003 Code § 17.72.140.10)

### **17.72.140.20: CITY ENGINEER REVIEW:**

The City Engineer shall review the site plan and construction plans and determine compliance with the engineering and surveying standards and criteria set forth in this Title and all other applicable ordinances of the City and the laws of the State. The City Engineer may approve the site plan if he/she finds that the site plan and the construction

plans fully comply with the improvement standards required by City ordinances and that all easements are correctly described and located. If the site plan complies, the City Engineer shall prepare an estimate of the construction costs for all proposed public improvements. If the site plan or the construction plans do not comply the City Engineer shall return the plans to the developer with comment. (2003 Code § 17.72.140.20)

### **17.72.140.30: FINAL REVIEW:**

Once all application requirements have been met, redline corrections made, revised plans submitted, and City Engineer's approval given, the site plan may be approved, approved with conditions, or denied by the Community Development Director or his/her designee. The City shall have the discretion to disapprove a condominium map only on the basis of: a) the failure of the proposed site plan to include all of the elements required by this Section; b) a material inconsistency with the approved project plan/preliminary subdivision plat; or c) the failure of the design guidelines to provide for a community the character of which would be substantially inconsistent with the purpose of the P-C zone. The decision of the Community Development Director or his/her designee may be appealed in writing to the City Council within fifteen (15) days of the decision. (2003 Code § 17.72.140.30)

### **17.72.160: OPEN SPACE:**

“Open space” is landscaped or natural area or farmland which is established to provide and preserve recreational, agricultural, or other uses in the P-C zone as approved by the City. Design guidelines shall govern the use and character of the open space. Each P-C zone shall contain a minimum of twenty five percent (25%) of gross acreage in open space which shall be designated in the P-C zone plan. Recreation/open space will be recorded as a lot or lots in subdivisions or as common areas in condominium plats and shall be located according to environmental conditions and infrastructure needs. All open spaces shall be maintained with perpetual open space or conservation easements. Privately owned open space shall be preserved and properly maintained by the owners through taxing districts, owners' associations with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City Council. Open space may not include private lot or individually owned yard areas. All privately owned open spaces which are accessible to the public either free of charge or through payment of a fee may be included in the required open space of the P-C zone. (2003 Code § 17.72.160)

### **17.72.170: YARD REQUIREMENTS:**

Yard requirements shall be determined and governed by the design guidelines required in this Chapter. The following minimum requirements shall apply in the P-C zone:

- A. Minimum yard areas shall be measured from the front, side and rear lines of lots, condominium private ownership yard areas (where building footprint is not recorded) or from accesses, driveways or streets where no property lines or private ownership yard areas exist.
- B. Buildings may not be located within a public easement. (2003 Code § 17.72.170)

### **17.72.180: FENCING, SCREENING, AND CLEAR VISION:**

Fencing, screening, and clear vision requirements shall be determined and governed by the design guidelines required in this Chapter. The following requirements shall apply in the P-C zone:

- A. All mechanical equipment, antennas, loading and utility areas, and trash receptacles shall be completely screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Fences and landscape materials, except for mature trees which are pruned at least seven (7) feet above the ground, shall not exceed three (3) feet in height within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. (Ord. 2004-11, 7-6-2004)

### **17.72.190: ARCHITECTURAL STANDARDS:**

Architectural requirements shall be determined and governed by the design guidelines required in this Chapter. The following architectural standards and requirements shall apply in the P-C zone:

- A. Architectural design of all buildings and building materials shall be established in the design guidelines.
- B. All building materials shall be high quality, durable, and low maintenance. All buildings and structures in P-C zones shall be maintained in good condition.
- C. Any exterior remodeling of buildings, except single-family dwellings and accessory buildings, must be approved by the City.
- D. Design guidelines shall address exterior relief of buildings, design of all sides of buildings, and architectural compatibility of buildings. (2003 Code § 17.72.190)

### **17.72.200: LANDSCAPING REQUIREMENTS:**

Landscaping requirements shall be determined and governed by the design guidelines required in this Chapter. The following landscaping requirements shall apply in the P-C zone:

- A. The design guidelines shall address the landscaping and proper maintenance of required front, side, and rear yards of lots and private ownership areas in the P-C zone.
- B. All areas of lots and parcels in the P-C zone not approved for parking, buildings, or other hard surfacing shall be landscaped and properly maintained. Designated open space shall remain in a natural condition, cultivated or landscaped, and properly maintained in accordance with the design guidelines.
- C. All park strips and public right of way areas in the P-C zone shall be landscaped and properly irrigated and maintained by the owners in the P-C zone unless otherwise approved by the City Council. All park strip areas shall be installed by the developer and properly maintained by the owners in the P-C zone. A plan for funding of on going maintenance of street landscaping by the property owners shall be presented for approval.
- D. Trees or landscape material in the P-C zone, except on single-family lots or parcels, may not be removed without City approval. (2003 Code § 17.72.200)

### **17.72.210: LIGHTING:**

Lighting requirements shall be determined and governed by the design guidelines required in this Chapter. (2003 Code § 17.72.210)

### **17.72.220: OTHER REQUIREMENTS:**

The following requirements shall apply in the P-C zone:

- A. Developers of condominium projects shall submit a proposed declaration of covenants to the City Attorney for review, including an opinion of legal counsel licensed to practice law in the State, that the condominium meets requirements of State law, and record the covenants with the condominium map for the project.
- B. All developments shall be graded according to the City engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. All private areas of lots or parcels shall be properly maintained by the owners.
- D. The minimum area, yard, width, frontage, and other dimensional requirements of the P-C zone shall be governed by the design guidelines for the individual projects. Standard street and infrastructure improvements may be altered and constructed according to standards established in the design guidelines.
- E. All improvements, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually maintained by the owners or their agents through a special taxing district, owners' association with power to assess and collect fees for maintenance, or other assessment and maintenance mechanisms acceptable to the City Council. (2003 Code § 17.72.220)

### **17.72.230: DEVELOPMENT AGREEMENT:**

At any time after the approval of a P-C zone plan, community structure plan, master subdivision plat, project plan/preliminary subdivision plat, or final project plan/subdivision, the developer and the City may enter into a development agreement reflecting all conditions of approval of the applicable plan and such other matters as the City and the developer may agree. The City may agree, under the terms of such development agreement, that the developer will be entitled to develop the applicable P-C zone in accordance with the approved P-C zone plan, community structure plan, master subdivision plat, project plan/preliminary subdivision plat, or final project plan/subdivision general land use plan, specific land use plan, master plan, and final plat (as applicable) without regard to future amendments, additions or changes to the ordinances and that the process for approving amendments to an approved P-C zone plan, community structure plan, master subdivision plat, project plan/preliminary subdivision plat or final project plan/subdivision general land use plan (or any amendments thereto) will be as set forth in the applicable ordinances as of the date of the development agreement or other date agreed upon by the parties. Any entitlement granted to the developer under the terms of a development agreement shall be subject to such amendments, changes, or additions to this Chapter as are required to protect the health, safety, or welfare of the citizens of the City. (2003 Code § 17.72.230)

## Chapter 17.84

### CONDITIONAL USE PERMIT

#### 17.84.010 PURPOSE AND OBJECTIVES

The purpose of this Chapter is to provide for the establishment of certain uses designated as "conditional uses" in the various land use zones. Conditional uses are not allowed by right but may be allowed if conditions are applied which, in the judgment of the Planning Commission, would mitigate possible conflicts or detriments that may arise by introducing a conditional use into a land use zone. Conditional uses are generally considered to be compatible with the permitted uses in individual zones if adequate mitigation can be accomplished. Conditional use permits will allow proper integration of certain uses in the City which may only be suitable in specific locations and which may have potentially detrimental characteristics if not properly designed, located, and conditioned. This Chapter prescribes the criteria and process for evaluating, establishing, and conducting conditional uses in the city. (2003 Code § 17.84.010)

#### 17.84.020: CONDITIONAL USE PERMIT REQUIRED:

A conditional use shall not be established or commenced without a conditional use permit for which approval of the Planning Commission has been obtained in conformance with the requirements of this Chapter and other pertinent laws and ordinances. Unless otherwise specified by the Planning Commission and subject to the provisions relating to commencement of action, amendment or revocation of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land, except for home occupations, temporary or seasonal uses, uses proposed in leased or rented property, or other uses as specified by the Planning Commission or City Council. The Planning Commission or City Council may place conditions on the approval of a conditional use permit relating to the following or other factors to ensure the public health, safety, welfare, and economic viability, to enforce the zoning and development ordinances of the City, and to implement the City's General Plan.

##### A. General Standards for Conditional Use Approval:

An applicant for a conditional use approval shall provide within the application information to clearly demonstrate to the City compliance with the following in addition to any specific requirements of this ordinance attached to the conditional use applied for:

(1) General Welfare Standard: The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(2) Nuisance Standard: Any use found to be objectionable or incompatible with the character of the City and its environs due to noise, light, traffic, dust, odors or other undesirable characteristics may be prohibited.

(3) General Plan Consistency Standard: To obtain a use permit, the applicant must generally show that the contemplated use is compatible with the City's land use policies in terms of the General Plan and zoning ordinances, and that such use would be essential or desirable to the public convenience or welfare, and will not impair the integrity and character of the land use zone or be detrimental to the public health, safety, morals or welfare.

#### B. General Standards for Adding Conditions to Approvals

After the public hearing, the Planning Commission shall make a decision whether to grant or deny the proposed conditional use permit. The Commission shall record its decision in writing and shall recite the findings upon which the decision is based. The Planning Commission may approve and/or modify a conditional use or special exception permit application in whole or in part, with conditions, only if all of the following findings are made:

- (i) The proposed use is conditionally permitted within the zoning ordinance, and would not impair the integrity and character of, the intended purpose of the subject land use zone and complies with all of the applicable provisions of this Ordinance.
- (ii) The proposed use is consistent with the General Plan.
- (iii) The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of State, Federal and South Jordan City or other local regulations.
- (iv) There will be no potential significant negative effects upon environmental quality and natural resources that could not be properly mitigated and monitored.
- (v) The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situation that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City.
- (vi) The subject site is physically suitable for the type and density/intensity of the use being proposed.
- (vii) There are adequate provisions for public access including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and

safety.

### C. Imposition of Conditions to the Approval

The Planning Commission may impose conditions on the requested use which are additional to any conditions which are specifically listed in conjunction with all conditional uses or special exceptions prescribed within this ordinance. All conditions imposed shall meet the following criteria:

- i. The condition must be within the police powers of South Jordan City.
- ii. The condition must substantially further a legitimate public purpose.
- iii. The condition must further the same public purpose for which it was imposed.
- iv. The property owner may not be required to carry a disproportionate load in furthering the public purpose.
- v. Dedications of land and other contributions as conditions of approval must be "reasonably related" to the use of the property for which the conditional use or special exception permit is requested. There must also be a "rough proportionality" between the extent of the condition and the particular demand or impact of the project. In addition, a performance bond cannot be required for the installation of public improvements that are not reasonably related to the property use.
- vi. The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied. For example, if a conditional use permit contains language that restricts a building's height to twenty five (25) feet and requires the developer to submit and obtain planning commission approval of a landscaping plan, among other things, the permit itself does not imply a height limitation on trees within the development.
- vii. Mitigating conditions that may be imposed include, but are not limited to the following areas:
  - (a) Landscaping.
  - (b) Access, loading, and parking.
  - (c) Architecture and signs.
  - (d) Drainage and utilities.
  - (e) Sanitation.
  - (f) Fencing and screening.
  - (g) Setbacks.
  - (h) Natural hazards.
  - (i) Public safety.
  - (j) Environmental impacts.
  - (k) Hours and methods of operation.

- (l) Dust, fumes, smoke, and odor.
- (m) Noise, vibrations.
- (n) Chemicals, toxins, pathogens, and gases.
- (o) Heat, light, and radiation.

D. Denial of a Conditional Use Permit

The following findings or others may, in the judgment of the Planning Commission, be cause for denial of a conditional use permit application:

- (i). The proposed use is unlawful.
- (ii). The proposed use would negatively affect property values, the quality of life or the welfare of citizens and property owners in the community.
- (iii). The proposed use would create or pose a nuisance, conflict or hazard relating to noise, vibration, light, electrical or electronic interference, traffic, odor, fumes, dust, explosion, flooding, contamination or other negative effect to the adjoining properties or the community in general.
- (iv). The proposed use is found to be incompatible or architecturally inconsistent with neighboring uses.
- (v). Conditions of approval could not reasonably mitigate the negative impacts of the proposed use. (2003 Code § 17.84.060)
- (vi). The proposed use is not economically viable, or the proposed use would negatively affect the economic viability of the neighboring properties or the City in general.  
(2003 Code § 17.84.020)

**17.84.030: CONCEPT AND SITE PLAN REVIEW:**

A conditional use permit application may only be approved in conjunction a site plan as described in Chapter 16.24 of this Code and as outlined below:

A. A site plan application shall be prepared and submitted with the conditional use permit application for new developments for which conditional use approval is required according to requirements of this Chapter.

B. A conditional use permit application may be considered by the Planning Commission without a site plan under one or more of the following conditions:

1. The use is temporary.
2. The use requires no building or permanent site improvements or alterations.
3. To determine if a use is appropriate for a particular location before a site plan application, if necessary, is prepared.

C. A conditional use may not be initiated, established, constructed, or conducted without or site plan approval as required in this Chapter. A conditional use may not be commenced until all required improvements are completed and all conditions are satisfied. (2003 Code § 17.84.030)

**17.84.040: APPLICATION FOR CONDITIONAL USE PERMIT:**

The following shall be submitted when application is made for a conditional use permit:

- A. Application form, fee, and owner's or agent's affidavit.
- B. Description of proposed use.
- C. Mailing labels and postage for owners of subject property and owners within three hundred (300) feet of the subject property.
- D. Salt Lake County plat of subject property and adjacent properties within three hundred (300) feet.
- E. Site plan, if required in compliance with 17 Chapter 16.24 of this Code, unless waived in accordance with Section 17.84.030 B.

**17.84.050: CONDITIONAL USE PERMIT APPLICATION REVIEW:**

A. Once the complete and accurate conditional use permit application is submitted, the request will be scheduled on the Planning Commission Agenda. The Planning Commission will hold a public hearing and after hearing public comment approve, approve with conditions or deny the conditional use permit application or postpone action. Any person aggrieved by the decision of the Planning Commission may appeal the decision to the City Council but no later than fourteen (14) days from the Planning Commission decision.

**17.84.060: CITY COUNCIL REVIEW OR APPEAL:**

A decision of the Planning Commission regarding the approval, approval with conditions, or denial of a conditional use permit application that is appealed to the City Council may be reviewed by the City Council as follows:

- A. The City Council may, after reviewing the record of the Planning Commission's decision, summarily affirm the decision of the Planning Commission, or review the appealed conditional use application on a de novo basis.
- B. In the event the City Council decides to review the conditional use permit application de novo, the City Council shall follow the same procedure and evaluate the conditional use permit application as set forth in this Chapter 17.84.060.
- C. The City Council may approve, approve with conditions, or deny the conditional use application.

**17.84.070: TIMELY COMMENCEMENT:**

A conditional use and required improvements for said use must be commenced within one year from the date of approval. If a building permit or business license is not obtained, if impact fees are not paid and if the foundation of a main building is not installed within one year of the date of approval of the conditional use permit application, the conditional use permit shall be null and void. (2003 Code § 17.84.070)

### **17.84.080: COMPLIANCE REQUIRED:**

A conditional use may be commenced only upon completion of all plan improvements as stipulated in the accompanying concept or site plan. The conditional use permit will be conducted in conformance with approved plans and conditions. Application to amend a conditional use permit may be requested by following the application procedures in this Chapter. A conditional use permit may be revoked by the City Council after a public hearing if requested by the property owner or if it is shown that one or more of the following conditions exist:

- A. The use is conducted prior to completion of all required improvements and conditions.
- B. The use is established or conducted contrary to any of the approved plans or conditions.
- C. The use is conducted contrary to local, State, or Federal laws.
- D. The use is creating a nuisance or hazard.

## **CHAPTER 17.98 HOME OCCUPATIONS**

### **17.98.010: DEFINITION AND PURPOSE:**

A home occupation is any business or income producing activity conducted from a residential property. The home occupation provisions are intended to provide opportunities for minor in home businesses which do not require the facilities of or have the impacts of larger concerns. Many types of businesses are allowed, provided that they meet all of the provisions of this Chapter. Home occupations do not include occasional babysitting at the dwelling which would not be classified as a daycare or preschool operation. Home occupations are considered accessory uses in residential and agricultural zones. Garage or yard sales are not considered home occupations but may be held no more than four (4) calendar days per year. Sales of night crawlers gathered from the subject property, lemonade stands, and similar occasional activities related to the subject premises are not considered home occupations. Temporary signage may be used to advertise yard sales, night crawlers, lemonade stands, and similar occasional sales activities, provided it does not create a nuisance, is not placed on the public right of way, and provided it is removed by seven o'clock (7:00) P.M. each day and upon conclusion of the activity. Home occupations will have no significant impact on the neighborhoods in

which they are located and are considered to be secondary and incidental to and compatible with residential use. (Ord. 2003-20, 8-19-2003)

### **17.98.020: RESTRICTIONS:**

The following restrictions shall apply to any home occupation:

- A. All home occupations are required to obtain and maintain a current City business license and meet all requirements of Title 5 of this Code.
- B. All home occupations shall comply with Federal, State and local laws and ordinances.
- C. Home occupations shall not involve the unauthorized use of hazardous or annoying substances or processes nor shall they create any hazardous or offensive odors, noises, fumes, gases, dust, radiation, glare, electrical interference, vibrations, heat, wastes, pathogens, or any other harmful substances or effects.
- D. Home occupations shall be conducted entirely within the dwelling unit and may not occupy, with either goods, materials, equipment, or activities, any attached garage, accessory building, or lot area. Training activities such as swimming, tennis, and horseback riding, or daycare or preschool activities, may be conducted outdoors provided that no nuisance is created. The home occupation may not occupy more than eight hundred (800) square feet of the floor area of the dwelling.
- E. Home occupations shall not receive or generate more than a total of six (6) customers, visitors, vehicle round trips, and/or deliveries per day except for approved preschools. Tractor/trailer rigs may not be brought to the residence.
- F. No more than one vehicle used with the home occupation and complying with provisions for vehicle storage of the zone in which the home occupation is located may be stored at the residence. Said vehicle shall be stored in a garage or at least six (6) feet behind the front or street side building lines of the dwelling.
- G. Home occupations shall not cause excessive demands on City services.
- H. Employees of home occupations shall consist only of members of the family residing in the dwelling or other individuals whose activities are conducted away from the residence.
- I. No display of merchandise or advertising shall be visible from the street or neighboring properties, except as permitted in Section 16.36.050 of this Code.
- J. The exteriors of dwellings may not be altered from a residential character as a result of or to enhance a home occupation.
- K. Home occupations involving pedestrian or vehicle traffic shall be conducted only between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.
- L. More than one (1) home occupation may be conducted in a dwelling, provided that these regulations are followed as though there were only one occupation in the dwelling.
- M. Retail sales may not be conducted as a home occupation, except if incidental to another service performed by the operator. Otherwise, goods may not be distributed or disbursed at the residence.
- N. Meetings held for the purpose of marketing, taking orders, or training may be held at the residence, provided that no violations of this Chapter occur.
- O. The City may place additional restrictions on a home occupation relating to hours of operation, parking, traffic, or other matters, as it deems necessary to mitigate impacts

on the neighborhood and the City in general. (2003 Code § 17.98.020)

### **17.98.030: PRESCHOOLS:**

Preschools for up to six (6) students may be conducted as home occupations in accordance with provisions of this Chapter without a conditional use permit. Preschools for seven (7) to a maximum of twelve (12) students may be conducted as home occupations with approval of a conditional use permit/concept plan with the following and other conditions as determined by the City Council:

- A. Maximum two (2) sessions per day and maximum four (4) sessions per week. Sessions shall be a maximum three (3) hours in length.
- B. Students' ages shall be three (3), four (4) or five (5) years old.
- C. Days and hours of operation shall be provided for review.
- D. All life safety and building codes shall be met and a building permit, if necessary, shall be obtained for remodeling.
- E. All state licensing requirements will be met.
- F. All other requirements of this Chapter and other local, State and Federal laws shall be met. (2003 Code § 17.98.030)

### **17.98.040: APPLICATION:**

The following items shall be submitted to the City Business Licensing Office in applying for a home occupation business license:

- A. Application forms as provided by the City and the associated fee as determined by the City Council.
- B. Description of the nature of the home occupation and information as requested in the application.
- C. Sketch of the floor plan of the dwelling and the area to be devoted to the home occupation with dimensions and area calculations.
- D. List of materials and equipment to be used.
- E. Hours of operation and the number of customers, vehicle trips, and deliveries to be made each day.
- F. Other government approvals required for conducting the home occupation.
- G. Proposed remodeling needed to conduct the home occupation and whether a City building permit will be required.
- H. Signed affidavit by the applicant that all requirements and conditions of the City will be followed.
- I. Mailing labels and postage for owners of properties within three hundred (300) feet of the lot or parcel on which the home occupation is proposed. (2003 Code § 17.98.040)

### **17.98.050: APPLICATION REVIEW PROCEDURE:**

The City Business Licensing Office shall mail a written notice in accordance with provisions of this Title, with the exception that a public hearing will not initially be required, informing the neighboring property owners of the proposed home occupation. The applicant is required to provide a second mailing only if a hearing is necessary. The Community Development Department and other City departments will review the home

occupation business license application and may approve the application if all requirements are met and if no objections have been filed within fourteen (14) days of the mailing. (2003 Code § 17.98.050)

**17.98.060: APPLICATION APPEAL PROCEDURE:**

If City staff finds that certain conditions cannot be met, that the proposed home occupation is not appropriate or is inconsistent with the definition and purpose of this Chapter or if objections are filed, the application shall be denied.

The applicant, or an affected neighbor may appeal staff’s decision for a public hearing before the Planning Commission within 14 days of the decision rendered by Staff.. The decision of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission decision. Costs of notification for the Planning Commission and/or City Council meetings shall be born by the appellant. The Planning Commission or City Council may place conditions on the approval of the home occupation business license application pertaining to the conduct of the business, subject to Section 17.84 of this Title. (2003 Code § 17.98.060)

**17.98.070: REVOCATION:**

A home occupation may be commenced only upon completion of all plan improvements as stipulated in the accompanying approval. The home occupation will be conducted in conformance with approved plans and conditions. Application to amend a home occupation license may be requested by following the application procedures in this Chapter. A home occupation license may be revoked by the City Council, after a public hearing, if requested by the property owner or if it is shown that one or more of the following conditions exist:

- A. The use is conducted prior to completion of all required improvements and conditions.
- B. The use is established or conducted contrary to any of the approved plans or conditions.
- C. The use is conducted contrary to local, State, or Federal laws.
- D. The use is creating a nuisance or hazard.

(2003 Code § 17.98.070)

**CHAPTER 17.108**  
**WIND ENERGY CONVERSION SYSTEMS**

**17.108.010: PURPOSE AND OBJECTIVES:**

The wind energy conversion system regulations are intended to impose conditions and requirements with respect to the location and construction of wind energy conversion

systems within the City in order to promote the general welfare and safety of residents of the City. (2003 Code § 17.108.010)

### **17.108.020: APPROVAL OF WECS:**

Wind energy conversion systems, hereinafter referred to as "WECS", may be approved by the Planning Commission as a conditional use in the A-1, A-5, R-1.8 and C-I zones if all of the following conditions are met:

- A. A site plan shall be submitted to the planning department. Such site plan shall be drawn to a scale of not less than one (1) inch equals ten (10) feet and shall show all property lines, structures on the applicant's property and adjacent properties, overhead utilities and easements and rights of way on or adjacent to the applicant's property, and any other information deemed necessary by the Community Development Director.
- B. Height of a WECS shall not exceed ninety (90) feet. Height shall be the distance from the highest point of the WECS to the top of curb or crown of road where no curb exists.
- C. A WECS shall not be closer to any property line than its total height plus ten (10) feet. The Planning Commission may permit a WECS to be placed at a distance less than that mentioned above upon receiving an agreement signed by all property owners within a distance equal to the height plus ten (10) feet. Such agreement shall be in a form approved by the City Attorney. At no time shall a WECS be permitted closer than its height plus ten (10) feet from any dedicated public right of way.
- D. The applicant shall submit proof of continuing liability insurance covering any WECS that may be located on the applicant's property.
- E. The WECS shall not cause any interference to any existing or future microwave transmitters and/or receivers.
- F. The WECS shall not cause a sound that could be considered a nuisance as determined by the Community Development Director.
- G. A WECS shall not be placed on any easement, right of way, or common area.
- H. All property owners within three hundred (300) feet of the applicant's property lines shall be notified by certified return mail of the date and location of the Planning Commission meeting that will consider a WECS application. Such notification shall be made not less than fifteen (15) days prior to any such meeting and shall be at the expense of the applicant.
- I. For applications in recorded subdivisions, written approval by the subdivision architectural committee, or other authorized persons either living in or being involved in the development of the subdivision, shall be furnished by the applicant.
- J. The applicant shall furnish elevation drawings and/or photographs of the proposed WECS.
- K. The applicant shall furnish any other information required by the Planning Commission or the director of the BIPZ.
- L. A minimum one acre lot is required for the installation of a WECS. (Ord. 2003-35, 12-2-2003)

### **17.108.030: PERMIT ISSUANCE REQUIRED:**

It is unlawful for any person, whether acting as owner, occupant, or otherwise, to erect, construct, reconstruct, enlarge, locate, or install any WECS within the City, contrary to any provision of this Chapter, without first complying with the approval requirements specified herein, and obtaining a permit from the Planning Director. Said permit shall not be issued until such time as a conditional use has been granted by the Planning Commission. (2003 Code § 17.108.030)

**17.108.040: WECS PERMIT APPLICATION:**

The application for a WECS permit shall be submitted to the Building Inspector, which application shall include the following:

- A. Two (2) complete sets of detailed plans and specifications for the WECS, which shall include a structural land and electrical design completed by a registered professional engineer whose seal shall be affixed to all such drawings and plans.
- B. Specific details of an override protection system designed to control blade rotation at such time that wind speed exceeds forty (40) miles per hour.
- C. A soils report prepared by a registered professional engineer.
- D. Any other information requested by the Planning Director. (2003 Code § 17.108.040)

**17.108.050: FENCING REQUIREMENT:**

Access to any WECS shall be limited to either a non-accessible wall or fence not less than six (6) feet in height, or the climbing apparatus shall not be less than twelve (12) feet above the base of the structure. (2003 Code § 17.108.050)

**17.108.060: CONNECTION TO A PUBLIC UTILITY:**

Any connection to a public utility shall be made under the supervision of the authorized representative of such public utility. Written notice of connection by the aforesaid public utility shall be delivered to the Planning Director prior to making of the final inspection of the WECS. (2003 Code § 17.108.060)

**CHAPTER 17.112  
WIRELESS COMMUNICATIONS FACILITIES**

**17.112.010: PURPOSE:**

The purpose of this Chapter is to establish minimum guidelines for the location and design of low power, wireless communications equipment in the City. Such equipment may include, but is not limited to, cellular telephone, PCS, paging, and microwave systems and associated antennas, dishes, mounting structures, and related equipment. It is the intent of this Chapter that all efforts be made to mitigate the possible visual, audible and health effects of wireless communications equipment in the City. (2003 Code § 17.112.010)

### **17.112.020: CONSUMER EQUIPMENT:**

This Section shall apply to consumer owned or operated wireless communications antennas and dishes related to HAM radio, TV, two-way radio, or other communications systems owned or operated by private individuals or groups for noncommercial purposes. Consumer communications antennas which do not exceed a total overall height of forty five (45) feet or satellite dishes not exceeding three (3) feet in diameter are permitted in all zones as provided below. Other consumer communications equipment which does not meet the requirements of this Section may be allowed with a conditional use permit.

- A. No related equipment may be installed in public view.
- B. No nuisance or hazard may be created.
- C. No more than one antenna and dish per dwelling unit or main building may be installed.
- D. Antennas shall be enclosed in a building or other structure such as a steeple or other architectural structure. If technological or logistical justification would preclude the enclosure of the antenna or dish, the antennas or dish may be placed on the building or property in the least conspicuous location possible as viewed from a public street.
- E. The antennas or dishes do not create visual clutter or negatively impact the aesthetics of buildings and uses. (2003 Code § 17.112.020)

### **17.112.030: COMMERCIAL EQUIPMENT:**

This Section shall apply to commercial or business use wireless communications antennas, dishes, and associated equipment. TV and radio broadcasting towers are not permitted in the City and this Chapter does not govern such facilities.

- A. Commercial communications equipment may be located in a residential or agricultural zone with a conditional use permit as follows:
  - 1. Installation may be considered only on public property or in conjunction with a public or quasi-public use such as a school, church, public park, or government building.
  - 2. Antennas, dishes, supports, and related equipment shall be mounted inside a building, flagpole, steeple, or other structure unless adequate justification for wall, roof, or pole mounting can be provided. Antennas, dishes, supports, and related equipment which cannot, because of technological reasons, be enclosed, or wall, ground, or roof mounted, or mounted on an existing utility or light pole may be installed on a maximum one hundred (100) foot tall freestanding monopole.
- B. Commercial communications equipment may be located in any nonresidential or nonagricultural zone with a conditional use permit as follows:
  - 1. Installation may be considered only on property which has been developed for commercial, office, or industrial use or in conjunction with a public or quasi-public use such as a school, church, public park, or government building.
  - 2. Antennas, dishes, supports, and related equipment shall be mounted inside a building, flagpole, steeple, or other structure unless adequate justification for wall or roof mounting can be provided. Antennas, dishes, supports, and related equipment which cannot, because of technological reasons, be enclosed, or wall, ground, or roof mounted, or mounted on an existing utility or light pole, may be installed on a maximum one hundred (100) foot tall freestanding monopole. (2003 Code §

17.112.030)

### **17.112.040: MONOPOLES:**

The following standards shall govern the installation and use of monopoles with communications equipment:

- A. Only maximum one hundred (100) foot monopoles may be used for freestanding installations of communications equipment and only after adequate technological justification is provided for said installations. Monopoles shall not exceed the height necessary to meet the technological requirements of the installation. Lattice or guyed structures are not permitted.
- B. Monopoles shall be located only in rear yard areas and in areas least intrusive on the public view and neighboring uses.
- C. A minimum one (1) mile distance is required between monopoles unless adequate technological justification for a lesser distance can be provided.
- D. Monopoles may not be located closer than one hundred fifty (150) feet from any street or residence.
- E. Only the initial installation of the monopole or other support structure shall require a conditional use permit, provided that co-locators meet all conditions of the original approval and all requirements of this Chapter.
- F. Monopoles and related antennas and equipment shall have non-reflective galvanized or powder coated surfaces with unobtrusive colors.
- G. All ground equipment associated with a freestanding monopole shall be completely enclosed and screened from view with a fence or building constructed of solid decorative masonry materials which are compatible with neighboring buildings. Trees may be required for additional screening. Expansion of the original ground equipment enclosures shall require a conditional use permit. (2003 Code § 17.112.040)

### **17.112.050: INSTALLATION STANDARDS:**

The following standards shall apply to the design, installation, and maintenance of commercial wireless communications equipment:

- A. All antennas, dishes, and related supports, wiring, and equipment associated with a wall, ground, or roof installation shall be hidden from view with architectural walls or roofs or, if a visible exterior installation can be justified, colored or painted to match or complement the building or structure to which they are attached.
- B. If roof or wall mounted antennas, dishes, and equipment cannot be enclosed or hidden, it shall be located at a point on the roof, ground, or wall which is least conspicuous as viewed from a public street. Antennas, dishes, or equipment may not be placed on a pitched roof.
- C. Exterior antennas shall be flush mounted on a wall or pole to which they are to be attached unless adequate technological justification can be provided which would make extensions necessary.
- D. All antennas, dishes, poles, supports, wiring, and hardware, and the buildings or walls to which they are attached, shall be maintained in good condition.
- E. Collocation of communications equipment by multiple carriers is required unless

- adequate technological justification to the contrary can be provided.
- F. Exposed roof mounted antennas, dishes, and equipment, if justified, may not exceed a height reasonably required for effective use but in no case shall a roof mounted antennas exceed twenty (20) feet without adequate technological justification.
  - G. A building permit shall be required for installation of monopoles and any other communications equipment as determined by the City Building Official.
  - H. The City may require that the owner or operator of abandoned or obsolete communications equipment or that the owner of property on which abandoned or obsolete equipment is located remove said equipment. (2003 Code § 17.112.050)

## **CHAPTER 17.124**

### **HISTORIC SITE AND LANDMARK PRESERVATION**

#### **17.124.010: PURPOSE:**

The City recognizes that the historical heritage of the community is among its most valued and important assets. It is the intent of the City to identify, preserve, protect and enhance historic buildings, sites, monuments, streetscapes, and landmarks within the City deemed architecturally or historically significant. By protecting such historically significant sites and structures, they will be preserved for the use, observation, education, pleasure, and general welfare of the present and future residents of the City. (2003 Code § 17.124.010)

#### **17.124.020: PRESERVATION OF HISTORIC RESOURCES:**

The City Historic Preservation Committee, established pursuant to Section 2.76.040 of this Code, shall provide advisory assistance to the City regarding the implementation of the provisions of this Chapter, and shall have the following duties:

- A. **Survey and Inventory Community Historic Resources:** The Historic Preservation Committee may conduct or cause to be conducted a survey of the historic, architectural, and archeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten (10) years.
- B. **Review Proposed Nominations to the National Register of Historic Places:** The Historic Preservation Committee shall review and advise the City Council regarding nominations to the National Register of Historic Places to facilitate the City Council's report to the State Historic Preservation Officer on all proposed national register nominations for properties within the boundaries of the City. When the Historic Preservation Committee considers a national register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Committee, the Committee shall seek expertise in that area before rendering its advice to the City Council.
- C. **Prepare And Maintain Historic Sites List:** The Historic Preservation Committee shall assist and advise the City Council in the preparation and maintenance of the South

Jordan Historic Sites List as set out within this Chapter.

- D. Prepare and Maintain Historic Landmark Register: The historic preservation committee shall assist and advise the City Council in the preparation and maintenance of the South Jordan Historic Landmark Register as set out within this Chapter.
- E. Provide Advice And Information: The Historic Preservation Committee shall act in an advisory role to other officials and departments of the City regarding the identification and protection of local historic and archeological resources.
- F. Public Education and Assistance: The Historic Preservation Committee shall work towards the continuing education of the citizenry regarding City history and historical sites and may provide public assistance as it deems appropriate to further these goals and objectives. (2003 Code § 17.124.020)

### **17.124.030: HISTORIC SITES LIST:**

- A. Created: There is created a South Jordan Historic Sites List, which list shall serve as a means of providing recognition to and encouraging the preservation of historic properties in the City. The Historic Sites List shall be prepared by the Historic Preservation Committee and approved by the City Council. Thereafter, the list shall be maintained by the Historic Preservation Committee and all additions to or deletions from the list shall be approved by the City Council with advice and assistance from the Historic Preservation Committee. The list shall be filed with the City Recorder's office.
- B. Contents: The Historic Sites List shall describe as concisely as possible each building or site, the date of its construction as nearly as can be determined or, if a site, the date during which its historic significance was established, the reason for including it on such list, and the name and address of the current owner as shown on the records of the County Recorder.
- C. Criteria: The Historic Preservation Committee may recommend for designation any building, structure, object, or site to the Historic Sites List in accordance with the procedures set forth herein, and the City Council may approve such designation if it is determined that the building, structure, object, or site meets all the criteria outlined below:
  - 1. It is located within the official boundaries of the City.
  - 2. It is at least fifty (50) years old. (2003 Code § 17.124.030)
  - 3. It meets either of the following two (2) criteria: (Ord. 2003-35, 12-2-2003)
    - a. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. "Major alterations" that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls (except adobe) with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, or additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.
    - b. It is directly associated with events of historic significance within the community, it is closely associated with the lives of persons who were of historic

significance in the community, or it exhibits significant methods of construction or materials that were used within the historic period.

4. It has been documented according to the State Historic Preservation Office standards for intensive level surveys. Copies of such documentation must have been placed in the local and State historic preservation files. (2003 Code § 17.124.030)
- D. Designation Procedures: Any person, group, or governmental agency may nominate a property for listing on the South Jordan Historic Sites List. The nomination and listing procedures are as follows:
1. Completed intensive level survey documentation for each nominated property must be submitted in duplicate to the Historic Preservation Committee.
  2. The Committee will review and consider properly submitted nominations at its next scheduled meeting. The Committee will notify the nominating party, either orally or in writing, one week prior to that meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one week notification may be waived at the nominating party's option in order to accommodate "last minute" submittals, though no nomination will be reviewed if it is submitted to the committee less than forty eight (48) hours prior to the Committee's next scheduled meeting.
  3. The Historic Preservation Committee will review the documentation completeness, accuracy, and compliance with the criteria for designating historic properties to the South Jordan Historic Sites List.
  4. If the Committee determines that the property meets the applicable requirements, the Committee shall submit a recommendation to the City Council that the property be added to the Historic Sites List. If the Committee determines that the property does not meet the applicable requirements, the Committee shall recommend to the City Council that the property not be added to the Historic Sites List.
  5. Upon receipt of a recommendation from the Historic Preservation Committee, the City Council shall schedule a hearing on the matter within thirty (30) days of receipt of the Committee's recommendation. The Council shall notify the nominating party, either orally or in writing, at least one week prior to the meeting that the nomination will be considered and shall place the item on the agenda posted for the meeting. At the meeting, the Council shall consider the recommendation from the Historic Preservation Committee and any other appropriate information from interested parties, and shall render a decision within seven (7) days of the meeting on the nomination.
  6. If an application for a demolition permit is submitted for an existing structure which is at least fifty (50) years old but which has not been nominated for or received designation as a historic structure under the provisions of this Chapter, the City Manager or his designee shall delay issuance of the demolition permit for up to thirty (30) calendar days. City staff will notify the Historic Preservation Committee, which may make an assessment of the historical integrity and significance of the structure and its property within the context of City history. If the Committee determines that the structure is historically significant, they may meet with the property owner and discuss possible preservation alternatives. If preservation is not possible, the Historic Preservation Committee may, with the consent of the building's owner, document the structure by taking photographs and measurements of the

building to create accurate measured drawings and to preserve a record of the building. The City Manager or his/her designee shall issue the demolition permit when notified in writing by the committee that either the building is not historically significant or that documentation has been completed, but not later than thirty (30) days from the date of application. (Ord. 2005-10, 3-15-2005)

E. Results of Designation:

1. Certificate: Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Committee. The certificate contains the historic name of the property, the date of designation, and signatures of the Mayor and the Historic Preservation Committee Chairperson.

2. Demolition: If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.

a. The City may delay issuing a demolition permit for a maximum of ten (10) days and will notify a member of the Historic Preservation Committee, which will take responsibility for the documentation.

b. Documentation will include, at a minimum, exterior photographs (both black and white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor plan drawing of the building.

c. The demolition permit will be issued after ten (10) days of the initial application whether or not the Committee has documented the building. The permit may be issued earlier if the Committee completes its documentation before the ten (10) day deadline.

d. The documentation will be kept in the Committee's historic sites files, which are open to the public in accordance with the City government records access and management ordinance.

F. Removal Of Properties: Properties which, in the opinion of the Historic Preservation Committee, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the Historic Preservation Committee, and upon approval of the City Council. (2003 Code § 17.124.030)

### **17.124.040: HISTORIC LANDMARK REGISTER:**

A. Created: There is created a South Jordan Historic Landmark Register, which register shall provide further recognition of significant historic sites as an incentive for their preservation. The Historic Landmark Register shall be prepared by the Historic Preservation Committee and approved by the City Council. Thereafter, the register shall be maintained by the Historic Preservation Committee and all additions to or deletions from the register shall be approved by the City Council in accordance with the provisions set forth herein and with advice and assistance from the Historic Preservation Committee. The register shall be filed with the City and County Recorder's office.

B. Contents: The Historic Landmark Register shall describe as concisely as possible each building or site, the date of its construction as nearly as can be determined, or if a site, the date during which its historic significance was established, the qualifications for including it on the register, and the name and address of the current owner of the property as shown on the records of the County Recorder.

- C. Criteria: Any building, structure, object, or site may be designated to the Historic Landmark Register in accordance with the procedures set forth herein if it meets all the criteria outlined below:
1. It is located within the official boundaries of the City.
  2. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.6(s). Properties not listed on or determined eligible for the national register must, in addition to retaining their integrity, meet at least one (1) of the following national register criteria:
    - a. Be associated with events that have made a significant contribution to the broad patterns of the community's history.
    - b. Be associated with the lives of persons significant in the community's past.
    - c. Embody the distinctive characteristics of a type, period or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.
    - d. Have yielded, or may be likely to yield, information important in prehistory or history (e.g., archeological sites).
  3. The owner of the property approves the action to designate his or her property to the South Jordan Historic Landmark Register and has submitted to the City a written statement to that effect.
- D. Designation:
1. Official designation proceedings must begin with the submittal of a written request for designation by the property owner to the Committee Chairperson. The letter must identify the property by its address and historic name, give the date the property was listed in the national register or officially determined eligible, and include a statement verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by informal contacts with the property owner by Committee members, private citizens, local officials, or others regarding designation of the property.
  2. Upon receipt of a written request for designation, the Historic Preservation Committee Chairperson shall arrange for the nomination to be considered at the next Committee meeting, which shall be held at a time not to exceed thirty (30) days from the date the request was received.
  3. The recommendation to the City Council by the Historic Preservation Committee shall be based on the eligibility of the property in terms of meeting the criteria for designating properties to the Historic Landmark Register. The Committee shall forward its recommendation in writing to the City Council within fourteen (14) days.
  4. The City Council, may, by approval and passage of an appropriate resolution, designate properties to the Historic Landmark Register. Following designation, a notice of such shall be mailed to the owners of record, together with a copy of this Chapter.
  5. After a property has been formally designated to the South Jordan Historic Landmark Register, the designation may be amended or rescinded in the same manner as the original designation was made.
  6. Upon official designation, the Historic Preservation Committee shall record the

designation with the County Recorder's office to indicate such designation on the official title of the designated property.

- E. Result of Designation:
1. Properties designated to the South Jordan Historic Landmark Register may receive special consideration in the granting of conditional use permits in order to encourage their preservation.
  2. Owners of historic landmarks may seek assistance from the Historic Preservation Committee in applying for grants or tax credits for rehabilitating their properties.
  3. Proposed repairs, alterations, or additions to historic landmarks are subject to the review of the Historic Preservation Committee and the subsequent review and approval of the City Council. The purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible:
    - a. Applications for permits pertaining to historic landmark properties shall be forwarded by the Building Inspector to the Historic Preservation Committee prior to their issuance.
    - b. At its next scheduled meeting, the Historic Preservation Committee shall review the applications and proposed work for compliance with the Secretary of the Interior's standards for rehabilitation, hereinafter referred to as the "standards" set forth in Section 17.124.050 of this Chapter.
    - c. The Historic Preservation Committee's recommendation shall be forwarded within three (3) days to the City Council for their consideration in reviewing the applications. The recommendations must indicate which of the standards the Committee's decision was based on and, where appropriate, a brief explanation. Copies of the recommendation shall be sent to the Building Inspector and the property owner at the same time.
    - d. The City Council shall schedule the matter for its next meeting and, upon review of the Historic Preservation Committee's recommendations and other comments given at the meeting, make a decision regarding the appropriateness of the proposed action. Approved projects will be issued a "certificate of historical appropriateness" which authorizes the building permit to be issued.
- F. Enforcement: Failure to follow standards as required by the City Council may result in the removal of the property from the South Jordan Historic Landmark Register and the National Register of Historic Places, thus jeopardizing federal tax credits, grants and conditional approvals. (2003 Code § 17.124.040)

### **17.124.050: STANDARDS FOR REHABILITATION:**

The following standards for rehabilitation shall be used by the Historic Preservation Committee and the City Council when determining the historic appropriateness of any application pertaining to historic landmark properties:

- A. Every reasonable effort shall be made to provide a compatible purpose for a property which requires minimal alteration of the building, structure, or site and its environment.
- B. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- C. All buildings, structures, and sites shall be recognized as products of their own time.

Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.

- D. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired historic significance in their own right, and shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- F. Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repairs or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- H. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any rehabilitation project.
- I. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- J. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were removed in the future, the essential form and integrity of the structure would be unimpaired. (2003 Code § 17.124.050)

#### **17.124.060: ENFORCEMENT OF STATE HISTORIC PRESERVATION LAWS:**

The City Council shall support the enforcement of all State laws relating to historic preservation. These include, but are not limited to: Utah Code Annotated Sections 17A-3-1301 through 1306, "the Historic District Act"; Utah Code Annotated Sections 9-8-305, 307 and 308 regarding the protection of Utah antiquities; and Utah Code Annotated Section 9-8-404 regarding notification of the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building, or object by the State and included on or eligible for the State or national registers. The City Council and/or the Historic Preservation Committee may elect to review any proposed construction activity affecting or potentially affecting historic preservation. (2003 Code § 17.124.060)