

## ORDINANCE NO. 2010-08

**AN ORDINANCE AMENDING SECTION 17.08 AND SECTION 17.52 OF TITLE 17 OF THE SOUTH JORDAN MUNICIPAL CODE PERTAINING TO THE COMMERCIAL COMMUNITY (C-C), ZONE, GREGORY MILLER (APPLICANT).**

**WHEREAS**, the South Jordan City Council has previously adopted Section 17.08 and 17.52 of the South Jordan City Municipal Code, which determine the definitions and uses allowed and regulations for the Commercial Community zone; and

**WHEREAS**, the South Jordan Planning Commission, after holding a public hearing, has reviewed the proposed text amendments to Section 17.08 and 17.52; and

**WHEREAS**, the City Council has held a public hearing and has reviewed the proposed amendments and considered the recommendation of the Planning Commission regarding the proposed amendment; 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 amendment will or may have on existing or future 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 amendment meets the purposes and objectives of the Planning and Land Use Code; and

**WHEREAS**, the City Council desires to amend the Development Code as proposed; and

**WHEREAS**, the City Council has found and determined that the proposed amendments to Section 17.08 and 17.52 of the South Jordan Municipal Code 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, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** Chapter 17.08 of Title 17, "Planning and Land Use Code", of the South Jordan Municipal Code is hereby amended as follows:

### **Chapter 17.08 DEFINITIONS GENERALLY**

**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:** A road, lane, driveway, sidewalk, trail, path, approach or other route used for travel.

**ACCESSORY USE:** A use which is incidental and subordinate to the principal permitted or conditional use of the property and **located within 100 linear feet of the principal use.**

**AFFECTED ENTITY:** 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:

...

**FLOOR AREA:** 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.

**FREE STANDING BANKING KIOSKS:** A small self-contained unstaffed pavilion or similar structure used for banking, or other financial purposes that is not directly associated with nor located within fifty linear feet, (50) of the approved principal financial institution.

**GARAGE, ATTACHED:** An enclosed building designed for motor vehicle parking which is constructed with a wall or roof which is common to a dwelling.

...

**ELDERLY PERSON:** 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.

**ELECTRONIC VENDING MACHINES:** An electronic machine used to disperse a product to a consumer after a certain amount of monetary transaction has been put into the machine.

**ELEVATION:** The altitude of the surface of the ground.

...

**Section 2. Amendment.** Chapter 17.52 of Title 17, "Planning and Land Use Code",

of the South Jordan Municipal Code is hereby amended as follows:

## **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. (Ord. 2007-02, 1-16-2007)

#### **17.52.020: PERMITTED USES:**

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

Apparel, footwear, sewing supplies retailing.

Auto and equipment parts retailing (no service).

Books, videos, media, copies, photography, art and drafting supplies, office supplies, stationery retail.

Department, discount and food stores.

Furniture, electronics, appliances and home furnishings retailing.

Hardware and home improvement retailing.

Health, beauty and medical products retailing; prescription drugs retailing.

Hobbies and crafts retailing.

Household goods retailing.

Miscellaneous retail sales.

Restaurants, eating establishments.

Shopping centers and malls with only allowed uses.

Sporting goods, toy retailing. (Ord. 2007-02, 1-16-2007)

### **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, minor repairs.

Banks, credit unions, financial institutions, **free standing banking kiosks.**

Beauty and fitness centers.

Bed and breakfast inn.

Drive-through facilities for allowed uses.

Educational and training activities.

**Electronic vending machines.**

Equipment and appliance light repairs and service enclosed within a building.

Fast food with no eating accommodations.

Gas stations, convenience stores.

Group daycare center.

Laundry.

Lumber, building materials and landscaping retail sales yards.

Medical, health or dental services.

Mortuary, funeral home.

Office service.

Pharmacy.

Public or quasi-public facilities.

Religious activities.

Secondhand goods retailing.

Self-storage facilities, maximum total of six (6) acres.

Theaters, amusement, recreational activities.

Title loan, check cashing or other similar deferred deposit loan businesses no closer than one mile from a similar business. (Ord. 2008-19, 11-18-2008)

### **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. (Ord. 2008-07, 6-3-2008)
- 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) 1-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. **One electronic vending machine, (i.e. food, beverage, kiosks, etc...) may be located outside of the building of an established business if the building has a minimum main level footprint or floor area of five thousand (5,000) square feet and a minimum façade width of fifty (50) linear feet. One additional outdoor electronic vending machine may be allowed for every additional ten thousand (10,000) square feet of main level floor area. All outdoor vending machines shall be located adjacent to the building and within fifty feet (50) of the building's main entrance. Electronic vending machines shall not exceed fifteen (15) square feet in area and no more than seven (7) feet in total height. Electronic vending machines shall not impede or obstruct vehicular and/or designated pedestrian pathways or access.**
- E. **Free standing banking kiosks may be conducted in C-C zones with a site plan and conditional use permit approval. Free standing banking kiosk shall not be allowed on parcels less than 3 acres in size and shall be separated by a minimum distance of four hundred (400) linear feet from all other outdoor accessory banking or free standing banking kiosks. Free standing banking kiosks shall not be allowed within required**

landscaped yard areas, building setbacks, or within thirty (30) feet of the public right of way. Free standing banking kiosks shall not exceed twenty (20) square feet in area nor ten (10) feet in height and shall incorporate materials and colors of surrounding buildings as determined by the City Community Development Director.

Free standing kiosks shall be designed to allow for a minimum of two vehicles to be cued at any one given time without obstructing drive aisles or other functionality of other parking stalls as determined by the City Engineer. There shall be multiple twenty four (24) hour video surveillance and adequate illumination as determined by the City's Public Safety Department. All free standing banking kiosks shall be securely mounted and anchored to the ground as determined by the City's Building Official.

- F 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 feet (10') from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two feet (2') 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.
- G 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-C zones for longer than seventy two (72) hours unless stored within a completely enclosed building.
- H F. No commercial vehicles such as earthmoving or material handling equipment, semitrucks 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.
- I 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-C zones. (Ord. 2007-02, 1-16-2007)

#### **17.52.050: DEVELOPMENT REVIEW:**

All uses proposed in ...

SECTION 3. The Official text amendment showing such changes shall be filed with the South Jordan City Recorder.

SECTION 4. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS 15 DAY OF June, 2010 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Aleta A. Taylor	<u>X</u>	___	___	___
Larry Short	<u>X</u>	___	___	___
Kathie L. Johnson	<u>X</u>	___	___	___
Brian C. Butters	<u>X</u>	___	___	___
Leona Winger	<u>X</u>	___	___	___

Approved as to content: Joseph Heifmann  
City Manager

Legal Review: Debra M. Jones  
Assistant City Attorney

Mayor: Leona Winger  
W. Kent Money

ATTEST: Anna M. West  
City Recorder



4770 S. 5600 W.  
P.O. BOX 704005  
WEST VALLEY CITY, UTAH 84170  
FED.TAX I.D.# 87-0217663

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
SOUTH JORDAN CITY, 1600 TOWN CENTER DR  SOUTH JORDAN UT 84095	9001350317	6/1/2010

ACCOUNT NAME	
SOUTH JORDAN CITY,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8012543742	0000582196 /
SCHEDULE	
Start 05/31/2010	End 05/31/2010
CUST. REF. NO.	
CC Hearing 6/15/10	
CAPTION	
NOTICE OF PUBLIC HEARING Notice is here	
SIZE	
34 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
TOTAL COST	
62.12	



1000-160-42410

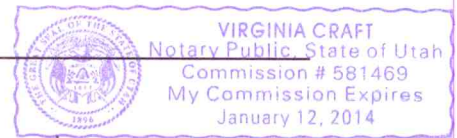
**NOTICE OF PUBLIC HEARING**  
Notice is hereby given that a public hearing will be held before the South Jordan City Council on Tuesday, June 15, 2010 at 6:00 P.M. in the South Jordan City Hall at 1600 W. Towne Center Drive. The hearing is being held in order to receive comment regarding the following:  
1. An amendment to Title 17 of the south Jordan Municipal Code, specifically Sections 17.08.010, 17.52.030 and 17.52.040 regarding free standing banking kiosks and vending machines.  
All those interested are invited to attend.  
Questions may be addressed Monday through Friday during regular business hours at the South Jordan City Offices at 801-254-3742.  
Brad Sanderson  
Planner  
582196 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **NOTICE OF PUBLIC HEARING** Notice is here FOR **SOUTH JORDAN CITY**, WAS PUBLISHED BY THE NEWSPAPER AGENCY CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 05/31/2010 End 05/31/2010

SIGNATURE *Brad Sanderson*



DATE 6/1/2010

*Virginia Craft*

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