

## **ORDINANCE NO. 2012-07**

### **ORDINANCE AMENDING THE PLANNING AND LAND USE CODE; TITLE 17, ADDING 'CUSTOM STORAGE' AS A CONDITIONAL USE TO CHAPTER 17.64, THE COMMERCIAL-FREEWAY (C-F) ZONE, AND A DEFINITION OF 'CUSTOM STORAGE' TO CHAPTER 17.08 OF THE SOUTH JORDAN MUNICIPAL CODE.**

**WHEREAS**, the South Jordan City Council has previously adopted Title 17 of the South Jordan City Municipal Code, which authorizes the regulation of uses in the City zones; and

**WHEREAS**, the South Jordan Planning Commission, after holding a public hearing, has reviewed the proposed text amendment to Title 17 of the Municipal Code; and

**WHEREAS**, the City Council has held a public hearing and has reviewed the proposed amendment 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, 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 Development Code and the Planning and Land Use Code; and

**WHEREAS**, the City Staff, the Planning Commission and the City Council have determined that the proposed amendment meets the goals and policies of the General Plan; and

**WHEREAS**, the City Council desires to amend the Planning and Land Use Code as proposed; and

**WHEREAS**, the City Council has found and determined that the proposed amendment to Title 17 by including 'Custom Storage' as a Conditional Use in the Commercial-Freeway Zone (chapter 17.64) to said Title 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.** Section 17.08.010 "Definitions" of the Title 17, "Planning and Land Use", of the South Jordan Municipal Code is hereby enacted as follows (the underlined portions are being added):

#### **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 LIVING UNIT:** A living unit which is an extension of (being attached or detached), and incidental and subordinate to, a single-family residential unit and shall be one of the following three types:

**EXTENDED LIVING AREA:** A life safety compliant “accessory living unit” which may include a kitchen, bathroom, and living areas, and shall provide continuous free-flow access between living areas within the primary dwelling, which may not be occupied by individuals in addition to the “family or household” that occupies the primary dwelling.

**ACCESSORY APARTMENT:** A life safety compliant “accessory living unit,” allowed within applicable zones by approval from the Community Development Department and with applicable building permits, which may include a kitchen, bathroom, and sleeping areas. It is contained within the primary dwelling, may be separated with a dedicated access, and may be occupied by no more than four individuals related by blood, marriage, adoption, or approved foster care; or no more than two unrelated individuals in addition to the “family or household” that occupies the primary dwelling.

**GUESTHOUSE:** A life safety compliant “accessory living unit,” allowed within applicable zones by approval from the Community Development Department and with applicable building permits, which may include a kitchen, bathroom, and sleeping areas. It is typically detached from the primary dwelling and may be occupied by no more than four individuals related by blood, marriage, adoption, or approved foster care; or no more than two unrelated individuals in addition to the “family or household” that occupies the primary dwelling.

**ACCESSORY USE:** A use which is incidental and subordinate to the principal permitted or conditional use of the property and located within one hundred (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:

A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

B. The entity has filed with the municipality a copy of the entity's general or long range plan; or

C. 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:** 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:** 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:** The board of adjustment except where otherwise designated in this code.

**ARTERIAL STREET:** 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:** An establishment for the housing of independent seniors with supervision, assistance and limited healthcare services in a homelike 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:** 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:** A structural masonry unit manufactured from concrete.

**BLOCK, DECORATIVE COLORED:** 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:** 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:** A roofed structure used for shelter meeting requirements of the building code and all requirements of this title.

**BUILDING, ACCESSORY:** A building or structure which is incidental and subordinate to the use of the main building on the lot or parcel.

**BUILDING LINE:** 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:** 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:** 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:** A payment made to the city to fund future installation of public improvements.

**CERTIFICATE OF OCCUPANCY:** 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:** The city of South Jordan.

**CITY COUNCIL:** 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:** A street not less than sixty two feet (62') in width providing for intracity or intercity motor vehicle transportation.

**COLLECTOR STREET FENCING:** Fencing located within twenty feet (20') 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:** Drawings and information required for review with certain conditional use permit, subdivision and site plan applications as described in city ordinances.

**CONDITIONAL USE PERMIT:** Authorization granted by the planning commission or city council for a conditional use according to requirements of this title.

**CONDOMINIUM:** 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:** A line which depicts the same elevation across an area of land on a topographical map.

**CUL-DE-SAC:** A permanent dead end street which terminates in a circular turnaround area.

**CUSTOM STORAGE:** A collection of individual units limited to a maximum of 2,000 square feet per unit to be sold or rented for personal and/or business storage; light assembly, service and/or repair; and/or office use. All uses shall be conducted within completely enclosed units. The on-site parking required shall be in accordance with Title 16.26 of the Municipal Code as applied to the uses of individual units and as necessary to

accommodate all parking generated. The interior of the units may not to be included in fulfilling parking requirements.

**Section 2.** Amendment. Chapter 17.64 “Commercial-Freeway (C-F) Zone” of the Title 17, “Planning and Land Use”, of the South Jordan Municipal Code is hereby enacted as follows:

## **Chapter 17.64 COMMERCIAL-FREEWAY (C-F) ZONE**

- 17.64.010: PURPOSE:
- 17.64.020: PERMITTED USES:
- 17.64.030: CONDITIONAL USES:
- 17.64.040: USE REGULATIONS:
- 17.64.050: DEVELOPMENT REVIEW:
- 17.64.055: PERFORMANCE DEVELOPMENT:
- 17.64.060: LOT WIDTH AND FRONTAGE:
- 17.64.070: AREA REQUIREMENTS:
- 17.64.080: PRIOR CREATED LOTS:
- 17.64.090: YARD REQUIREMENTS:
- 17.64.100: PROJECTIONS INTO YARDS:
- 17.64.110: PARKING AND ACCESS:
- 17.64.120: FENCING, SCREENING AND CLEAR VISION:
- 17.64.130: ARCHITECTURAL STANDARDS:
- 17.64.140: LANDSCAPING:
- 17.64.150: LIGHTING:
- 17.64.160: OTHER REQUIREMENTS:

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

### **17.64.020: PERMITTED USES:**

The following uses are permitted in C-F zones:

Auto and equipment parts retailing, no service.

Banks, credit unions, financial institutions.

Beauty, health and fitness centers.

Books, videos, media, photography, copies, 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.

Hotels and motels.

Household goods retailing.

Miscellaneous retail sales.

Restaurants, eating establishments.

Shopping centers and malls containing only allowed uses.

Sporting goods, toy retailing.

Textiles, sewing supplies, apparel, footwear retailing.

Theaters, concert halls, entertainment facilities. (Ord. 2007-02, 1-16-2007)

### **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, minor repairs.

Bed and breakfast inn.

Convention, arena, reception and assembly facilities.

Cultural exhibits and activities.

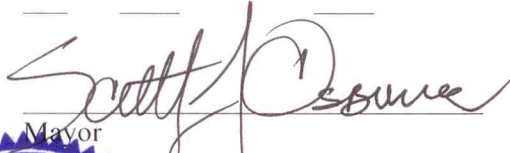
Custom Storage; limited to six (6) total acres within the Zone, and not allowed on property with a General Plan Land Use designation of TOD or on property located east of 250 West.

**Section 3. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

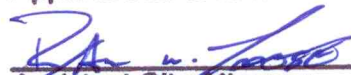
PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS 19<sup>th</sup> DAY OF June, 2012 BY THE FOLLOWING VOTE.

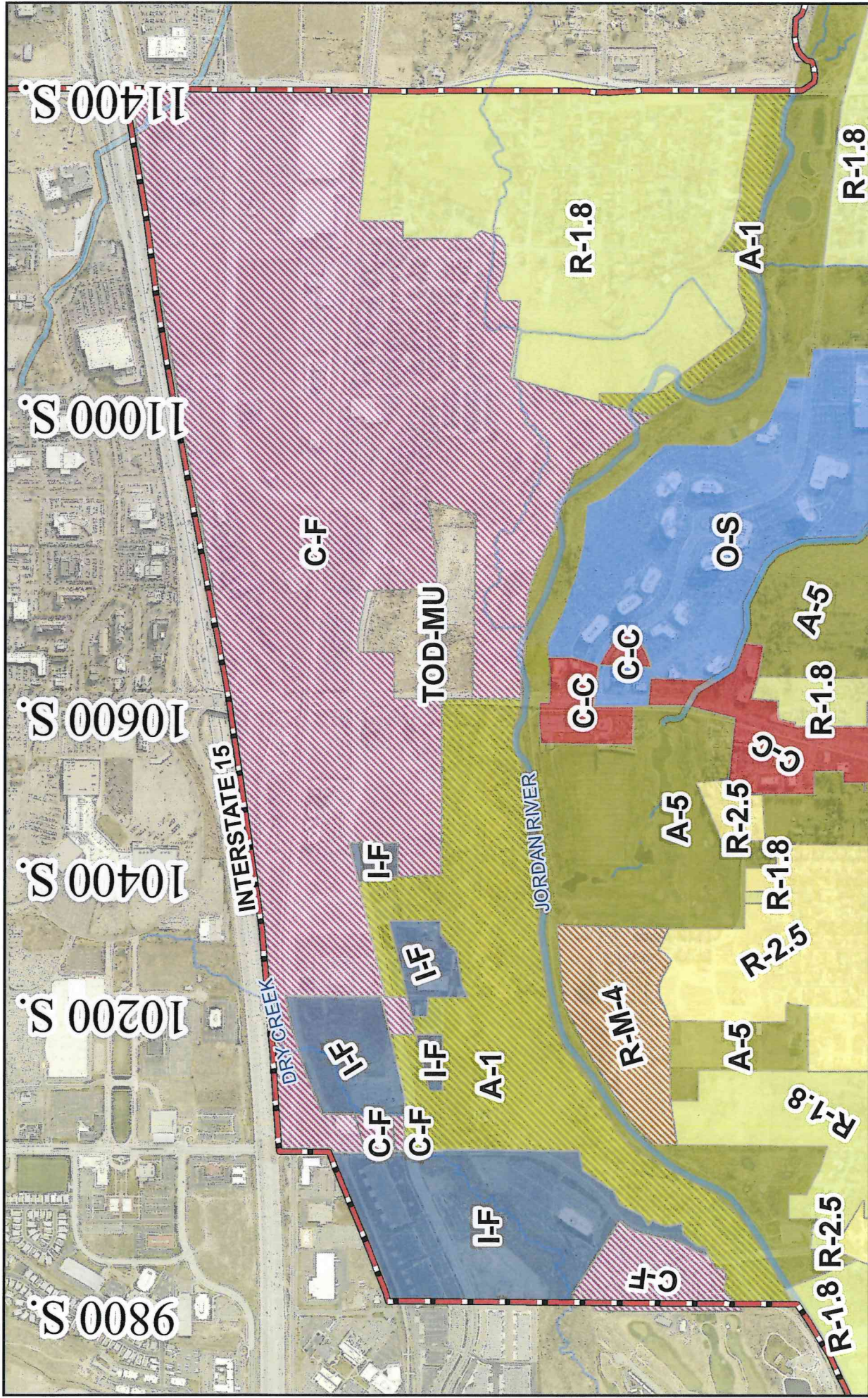
	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	<u>X</u>	___	___	___
Chuck Newton	<u>X</u>	___	___	___
Brian C. Butters	<u>X</u>	___	___	___
Steve Barnes	<u>X</u>	___	___	___
Larry Short	<u>X</u>	___	___	___

  
Mayor

ATTEST:   
Anna M. West, City Recorder



Approved as to form:  
  
Assistant City Attorney



**Legend**

- CITY BOUNDARY
- SUBJECT PROPERTY

## Zoning Map

# COMMERCIAL-FREEWAY (C-F) ZONE

## Zone Text Amendment

1,400 Feet

**From:** Buildtec <mark@buildtecsolutions.com>  
**Subject:** **Fwd: language for request**  
**Date:** April 27, 2012 1:45:08 PM MDT  
**To:** George Shaw <gshaw@sjc.utah.gov>, Greg Schindler <gschindler@sjc.utah.gov>, Jake & Katrina Warner <jawarner@sjc.utah.gov>  
**Cc:** Bob Poole <bepoole1@msn.com>

George, Greg and Jake,

The current mix of use for Permitted and Conditional uses in the CF zone appears to be somewhat limiting, given the area and the current buildout.

Our request is to amend the text such that it would allow for a broader definition in certain areas. We propose to add as a permitted use a commercial subdivision which would allow and provide for a fully enclosed facility of multiple units which will be individually titled and owned for the safe keeping of RV's, collector vehicles, boats, trailers and non-customer business establishments.

We believe the permitted locations in this zone should not exceed 8 acres in overall size, not have freeway visibility nor front on South Jordan Parkway.

We will drop off the application and fee this afternoon.

Regards,  
Mark

**Mark T. Woolley**

President  
BuildTec Solutions, LLC  
2244 Jordan Haven Court  
South Jordan, Utah 84095  
cell # 801-550-9996  
fax # 801-601-8845  
email [mark@buildtecsolutions.com](mailto:mark@buildtecsolutions.com)

Scott L. Osborne, *Mayor*  
Mark Seethaler, *Council Member*  
Chuck Newton, *Council Member*  
Brian Butters, *Council Member*  
Steve Barnes, *Council Member*  
Larry Short, *Council Member*

John H. Geilmann, *City Manager*



PH: 801.254.3742 EMAIL: info@sjc.utah.gov FAX: 801.254.3393

## NOTICE OF PUBLIC HEARING

May 29, 2012

Dear Property Owner:

Mark Woolley has filed an **application for a zone text amendment** to the City's Commercial-Freeway (C-F) Zone, adding a permitted or conditional use to the Zone. A zone text amendment would need to be approved by the South Jordan City Council following review and a recommendation by the South Jordan City Planning Commission.

Public hearings regarding this proposal will be held before the Planning Commission at **6:30 p.m. on Tuesday, June 12, 2012** and before the City Council at **6:00 on Tuesday June 19, 2012** at the South Jordan City Offices, 1600 West Towne Center Drive. You are receiving this notice because your agency may be affected by the proposal. All interested parties are invited to attend.

You may review the Planning Commission agenda at City Hall or at the City's website, [www.sjc.utah.gov](http://www.sjc.utah.gov).

Should you desire further information, you may contact:

Applicant: **Mark Woolley** Phone: **(801) 550-9996**

or the Planning and Zoning Staff at the City offices or by telephone at (801) 254-3742 during regular business hours.

Sincerely,

S. Jacob (Jake) Warner  
Planner I  
Community Development Department



First in State