

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 444

### AN ORDINANCE AMENDING TITLE 19 OF THE COTTONWOOD HEIGHTS CODE OF ORDINANCES (NEIGHBORHOOD MIXED USE)

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “Act”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the City; and

**WHEREAS**, on 14 July 2005, the legislative body (the “Council”) of the city of Cottonwood Heights (the “City”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 (“Title 19”) of the City’s code of ordinances (the “Code”); and

**WHEREAS**, thereafter, the City’s planning commission (the “Planning Commission”) formulated proposed amendments (the “Amendments”) to Title 19 to clarify ambiguous definitions and procedures, eliminate and amend certain uses, and rectify conflicting provisions the Chapter 19.37 of the Code concerning the Neighborhood Commercial zone and related matters; and

**WHEREAS**, because certain of the Amendments affect Title 19, and to provide an opportunity for public input concerning all the proposed Amendments, a public hearing was held before the Planning Commission on 4 June 2025 where citizens were given the opportunity to provide written or oral comment concerning the proposed Amendments; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, following the public hearing, the Planning Commission recommended the Amendments to the Council for adoption; and

**WHEREAS**, the Council subsequently took additional public comment concerning the Amendments; and

**WHEREAS**, the Council has reviewed and is familiar with the Amendments, a copy of which is annexed as an exhibit to this ordinance, including any amendments proposed by the Council to the form of the Amendments affecting Title 19 that were recommended for adoption by the Planning Commission, as authorized by UTAH CODE ANN. 10-9a-502(2); and

**WHEREAS**, on 17 June 2025 the Council met in regular meeting to consider, among other things, amending the Code to enact the Amendments, including any such revisions; and

**WHEREAS**, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing and other public meetings, and other relevant input, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to adopt and enact the Amendments as proposed;

**NOW, THEREFORE, BE IT ORDAINED** by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of Amendments.** The Council hereby adopts and enacts the Amendments in the form of the attached exhibit, wherein deletions to the current affected ordinances are ~~struck through~~ or otherwise shown as deletions and additions to the current affected ordinances are underlined or otherwise shown as additions.

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this “*Ordinance*”), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

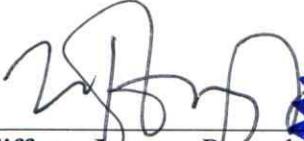
Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 444, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s Recorder, or such later date as may be required by Utah statute.

**PASSED AND APPROVED** this 17<sup>th</sup> day of June 2025.

**ATTEST:**

**COTTONWOOD HEIGHTS CITY COUNCIL**

By:   
Tiffany Janzen, Recorder

  
Michael T. Weichers, Mayor



**VOTING:**

Michael T. Weichers  
Matt Holton  
Suzanne Hyland  
Shawn E. Newell  
Ellen Birrell

Yea X Nay      
Yea X Nay      
Yea X Nay      
Yea X Nay      
Yea X Nay    

**DEPOSITED** in the Recorder's office this 17<sup>th</sup> day of June 2025.

**POSTED** this     day of June 2025.

## **Title 19 Zoning**

### **19.04 Definitions**

#### **19.04.1795 Neighborhood Mixed-Use**

A single building containing more than one type of land use, at least one of which may be residential, or a single development of more than one building and use, one of which is residential, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

### **Title 19.37 NC – Neighborhood Commercial Zone**

#### **19.37.010 Purpose**

The NC zone is intended to protect and enhance neighborhood commercial areas by promoting the concentration of businesses that provide convenience goods and services used frequently by local residents. This zone provides for a scale and character of development that is consistent with pedestrian-orientation and which tends to attract and promote a walk-in clientele.

Development within this zone should maximize human scale elements while providing a sensitive transition between these uses and neighboring residences, including the provision of adequate and properly-sited parking facilities. Additionally, the NC zone encourages residential mixed use to further enhance the transition between neighborhood commercial and adjacent residential uses, consistent with the goals, objectives and policies of the city's general plan.

#### **19.37.020 Permitted Uses**

There are no permitted uses in the NC zone.

#### **19.37.030 Conditional Uses**

Conditional uses in the NC zone are as follows:

1. ~~Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter~~ Neighborhood Mixed-Use;
- ~~2. Bed and breakfast;~~
- ~~3.2.~~ Commercial recreation;
- ~~4.3.~~ Reception center;
- ~~5.4.~~ Convenience store;
- ~~6.5.~~ Grocery store, foodstuffs, retailing, or delicatessen with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;
- ~~7.6.~~ Convenience store/fast food combination without gasoline;
- ~~8.7.~~ Medical, optical, dental offices and clinics for health professionals, with the exception of after-hours care, overnight care or traditional medical retail stores, with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;
- ~~9.8.~~ Administrative, general or professional offices containing no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;

~~10.9.~~ Studios for an artist, designer, writer, photographer, sculptor or musician;

~~11.10.~~ Restaurant or bar establishment;

~~12.11.~~ Retail/<sup>SMALL</sup>commercial;



~~13.12.~~ Churches;

~~14. Home occupations;~~

~~15. Home pre-schools;~~

~~16.13.~~ Child day-care/preschool;

~~17.14.~~ Parks, playgrounds or community recreation;

~~18. Planned unit development;~~

~~19.15.~~ Public and private utility buildings or facilities;

~~20. Residential facilities for elderly persons;~~

~~21.16.~~ Child or adult day care facilities;



~~22.17.~~ Schools;

~~23. Live/work spaces; and (temporarily omitted, per Ordinance 432)~~

~~24.18.~~ Retail/small commercial.



## HISTORY

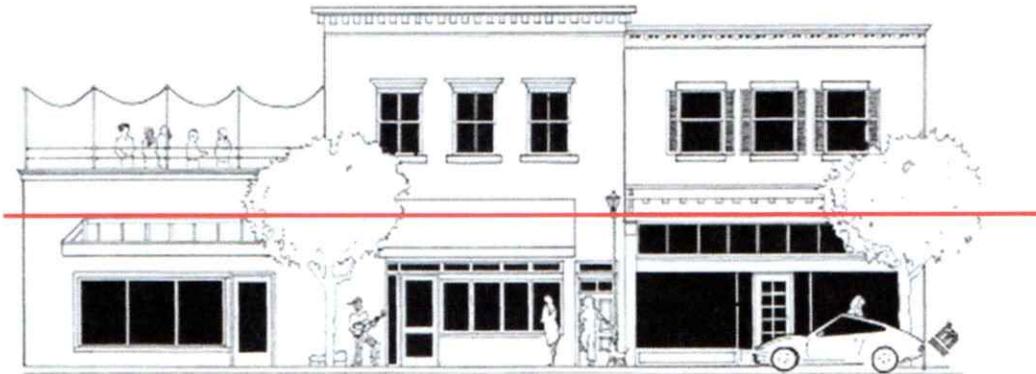
Amended by Ord. 429 on 1/7/2025

Amended by Ord. 432 on 2/18/2025

### **19.37.040 ~~Mixed-Use Building~~ Neighborhood Mixed-Use**

1. ~~A mixed-use Neighborhood Mixed-Use is a single building containing more than one type of land use, at least one of which may be residential, or a single development of more than one building and use, one of which is residential, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. building is a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.~~

2. ~~An example of a mixed-use residential building with a retail storefront on the main floor and one floor of residential living above the main floor is below:~~



2. All Neighborhood Commercial development standards relevant to a proposed Neighborhood Mixed-Use development, such as maximum building heights, minimum setbacks, minimum lot size, etc. shall apply.
3. The mix of uses shall be consistent with the permitted and conditional uses listed in the Neighborhood Commercial chapter.
4. The non-residential portion of a Neighborhood Mixed Use project shall constitute a minimum of 25% of the total gross floor area of the entire unit or project square footage. At least 50% of the unit or project frontage at ground level along a public right-of-way shall be dedicated to the non-residential portion of the project.

#### **19.37.050 Limitations On Use**

The following conditions and limitations shall apply in the NC zone:

1. The maximum floor area of each separate use confined within enclosing walls shall be limited to 7,500 square feet on the first story. Below-grade square footage (i.e., basements) shall not be included in the maximum floor area so long as the area below grade is not occupiable space.
2. The maximum floor area for schools shall be decided on case-by-case basis by the planning commission pursuant to Chapter 19.84 (Conditional Uses) of this title.
3. All business, service, repair, processing, and storage, including refuse and garbage storage, shall be conducted wholly within enclosed buildings except the display of plants and off-street parking and loading.
4. Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises.

#### **19.37.060 Setbacks/Yard Requirements**

The setbacks and yard requirements in the NC zone are as follows:

1. The minimum yard along a street shall equal the front yard required in the least restricted adjacent residential zone.

2. Minimum side and rear yards of 25 feet shall be required for those portions of a lot in an NC zone abutting a residential zone. For lots adjacent to a non-residential use the minimum setback shall be ten feet for side and rear yards.
3. The minimum front, rear, and side yard setbacks for two-story buildings with commercial activity occurring on the second floor for property located in non-mixed use designated areas shall be at least one-half of the height of the principal structure.
4. Also see chart 19.37.140 for more setback information for the NC zone.

#### **19.37.070 Minimum Lot Size**

Provided that all other standards in this chapter are met, there is no minimum lot size or dimensional requirements for development in the Neighborhood Commercial zone.

The lot size in the NC zone shall be as follows:

- ~~1. The minimum lot area shall be 7,000 square feet.~~
- ~~2. The minimum lot width at the front building line shall be 60 feet.~~

~~The minimum lot depth shall be 90 feet.~~

#### **19.37.080 Maximum Height Of Structures**

1. For uses where the slope of the original ground surface is greater than 15%, or if a slope stability hazard is present on site, the maximum structure height shall be 30 feet.
2. All other properties shall not exceed a height of ~~two stories or 35 feet, whichever is less~~

#### **HISTORY**

*Amended by Ord. [412](#) on 4/9/2024*

#### **19.37.090 Maximum Lot Coverage**

The maximum lot coverage in the NC zone is 50%, including all structures, except portions of those properties also located in the Sensitive Lands Overlay Zone, for which the maximum lot coverage shall be 30% including all structures and impervious surfaces.

#### **HISTORY**

*Amended by Ord. [412](#) on 4/9/2024*

#### **19.37.100 Master Development Plan Required**

Developments in the NC zone will be required to comply with a master development plan approved by the planning commission.

#### **19.37.110 (Reserved)**

#### **19.37.120 Screening**

1. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with visually obscuring painted metal gates, or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of 50 feet from any residential zone boundary or property containing a residential use.

2. All ground-mounted mechanical equipment (including, without limitation, heating and air conditioning units) shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.
3. The use of roof appurtenances is discouraged. If roof appurtenances (including, without limitation, air conditioning units and mechanical equipment) are used, they shall be placed within an enclosure at least as high as the roof appurtenances that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the city's building code. Such enclosures require planning commission approval, and shall minimize visibility from on-site parking areas, adjacent public streets, and adjacent residential property.
4. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.
5. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties and public streets.

**19.37.130 Landscaping Requirements**

1. All developments of over one acre in size shall dedicate at least 15% of the gross acreage to landscaping, including, without limitation, landscape buffers, seating areas, walkways, etc. Drought resistant plants are encouraged.
2. All developments in the NC zone shall provide a landscaped buffer, not less than eight feet in width, with trees planted no less than 30 feet on center, between any commercial development and any residential use or vacant land in a residential zone. This requirement can be included within the side and rear setbacks of the NC zone.

Developments in the NC zone are intended to blend with the surrounding land uses, whether they are residential or non-residential. For that reason, the landscaped buffer should not be used as an obstructing barrier between land uses, but rather provide a landscaped transition between uses, with pedestrian walkways and trails.

**19.37.140 Charts And Figures**

Minimum Front Yard	Equal to front yard of least restricted adjacent residential zone
Minimum Side and Rear Yards	25 feet if abutting a residential zone; ten feet otherwise
Minimum Lot Size	<del>7,000 square feet</del> <a href="#">No minimum lot size – see 19.37.070</a>
Minimum Width at Building Line	<del>60 feet</del> <a href="#">No minimum lot width – see 19.37.070</a>
Minimum Lot Depth	<a href="#">No minimum lot depth – see 19.37.070</a> <del>90 feet</del>
Maximum Lot Coverage	50%
Maximum Building Height	<del>Two stories or 35 feet, whichever is less</del>