

**MARRIOTT-SLATERVILLE CITY
ORDINANCE 2023-06**

COMMERCIAL USE AMENDMENTS

**AN ORDINANCE OF MARRIOTT-SLATERVILLE CITY, UTAH, AMENDING
COMMERCIAL USES; MAKING TECHNICAL CHANGES; SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Marriott-Slaterville City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

WHEREAS, the City desires to clarify certain uses in the Commercial Zone to aid development with conformance to the General Plan;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on January 15, 2019, to take public comment on the proposed Ordinance, after which the Planning Commission gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on January 17, 2019;

NOW, THEREFORE, be it ordained by the City Council of Marriott-Slaterville as follows:

Section 1: **Repealer.** Section 13.10.020, Section 13.10.030, and Section 13.10.040 of the *Marriott-Slaterville Municipal Code* is hereby repealed and reenacted as indicated below. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

13.10.020 Site Development Standards.

1. **Minimum lot area:**
 - a. **The minimum area for a C-1P use shall sufficient to provide for the use, adequate parking, landscaping and other code requirements.**
 - b. **The minimum area for a C-2P lot shall be one (1) acre, unless permitted in a C-1P Zone, where C-1P lot size applies.**
 - c. **The minimum area for a C-3P lot shall be five (5) acres, unless permitted in a C-1P or C-2P Zone, where C-1P or C-2P lot size applies.**
2. **Minimum lot width (street frontage) – None.**
3. **Minimum yard setbacks:**
 - a. **Front – see Section 15.27.040, 25 feet with possibility of special consideration based on facts and circumstances to promote streetscape in accordance with 15.27.040.**
 - b. **Side – 15 feet, unless adjacent to an agriculture or residential use then 30 feet. Side yard where there is traffic circulation shall also accommodate minimum 12 foot travel lanes, or minimum 20 foot fire lanes.**
 - c. **Side facing street on corner lot – 20 feet.**

- d. Rear – 15 feet, unless adjacent to an agriculture or residential use then 30 feet.
4. Building height:
 - a. Minimum – one (one) story.
 - b. Maximum – forty-five (45) feet, unless adjacent to an agriculture or residential use then 35 feet.
5. Setback Consideration. When considering setbacks for a specific site plan the Planning Commission may also consider setback deviation based upon future uses only as set forth in the General Plan Map.
6. Maximum lot coverage - Not over 35% of lot area by any building accessory buildings, and/or other structures of any kind.
7. Design and Landscaping. Architecture, screening, and landscaping shall comply with the site development standards of the municipal code. At least 20% of the overall site being landscaped as provided in the municipal code.
8. Storm Water. An approved storm water pollution prevention plan is required to be implemented for all applicable development.
9. Signs. All signs shall be in accordance with the regulations set forth in the municipal code.

13.10.030 Special Regulations.

The following special use regulations apply to all uses in any Commercial Zone:

1. Generally. Generally each separate use shall be required to have the minimum lot size under 13.10.020 for the use specified by zone in 13.10.050.
 - a. Similar retail uses under the same business operation may be combined, for example an appliance store may be combined with a furniture store.
 - b. Where specified building size limits apply to any zone where said use is sought.
2. Accessory Uses. Accessory uses and buildings are allowed that are customarily associated with or incidental to the primary permitted or conditional use.
3. Automotive. Oil separators shall be required as a pollution prevention measure on all uses involving automotive or equipment related fluids.
4. Outdoor. All uses shall generally be within a completely enclosed building. However, outdoor display and sales may constitute a maximum of 20% of the area used for indoor retail space. Plants, produce, and agriculture sales may be entirely outdoors.
5. Performance. All uses shall be free from dust, dumping, hazardous materials, potentially nuisance by-products, obnoxious odors, milling, smoke, and any other nuisance of any kind.
6. Noise. Each use shall evaluate and determine the average ambient noise level at the site before construction and shall not exceed that level.
7. Prohibited Uses. No sexually oriented uses are allowed in any Commercial Zone. No commercial truck stop or fueling of commercial vehicles is allowed in any Commercial Zone. No trade shops or warehousing is allowed in any Commercial Zone.

13.10.040. Use Regulation.

In the following is a list of uses, designated in any zone as Permitted or Conditional. Uses designated as Conditional require a conditional use permit as provided in Chapter 13.23 of the municipal code. Uses that are not listed or designated are not allowed in the designated zone. Uses allowed in the C1-P Zone are permitted uses in the C2-P Zone and C3-P Zone. Uses in the C2-P Zone are permitted in the C3-P Zone.


1. C1-P Zone:
 - a. Permitted Uses:
 - i. Food service limited to: agriculture or plant sales, bakery, beverages, café, convenience store (no fuel), neighborhood market, or produce sales. Max building size: 5,000 square feet.
 - ii. Medical office space. Max building size: 5,000 square feet.
 - iii. Personal services such as: barber, fitness, salon, spa. Max building size: 5,000 square feet.
 - iv. Professional office space. Max building size: 5,000 square feet.

- b. Conditional Uses:
 - i. Lodging limited to bed and breakfast. Max building size: 5,000 square feet.
 - ii. Recreation limited to park or playground.
- 2. C2-P Zone:
 - a. Permitted Uses:
 - i. Automotive limited to: automobile or trailer sales, service, repair, carwash, convenience store with fuel. Subject to Section 13.10.030.
 - ii. Retail beverage and alcohols sales.
 - iii. Food service limited to: convenience store with fuel, grocery store, or restaurant. Maximum building size is 15,000 square feet.
 - iv. Medical office space. Max building size: 10,000 square feet.
 - v. Personal services such as: barber, fitness, salon, spa. Max building size: 10,000 square feet.
 - vi. Professional office space. Max building size: 10,000 square feet.
 - vii. Retail sales such as: arts and crafts store, appliance store, books or media store, clothing store, floor or wall covering store, furniture store, hardware store, home and garden store, merchandise, parts store, rental establishment, or variety store. Maximum building size: 25,000 square feet.
 - b. Conditional Uses:
 - i. Automotive limited to: automobile and recreational vehicle sales, service, repair, carwash, convenience store with fuel. If frontage on S.R. 126 or S.R. 39, automobile body shop, heavy trucks or equipment sales and services, and commercial vehicle sales and service. Subject to Section 13.10.030.
 - ii. Events or recreation limited to: arcade, bar, club, dance studio, entertainment, event venue, golf, gym, music venue, recreation center, wedding center. Maximum building size is 25,000 square feet.
 - iii. Food service limited to: food preparation, food distribution, food processing, food research and development, commercial kitchen, grocery store, or restaurant. Maximum building size is 25,000 square feet.
 - iv. Lodging that includes hotel or motel.
 - v. Services such as: clinic, child care, financial institutions, laboratory, laundry, veterinarian with animal boarding.
- 3. C3-P Zone:
 - a. Permitted Uses:
 - i. Events or recreation limited to: swimming, skating, theater, or recreational facility.
 - ii. Utilities including substations, transmission lines, and communication.
 - b. Conditional Uses:
 - i. School or university.
 - ii. Hospital or medical services.
 - iii. Lodging that includes hotel or motel with convention or event center.

Section 2: **Severability.** If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

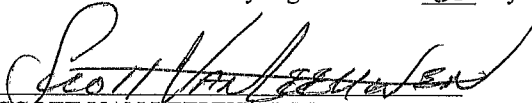
Section 3: **Effective date.** This Ordinance takes effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this 15 day of June, 2023.



DENNIS ILLUM, President
Marriott-Slaterville City Council

PRESENTED to the Mayor this 20 day of June, 2023.
APPROVAL of the Mayor granted this 20 day of June, 2023.

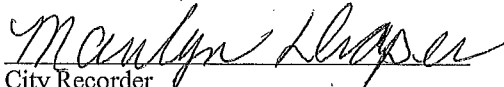


SCOTT VAN LEEUWEN, Mayor

Municipal Council
Roll Call Vote Tally:

	Yes	No
Mr. Slater	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Christofferson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Smout	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mrs. Holley	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Illum	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATTEST:

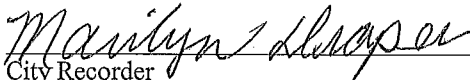


Marilyn Harper
City Recorder

RECORDED this 22 day of June, 2023.
PUBLISHED OR POSTED this 22 day of June, 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with *Utah Code Annotated* §10-3-713, as amended, I, the City Recorder of Marriott-Slaterville City, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) Marriott Park, and 3) Slaterville Park on the above referenced dates.



Marilyn Harper DATE: 6-22-2023
City Recorder