

CITY OF BLUFFDALE, UTAH

Ordinance No. 2013-20

AN ORDINANCE AMENDING THE CITY OF BLUFFDALE LAND USE ORDINANCE CHAPTER 11-11G (MU MIXED USE ZONE) REGARDING DEVELOPMENT REGULATIONS IN THE MIXED USE ZONE PERTAINING TO LIGHT INDUSTRIAL USES, LIVE/WORK UNITS AND VARIOUS RELATED ADMINISTRATIVE PROVISIONS

WHEREAS, the applicant is desiring to facilitate future development applications within the Mixed Use zone;

WHEREAS, during the review of the proposed development, the applicant identified ordinances in place regarding uses and design standards which are an obstacle to permitting the proposed future land uses and proposed to change the same in the City's Land Use Ordinance; and

WHEREAS the Planning Commission held a public hearing, has reviewed the application, and has made a recommendation to the City Council concerning the proposed amendments to Title 11 of the Bluffdale City Land Use Ordinances, and the City Council has found the proposed amendments to be consistent with the City's General Plan; and

WHEREAS the proposed text amendments set forth herein have been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held and public notice given in accordance with Utah law and local ordinance to obtain public comment regarding the proposed amendment to the Land Use Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE AS FOLLOWS:

Section 1. Amendment of Chapter 11-11G of the City of Bluffdale Land Use Ordinance (Zoning Ordinance). Chapter 11-11G of the City of Bluffdale Land Use Ordinance is hereby amended as shown in the Exhibit A attached to this ordinance.

See Exhibit A

Section 2. Effective Date. This Ordinance shall take effect upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF BLUFFDALE CITY, STATE OF UTAH, THIS 17th DAY OF DECEMBER, 2013.

BLUFFDALE CITY

Derek P. Jensen
Mayor

ATTEST:

Jeddie K. Bee
Recorder
[SEAL]



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Jackson	<u>x</u>	_____
Councilmember Kartchner	<u>Absent</u>	_____
Councilmember Nelson	<u>x</u>	_____
Councilmember Nielsen	<u>x</u>	_____
Councilmember Pehrson	<u>Absent</u>	_____

Exhibit A – Mixed Use Zone Text Amendments

ARTICLE G. MU MIXED USE ZONE

11-11G-1: INTENT:

11-11G-2: PURPOSE:

11-11G-3: DEFINITIONS:

11-11G-4: ZONE DISTRICT DESIGNATION:

11-11G-5: MINIMUM ACREAGE:

11-11G-6: APPROVAL PROCESS:

11-11G-7: APPROVAL CRITERIA:

11-11G-8: MIXED USE PROJECT PLAN REQUIRED:

11-11G-9: MIXED USE LAND USE REQUIREMENTS:

11-11G-10: PROHIBITED USES:

11-11G-11: DEVELOPMENT APPROVAL PROCEDURES:

11-11G-12: DEVELOPMENT REQUIREMENTS AND STANDARDS:

11-11G-13: BUILDING AND SITING REQUIREMENTS:

11-11G-14: DISCRETIONARY RESIDENTIAL PROJECT DESIGN AND AMENITY BENEFITS:

11-11G-15: STREET AND PEDESTRIAN FACILITIES DESIGN:

11-11G-16: OFF STREET PARKING AREAS:

11-11G-17: OPEN SPACE AREAS:

11-11G-18: OPEN SPACE USE REGULATIONS:

11-11G-19: OPEN SPACE DESIGN STANDARDS:

11-11G-20: PERMANENT PROTECTION OF OPEN SPACE:

11-11G-21: OWNERSHIP OF OPEN SPACE:

11-11G-22: MAINTENANCE OF OPEN SPACE:

11-11G-23: APPENDIX:

11-11G-1: INTENT:

The intent of this article is to provide a land use pattern that provides for a complementary and compatible mix of uses and a diversity of dwelling unit types. This chapter allows for the establishment of necessary supporting commercial, light industrial, and other uses consistent with a convenient and pedestrian friendly development layout. It is the intent of this article to allow for flexibility and creativity in the arrangement of uses while promoting efficiencies in the delivery of services. (Ord. 2003-10, 5-27-2003)

11-11G-2: PURPOSE:

This chapter is provided to achieve the following purposes:

A. Provide for the implementation of a city general plan, and the attainment of the goals as contained within the plan.

B. Provide flexibility in the type and arrangement of uses to anticipate changes in the marketplace.

C. Provide an opportunity for a variety and diversity of land uses that may be mixed vertically or horizontally in a unified and complementary manner.

D. Achieve convenience for residents of the area and promote neighborhood vitality in a compact development pattern.

E. Encourage a variety of residential uses in conjunction with commercial, light industrial, and other activities in order to create an active neighborhood.

F. Provide opportunities for a variety of businesses including those that will provide jobs, and reduce the need for vehicular traffic in the neighborhood.

G. Encourage efficiencies in land utilization.

H. Strengthen the city economic base, and provide employment opportunities in both commercial and light industrial businesses especially the long term and higher paying, career employment opportunities provided by light industrial employers.

I. Ensure that the appearance and effects of buildings and uses are harmonious with each other, with natural site qualities, and with the character of the area.

J. Encourage an attractive and pedestrian friendly streetscape. (Ord. 2003-10, 5-27-2003)

11-11G-3: DEFINITIONS:

For the purposes of this article, the following terms shall have the meanings described:

BUILDING HEIGHT OR HEIGHT: The vertical distance as measured continuously along a line at existing grade bisecting the width of the lot to the highest point of a building or structure.

FLOOR AREA RATIO OR FAR: The numerical value obtained through dividing the gross floor area of a building, or buildings, located on a lot by the total area of such lot. Any area used exclusively for vehicle parking and loading, enclosed vertical shafts or elevators shall not be included in determining floor area ratio.

Business services: An establishment completely operating within a building, providing other businesses with various services including maintenance, repair and service, testing, rental, etc.; also includes business equipment repair services (except vehicle repair) computer-related services (rental, repair), equipment rental businesses within buildings, film processing and photofinishing, janitorial and window-cleaning services, mail-box services and similar uses.

Commercial recreation, indoor: A commercial recreational land use conducted entirely within a building, including arcade, arena, athletic and health clubs, bowling alley, community center, gymnasium, pool or billiard hall, skating rink, swimming pool, tennis court or similar indoor facility. Related indoor uses may include a retail area for the sale or rental of equipment and a snack bar.

Digital printing and publishing: A printing establishment providing convenience photocopying and accessory retail-oriented services.

Furniture and home furnishing services: Retailers of new furniture and home furnishings from fixed point-of-sale locations using showrooms and similar areas for the presentation of their products. Many offer interior decorating services in addition to the sale of products.

Hardware and variety stores: A retail store that sells or rents tools, fasteners, and similar objects known collectively as hardware not including lumber, as well as related sundries used in construction and repair.

Home health care equipment and services: A business that sells or rents home health care equipment that provides therapeutic benefits or enables the beneficiary to perform tasks that he or she is unable to undertake including but not limited to equipment such wheelchairs, hospital beds, traction equipment, walkers, kidney machines, oxygen, canes, crutches and other medically needed items.

Industrial park: A master planned industrial complex typically in a suburban area and set in park-like surroundings.

Live / Work Unit: A dwelling unit that includes ground floor space for a business that is operated by the individuals living in the upstairs residential unit.

LOT: As defined by the city of Bluffdale subdivision ordinance.

MIXED USE LOT: A combination of both residential and nonresidential uses located on a lot of record, as recorded at the office of the county recorder.

MIXED USE STRUCTURE: A combination of both residential and nonresidential uses located within the same building.

MIXED USES: See definitions of Mixed Use Lot or Mixed Use Structure.

OPEN SPACE: Land located within the area of the project plan and which is not individually owned

by residents, or some other form of individual ownership, and which is provided in perpetuity for the protection, preservation or conservation of environmentally sensitive areas or for the use and enjoyment of owners within the project plan area or residents of the city as a whole, and provided as required in this chapter.

PERMITTED DENSITY: The allowed residential density, as identified in section [11-11G-12](#), table 2 of this article plus any applicable open space incentive density benefits (section [11-11G-17](#), table 3 of this article) and/or any discretionary residential project design and amenity benefits (section [11-11G-14](#) of this article).

Personal improvement establishment: A business that provides instructional services or facilities, including health or physical fitness clubs, modeling agencies, rehearsal halls, and weight control clinics.

Personal service establishment: An establishment providing non-medical services to individuals as a primary use. Examples of these uses include barber shops, beauty salons, day/health spa, hair salons, nail salons, shoe repair shops, tanning salons, tailors and similar businesses not including tattoo establishments.

Professional services: Services defined as infrequent, technical, and/or unique functions performed by independent contractors/consultants who may or not require licensing. Such professional services include, but are not limited to accounting and billing services, appraisal services, artists, graphic design, consulting services, data processing assessments, environmental studies, financial and operational audits, legal services, management information systems studies, property management services, surveys and feasibility studies, technology implementation services, training services, translation services and similar professional services.

Small animal veterinary clinic: A business operated by licensed animal health professionals that are qualified to diagnose and treat a variety of companion species such as dogs, cats, other small mammals, birds, and reptiles.

SENSITIVE AREAS OR LANDS:

A. Wetlands, as identified by the U.S. army corps of engineers, or a wetlands delineation, as provided by a certified wetlands delineator;

B. Floodplains and floodways, as identified by the latest FIRM maps, as provided by the federal emergency management agency;

C. Steep slopes, areas of slope at or exceeding a thirty percent (30%) grade or three to one (3:1) run to rise ratio; and

D. Fault lines, stream corridors and other areas encumbered by geological hazards.

STORY: As defined in the currently adopted building code of the city. (Ord. 2003-10, 5-27-2003)

11-11G-4: ZONE DISTRICT DESIGNATION:

The mixed use (MU) zone is a separate zone district classification and provides for a "stand alone" zone designation, with its accompanying standards and requirements. (Ord. 2003-10, 5-27-2003)

11-11G-5: MINIMUM ACREAGE:

A mixed use zoning district shall only be applied to property consisting of a minimum of ten (10) acres of contiguous land. (Ord. 2003-10, 5-27-2003)

11-11G-6: APPROVAL PROCESS:

The mixed use (MU) zone district and its related provisions shall only be applied to lands by following the procedures for a zoning map amendment, as provided at section [11-3-2](#) of this title. [Light industrial uses are only allowed to be presented as a development option for approval in a Project Plan which covers land within the original Independence mixed use zoning area as originally designated by Ordinance 2004-21.](#) (Ord. 2003-10, 5-27-2003)

11-11G-7: APPROVAL CRITERIA:

The establishment of a mixed use (MU) zone may be approved only if the city council, following the receipt of a planning commission recommendation, finds that an MU zone will:

- A. Better enhance the subject property by integrated planning and design as a whole, pursuant to the provisions of this article.
- B. Does not conflict with any applicable policy of the general plan.
- C. Meets the intent and purpose of this chapter.
- D. Provide a better land use pattern, site design and increased amenities than would be likely if the property were developed under the existing zone district.

E. Meet all other requirements as provided by [chapter 3](#) of this title. (Ord. 2003-10, 5-27-2003)

11-11G-8: MIXED USE PROJECT PLAN REQUIRED:

A. A mixed use project plan ("project plan") shall be presented to the city for acceptance and approval as part of the application for a zoning map amendment to establish a mixed use (MU) zoning district. The project plan must achieve, and must identify techniques to provide, a mixed use development with uniform and compatible site and building standards when the project area is completely built out. The project plan must demonstrate compliance with the requirements of this article, as applicable.

B. Regardless of the size and ownership of lands proposed to be included within a mixed use (MU) zone, the required mixed use project plan shall include amenities and elements to create or complement a "walkable" mixed use area. The project plan shall include all property proposed for a mixed use (MU) zone classification and shall show all phases of the development (including any phasing plans). Once approved by the city, the project plan shall be controlling for all future development approvals that may be required, including, but not limited to, submission and approval of concept, preliminary and final plats, site plans, and any additional procedural requirements set forth in this article and the land use ordinance. (Ord. 2003-10, 5-27-2003)

11-11G-9: MIXED USE LAND USE REQUIREMENTS:

The table of uses (table 1 of this section) identifies the uses allowed in the mixed use (MU) zone.

TABLE 1
MIXED USE ZONE ALLOWED USES

P = Permitted use
C = Conditional use

Use		Approval Required
Residential uses:		
	Multi-family unit, including:	<u>PG</u>
	Apartment unit	

	Condominium unit	
	Two-family dwelling	
	<u>Townhome unit</u>	
	<u>Live / Work Unit based upon the Development Requirements and Standards found in Section 11-11G-13</u>	
	Residential facilities for elderly persons, subject to Utah Code Annotated section 10-9a-516 et seq.	P
	Residential facilities for persons with a disability, subject to Utah Code Annotated section 10-9a-520	P
	Retirement center	C
	Single-family dwelling unit	P
	Nonresidential uses:	
	Civic and institutional uses:	
	Hospital	C
	Open space	P
	Parks	P
	Public use	<u>PG</u>
	Recreational facility	<u>PG</u>
	Religious buildings and structures	P
	School	<u>PG</u>
	Trade and technical school	<u>PG</u>
	Trails	P
	Commercial uses:	
	Business services	C
	Cafe	P
	Convalescent center	C
	Convenience store	C

	Daycare	C
	Financial, insurance and real estate services	<u>PG</u>
	General retail stores and shops	P
	Motion picture theater, but not including sexually oriented business	C
	Mortuary	P
	Nursing home	C
	Personal service establishments	P
	Preschool	C
	Professional office	P
	Professional services	<u>PG</u>
	Public or private utilities and maintenance facilities	C
	Reception center	C
	Restaurant	P
-	<u>Light Industrial Uses</u>	-
- -	<u>All of the businesses permitted or conditionally permitted under the heading "Commercial Uses" except as amended in the following</u>	<u>P/C</u>
- -	<u>Manufacturing, processing, and warehousing building not to exceed fifty thousand (50,000) square feet.</u>	<u>P</u>
- -	<u>Industrial parks</u>	<u>P</u>
- -	<u>Large scale office buildings</u>	<u>P</u>
- -	<u>Auto sales, dealership or rental provided no vehicles are stored outside of an enclosed building</u>	<u>P</u>
- -	<u>Auto parts sales or distribution</u>	<u>P</u>
- -	<u>Auto glass repair or replacement or window tinting provided all work is done within an enclosed building and there is no outside storage</u>	<u>P</u>
- -	<u>Auto detailing provided no vehicles are detailed or stored</u>	<u>P</u>

	<u>outside of an enclosed building</u>	
- -	<u>Clothing manufacture or repair</u>	<u>P</u>
- -	<u>Clothing storage or distribution</u>	<u>P</u>
- -	<u>Second hand clothing or merchandise sales, not including a pawn shop</u>	<u>P</u>
- -	<u>Professional or vocational schools</u>	<u>P</u>
- -	<u>Cleaning and laundry services</u>	<u>P</u>
- -	<u>Sign fabrication and painting</u>	<u>P</u>
- -	<u>Construction sales and service, no outside storage</u>	<u>P</u>
- -	<u>Pet sales, training, and grooming</u>	<u>P</u>
- -	<u>Retail aquarium services</u>	<u>P</u>
	<u>Conference or convention facility</u>	<u>C</u>
	<u>Equipment sales and service, no outside storage</u>	<u>P</u>
	<u>Research and development establishments</u>	<u>P</u>
	<u>Call centers</u>	<u>C</u>
	<u>Personal service establishments</u>	<u>P</u>
	<u>Personal improvement establishments</u>	<u>P</u>
	<u>Furniture and home furnishing stores</u>	<u>P</u>
	<u>Commercial recreation, indoor</u>	<u>P</u>
	<u>Digital printing and publishing</u>	<u>P</u>
	<u>Business services</u>	<u>P</u>
	<u>Professional services</u>	<u>P</u>
	<u>Bicycle sales and repair</u>	<u>P</u>
	<u>Home health care equipment</u>	<u>P</u>
	<u>Hardware and variety stores</u>	<u>P</u>
	<u>Small animal veterinary clinics and services (no outdoor facilities)</u>	<u>P</u>

<u>Wholesale food sales and distribution</u>	<u>P</u>
Other uses:	
Accessory use	P
Home occupation	P
Drive-through facilities located on arterial roads	C
<u>Stand Alone Parking Lots</u>	<u>C</u>

Note:

No conditional use shall be approved without a finding by the planning commission that such use is compatible with the existing and potential uses, and the area in which it is proposed, and all measures have been taken, to the satisfaction of the planning commission, to mitigate any and all negative impacts that may be associated with the proposed use.

(Ord. 2003-10, 5-27-2003; amd. Ord. 2006-05, 8-22-2006; 2013 Code)

11-11G-10: PROHIBITED USES:

The following uses and activities are hereby prohibited in the mixed use (MU) zone:

~~A. Drive-through facilities located so as to be accessed directly or indirectly from a road or street other than arterial roads.~~

~~AB. Uses not specifically identified in the table of allowed uses (section 11-11G-9, table 1 of this article). (Ord. 2003-10, 5-27-2003)~~

~~B. Open, outside storage in commercial, light industrial, or live/work business uses or areas.~~

11-11G-11: DEVELOPMENT APPROVAL PROCEDURES:

Applications for development approvals for property located in a mixed use (MU) zone shall be submitted, processed and considered in accordance with the requirements and procedures set forth in the land use ordinance and/or subdivision ordinance, as applicable, including, but not limited to, submission and approval of concept, preliminary and final plats, site plans, and any additional procedural requirements set forth in this article, and consistent with an approved mixed use project plan and any associated development agreements. Any amendments to approved plans,

specifications and plats shall be obtained by following the procedure required for original approval.
(Ord. 2003-10, 5-27-2003)

11-11G-12: DEVELOPMENT REQUIREMENTS AND STANDARDS:

- A. The project plan, as required herein, and all site, plat and building approvals shall comply with the site and building development standards for the mixed use (MU) zone as provided in the table of development requirements and standards (table 2 of this section).
- B. The purpose of this section is to promote the achievement of the purposes of this article and to ensure all allowed uses are located and conducted so as to not adversely impact adjacent uses, including, but not limited to, traffic, noise and safety impacts. All proposed uses and activities shall only be approved only if such uses and activities comply fully with the following standards, in addition to all other applicable requirements of this article:

TABLE 2
MIXED USE ZONE
DEVELOPMENT REQUIREMENTS AND STANDARDS

Development Requirement	Proposed Use		
	Commercial/ <u>Light Industrial</u> Uses	Residential Uses	Mixed Uses
Minimum project plan area	<u>5</u> 10 acres	10 acres	10 acres
Floor area ratio	For project plans including only commercial <u>and light industrial</u> uses, as identified in the table of uses, the minimum floor area ratio (FAR) of all buildings in the project plan area shall not be less than 0.6.		For project plans including <u>both commercial commercial, light industrial,</u> and residential uses, as identified in the table of uses, in a structure or on a separate

			lot, the maximum floor area ratio (FAR) of all buildings shall not exceed 1.5, subject to the following: The maximum floor area ratio (FAR) for commercial <u>and light industrial</u> uses shall not exceed 0.7. The minimum floor area ratio (FAR) for commercial <u>and light industrial</u> uses shall not be less than 0.3.
Required residential diversity		Total multi-family units shall not exceed 20 percent of the total residential units within any mixed use project plan area, except that residential units provided on a mixed use lot or in a mixed use structure shall not be included, for the purposes of determining the total number	Residential units provided on a mixed use lot or in a structure shall not be included, for the purposes of determining the total number of multi-family units allowed in a project plan area.

		of multi-family residential units allowed in the project plan area. <u>Pursuant to an approved Project Plan and Development Agreement for property located within the original Independence Mixed Use zone area as designated in Ordinance 2004-21, the City Council may approve multi-family units in excess of 20 percent of the total residential units as townhomes where neighborhood layout concerns, topography, or access management principles warrant this approach and no overall density increase is proposed.</u>	
Required open space	A minimum open space area of <u>150</u> percent of the commercial<u>commercial/light industrial</u> project plan area shall be provided, except the city council may allow a	A minimum open space area of 10 percent of the residential project plan area shall be	

	payment in lieu equal to the open space requirement, as determined by the city, to provide necessary public facilities and amenities that add to the quality, functioning and livability of the area.—.	provided, except the city council may allow a payment in lieu equal to the open space requirement, as determined by the city, to provide necessary public facilities and amenities that add to the quality, functioning and livability of the area. <u>pursuant to requirements in any adopted project plan and/or development agreement.</u>	
Maximum allowed density		The maximum allowed density for residential uses shall be 1 unit per acre.	
Incentive for open space provision		Project plans proposing the preservation of open space areas, in addition to the minimum (10%) open space areas required by this article, and such areas determined by the city to further meet the purposes of this	

		article, shall be entitled to a density incentive benefit as provided by section <u>11-11G-17</u> , table 3 of this article.	
Maximum building size	No separate building containing only commercial uses shall exceed 25,000 square feet.		
Building height	No building containing only commercial uses <u>or light industrial uses</u> shall exceed a maximum height of <u>45</u> feet or <u>32</u> stories, whichever is greater.	No building containing only residential uses shall exceed a maximum height of <u>35</u> feet or 2 stories, whichever is greater.	Institutional buildings or buildings containing <u>a mix of both commercial or light industrial</u> and residential uses shall not exceed a maximum height of 45 feet or 4 stories, whichever is greater.
Required front setback	A minimum front setback of 10 feet and a maximum front yard setback of 20 feet the full width of the lot shall be provided, except as follows: Display windows may project 3 feet into the required front setback. Unenclosed pedestrian arcades, outdoor dining areas and similar unenclosed features contributing to a pedestrian oriented	A minimum front setback of 10 feet and a maximum front yard setback of 20 feet the full width of the lot shall be <u>provided for homes with rear alley access garages or 20 feet for garages that access from a public or</u>	A minimum front setback of 10 feet and a maximum front yard setback of 20 feet the full width of the lot shall be provided, except as follows: Display windows may project 3 feet

	environment may project 7 feet into the required setback. Where a lot is contiguous to a residentially zoned lot fronting on the same street, the required front setback shall be the same as required for the contiguous residential lot.	<u>private street.</u>	into the required front setback. Unenclosed pedestrian arcades, outdoor dining areas, and similar unenclosed features contributing to a pedestrian oriented environment may project 7 feet into the required setback. Where a lot is contiguous to a residentially zoned lot fronting on the same street, the required front setback shall be the same as required for the contiguous residential lot.
Required side setback	Except as may be required by the city building codes, there shall be a minimum side yard setback of 10 feet and a maximum side yard setback of 20 feet the full length of the lot on the street side of a corner lot. No side setback shall be	Except as may be required by the city building codes, there shall be a minimum side yard setback of 10 feet and a maximum side yard setback of	Except as may be required by the city building codes, there shall be a minimum side yard setback of 10 feet and a maximum side yard setback of

	required along the interior lot lines, except as may be required by the city building codes and where the side lot line is contiguous to a residential zone, in which case side yard setback requirements of the contiguous residential zone shall apply.	20 feet the full length of the lot on the street side of a corner lot. No side setback shall be required along the interior lot lines, except as may be required by the city building codes and where the side lot line is contiguous to a residential zone, in which case side yard setback requirements of the contiguous residential zone shall apply.	20 feet the full length of the lot on the street side of a corner lot. No side setback shall be required along the interior lot lines, except as may be required by the city building codes and where the side lot line is contiguous to a residential zone, in which case side yard setback requirements of the contiguous residential zone shall apply.
Required rear yard setback	No rear yard setback shall be required, except as may be required by the city building codes or where the rear lot line is contiguous to a residential zone, in which case the rear yard setback requirements of the contiguous residential zone shall apply.	No rear yard setback shall be required, except as may be required by the city building codes or where the rear lot line is contiguous to a residential zone, in which case the rear yard setback requirements of the contiguous residential zone shall apply.	No rear yard setback shall be required, except as may be required by the city building codes or where the rear lot line is contiguous to a residential zone, in which case the rear yard setback requirements of the contiguous residential zone shall apply.
Off street	Total required off street	All residential	Total required

parking requirements	parking spaces shall be determined by the review and acceptance by the city of a shared parking analysis, conducted using accepted information and analysis methods <u>and which references City parking regulations.</u> —	uses shall provide off street parking as required by <u>chapter 12</u> of this title <u>except that the City land use authority may approve an alternative on street parking plan that permits on street parking but allows for emergency access in accordance with City Code.</u> —	off street parking spaces shall be determined by the review and acceptance by the city of a shared parking analysis, conducted using accepted information and analysis methods.
Nuisance	No commercial <u>or light industrial</u> use shall be designed or operated so as to expose adjoining properties and uses to offensive odors, dust, electrical interference and/or vibration.		
Minimum lot size	All individual lots and parcels shall be of sufficient size to provide compliance with the building setbacks, landscaping, access, parking and walkability standards.		
General design principles	All project plans should <u>shall</u> be required to include measures of design, layout and other design elements that are generally characterized as traditional neighborhood design (TND) principles, which may include residential designs that deemphasize garages which may be set back from the front line of the home or provided with side entry, pitched roofs, dwelling and garage gables facing streets, street side covered front porches, balconies and decks, wrap around porches, streets designed for low vehicle speeds and which emphasize pedestrian facilities, off street parking areas hidden from public streets, extensive use of street facing windows, pedestrian facilities and connections.		
Parking area location	See section <u>11-11G-16</u> of this article.		

Signs	All mixed use project plans shall propose a consistent and unified signage scheme. All allowed signage shall be as approved as part of the project plan. Ground mounted monument signs, utilizing the same materials and colors as used on the principal buildings and approved as part of a sign theme, are preferred. Pole signs, window signs and freestanding and off premises signs or billboards are prohibited.
Required landscaping and landscaping plan	A landscaping plan shall be presented accompanying the proposed mixed use project plan, such landscaping plan <u>complying shall comply</u> with the requirements of subsection <u>11-11A-15B</u> of this chapter, <u>and any applicable Project Plan and Development Agreement documents</u> .
Building and site lighting	All outdoor lighting shall be designed so as not to adversely impact or trespass to adjoining properties while providing a sufficient level of illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high intensity of brightness. Exterior wall mounted floodlights are prohibited. Indirect lighting, bollard lighting and landscape lighting is encouraged. The design specifications and location of all lighting fixtures shall be identified on the site development drawings. Intensities shall be controlled so that "safety" lighting is provided while neighboring areas are protected from glare or excessive direct light. All lighting shall comply with the city's <u>night sky protection lighting</u> ordinance.
Security	All residential units shall be designed to ensure the security of residents, including, but not limited to, the provision of separate entrances and exits. Commercial <u>or light industrial</u> and residential uses located on the same floor shall not have common entrances or exits.
Solid waste facilities	All residential units shall maintain a separate solid waste storage container from that used by any commercial <u>or light industrial</u> uses. It shall be clearly marked for residential use only and use by commercial <u>or light industrial</u> uses shall be prohibited. All solid waste storage areas and containers shall be located within a 4 sided screening structure, and which shall include a roof, using the same materials and colors as used on the principal buildings.
Noise	All commercial, <u>light industrial</u> , and other nonresidential uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to noise

	levels so as to create a nuisance. No amplified music shall be audible to neighboring residents.
Screening of mechanical equipment	All mechanical equipment and other appurtenances, including electrical boxes, gas meters and other utility facilities shall be located or screened so as not to be visible from streets, pedestrian areas and adjacent developments. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof. Rooftop mechanical equipment and other appurtenances shall be installed so as not to be visible from any point at or below the roof level of the subject buildings. All mechanical equipments and utilities shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a manner architecturally compatible with the buildings.

(Ord. 2003-10, 5-27-2003; amd. Ord. 2010-22, 12-28-2010)

11-11G-13: LIVE/WORK UNITS LOCATION STANDARDS, PERMITTED USES, AND DEVELOPMENT STANDARDS

Live / Work units are permitted uses in single family attached (townhomes) or multi-family residential designated areas shown in the approved Project Plan and based upon the approval of a site plan and compliance with the following standards:

A.. Location Standards

Live – Work Units shall be located based upon compliance with the following standards.

- The units shall be located facing a public street.
- If not located directly on, the units shall be located within 300 feet of a major arterial or collector road.
- The units shall be located on property designated for live/work units as shown in the approved Project Plan.
- The units shall be within a multiple family or single family attached dwelling unit as shown in an approved Project Plan.

B. Permitted Uses

Professional, administrative and business services such as:

- Architects and other design professionals
- Attorneys
- Billing services
- Consulting or business services
- Estate planners
- Income tax services and accountants
- Interior decorators
- Internet or web-oriented business
- Music teacher
- Photography studio
- Real estate professional
- Electronic and computer repair

- Uses substantially similar to the listed permitted

Professional art studios such as:

- Ceramic and pottery studios
- Fine art studios
- Jewelry studios
- Photographic studios
- Video production studios
- Uses substantially similar to the listed permitted

C. Prohibited Uses

- Food preparation and sales
 - Businesses open for sales and customers between 9:00 PM and 9:00 AM

D. Maximum Size of Work Area

The work area of the unit shall be a maximum of 500 square feet.

E. Location of Work Area

The work area shall be located on the ground floor and shall open onto a public street.

F. Employees

- A maximum of one (1) employee, in addition to the residents of the dwelling, may work on the premises at any given time. This shall not be construed to limit the total number of outside employees involved with the business.
 - At least one (1) of the full time employees of the business shall reside full time in the dwelling unit portion of the Live / Work unit.

G. Signage

Signage shall be limited to a maximum four (4) square foot, non-lighted sign affixed to the building and adjacent to the entry door and shall be required to obtain approval of a City sign permit. A complete City sign permit application shall be accompanied by written approval from the applicable Design Review or Architectural Control Committee which oversees portions of approved Project Plans where live/work units are located..

H. Customer Parking

Customer parking is permitted on-street as permitted by the approved Project Plan and City ordinances and in parking spaces located behind the live / work units along the rear alley in addition to the minimum required spaces for the residential unit.

11-11G-143: BUILDING AND SITING REQUIREMENTS:

A. Building Setbacks: All building facades shall comply with the yard setback requirements for the proposed use, as required and provided by section 11-11G-2, table 2 of this article, mixed use development requirements and standards.

B. Architectural Design And Materials Requirements:

1. The city encourages the appropriate use of materials, colors and other features indicative of the agricultural history of the city and the rural nature of the area. All buildings shall possess a similar

architectural theme and have common architectural elements creating a unifying development and neighborhood design theme.

2. All sides of buildings shall receive equal design consideration, particularly where exposed to pedestrian and/or vehicular traffic and adjacent properties.

C. Building Orientation:

1. All buildings shall address the street and provide architectural and other design elements to create a presence and attractive and inviting building-street relationship.
2. The entrances of all retail, civic, residential and office buildings shall front onto streets, with the exception of any center block residences which must front onto a connected pedestrian facilities system. All buildings must meet the requirements of the city building codes for access.
3. To promote land use compatibility and avoid the creation of nuisances, similar land uses should face one another across streets or public use areas.
4. Loading docks and service areas must be screened from streets and adjacent properties by the use of architectural elements, screening treatments and landscaping.
5. The entrances to commercial and light industrial buildings shall face the adjoining street or be directly connected to the street by a publicly accessible walkway.
6. All buildings shall provide windows, balconies, terraces or other design features which are oriented to the street. Window shape and size shall be compatible from building to building. Tinted windows or windows with reflective film or glass are not permitted at street level.
7. Unless otherwise approved by the city with project plan approval, rear yards and the rear of buildings shall not directly abut streets. If the rear of building is approved adjacent to a street, pedestrian access and street oriented building treatment must be addressed. (Ord. 2003-10, 5-27-2003)

11-11G-154: DISCRETIONARY RESIDENTIAL PROJECT DESIGN AND AMENITY BENEFITS:

Residential use areas, proposing design and amenities found by the city council, acting in their legislative authority, and following the receipt of a planning commission recommendation, to further advance the purposes of this article, and not in conflict in any way with its purposes, may be eligible for a density benefit of up to a maximum of twenty five percent (25%) of the permitted density (allowed density plus any density incentive benefits as identified in section 11-11G-17, table 3 of this article). (Ord. 2003-10, 5-27-2003)

11-11G-165: STREET AND PEDESTRIAN FACILITIES DESIGN:

- A. Streets: All accesses within a mixed use (MU) zone or mixed use project plan area shall provide appropriate linkages and connections necessary to provide convenient vehicular and pedestrian access and amenities.
- B. Street Layout: Building on the advantages for street connections and with a strong historical basis in the state, a grid street pattern or modified grid pattern is required to create a "block system", which shall be the basic street layout in all mixed use areas. To provide for a pedestrian friendly circulation system within mixed use areas, gated communities are prohibited.
- C. Block Size: The block layout created by a grid pattern of connected streets may create blocks of a variety of sizes, but block faces should generally not exceed six hundred feet (600').
- D. Street Width: Appropriate street widths shall be determined during project plan review and approval by the city council, following the receipt of a planning commission recommendation. All streets shall be designed and constructed to provide for traffic calming and pedestrian compatibility and connections.
- E. Pedestrian Access And Facilities Plan: A pedestrian access and facilities plan shall be provided as part of the project plan identifying pedestrian facilities, including sidewalks and connections to trail systems. The design and location of all pedestrian facilities shall recognize the type and scale of surrounding land uses, as well as desired pedestrian connections. All streets within a mixed use area shall provide sidewalks and streetscape treatments that include street trees and coordinated and consistent streetlighting and street furniture. The pedestrian access and facilities plan shall incorporate traffic calming and pedestrian features to create a pedestrian friendly mixed use area. (Ord. 2003-10, 5-27-2003)

11-11G-176: OFF STREET PARKING AREAS:

- A. Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied. Unless otherwise approved by the city as part of project plan approval, areas of off street parking are prohibited immediately adjacent to any street or located within any required setback area. In commercial, light industrial, and multi-family areas, where parking areas are located adjacent to a street, landscaping, berms, low walls, open fencing, or a combination thereof shall be used to partially hide the parking area from the street. Parking areas adjacent to a public street shall be setback a minimum of 20 feet from the right of way and the setback area shall be landscaped.

- B. In considering project plan approval, the location of all parking areas will be considered understanding the visual and pedestrian amenity impacts of surface off street parking areas unless otherwise approved in a Project Plan. The relationships and placement of buildings, open spaces, vehicle and pedestrian facilities and off street parking areas is a critical design element in mixed use areas and shall be considered by the city prior to project plan approval. A project plan shall be accompanied by an analysis of the influence off street parking areas may have on the attractiveness and amenities of the mixed use area. Shared parking arrangements may be required in order to reduce unnecessary parking areas and to encourage pedestrian activity.
- C. On street parking shall be provided adjacent to all developments, and a share of such on street parking may be used to satisfy parking requirements. Parallel or angle parking may be approved based upon the overall design and width of the street, as part of project plan approval. (Ord. 2003-10, 5-27-2003)

11-11G-187: OPEN SPACE AREAS:

- A. Usable open space areas shall be provided for residential areas located within a mixed use project plan area, depending upon size, scale and nature of the proposed mixed use development as determined by the planning commission and city council in considering the project plan. Open space may include, but is not limited to, parks, natural preserves, greenbelts and trail connections. The design of any improvements and facilities within the open space area shall encourage safe pedestrian use, including landscaping, seating areas and lighting as appropriate.
- B. Areas of environmental sensitivity or interest may be required to be preserved, such as drainages, steep slopes, connections to trail systems and water features.
- C. As required by the table of development standards and requirements (section 11-11G-12, table 2 of this article), a minimum open space area of fifteen percent (150%) shall be provided for residential and commercial use areas located within a mixed use project plan, except an open space incentive density benefit may be provided as identified in table 3 of this section, open space incentive density benefit. Project landscaping shall comply with City site plan regulations. The minimum fifteen percent landscaping shall not be included as part of the open space required as part of Project Plan and Development Agreement approval.

TABLE 3
MIXED USE ZONE
OPEN SPACE INCENTIVE
DENSITY BENEFITS

Open Space Provided (As Percentage Of Total Residential Area)	Incentive Density Benefit (Allowed Units Per Acre)
10	1.0
11	1.5
12	2.0
13	2.5
14	3.0
15	3.5
16	4.0
17	4.5
18	5.0
19	5.5
20	6.0
21	6.5
22	7.0
23	7.5
24	8.0
25	8.5
26	9.0
27	9.5
28 and greater	10.0

(Ord. 2003-10, 5-27-2003)

| 11-11G-198: OPEN SPACE USE REGULATIONS:

A. Permitted Uses: The following uses are permitted in open space areas if approved as part of a mixed use project plan approval, subdivision approval or site plan approval, as applicable:

1. Conservation of open land in its natural state;
2. Neighborhood open space uses, such as village greens, commons, picnic areas, community gardens, trails and similar low impact passive recreational uses specifically excluding motorized off road vehicles, rifle ranges and other similar uses;
3. Active noncommercial recreation areas, such as playing fields, playgrounds and trails;
4. Stormwater detention areas designed, landscaped and available for use as an integral part of open space land;
5. Underground utility easements, facilities and rights of way for drainage, access, sewer or water lines, or other public purposes;
6. Aboveground utility and street rights of way may traverse open space land if permitted under city ordinances; provided, areas encumbered by such facilities and/or rights of way shall not be counted toward the minimum required open space land for the mixed use project plan;
7. Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the open space land.

B. Prohibited Uses: The following uses shall be considered prohibited in open space areas:

1. Any residential or nonresidential activity;
2. Any development, construction or location of any manmade modification or improvements such as buildings, structures, roads, parking lots or other improvements, except as approved by the city in conjunction with a permitted use;
3. Any filling, dredging, excavating, mining, drilling or exploration for and extraction of oil, gas, minerals or other resources from the property;
4. Any dumping or storing of trash, garbage or junk;
5. Burning of any materials, except as necessary for drainage and fire protection purposes;
6. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the property and/or utility facilities within the property or to conduct permitted uses on the property;
7. Hunting or trapping for any purpose other than predatory or problem animal control;
8. Advertising of any kind or nature and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized use of the same or trail information;

9. Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of nonnative plant species, restoration of native species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses;
10. The change, disturbance, alteration or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property;
11. The division, subdivision or de facto subdivision of the property;
12. Changing the topography of the property by placing on it any soil, dredging spoils, land fill or other materials, except as necessary to conduct specific permitted purposes; and
13. All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of the easement. (Ord. 2003-10, 5-27-2003)

11-11G-19: OPEN SPACE DESIGN STANDARDS:

Open space lands within a mixed use project plan area shall meet the following standards:

- A. Significant Areas And Features: Open space land should include the most unique and sensitive resources and locally significant features of the property within the project plan area, such as meadows, grasslands, tree stands, streams, stream corridors, watercourses, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, cultural features, green space, scenic views, etc.
- B. Contiguous Land: Open space lands within a mixed use area shall be contiguous to provide for large and integrated open space areas. Noncontiguous parcels of open space lands may be approved by the city during project plan approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the open space parcels, the types of features and resources included within the open space lands, and other relevant considerations. Long thin strips of open space (less than 100 feet wide) are prohibited, unless approved by the city during project plan approval upon a finding that such configuration of the open space is necessary and/or desirable to connect other significant areas, to protect linear resources such as streams or trails, or to provide a buffer.
- C. Open Space Network Connection: Open space within a mixed use area shall be designed and laid out as part of a larger continuous and integrated open space system to ensure that an interconnected network of open space will be provided throughout the city.

D. Visibility: Open space land shall be located and designed within a mixed use project plan area to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space.

E. Pedestrian Access: The developer of a mixed use project plan area shall provide adequate pedestrian access to open space land which is open to public or resident use.

F. Maintenance Access: The developer shall provide sufficient maintenance access to all open space land within the mixed use project plan area.

G. Landscaping: All open space land that is not wooded, farmed or maintained as open space meadows, grassland, or other approved open space, shall be landscaped at developer's sole cost and expense in accordance with landscaping requirements for project plan approval. (Ord. 2003-10, 5-27-2003)

11-11G-20: PERMANENT PROTECTION OF OPEN SPACE:

A. Conservation Easement: All open space land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the city. Under no circumstances shall any development be permitted in the open space land at any time, except for those permitted uses listed herein and approved in conjunction with the project plan. All conservation easements, or other acceptable method of protection and preservation of the open space land within a mixed use project plan area, shall be approved by the city and recorded prior to or concurrent with the recording of any final plats or approval of any site plans within the mixed use area.

B. Terms And Conditions: All conservation easements, or other acceptable method of protection and preservation of the open space land within a mixed use project plan shall comply with the Utah conservation easement act as set forth in Utah Code Annotated section 57-18-1 et seq., and shall be in substantially the same form as the standard conservation easement form provided by the city, including, at a minimum, the following terms and/or conditions:

1. Legal description of the easement;
2. Description of the current use and condition of the property;
3. Permanent duration of easement;
4. Permitted uses;

5. Prohibited development and/or uses;
6. Maintenance responsibilities and duties; and
7. Enforcement rights and procedures.

C. Grantee: Unless otherwise approved by the city, the grantee of a conservation easement shall consist of one of the following acceptable entities, which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization or governmental entity. The city may, but shall not be required to, accept, as grantee, a conservation easement encumbering open space lands within a mixed use area, provided there is no cost of acquisition to the city for the easement and sufficient access to and maintenance responsibilities regarding the open space land are provided. (Ord. 2003-10, 5-27-2003)

11-11G-21: OWNERSHIP OF OPEN SPACE:

Unless otherwise approved by the city and subject to the provisions set forth in this article, the underlying fee ownership of the open space land shall remain in single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity or private individual. Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided. (Ord. 2003-10, 5-27-2003)

11-11G-22: MAINTENANCE OF OPEN SPACE:

A. Costs: Unless otherwise agreed to by the city, the cost and responsibility of maintaining open space land shall be borne by the owner of the underlying fee of the open space land.

B. Plan: The developer shall submit a maintenance plan providing for and addressing the means for permanent maintenance of the open space land within the proposed mixed use project plan area with any necessary preliminary plat or site plan applications. The maintenance plan shall provide the following:

1. The plan shall define ownership.
2. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space.
3. The plan shall estimate staffing needs, insurance requirements and associated costs, and define the means for funding the maintenance of the open space land and operation of any common facilities

on an ongoing basis. Such funding plan shall include the means for funding long term capital improvements as well as regular yearly operating and maintenance costs.

4. At the city discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities.

C. Approval: The maintenance plan must be approved by the city prior to or concurrent with any final plat approval or site plan approval. The maintenance plan shall be recorded against the property and shall include provisions for the city corrective action rights as set forth herein. Any changes or amendments to the maintenance plan shall be approved by the city.

D. Failure To Maintain: In the event that the organization established to maintain the open space land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the city may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

E. Corrective Action: The city may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the city in the county recorder's office. The maintenance plan and all other documents creating or establishing any association or conservation organization for the property shall reference the city corrective action authority set forth herein and shall be recorded against the property. (Ord. 2003-10, 5-27-2003)

11-11G-23: APPENDIX:

Include:

A. Necessary graphics and illustrative materials.

B. Drawings and site design renderings.

C. Typical street design and block layout drawing(s).

D. Architectural design elements.

E. Building materials list.

F. Landscape materials list.

G. Lighting specifications and standards. (Ord. 2003-10, 5-27-2003)