

**ORDINANCE NO. 2016 - 05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, REPEALING SECTIONS 17.30.030 (PLANNED UNIT DEVELOPMENT), 17.60.030 (PERFORMANCE DEVELOPMENT), AND 17.90.030 (PERFORMANCE DEVELOPMENT); AMENDING CHAPTERS 17.40 (RESIDENTIAL ZONES), 17.54 (REDWOOD ROAD MIXED USE (MU) ZONES), AND 17.74 (MIXED USE (MU) ZONE), AND SECTIONS 17.70.030 (CONDITIONAL USES), 17.70.130 (OTHER REQUIREMENTS), AND 17.130.010 (DEFINITION AND PURPOSE); ADOPTING SECTION 17.130.050 (PLANNED DEVELOPMENT FLOATING ZONES); AND RENUMBERING SECTIONS 17.30.040 (OTHER REQUIREMENTS), 17.60.040 (OTHER REQUIREMENTS), AND 17.90.040 (OTHER REQUIREMENTS) OF THE SOUTH JORDAN CITY MUNICIPAL CODE.**

**WHEREAS**, Utah Code §10-9a-102 grants the City Council of the City of South Jordan the authority to enact ordinances that it considers necessary or appropriate for the use and development of land in the City of South Jordan; and

**WHEREAS**, the City Council has adopted Titles 16 and 17 of the City of South Jordan Municipal Code of the City ; and

**WHEREAS**, the City Council desires to enact text amendments that eliminate performance development and residential planned unit development in all zones, and that eliminate certain residential uses in mixed use zones; and

**WHEREAS**, the City Council desires to replace the performance development and residential planned unit development provisions with the Planned Development Floating Zone; and

**WHEREAS**, the Planning Commission of the City of South Jordan held a public hearing, reviewed and made recommendation concerning the subject text amendments; and

**WHEREAS**, the City Council held a public hearing and reviewed the subject text amendments; and

**WHEREAS**, the City Council finds that the subject text amendments will enhance the public health, safety and welfare, and will promote the goals of the General Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:**

**SECTION 1. Repeal.** Sections 17.30.030 (Planned Unit Development, 17.60.030 (Performance Development), and 17.90.030 (Performance Development) of Title 17 of the City Code are hereby repealed.

**SECTION 2. Amendment.** The following chapters and sections of Titles 16 and 17 of the City Code are hereby amended as shown in each corresponding exhibit:

CHAPTER OR SECTION	EXHIBIT
Chapter 17.40 (Residential Zones)	A
Chapter 17.54 (Redwood Road Mixed Use (MU) Zones)	B
Chapter 17.74 (Mixed Use (MU) Zone)	C
Section 16.04.190 (Parks, Park Strips, Walkways, Trails, and Open Space)	D
Section 17.70.030 (Conditional Uses)	E
Section 17.70.130 (Other Requirements)	F
Section 17.130.010 (Definition and Purpose)	G

**SECTION 3. Adoption.** Exhibit H is hereby adopted as Section 17.130.050 (Planned Development Floating Zone) of Title 17 of the City Code.

**SECTION 4. Renumbering.** Section 17.30.040 (Other Requirements) is hereby renumbered as Section 17.30.030. Section 17.60.040 (Other Requirements) is hereby renumbered as Section 17.60.030. Section 17.90.040 (Other Requirements) is hereby renumbered as Section 17.90.030.

**SECTION 5. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

**SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 3 DAY OF May, 2016 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	<u>X</u>	_____	_____	_____
Bradley Marlor	<u>X</u>	_____	_____	_____
Donald Shelton	_____	_____	_____	<u>X</u>
Tamara Zander	<u>X</u>	_____	_____	_____
Christopher Rogers	<u>X</u>	_____	_____	_____

Mayor: *David L. Alvord*  
*CHRIS ROGERS*  
*MAYOR PRO TEM*

Attest: *Anna M. Wuse*  
 City Recorder

Approved as to form:

*[Signature]*  
 Office of the City Attorney



**EXHIBIT A**

**CHAPTER 17.40 (RESIDENTIAL ZONES)**

Chapter 17.40  
**RESIDENTIAL ZONES**

**17.40.010: PURPOSE**

**17.40.020: DEVELOPMENT AND DESIGN STANDARDS**

~~**17.40.030: PLANNED UNIT DEVELOPMENT**~~

~~**17.40.040: OTHER REQUIREMENTS**~~

**17.40.010: PURPOSE**

This ~~e~~Chapter is established to provide standards and regulations, consistent with the ~~e~~City's ~~g~~General ~~p~~Plan and the purposes and provisions of this ~~t~~Title, for single-family residential areas in the ~~e~~City. This ~~e~~Chapter shall apply to the following residential zones as established in ~~e~~Chapter 17.20 (Zone Establishment) of this ~~t~~Title: R-1.8, R-2.5, R-3, R-4, R-5, and R-M ~~z~~Zones. Uses may only be conducted in residential zones in accordance with the regulations of this ~~e~~Code. Allowed use (permitted and conditional), accessory use, temporary use and other associated use regulations may be found in ~~e~~Chapter 17.18 (Uses) of this ~~t~~Title.

**17.40.020: DEVELOPMENT AND DESIGN STANDARDS**

- A. Development Review. Uses proposed in residential zones may only be established in conformance with development review procedures of the ~~e~~City. Applicants shall follow the procedures and requirements of this ~~e~~Code regarding development review in the preparation and review of development proposals in residential zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as otherwise allowed under state law.
- B. Lot Area: The area of any lot in residential zones shall not be less than the minimum lot area requirement identified in the minimum lot area table below. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat, right of way or as common, limited common or private ownership.

ZONE	MINIMUM LOT AREA (square feet)
R-1.8	14,520
R-2.5	12,000
R-3	10,000
R-4	8,000

R-5	6,000
R-M	5,000

- C. Lot Density. The maximum gross density (number of lots or primary dwelling units per acre) in any residential development in a residential zone shall not exceed the density shown in the lot density table below. The primary dwelling density of each area zoned R-M shall be determined, according to the densities established in the lot density table, with approval of a rezoning application per Chapter 17.22 (Zoning Amendments) of this ~~§~~Title and indicated on the official zoning map with a numerical suffix matching the approved density.

ZONE	MAXIMUM GROSS DENSITY
R-1.8	1.8
R-2.5	2.5
R-3	3
R-4	4
R-5	5
R-M-5	5
R-M-6	6
R-M-7	7
R-M-8	8

- D. Lot Width and Frontage. Each lot or parcel in a residential zone shall have a minimum lot width not less than the dimension in the minimum width column of the lot width and frontage table below. The minimum lot width shall be measured at the minimum front yard requirement (see Subsection F of this sSection) that shall be determined from a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance not less than the dimension in the frontage (standard) column of the lot width and frontage table below, except that lots with side property lines which diverge at an angle of at least twenty (20) degrees shall abut the right of way or landscaped open space a minimum distance not less than the dimension in the frontage (diverged) column.

ZONE	MINIMUM WIDTH	FRONTAGE (standard)	FRONTAGE (diverged)
R-1.8	90'	90'	50'
R-2.5	90'	90'	50'
R-3	85'	85'	50'
R-4	80'	80'	50'
R-5	75'	75'	50'
R-M-5	65'	65'	40'
R-M-6	60'	60'	40'
<del>R-M-7</del>	<del>55'</del>	<del>55'</del>	<del>40'</del>
<del>R-M-8</del>	<del>50'</del>	<del>50'</del>	<del>40'</del>

E. Lot Coverage. The area of lot, parcel or private ownership area in a residential zone covered by buildings shall not exceed the percentage identified in the lot coverage table below of the total lot, parcel or private ownership area.

ZONE	MAXIMUM BUILDING COVERAGE
R-1.8	40%
R-2.5	40%
R-3	40%
R-4	40%
R-5	50%
R-M	60%

F. Yard Area. The yard area (setback) requirements below shall apply in all residential zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions,

easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

1. Minimum yard area requirements for main buildings are as follows:

ZONE	FRONT YARD (interior and corner lots)	GARAGE OPENING (front or street side)	FRONT YARD (cul-de- sac lots)	SIDE YARD (standard)	SIDE YARD (corner lot street side)	REAR YARD (interior lot)	REAR YARD (corner lot)
R-1.8	30'	30'	25'	10'	30'	25'	10'
R-2.5	25'	30'	20'	10'	25'	25'	10'
R-3	25'	30'	20'	10'	25'	25'	10'
R-4	20'	25'	20'	8'	20'	20'	10'
R-5	20'	25'	20'	8'	20'	20'	10'
R-M-5	20'	25'	20'	8'	10'	20'	10'
R-M-6	20'	25'	20'	8'	10'	20'	10'
<del>R-M-7</del>	<del>15'</del>	<del>20'</del>	<del>15'</del>	<del>6'</del>	<del>10'</del>	<del>20'</del>	<del>10'</del>
<del>R-M-8</del>	<del>15'</del>	<del>20'</del>	<del>15'</del>	<del>5'</del>	<del>10'</del>	<del>20'</del>	<del>10'</del>

2. Minimum yard area requirements for accessory buildings are as follows:

- a. Location. Accessory buildings may not be located between the front building line of a main building and the right of way that determines the front yard area.
- b. Side Yard. An accessory building may be located in a side yard, including a street side, if located no closer than the minimum side yard requirement for the main building pursuant to this ~~s~~Subsection F, except that accessory buildings less than ten (10) feet in height and not containing habitable space may be located no closer than five (5) feet from the side property line.
- c. Rear Yard. An accessory building may be located in a rear yard no closer than three (3) feet from the side or rear property line or boundary and increased by one (1) foot for each foot of building height in excess of sixteen (16) feet, except that the setback shall be increased to no closer than five (5) feet from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one (1) foot for each foot of building height in excess of sixteen (16) feet.

- d. Separation. All buildings shall be separated by a minimum distance of five (5) feet.
- 3. Buildings Used to Shelter Animals. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty (40) feet from any existing dwelling or neighborhood street right of way or, if approved with a conditional use permit, a minimum of twenty (20) feet from any collector street right of way line.
- 4. Projections. The following may be erected on or projected into any required yard space in residential zones:
  - a. Fences and walls in conformance with this code.
  - b. Agricultural crops and landscape elements, including trees, shrubs and other plants.
  - c. Utility or irrigation equipment or facilities.
  - d. Decks not more than two (2) feet high.
  - e. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, awnings or similar architectural features attached to the building and not enclosed by walls, extending not more than two (2) feet into a side yard, or four (4) feet into a front or rear yard.
  - f. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building no greater than eight (8) feet wide and extending not more than two (2) feet into a side yard, or four (4) feet into a front or rear yard.
- G. Parking and Access. Parking areas and vehicle access in residential zones shall meet the requirements of ~~§~~Title 16, ~~e~~Chapter 16.26 (Parking and Access) of this ~~e~~Code, ~~e~~Chapter 17.18 (Uses) of this ~~§~~Title, and ~~§~~Title 10 of this ~~e~~Code (traffic code). A driveway may only directly access a collector or arterial street with approval of the Utah Department of Transportation ("UDOT") for UDOT streets or with approval of the city engineer for ~~e~~City streets.
- H. Fencing, Screening and Clear Vision. The fencing, screening and clear vision requirements of this ~~s~~Section shall apply in residential zones. A permit shall be obtained from the ~~d~~Development ~~s~~Services ~~d~~Department prior to construction of any fence in a residential zone. A completed fence application form that includes a diagram showing the location and height of the proposed fence, and a description of the proposed fence shall be submitted for review by the ~~d~~Development ~~s~~Services ~~d~~Department.
  - 1. Utility Screening. In nonresidential developments, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
  - 2. Incompatible Land Use Screening. Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as required by the development approval.
  - 3. Rear and Side Yard Fencing. A maximum six (6) foot high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.



4. Front Yard Fencing. A maximum four (4) foot high, nonvisually obscuring decorative wrought iron, simulated wrought iron or nonobscuring vinyl picket fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be constructed along lot lines to the right of way or sidewalk but may not be greater than three (3) feet high. Brick pillars may not exceed eighteen (18) inches square or be closer than ten (10) feet on center. Posts or pillars may not extend higher than four (4) inches above the fence panel.
  5. Clear Vision. Landscape materials, except for mature trees that are pruned at least seven (7) feet above the ground, and fences shall be no greater than three (3) feet high within a ten (10) foot triangular area formed by the edge of a driveway and the street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based on traffic speeds, flow, volumes and other traffic related variables.
  6. Collector Street Fencing. Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty (20) feet of a collector or arterial street right of way in a residential zone shall be constructed according to sSection 16.04.200 of this eCode.
- I. Architecture. The following exterior materials and architectural standards are required in residential zones:
1. General Architectural Standards.
    - a. All building materials shall be high quality, durable and low maintenance.
    - b. The exteriors of buildings in residential zones shall be properly maintained by the owners or owners association.
    - c. Signs shall meet requirements of tTitle 16, eChapter 16.36 (Sign Ordinance) of this eCode and shall be constructed of materials that are consistent with the buildings they identify.
    - d. Main buildings shall be no greater than thirty-five (35) feet high.
  2. Architectural Standards for Main Buildings.
    - a. Main buildings shall be constructed with a minimum amount of brick or stone that is calculated by multiplying two (2) by the perimeter length of the foundation (including garage).
    - b. Main buildings shall be constructed with a majority of the roof to be a minimum five to twelve (5:12) roof pitch.
    - c. Residential main buildings shall include a minimum two (2) car garage (minimum 22 feet x 22 feet, or an approved equivalent area).
    - d. The minimum total floor area, finished and unfinished, of any residential main building shall be two thousand four hundred (2,400) square feet.
    - e. Residential main buildings shall include architectural elements (i.e., main entrance, porch) that distinguish the side of the building oriented toward the front yard as the

front of the house. The front of the house shall be accessible by a pedestrian from the adjacent right of way.

3. Architectural Standards for Accessory Buildings.

- a. Accessory buildings may not be higher than the main building, except as approved by the planning commission as a conditional use permit. In no case shall an accessory building be greater than twenty-five (25) feet high.
- b. The footprint of accessory buildings in the R-2.5, R-3, R-4, R-5 and R-M ~~z~~Zones shall not exceed sixty (60) percent of the footprint of the main building, including the footprint of an attached garage, except that the ~~p~~Planning ~~e~~Commission may approve a conditional use permit for an accessory building with a footprint that is greater than sixty (60) percent but in no case shall exceed the footprint of the main building. In the R-1.8 ~~z~~Zone, the footprint of an accessory building, such as a barn or a stable, shall not exceed the footprint of the main building, except with a conditional use permit approved by the ~~p~~Planning ~~e~~Commission.
- c. Any portion of an accessory building within twenty (20) feet of a property line shall meet the following requirements, except as approved by the ~~p~~Planning ~~e~~Commission as a conditional use permit:
  - (1) Openings (e.g., windows and doors) that are visible from the property line shall not be located in an exterior wall when the floor height exceeds four (4) feet above grade.
  - (2) The average wall height shall not exceed sixteen (16) feet above grade.
- d. Accessory buildings with a footprint exceeding two hundred (200) square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.
- e. Applications for a conditional use permit under ~~s~~Subsections I3a, I3b and I3c of this ~~s~~Section shall demonstrate that the proposed accessory building is consistent with the character of the surrounding area, which analysis includes, but is not limited to, consideration of nearby structures and uses and applicable declarations of conditions, covenants and restrictions ("CC&Rs"). Written notice shall be provided to all property owners located within the subdivision plat of the subject property and to all property owners otherwise located within three hundred (300) feet of the subject property. Notice shall be provided no less than ten (10) days prior to the scheduled ~~p~~Planning ~~e~~Commission meeting.

J. Landscaping.

1. The front and street side yards of single-family lots shall be fully improved and properly maintained with not less than fifty (50) percent of the yard area landscaped and not less than fifty (50) percent of the required landscaped area covered in lawn or other acceptable live plant material unless otherwise approved with a conditional use permit.

2. All collector street and other public and private park strips in residential zones shall be improved and maintained by the adjoining property owners according to specifications adopted by the ~~e~~City unless otherwise allowed with development approval.
3. Where an adjacent park strip in a residential right of way is a minimum of five (5) feet wide, park strip improvements shall include one shade tree that is a minimum two (2) inch caliper, for every fifty (50) feet of frontage and spaced evenly throughout the landscaped portion of the park strip. Park strip trees shall be consistent with the "Streetscape Tree Species for South Jordan City" list.
4. In developments that have a principal use other than single-family, detached, the following landscaping requirements shall apply:
  - a. All areas of developments not approved for parking, buildings, recreation facilities, access, other hard surfaces, or otherwise exempted with development approval shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
  - b. A minimum of one (1) tree per one thousand (1,000) square feet, or part thereof, of landscaped areas, excluding landscaped sports or play areas, is required. At least thirty (30) percent of all required trees shall be a minimum seven (7) foot evergreen. Deciduous trees shall be a minimum two (2) inch caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
  - c. Curbed planters with two (2) inch or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of each parking row. Planters shall be at least five (5) feet wide.
  - d. Minimum five (5) foot wide landscaped planters shall be installed along the street side of building foundations, except at building entrances.
  - e. All landscaped areas shall be curbed.
5. Developments that are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any area so included and perpetually preserved as open space may be counted toward required open space for the development. If approved by the ~~e~~City ~~e~~Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
6. All required landscaping in yard areas and open spaces shall be installed prior to occupancy unless deferred pursuant to ~~s~~Section 16.04.300 (Deferred Improvements) of this ~~e~~Code.
7. Property owners shall properly irrigate and maintain all landscaped areas, including those in adjacent public rights of way that are not maintained by the ~~e~~City.

8. Required trees may not be topped and required landscape material may not be removed in residential zones without eCity approval.
  9. Dead plant material shall be replaced in accordance with the requirements of this eChapter and the conditions of site plan or plat approval.
- K. Lighting.
1. A lighting plan shall be submitted with all new nonresidential developments in residential zones.
  2. Lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
  3. Lighting fixtures in all developments that have a principal use that is not agricultural or residential shall be architectural grade and consistent with the architectural theme of the development.
  4. Lighting fixtures on public property shall be approved by the eCity eEngineer.
- L. Streets. Streets in residential zones shall meet the requirements of sSection 16.04.180 (Streets) of this eCode, except that private streets and gated communities are prohibited in residential zones unless otherwise provided for in this eChapter.

**~~17.40.030: PLANNED UNIT DEVELOPMENT:~~**

- ~~A. As used in this chapter, "planned unit development (PUD)" shall mean a single-family residential development in a residential zone. Except as altered by this section, all standards and requirements of this chapter shall apply:~~
- ~~B. A PUD may be allowed only with a conditional use permit in a residential zone. Allowed uses in a PUD shall be the same as those allowed in the zone.~~
- ~~C. Each PUD shall contain a minimum of five (5) acres.~~
- ~~D. An applicant applying for approval of a PUD shall submit to the development services department for review a design plan for the PUD that applies a consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components. The design plan shall consider reasonably anticipated detrimental effects and shall incorporate standards, restrictions, and guidelines to mitigate potential detrimental impacts on surrounding properties.~~
- ~~E. The treatment of buildings, materials and exterior appurtenances shall create an aesthetically pleasing site that is compatible with structures in the immediate area and meets the following requirements:~~
- ~~1. All sides of buildings that are readily viewed by pedestrians, motorists or adjacent properties shall receive equal design consideration.~~

2. ~~Buildings shall be designed to relate to grade conditions such that exposure of foundation walls is minimal, which creates easy pedestrian access from sidewalks, open space and parking areas.~~

F. ~~Each dwelling unit shall include a minimum two (2) car garage (minimum 22 feet x 22 feet, or approximate approved equivalent) and a total floor area not less than the amount shown in the PUD minimum floor area table below.~~

ZONE	PUD MINIMUM FLOOR AREA (square feet)
R-1.8	3,600
R-2.5	3,600
R-3	3,600
R-4	3,000
R-5	3,000
R-M	2,400

G. ~~All main buildings shall be constructed with minimum six to twelve (6:12) roof pitches, except that flat or shed style roof structures are allowed where approved with an architectural theme by the planning commission.~~

H. ~~All main buildings shall be constructed of a minimum amount of brick or stone that is calculated by multiplying three (3) by the perimeter length of the foundation (including garage). Stucco, if used, may not exceed twenty-five (25) percent of the total wall area on which it is used and shall contrast or accent other building materials.~~

I. ~~A front loaded garage of a residential main building shall be set back a minimum of five (5) feet from the front building line, which may include the porch.~~

J. ~~The minimum lot area for each residential lot in a PUD shall not be less than the minimum lot area requirement identified in the PUD minimum lot area table below.~~

ZONE	PUD MINIMUM LOT AREA (square feet)
R-1.8	12,000
R-2.5	10,000
R-3	8,000

R-4	6,000
R-5	5,000
R-M	800

K. A maximum of sixty (60) percent of the area of single-family, detached lots or private ownership areas may be covered by buildings.

L. A PUD in the R-M zone shall provide open space area within the subdivision not less than the percentage, shown in the table below for each R-M zone subdistrict, of the gross area of the development. Any landscaped area required by this code, except for required park strip areas, may contribute to compliance with this open space requirement. Included in the required open space shall be an area that will accommodate, at a minimum, a circle with a radius of fifty (50) feet and, in that area, a recreational amenity such as a picnic pavilion, tot lot or other equivalent amenity as determined by the planning commission.

ZONE	OPEN SPACE REQUIREMENT (percent of gross area)
R-M-5	15
R-M-6	18
R-M-7	21
R-M-8	24

M. The minimum yard, width and frontage requirements of lots and units in residential zones does not apply to single family, attached lots and may be altered for single family, detached lots as approved by the planning commission.

N. A public or common landscaped open space (green court) may be approved by the planning commission and may be used to establish a front lot line. A sidewalk of not less than five (5) feet wide shall be located adjacent to the front yard of each dwelling unit on a green court and shall connect to a sidewalk within a right of way.

O. One parking space per every four (4) primary dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission, upon a positive recommendation from the city engineer and city planner, if the applicant can show that the design of the project makes this requirement unnecessary.

P. Private streets that meet the following requirements may be approved by the planning commission:

- ~~1. Private streets in residential zones shall meet the requirements of section 16.04.180 (Streets) of this code.~~
  - ~~2. For each side of all private streets that provide frontage for a main building, the right of way shall include a sidewalk not less than six (6) feet wide and a park strip not less than five (5) feet wide or designated parallel street parking not less than eight (8) feet wide. The required sidewalk shall connect to a public right of way.~~
  - ~~3. The city engineer, city planner and fire marshal each have recommended approval of the private streets.~~
- ~~Q. A lighting plan for the PUD is required and shall be submitted to the development services department for review.~~

#### **17.40.0430: OTHER REQUIREMENTS**

- A. Grading. All developments shall be graded as required by the ~~d~~Development ~~s~~Services ~~d~~Department to provide adequate drainage. Buildings shall be equipped with facilities that discharge all roof drainage onto the subject lot or parcel.
- B. Maintenance. All private areas of lots or parcels shall be properly maintained by the owners.
- C. Phasing Plan. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the ~~e~~City.
- D. Common Areas. All common area improvements in developments, including, but not limited to, buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the ~~e~~City or accepted for ownership or maintenance by the city shall be perpetually owned and maintained by the property owners of the development or their agents through a special taxing district or owners association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the ~~e~~City.
- E. Prior Created Lots. Lots or parcels of land that legally existed or were created by a preliminary or final plat approval prior to the establishment of a residential zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this ~~e~~Chapter.
- F. Approval. Before building permits are issued, all projects shall have been approved according to the provisions and requirements of this code and the applicable plat recorded with the Salt Lake County ~~r~~Recorder's office.
- G. Open Space. Any open space provided within a subdivision to be jointly owned, maintained and preserved by a homeowners association and/or special assessment area acceptable to the ~~e~~City shall be labeled and recorded as common area or as a perpetual open space easement. Private yard areas may not be counted as required open space. The ~~e~~City may determine the location of open space in a subdivision by considering topography, drainage or other land

features. The eCity may require a cash bond or a letter of credit to guarantee installation of improvements.

H. Developer Requirements. Developers of projects that will include common area, private streets, shared private improvements, or shall otherwise include restrictive covenants shall submit a proposed declaration of conditions, covenants and restrictions ("CC&Rs") to the eCity for staff review. The CC&Rs shall be recorded concurrently with the final plat and, except where the eCity has agreed to and executed documents to guarantee the establishment of a special assessment area, shall include the following:

1. An opinion of legal counsel licensed to practice law in the state that the project meets requirements of state law.
2. Provisions for a homeowners association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by eCity staff and approved by the pPlanning eCommission.
3. Language consistent with sSection 17.04.300 of this tTitle.



**EXHIBIT B**

**CHAPTER 17.54 (REDWOOD MIXED USE (MU) ZONES)**

Chapter 17.54  
**REDWOOD ROAD MIXED USE (MU) ZONES**

**17.54.010: PURPOSE:**

**17.54.020: ZONING MAP DESIGNATIONS:**

**17.54.030: USES:**

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**~~17.54.045: PERFORMANCE DEVELOPMENT:~~**

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**17.54.090: MIXED USE-NORTH GATEWAY (MU-NGATE) ZONE:**

**17.54.100: MIXED USE-RESEARCH AND DEVELOPMENT (MU-R&D) ZONE:**

**17.54.110: MU-CITY CENTER (MU-CITY) ZONE:**

**17.54.120: MU-HISTORIC AND LANDMARK (MU-HIST) ZONE:**

**17.54.130: MU-COMMUNITY CENTER (MU-COMM) ZONE:**

**17.54.140: MU-SOUTH CENTER (MU-SOUTH) ZONE:**

**17.54.150: MU-SOUTH GATEWAY (MU-SGATE) ZONE:**

**17.54.160: LANDSCAPING:**

**17.54.170: ARCHITECTURAL STANDARDS:**

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**17.54.200: LIGHTING:**

**17.54.210: OTHER REQUIREMENTS:**

**17.54.220: MAP:**

**17.54.010: PURPOSE:**

The Redwood Road mixed use (MU) zones are established to implement the land use element of the general plan and the Redwood Road Centers map, as amended, which is included for reference in this chapter. The purpose of the MU zones is to establish unique and distinct districts in a succession of nodes along the Redwood Road corridor. These districts are defined by separate classes of uses and development standards which identify the character of the individual districts. The allowed uses and standards applicable to each district are set forth in this chapter and are intended to create a distinctive identity representative of the city's quality of life. The MU zones will encourage orderly, aesthetically pleasing development and a balance of uses while discouraging strip commercial with its attendant congestion, pollution and visual blight.

**17.54.020: ZONING MAP DESIGNATIONS:**

The MU zones shall be established according to the boundary of the individual center indicated on the "Redwood Road Centers" map and according to the land uses designated on the general plan land use plan map, as adopted or amended by the city council. The MU zones shall be noted as follows on the official zoning map of the city:

MU-Ngate	Mixed use-north gateway zone
MU-R&D	Mixed use-research and development zone
MU-City	Mixed use-city center zone
MU-Hist	Mixed use-historic and landmark zone
MU-Comm	Mixed use-community center zone
MU-South	Mixed use-south center zone
MU-Sgate	Mixed use-south gateway zone

#### **17.54.030: USES:**

Uses may be conducted in the MU zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the MU zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented businesses are prohibited in the MU zones.
- B. All uses established in the MU zones shall be conducted within completely enclosed buildings, except those uses deemed, through conditional use approval, to be customary "outdoor" uses such as recreation, garden nursery, lumberyards or other similar uses.
- C. Accessory uses and buildings are permitted in the MU zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking areas, utility and loading areas and other buildings and activities which are incidental and subordinate to the permitted or conditional use on the premises. Accessory buildings in residential developments shall meet requirements for residential zones found elsewhere in this title.
- D. There shall be no open storage of trash, debris, used, wrecked or neglected materials, equipment or vehicles in MU zones. No commercial materials, goods or inventory may be stored in open areas in MU zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten feet (10') from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two feet (2') square per business, may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies and building materials is permitted only in screened areas approved for such purpose with site plan review.

- E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored in MU zones for longer than seventy two (72) hours unless stored within a completely enclosed building or opaque fence enclosure which completely obscures said vehicle or parts from public view. No more than two (2) such vehicles may be so stored on a lot in MU zones. No commercial vehicles such as earthmoving or material handling equipment, semitrucks or trailers or any commercial truck, trailer or vehicle may be stored in MU zones for longer than seventy two (72) hours, except in conjunction with an approved use or approved development or construction activities on the property.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an MU zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in MU zones, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year.
- G. Home occupations may be licensed in any residence in MU zones according to provisions of chapter 17.98 of this title. Home occupation daycare or schooling not exceeding six (6) attendees may only be allowed with a conditional use permit.
- H. Religious activities may be allowed in MU zones with approval of a conditional use permit.

#### **17.54.040: SITE PLAN/PLAT APPROVAL:**

All uses proposed in the MU zones shall be established in conjunction with an approved conditional use permit, site plan, subdivision plat or condominium map. Procedures and requirements of this title and title 16 of this code concerning site plan, condominium map and plat approval shall be followed in the preparation and review of developments proposed in the MU zones. All uses shall be conducted according to the approved site plan, condominium map or plat and any conditions of approval. Site plans or plats may be altered according to procedures set forth in title 16 of this code. (Ord. 2007-02, 1-16-2007)

#### **~~17.54.045: PERFORMANCE DEVELOPMENT:~~**

- ~~A. The land use standards of this chapter and of any other section of this title or of the development code pertaining to development in the MU zones may be altered or waived for a "performance development" by the planning commission, only with the positive recommendation of city staff, with a conditional use permit. "Performance development" shall be defined as any development in the MU zones which is exempted from certain land use and development requirements but which demonstrates superior design and function. Variations in the standard requirements of the MU zones will be based on additional~~

enhancements provided in the development and the desirability of the proposed development relating to one or more of the following: amenities, economic benefit, additional architectural features, resolution of neighbors' concerns, and the development's contribution to principles of quality growth suggested by "Envision Utah's Urban Planning For Quality Growth". The following provisions will govern the review of a proposed performance development:

1. The minimum area of a performance development shall be five (5) acres unless otherwise recommended by city staff and approved by the planning commission.
  2. The conditional use permit/site plan application shall delineate the requested exceptions and variations from city ordinances and the offsetting upgrades and benefits proposed. Possible exceptions may include, but are not limited to, unlisted uses, yard requirement reduction, building height increase, alternative screening technique, and reduced parking requirements. Possible upgrades may include, but are not limited to, improved landscape design, architectural enhancements, and coordination with adjoining development. Staff will make a determination as to the reasonableness of the proposed exceptions and upgrades and make recommendations to the planning commission. Proposed upgrades and enhancements must clearly exceed what would normally be expected for development in the MU zones.
  3. Uses which significantly diverge from the character and purpose of the MU zones, such as industrial uses, are prohibited.
  4. All nonretail uses proposed shall be supportive of retail uses in areas planned for commercial development.
  5. Integrated residential use with "village" style design, building height, architecture, and connectivity, and office uses may be incorporated as components of mixed use commercial developments.
  6. Sexually oriented businesses are prohibited.
- B. The following standards and regulations may not be varied for performance developments:
1. Building and infrastructure construction standards.
  2. Use regulations as set forth in section 17.54.030 of this chapter.
  3. Required landscaping as set forth in section 17.54.160 of this chapter.
  4. Sign regulations as set forth in title 16, chapter 16.36 of this code.
  5. Requirements of section 16.24.050 of this code.
  6. Requirements of section 16.24.070 of this code.
  7. Any standards relating to the public health, safety and welfare.

#### **17.54.050: ZONE AND PROJECT AREA:**

The minimum area of any MU zone shall be five (5) acres. The minimum area of any project in the MU zones shall be five (5) acres. "Project" shall be defined as any residential, commercial, institutional, office or mixed use development for which preliminary plat, map or site plan approval has been proposed or granted. If a project is proposed to be smaller than five (5) acres, a concept plan shall be prepared according to section 16.24.030 of this code with the involvement of the neighboring property owners and submitted for review by the planning commission. The concept plan shall facilitate future coordination of land use, access, parking, landscaping and building placement between the parcel proposed for development and neighboring parcels. The area for which the concept plan shall be prepared will be determined by the community development department but shall include, at a minimum, all parcels within five hundred feet (500') of the subject parcel. After reviewing the concept plan, the planning commission may authorize the developer to proceed with the site plan application according to the concept plan, require modifications to the concept plan before proceeding with the site plan or reject the concept plan. If the applicant proceeds with the site plan application, the concept plan may be considered by the planning commission in approving or denying the site plan for the project. Any project under five (5) acres in area shall be a conditional use in the MU zones.

#### **17.54.060: LOT FRONTAGE, WIDTH AND COVERAGE:**

- A. No minimum lot width is required for lots in MU zones, except for single-family lots developed to R-2.5 standards which shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line.
- B. Each lot developed to R-2.5 standards, ~~except in a PUD or condominium~~, shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50').
- C. All developments not meeting R-2.5 standards shall abut a public street a minimum distance of one hundred fifty feet (150').
- D. Side property lines shall be within five degrees (5°) of perpendicular to the front lot line.
- E. No maximum lot coverage by buildings is required in the MU zones, except for single-family (R-2.5 standards) residential development, in which case the maximum lot coverage shall be forty percent (40%).

#### **17.54.070: YARD REQUIREMENTS:**

The following minimum yard areas are required in the MU zones. The "project perimeter" yard area shall be measured from the exterior boundary of the preliminary plat or site plan. Yard requirements for self-storage facilities, ~~PUDs or condominiums~~ shall be determined with

development review. Yards indicated as "landscaped" shall be landscaped with lawn, trees, shrubs or other plant material, except for necessary driveways and walkways.

A. Single-family residential (R-2.5 zone standards):

Front	30	feet (landscaped)
Side	10	feet
Corner lot street side	30	feet (landscaped)
Collector street side	35	feet
Rear	25	feet
Corner lot rear	10	feet
Collector street rear	35	feet

B. Office and institutional:

Front and street side	20	feet (landscaped)
Project perimeter adjacent to office use	0	feet
Project perimeter adjacent to retail use	5	feet (landscaped)
Project perimeter adjacent to multi-family residential use	10	feet (landscaped)
Project perimeter adjacent to single-family residential or agricultural use	10	feet (landscaped)
Between buildings	20	feet (landscaped, may be partially paved)

C. Retail:

Front and street side	20	feet (landscaped)
Project perimeter adjacent to office use	5	feet (landscaped)
Project perimeter adjacent to retail use	0	feet
Project perimeter adjacent to multi-family residential use	10	feet (landscaped)

Project perimeter adjacent to single-family residential use	15	feet (landscaped)
Between buildings	0	feet

- D. The minimum side and rear landscaped yards for office and retail buildings or structures adjacent to residential or agricultural zones or uses shall be an additional foot for each foot of building height over twenty five feet (25'). The minimum setback from property lines for accessory buildings and structures exceeding twelve feet (12') in height shall be increased by one foot (1') for each foot of height in excess of twelve feet (12'). At least fifty percent (50%) of additional required yard areas shall be landscaped.
- E. Projections into required yard areas shall be regulated according to the respective residential (R-1.8, R-2.5, R-3, R-M), commercial (C-C, C-N), industrial (C-I) and office (P-O) requirements found elsewhere in this title.
- F. Should an adjacent property have a future land use designation that is commercial, office or industrial, the required minimum interior side and/or rear yard may be reduced if approved by the planning commission with site plan review.

#### **17.54.080: OPEN SPACE:**

Open space is landscaped area, including required landscaped yard areas. Open space may include recreational improvements, including sports courts, swimming pools and walking paths. All open spaces shall be preserved and properly maintained by the owners. A perpetual open space easement or common area shall be recorded for developments by an owners' association with power to assess and collect fees for maintenance. Open space requirements for self-storage facilities, ~~PUDs and condominiums~~ shall be determined with development review. The following minimum landscaped open spaces shall be provided in the MU zones:

<b><u>Multi-family</u></b> <del>Residential condominium or PUD</del>	<del>As required for densities in subsection 17.48.140B of this title</del> <b><u>16 percent of gross area</u></b>
Office, plant or institutional	30 percent <b><u>of gross area</u></b>
Retail	None
Single-family residential (R-2.5 zone standards)	None

#### **17.54.090: MIXED USE-NORTH GATEWAY (MU-NGATE) ZONE:**

- A. Purpose: The mixed use-north gateway zone (MU-Ngate) is established to encourage primarily residential development which is representative of the residential character and lifestyle of the city. This zone will serve to identify and distinguish the city at the north boundary on Redwood Road.



B. Permitted Uses: The following use may be conducted in the MU-Ngate zone:

Single-family residential development R-2.5 standards.

C. Conditional Uses: The following uses may be allowed in the MU-Ngate zone with approval of a conditional use permit:

Active parks, recreation facilities.

Group daycare.

Medical or dental office.

Office or commercial PUD or condominium, minimum five (5) acres.

Office service.

Passive parks.

Project smaller than five (5) acres, ~~except residential PUD or condominium.~~

Public or quasi-public facilities.

~~Residential PUD or condominium with attached or detached single-family dwellings, not stacked, maximum eight (8) units per acre, project minimum five (5) acres, maximum ten (10) acres total in the zone.~~

Schools.

#### **17.54.100: MIXED USE-RESEARCH AND DEVELOPMENT (MU-R&D) ZONE:**

A. Purpose: The mixed use-research and development zone (MU-R&D) is established to encourage primarily office, commercial and high tech laboratories and manufacturing development in a well landscaped campus environment. This zone will establish a visible area in the city for business and research facilities which promotes the use, open space and architectural standards of the community.

B. Permitted Uses: The following uses may be conducted in the MU-R&D zone:

Office service.

Research and development facilities.

C. Conditional Uses: The following uses may be allowed in the MU-R&D zone with approval of a conditional use permit:

Group daycare.

High tech light manufacturing, warehousing and distribution.

Office PUD or condominium, minimum five (5) acres.

Offices with customers on the premises.

Project smaller than five (5) acres.

Public or quasi-public uses.

Residential ~~PUD or condominium~~ with attached or detached single-family dwellings, not stacked, maximum five (5) units per acre, minimum twenty (20) acres.

**17.54.110: MU-CITY CENTER (MU-CITY) ZONE:**

- A. Purpose: The mixed use-city center zone (MU-City) is established to provide a centralized retail hub within the 10400 South Redwood Road vicinity. This center will help to meet the routine retail and service needs of local residents and motorists. Development should be geared toward commerce and demonstrate the high architectural standards of the city. "Postmodern" architectural style is encouraged in building design.
- B. Permitted Uses: The following uses may be conducted in the MU-City zone:
- Health, beauty and fitness services.
  - Offices with customers on the premises.
  - Retail uses.
- C. Conditional Uses: The following uses may be allowed in the MU-City zone with approval of a conditional use permit:
- Active parks, recreation facilities.
  - Assisted living centers, maximum two (2) stories.
  - Automotive repairs entirely within enclosed buildings, maximum total of two (2) acres in the MU-City zone (no outside storage of parts, supplies, equipment or damaged vehicles).
  - Automotive services, including lube, tune up, wash, inspection, tires, mufflers, minor repairs (no outside storage of parts, supplies or equipment).
  - Banks, credit unions, financial institutions.
  - Bed and breakfast inn.
  - Business services.
  - Care centers, maximum two (2) stories.
  - Cultural facilities.

Drive-through facilities for allowed uses.

Educational and training activities.

Entertainment, amusement.

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

Fast food with no eating accommodations.

Gas stations, convenience stores.

Group daycare center.

Laundry.

Lumber, building materials and landscaping retail sales yards.

Office or commercial PUD or condominium, minimum five (5) acres.

Office service.

Passive parks.

Pharmacy.

Project smaller than five (5) acres.

Public or quasi-public facilities.

Restaurants.

~~Second or third story residential use above office or retail use on main level.~~

Self-storage facilities, maximum total of three (3) acres in the MU-City zone.

#### **17.54.120: MU-HISTORIC AND LANDMARK (MU-HIST) ZONE:**

- A. Purpose: The mixed use-historic and landmark zone (MU-Hist) is established to preserve the historic and cultural heritage of the city while providing limited residential, commercial and office opportunities. Uses established in the MU-Hist zone will reflect and be sensitive to the historic nature of this zone. Buildings should reflect the historic architecture of the state, possibly implementing Victorian characteristics. Historic buildings and sites shall be preserved as required by the city council.
- B. Permitted Uses: The following uses may be conducted in the MU-Hist zone:
- Bed and breakfast lodging.

Minor retail uses.

Restaurants.

- C. Conditional Uses: The following uses may be allowed in the MU-Hist zone with approval of a conditional use permit:

Active parks, recreational activities.

Cultural facilities.

Minor business services.

Office or commercial PUD or condominium, minimum five (5) acres.

Office service.

Passive parks.

Project smaller than five (5) acres.

Public or quasi-public facilities.

Schools.

~~Second or third story residential use above office or retail use on main level.~~

**17.54.130: MU-COMMUNITY CENTER (MU-COMM) ZONE:**

- A. Purpose: The mixed use-community center zone (MU-Comm) is established to encourage centralized civic facilities with supporting and compatible office and commercial development. This zone should be characterized by a campuslike environment with pedestrian amenities.

- B. Permitted Uses: The following uses may be conducted in the MU-Comm zone:

Cultural facilities.

Office service.

Restaurants.

Retail business.

- C. Conditional Uses: The following uses may be allowed in the MU-Comm zone with approval of a conditional use permit:

Active parks, recreational facilities.

Buildings for religious activities.

Drive-through service.

Group daycare.

Health, beauty and fitness services.

Office or commercial PUD or condominium, minimum five (5) acres.

Passive parks.

Project smaller than five (5) acres.

Public or quasi-public facilities.

~~Residential PUD or condominium with attached or detached single-family dwellings, maximum eight (8) units per acre, minimum ten (10) acres.~~

Schools.

~~Second or third story residential use above office or retail use on main level.~~

#### **17.54.140: MU-SOUTH CENTER (MU-SOUTH) ZONE:**

A. Purpose: The mixed use-south center zone (MU-South) is established to provide a retail hub at the 11400 South intersection. This center will help to meet the routine retail and service needs of residents in this vicinity and motorists passing through this major intersection. Development will be geared toward commerce and demonstrate the high architectural standards of the city. An equestrian theme is desired both in uses and architecture. (Ord. 2007-02, 1-16-2007)

B. Permitted Uses: The following uses may be conducted in the MU-South center zone:

Health, beauty and fitness services.

Offices with customers on the premises.

Restaurants.

Retail uses.

C. Conditional Uses: The following uses may be allowed in the MU-South center zone with approval of a conditional use permit:

Active parks, recreational facilities.

Automotive repairs entirely within enclosed buildings, maximum total of two (2) acres in the MU-South zone (no outside storage of parts, supplies, equipment or damaged vehicles).

Automotive services, including lube, tune up, wash, inspection, tires, mufflers, minor repairs (no outside storage of parts, supplies or equipment).

Banks, credit unions, financial institutions.

Bed and breakfast lodging.

Business services.

Cultural facilities.

Drive-through service.

Educational and training activities.

Entertainment, amusement.

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

Fast food with no eating accommodations.

Gas stations, convenience stores.

Group daycare center.

Laundry.

Lumber, building materials and landscaping retail sales yards.

Office or commercial PUD or condominium.

Office service.

Passive parks.

Pharmacy.

Project smaller than five (5) acres.

Public or quasi-public facilities.

~~Second or third story residential use above office or retail use on main level.~~

Self-storage facilities, maximum total of three (3) acres in the MU-South zone.

**17.54.150: MU-SOUTH GATEWAY (MU-SGATE) ZONE:**

- A. Purpose: The mixed use-south gateway zone (MU-Sgate) is established to encourage primarily office development which is representative of the character and lifestyle of the city.

This zone will serve to identify and distinguish the city at the south boundary on Redwood Road. Architecture should be residential in scale and flavor.

B. Permitted Uses: The following use may be conducted in the MU-Sgate zone:

Office service.

C. Conditional Uses: The following uses may be allowed in the MU-Sgate zone with approval of a conditional use permit:

Active parks, recreation facilities.

Group daycare.

Office or commercial PUD or condominium.

Passive parks.

Project smaller than five (5) acres.

Public or quasi-public facilities.

#### **17.54.160: LANDSCAPING:**

A. The following landscaping requirements shall apply in the MU zones:

1. Single-Family Residential: The front and side yards of single-family lots shall be landscaped and properly maintained with grass, trees and other plant material unless otherwise approved with a conditional use permit.
2. Multi-Family Residential-PUD Or Condominium: Grass, shrubs, ground cover, two inch (2") or larger caliper deciduous trees, seven feet (7') or taller evergreen trees; grass and two inch (2") or larger caliper deciduous trees in public park strips.
3. Office, Plant Or Institution: Grass, shrubs, ground cover, two inch (2") or larger caliper deciduous trees, seven feet (7') or taller evergreen trees; grass and two inch (2") or larger caliper deciduous trees in public park strips.
4. Retail Business: Grass, shrubs, ground cover, two inch (2") or larger caliper deciduous trees, seven feet (7') or taller evergreen trees; grass in public park strips.

B. Areas of a development that are not covered by paving or buildings shall be landscaped. All required landscaping in yard areas and open spaces, except in R-2.5 developments, shall be installed or escrowed (due to weather) prior to occupancy.

C. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners unless otherwise allowed with development approval.

- D. Trees may not be topped nor may any landscape material be removed without city approval unless replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.
- E. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
- F. Shade trees shall be planted between double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum intervals of three (3) stalls and no farther than six feet (6') from the parking area. Shade trees are not required in parking rows which are adjacent to buildings.
- G. In commercial and institutional developments, minimum five foot (5') landscaped planters shall be provided along the street sides of buildings except at building entrances or drive-up windows. In office developments, said planters shall be provided around the entire building except at building entrances or drive-up windows.
- H. All landscaped areas other than in single-family residential developments shall be separated from driveways and parking areas with minimum four inch (4") high curbs.
- I. Minimum three (3) to four foot (4') high berms or hedges shall be provided in landscaped areas between public streets and parking areas of developments in the MU zones. Berms or hedges are not required where the entire area, excluding walkways, between the public street and a building is landscaped.
- J. Trees shall be planted on private property, except in R-2.5 developments, at the minimum rate of one per seven hundred (700) square feet of required landscaped area. At least thirty percent (30%) of all required trees, excluding public park strip trees, shall be evergreens.
- K. Trees are required in park strips along collector and arterial streets and shall be selected from and planted according to the city street tree plan. Trees shall be planted along the property side of the sidewalk on Redwood Road thirty feet (30') on center and six feet (6') from the sidewalk. Grass shall be planted and maintained in the park strip along Redwood Road.
- L. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included may be counted toward required open space for the development. Waterways which traverse developments may be left open if properly landscaped and maintained. Any entity or agency having jurisdiction over said waterways must grant approval for any redevelopment of said waterways.
- M. All development applications shall be accompanied by landscape plans prepared by a professional landscape architect.



## 17.54.170: ARCHITECTURAL STANDARDS:

- A. The following architectural standards are required for the respective uses listed in the MU zones:
1. Single-family residential: Brick or stone in the minimum amount of two feet (2') times perimeter of the foundation (including garage); minimum five to twelve (5:12) roof pitch; minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent) per dwelling; minimum two thousand four hundred (2,400) square feet minimum dwelling unit size.
  2. **Multi-family** Residential ~~PUD or condominium~~: Brick or stone in the minimum amount of two feet (2') times perimeter of the foundation (including garage) and stucco; minimum five to twelve (5:12) roof pitch; minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent) per dwelling; minimum two thousand four hundred (2,400) square feet per dwelling.
  3. Small office, plant, institution or retail business (less than 5,000 square foot building): Minimum of fifty percent (50%) brick or stone; balance of exterior wall area shall consist of brick, stone, glass, decorative integrally colored block and/or no more than fifteen percent (15%) stucco or tile. Decorative accents and trim of other materials are permitted with planning commission approval. Roofs to be hipped or gabled with minimum six to twelve (6:12) pitch.
- D. All building materials shall be high quality, durable and low maintenance. All buildings and structures in MU zones shall be maintained in good condition.
- E. Remodeling or refacing of buildings, except in R-2.5 developments, may not be commenced without the approval of the planning commission.
- F. All masonry and concrete materials, except minimal foundations, shall be integrally colored.
- G. Exterior walls of buildings, except for single-family dwellings, in excess of forty feet (40') in length, shall have relief features at least four inches (4") deep at planned intervals.
- H. All sides of multi-family dwellings containing more than four (4) units shall receive similar design treatment.
- I. Maximum height of all buildings in the MU zones shall be thirty five feet (35').
- J. Signs shall meet requirements of title 16, chapter 16.36 of this code according to P-O zone standards for office uses and according to C-C zone standards for commercial uses and shall be constructed of materials which are compatible with the buildings which they identify.
- K. All buildings and signs in individual developments shall possess a consistent architectural theme which reflects the character of the district in which they are located.
- L. All buildings and structures shall be designed by a licensed professional architect.

- M. Any site or building in MU zones believed by the city council to have historical significance shall be preserved for a maximum period of six (6) months upon written notification to the city that a change in use, redevelopment or demolition of the property is desired. The owner or developer of the subject site or building shall request that the city make a determination on the disposition of the property. If the city council determines that preservation is desired, negotiations should be undertaken and finalized within the six (6) month period. If negotiations to preserve the site or building are not completed or continued in a mutually acceptable manner within six (6) months, the building or site may be redeveloped, remodeled or demolished in conformance with the provisions of this chapter.
- N. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street.

#### **17.54.180: PARKING AND ACCESS:**

The following parking and access requirements shall apply in the MU zones:

- A. Parking areas and vehicle access shall meet the requirements of title 16, chapter 16.26 of this code. Defined pedestrian access shall be provided between adjacent developments, buildings and parking areas as required by the planning commission. Sidewalks over which parked vehicles may overhang shall be at least six feet (6') wide on single parking rows and eight feet (8') wide between double loaded rows. Sidewalks shall be at least six inches (6") higher than driveway and parking surfaces. An eight foot (8') wide sidewalk shall be required along Redwood Road and shall be set back a minimum of two feet (2') from the right of way line. The eight foot (8') sidewalk shall be considered landscaping for purposes of this chapter. Park strips (minimum 12 feet wide) between the sidewalk and the curb shall be landscaped and maintained with grass.
- B. If approved by the planning commission, cash may be paid to the city for future construction of improvements for roads which are designated for widening in the transportation master plan.
- C. Access to public streets shall be approved by the city engineer and, if a state road, by UDOT. Vehicle access to developments from collector and arterial streets shall be shared as required by the planning commission. Driveways and streets intercepting or intersecting the same collector or arterial street shall be separated by a minimum distance of three hundred feet (300'). Double frontage lots may be accessed only from a subdivision or neighborhood street, not from a collector or arterial street.
- D. Streets and related improvements shall be designed, constructed and dedicated according to state and/or city standards and according to the design widths established by the transportation master plan and the road and bridge design and construction standards of the city. Proposed streets on the Redwood Road land use plan, or other acceptable alignments, shall be implemented with new development and shall be designed to right of way widths as specified by the city council.

- E. New development shall make reasonable accommodation for mass transit facilities. The developer shall consult the state transit authority as required by the city.
- F. Easements, rights of way or improvements shall be provided for urban trails according to the city trails plan or as required by the planning commission.
- G. Loading areas shall be located at the rear of buildings and shall be separated from parking areas.
- H. Buildings shall be arranged in clusters to encourage pedestrian access. Areas between streets or parking areas and the building or at the center of the building cluster shall consist of sidewalks, plazas, landscaped planters with shade trees, benches, waste receptacles and other street furniture and amenities as approved and required by the planning commission. On street parking may be allowed in calculating the minimum parking requirement; provided, that sufficient street width is provided to accommodate said parking.

**17.54.190: FENCING, SCREENING AND CLEAR VISION:**

The following fencing, screening and clear vision requirements shall apply in the MU zones:

- A. All mechanical equipment, antennas, loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible land uses shall be screened with six foot (6') vinyl, simulated wood or masonry fences as determined by the planning commission. A minimum six foot (6') decorative masonry wall is required between commercial or office zones and agricultural or residential zones. A higher fence or wall may be allowed or required by the planning commission in unusual circumstances. A building permit is required for fences or walls over six feet (6') high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined by the planning commission.
- C. In residential developments and except for development perimeter fencing, no wall, fence or opaque hedge or screening material higher than six feet (6') shall be erected or maintained in any rear or side yard. Buffering and screening elements associated with a private recreation facility shall be exempt from this section.
- D. In residential developments, no wall, fence or screening material shall be erected between a street side building line and a street, except as required in subsection A of this section.
- E. Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets.
- F. Any wall or fence erected or maintained at the rear or side property line in residential developments adjacent to and parallel with a collector or arterial street shall be six feet (6') tall and shall be constructed in accordance with provisions for collector street fencing in

section 16.04.200 of this code. A building permit is required for construction of a collector street fence. Construction drawings and brick samples are required. Collector street fences shall be installed so as to prevent weed growth between the fence and the public sidewalk. Other fences may be installed no closer than twenty feet (20') from any street right of way line, except as otherwise prohibited in this title. Proposed modifications to collector street fencing must be consistent with adjacent fencing provided that the adjacent fencing meets requirements for collector street fencing. Proposed collector street fences may not be installed until reviewed by the community development director or his designee.

#### **17.54.200: LIGHTING:**

The following lighting requirements shall apply in the MU zones:

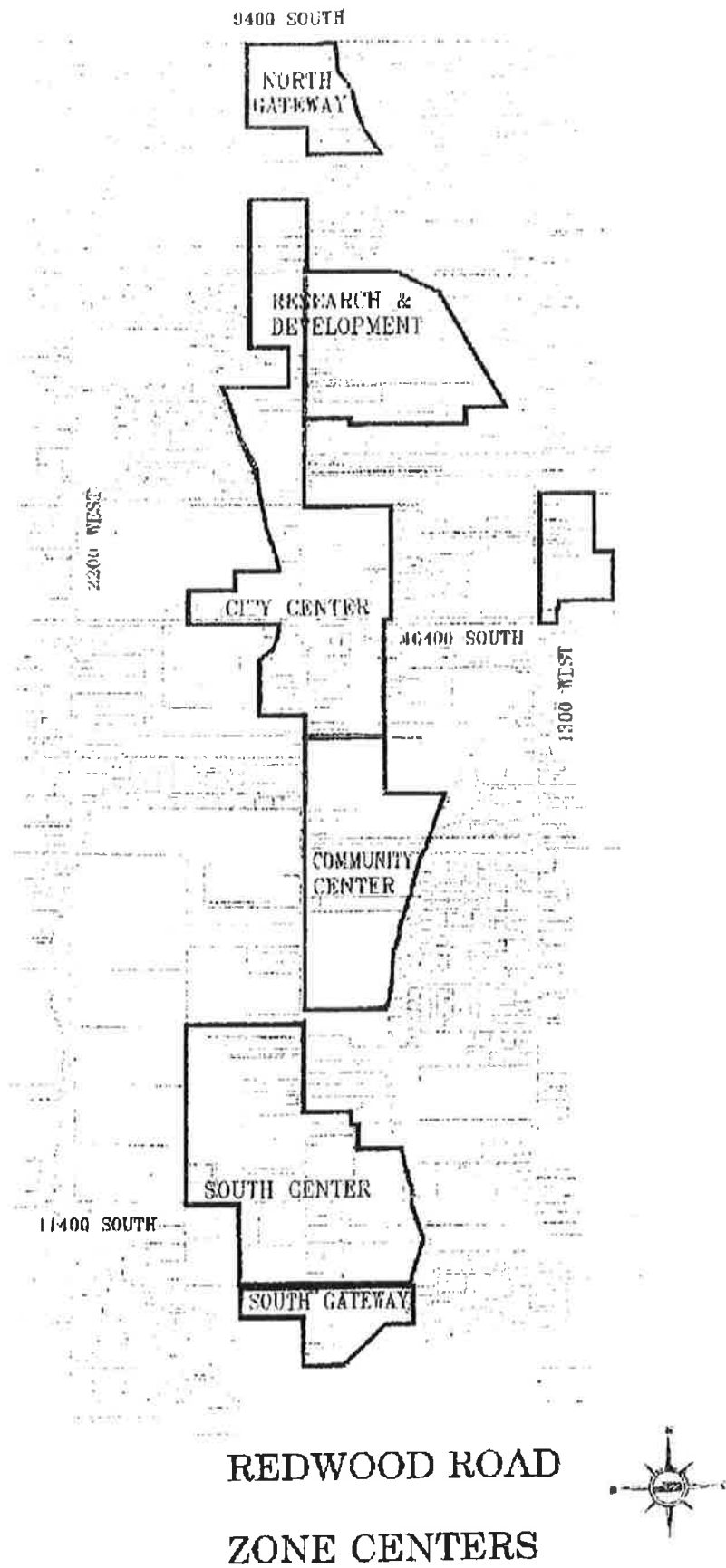
- A. A lighting plan shall be submitted with all new developments in the MU zones. Site lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight design, approved by the city council and the engineering department, will be used on the same street.

#### **17.54.210: OTHER REQUIREMENTS:**

- A. A. Private Covenants: ~~The d~~Developers of a condominium projects that will include common area, private streets, shared private improvements, or shall otherwise include restrictive covenants shall submit a proposed declaration of conditions, covenants and restrictions ("CC&Rs") to the ~~e~~City attorney staff for review; The CC&Rs shall be recorded concurrently with the final plat and, except where the City has agreed to and executed documents to guarantee the establishment of a special assessment area, shall include the following:
  - 1. including aAn opinion of legal counsel licensed to practice law in the state that the ~~econdominium project~~ meets requirements of state law, ~~and record the covenants with the condominium or PUD plat for the project.~~
  - 2. Provisions for a homeowners association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by City staff and approved by the Planning Commission.
  - 3. Language consistent with Section 17.04.300 of this Title.
- B. Grading ~~A~~and Drainage: All residential developments shall be graded according to the ~~e~~City's engineering and building requirements to provide adequate drainage in said developments. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

- C. Maintenance: All private common areas in residential developments shall be properly maintained by the owners.
- D. Easements: Permanent buildings may not be located within a public easement.
- E. Phasing Plan: A project phasing plan shall be submitted for review by the planning commission at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the planning commission.

17.54.220: MAP:



REDWOOD ROAD  
ZONE CENTERS

## **EXHIBIT C**

### **CHAPTER 17.74 (MIXED USE (MU) ZONE)**

Chapter 17.74  
**MIXED USE (MU) ZONE**

**17.74.010: OBJECTIVES AND CHARACTERISTICS OF ZONE:**

**17.74.020: PERMITTED USES AND CONDITIONAL USES:**

**17.74.030: USE REGULATIONS:**

**17.74.040: ZONE ESTABLISHMENT:**

**17.74.050: DEVELOPMENT REVIEW:**

**17.74.060: SPECIAL PROVISIONS:**

**17.74.070: AREA REQUIREMENTS:**

**17.74.080: DEVELOPMENT STANDARDS APPLICABLE TO MIXED USE (MU) ZONES/SUBDISTRICTS:**

~~**17.74.090: RESIDENTIAL DESIGN REQUIREMENTS:**~~

~~**17.74.1090: REQUIREMENTS UNIQUE TO THE MIXED USE TRANSIT ORIENTED DEVELOPMENT (MU-TOD) SUBDISTRICT:**~~

~~**17.74.1100: REQUIREMENTS UNIQUE TO THE MIXED USE TOWN CENTER (MU-TC) SUBDISTRICT:**~~

**17.74.010: OBJECTIVES AND CHARACTERISTICS OF ZONE:**

The mixed use (MU) zone is established to provide a zone to be used in specific locations near city transportation nodes and corridors with the intent of allowing a mix of specific land uses that are typically found separately in “mutually exclusive” zoning districts. Mixed use represents a departure from characteristic zoning to the extent that it encourages a combination of land uses which may be compatible, but have traditionally been separated.

The intent of this zone is to create self-sustaining developments that become walkable areas neighborhoods, in which residents may walk to work, to shopping, to recreational facilities, and that have access to mass transit. These neighborhoods are to provide a variety of housing opportunities and choices that include a range of household types, family sizes, and incomes. They shall provide convenient pedestrian access to mass transit, commercial services and employment opportunities. Proposed developments shall include design standards that incorporate “walkable” elements, such as ~~include requirements that help produce a true “neighborhood” by stipulating various mix of uses, “build-to” lines, compact building design, preservation of open space, pedestrian friendly streets, streetscape, parking concealment, architectural control, and maintenance. Proposed developments with increased land intensity and housing density but without the above “walkable” elements are unacceptable and will not be approved.~~

**17.74.020: PERMITTED USES AND CONDITIONAL USES:**

Permitted and conditional uses in the MU zone shall be approved based on the uses listed under each respective mixed use subdistrict.



### 17.74.030: USE REGULATIONS:

Uses may be conducted in the MU zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the MU zone. A conditional use permit must be obtained prior to the establishment of a conditional use. **Residential uses are prohibited in the MU Zone and any subdistricts.**
- B. Accessory buildings uses may be constructed in the MU zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the MU zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the MU zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel designated for ~~residential or~~ office uses within the MU zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. No commercial vehicles such as earthmoving or material handling equipment, semitrucks or trailers or any commercial truck, trailer or vehicle may be parked or stored on any lot or parcel designated for commercial uses within the MU zone for longer than twenty four (24) hours unless in conjunction with approved construction activities or unless it is in conjunction with an approved use or development and parked or stored in an approved loading dock that is screened from street view.
- G. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an MU zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the

street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the MU zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the driveway located in the required front yard or street side yard of the permanent dwelling for no more than seven (7) days per calendar year.

#### **17.74.040: ZONE ESTABLISHMENT:**

- A. Each proposed MU zone, or subdistrict thereof, may be established by following standard rezoning procedures of chapter 17.22 of this title and shall be accompanied by a master development plan (MDP) prepared by the applicant, in consultation with city staff and area property owners, which specifies land use areas ~~and residential types~~. Retail, office, ~~residential~~, vertical mixed use (containing different upper floor uses), open space and public/quasi-public land use areas will be shown on the MDP. The MDP must show all stages of the development (including any phasing plans), street connections, and both existing and reasonable projected development on adjoining properties, determined as needed. Phased developments and approved individual plats and site plans shall conform to the master development plan.
- B. The intent of the above is to achieve a consistent overall mixed use neighborhood with uniform and compatible site standards when the project area is completely built out. Remnant parcels left from old developments, rebuilds on existing parcels, or pads within existing center developments, are required to make reasonable compliance with mixed use development standards through consultation with the community development director.
- C. The MDP shall be adopted as an exhibit to the ordinance establishing the MU zone subdistrict, in which it is proposed. The MDP, or portions thereof, may be amended only after review by the planning commission and upon approval of the city council with public input after the establishment of the MU zone, as may be needed. A development agreement between the city and the applicant may be required by the city council and executed before the zoning designation shall be effective.

#### **17.74.050: DEVELOPMENT REVIEW:**

All development and uses in MU zones may only be established in conformance with development review procedures of the city as set forth in title 16, chapter 16.24 of this code and in conformance with the approved master development plan (MDP), or as the plan may be amended and approved.

Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in MU zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Applicants are encouraged to consult with city staff and/or the development review committee (DRC) prior to submitting a site plan application. The following procedure shall be used for site plan review of projects in the MU zone:

- A. The developer shall prepare and submit a site plan and submit a design book containing typical renderings, cross sections, and plan views of the following:
1. Existing and proposed public street curb, gutter, sidewalk, park strip, landscaping, streetlights and pavement.
  2. Yard areas between buildings and public streets, including trees, grass, shrubs, ground cover, signs and screen walls.
  3. Parking areas, walkways, driveways, landscaped areas and storm detention/retention areas.
  4. Architectural features, including materials and colors, of buildings, freestanding and wall mounted signs and light fixtures, trash enclosures, utility and loading area screen walls, pedestrian furniture and artwork.
  5. Other improvements as required by city staff.
- B. The city staff shall review the site plan and design book for compliance with the master development plan and shall provide comments to the developer for needed revisions to the documents. Upon final review and approval of city staff, the site plan and design book for the development will be scheduled on the planning commission agenda for a public hearing.
- C. Upon approval of the site plan and design book by the planning commission, the subdivision or condominium plats for all or portions of the MU zone may be prepared and submitted in accordance with title 16, chapter 16.10 of this code and other applicable sections of title 16, "Development Code", of this code.
- D. Building permits shall only be approved upon prior approval of the site plan, design book, and, if necessary, the subdivision or condominium plat (including improvements).

#### **17.74.060: SPECIAL PROVISIONS:**

When reviewing a proposed development in the MU zone, the planning commission shall consider the following special provisions in order to protect the intended characteristics of the zone:

- A. Location: Mixed use developments shall be located at transportation nodes and along transportation corridors and other locations where "walkable" components (i.e., ~~housing choices~~, convenience commercial, employment, community facilities, transportation linkages, park or other open space, schools, churches) are already present, planned, or where the size and scale of development is such that said components can be provided within the project itself. As a guiding principle, mixed use components should be within a five (5) minute (or 1/4 mile) walking distance, approximately one-fourth (1/4) mile, of the above.
- B. Traffic: The developer shall demonstrate that all potential traffic concerns regarding existing intersections, substandard streets, inadequate improvements, and access are mitigated.

- C. Surrounding Properties: The developer shall demonstrate to the satisfaction of the planning commission, that sufficient measures have been incorporated into the development plan to assure that adjacent properties will not experience significant impacts as a result of the proposed development.
- D. Use Composition: Each MU zone shall contain a combination of more than one use. The actual blend of "vertical" and/or "horizontal" mixed use development shall be determined depending upon the size, scale, and location of the development. ~~Where size and scale permit, housing units shall include more than one land use type (i.e., single-family homes, twin homes, townhomes, condominiums, apartments, row houses), housing size, and number of bedrooms, encouraging neighborhoods with a mix of family cycles and incomes.~~
- E. Pedestrian Realm: In order to achieve an overall "walkable" development, appropriate land uses, pedestrian connections, cross easements, common driveways, consistent site standards, etc., must be coordinated within the respective MU zone subdistrict, even though properties may be individually owned. In order to promote pedestrian activity and to improve air quality, drive-through windows are discouraged in conjunction with uses such as fast food restaurants, dry cleaners, banks, etc.

#### **17.74.070: AREA REQUIREMENTS:**

The following area requirements shall apply in any MU zone:

- A. Minimum Zone Area: The minimum area of an MU zone/MDP shall be four (4) acres.
- B. Minimum Project Area: Any development in any MU zone for which a preliminary plat or site plan has been proposed or approved. The minimum area of any project within an MU zoned area shall be two (2) acres. Approved projects may be built in phases based upon an overall approved phasing plan.
- C. Minimum Lot Area: There shall be no minimum lot area in any MU zone, except as established with development approval. Parcels shall be of sufficient size to assure compliance with building setbacks, landscaping, access, parking, and walkability standards.

#### **17.74.080: DEVELOPMENT STANDARDS APPLICABLE TO MIXED USE (MU) ZONES/SUBDISTRICTS:**

The following standards are to be considered as applying specifically to development in mixed use (MU) subdistricts in addition to general standards provided elsewhere in this code:

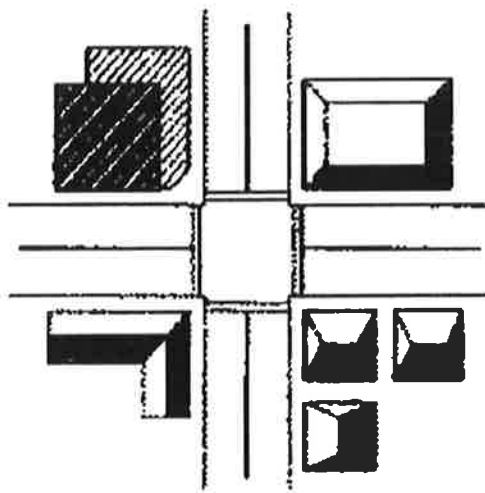
##### **A. Building Placement And Massing:**

- 1. Setbacks: Building facades ~~for nonresidential development~~ shall comprise at least seventy percent (70%) of each street edge identified as "build-to lines". To meet this requirement, building facades adjacent to streets must be zero feet (0') to five feet (5') from the street side (typically inside edge of sidewalk) property lines where build-to lines are drawn. Awnings and architectural features may project beyond build-to lines, as approved by the planning commission. Street side setback variations may be used when an activity related

to pedestrian use is maintained, i.e., special landscaping, outside restaurant seating. Recessed plazas, courtyards, and trellises are encouraged.

Zero lot line side setbacks with attached structures, in compliance with the international building code (IBC) may be required except for necessary driveway access, pedestrian access, open space, and landscape areas. Unless otherwise approved by the planning commission, rear yards and the rear of buildings shall not directly abut streets.

2. Building Orientation And Access: The entrances of all retail, civic, ~~residential~~, and office buildings shall front onto streets (or approved private driveways designed as streets), with the exception of ~~center block residences (which still must front green courts and pedestrianways)~~ and anchor stores greater than forty thousand (40,000) square feet in size, which may be considered for "side fronting" design.



Secondary entries are encouraged and may be required at the rear of street facing buildings. Where possible, "like land uses" shall face "like land uses" or open space, i.e., retail across the street from retail, ~~townhomes from townhomes~~, etc. Loading docks and service areas must be screened from streets and adjacent properties through architectural design and landscaping. Anchor store entrances must be connected to adjacent streets via landscaped, publicly accessible walkways. Access from parking areas may be via midblock passageways or "paseos" connected to the street.

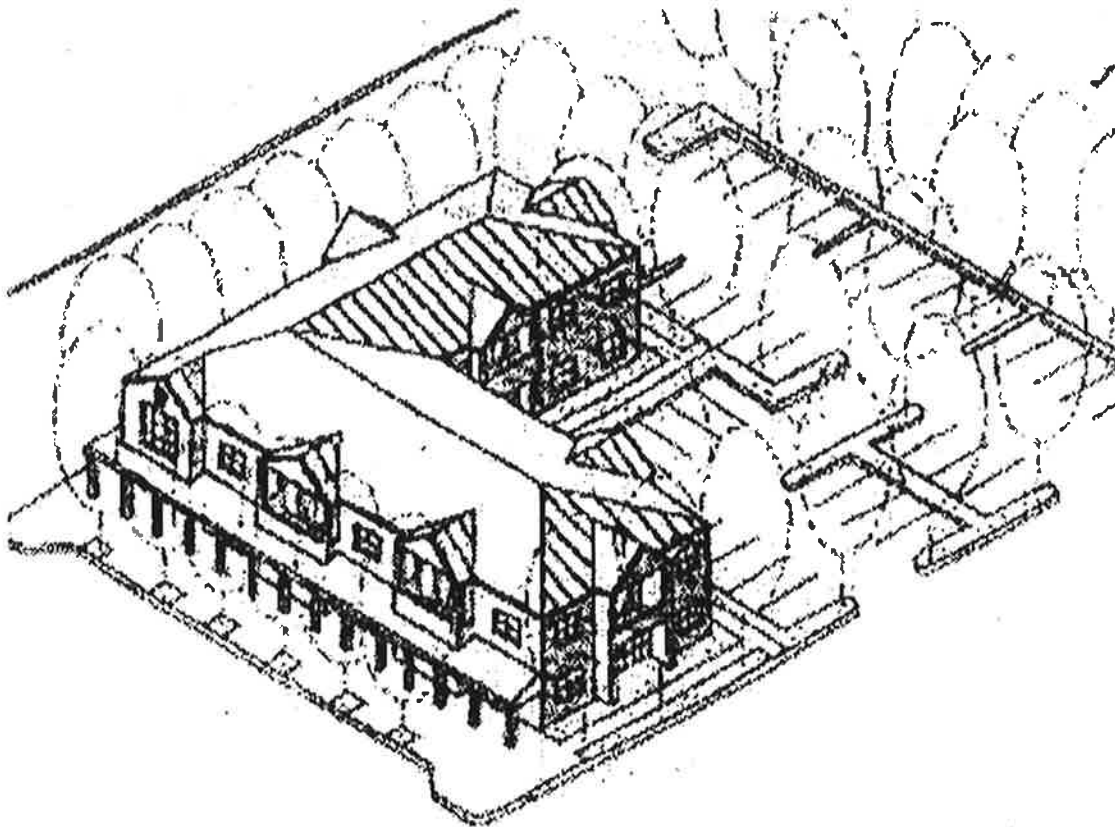
3. Building Height: Buildings shall have a minimum and maximum number of stories as indicated by building type and mixed use subdistrict (see sections 17.74.100 and 17.74.110 of this chapter), with height to be measured in accordance with the city's adopted ordinances and standards. Buildings of greater height than allowed may be approved by the planning commission on a limited basis, based upon the size, scale, topography, and uniqueness of the development, i.e., rooftop gardens. Approved structures with additional height may be required to employ suitable "step back" architecture and other architectural features which encourage a more walkable "village" feel at street level.

4. CPTED (Crime Prevention Through Environmental Design): Where practically possible, CPTED principles shall be used in the design and layout of buildings, streets, accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, proper management and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of two feet (2') to three feet (3') and trees with a proper ground clearance of six feet (6') to eight feet (8') above walkways and sidewalks and eight feet (8') to ten feet (10') above vehicular travel and parking lanes.

In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls are not permitted adjacent to streets, pedestrian corridors, parking areas, and open space amenities. Symbolic barriers, such as low lying fences/wall, landscaping and signage may be used, as appropriate, to discourage crime and to promote safety through natural access control. Developments shall have street side building entrances and extensive windows, with balconies, decks or landscape terraces, and other architectural features being encouraged to promote "eyes on the street".

- B. Land Use Impact And Buffering: Landscape buffers are preferred over fences and walls where separation is desirable. A visually open look is encouraged between compatible uses. The planning commission may require special treatment of such areas. Fences or walls, if determined to be necessary or desirable, must be reviewed for their effectiveness in protecting private space while not creating isolated uses or dead space void of natural surveillance. When approved, fences or walls shall be compatible in color, texture, and design in relationship to building materials.
- C. Architectural Design And Materials: The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with and in proportion to other surrounding buildings, while still providing diversity in design. The city's architectural review committee (ARC) shall review such and make recommendations to the planning commission. Requirements applicable to all buildings are stated below:
  1. All sides of buildings shall receive equal design consideration, particularly where exposed to pedestrian and/or vehicular traffic and adjacent properties.
  2. Building materials for structures, including garages, shall use brick, stone, or cement fiber products (i.e., hardie board) in combinations that create aesthetically pleasing architecture. Stucco products, if used, shall clearly be used in minimal amounts and as a contrast or accent to other building materials, i.e., gables. Both vertical and horizontal elements should be used, as appropriate, to enrich and give variety to the architectural theme. Individual buildings shall have enough architectural variation to appear as separately recognizable structures. The use of exposed concrete (architectural concrete excepted), or plastic for storefront facades is not permitted.
  3. A consistent architectural theme with colors from the natural environment is encouraged to help buildings blend with surrounding developments. Building styles shall be compatible with existing buildings within the respective MU zone.

4. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc. Commercial or mixed use buildings shall be designed with contrasting ground floor architectural articulation in order to enhance street activity and walkability. All buildings shall have expansive windows, balconies, terraces, or other design features which are oriented to the street, or other people spaces, in order to maximize interface connection. Windows, display windows, doors, and arcades must make up at least seventy percent (70%) of street facing facades on the first story of commercial developments. Window shapes and sizes shall be so designed to be compatible from building to building. Tinted windows or windows with reflective film or glass are not permitted at street level.



5. Mechanical equipment 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.
  6. Plans for significant exterior modifications to any existing structures must be submitted to the planning commission for approval and must meet the same requirements as all other structures within the MU development.
- D. Signage: Proper design and placement of signs and their lighting shall be compatible with structures and uses. Mixed use developments shall have a sign theme which promotes mixed use compatibility. Permitted signs within the MU zone shall be in compliance with title 16,

chapter 16.36 of this code, except that freestanding and off premises signs or billboards shall not be permitted. Wall signs, blade signs, and window signs, approved as part of an overall sign theme, are encouraged.

Monument signs and directional signs are discouraged. Where approved, a monument sign must comply with the following limitations: the sign shall have as the prominent feature the name of the development (i.e., "Jordan Village", "Jordan Plaza"). All other lettering shall be no taller than four inches (4") in height. The maximum height of the sign shall be four feet (4') for the portion containing general copy, with an overall maximum height of six feet (6') above sidewalk grade. It is intended that the top two feet (2') be utilized to identify the name of the development. The lettering font style for tenant identification shall be the same for all tenants. Monument signs shall be constructed with the materials similar to that of the main building. Monument signs may not extend into the required sign visibility triangle, unless otherwise approved by the city transportation engineer.

- E. Open Space: Significant usable open space shall be provided within the mixed use development, depending upon size, scale, nature, and proximity of other accessible open space amenities in the area of the development. Approved open space may include, but is not limited to: commons, pocket parks, plazas, outdoor dining, courtyards, natural or manmade landscape features or focal points, fountains, waterfalls, other water features, greenbelts, trail connections, playgrounds, pavilions, and picnic areas. A "village green", as a commons area, may be required adjacent to mass transit connections or other significant activity.

Construction materials used within open space areas shall be related to the materials of adjacent buildings and shall be a nonskid finish. Design and texture shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting as appropriate.

Areas of environmental concern or interest may be required to be preserved, i.e., drainages, steep slopes, connections to trail systems, and water features. Unless otherwise specified through special agreement or understanding with the city, all open space areas shall be maintained by property owners or property associations.

- F. Landscaping: Landscaping guidelines are established to improve and maintain site qualities while minimizing alteration, removal, or degradation of approved landscaping. Landscaping, in general, shall follow CPTED (crime prevention through environmental design) principles.
1. Submittal Of Landscape And Streetscape Plans: No plans for any building, structure or other improvements shall be approved by the city unless there shall also have been submitted landscape and streetscape plans satisfactory to the planning commission or to the staff, if so designated.
  2. Installation At Time Of Occupancy: Landscaping in accordance with the plans submitted must be installed at the time of occupancy or as otherwise approved by the planning staff as seasonal conditions may dictate.



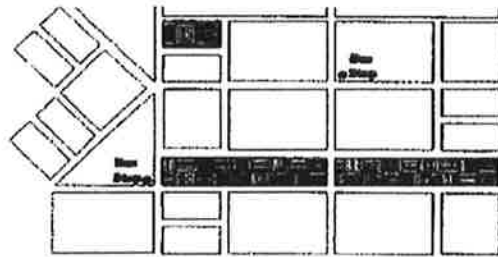
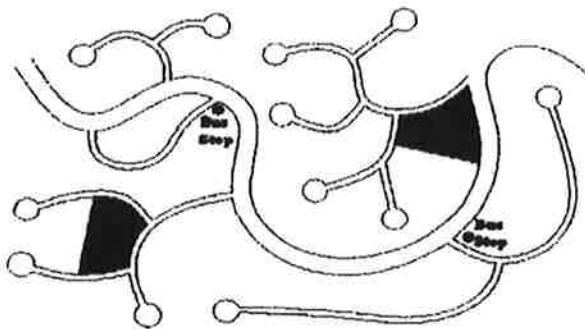
3. Condition Free Of Weeds: Future development areas or land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed free condition or landscaped, as approved by the planning commission.
4. Bond For Landscape Improvements: The developer shall bond for landscape improvements to ensure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the city for street improvements.
5. Planting Specifications:
  - a. Sixty percent (60%) medium size trees; deciduous trees with a caliper of two inches (2") and evergreen trees with a minimum height of seven feet (7'). Forty percent (40%) small size trees and shrubs in a combination with deciduous trees with a caliper of one and one-half inches (1 1/2") to two inches (2") and evergreen trees with a minimum height of four feet (4'). Depending on site conditions, a 50/50 mix of deciduous and evergreen trees and shrubs should be used for on site landscaping.
  - b. Street trees with a minimum two inch (2") caliper shall be installed along all public rights of way by the developer. The species type, location, and spacing of trees shall be as shown on the approved landscape plan, in compliance with designated streets within the city's streetscape plan.
  - c. Parking lot landscaping shall include planters at the ends of parking rows with shade trees and ground covers. Planters shall be at least five feet (5') wide. Shade trees and ground covers shall be installed in planters at minimum intervals, or groups with a ratio of at least one tree per six (6) parking stalls for double parking rows and one tree per three (3) parking stalls for single parking rows. Planter areas may also include rocks (minimum of 3 inches) or bark mulch provided that a commercial grade weed barrier or fabric is used.
  - d. Landscaping for plazas shall include at least one tree per seven hundred fifty (750) square feet. At least forty percent (40%) of the plaza area shall be covered with trees or planted canopy structures. One linear foot of seating shall be provided for every one foot (1') of perimeter of the plaza area.
  - e. The landscaping of other open space shall include trees and ground covers, with a requirement of at least one tree per five hundred (500) square feet. Trees should be clustered together, where possible, to allow larger open areas for seating and activities.
6. Installation: It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.

7. Maintenance: It shall be the responsibility of the developer and/or property association to properly maintain landscaped areas including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner.
  8. Vegetation Modification/Removal: Pruning vegetation for "exposure", which results in unnatural plant specimens, is prohibited. Necessary vegetation removal shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with a mix of trees with comparable total caliper. Street tree replacement shall be in compliance with the city's streetscape plan, unless otherwise approved by the planning staff.
  9. Utility Connections: When disturbances are made to existing landscaped areas, the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the community development director.
- G. Outdoor Lighting: The lighting of streets, pedestrian areas, parking lots, and open space is required. Streetlights shall conform to an approved theme and shall encourage a "village" feel and walking safety. Indirect lighting, bollard lighting, and landscape lighting is encouraged.

Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified 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. Streetlight design fixtures shall be pedestrian in scale, shall evoke a "village" feel and be installed and maintained as required.

#### H. Streets And Pedestrianways:

1. Streets: All accesses within a mixed use development shall have connectivity with existing and future street patterns. A grid street pattern or modified grid pattern is required where practically possible. Cul-de-sac streets will not be approved unless it can be demonstrated that no other practical way exists to make connectivity. Private streets are discouraged and gated communities are prohibited in mixed use developments.



2. Widths: Street widths shall be determined during site plan review and approved by the planning commission. In general, streets shall be designed to implement "complete streets" concept as recommended in the document: "Context Sensitive Solutions In Designing Major Urban Thoroughfares For Walkable Communities". The level of travel

and service should be considered, while incorporating principles of traffic calming and pedestrian compatibility, i.e., tree lined streets with pedestrianways and linkages, decreasing the need for pavement width by spreading traffic through a grid or modified grid street system.

3. Sidewalks And Walkways: The design of pedestrianways may include a solitary meandering pathway or trail, a "pedestrian street", and the many possible designs in between. Walkways and connections to trail systems shall be incorporated into the project. Choice of appropriate pedestrian access will be made based upon scale, the type of mixed use project being proposed, and by the way uses are integrated. A standard eleven foot (11') cross section, with a six foot (6') park strip and a five foot (5') sidewalk, is a minimum, while wider park strips and/or sidewalks may be required depending upon the land uses and the desired effect. All streets shall have sidewalks and curbside streetscape.

Pavers, borders, and other sidewalk design materials with compatible colors shall be used as needed in order to break up expanses of hard surfacing and to encourage pedestrian interest and activity. In "vertical mixed use" and other more urban areas, sidewalk adjustments may be required in order to enhance street and land use connectivity. Portions of the park strip may be paved to accommodate street furniture, leaving appropriately sized tree wells for street trees.

Street furniture, including, but not limited to, benches, trash receptacles, artwork, drinking fountains, bike racks, and newspaper racks, may be required depending upon the nature of the block face and specific land uses. Street furniture requirements shall include an overall design theme for compatibility.

4. Crosswalks: Extensive use of crosswalks shall be incorporated within the project, at intersections, midblocks as needed, within parking lots, or other desirable pedestrian connections. A "pedestrian inconvenience distance" of one hundred fifty feet (150') shall be used as a guideline. Crosswalks shall be so configured to be a design feature of the development, i.e., multiple painted lines, pavers, edges, and other methods of emphasizing pedestrian use versus auto use. Crosswalk paving materials matching sidewalk materials are encouraged to further enhance the pedestrian realm. Bulb outs and other pedestrian design features shall be used to shorten walking distances across open pavement. Gaps in planted medians shall be used in appropriate areas to encourage walking and to act as a "refuge" for crossing pedestrians.
- I. Other Forms Of Transportation: All forms of transportation shall be considered within and without the mixed use development with the intent to improve convenience and reduce vehicle trips ("complete streets"). All forms of transportation should be encouraged, including train, auto, bus, bicycle, and pedestrian. Access connections shall be required where deemed essential to provide circulation or access to churches, schools, playgrounds, open space, shopping centers, transportation, and other community facilities.

Appropriate bus turnouts, shelters, stops and other transit options shall be coordinated and planned as part of the development review process. Based upon land use and the level of

demand, bicycle parking shall be provided in appropriate locations, i.e., visible from storefronts and entrances to office buildings ~~and residential structures~~.

- J. **Parking Areas:** Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied. Parking areas shall be designed as follows:
1. Location of parking shall be determined not only from its visual relationship to the building and site, but also as it relates to safe, convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by the planning commission based on the following factors:
    - a. Type of land use and structure.
    - b. Building height and configuration.
    - c. Relationship to other buildings both horizontally and vertically.
    - d. Natural land features such as slopes and vegetation.
    - e. Physical features such as rail lines, canals, and controlled ingress and egress.
    - f. Visibility from vehicular approaches and distant highways.
    - g. Safe pedestrian connections to buildings, walkways, open space, and streets.
  2. Where possible, parking lots shall be broken up and planned as "outdoor rooms" through the use of buildings, walkways, open space, and landscape design. When approved, large parking lots shall be broken up with substantial tree and ground cover plantings. Parking lots should be broken up into "rooms" of no more than one hundred (100) parking stalls through the use of connecting walkways.
  3. Unless otherwise approved by the planning commission, parking lots are prohibited between streets and buildings.
  4. Underground parking, deck or terrace parking, and parking garages are encouraged and may be required in conjunction with structures of three (3) stories or more. Said structures shall have architectural treatments compatible with area buildings. Parking structures with ground level parking immediately adjacent to the frontage of a street are prohibited. Parking structures shall be designed around natural light with "safety" lighting added as needed. Landscaping, within and without, may be required to enhance compatibility and safety.
  5. Developments are not allowed to be "over parked" without justification. Developments may be approved by the planning commission with less than required parking if evidence can be shown that the nature of the land uses proposed will not generate the number of stalls as recommended in the city's parking ordinance. Developments may also be "under parked" if justified with a walkable design that demonstrates such, and/or where local multimodal transit systems exist or are immediately planned, which would help reduce

the number of needed parking stalls and/or automobile trips. Shared parking arrangements may be required in order to reduce unnecessary parking areas and to encourage pedestrian activity.

6. Where possible, on street parking shall be provided adjacent to developments, and a prorated share of such, may be used to satisfy overall parking requirements. Parallel or angle parking may be approved based upon the overall design and width of the street, as recommended by the city transportation engineer and approved by the planning commission.

K. Environmental Concerns:

1. Building, landscape, and solar access should be adjusted, where possible, to be compatible with the local climate. Such design should include, but not be limited to, window placement, building recesses, overhangs, trellises, awnings, porches, and landscape placement, planned in such a way to enhance livability and reduce energy costs.
2. The use of lighter colored building materials (i.e., rooftops), fences/walls, and extensive deciduous and evergreen tree cover shall be incorporated into developments in order to reduce the urban heat island effect. Where possible, streets, driveways, parking lots, etc., should use concrete or other materials which absorb less sunlight.
3. Where possible, drought resistant ground covers, shrubs, and trees shall be incorporated into the landscape to reduce water usage and storm runoff. Water gardens, landscape swales or other on site drainage design should be designed into the project. Extensive areas of grass or other high water use plants without a public purpose are discouraged.

- L. Service Areas: Loading and refuse collection areas must be screened from public view. These areas are not permitted between buildings and streets unless they can be adequately screened through landscaping and architectural design. Buildings and site improvements must be designed to properly accommodate loading, unloading and refuse collection, with such being discouraged on public streets. Screen walls and enclosures shall be constructed with materials compatible with the structures they serve. Loading and refuse collection areas shall be properly maintained in a debris free condition.

Except for approved and screened recreational vehicle storage lots associated with a ~~residential use~~, storage areas, including the storage of materials, merchandise, pallets, etc., shall be within buildings.

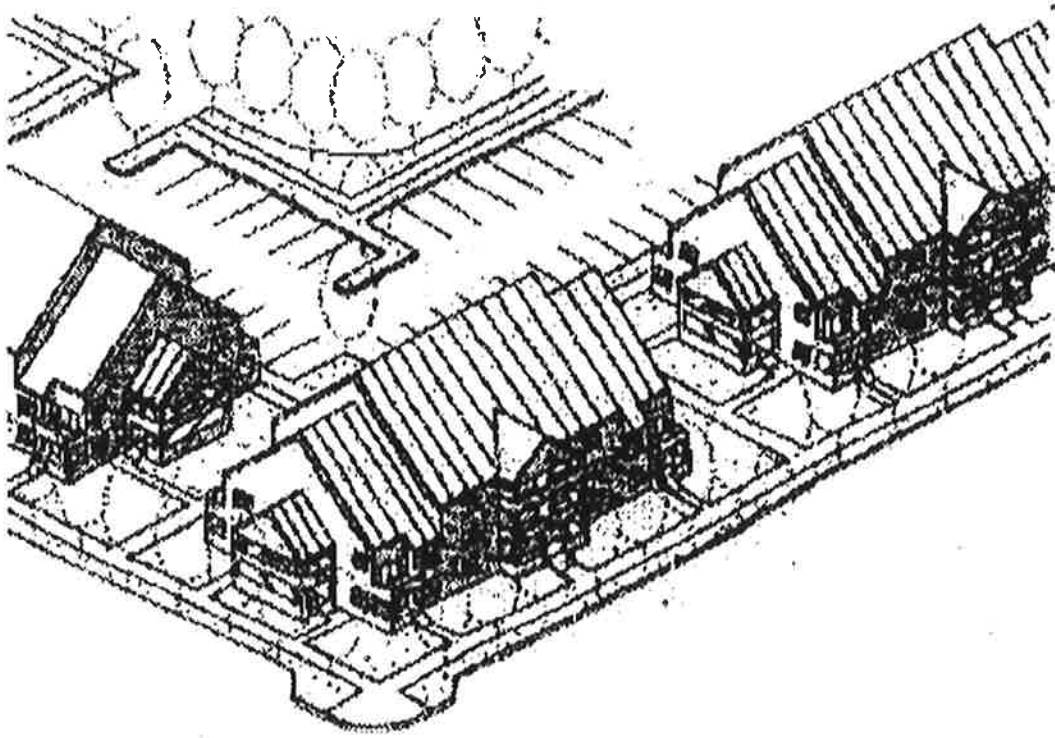
- M. Utilities: Utility companies shall coordinate utility infrastructure location and grouping to create minimal impact on site design. All utility lines shall be placed underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed, and no pole or other support structure therefor shall be erected, altered or replaced, upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.

1. Utility boxes shall be grouped together where possible and screened with vegetation or other appropriate method. Such facilities shall be sensitively placed so as to not detract from street aesthetics and pedestrian design. Gas meters and electric service meters and panels shall be located on the sides of buildings.
2. Where overhead utility poles exist, service lines to new developments must be placed underground from the nearest overhead service pole.
3. This section does not require removal of any existing electrical transmission facilities and electrical distribution lines nor does it restrict the repair, minor relocation, and maintenance of any such existing facilities. However, the developer shall be responsible for the removing or relocating of utility poles out of the public right of way and/or away from the frontage of the development.

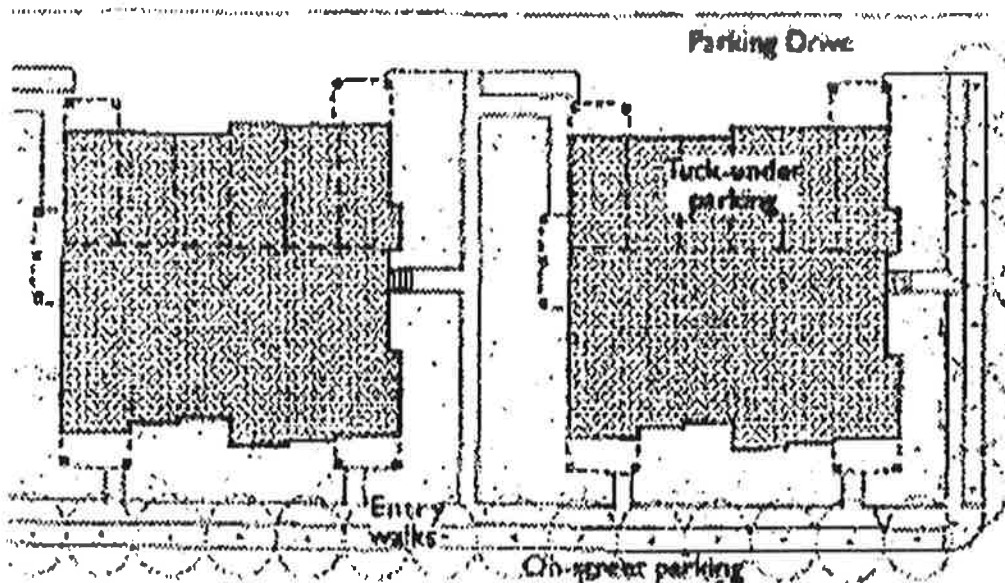
#### **~~17.74.090: RESIDENTIAL DESIGN REQUIREMENTS:~~**

~~Depending upon the size and scale of mixed use projects, residential dwellings shall comprise more than one land use type, fulfilling housing needs with an assortment of housing options and shall be designed using standards and design principles as promulgated in the "Wasatch Choices 2040 Plan". The number of bedrooms per unit and other housing design options shall be varied in proportions to assist in providing suitable housing for a range of household incomes, family size, and life cycles.~~

- ~~A. Where possible, multi-family development shall front onto open space or public streets with appropriate walkable elements, including building entrances facing the street, sidewalks, and park strips with street trees. When approved, private streets shall be so designed to resemble a walkable public street design.~~
- ~~B. Multi-family residential development shall conform to requirements heretofore presented. Approved setbacks shall be determined by the planning commission based upon acceptable layout and design.~~
- ~~1. The following standards shall be required for multi-family residential:~~
  - ~~a. Properly designed off street surface parking hidden from streets, or provided within parking terraces.~~



- b. Surface parking, where possible, shall be designed in a linear fashion to better resemble a public street design.
- e. Garage units associated with multi-family development should be rear loaded. Where front loaded garages are approved, they shall be so designed to be subservient (set back at least 5 feet from the front line of the dwelling) to the architecture of the residential structure.



- d. ~~Roofs with a four to twelve (4:12) pitch or greater, unless otherwise approved by the planning commission.~~
- e. ~~Dwelling and garage gables facing streets and alleys.~~
- f. ~~Extensive windows facing streets, alleys and pedestrian connections.~~
- g. ~~Covered entrance porches.~~
- h. ~~Entry sidewalks that connect directly to public sidewalks.~~
- i. ~~Variety of building sizes, shapes and building heights.~~
- j. ~~Open space and recreational amenities compatible with project scale and market.~~

2. ~~The following standards for multi-family residential shall be encouraged:~~

- a. ~~Multi level structures.~~
- b. ~~Dormers and/or shutters, and other window treatments.~~
- c. ~~Street side balconies/decks.~~

C. ~~Single-family residential dwellings, unless fronting a "green court", shall have front setbacks that range between twenty two feet (22') and thirty two feet (32'), measured from the porch to the edge of the curb. Front loaded garages shall be subservient to the dwelling and shall not have a setback less than eighteen feet (18') to the inside edge of the sidewalk. Side and rear setbacks shall be determined by the planning commission based upon acceptable subdivision layout and design.~~

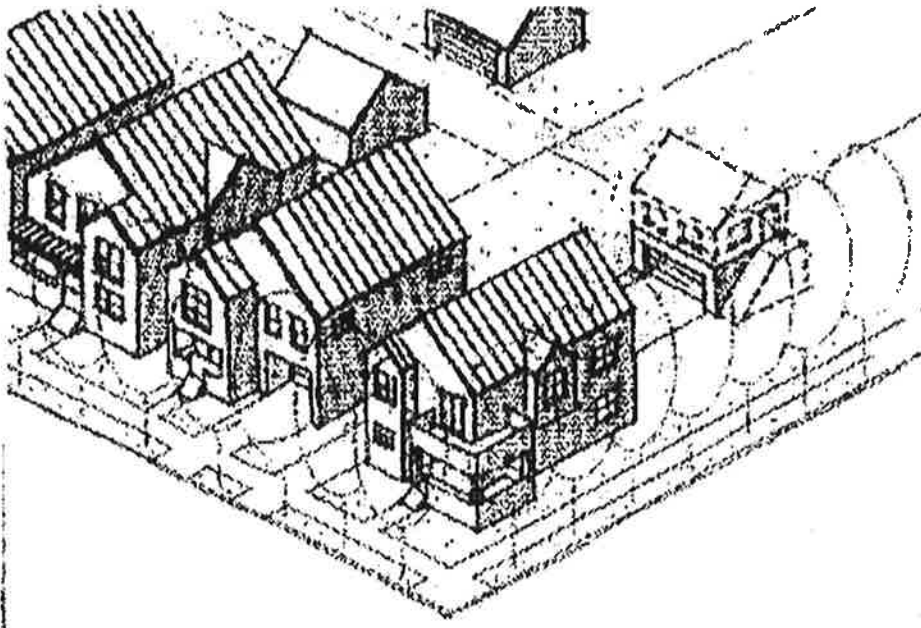
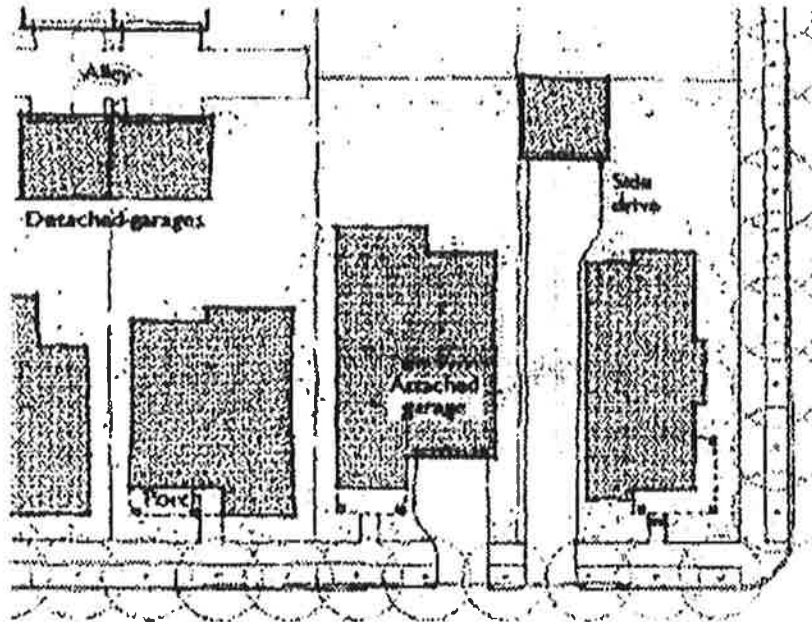
1. ~~The following standards shall be required for single-family residential:~~

- a. ~~Subservient garages, i.e., rear loaded with alley access, front loaded detached or attached but set back from the front line of the home by at least five feet (5'), side entry attached, or a combination of the above.~~
- b. ~~Roofs with a four to twelve (4:12) pitch or greater, unless otherwise approved by the planning commission.~~
- c. ~~Dwelling and garage gables facing streets and alleys.~~
- d. ~~Covered open front porches comprising at least fifty percent (50%) of the front elevation (not including the garage), and in no case being no less than fifteen feet (15') in width.~~
- e. ~~Entry sidewalks that connect directly to public sidewalks.~~

2. ~~The following standards for single-family residential shall be encouraged:~~



- a. Two-story dwellings.
- b. House dormers and/or shutters, and other window treatments.
- c. Street side balconies/decks.
- d. Wraparound porches, particularly on corner lots.



**17.74.1090: REQUIREMENTS UNIQUE TO THE MIXED USE TRANSIT ORIENTED DEVELOPMENT (MU-TOD) SUBDISTRICT:**

A. Purpose Of The MU-TOD Subdistrict: The purpose of this subdistrict is to encourage the development of high intensity regional mixed land uses with maximum building height and bulk standards conducive to transit oriented development. The focus of such uses would be in appropriate areas along Jordan Gateway and I-15 in proximity to the "FrontRunner" Commuter Rail Station.

B. Permitted Uses: The following uses shall be permitted in the MU-TOD subdistrict:

Accessory uses.

Agriculture without livestock or poultry.

Banks, credit unions, financial institutions without drive-up facilities.

Business services.

Educational facilities.

~~Home occupations in compliance with this title.~~

~~Household pets in accordance with this code.~~

Medical and dental offices or clinics.

~~Multi-family dwellings, varied and integrated with adjacent uses.~~

Office services.

Personal services.

Residential facility for disabled persons as required by state law.

~~Residential use above the first floor of commercial or office use.~~

Restaurants without drive-up facilities.

Retail sales and services; excluding auto services such as stand alone car wash, tires, repairs, gas stations and/or convenience store.

C. Conditional Uses: A conditional use permit may be issued for the following uses in the MU-TOD subdistrict:

Auto service, including stand alone car wash, tires, repairs, gas stations and/or convenience store wherein the building is built to the street with bays, pumps, etc., to the side or rear.

Banks, credit unions, financial institutions with drive-up facilities located to the rear of the structure.

Churches, excluding temporary revival tents or structures.

Daycare center facility.

Health and fitness centers.

~~Live/work units.~~

Parks and recreational activities.

Preschool center facility.

Public buildings.

Public or private schools.

Restaurants with drive-up facilities located to the rear of the structure.

- D. Building Height: Buildings shall have a minimum and maximum height as indicated by building type, as shown below. Additional height may be granted by the planning commission for rooftop landscaping/amenities.

Land Use	Commercial	Office	Vertical Mixed Use	Condos	Apartments	Townhomes	Public And Quasi-Public
Min. building height	1 story, extended <sup>1</sup>	3 stories	2 stories	<del>3 stories</del>	<del>3 stories</del>	<del>2 stories</del>	1 story, extended <sup>1</sup>
Max. building height	20 stories <sup>2</sup>	20 stories <sup>2</sup>	20 stories <sup>2</sup>	<del>20 stories<sup>2</sup></del>	<del>20 stories<sup>2</sup></del>	<del>3 stories</del>	3 stories

Notes:

1. Vertical architectural elements that make the buildings appear greater than 1 story.
2. "Step back" architecture may be required wherein building height adjacent to public streets may be limited in order to enhance pedestrian design.

**17.74.1400: REQUIREMENTS UNIQUE TO THE MIXED USE TOWN CENTER (MU-TC) SUBDISTRICT:**

- A. Purpose Of The MU-TC Subdistrict: The purpose of this subdistrict is to encourage the development of medium intensity community and town center mixed uses with a "village"

look and feel (i.e., human scale, pedestrian friendly, architecturally diverse). The location of such uses would be in appropriate locations along portions of Redwood Road and South Jordan Parkway, with a focus on the area around city hall and the South Jordan Towne Plaza.

B. Permitted Uses: The following uses shall be permitted in the MU-TC subdistrict:

Accessory uses.

Agriculture without livestock or poultry.

Banks, credit unions, financial institutions without drive-up facilities.

Business services.

Educational facilities.

Healthcare facilities and services.

~~Home occupations in compliance with this title.~~

~~Household pets in accordance with this code.~~

Medical and dental offices or clinics.

~~Multi-family dwellings, varied and integrated with other uses in a "village" style.~~

Office services.

Personal services.

~~Residential accessory uses.~~

Residential facility for disabled persons as required by state law.

~~Residential use above the first floor of commercial or office use.~~

Restaurants without drive-up facilities.

Retail sales and services; excluding auto services such as stand alone car wash, tires, repairs, gas stations and/or convenience store.

C. Conditional Uses: A conditional use permit may be issued for the following uses in the MU-TC subdistrict:

Auto service, including stand alone car wash, tires, repairs, gas stations and/or convenience store wherein the building is built to the street with bays, pumps, etc., to the side or rear.

Banks, credit unions, financial institutions with drive-up facilities located to the rear of the structure.

Churches, excluding temporary revival tents or structures.

Daycare center facility.

Health and fitness centers.

~~Live/work units.~~

Park and recreational activities.

Preschool center facility.

Public buildings.

Public or private schools.

Restaurants with drive-up facilities located to the rear of the structure.

D. Building Height: Buildings shall have a minimum and maximum height as indicated by building type, as shown below. Additional height may be granted by the planning commission for rooftop landscaping/amenities.

Land Use	Commercial	Office	Vertical Mixed Use	<del>Condos</del>	<del>Apartments</del>	<del>Townhomes</del>	Public And Quasi-Public
Min. building height	1 story, extended <sup>1</sup>	1 stories	2 stories	<del>2 stories</del>	<del>2 stories</del>	<del>2 stories</del>	1 story, extended <sup>1</sup>
Max. building height	4 stories <sup>2</sup>	4 stories <sup>2</sup>	5 stories <sup>2</sup>	<del>4 stories<sup>3</sup></del>	<del>4 stories<sup>2</sup></del>	<del>3 stories</del>	3 stories

Notes:

1. Vertical architectural elements that make the buildings appear greater than 1 story.

2. "Step back" architecture may be required wherein building height adjacent to public streets may be limited in order to enhance pedestrian design.

## **EXHIBIT D**

### **SECTION 16.04.190 (PARKS, PARK STRIPS, WALKWAYS, TRAILS, AND OPEN SPACE)**

#### 16.04.190: PARKS, PARK STRIPS<sup>1</sup>, WALKWAYS, TRAILS, AND OPEN SPACE:

The developer shall incorporate into development design and implement the following requirements pertaining to parks, park strips, trails and open space ~~shall be incorporated into development design and implemented by the developer:~~

A. Plans, Funding, Maintenance: Where parks, open space, or trails are master planned by the eCity, proposed by the developer, or required on a parcel or parcels on which a subdivision or other development is proposed, the developer shall incorporate said parks, open space, or trails into the design of the project and submit the plan for approval, with suggested improvements and funding and maintenance mechanisms, to the eCity eCouncil. The eCity eCouncil will determine what open spaces, parks, trails, improvements, and funding and maintenance mechanisms ~~are the City~~ desired and direct the developer concerning the same.

B. Pedestrian ~~A~~ and Vehicular Access: All parks approved for public use shall have appropriate pedestrian and vehicular access from public streets. Parks and open space four (4) acres or larger in area shall abut at least one (1) collector or arterial street.

C. Flood Control: Parks and open spaces shall be planned, where appropriate, in conjunction with stormwater detention and retention areas.

D. Trail Location ~~A~~ and Access: Trails and linear parkways shall be planned in conjunction with required waterways, along streets, or in other locations as determined by the eCity. Linear parkways or trails which are approved by the eCity in required flood channels shall be dedicated to Salt Lake County or retained as private property. The developer, upon the City's request ~~of the city~~, shall grant to the eCity or other entity permanent access easements designated by the eCity eEngineer on and over sidewalks or trails on private property prior to final approval or building permit issuance, which easements may or may not give open public access. The owners or the City shall All maintenance of such areas shall be conducted by the owners or the city as determined by the eCity's staff. The City will maintain Trails which are required by and dedicated to the eCity ~~will be under the maintenance control of the city.~~

E. Single-Family Residential Collector Street Park Strips: Park strips at the rear or side of single-family residential lots shall be improved with sod, and trees, ~~with a~~ Up to fifty (50) percent ~~(50%)~~ of the required sod may be substituted with stamped ashlar slate gray colored concrete. However, stamped concrete shall not be used in sections greater than fifteen (15) linear feet per section.

F. Other Collector Street Park Strips: Collector street park strips along commercial, office, multi-family residential, industrial, and institutional developments shall be improved with sod, and trees, ~~and/or a~~ Up to fifty (50) percent ~~(50%)~~ of the required sod may be substituted with stamped natural earth tone colored concrete. However, stamped concrete shall not be used in sections greater than fifteen (15) linear feet per section.

G. Residential Street Park Strips: ~~Said Residential street~~ park strips shall be improved a minimum of fifty (50) percent ~~(50%)~~ with sod, trees, plants, shrubs and/or other live ~~plant material~~ vegetation which are low maintenance and commonly found along the Wasatch Front or

within similar climates. Mulch and/or medium size bark material, two (2) inches-~~(2")~~ or larger, may be used in combination with live vegetation provided that it is fully contained within the park strip at all times. A maximum of fifty (50) percent ~~(50%)~~ of the park strip area, per street frontage, may be hardscape, with stamped natural earth tone colored concrete, and/or masonry materials such as stone, pavers, boulders, and/or rock. However, stamped concrete or other materials shall not be used in sections greater than fifteen (15) linear feet per section. All rock and stone materials shall not be less than three (3) inch-~~(3")~~ diameter in size at any point.

H. Park Strip Materials, Colors, ~~A~~and Sizes: All other park strip materials, colors, and sizes shall be viewed by ~~community d~~Development Services dDirector for consideration of approval. The ~~community d~~Development Services dDirector may approve greater than fifty (50) percent ~~(50%)~~ hardscape within the park strip based upon the applicant's street tree planting plan that clearly incorporates tree species, canopy, spacing, and ground covers into a superior green design that reasonably offsets the increased percentage of hardscape materials.

I. Landscaping ~~A~~and Maintenance: The developer shall install all required collector street landscaping improvements and properly maintain said improvements until the City releases one hundred (100) percent ~~(100%)~~ release of the improvement guarantee. After satisfactory installation of landscaping in collector street park strips and the one hundred (100) percent ~~(100%)~~ release of the ~~bond~~ improvement guarantee for said landscaping, the ~~e~~City will accept responsibility for maintenance of the park strips along collector streets where collector street fencing has been installed along the rear and side property lines of lots only in single-family residential subdivisions. The owners of property in all other developments ~~shall be~~ are responsible for the proper landscaping and maintenance of other public or private park strips.

J. Common Open Space: The developer of a ~~PUD or~~ condominium shall submit plans for landscaping and improvements for the common open space. The developer shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon ~~are to~~ will be financed and maintained.

K. Completion Guarantee: The developer shall file with the ~~e~~City an ~~acceptable~~ bond improvement guarantee, in a form satisfactory to the ~~e~~City a Attorney, guaranteeing completion of park, open space, and trail improvements within one (1) year after such filing. Upon completion of the improvements for which an ~~bond or other agreement~~ improvement guarantee has been filed, the developer shall ~~call~~ schedule for an inspection by the ~~e~~City eEngineer. If the City Engineer ~~inspection shows~~ finds that landscaping and construction have been completed in compliance with the approved plans, the City Engineer shall release the ~~bonds or security therefor~~ improvement guarantee ~~shall be released~~ except for that amount retained during the warranty period. If the City Engineer does not release the ~~bonds or security~~ improvement guarantee ~~are not released~~, he or she shall provide the developer the ~~refusal to release and reasons therefor shall be provided to the developer.~~

L. Open Space Easement: The developer shall, upon the City's request ~~of the city~~, grant to the ~~e~~City or other agency or entity an "open space easement" on and over the common open space prior to recording the final plat, site plan, or condominium, which easement will not necessarily give the general public the right of access, but will provide that the common open space remains open.



M. Open Space Ownership ~~And Maintenance~~: All open space or trail improvements ~~in PUDs and other developments~~ not specifically dedicated to the ~~e~~City or accepted for ownership or maintained by the ~~e~~City shall be perpetually owned by the adjacent owners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the ~~e~~City.

N. Glenmoor Neighborhood: Walkways in the Glenmoor neighborhood are those publicly owned areas that include a sidewalk, that pass between private residential properties. The area between the abutting owner's property and the sidewalk ~~is the~~ **shall be maintained by that** property owner's responsibility to maintain.

**1.** The property within a walkway which is between the abutting owner's property and the sidewalk shall not include materials, objects, trees, shrubs, or plant material that will obstruct travel on the walkway or pose a safety hazard to pedestrians or maintenance personnel.

**2.** All walkway landscape shall be improved with suitable ground covers, plants, shrubs, other live plant material which are low maintenance, and/or medium size bark material, two **(2)** inches (2") or larger provided it is fully contained within the area between sidewalk and the abutting owner's property.

**3.** The area between the sidewalk and the abutting owner's property may be hardscape with material such as concrete, and/or masonry material such as pavers, or rock not less than three **(3)** inch (3")-diameter in size at any point provided it is fully contained within the area between sidewalk and the abutting owner's property.

**4.** Adjoining property owners shall keep walkways free of obstructions and hazards. Shrubs, plants, and trees shall be maintained clear of the sidewalk. Mature trees shall be pruned at least seven **(7)** feet (7') above the sidewalk.

**5.** Maintenance activities for walkway areas include: mowing grass; watering grass, shrubs, or trees; pruning trees or shrubs; and other generally accepted landscape maintenance activities. All walkway landscape must be maintained and shall not include unimproved areas or areas with weeds ~~which~~ that exceed a height of six **(6)** inches (6") at any time.

**EXHIBIT E**

**SECTION 17.70.030 (CONDITIONAL USES)**

**17.70.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the BH-MU zone:

Assisted living centers.

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.

Daycare center facility.

Drive-through facilities, visually buffered, for allowed uses.

Entertainment, amusement, recreational activities.

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

Fast food.

Gas stations, convenience stores.

Golf courses and ranges.

Hospitals.

Indoor/underground automobile sales, new and ancillary used.

Laundry.

Live/work units.

Lumber, building material and landscaping retail sales yards.

Nature or zoological exhibits.

Office buildings.

Parks.

Preschool center facility.

Public or quasi-public facilities.

Recreational vehicle and boat sales, new and ancillary used.

Religious activities.

Retail nurseries, lawn and garden supply stores.

Schools, educational and training activities.

~~Single-family residential and integrated multi-family residential (projects with more than 4 housing land use type with "village" style design, building height and architecture), maximum eight (8) units per acre of the gross acreage of the master development plan. Additional dwelling units exceeding eight (8) units per acre may be approved by the city council as an amendment to the master development plan (MDP).~~

Street vendors.

~~Upper floor residential combined with commercial and/or office use on the main floor in the same building.~~

**EXHIBIT F**

**SECTION 17.70.170 (OTHER REQUIREMENTS)**

## **17.70.170: OTHER REQUIREMENTS:**

The following provisions shall apply in BH-MU zones:

- A. Private Covenants: ~~The d~~Developers of a ~~condominium projects or PUD in a BH-MU zone~~that will include common area, private streets, shared private improvements, or shall otherwise include restrictive covenants shall submit a proposed declaration of conditions, covenants and restrictions ("CC&Rs") to the ~~e~~City ~~attorney~~staff for review; The CC&Rs shall be recorded concurrently with the final plat and, except where the City has agreed to and executed documents to guarantee the establishment of a special assessment area, shall include the following:
1. including a~~An~~ opinion of legal counsel licensed to practice law in the state that the ~~condominium project~~ meets requirements of state law, ~~and record the covenants with the condominium map or subdivision plat for the project.~~
  2. Provisions for a homeowners association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by City staff and approved by the Planning Commission.
  3. Language consistent with Section 17.04.300 of this Title.
- B. Grading ~~A~~and Drainage: All developments in BH-MU zones shall be graded according to the ~~e~~City engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Easements: Buildings may not be located within public easements without written approval from the affected parties.
- D. Maintenance: All developments shall be properly maintained by the owners.
- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the ~~e~~City.

## **EXHIBIT G**

### **SECTION 17.130.10 (DEFINITION AND PURPOSE)**

## 17.130.010: DEFINITION AND PURPOSE

An overlay zone represents a geographical area or district where additional standards, conditions, and/or uses are superimposed upon the underlying zones within that area or district. A floating zone may allow for additional uses and modification of use regulations and the zoning provisions of the existing base zone. ~~within specific zones. It is not geographically located~~ A floating zone is not automatically applicable to a predetermined location, as with an overlay zone, but may be applied to a specific location ~~upon~~ after specific standards and conditions are met and after legislative approval by the City Council ~~of specified standards and conditions having been met.~~ Floating zones provide greater flexibility for land owners that own unique properties or who agree to build projects that include high quality and unique elements not otherwise required by the underlying zone. The purpose of overlay zones and floating zones is to provide a zoning tool for the accomplishment of community goals and policies in the pursuit of the public health, safety, and welfare in ways not available through typical zoning.



**EXHIBIT H**

**SECTION 17.130.050 (PLANNED DEVELOPMENT FLOATING ZONE)**

## 17.130.050: PLANNED DEVELOPMENT FLOATING ZONE

### 17.130.050.010: PURPOSE

The purpose of the Planned Development Floating Zone (PD) is to allow for flexibility in the application of zoning regulations and development provisions of this Title to advance a public interest through prescriptive requirements of a development plan and development agreement approved by the City Council. The PD may be applied to specific geographical areas ("Districts") in circumstances that address a unique situation, confer a substantial benefit to the City, or incorporate design elements or a mixture of uses that represent a significant improvement in quality over what could otherwise be accomplished by standard zoning and development provisions. Such circumstances may include, but are not limited to: improvements in open space and amenities, environmental and resource preservation, tree and vegetation protection, slope accommodations, improved infrastructure efficiency, exceptional and innovative site or building design, increased public benefits, and complementary integrated land uses. The City Council shall consider the purpose of the base zone and the impacts on and from surrounding properties when approving a PD District.

### 17.130.050.020: ESTABLISHMENT

#### A. Procedure

1. Concept: A concept plan, that includes a preliminary site layout, basic sketches of proposed buildings, and a general understanding of proposed uses, shall be submitted for City Council review. Applicants are encouraged to work with staff prior to application to achieve an understanding of the surrounding area, the purpose of the base zone, and the goals and policies of the City's General Plan. The Council shall provide advisory comments and recommendation regarding the concept plan to assist in the preparation of the development plan according to Subsection B of this Section. No action will be taken by the Council, and comments and recommendations will not obligate, compel, or constrain future action by the Council.

2. Rezone: A PD District shall only be established upon approval by the City Council as a rezone according to the provisions of Chapter 17.22 (Zoning Amendments) and as may be required elsewhere in this Title, except that the requirement for a conceptual plan in 17.22.030(D) shall be replaced with a development plan according to Subsection B of this Section. The development plan shall be approved by development agreement in conjunction with the rezoning approval.

3. Concurrent Site Plan or Preliminary Subdivision (optional): At the applicant's option and with the approval of the Development Services Director, the applicant may submit a site plan application and/or preliminary subdivision application to be processed concurrently with a PD rezone. In the case of concurrent applications, Planning Commission approval of a concurrent site plan and/or preliminary subdivision shall be contingent on the City Council's approval of the PD rezone.

## **B. Development Plan Requirements**

**1. A written statement shall be provided that explains the intent of the proposal, explains how the PD provisions will be met, and identifies the requested revisions to standard zoning and development provisions.**

**2. A map and other textual or graphic materials as necessary to define the geographical boundaries of the area to which the requested PD District would apply.**

**3. A development plan shall also include:**

**a. site plan/conceptual subdivision plan;**

**b. circulation and access plan;**

**c. building elevations, materials, and colors;**

**d. landscape and open space plan;**

**e. signage plan;**

**d. lighting plan; and**

**e. allowed uses.**

## **C. Prohibited**

**1. Sexually oriented businesses shall not be allowed in a PD District where otherwise prohibited by the Code.**

**2. A PD District shall not be approved in the PC Zone or single-family residential zones (R-1.8, R-2.5, R-3, R-4, R-5).**

## **D. Effect of Approval**

**1. All of the provisions of this Code, including those of the base zone, shall be in full force and effect, unless such provisions are expressly waived or modified by the approved development plan and/or development agreement.**

**2. An approved PD District shall be shown on the Zoning Map by a “-PD” designation after the designation of the base zone district.**

**3. No permits for development within an approved PD District shall be issued by the City unless the development complies with the approved development plan.**

4. The Development Services Director may authorize minor deviations from an approved development plan to resolve conflicting provisions or when necessary for technical or engineering considerations. Such minor deviations shall not affect the vested rights of the PD District and shall not impose increased impacts on surrounding properties.

#### E. Vested Rights

1. A property right that has been vested through approval of a PD District shall remain vested for a period of three (3) years or upon substantial commencement of the project. A property right may be vested, or an extension of a vested property right may be granted, for a period greater than three (3) years only if approved by the City Council through an approved PD District.

2. Substantial commencement shall be the installation of infrastructure, a building having started construction, or as determined by the Development Services Director based on significant progress otherwise demonstrated by the applicant. A project that has not substantially commenced may, at the discretion of the property owner, develop according to the base zone. A project that has substantially commenced shall not deviate, in whole or in part, from the approved PD District, unless amended per section 17.130.050.030 of this Chapter.

#### 17.130.050.030: AMENDMENTS

Any application to amend an approved PD District shall be processed as a zone text amendment, except that an application to extend the District boundaries shall be processed as a rezone. Any amendment to an approved PD District requires that the corresponding development agreement also be amended.