

**ORDINANCE NO. 2016 - 02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING CHAPTER 17.18 (USES), ADOPTING CHAPTER 17.62 (OFFICE ZONES), AND REPEALING CHAPTER 17.50 (PROFESSIONAL OFFICE ZONE) OF THE SOUTH JORDAN CITY MUNICIPAL CODE.**

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

**WHEREAS**, the City Council of the City of South Jordan (the "City Council") has adopted the Planning and Land Use Ordinance (Title 17) of the City of South Jordan Municipal Code (the "Code"); and

**WHEREAS**, the City Council desires to enact text amendments to clarify regulations affecting land uses and better manage the impacts of lands uses on surrounding properties; 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 THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Amendment.** Chapter 17.18 (Uses), as identified in Exhibit A, of the Code is hereby amended.

**SECTION 2. Adoption.** Chapter 17.62 (Office Zone), as identified in Exhibit B, is hereby adopted as a chapter of Title 17 (Planning and Land Use Ordinance) of the Code.

**SECTION 3. Repeal.** Chapter 17.50 (Professional Office Zone) of the Code is hereby repealed.

**SECTION 4. 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 5. 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 19 DAY OF April, 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

Attest:   
City Recorder

Approved as to form:

  
Office of the City Attorney



## **EXHIBIT “A”**

Chapter 17.18 (Uses)  
of Title 17 (Planning and Land Use Ordinance)  
of the South Jordan City Municipal Code

## CHAPTER 17.18 USES

### **17.18.010: PURPOSE**

### **17.18.020: ALLOWED USES**

### **17.18.030: USE REGULATIONS**

### **17.18.040: IMPACT CONTROL MEASURES**

### **17.18.050: CONDITIONAL USES**

### **17.18.060: USE DEFINITIONS**

### **17.18.010: PURPOSE**

In order to implement the purposes and provisions of this Chapter, this Chapter is adopted to identify allowed uses, permitted and conditional, of zoning districts established within the City per Chapter 17.20 (Zone Establishment) and consolidate regulations pertaining to allowed uses. This Chapter shall only apply to the zones listed in the Allowed Uses Table (17.18.020(C)).

### **17.18.020: ALLOWED USES**

- A. Development or use of a property for primary uses not specifically allowed in Table 17.18.020(C) or approved by the provisions of this Chapter and this Code are prohibited, except as otherwise determined by the Development Services Director according to Section 17.18.030.10(B). Regardless of whether a primary use is allowed as a permitted or conditional use, the regulations of this Title (Planning and Land Use Ordinance) shall apply. Allowed uses shall be identified in the Allowed Uses Table (17.18.020(C)) with a "P" for a permitted use and a "C" for a conditional use.
- B. The classification of uses as Residential, Commercial, Industrial, Public, and Agricultural, and associated grouping within each category, is for organizational and reference purposes.

C. Allowed Uses Table:

CATEGORY	USES	ZONES (P=permitted, C=conditional)										
		A-5								R-2.5		
		A-1	C-C	C-F	C-I	C-N	I-F	P-O	R-1.8	R-3	R-4	R-M
Agricultural	Animal Husbandry	P										
	Horticulture	P										
	Plant Nursery	C	C	C					C			
	Public Agricultural Facility	C							C			
Residential	Group Living	Community Residential Facility						C				C
		Dormitory										
		Institutional Living										
	Household	Live-Work										
		Multi-Family										
		Neighborhood Residential Facility	P						P	P	P	
		Single-Family, Attached										P
		Single-Family, Detached	P						P	P	P	
Public	Civic & Community	Cemetery										
		Community Services	C	C	P	P	C	P	C	C	C	C
		Public Safety	C	C	C	C	C	C	C	C	C	C
		Religious Assembly & Worship	C	C	C	C	C	C	C	C	C	C
	Education	Elementary/Secondary Education	C	C	C			C	C	C	C	C
		University/College		C	C		C	C				
		Vocational/Professional		C	C		C	C				
	Open Space	Natural Open Space										
		Park Open Space										
	Utility & Communication	Energy Conversion	C			C		C				
		Telecommunication Facility	C	C	C	C	C	C	C	C	C	C
		Utility Services	C	C	C	C	C	C	C	C	C	C
Commercial	Services	Animal Services		C	C	C	C					
		Business Support		C	P	P		P	P			
		Daycare	P	P	P		P	P	C	P	P	P
		Financial Institution		P	P		C	P	P			
		Hospital			C				C			
		Light Service & Repair		C	C	P	C	P				
		Lodging		C	P		C	P	C			
		Medical/Dental Office or Clinic		P	P		P	P	P			
		Mortuary/Funeral Home		C					P			
		Office		P	P		P	P	P			
		Personal Services		P	P		P	P	P			
		Professional Services		P	P		P	P	P			
		Restaurant		C	P		C	P	C			
		Self-storage		C	C	C			C			
	Recreation & Assembly	Vehicle Repair				C		C				
		Vehicle Services		C	C	P		P				
		Arts & Recreation		P	P	P		P	P			
		Convention/Reception Center		C	C			C	C			
		Instruction & Training		P	C	P	P	P	C			
		Outdoor Recreation		C	C			C				
		Stadium/ Theater/ Auditorium		C	C			C				
	Retail	Gas Station		C	C	C	C	C				
		General Retail		P	P	P	P	P				
		Kiosk, Freestanding		C	C			P				
		Shopping Center/Department Store		C	C			C				
		Vehicle Sales & Rental			C			C				

CATEGORY	USES	ZONES (P=permitted, C									
		A-5								R-2.5	
		A-1	C-C	C-F	C-I	C-N	I-F	P-O	R-1.8	R-3	R-4
Industrial	Manufacturing and Production	Assembly			P		P			R-5	R-M
		Fabrication			C		C				
		Manufacturing			C		C				
		Mining									
	Sales & Service	Commercial Service & Repair			C		C				
		Food & Drink Preparation			C		C				
		Heavy Equipment Sales & Rental			C		C				
		Research & Development			P		P	C			
		Storage Yards			C						
		Wholesale & Warehouse			P		P				
	Transportation	Aircraft Transportation									
		Parking Facility						C			
		Passenger Terminal/Station		C	C	C	C	C			
	Waste	Railroad Facility			C						
		Refuse									
		Salvage			C		C				

### 17.18.030: USE REGULATIONS

#### 17.18.030.10: GENERAL USE REGULATION

- A. Uses may be conducted within the City only in accordance with the regulations of §Title 17 (Planning and Land Use Ordinance), including, but not limited to, the use regulations of this eChapter, General and Supplementary Provisions (Chapter 17.04), and the zone-specific use regulations listed in the applicable zone ordinance of this §Title. A conditional use permit, where required, must be obtained prior to the establishment of the use.
- B. The Development Services Director may provide interpretation of the provisions of this eChapter to clarify words or phrases not otherwise defined, provide additional clarity necessary to apply provisions to specific cases, resolve the applicability of conflicting provisions, determine the applicability of provisions to uses not expressly listed in §Table 17.18.020(C) or determine and impose limitations on accessory uses not otherwise identified. If the Development Services Director is unable to interpret the provision in question, a zone text amendment may be processed in order to clarify the zoning regulations.
1. Said interpretation shall consider the goals of the General Plan, the purpose and intent of the zoning district involved, the character (e.g. scale, impacts, activities, materials, and building types) of allowed uses identified in the zoning district involved, the character of a proposed use, and the potential to generate negative impacts on surrounding properties.

2. The Development Services Director shall issue a written decision within thirty (30) days of a request for interpretation.
  3. The Development Services Director shall maintain all written decisions and uniformly apply those decisions.
- C. 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, that is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property for longer than seventy-two (72) hours, except as the following applies:
1. Where commonly associated with an approved use and in an area designated for parking or storage on an approved site plan.
  2. Where up to two (2) such vehicles or parts thereof are stored completely within an enclosed building or within a six (6) foot obscuring fence enclosure that completely screens view of the vehicles from public streets and neighboring properties.
- D. Commercial vehicles or earthmoving or material handling equipment, such as semi-trailer trucks and trailers, trucks and trailers exceeding eight thousand (8,000) pounds curb weight, "truck" as defined in §Section 10.24 (Truck Parking and Truck Routes), delivery vehicles, dump trucks, backhoes, graders, loaders, cement trucks, bulldozers, belly dumps and scrapers, forklifts or other similar vehicle or equipment, may not be parked or stored on a residential lot or parcel for any length of time or on a non-residential lot or parcel for not longer than forty-eight (48) hours, except as the following applies:
1. In conjunction with and required for an active and approved development or construction project.
  2. While loading or unloading said vehicle.
  3. When commonly associated with an approved use on a non-residential lot or parcel and in an area designated for parking or storage on an approved site plan or stored completely within an approved enclosed building or opaque fence enclosure.
- E. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles may only be stored within lawfully constructed buildings when associated with an allowed and approved use on the premises or in parking and storage areas shown on an approved site plan, except in conjunction with a single-family dwelling. Said trailers and vehicles on single-family lots or parcels shall be stored behind the front line of the main building and, when located in a street side yard, shall be eight (8) feet from the street right of way and behind a six (6) foot obscuring wall or fence, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy-two (72) hours. Travel trailers, campers and motor homes may not be occupied as living quarters, except that a trailer or 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.

- F. Sexually oriented businesses are allowed in the C-F, C-I, and I-F ~~z~~Zones. Sexually oriented businesses shall be located no less than five hundred (500) feet from the right of way line of South Jordan Parkway, Shields Lane, and 11400 South Street to any buildings, signage, or other activities associated with the applicable use.
- G. Businesses shall comply with the requirements of ~~t~~Title 5 (Business Licenses and Regulations) of this ~~e~~Code.
- H. Telecommunications shall comply with the requirements of ~~e~~Chapter 17.112 (Wireless Communications Facilities) of this ~~t~~Title.
- I. Wind energy conversion systems shall comply with the requirements of ~~e~~Chapter 17.108 (Wind Energy Conversion Systems) of this ~~t~~Title.
- J. All uses are subject to the Impact Control Measures in ~~e~~Section 17.18.040 of this ~~e~~Chapter.

#### **17.18.030.20: AGRICULTURAL USE REGULATIONS**

##### **A. General Agricultural Use Regulations.**

- 1. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles. Containers or enclosures containing said items shall not be located in a front yard area, except for temporary use as needed for construction or disposal.
- 2. Agricultural uses shall only be allowed as a primary use on legal lots or parcels of one (1) acre or more.
- 3. Agricultural buildings with a footprint larger than five thousand (5,000) square feet shall require a conditional use permit.

##### **B. Specific Regulations by Agricultural Use.**

- 1. Animal Husbandry: Farm animals may only be allowed in conjunction with an allowed Animal Husbandry use, as per the Allowed Uses Table (17.18.020(C)), and as regulated in ~~e~~Section 17.130.040 (Farm Animal Floating Zone) of ~~e~~Chapter 17.130 (Overlay and Floating Zones).
- 2. Plant Nursery: Plant Nursery uses in agricultural or residential zones shall be located on a legal lot or parcel with frontage and access to a collector or arterial street.
- 3. Public Agricultural Facilities: Public Agricultural Facility uses in agricultural or residential zones shall be located on a legal lot or parcel with frontage and access to a collector or arterial street.

#### **17.18.030.30: RESIDENTIAL USE REGULATIONS**

##### **A. General Residential Use Regulations.**



1. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles. Containers or enclosures containing said items shall not be located in a front yard area, except for temporary use as needed for construction or disposal.
2. Home occupations may be licensed in an approved residential dwelling and according to the provisions of Chapter 17.98 (Home Occupations) of this Title.
3. Garage or yard sales are not considered home occupations but may not be held more than four (4) calendar days per year. Sales of night crawlers gathered from the subject property, lemonade stands and similar occasional activities related to the subject premises are not considered home occupations. Temporary signage may be used to advertise yard sales, night crawlers, lemonade stands and similar occasional commercial sales activities, provided it does not create a nuisance, is not placed on the public right of way, and provided it is removed by 7:00 p.m. each day and upon conclusion of the commercial activity.
4. Farm animals may be allowed as regulated in Sections 17.130.020 (Residential Chicken Floating Zone) and 17.130.040 (Farm Animal Floating Zone) of this Title.
5. Pets may be allowed as regulated by Title 6 (Animals) of this Code.

B. Specific Regulations by Residential Use.

1. Group Living uses: All Group Living uses (Community Residential Facility, Dormitory, Institutional Living) shall require site plan review according to Chapter 16.24 (Site Plan Review) of Title 16 (Subdivision and Development Ordinance) and shall be located no closer than one-half (1/2) mile to another Group Living facility of the same use, unless otherwise approved by the Planning Commission with a conditional use permit pursuant to Section 17.18.050 of this Chapter.
  - a. R-M Zone: Community Residential Facility uses shall not exceed sixteen (16) occupants and shall be located on a legal lot or parcel with frontage and access to a collector or arterial street.
  - b. P-O Zone: Community Residential Facility uses shall not exceed two (2) stories.
2. Institutional Facility: Excluding temporary emergency shelter as determined necessary by the City, Institutional Facility uses shall be located no closer than one (1) mile from any Elementary/Secondary Education use or any other Institutional Facility use.
3. Neighborhood Residential Facility: Neighborhood Residential Facility uses shall comply with Chapter 5.62 (Residential Facilities) of Title 5 (Business Licenses and Regulations).
4. Live-Work:
  - a. Where allowed, Live-Work units shall be specifically indicated on, and approved with, an associated subdivision or site plan. Live-Work units are not allowed in an existing development, unless the subdivision or site plan is amended.

- b. Allowed non-residential uses shall be established with the approval of the project and shall be consistent with other non-residential uses allowed in the associated zone. The following activities are prohibited: sexually oriented businesses; uses involving animals on-site; vehicle service and repair; welding/wood working; storage or distribution of flammable liquids and hazardous materials beyond that normally associated with a residential use; drive-through and other uses and activities that are not compatible with residential uses due to potential adverse health or safety affects from dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts.
  - c. The floor area of the non-residential use shall not exceed fifty (50) percent of the total floor area of the unit.
  - d. Employees may only consist of the residents of the dwelling and not more than one (1) additional non-resident person.
  - e. Each non-residential use shall comply with all requirements of this eCode.
  - f. The exterior of Live-Work units shall be designed to be compatible with surrounding residential uses.
  - g. One (1) wall sign may be allowed. The sign shall not exceed five (5) percent of the façade of the unit and shall comply with all other requirements of eChapter 16.36.
  - h. Garage and/or exterior areas shall not be used for the non-residential use, except that a garage area may be used to park one vehicle related to the non-residential use.
5. Single-Family, Attached: Lots or parcels may be occupied by only one (1) single-family dwelling unit as the primary dwelling.
- a. R-M Zone: Single-Family, Attached uses may only be approved as part of a PUD Subdivision development agreement approved by the City Council.
6. Single-Family, Detached: Lots or parcels may be occupied by only one (1) single-family dwelling unit as the primary dwelling. Accessory dwelling units may be permitted according to the provisions of eSection 17.130.030 (Accessory Living Unit Floating Zone) of this tItle.

#### **17.18.030.40: PUBLIC USE REGULATIONS**

##### **A. General Public Use Regulations.**

- 1. There shall be no open storage of trash, debris, materials, equipment, goods or inventory, except for the following: those activities specifically allowed in conjunction with an approved use on the premises; temporary displays of products associated with a retail business that are removed daily; outdoor storage of inventory or products such as firewood, water softener salt, landscaping materials, and other building materials in screened areas designated on an approved site plan; and temporary uses consistent with those described in this eChapter.
- 2. All public uses shall be conducted within completely enclosed buildings, unless otherwise allowed in this eChapter, except those uses defined to allow outdoor activities and those temporary uses customarily conducted in the outdoors, including Christmas tree lots, firework stands and parking lot sales associated with an approved

use on the property. Parking lot sales may not be conducted more than four (4) one-week periods per year.

3. Public uses in agricultural or residential zones shall be located on a legal lot or parcel with frontage and access to a collector or arterial street, with the following exceptions:

- a. Religious Assembly and Worship; and
- b. Utility Service, not including a Major Utility Facility.

#### B. Specific Regulations by Public Use.

1. Utility Service: Minor utility facilities are not considered a primary use and may be allowed in all zones and on all lots or parcels at the discretion of the City Engineer.

### **17.18.030.50: COMMERCIAL USE REGULATIONS**

#### A. General Commercial Use Regulations.

1. There shall be no open storage of trash, debris, materials, equipment, goods or inventory, except for the following: those activities specifically allowed in conjunction with an approved use on the premises; temporary displays of products associated with a retail business that are removed daily; outdoor storage of inventory or products such as firewood, water softener salt, landscaping materials, and other building materials in screened areas designated on an approved site plan. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two (2) feet square, per business may be attached to temporary displays and shall be removed daily with the displays. Allowed storage and displays shall be located a minimum of five (5) feet from any travel lane, outside of a public right of way, and shall allow pedestrian walkways of a minimum width of at least six (6) feet to remain unobstructed.

2. All commercial uses shall be conducted within completely enclosed buildings, except as otherwise allowed in this ~~e~~Chapter, including, but not limited to those uses defined herein that allow outdoor activities or allowed temporary uses per ~~s~~Section 17.18.030H.

3. No vehicle, boat or trailer, or parts thereof, that is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored for longer than seventy-two (72) hours unless stored within a completely enclosed building or behind an opaque fence enclosure that completely obscures said vehicle or parts from public view. No more than two (2) such vehicles may be so stored on a lot, except in conjunction with approved Vehicle Repair use.

4. Public address and music systems shall be designed and operated so they are not discernable at the property line of any lot or parcel containing a single-family home.

5. Commercial uses in agricultural or residential zones shall be located on a legal lot or parcel with frontage and access to a collector or arterial street.

B. Specific Regulations by Commercial Use.

1. Animal Service: All commercial uses involving animals shall be conducted within an enclosed facility that is maintained and operated so that neither the sound nor smell of any animals kept on the premises can be discerned on adjacent lots or parcels. Outdoor animal runs may be approved as an accessory use with a conditional use permit and shall meet the following requirements: located a minimum of three hundred (300) feet from the property line of a residential zone, educational institution, or place of worship.

2. Daycare: Daycare use in residential zones, excluding those operating as an approved home occupation business, are required to be located on a minimum one (1) acre legal lot or parcel.

3. Financial Institution, Non-depository:

- c. Establishments shall be located no closer than one (1) mile from other similar establishments.
- d. The proposed use is limited to short-term title loan and short-term consumer installment loan business.
- e. The following services are specifically prohibited: pawn brokerage services, deposits for personal property, "cash for gold," "cash for precious metals," processing or storage of repossessed vehicles or other repossessed property, and the purchase, exchange or sale of used or secondhand merchandise or personal property.
- f. All business activity, including customer queuing, shall be accommodated inside of the building.

4. Self-Storage:

- a. C-C Zone: Self-storage uses shall not exceed six (6) total acres in the C-C zZone.
- b. C-F Zone: Self-storage uses shall not exceed six (6) total acres in the C-F Zone, and shall not be located on any property with a general plan designation of TOD or on property located east of the 250 West ~~right of way~~ Street.
- c. P-O Zone: Self-storage uses shall not exceed two (2) acres in the P-O Zone.

B. Arts & Recreation: All gun ranges shall require a conditional use.

C. Medical/Dental Office or Clinic: Medical/Dental Office or Clinic buildings in the C-N zZone shall not exceed five thousand (5,000) square feet.

D. Office: Office buildings in the C-N zZone shall not exceed five thousand (5,000) square feet.

E. Restaurant: The combined site area of Restaurant uses shall occupy no more than twenty (20) percent of the area within any individual P-O zone area. Drive-through facilities associated with a Restaurant use are prohibited in the P-O Zone.

F. Outdoor Recreation: Where facilities are approved within three hundred (300) feet of the property line of a residential zone, all outdoor lighting shall be extinguished when the facilities are not operating, or by 10:00 p.m. on Sundays through Thursdays, and by 11:00 p.m. on Fridays and Saturdays, whichever is earlier.

G. General Retail:

- a. C-N Zone: Pawnbroker, secondhand merchandise dealer, secondary metals dealer, recycler, and other similar businesses are prohibited in the C-N zones.
- b. I-F Zone: Screened sales yards are a permitted use for lumber, building material, and landscaping sales in the I-F Zone. Sales yards shall comply with the minimum yard area requirements of the zone.

H. Kiosks, Freestanding: Kiosks, Freestanding use may only be conducted with an approved site plan. Kiosks shall not be allowed on parcels less than three (3) acres in size and shall be separated by a minimum distance of four hundred (400) linear feet from all other outdoor kiosks. Kiosks shall not be allowed within required landscaped yard areas, building setbacks, within fifty (50) feet of a building or within thirty (30) feet of the public right of way. Kiosk structures shall not exceed twenty (20) square feet in area nor ten (10) feet in height and shall incorporate materials and colors of surrounding buildings as determined by the Development Services Director. Kiosks with drive-up facilities shall be designed to allow for a minimum of two (2) vehicles to be queued at any one given time without obstructing drive aisles or other functionality of other parking stalls as determined by the City Engineer. There shall be multiple twenty-four (24) hour video surveillance and adequate illumination as determined by the City's Public Safety Department. All kiosks shall be securely mounted and anchored to the ground as determined by the City Building Official.

I. Shopping Center/Department Store: Shopping Center/Department Store uses shall have direct access to a major collector or arterial road. Individual uses in a Shopping Center/Department Store use shall each comply with the requirements of this eCode.

J. Vehicle Sales & Rental: Uses involving vehicle sales shall include a building of not less than eight thousand (8,000) square feet.

## **17.18.030.60: INDUSTRIAL USE REGULATIONS**

### **A. General Industrial Use Regulations**

1. There shall be no open storage of trash, debris, materials, equipment, goods or inventory, except for the following: those activities specifically allowed in conjunction with an approved use on the premises; temporary displays of products associated with a retail business that are removed daily; outdoor storage of inventory or products such as firewood, water softener salt, landscaping materials, and other building materials in screened areas designated on an approved site plan. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two (2) feet square, per business may be attached to temporary displays and shall be removed daily with the displays. Allowed outdoor activities, temporary displays, and approved outdoor storage shall be located a minimum distance of five

(5) feet from any travel lane, located outside of public rights of way, and shall allow for pedestrian walkways that are a minimum width of six (6) feet to remain unobstructed.

2. All industrial uses shall be conducted within completely enclosed buildings, except as otherwise allowed in this eChapter, including, but not limited to those uses defined herein that allow outdoor activities and allowed temporary uses per sSection 17.18.030H.

3. No vehicle, boat, or trailer, or parts thereof, that is in a wrecked, junked, dismantled, inoperative, or abandoned condition, whether attended or not, may be parked or stored for longer than seventy-two (72) hours unless stored within a completely enclosed building or behind an opaque fence enclosure that completely obscures said vehicle or parts from public view. No more than two (2) such vehicles may be so stored on a lot, except in conjunction with approved Commercial Service & Repair, Heavy Equipment Sales and Rental, Storage Yards, or Salvage uses.

4. Industrial uses in agricultural or residential zones shall be located on a legal lot or parcel with frontage and access to a collector or arterial street.

**B. Specific Regulations by Industrial Use.**

1. Storage Yard: Storage activities associated with a Storage Yard use shall be enclosed by a six (6) feet tall obscure fence or wall.

**17.18.030.70: ACCESSORY USE REGULATIONS**

**A. General Accessory Use Regulations.**

1. Accessory uses and buildings are permitted only in conjunction with the regulations of this eCode and only when commonly and customarily associated with and incidental and secondary to allowed and approved primary uses.

2. When more than one accessory use is associated with a primary use, the accessory uses shall cumulatively remain incidental and secondary to the allowed uses.

**B. Specific Regulations by Use Type.**

1. Residential accessory uses and buildings may include, but are not limited to, home occupations, accessory living units, yard sales, caretakers, garages, sheds, swimming pools, recreational equipment, gardens and greenhouses.

2. Commercial, Industrial and Public accessory uses and buildings may include, but are not limited to, parking lots, terraces and properly screened utility and loading areas. The following activities, commonly associated with allowed commercial uses, may be conducted as accessory uses only in conformance with an approved conditional use permit: drive-through facility, car wash and outdoor speaker or public address system.

- a. C-C & C-F ~~z~~Zones: One electronic vending machine (i.e.g., food, beverage, kiosks, etc.) may be located outside of the building of an established business if the building has a minimum main level footprint or floor area of five thousand (5,000) square feet and a minimum facade width of fifty (50) linear feet. One (1) additional outdoor electronic vending machine may be allowed for every additional ten thousand (10,000) square feet of main level floor area. All outdoor vending machines shall be located adjacent to the building and within fifty (50) feet of the building's main entrance. Electronic vending machines shall not exceed fifteen (15) square feet in area and no more than seven (7) feet high. Electronic vending machines shall not impede or obstruct vehicular and/or designated pedestrian pathways or access.
3. The sale and distribution of fuel, not otherwise classified as a Gas Station, from above ground tanks may be allowed as an accessory use in commercial and industrial zones and shall require the following: a conditional use permit, be located one thousand (1,000) feet from the property line of a residential zone, and be setback from any adjacent public right of way the same distance as the primary building on the site.
4. Agricultural accessory uses may include, but are not limited to, barns, garages, silos, sheds, stables, paddocks, greenhouses, windmills, wells and water storage facilities.
  - a. Agricultural Zones: Produce stands not exceeding one (1) per legal lot or parcel and shall be no more than three hundred (300) square feet is allowed as an accessory use for selling produce grown on the premises.
  - b. R-1.8 Zone: Animal Husbandry and Horticulture is allowed as an accessory use to an approved Single-Family, Detached primary use in the R-1.8 zone and as regulated in ~~e~~Section 17.130.040 (Farm Animal Floating Zone) of ~~e~~Chapter 17.130 (Overlay & Floating Zone).

## **17.18.030.80: TEMPORARY USE REGULATIONS**

### **A. General Temporary Use Regulations.**

1. Temporary uses are uses that do not exceed sixty (60) days in duration and that do not require permanent structures or improvements that are not already established with an approved permanent use and site plan. Temporary uses that exceed sixty (60) days in duration or are not similar to allowed primary uses in a zone may only be authorized with a conditional use permit.
2. A temporary use shall not cause or create a nuisance or hazard and shall conform to all requirements of this ~~t~~title. The property owner shall ensure that all trash is removed and the property is restored to a clean condition after a temporary use ~~has~~is terminated.
3. Temporary uses shall obtain and/or provide the following:
  - a. a City business license for commercial uses;
  - b. building or electrical permit (if necessary);

- c. hours of operation;
- d. Salt Lake Valley Health Department approval;
- e. plot plan showing the location of the use, buildings and structures, setbacks, parking, access to public streets and adjacent uses;
- f. mass gathering permit (if necessary); and
- g. property owner's authorization.

#### B. Specific Regulations by Use Type.

1. Temporary uses in commercial zones and the I-F zZone may include, but are not limited to, shaved ice kiosks, Christmas tree lots, fireworks stands, and sidewalk sales associated with an approved use on the property. Parking lot sales may be allowed as a temporary use in the C-C, C-F, and I-F zZones for up to four (4) one-week periods per year when associated with an approved use on the property.

### 17.18.040: IMPACT CONTROL MEASURES

Impact Control Measures, as explained by this sSection, generally apply to allowed uses when the context or scale of a proposed project increases the potential for negative impacts (e.g. traffic, sound, hazardous waste, light, vibration, odor, glare, etc.) on surrounding properties or on the public health, safety, and welfare. Additional measures may be required of conditional uses, according to sSection 17.18.050 (Conditional Uses). The Development Services Director may require Impact Control Measures during the review of a proposed use or project not otherwise listed or to modify the requirements of a required Impact Control Measure according to identifiable extenuating circumstances. With all required Impact Control Measures, the applicant shall be required to provide the applicable documentation, at the applicant's expense, and demonstrate that the design of a project and operation of the use will adequately mitigate the contextual impact. If the regulations of this sSection are determined to be in conflict with other regulations of the eCode, the more restrictive regulations shall apply.

- A. Traffic Study. The purpose of a traffic study is to identify the extent of traffic impacts generated by a use or project on transportation system capacity, level of service, and safety. A traffic study shall be commissioned from a licensed professional engineer by the City, at the expense of the applicant. The fee for the traffic study shall be paid prior to the commencement of the study. Proposed uses and projects that meet any of the following criteria shall provide a traffic study:

1. Initial establishment of uses identified in the Required Impact Control Measures Table (17.18.040(H)).
2. Project may generate more than one hundred (100) trips in a peak hour or one thousand (1000) total daily trips.
3. New construction project that exceeds ten (10) acres.
4. All uses proposing to access residential streets and that may generate more than twenty-five (25) trips in a peak hour or two hundred and fifty (250) total daily trips.



B. Circulation and Access Plan. The purpose of a circulation plan is to identify potential traffic conflicts generated by proposed access points and vehicular, pedestrian, and bicycle routes of a proposed project. The circulation plan shall show adjacent roads, access points, primary travel routes, drop-off and pick-up areas, stacking and queuing areas, connections with adjacent properties, and pedestrian and bicycle routes. All projects that meet any of the following criteria shall provide a Circulation and Access Plan:

1. Initial establishment of uses identified in the Required Impact Control Measures Table (17.18.040(H)).
2. New construction projects proposing the use of a drive-through, car wash, or vehicle bay.
3. Projects that require a traffic study per ~~s~~Section 17.18.040(A).
4. Projects that include proposed private streets in residential areas.

C. Operations Plan. The purpose of an operations plan is to identify the potential sound, vibration, light, glare, odor, crime, access, traffic, hazardous materials, fire, and environmental impacts generated by a use or project based on the operational nature, scale, or practices of an establishment. The operations plan shall include the following information, if applicable: date of commencement of operations; proposed hours and days of operation; a general description of the operation; a projection of the number of persons on site (e.g. employees and customers); types of accessory uses anticipated; hazardous materials to be used or produced on site; and all other relevant information to describe the nature, scale, practices of the establishment. All projects that meet any of the following criteria shall provide an operations plan:

1. Initial establishment of uses identified in the Required Impact Control Measures Table (17.18.040(H)).
2. Initial establishment of all non-residential uses that involve animals, when located less than three hundred (300) feet from the property line of a residential zone or existing dwelling unit.

D. Sound Study. The purpose of a sound study is to determine the potential for detrimental effects from sound generated by the proposed use or project. A sound study shall be commissioned, at the expense of the applicant, from a member of a national acoustical association (i.e. National Council of Acoustical Consultants, Acoustical Society of America, or Institute of Noise Control Engineering) or an expert consultant with demonstrated experience and capacity as determined by the Development Services Director. The sound study shall include sufficient information to determine the likelihood of compliance with Salt Lake County Health Department noise regulations and the requirements of this ~~t~~title. All uses that meet any of the following criteria shall provide a sound study:

1. Initial establishment of uses identified in the Required Impact Control Measures Table (17.18.040(H)).
2. All gun ranges.

3. All non-residential uses that anticipate using outdoor speakers or public address systems.
4. Initial establishment of the following uses shall require a sound study when located within three hundred (300) feet of a property line of a residential zone, an existing dwelling unit, a Religious Assembly use, or an Elementary, Secondary Education use:
  - a. Outdoor animal activities associated with non-residential uses, including kennels, runs and corrals.
  - b. Drive-through facilities
  - c. Car washes
  - d. Non-residential outdoor accessory uses
- E. Rehabilitation and Containment Plan. A containment plan shall document hazardous materials to be stored, used, or produced in significant quantities and the policies and practices to prevent and contain the accidental or inappropriate discharge of those materials. The plan shall demonstrate that the proposed use will comply with all State and federal requirements and that the public and the environment will be protected from hazardous conditions. A rehabilitation plan shall also include actions that will be taken upon cessation of activities or uses involving potentially hazardous materials to ensure that the site is free from hazardous materials for future activities or uses. A Containment and Rehabilitation Plan shall be provided for the following uses:
  1. Uses Identified in the Required Impact Control Measures Table (17.18.040(H)).
  2. Accessory uses that involve significant quantities of hazardous materials
- F. Additional Notice. The purpose of the additional notice control measure is to ensure that property owners are notified of uses and projects with a greater likelihood for negative impacts on properties beyond the immediate vicinity. Uses and projects requiring additional notice according to this ~~s~~Section shall provide notice to all property owners of record within six hundred (600) feet of the boundary of the subject property for any statutorily required public hearing, in addition to other noticing requirements of this ~~e~~Code and state law. The Additional Notice requirement shall apply to the following uses and projects:
  1. Initial establishment of uses identified in the Required Impact Control Measures Table (17.18.040(H)).
  2. New construction projects that exceed ten (10) acres.
- G. Residential Protection Area. The purpose of a residential protection area is to minimize the impact of a use on existing residential areas. A residential protection area is the area within a prescribed distance from a residential use where additional restrictions apply to a use or a use is prohibited. Uses and buildings that were compliant upon initial establishment shall not be considered non-conforming, according to the requirements of this ~~e~~Chapter, due to subsequent rezoning and development of a residential use within the residential protection area. Residential protection areas shall be applied according to the following:

1. Uses are prohibited, except for associated parking or open space, within the distance identified in the Required Impact Control Measures Table (17.18.040(H)) as measured from the property line of properties with a residential zone.
  - a. Stadium/Theater/Auditorium: The residential protection area identified in the Required Impact Control Measures Table (17.18.040(H)) may be reduced to one hundred (100) feet when the activities associated with the use are conducted within completely enclosed structures and the floor area of the structure is less than one thousand (1,000) square feet.
  - b. Gas Station: Underground fuel storage tanks are prohibited within the residential protection area for the Gas Station use as identified in the Required Impact Control Measures Table (17.18.040(H)). The following exceptions to the residential protection area are allowed:
    - i. The residential protection area is reduced to one hundred (100) feet from the property line of residential zone properties that do not have an existing single-family dwelling unit.
    - ii. The residential protection area shall not apply to properties located on the opposite side of a minor collector road or greater, as classified by the City's Master Transportation Plan, from the Gas Station use.
2. Indoor gun ranges shall be located no closer than one hundred (100) feet from the property line of a residential zone. The range portion of an outdoor gun range shall be located no closer than one thousand five hundred (1,500) feet from a property line and no closer than two thousand five hundred (2,500) feet from the property line of a residential zone or existing dwelling unit.
3. Aircraft Transportation landing and take-off facilities shall be located no closer than one thousand (1,000) feet to the property line of a residential zone, except for rotor craft used by emergency services in temporary situations.
4. The following shall apply to~~When allowed non-residential uses are located within one hundred (100) feet of the property line of a residential zone, the following shall apply:~~
  - a. Individual uses shall not occupy an enclosed space that exceeds ten thousand (10,000) square feet.
  - b. Buildings that serve multiple tenants shall not exceed a total floor area of thirty thousand (30,000) square feet.
  - c. Buildings shall not exceed thirty-five (35) feet in height and shall be set back from the common residential property line a minimum distance of twenty-five (25) feet.
  - d. P-O Zone: Drive-through facilities shall be prohibited.

## H. Required Impact Control Measures Table:

CATEGORY	USES	Required Impact Control Measures (X=required)						
		A. Traffic	B. Circulation & Access	C. Operations	D. Sound	E. Rehab. & Contain.	F. Additional Notice	G. Residential Protection Area
Agricultural	Animal Husbandry			X				100'
	Horticulture			X				100'
	Plant Nursery			X			X	100' <sup>11</sup>
	Public Agricultural Facility		X	X	X		X	300' <sup>11</sup>
Residential	Group Living		X	X			X	
			X	X			X	300'
			X	X			X	1 mile
	Household	X	X	X			X	300'
		X	X				X	300'
			X				X	
			X					
Public	Civic & Community							
			X	X				
			X	X	X		X	
	Education		X	X				
		X	X	X			X	
		X	X	X			X	
	Open Space							
	Utility & Communication			X				100'
				X				
				X		X	X	1,000' <sup>12</sup>
Commercial	Services			X	X		X	100'
			X	X				
				X			X <sup>3</sup>	
		X	X	X			X	100'
				X				100'
								100'
								100'
				X				
								100'
			X	X				
			X	X	X	X	X	300'
			X	X	X	X	X	300'
	Recreation & Assembly		X	X				
		X	X	X			X	100'
			X	X				
		X	X	X	X		X	100'
		X	X	X	X <sup>4</sup>		X	500'
	Retail	X	X	X		X	X	300'
			X	X				100'
		X	X	X			X	
								300'

CATEGORY	USES	Required Impact Control Measures (X=required)						
		A. Traffic	B. Circulation & Access	C. Operations	D. Sound	E. Rehab. & Contain.	F. Additional Notice	G. Residential Protection Area
Industrial	Manufacturing and Production	Assembly		X				100'
		Fabrication		X	X	X	X	300'
		Manufacturing		X	X	X	X	500'
		Mining		X	X	X	X	500'
	Sales & Service	Commercial Service & Repair	X	X	X	X	X	500'
		Food & Drink Preparation		X	X	X	X	500'
		Heavy Equipment Sales & Rental		X			X	300'
		Research & Development		X	X		X	300'
		Storage Yards		X	X	X	X	300'
		Wholesale & Warehouse		X		X	X	300'
	Transportation	Aircraft Transportation	X	X	X	X	X	500'
		Parking Facility	X	X	X		X	300'
		Passenger Terminal/Station	X	X	X		X	100'
		Railroad Facility		X	X	X	X	300'
	Waste	Refuse		X	X	X	X	500'
		Salvage		X	X	X	X	500'

1. When located in an R-1.8 zone, the Residential Protection Area shall apply to adjacent residential properties.
2. Only applies to Major Utility Facilities.
3. Only applies to Non-Depository Financial Institutions.
4. Only applies to outdoor or open air facilities.

#### 17.18.050: CONDITIONAL USES:

- A. Purpose. The purpose of this §Section is to establish standards for certain uses designated as "conditional uses" in the various land use zones. The Planning Commission or City Council may approve, approve with conditions, or deny conditional uses based on compliance with the standards and criteria of this §Section.
- B. Permit Required. A conditional use shall not be established or commenced without a conditional use permit approved by the Planning Commission or City Council in conformance with the requirements of this §Section and other pertinent laws and ordinances. Unless amended, revoked, or otherwise specified by the Planning Commission or City Council, a conditional use permit shall be of indefinite duration and shall run with the land, except for when the conditional use is a home occupation, temporary or seasonal, or has been approved for a leased or rented property.
- C. Permit Application. Application for a conditional use permit shall be submitted to the Development Services Department and shall include:
1. a completed application form provided by the City, which includes an affidavit that must be signed by the property owner or the property owner's authorized agent;
  2. a fee as specified in the current consolidated fee schedule;
  3. a description of the proposed use;
  4. mailing labels and postage for owners of the subject property and property owners within three hundred (300) feet of the subject property; and

5. a site plan pursuant to Chapter 16.24 (Site Plan Review) of this Code, unless the proposed conditional use is temporary and/or does not require building or permanent site improvements or alterations.

D. Permit Application Review.

1. All documents required to be submitted with a conditional use application shall be delivered to the Development Services Department for review. The Development Services Department shall review each application for completeness and conformance to this Section, the General Plan, and this Code.
2. The Development Services Department may provide the application to other City departments for review and comment as may be required by this Code, as necessary for complete review of the application, or as necessary to identify and understand the potential detrimental effects of the proposed conditional use.
3. In addition to the application for a conditional use permit, the Development Services Department may require other information or studies to address potential detrimental effects of the proposed conditional use that have been reasonably anticipated by the City during its review of the application.

E. Notice and Public Hearing. After a complete and accurate conditional use permit application has been submitted to and reviewed by the Development Services Department, the Planning Commission shall hold a public hearing. Notice of the public hearing shall be given as required by the Utah Open and Public Meetings Act and Section 17.04.060 (Public Notices) of this Title.

F. Planning Commission Review and Action.

1. The Planning Commission shall approve a conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards.
2. The Planning Commission may deny a conditional use permit application if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.

G. City Council Review or Appeal.

1. The City or any person aggrieved by a final decision, determination, or requirement of the Planning Commission regarding the approval, approval with conditions, or denial of a conditional use permit application may appeal the Planning Commission's final action to the City Council pursuant to Section 16.04.370 (Appeals) of this Code.
2. The City Council shall review the Planning Commission's final action as follows:

- a. The City Council may, after reviewing the record of the Planning Commission's final action, summarily affirm the Planning Commission's final action, or review the appealed conditional use application de novo.
- b. Where the City Council reviews the conditional use permit application de novo, the City Council shall follow the same procedure as set forth in this §Section and:
  - i. shall approve the conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards; or
  - ii. may deny a conditional use permit application if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.

#### H. Timely Commencement.

1. The holder of a conditional use permit shall substantially comply with all conditions of the permit and an approved site plan, if one is required pursuant to part (C) of this §Section, within one (1) year of final permit approval by the Planning Commission or City Council. If an approved site plan is required, substantial compliance shall include obtaining a current building permit, paying all application and impact fees, and by completing the foundation of at least one (1) principal building. If an approved site plan is not required, substantial compliance shall include obtaining a business license.
2. If a conditional use permit is to expire pursuant to part (H)(1) of this §Section, a request for an extension may be filed with the Development Services Department not less than thirty (30) days prior to the expiration date. The Planning Commission may, after evaluating the permittee's progress in the previous year and considering the recommendation of the Development Services Department, grant an extension for the conditional use permit of up to one (1) additional year.
  - a. Failure to request the extension in a timely manner shall cause a conditional use permit to automatically expire without further notice.
  - b. The original conditional use permit shall remain valid until the request for extension is acted upon by the Planning Commission.
  - c. Once a conditional use permit has expired, the permittee must obtain approval of a new permit prior to any reinstatement of the use.
  - d. Only one extension may be granted.
3. If an approved conditional use ceases for any reason for a continuous period of one (1) year or more, the conditional use permit shall automatically expire without further notice. Once a permit has expired, the permittee must obtain approval of a new permit prior to any reinstatement of the conditional use.

#### I. Compliance and Revocation.

1. A conditional use may be commenced and operated only upon:
  - a. compliance with all conditions of an applicable conditional use permit;

- b. observance of all requirements of this eCode relating to maintenance of improvements and conduct of the use or business as approved; and
  - c. compliance with all applicable local, state, and federal laws.
2. A conditional use permit may be revoked by the City Council at any time due to the permittee's failure to commence or operate the conditional use in accordance with the requirements of part (I)(1) of this eSection.
3. No conditional use permit shall be revoked until after a public hearing is held before the City Council. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint, or reasons for revocation, and the time and location of the hearing. At the hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his or her behalf. Upon conclusion of the hearing, the City Council shall determine whether or not the permit should be revoked.

#### **17.18.060: USE DEFINITIONS**

##### **A. Agricultural.**

**Animal Husbandry** – The keeping, grazing, feeding, or breeding of farm animals, and may include the sale of commodities produced. Activities commonly associated with this use include ranches, dairies, and farms.

**Horticulture** – The cultivation and production of crops, plants, vines and trees, and may include the sale of commodities produced. This use does not include logging and forestry uses. Activities commonly associated with this use include farms, greenhouses, orchards, and sod farms.

**Plant Nursery** – Establishments primarily engaged in selling trees, shrubs, bulbs, seeds, mulches, fertilizers, and other plants and garden supplies. Activities are often conducted outdoors and items may be grown on-site.

**Public Agricultural Facilities** – Agricultural facilities, such as barns, stables, corrals and arenas, for boarding, riding, exhibition and training for commercial and public activities. Activities commonly associated with this use may include horse shows, educational events, agricultural exhibits, training clinics, and rodeos.

##### **B. Residential.**

##### **Group Living:**

**Community Residential Facility** – An establishment that provides residence to individuals, typically more than eight (8), for prolonged care, is properly licensed with the State and City, and does not qualify as a "Neighborhood Residential Facility". Terms commonly associated with this use are assisted living, convalescent care, and nursing care.

**Dormitory** – A facility that provides residence to individuals of an associated educational, office or public institution, and not otherwise defined as Institutional Facility.



Individual living areas are typically not complete dwelling units. It is most commonly associated with student living.

**Institutional Facility** – An establishment that provides residence for the following purposes: correctional, secured supervision, or emergency, protective or temporary shelter. Individual living areas are typically not complete dwelling units. Terms commonly associated with this use may include jail, prison, and homeless shelter.

**Household:**

**Live-Work** – A structure that contains both residential occupancy and commercial activity, where the resident occupants are responsible for a commercial activity that is not considered a “Home Occupation” or an accessory use. Allowed commercial activities shall be determined with development approval.

**Multi-Family** – Multiple attached dwellings within a single building on a single lot or parcel. Terms commonly associated with this use may include apartment and condominium.

**Neighborhood Residential Facility** – An establishment that provides residence to individuals for prolonged care, is located in a residential area, maintains the residential character of the area, is properly licensed with the State and City, and complies with eChapter 5.62 (Residential Facilities) of this eCode. Terms commonly associated with this use include group home and residential facility for persons with a disability.

**Single-Family, Attached** – An individual dwelling on an individual lot or parcel attached along a property line to similar dwellings within a shared building. Terms commonly associated with this use may include townhome, rowhouse, and duplex.

**Single-Family, Detached** – An individual dwelling on an individual lot or parcel that is separated from other dwellings and buildings by yard space.

**C. Public/Civic.**

**Civic & Community**

**Cemetery** – Land used or dedicated to the interment of human or animal remains, including cremated remains. A cemetery may include, if located within the boundary of the cemetery, a crematorium, mortuary/funeral home, mausoleum, sales facility, and maintenance facility.

**Community Services** – Establishments generally operated by governmental entities or non-profit organizations to provide a service to the public. Activities commonly associated with this use include government administration, library, museum, community center, cultural exhibits, post office, public assistance office, and aquarium.

**Public Safety** – Facilities generally operated by governmental entities for public safety and emergency services, including police and fire, and related administration.

Religious Assembly & Worship – Establishment of an organized religion operated for worship, religious training or study, government or administration of the religious organization, or for promotion of religious activities. Other establishments maintained by religious organizations, such as educational institutions, hospitals, publishing facilities, social services and secondhand stores, are classified according to the primary activity. Terms commonly associated with this use include churches, convents, monasteries, seminaries, religious shrines, and temples.

#### Education:

Elementary/Secondary Education – Public or private schools furnishing academic courses, typically for kindergarten through grade 12, which comply with compulsory education requirements and may include technical courses. Schools commonly associated with this use include elementary schools, middle schools, high schools, academies, boarding schools, preparatory schools, special education schools, and vocational high schools.

University/College – Institution primarily engaged in post-secondary education by offering instruction in a variety of fields and is authorized to offer academic degrees (associates, bachelors, masters, and doctoral) or certificates. Facilities may be composed of multiple buildings organized on an integrated campus. Buildings may include classrooms, administration, sports facilities, dormitories, research, auditoriums, libraries and faculty offices. Other terms commonly associated with this use include community college, junior college, and technical institute.

Vocational/Professional – Establishments primarily engaged in specific specialized, technical or occupational education and training, and not otherwise classified as University/College or Elementary/Secondary Education.

#### Open Space:

Natural Open Space – Areas of land or water essentially unimproved and reserved for scenic, environmental or preservation purposes, and may include steep slopes, flood plains, hazard areas, unique vegetation, river corridors, wetlands, wildlife habitat and archeological, historical and cultural resources. Parking, trails, and access roads may be included as accessory uses.

Park Open Space – Areas of land or water developed or reserved for development primarily with vegetative landscaping for the scenic, cultural and recreational use, and enjoyment of the public. Active-use amenities such as ~~ball fields or courts~~, trails, ~~open air theater~~, picnic facilities and playground equipment may be included. Parking, concessions, outdoor ball fields or courts, and maintenance facilities may also be included as accessory uses.

#### Utility and Communication:

Energy Conversion – Facilities and land used or intended to be used for the production of energy from natural forces such as wind, water, sunlight, geothermal heat, or biomass to be utilized beyond on-site consumption.

Telecommunication Facility – Freestanding buildings, structures and towers primarily intended for transmission or reception of communication signals between and among different points.

Utility Services – Facilities engaged in the transmission, distribution or disposal of electricity, gas, sewer, and water. Activities commonly associated with this use include generating plants, substations, storage tanks, towers, treatment plants, pump stations, and water wells.

- Minor Utility Facility - infrastructure for local distribution and service, such as switch boxes, transformer boxes, and underground water and sewer lines, within established rights of way or public utility easements.
- Major Utility Facility – facilities that include the following: sewer facilities, other than below grade lines; regional power generation, other than Energy Conversion; and above-ground facilities on a site exceeding ten thousand (10,000) square feet.

#### D. Commercial.

##### Services:

Animal Service – An establishment engaged in the grooming, care, breeding, boarding, raising, veterinary medicine, dentistry, or surgery services of animals, except for uses defined by “Animal Husbandry.”

Business Support – Establishments primarily engaged in rendering business support services, such as photocopying and duplication, equipment sales and leasing, computer repair, call center, and mailing services.

Daycare – Establishments primarily engaged in the care of infants or children, or in providing prekindergarten education. Terms commonly associated with this use include Head Start centers, nursery schools, preschool, and child care center.

Financial Institution – Establishments that provide financial services to the public and business, including depository and non-depository establishments.

- Depository Financial Institution – Establishments that are primarily engaged in depository banking and are generally a state or federally chartered bank, credit unions, or saving institutions.
- Non-depository Financial Institution – Establishments that are primarily engaged in short-term lending, such as title loans, check cashing, deferred deposit loan, or similar type of businesses.

Hospital – A facility providing 24-hour medical services to the general public with a typical length of stay not exceeding one week. Terms commonly associated with this use may include: emergency room, surgical center, and maternity care.

Light Service & Repair – Establishments that primarily provide to the general public light assembly, minor service or repair of items completely within an enclosed space, generally in small quantities, not exceeding one hundred (100) pounds, not related to vehicle repair, not for wholesale and that do not emit noise, vibration, odors, or light beyond the enclosed space that would negatively impact surrounding properties and establishments. Products and items commonly associated with this use include

jewelry, appliances, furniture, shoes, apparel, crafts, sewing, electronics, and computers.

**Lodging** – A commercial establishment providing temporary residence to the general public, with a temporary length of stay not exceeding thirty (30) days. Terms commonly associated with this use include bed and breakfast, hotel, motel, and inn.

**Medical/Dental Office or Clinic** – Establishments primarily engaged in providing out-patient medical, dental, and other health services, including offices, clinics and laboratories for doctors of medicine, dentists, chiropractors, optometrists and other health practitioners, but not including activities defined by other uses such as Community Residential Facility, Neighborhood Residential Facility, and Hospital.

**Mortuary/Funeral Home** – Establishments and facilities engaged in providing services to prepare deceased humans for burial, conduct autopsies, and arrange, conduct, and manage funeral services. Other activities associated with this use may include sale of burial and funeral items, storage of funeral vehicles, and a caretaker dwelling unit. A crematorium may be included with an approved conditional use permit.

**Office** – Establishments primarily engaged in conducting business executive, management, administrative, or clerical services; or vocational or professional training and instruction in business, language, commerce, or other similar activities not otherwise defined as an Educational, Recreation & Instruction, or Professional Services use. On-site sales may be conducted as an accessory use.

**Personal Services** – Commercial establishments primarily engaged in providing services of a personal nature. Activities commonly associated with this use include:

- laundry/dry-cleaning
- portrait and photography
- beauty and barber shops
- tanning salon
- tattoo parlor
- massage therapy
- clothing rental & tailoring

**Professional Services** – Commercial establishments primarily engaged in providing professional work to individuals or businesses in fields such as advertising, legal, insurance, real estate, finances, accounting, architecture, and engineering.

**Restaurant** – Establishments primarily engaged in the retail sale of prepared food and drinks for on-site or immediate consumption. Terms commonly associated with this use include:

- bar
- buffet
- cafes
- cafeteria
- coffee shop
- concession stand
- diner
- luncheonette

- fast food
- ~~food cart~~
- food stand
- grill
- luncheonette
- restaurant
- snack shop

Self-storage – Enclosed facilities, typically divided into separately leased or rented compartments, intended for the storage needs of individuals, organizations, or businesses. Storage areas are not used for uses or activities (i.e. manufacturing, assembly, retail, office, residential) other than storage. Stored items are non-toxic, non-hazardous, and not intended for on-site retail or wholesale. A dwelling may be included for on-site management of the facility.

Vehicle Repair – Establishments primarily engaged in the repair of vehicles within enclosed facilities, and may include towing and outside storage of vehicles repaired or to be repaired. Vehicle repairs commonly associated with this use include the following:

- body work and paint
- undercoating and rust-proofing
- exhaust system
- engines
- brakes
- electrical
- fuel
- radiator
- transmission
- upholstery

Vehicle Services – Establishments primarily engaged in providing vehicle services, except for Vehicle Repair, within enclosed facilities and vehicles are generally on-site for less than one (1) business day. Activities commonly associated with this use include:

- carwash
- automotive diagnostics
- emissions testing without repair
- automotive inspection
- glass replacement
- window tinting
- automotive lubricating service
- detailing
- tires

Recreation & Assembly:

Arts & Recreation – Establishments primarily engaged in participant focused artistic, cultural, entertainment, or recreational activities and interests conducted within an indoor facility. Activities commonly associated with this use include amusement

center, arcade, art gallery or studio, bowling center, fitness center, ball courts, gun range, and swimming pool.

**Convention/Reception Center** – Facilities of single or multiple buildings used for public gatherings of specific events, whether social, commercial, civic, religious, political, or educational. The facility is typically rented for individual events and may include restaurants or concessions. Activities commonly associated with this use include conventions, trade shows, seminars, speeches, and receptions.

**Instruction & Training** – Establishments primarily engaged in personal or group instruction of cultural, sports, or recreational activities such as dance, gymnastics, martial arts, music, and similar activities.

**Outdoor Recreation** – Facilities primarily intended for participant focused exercise, active physical fitness activities and other recreational activities conducted outdoors or within partially enclosed or screened facilities, where spectators are incidental. Activities commonly associated with this use include golf courses, mini-golf, ball courts and fields, tracks, swimming pools, amusement parks, skateboard park, range, and model airplane parks.

**Stadium/Theater/Auditorium** – Facilities, generally including tiered seating, primarily intended for cultural, entertainment and athletic spectator events. Facilities may include concessions, and restaurants. Activities commonly associated with this use include arenas, movie theaters, live theaters, sporting events, stage productions, and concerts.

**Retail:**

**Gas Station** – An establishment primarily engaged in the retail sale of fuel from fixed equipment into automobiles. Convenience items may also be sold.

**General Retail** – An establishment, not defined elsewhere, that is engaged in providing goods to consumers for immediate purchase and removal from the premises. Service and repair activities, consistent with the Light Service & Repair use, may be conducted as accessory uses. Products and terms commonly associated with this use include:

- art supplies
- vehicle and equipment parts and supplies
- building, hardware, and garden materials and supplies
- food (grocery, bakery, health, diet, poultry, meat, dairy, vitamins, and convenience)
- apparel, shoe, and jewelry
- furniture, furnishing, and appliance
- electronic, and computer
- pharmacy, and drug
- sporting goods, and bicycles
- hobby, craft, toy, and game
- book, and stationary
- secondhand, and pawn
- gift, novelty, and souvenir

- camera, and photographic
- florists
- office supply
- pets
- medical supply
- religious goods
- tobacco, and alcohol
- personal care
- variety stores
- pet store

Kiosk, Freestanding – A self-contained, unstaffed, and freestanding outdoor structure used for commercial activities such as banking or the retail sale of goods, and not directly associated with other uses on the property.

Shopping Center/Department Store – An individual building, or group of buildings managed as a single property, containing multiple retail and commercial stores, departments, or functions and exceeds fifty thousand (50,000) square feet in combined floor area.

Vehicle Sales & Rental – An establishment primarily engaged in the display, sale, leasing, or rental of new or used automobiles, light trucks, vans, trailers, recreational vehicles, motorcycles, personal watercraft, utility trailers, all-terrain vehicles, and mobile homes.

#### E. Industrial.

##### Manufacturing & Production:

Assembly – Establishments engaged in the assembly of goods from previously prepared materials and the production of hand-crafted goods using hand tools and domestic-scale equipment within enclosed structures. Activities do not create noise, odor, dust, vibration, or visual impacts or the potential for health problems on surrounding properties. Activities commonly associated with this use include candle making, ceramics studios, weaving, woodwork, glass work, and leather work.

Fabrication – Establishments primarily engaged in the assembly, treatment, production, and packaging of products or parts in an enclosed building, typically in large quantities and predominantly from previously prepared materials. Activities do not include the use or storage of large volumes of flammable, toxic or explosive materials. The potential for noise, odor, dust, vibration or visual impacts and potential health problems is minimal or can be largely mitigated. Activities commonly associated with this use include vehicle assembly, bottling works, machine shops, metalworking, and paint shops, ~~and commercial printing and publishing.~~

Manufacturing – Establishments not defined elsewhere primarily engaged in the mechanical or chemical transformation of materials or substances, typically in large quantities, into new products or parts using power driven machines and materials handling equipment. Activities may include the storage and use of large volumes of flammable, toxic or explosive materials needed in the manufacturing process.

Significant noise, odor, dust, vibration, or visual impacts and potential health problems are often inherent with the use. Activities and terms commonly associated with this use include raw materials, asphalt, sawmills, cement, feed, fertilizer, paint, petroleum products, soap, and extruding metals.

Mining – Facilities and land used in the extraction, quarrying, initial production, and distribution, typically in large quantities, of minerals (solids, liquids, and gases), stone and other materials from its naturally occurring location in the earth, except for the removal of materials from a construction site. Activities commonly associated with this use include petroleum and natural gas wells, mines, sand and rock pits, quarries, and rock crushing.

#### Sales and Service:

Commercial Service & Repair – Establishments primarily engaged in providing services to commercial and business establishments, service and repairs items that generally exceed one hundred (100) pounds, or operations that may include minimal noise, vibration, odors, or light impacts. Activities are generally conducted indoors. Activities commonly associated with this use include commercial laundry, equipment rental and leasing, welding, machine shop, and printing/publishing, computer software, and music production.

Food & Drink Preparation – Establishments primarily engaged in the preparation and production of food items generally for off-site consumption and/or sale by others. Activities commonly associated with this use include catering, wholesale bakery, packaging, and processing.

Heavy Equipment Sales & Rental – Establishments primarily engaged in the sale or rental of automobiles, boats, recreational vehicles, and other equipment generally exceeding five hundred (500) pounds. A permanent building is required, however the majority of the product may be stored outside.

Research & Development – Establishments primarily engaged in the research, development, testing and production of high-technology electronic, industrial, medical, and scientific products. This use may also include the production of music and computer software.

Storage Yards – Establishments primarily engaged in the exterior depository, stockpiling, or safekeeping of materials, products, vehicles, trailers, and equipment, and may include transportation of stored items and vehicle towing. This use does not include parking facilities intended for short-term parking of operable vehicles.

Wholesale & Warehouse – Establishments primarily engaged in storage, distribution, and selling products, supplies and equipment for retailers, contractors, professional businesses, or other wholesalers. Accessory uses commonly include assembly, outside storage, and contractor offices.

#### Transportation:

Aircraft Transportation – Facilities that provide infrastructure and services for air travel, including all associated activities such as landing pads/strips, aircraft maintenance,



aircraft storage, aircraft fueling, vehicle parking, air traffic control, public transportation, safety facilities, cargo operations, retail, and restaurants/concessions.

Parking Facility – Private or commercial facilities, including drives, aisles and ramps, of one or more levels intended to provide parking as the principal use of the premises.

Passenger Terminal/Station – Facilities primarily engaged in handling, receiving and transferring transit (bus, light rail, commuter rail) passengers, and may include vehicle parking and accommodation for multiple modes of transportation.

Railroad Facilities – Non-passenger facilities directly related to rail transportation, such as storage, fueling, maintenance and rail yards, but not including signage and signals.

Waste:

Refuse – Establishments primarily engaged in the collection of refuse for processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites intended for disposal.

Salvage – Establishments primarily engaged in processing discarded materials or equipment, such as metal, paper, tires, bottles, vehicles, machinery or glass, for reuse, recycling, selling, separating, dismantling, or preparing for shipment to others.

## **EXHIBIT “B”**

Chapter 17.62 (Office Zone)  
of Title 17 (Planning and Land Use Ordinance)  
of the South Jordan City Municipal Code



## Chapter 17.62

# OFFICE ZONE

### 17.62.010: PURPOSE

### 17.62.020: DEVELOPMENT & DESIGN STANDARDS

### 17.62.030: OTHER REQUIREMENTS

### 17.62.010: PURPOSE

Chapter 17.62 is established to provide standards and regulations, consistent with the City's General Plan and the purposes and provisions of this Title, for office areas in the City. This Chapter shall apply to the P-O Zone, established in chapter 17.20 (Zone Establishment). Uses may only be conducted in the P-O Zone in accordance with the regulations of this Code. Allowed use (permitted and conditional), accessory use, temporary use, and other associated use regulations are found in Chapter 17.18 (Uses) of this Title.

- A. P-O Zone. The purpose of the P-O Zone is to provide areas where large and small scale offices and office parks can be located in the City. Smaller office developments should be harmoniously integrated with surrounding residential areas and serve as residentially compatible buffers to heavier uses such as commercial and industrial businesses and major roadways. Large office buildings should be well buffered from residential areas with landscaped open space. Buildings and signs should be coordinated with high quality materials and architecture.

### 17.62.020: DEVELOPMENT AND DESIGN STANDARDS

- A. Development Review. Uses proposed in the P-O Zone may only be established in conformance with the City's development review procedures of the City. Applicants shall follow the procedures and requirements of this Code regarding development review in the preparation and review of development proposals in the P-O Zone. 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 allowed under state law. Office condominiums may be approved in accordance with state law and city ordinances.

- B. Area Requirements. The following area requirements shall apply in the P-O Zone:

1. The minimum zone area shall be one acre.
2. The minimum project area in the P-O Zone shall be one acre. "Project" is defined as any development in the OS Zone for which an application has been submitted or approval has been granted for a preliminary plat or site plan.
3. There shall be no minimum lot area in the P-O Zone.

- C. Density. There is no restriction on the number of lots or parcels or the number of buildings on a lot or parcel, except as may be limited by other standards, regulations, or requirements of title 17 (Planning and Land Use Ordinance), in the P-O Zone.
- D. Lot Width and Frontage. No minimum lot width is required for lots in the P-O Zone. Lots not fronting on a street must be accessible to the public via a recorded easement or right of way.
- E. Yard Area. The following yard area requirements shall apply to lots or parcels in the P-O Zone:
1. The following minimum yard area requirements apply to main and accessory buildings:
    - a. The required yard area for front, side, and rear yards shall extend a distance of twenty (20) feet away from and along a property line adjacent to the edge of a public right of way (back of sidewalk for a typical street cross-section). An alternative edge line to be used for measuring the minimum yard area may be established where an atypical street cross-section exists and when recommended by the Development Services Director and approved by the Planning Commission.
    - b. The required yard area for front, side, and rear yards shall extend a distance of thirty (30) feet away from and along a property line adjacent to a residential or agricultural zone, except that the required yard area adjacent to residential or agricultural zones shall be twenty (20) feet per story for three-story or higher buildings.
  2. The required yard area for a lot or parcel adjacent to a residential or agricultural zone, as required in Subsection E.1 of this Section may be reduced if the adjacent residential or agricultural zoned property has a future land use designation that is not residential or agricultural and the reduction is approved by the Planning Commission with site plan review.
  3. The following may be projected into any required yard area in the P-O Zone:
    - a. Fences and walls in conformance to City Codes and City Ordinances.
    - b. Landscape elements, including trees, shrubs and other plants.
    - c. Minor utility or irrigation equipment or facilities.
    - d. Decks not more than two (2) feet in height.
    - e. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to a building that does not extend not more than two (2) feet into a side yard area or four (4) feet into a front or rear yard area.
    - f. Chimneys, fireplace keys, box or bay windows, or cantilevered walls attached to the building not exceeding 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.
- F. Parking and Access. Parking areas and access in the P-O Zone shall comply with Chapter 16.26 (Parking and Access), Chapter 17.18 (Uses), and title 10 (Traffic Code).
- G. Fencing, Screening, and Clear Vision. The fencing, screening and clear vision requirements of this Section shall apply to the P-O Zone:
1. 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. The boundary of an office zone which is not in or adjacent to a public right of way and which is adjacent to a residential or agricultural zone shall be fenced with a six foot (6') high, decorative precast concrete panel or masonry fence as determined with development approval. A six foot (6') solid vinyl boundary fencing may be used in unusual circumstances such as when the office zone is adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed in unusual circumstances. A building permit may be required for fences and walls according to applicable building codes. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined with development approval.

3. No wall, fence or screening material shall be erected between a street and a front or street side building line in the P-O Zone, except as required by Subsection 1 of this Section.

4. Landscape materials, except for mature trees that are pruned at least seven (7) feet above the ground, and fences shall be no higher than three feet (3) high within a ten (10) foot triangular area formed by the edge of a driveway and a street right of way line or within a thirty (30) foot triangular area formed by the right of way lines of intersecting streets.

H. Architecture. The following exterior materials and architectural standards are required in the P-O Zone:

1. Applicants for development approval shall submit for site plan review architectural drawings and elevations, exterior materials and colors of all proposed buildings. In projects containing multiple buildings, the applicant shall submit a design book that includes an architectural theme, features, exterior materials and colors governing the entire project shall be submitted.

2. All building materials shall be high quality, durable and low maintenance.

4. Exterior walls of buildings that are longer than sixty (60) feet in length shall have relief features at least four (4) inches deep at planned intervals.

5. All sides of buildings shall receive design consideration.

4. Signs shall meet requirements of title 16, Chapter 16.36 of this Code and shall be constructed of materials which complement the buildings which they identify.

5. The maximum building height in the P-O Zone shall be six (6) stories or seventy feet (70'), whichever is less.

6. The exteriors of buildings in the P-O Zone shall be properly maintained by the owners.

I. Grading and Drainage. All developments shall be graded to comply with Section 16.04.040(E)(9) of Chapter 16.10 (Subdivision Review) and as required by the Development Services Department to provide adequate drainage. Buildings shall be equipped with facilities that discharge of all roof drainage onto the subject lot or parcel.

J. Landscaping. The following landscaping requirements and standards shall apply in the P-O Zone:

1. A minimum of thirty percent (30%) landscaped open space, which may include required landscaped yard areas, shall be provided with each development in the P-O Zone.
2. The area of front, side, and rear yards along an adjacent property line and extending away from the property line a distance prescribed in the requirements of this Subsection shall be landscaped with grass, trees, and other live plant material.
  - a. The required yard landscape area for a yard adjacent to a residential or agricultural zone shall be not less than ten (10) feet for buildings not exceeding two (2) stories and shall not be less than twenty (20) feet for buildings with three stories or more, except that no yard landscape area is required when a yard area reduction has been approved according to Subsection E.2 of this Section.
  - b. The required yard landscape area for a yard adjacent to a public right of way shall be twenty (20) feet, except that no yard landscape area is required when a yard area reduction has been approved according to Subsection E.2 of this Section.
3. All areas of lots in the P-O Zone not approved for parking, buildings or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other live plant material in conjunction with a landscape plan for the development that has been designed and prepared by a landscape architect and approved by the Planning Commission.
4. A minimum of one tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in the P-O Zone in addition to other trees required in this Section. A minimum of thirty (30) percent of required yard area trees shall be minimum seven (7) foot tall evergreens. Deciduous trees shall be minimum two (2) inch caliper. Deciduous and evergreen trees required in this Section need not be equally spaced but shall be dispersed throughout the required yard areas on the site.
5. All collector streets and other public and private park strips in the P-O Zone shall be improved and maintained by the adjoining owners according to specifications adopted by the City unless otherwise allowed with development approval.
6. Trees shall not be topped and required landscape areas shall not be redesigned or removed in the P-O Zone without city approval. Property owners shall replace any dead plant material shall be replaced in accordance with the requirements of this Chapter and the conditions of site plan or plat approval.
7. The following landscaping requirements shall apply to parking areas:
  - a. Curbed planters with two (2) inch 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 (5) feet wide.
  - b. Shade trees shall be planted in double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum thirty (30) foot intervals and no farther than six (6) feet from the parking area.
  - c. Minimum five (5) foot landscaped planters shall be provided around building foundations except at building entrances, drive-up windows and loading and utility areas.
  - d. All landscaped areas adjacent to parking areas shall be curbed.

8. 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 areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the City Engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.

9. All required landscaping shall be installed (or escrowed due to season) prior to occupancy.

10. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners.

K. Lighting. The following lighting requirements shall apply in the P-O Zone:

1. Applicants for development approval shall submit a lighting plan, which shall include a photometric analysis.

2. Site lighting shall adequately light all parking areas, walkways, and common areas. Site lighting shall be designed and/or shielded to prevent glare on adjacent properties.

3. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.

4. Lighting fixtures on public property shall be architectural grade and consistent with a streetlight design approved by the City Engineer.

#### **17.62.030: OTHER REQUIREMENTS**

A. Private Covenants. The developer of a condominium project in an office zone shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium meets requirements of state law, and record the covenants with the condominium plat for the project.

B. Maintenance. All private areas in developments shall be properly maintained by the property owners.

C. Easements. Buildings may not be located within a public easement.

D. Phasing Plan. Applicants seeking development approval of a phased project shall submit for review at the time of plat or site plan approval a project phasing plan. Development shall be in accordance with the project phasing plan unless the City approves a revised project phasing plan.

E. Nonconforming Lots or Parcels. Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of the P-O Zone shall be brought into conformance with the requirements of this Chapter prior to development.