

ORDINANCE NO. 2010.04

AN ORDINANCE AMENDING SECTION 17.70 OF TITLE 17 OF THE SOUTH JORDAN MUNICIPAL CODE PERTAINING TO THE BANGERTER HIGHWAY MIXED USE ZONE (BH-MU)

WHEREAS, the South Jordan City Council has previously adopted Section 17.70 of the South Jordan City Municipal Code, which determine the uses allowed and regulations for the Bangerter Highway Mixed Use zone; and

WHEREAS, the South Jordan Planning Commission, after holding a public hearing, has reviewed the proposed text amendments to Section 17.70; and

WHEREAS, the City Council has held a public hearing and has reviewed the proposed amendments and considered the recommendation of the Planning Commission regarding the proposed amendment; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed amendment will or may have on existing or future development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed amendment meets the purposes and objectives of the Planning and Land Use Code; and

WHEREAS, the City Council desires to amend the Development Code as proposed; and

WHEREAS, the City Council has found and determined that the proposed amendments to Section 17.70 of the South Jordan Municipal Code will support the best interests of the City and will promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Chapter 17.70 Title 17, "Planning and Land Use Code", of the South Jordan Municipal Code is hereby amended as follows:

Chapter 17.70

BANGERTER HIGHWAY MIXED USE (BH-MU) ZONE

17.70.010: PURPOSE:

The Bangerter Highway **Mmixed Use Zone** may be cited as the "BH-MU **Zzone**" and may be established along the east side of Bangerter Highway to provide areas for higher density, mixed use development. Such development will be compatible with a major arterial highway corridor and **s**would discourage low density single-family residential development near the highway.

It is intended that a variety of retail, office, entertainment and residential uses be combined to create a self-contained environment for workers, shoppers, residents and visitors in a pedestrian oriented unified manner while accommodating automobile traffic to regional services dependent upon a major transportation facility.

The BH-MU Zzone will encourage orderly, aesthetically pleasing development and a balance of uses while discouraging strip commercial with its attendant congestion, pollution and visual blight. (Ord. 2007-02, 1-16-2007) **Buildings shall be designed to have architectural and access orientation to the street.**

17.70.020: PERMITTED USES:

The following uses are permitted in the BH-MU Zzone:

Auto and equipment parts retailing.

Banks, credit unions, financial institutions.

Beauty, health and fitness centers.

Books, videos, media, photography, copies, art and drafting supplies, office supplies, stationery retail.

Department, discount and food stores.

Furniture, electronics, appliances and home furnishings retailing.

Hardware and home improvement retailing.

Health, beauty and medical products retailing; prescription drugs retailing.

Hobbies and crafts retailing.

Hotels and motels.

Household goods retailing.

Medical, dental, health services.

Miscellaneous retail sales.

Movie theaters, concert halls.

Office uses.

Outdoor Kiosks.

Pharmacy.

Restaurants, eating establishments.

Sewing supplies, apparel, footwear retailing.

Shopping centers and malls.

Sporting goods, toy retailing. (Ord. 2007-02, 1-16-2007)

17.70.030: CONDITIONAL USES:

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

Assisted living centers.

Indoor/underground ~~a~~Automobile sales, new and ancillary used, maximum three (3) acres per business, no closer than four hundred feet (400') from residential development.

~~Automobile sales, used; minimum eight thousand (8,000) square foot building required, maximum three (3) acres per business, no closer than four hundred feet (400') from residential development.~~

Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, minor repairs.

Bed and breakfast inn.

Convention, arena, reception and assembly facilities.

Cultural exhibits and activities.

Daycare center.

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

Entertainment, amusement, recreational activities.

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

Fast food.

Gas stations, convenience stores.

Golf courses and ranges.

Hospitals.

Laundry.

Live/Work Units.

Lumber, building material and landscaping retail sales yards.

Nature or zoological exhibits.

Office buildings.

Parks.

Public or quasi-public facilities.

Recreational vehicle and boat sales, new and ancillary used.

Religious activities.

Retail Nurseries, Lawn and Garden Supply Stores

Schools, educational and training activities.

Single-family residential ~~PUD or condominium~~ **and integrated multi-family residential (projects with more than one housing land use type with 'village' style design, building height and architecture), maximum eight (8) units per acre of the gross acreage of the Master Development Plan. Additional dwelling units exceeding eight (8) units per acre may be approved by the City Council as an amendment to the Master Development Plan (MDP).**

Street vendors.

Upper floor residential ~~condominium~~ combined with commercial and/or office use on the main floor in the same building. (Ord. 2008-19, 11-18-2008)

17.70.040: USE REGULATIONS:

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

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in BH-MU **Z**zones. Residential uses (not including upper floor residential) in a BH-MU zone may not exceed twenty percent (20%) of the gross land area in the zone. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business is prohibited in **the** BH-MU **Z**zones.

- B. All uses in BH-MU **Z**zones shall be conducted within completely enclosed buildings, unless otherwise allowed in this chapter, except **outdoor kiosks, vendor carts, and** those temporary uses customarily conducted in the outdoors, including Christmas tree lots, fireworks stands and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) 1-week periods per year.
- C. Accessory uses **may be conducted and accessory** buildings may be ~~conducted~~ **constructed** in BH-MU **Z**zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- D. There shall be no open storage of trash, debris, used, wrecked or neglected materials, equipment or vehicles in BH-MU **Z**zones. No commercial materials, goods or inventory may be stored in open areas in BH-MU **Z**zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten feet (10') from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two feet (2') square, per business may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies including plants and other landscaping materials and building materials is permitted only in screened areas approved for such purpose with site plan review.
- E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored in BH-MU **Z**zones for longer than seventy two (72) hours unless stored within a completely enclosed building.
- F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers or any commercial truck, trailer or vehicle may be stored in the BH-MU **Z**zone for longer than seventy two (72) hours, except in conjunction with an approved use, or approved development or construction activities on the property.
- G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers and all-terrain vehicles, may not be stored in any area in BH-MU **Z**zones, except in conjunction with a single-family dwelling. Said trailers and vehicles shall be stored within lawfully constructed buildings or behind the front line of the dwelling, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may

not be occupied as living quarters in the BH-MU Zzone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year.

H. Home occupations may be licensed in any residence in BH-MU Zzones according to provisions of [chapter 17.98](#) of this title. (Ord. 2007-02, 1-16-2007)

17.70.050: ZONE ESTABLISHMENT:

Each proposed BH-MU Zzone shall be contiguous to the Bangerter Highway right of way. Each proposed BH-MU Zzone shall be accompanied by a master development plan ("MDP") which specifies land use areas and residential densities **including the total number of residential units**. Retail, office, residential ~~8~~, mixed use (~~containing upper floor residential~~), open space and public/quasi-public land use areas will be shown on the MDP. The MDP shall be adopted as an exhibit to the ordinance establishing the BH-MU Zzone in which it is proposed. The MDP shall ~~may be amended~~ **adopted** by the City Council after the establishment of the BH-MU Zzone by following standard rezoning procedures of [chapter 17.22](#) of this title. **The Planning Commission City Council shall review and may approve necessary amendments to the MDP based upon appropriate changes to the land use mix and market conditions.** (Ord. 2007-02, 1-16-2007)

17.70.060: DEVELOPMENT REVIEW:

All uses proposed in **the** BH-MU Zzones may only be established in conformance with 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** BH-MU Zzones. 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. The following procedure shall be used for site plan review of projects in the BH-MU Zzone:

- A. The developer shall prepare and submit a concept plan as described in section [16.24.030](#) of this code.
- B. The developer shall prepare and submit a design book with the concept plan containing typical renderings of cross sections and plan views of the following:
 1. Existing and proposed public street curb, gutter, sidewalk, park strip, landscaping, streetlights and pavement.
 2. Yard areas between buildings and public streets, including trees, grass, shrubs, ground cover, signs and screen walls.

3. Parking areas, walkways, driveways, landscaped areas and storm detention/retention areas.

4. Architectural features, including materials and colors, of buildings, freestanding and wall mounted signs and light fixtures, trash enclosures, utility and loading area screen walls, pedestrian furniture and artwork.

5. Other improvements as required by city staff.

C. The city staff shall review the concept plan and design book and provide comments to the developer who will make needed revisions to the documents. Upon final review and approval of city staff, the concept plan and design book for the development will be scheduled on the Planning Commission agenda for a public hearing. **Amendments or changes to the approved design book may be approved by the Planning Commission subsequent to their review and a public hearing to hear comments regarding the proposed amendments or changes.**

D. Upon approval of the concept plan and design book by the Planning Commission, site plans for all or portions of the BH-MU Zone may be prepared according to section [16.24.040](#) of this code and submitted to city staff for review. City staff may approve, approve with conditions, or deny the site plans for the proposed development.

E. A decision of the city staff regarding site plans in the BH-MU Zone may be appealed according to procedures set forth in section [16.04.370](#) of this code. (Ord. 2007-02, 1-16-2007)

17.70.070: LOT WIDTH AND FRONTAGE:

No minimum lot width is required in the BH-MU Zone except as established with development approval. Each lot or parcel in BH-MU Zones must front on or have legal access to a public street. (Ord. 2007-02, 1-16-2007)

17.70.080: AREA REQUIREMENTS:

The following area requirements shall apply in the BH-MU zone:

A. Minimum Zone Area: The minimum area of a BH-MU Zone shall be one hundred (100) acres.

B. Minimum Project Area: "Project" shall be defined as any development in BH-MU Zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in BH-MU Zones shall be one **quarter** acre.

C. Minimum Lot Area: There shall be no minimum lot area in BH-MU Zones, except as established with development approval.

~~D. Maximum Residential Area: Maximum residential use area in BH-MU zones is twenty percent (20%) of the gross land area in the zone. (Ord. 2007-02, 1-16-2007)~~

17.70.090: PRIOR CREATED LOTS:

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of a BH-MU Zzone shall be brought into conformance with the requirements of this chapter prior to **new** development. (Ord. 2007-02, 1-16-2007)

17.70.100: YARD REQUIREMENTS:

Yard requirements in the BH-MU Zzone shall be determined with site plan, subdivision and/or condominium review by the ~~P~~planning ~~C~~ommission. Non-single-family residential buildings shall be separated from single-family residential lot lines by a minimum distance of thirty feet (30'), of which ten feet (10') adjacent to the property line shall be landscaped, ~~unless said uses are contained in the same building.~~ (Ord. 2007-02, 1-16-2007)

17.70.110: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in BH-MU zones:

- A. Fences and walls in conformance with city codes and ordinances.
- B. Landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. **Single family detached residential** ~~D~~ecks not more than two feet (2') in height.
- E. **Single family detached residential** ~~C~~ornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. **Single family detached residential** ~~C~~himneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.70.120: PARKING AND ACCESS:

Parking areas and access in BH-MU Zzones shall meet requirements of [chapter 16.26](#) of this code. **In order to enhance pedestrian access and walkability, site**

design should focus on orienting buildings to streets and driveways with parking placed to the rear or side of structures.

A reduction in required parking may be granted by the Planning Commission upon recommendation by the Community Development Director and City Engineer, when justification for such can be made. Shared parking and mixed use site plan design shall be considered in determining parking reduction. Strategies for walkable commercial development as suggested by "Envision Utah's Urban Planning For Quality Growth" shall be implemented where appropriate. (Ord. 2007-02, 1-16-2007)

17.70.130: FENCING, SCREENING AND CLEAR VISION:

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

- A. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view **from a public street** with architectural features or walls consistent with materials used in the associated buildings.
- B. The boundary of a BH-MU **Z**zone which is not in or adjacent to a street and which is adjacent to a single-family residential or agricultural zone shall be fenced with a six foot (6'), decorative precast concrete panel or masonry fence as determined with development approval. Six foot (6') solid vinyl boundary fencing may be allowed in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed by the city in unusual circumstances. A building permit is required for fences and walls over six feet (6') high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined with development approval.
- C. No wall, fence or screening material shall be erected between a street and a front or street side building line in BH-MU **Z**zones, except for **single family residential developments, and** as required in subsection A of this section.
- D. Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed two feet (2') in height within a ten foot (10') triangular area formed by the edge of a driveway and a street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. (Ord. 2007-02, 1-16-2007)

17.70.140: ARCHITECTURAL STANDARDS:

The following architectural standards are required in BH-MU **Z**zones:

- A. Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with development review. An architectural theme governing the project shall be submitted for review.
- B. All building materials shall be high quality, durable and low maintenance.
- C. **Building materials for structures**, ~~Single family residential and townhome dwellings, including garages,~~ shall ~~use be constructed with brick, or stone, or cement fiber products (i.e. Hardie Board) in combinations that create aesthetically pleasing architecture.~~ **Stucco products, if used, shall clearly be used in minimal amounts and as a contrast or accent to other building materials, i.e. gables. Both vertical and horizontal elements should be used, as appropriate, to enrich and give a variety to the architectural theme. Individual buildings shall have enough architectural variation to appear as separately recognizable structures.** ~~in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage);~~
- D. **Except for flat or shed-style roofed structures approved by the Planning Commission through design book review,** a minimum ~~six eight~~ **six** to twelve (~~68:12~~) roof pitch **shall be required** and a minimum two (2) car garage (minimum ~~202~~ **202** feet by ~~202~~ **202** feet, or the square footage ~~approximate approved~~ **approved equivalent for tandem parking approved by the Planning Commission in conjunction with a site plan, subdivision plat or condominium map for the development.**
- ED. Exterior walls of buildings, in excess of sixty feet (60') in length, shall have relief features at least four inches (4") deep at planned intervals. All sides of buildings shall receive design consideration.
- FE. Signs shall meet requirements of [chapter 16.36](#) of this code and shall be constructed of materials which complement the buildings which they identify.
- GF. Maximum building height in BH-MU zones shall be four (4) stories, **unless otherwise approved by the City Council,** except that the maximum height shall be two (2) stories within four hundred feet (400') of any single-family residential zone.
- HG. The exteriors of buildings in the BH-MU ~~Z~~ **Z** zone shall be properly maintained by the owners. (Ord. 2007-02, 1-16-2007)
- I. **Architectural design and site layout shall be compliant with the basic principles of C.P.T.E.D. (Crime Prevention Through Environmental Design), i.e. natural surveillance, natural access control, territoriality, and maintenance.**

17.70.150: LANDSCAPING:

The following landscaping requirements and standards shall apply in the BH-MU Zzone:

- A. The front, side and rear yards of lots in BH-MU Zzones shall be landscaped and properly maintained with grass, trees and other plant **and/or permeable landscape** material.
- B. All areas of lots in BH-MU Zzones not approved for parking, buildings or other hard surfacing shall be landscaped and properly maintained with **ground covers that may include turfgrass**, deciduous and evergreen trees and other plant **and/or permeable landscape material (including properly designed xeriscape)**, approved in conjunction with a site plan, plat or record of survey map for the development. **Drought resistant plant materials are encouraged.**
- C. A minimum of one tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in BH-MU Zzones in addition to other trees required in this section. A minimum of thirty percent (30%) of required yard area trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees required in this section shall be dispersed throughout the required yard areas on the site.
- D. ~~All collector street and other public and private Ppark strips~~ **(planting area between streets/driveways and sidewalks) are required** in BH-MU Zzones and shall be improved **with street trees with appropriate ground covers** and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval. **Park strips shall be of sufficient width to accommodate the root zone of the approved street tree species, i.e. at least five feet (5') for ornamental trees.**
- E. Trees may not be topped nor may any landscape material be removed in BH-MU Zzones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan, plat or map approval.
- F. The following landscaping requirements shall apply in parking areas in BH-MU Zzones:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
 - 2. Shade trees shall be planted between double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum intervals of three (3) stalls and no farther than six feet (6') from the parking area. Shade trees are not required in parking rows which are adjacent to buildings **only if parking is adjacent to a covered sidewalk.**

3. All landscaped areas adjacent to parking areas shall be curbed.

- G. A minimum twenty foot (20') wide landscaped **planting area planter** shall be required along the Bangerter Highway right of way on lots and parcels in the BH-MU zone which adjoin the highway right of way. This area may be counted toward any minimum yard area that would otherwise be required adjacent to the highway right of way. These areas shall be planted with trees and other plant/**landscape** materials approved with the development.
- H. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included 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.
- I. All required landscaping in BH-MU **Z**zones, shall be installed (or escrowed due to season) prior to occupancy.
- J. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners. (Ord. 2007-02, 1-16-2007)

17.70.160: LIGHTING:

The following lighting requirements shall apply in BH-MU **Z**zones:

- A. A lighting plan shall be submitted with all new developments in BH-MU **Z**zones. Site lighting shall not exceed forty feet (40') in height. Site and street lighting shall not exceed twenty feet (20') in height within three hundred feet (300') of any single-family residential zone or in public park strips.
- B. Lighting for commercial uses which is within three hundred feet (300') of residential lots shall be shielded to prevent glare on said residential lots.
- C. All lighting fixtures shall **evoke a 'village' feel to the development and** be architectural grade consistent with the architectural theme of the **project development**. Lighting fixture detail will be submitted for approval with the development. (Ord. 2007-02, 1-16-2007)

17.70.170: OTHER REQUIREMENTS:

The following provisions shall apply in BH-MU **Z**zones:

- A. Private Covenants: The developer of a condominium project or PUD in a BH-MU **Z**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 map or subdivision plat for the project.

- B. Grading and Drainage: All developments in BH-MU Zzones shall be graded according to the city engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Easements: Buildings may not be located within public easements without written approval from the affected parties.
- D. Maintenance: All developments shall be properly maintained by the owners.
- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

Section 2. Amendment. The development plan included as Exhibit A to this Ordinance is hereby adopted as the amended and revised Master Development Plan("MDP") for the BH-MU Zone.

Section 3. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

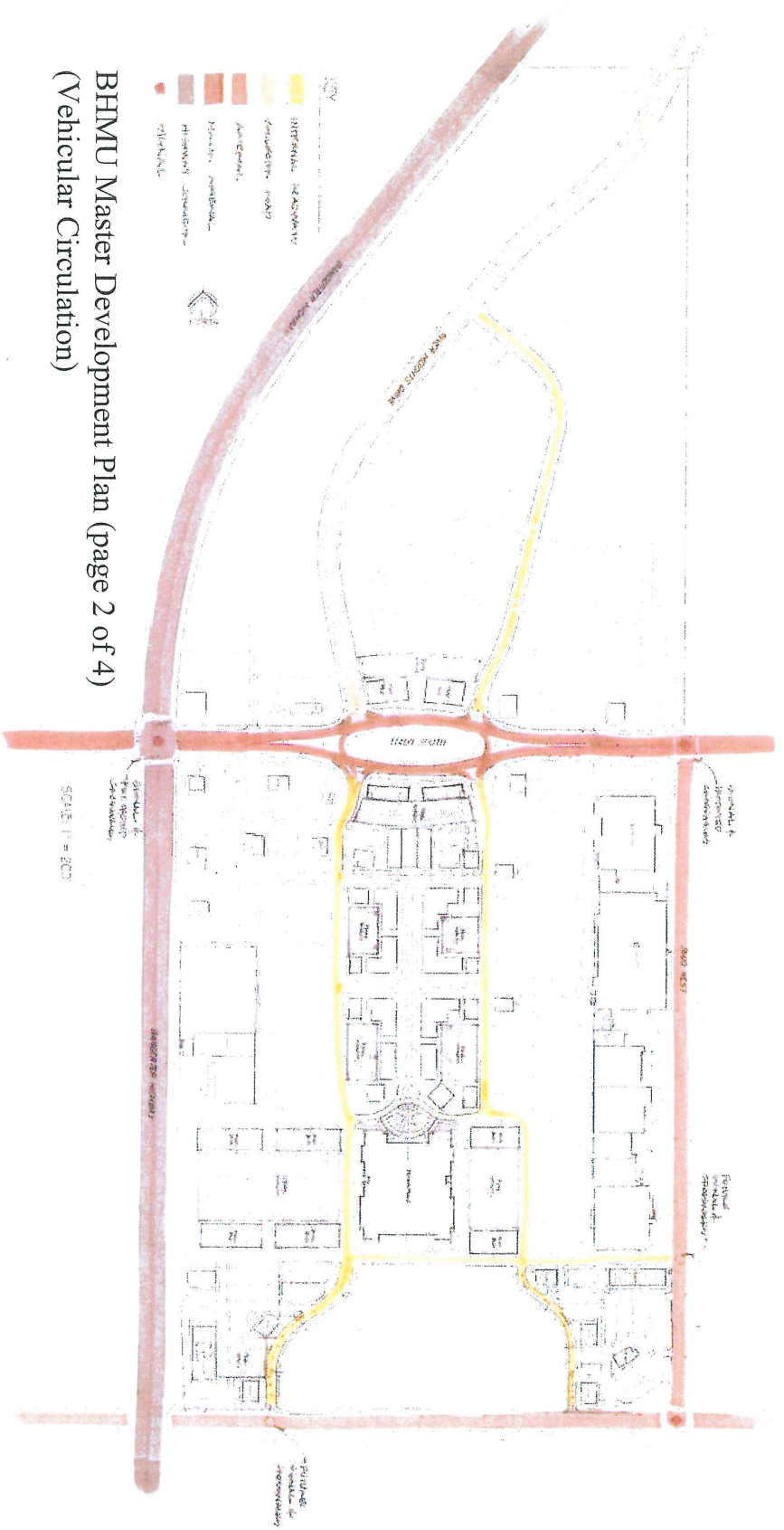
PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS 18th DAY OF May, 2010 BY THE FOLLOWING VOTE.

	YES	NO	ABSTAIN	ABSENT
Brian Butters	<u>X</u>	___	___	___
Kathie L. Johnson	<u>X</u>	___	___	___
Larry Short	<u>X</u>	___	___	___
Aleta A. Taylor	<u>X</u>	___	___	___
Leona Winger	<u>X</u>	___	___	___

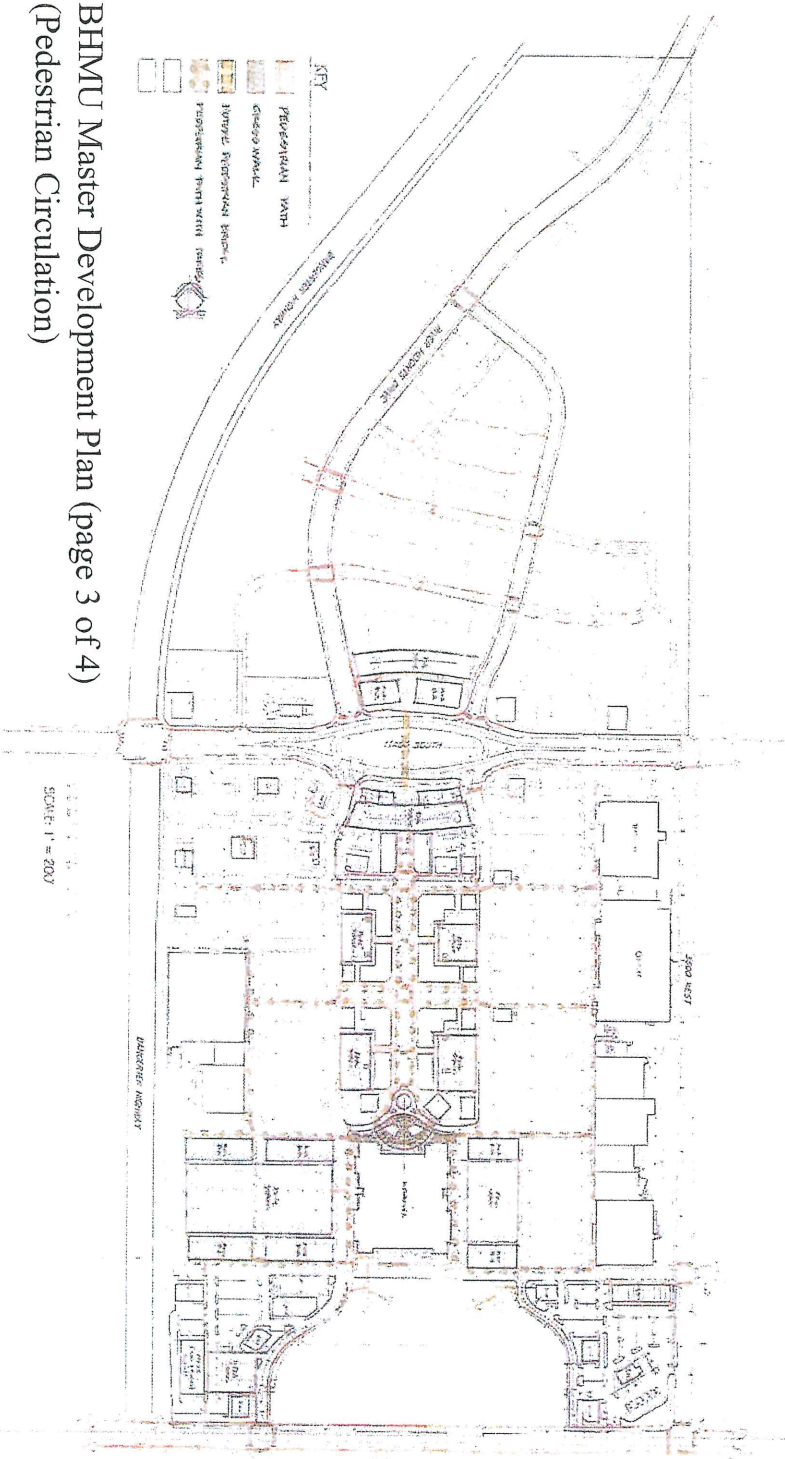
ATTEST: Anna M. West
 Anna M. West, City Recorder

W. Kent Money
 W. Kent Money Mayor

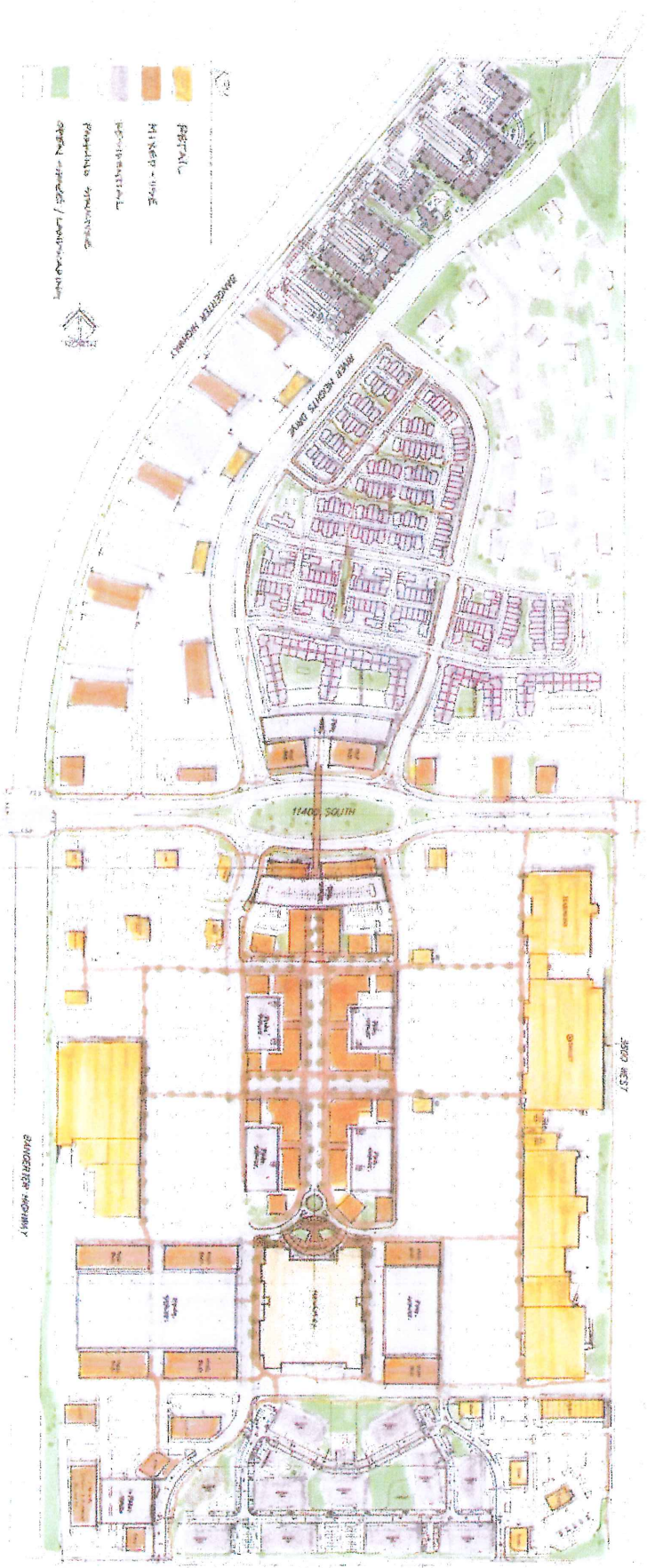




BHMU Master Development Plan (page 2 of 4)
 (Vehicular Circulation)



BHMU Master Development Plan (page 3 of 4)
 (Pedestrian Circulation)



BHMU Master Development Plan (page 4 of 4)
 (Maximum Build Out Plan)