

ORDINANCE 2014-06

AN ORDINANCE REPEALING SECTIONS REFERENCING THE RM-8 ZONE, THE VMU SUBDISTRICT OF THE MU ZONE AND THE ENTIRE VMR ZONE IN THE LAND USE CODE TITLE 17 OF THE SOUTH JORDAN MUNICIPAL CODE.

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

WHEREAS, since the adoption of the 2010 General Plan, residents and the South Jordan City Council have become concerned about the high-density residential and high-density mixed use developments infiltrating the City that do not fit with the surrounding land uses and are not in the best interests of South Jordan; and

WHEREAS, the City Council desires to amend the Planning and Land Use Code to modify the location and implementation of high-density residential and mixed use developments in the City; and

WHEREAS, the City Council desires to revisit the areas in the City where high-density residential and mixed use development are allowed and to promote and work with developers on these developments in appropriate locations in the City; and

WHEREAS, the City Council has found and determined that the repealing of certain chapters and sections of Title 17 of the South Jordan Municipal Code will support the best interests of the City and will help implement the City's General Plan and 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. **Repealer.** Sections of Chapter 17.48 "Residential R-M Zone" referencing the "RM-8 Zone," Chapter 17.73 "Village Mixed Residential (VMR) Zone," and sections of Chapter 17.74 "Mixed Use Zone" referencing the "Village Mixed Use (VMU) Subdistrict" of the South Jordan Municipal Code are repealed in their entirety as found on Exhibit A, Exhibit B, and Exhibit C respectively.

Section 2. **Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. **Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

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PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH,
ON THIS THE 4th DAY OF March, 2014 BY THE FOLLOWING VOTE.

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	—	X	—	—
Chuck Newton	X	—	—	—
Donald Shelton	X	—	—	—
Steve Barnes	—	X	—	—
Christopher Rogers	X	—	—	—



David L. Alvord, Mayor

ATTEST:



Anna M. West, City Recorder

Approved as to form:


Assistant City Attorney

Exhibit A.
SJMC § 17.48
Residential R-M Zone

Chapter 17.48
RESIDENTIAL R-M ZONE

17.48.010: PURPOSE:

17.48.020: PERMITTED USES:

17.48.030: CONDITIONAL USES:

17.48.040: USE REGULATIONS:

17.48.050: DEVELOPMENT REVIEW:

17.48.060: DENSITY, LOT AREA, LOT FRONTAGE, AND SETBACKS:

17.48.070: PRIOR CREATED LOTS:

17.48.080: LOT COVERAGE:

17.48.090: YARD REQUIREMENTS FOR ACCESSORY BUILDINGS:

17.48.100: PROJECTIONS INTO YARDS:

17.48.110: STREETS, ACCESS AND PARKING:

17.48.120: FENCING, SCREENING AND CLEAR VISION:

17.48.130: ARCHITECTURAL STANDARDS:

17.48.140: LANDSCAPING AND OPEN SPACE:

17.48.150: LIGHTING:

17.48.160: MULTI-FAMILY RESIDENTIAL:

17.48.170: OTHER REQUIREMENTS:

17.48.010: PURPOSE:

The residential R-M zone (residential multiple-family), may be cited as the "R-M zone" and is established to provide for higher density residential developments such as, small lot single-family and multi-family infill developments. The dwelling density of each R-M zone is indicated on the official zoning map with a numerical suffix as described in section 17.48.060 of this chapter. (Ord. 2011-17, 12-6-2011)

17.48.020: PERMITTED USES:

The following uses may be conducted in the R-M zone as limited herein:

Agriculture without livestock or poultry.

Assisted living centers and care centers, maximum two (2) stories with planning commission review and approval.

Golf courses, with planning commission review and approval.

Home occupations according to city ordinances.

Integrated multi-family residential with "village" style design, building height, architecture and connectivity, minimum one acre projects with planning commission review and approval.

Parks and recreational activities, with planning commission review and approval.

Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

Residential accessory uses.

Single-family residential, detached, maximum one per lot or parcel. (Ord. 2012-12, 10-2-2012)

17.48.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-M zone:

Daycare center facility on minimum one acre lot.

Educational facilities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Retail or office uses on main building level with upper level residential. (Ord. 2012-12, 10-2-2012)

17.48.040: USE REGULATIONS:

Uses may be conducted in the R-M zone only in accordance with the following regulations:

A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-M zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory uses may be conducted in the R-M zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages,

sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.

C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-M zone.

D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-M zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.

E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-M zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.

F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-M zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the R-M zone, 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. (Ord. 2011-17, 12-6-2011)

17.48.050: DEVELOPMENT REVIEW:

Uses proposed in R-M zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this regarding development review in the preparation and review of development proposals in R-M zones. Each residential rezone area or development plan project shall contain a minimum of one acre. Depending upon size, scale, and the characteristics of a proposed development, an acceptable conceptual development plan, formulated in consultation with staff and adjacent property owners, may be required concurrently with an application to rezone property to the R-M zone. A development agreement may also be required with said application.

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. (Ord. 2011-17, 12-6-2011)

17.48.060: DENSITY, LOT AREA, LOT FRONTAGE, AND SETBACKS:

The maximum gross density (dwelling units per acre before street dedication) in R-M zones and the minimum area of any single-family lot in R-M zones shall be as shown in the table below. Every portion of a parcel being subdivided or recorded as a condominium shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium.

Zone	Maximum DUs/Acre	Single-Family Residential Minimum Lot Size/Average Lot Size	Single-Family Residential Minimum Lot Frontage	Single-Family Residential Minimum Building Setbacks
R-M 5	5	6,000 sq . ft. 7,000 sq . ft.	65 ft .	Front: 20 ft., Garage: 25 ft., Side: 8 ft., Side corner: 10 ft., Rear: 25 ft., Rear corner lot: 10 ft.
R-M 6	6	5,500 sq . ft. 6,500 sq . ft.	60 ft .	Front: 20 ft., Garage: 25 ft., Side: 8 ft., Side corner: 10 ft., Rear: 25 ft., Rear corner lot: 10 ft.
R-M 7	7	5,000 sq . ft. 6,000 sq . ft.	55 ft .	Front: 15 ft., Garage: 20 ft., Side: 6 ft., Side corner: 10 ft., Rear: 20 ft., Rear corner lot: 10 ft.
R-M 8	8	4,500 sq . ft. 5,500 sq . ft.	50 ft .	Front: 15 ft., Garage: 20 ft., Side: 5 ft., Side corner: 8 ft., Rear: 20 ft., Rear corner lot: 10 ft.

Except for approved "green court" single-family dwellings, and applicable portions of multi-family residential developments, each project area in R-M zones shall abut the right of way line of a public street. Unless otherwise approved as a PUD, minimum yard areas are measured from the corresponding front, side and rear property lines of lots. (Ord. 2011-17, 12-6-2011)

17.48.070: PRIOR CREATED LOTS:

Lots or parcels of land, which legally existed or were created by a recorded plat prior to the establishment of an R-M zone, shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2011-17, 12-6-2011)

17.48.080: LOT COVERAGE:

A maximum of sixty percent (60%) of the area of a lot or condominium private ownership area in R-M zones may be covered by buildings. (Ord. 2011-17, 12-6-2011)

17.48.090: YARD REQUIREMENTS FOR ACCESSORY BUILDINGS:

A. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than six feet (6') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building.
3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building.
4. Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, except as required in subsection B5 of this section.
5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

C. All buildings shall be separated by a minimum distance of six feet (6'). (Ord. 2011-17, 12-6-2011)

17.48.100: PROJECTIONS INTO YARDS:

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

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, 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. Chimneys, 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. 2011-17, 12-6-2011)

17.48.110: STREETS, ACCESS AND PARKING:

- A. Private streets are discouraged and gated communities are prohibited. Accesses shall be so designed to create connectivity and to meet the appropriate level of travel and service. Cul-de-sac streets will not be approved unless it can be demonstrated that no practical way exists to make connectivity. Where private streets are approved, building setbacks shall be measured from the back of curb. Street and driveway widths and improvements shall be determined during subdivision/site plan review, as may be recommended by the city engineer and fire marshal, and approved by the planning commission.
- B. Parking areas and vehicle access in residential zones shall meet the requirements of title 16, chapter 16.26 of this code. Recreational vehicle parking in multiple-family developments shall only be provided in a screened area designated for such parking. (Ord. 2011-17, 12-6-2011)

17.48.120: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-M zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-M zones. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-M zones, 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.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or

sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.

E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.

F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-M zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2011-17, 12-6-2011)

17.48.130: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-M zones:

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

B. The treatment of buildings, materials and exterior appurtenances shall create an aesthetically pleasing site that is compatible with structures in the immediate area. Requirements applicable to all building structures are stated below:

1. All sides of dwellings shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties.

2. Basic building materials for dwellings, including garages, shall include brick, stone, or cement fiber products (i.e., hardboard) 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.

3. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, open space, parking areas.

C. Except for flat or shed style roof structures approved by the planning commission, a minimum six to twelve (6:12) roof pitch shall be required and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent) for each single-family dwelling unit.

D. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.

E. The minimum total floor area, above grade, of any single-family dwelling in R-M zones shall be one thousand two hundred (1,200) square feet. The minimum total floor area, above grade, of each unit in a multi-family dwelling shall be one thousand (1,000) square feet.

F. Main buildings in R-M zones may not exceed thirty five feet (35') in height. Accessory buildings may not exceed twenty five feet (25') in height.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2011-17, 12-6-2011)

17.48.140: LANDSCAPING AND OPEN SPACE:

A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.

B. The minimum gross land area of a multi-family residential development to be preserved as open space in R-M zones shall be as follows:

<u>Zone</u>	<u>Required Open Space</u>
R-M 5	12 percent
R-M 6	14 percent
R-M 7	16 percent
R-M 8	18 percent

The open space, if not dedicated to the city, will be labeled and recorded as a lot or lots in a subdivision, as common area in a condominium or as a perpetual open space easement to be jointly owned and properly maintained as open space and/or recreation by an owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. The city may determine the location of open space in consideration of topography, drainage or other land features. Open space shall include recreational improvements such as play courts, swimming pools, tot lots, picnic areas and walking paths. Open space may also include community gardens and other natural open space. The city may determine the acceptability of proposed amenities before a site plan, plat or condominium is approved. The city may require a cash bond to guarantee installation of the open space improvements. All open spaces shall be preserved and properly maintained by the owners.

C. All areas of developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material or xeriscape as approved in conjunction with a site plan or plat for the development.

D. In multi-family and nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped common areas, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as may be required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.

E. All collector street and other public and private park strips in R-M zones shall be improved with ground covers and street trees, and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

F. Required trees may not be topped nor may any required landscape material be modified or removed in R-M zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.

G. In multi-family and nonresidential developments in R-M zones, the following landscaping requirements shall apply:

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. Said planters shall be at least five feet (5') wide.
2. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations, except at building entrances.
3. All landscaped areas shall be curbed.

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 open 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 approval of any entity or agency having jurisdiction over said waterways.

I. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

J. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners. (Ord. 2011-17, 12-6-2011)

17.48.150: LIGHTING:

The following lighting requirements shall apply in R-M zones:

A. A lighting plan shall be submitted with all new developments in R-M zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.

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

C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2011-17, 12-6-2011)

17.48.160: MULTI-FAMILY RESIDENTIAL:

As used in this chapter, "multi-family residential" shall mean any residential development in the R-M zone approved by the city in compliance with the following additional requirements:

A. Uses allowed in a multi-family residential project shall be the same as those allowed in the R-M zone.

B. The maximum gross residential density in a multi-family project shall be as provided in section 17.48.060 of this chapter. Depending upon size and scale, multi-family projects may be required to have mix of housing types and building heights.

C. The minimum area, yard, width, frontage and other dimensional requirements of the R-M zone may be modified in a multi-family residential project as recommended by staff and approved by the planning commission.

D. The entrances of all dwellings shall front onto public streets, fire accessible private driveways, or green courts, with entrance sidewalks accessing the street sidewalk. Entrances shall also have direct sidewalk access to public/private sidewalks. Building orientation away from a collector street may be required.

E. Direct driveways onto a collector street may be prohibited or restricted by using shared or rear loaded driveways. On site turnaround access may be required to avoid having vehicles backing onto a collector street. Rear loaded garages are encouraged for garage access to townhomes, row houses, and twin homes. Approved front loaded garages shall be subservient, making the porch and/or living space the dominant feature of the dwelling.

F. The design of pedestrian ways may be a standard sidewalk, a solitary meandering pathway or trail, or other possible designs that may be approved by the planning commission. Choice of appropriate pedestrian access will be made based upon the type and scale of the project being proposed. Crosswalks and pedestrian access to trail systems or nearby activity centers may be required.

G. Parking spaces shall be provided for all dwelling units within a multi-family residential project and per section 16.26.040 of this code. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

H. Before building permits are issued, all multi-family residential projects shall have been approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association (depending on the size and scale of the project), maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title.

I. Developers of multi-family residential projects shall submit a proposed declaration of covenants to the city attorney for review, including, if requested by the city attorney, an opinion of legal counsel licensed to

practice law in the state, that the multi-family project meets requirements of state law, and record the covenants with the plat for the project. (Ord. 2011-17, 12-6-2011)

17.48.170: OTHER REQUIREMENTS:

The following requirements shall apply in R-M zones:

A. All improvements, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the owners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city.

B. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

C. All private areas of lots or parcels shall be properly maintained by the owners.

D. Development projects shall give due consideration to the development of adjoining parcels in regards to access, utilities, buffering, and landscaping. A project phasing plan may be required for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2011-17, 12-6-2011)

Exhibit B.
SJMC § 17.73
Village Mixed Residential VMR Zone

Chapter 17.73

VILLAGE MIXED RESIDENTIAL (VMR) ZONE

17.73.010: OBJECTIVES AND CHARACTERISTICS OF ZONE:

17.73.020: PERMITTED USES AND CONDITIONAL USES:

17.73.030: USE REGULATIONS:

17.73.040: ZONE ESTABLISHMENT:

17.73.050: DEVELOPMENT REVIEW:

17.73.060: SPECIAL PROVISIONS:

17.73.070: AREA REQUIREMENTS:

17.73.080: RESIDENTIAL DESIGN REQUIREMENTS:

17.73.010: OBJECTIVES AND CHARACTERISTICS OF ZONE:

The purpose of the VMR zone is to encourage the development of medium intensity mixed residential land uses, with a variety of housing types and residential densities. Housing types may include single family residential, and various types of multi-family development. The location of such uses would be in appropriate locations in the city in lieu of large scale single housing type projects.

The intent of this zone is to create walkable residential neighborhoods with easy access to major transportation corridors and other mass transit nodes. These neighborhoods are to provide a variety of housing opportunities and choices that include a range of household types, family sizes, and incomes. They may also provide convenient pedestrian access to nearby commercial services and employment opportunities.

Design standards include requirements that help produce a true "neighborhood" by stipulating a various mix of residential uses, "build to" lines, compact building design, preservation of open space, pedestrian friendly streets, streetscape, parking concealment, architectural control, and maintenance. Proposed developments with increased land intensity and housing density but without the above "walkable" elements are unacceptable and will not be approved. (Ord. 2011-03, 11-15-2011)

17.73.020: PERMITTED USES AND CONDITIONAL USES:

A. Permitted Uses: The following uses shall be permitted in the village mixed residential (VMR) zone:

Agriculture without livestock or poultry.

Home occupations according to city ordinances.

~~Household pets not exceeding two (2) per species over the age of four (4) months per dwelling.~~

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

~~Residential accessory buildings on single family lots, that do not exceed that allowed under comparable lot size zoning requirements.~~

~~Residential accessory uses.~~

~~Residential facility for disabled persons as required by state law.~~

~~Single family dwellings.~~

~~B. Conditional Uses: A conditional use permit may be issued for the following uses in the village mixed residential (VMR) zone:~~

~~Churches, excluding temporary revival tents or structures.~~

~~Daycare center facility.~~

~~Educational facilities with direct access to a collector street.~~

~~Health and fitness centers.~~

~~Live/work units.~~

~~Parks and recreational activities.~~

~~Preschool center facility.~~

~~Public buildings.~~

~~Public or private schools. (Ord. 2012-12, 10-2-2012)~~

17.73.030: USE REGULATIONS:

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

A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the VMR zone. A conditional use permit must be obtained prior to the establishment of a conditional use.

B. Accessory buildings uses may be constructed in the VMR zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.

C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the VMR zone.

D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition,

whether attended or not, upon any private or public property within the VMR zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.

E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel designated for residential or office uses within the VMR zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.

F. No commercial vehicles such as earthmoving or material handling equipment, semitrucks or trailers or any commercial truck, trailer or vehicle may be parked or stored on any lot or parcel designated for commercial uses within the VMR zone for longer than twenty four (24) hours unless in conjunction with approved construction activities or unless it is in conjunction with an approved use or development and parked or stored in an approved loading dock that is screened from street view.

G. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in a VMR zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the VMR zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the driveway located in the required front yard or street side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2011-03, 11-15-2011)

17.73.040: ZONE ESTABLISHMENT:

Each proposed VMR zone shall be accompanied by a master development plan ("MDP") prepared by the applicant which specifies residential land use types. The MDP must show all stages of the development (including any phasing plans) and both existing and reasonable projected development on adjoining properties, determined as needed through consultation with city staff and adjoining property owners. Phased developments and approved individual plats and site plans shall conform to the master development plan ("MDP").

The intent of the above is to achieve a consistent overall mixed residential neighborhood with uniform and compatible site standards when the project area is completely built out. Remnant parcels left from old developments, or rebuilds of existing parcels, are required to make reasonable compliance with mixed use development standards through consultation with the community development director.

The MDP shall be adopted as an exhibit to the ordinance establishing VMR zone districts, in which it is proposed. The MDP, or portions thereof, may be amended only after review by the planning commission and upon approval of the city council with public input after the establishment of the VMR zone, as may be needed. A development agreement between the city and the applicant may be required by the city council and executed before the zoning designation shall be effective. (Ord. 2011-03, 11-15-2011)

17.73.050: DEVELOPMENT REVIEW:

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

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

A. The developer shall prepare and submit a site plan and submit a design book containing typical renderings, cross sections, and plan views of the following:

1. Existing and proposed public street curb, gutter, sidewalk, park strip, landscaping, streetlights and pavement.
2. Yard areas between buildings and public streets, including trees, grass, shrubs, ground cover, signs and screen walls.
3. Parking areas, walkways, driveways, landscaped areas and storm detention/retention areas.
4. Architectural features, including materials and colors of buildings, freestanding and wall-mounted signs and light fixtures, trash enclosures, utility and loading area screen walls, pedestrian furniture and artwork.
5. Other improvements as required by city staff.

B. The city staff shall review the site plan and design book for compliance with the master development plan and shall provide comments to the developer for needed revisions to the documents. Upon final review and approval of city staff, the site plan and design book for the development will be scheduled on the planning commission agenda for a public hearing.

C. Upon approval of the site plan and design book by the planning commission, the subdivision or condominium plats for all or portions of the VMR zone may be prepared and submitted in accordance with title 16, chapter 16.10 and other applicable sections of title 16, "Development Code", of this code.

D. Building permits shall only be approved upon prior approval of the site plan, design book, and, if necessary, the subdivision or condominium plat (including improvements). (Ord. 2011-03, 11-15-2011)

17.73.060: SPECIAL PROVISIONS:

When reviewing a proposed development in the village mixed residential (VMR) zone, the planning commission shall consider the following special provisions in order to protect the intended characteristics of the zone:

A. Location: Village mixed residential developments shall be located at transportation nodes and along transportation corridors and other locations where "walkable" components (i.e., housing choices, convenience commercial, employment, community facilities, transportation linkages, park or other open space, schools, churches) are already present, planned, or where the size and scale of development is such that said components can be provided within the project itself. As a guiding principle, mixed use components should be within a five (5) minute walking distance, approximately one fourth ($\frac{1}{4}$) mile, of the above.

B. Mixture Of Unit Type: The blend or mixture of residential unit type (e.g., condominiums/apartments, twin homes, single family, senior housing, affordable housing, unit size, etc.), within a development shall be determined depending upon the size, scale, and location of the project. Where size and scale permit, housing units shall include a mix of housing types, housing size, and number of bedrooms, encouraging neighborhoods with a mix of family cycles and incomes.

C. Traffic: The developer shall demonstrate that all potential traffic concerns regarding existing intersections, substandard streets, inadequate improvements, and access are mitigated.

D. Surrounding Properties: The developer shall demonstrate to the satisfaction of the planning commission, that sufficient measures have been incorporated into the development plan to assure that adjacent properties will not experience significant impacts as a result of the proposed development.

E. Pedestrian Realm: In order to achieve an overall "walkable" development, appropriate land uses, pedestrian connections, cross easements, common driveways, consistent site standards, etc., must be coordinated with the respective VMR zone area, even though properties may be individually owned. (Ord. 2011-03, 11-15-2011)

17.73.070: AREA REQUIREMENTS:

The following area requirements shall apply in any village mixed residential (VMR) zone:

A. Minimum Zone Area: The minimum area of a VMR zone/MDP shall be four (4) acres.

B. Minimum Project Area: "Project" shall be defined as any development in any VMR zone for which a preliminary plat or site plan approval has been proposed or granted. The minimum area of any project within a VMR zoned area shall be two (2) acres. Approved projects may be built in phases based upon an overall approved phasing plan.

C. Minimum Lot Area: There shall be no minimum lot area in any VMR zone, except as established with development approval. Parcels shall be of sufficient size to assure compliance with building setbacks, landscaping, access, parking, and walkability standards. (Ord. 2011-03, 11-15-2011)

17.73.080: RESIDENTIAL DESIGN REQUIREMENTS:

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

~~A. Walkable Elements: Where possible, multi-family development shall front onto open space or public streets with appropriate walkable elements, including sidewalks and park strips with street trees. When approved, private streets shall be so designed to resemble a walkable public street design.~~

~~B. Multi-Family Residential: Multi-family residential development shall conform to requirements heretofore presented. Approved setbacks shall be determined by the planning commission based upon acceptable layout and design.~~

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

~~a. Properly designed off street surface parking hidden from streets, or provided within parking terraces.~~

~~b. Surface parking, where possible, shall be designed in a linear fashion to better resemble a public street design.~~

~~c. Garage units associated with multi-family development should be rear loaded. Where front loaded garages are approved, they shall be so designed to be "subservient" (set back at least 5 feet from the front line of the dwelling) to the architecture of the residential structure.~~

~~d. Roofs with a four to twelve (4/12) pitch or greater, unless otherwise approved by the planning commission.~~

~~e. Dwelling and garage gables facing streets and alleys.~~

~~f. Extensive windows facing streets, alleys and pedestrian connections.~~

~~g. Covered entrance porches.~~

~~h. Entry sidewalks that connect directly to public sidewalks.~~

~~i. Variety of building sizes, shapes and building heights.~~

~~j. Open space and project amenities compatible with project scale and market.~~

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

~~a. Multilevel structures.~~

~~b. Dormers and/or shutters, and other window treatments.~~

~~c. Street side balconies/decks.~~

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

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

a. ~~"Subservient" garages, i.e., back loaded detached with alley access, front loaded detached, attached but set back from the front line of the home by at least five feet (5'), side entry attached, or a combination of the above.~~

b. ~~Roofs with a four to twelve (4/12) pitch or greater unless otherwise approved by the planning commission.~~

c. ~~Dwelling and garage gables facing streets and alleys.~~

d. ~~Covered open front porches comprising at least fifty percent (50%) of the front elevation (not including the garage), in no case being no less than fifteen feet (15') in width.~~

e. ~~Entry sidewalks that connect directly to public sidewalks.~~

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

a. ~~Two story dwellings.~~

b. ~~House dormers and/or shutters, and other window treatments.~~

c. ~~Street side balconies/decks.~~

d. ~~Wraparound porches, particularly on corner lots.~~

D. ~~Building Height: Buildings shall have a minimum and maximum height as indicated by building type, as shown below:~~

Land Use	Condos, Townhomes, Garden Apartments	Single- Family, Twin Homes, Mansion Homes	Civic Uses And Other Stand Alone Uses
Minimum building height	2 stories	1 story	1 story, extended ¹
Maximum building height	2 ¹ / ₂ stories; 4 stories if adjacent to commercial development or arterial street	2 stories	3 stories

Note:

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

(Ord. 2011-03, 11-15-2011)

Exhibit C.
SJMC § 17.74
Mixed Use (MU) Zone
(Sections referencing "Village Mixed Use (VMU) Subdistrict)

Chapter 17.74 MIXED USE (MU) ZONE

17.74.010: OBJECTIVES AND CHARACTERISTICS OF ZONE:

17.74.020: PERMITTED USES AND CONDITIONAL USES:

17.74.030: USE REGULATIONS:

17.74.040: ZONE ESTABLISHMENT:

17.74.050: DEVELOPMENT REVIEW:

17.74.060: SPECIAL PROVISIONS:

17.74.070: AREA REQUIREMENTS:

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

17.74.090: RESIDENTIAL DESIGN REQUIREMENTS:

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

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

17.74.120: REQUIREMENTS UNIQUE TO THE VILLAGE MIXED USE (VMU) SUBDISTRICT:

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

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

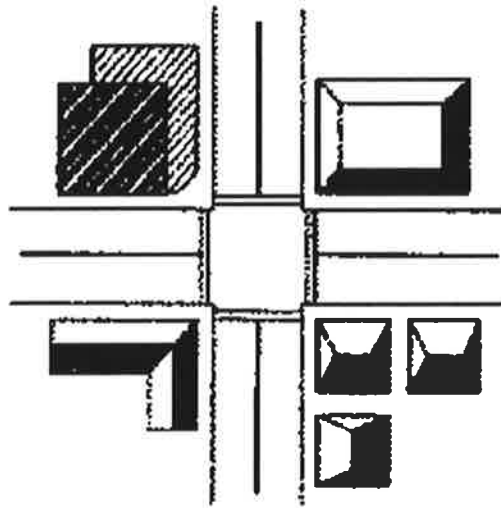
A. Building Placement And Massing:

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

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

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

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



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

3. Building Height: Buildings shall have a minimum and maximum number of stories as indicated by building type and mixed use subdistrict (see sections 17.74.100 and 17.74.110, and ~~17.74.120~~ of this chapter), with height to be measured in accordance with the city's adopted ordinances and standards. Buildings of greater height than allowed may be approved by the planning commission on a limited basis, based upon the size, scale, topography, and uniqueness of the development, i.e., rooftop gardens. Approved structures with additional height may be required to employ suitable "step back" architecture and other architectural features which encourage a more walkable "village" feel at street level.

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

eight feet (8') above walkways and sidewalks and eight feet (8') to ten feet (10') above vehicular travel and parking lanes.

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

17.74.120: REQUIREMENTS UNIQUE TO THE VILLAGE MIXED USE (VMU) SUBDISTRICT:

~~A. Purpose Of The VMU Subdistrict: The purpose of this subdistrict is to encourage the development of low intensity neighborhood mixed land uses with a "village" look and feel (i.e., human scale, pedestrian friendly, architecturally diverse). The location of such uses would be in appropriate locations along major collector streets.~~

~~B. Permitted Uses: The following uses shall be permitted in the VMU subdistrict:~~

~~Accessory uses.~~

~~Agriculture without livestock or poultry.~~

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

~~Business services.~~

~~Educational facilities.~~

~~Healthcare facilities and services.~~

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

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

~~Medical and dental offices or clinics.~~

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

~~Office services.~~

~~Personal services.~~

~~Residential accessory buildings on single family lots that do not exceed that allowed under comparable lot size zoning requirements.~~

~~Residential accessory uses.~~

~~Residential facility for disabled persons as required by state law.~~

Residential use above the first floor of permitted commercial and office use.

Restaurants, excluding establishments with drive-up facilities.

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

Single-family dwellings.

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

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

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

Churches, excluding temporary revival tents or structures.

Daycare center facility.

Health and fitness centers.

Live/work units.

Parks and recreational activities.

Preschool center facility.

Public buildings.

Public or private schools.

Restaurants with drive-up facilities located to the rear of the structure. (Ord. 2012-12, 10-2-2012)

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

Land Use	Commercial	Office	Vertical Mixed Use	Condos	Apartments	Townhomes	Single-Family, Twin Homes	Public And Quasi-Public
Min. building height	1-story, extended [†]	1-story, extended	2 stories	2 stories	2 stories	2 stories	1 story	1-story, extended [†]

Max. building height	2 stories	2 stories	3 stories	2¹/₂ stories	2¹/₂ stories	2¹/₂ stories	2 stories	3 stories
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Note:

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