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Book - 10671 Pg - 1499-1541  
ADAM GARDINER  
RECORDER, SALT LAKE COUNTY, UTAH  
SOUTH JORDAN  
1600 W TOWNE CENTER DR  
SOUTH JORDAN UT 84095-8265  
BY: DKA, DEPUTY - WI 43 P.

When recorded, please return to:  
South Jordan City Recorder  
1600 West Towne Center Drive  
South Jordan, Utah 84095

Affected Parcel(s): 27-17-400-046

### HAVEN AT HARVEST VILLAGE DEVELOPMENT AGREEMENT

The City of South Jordan, a Utah municipal corporation (“City”), and Peterson Development Company, L.L.C., a Utah limited liability company (“Developer”) (collectively the “parties”), enter into this Development Agreement (this “Agreement”) this 24<sup>th</sup> day of April, 2018 (“Effective Date”), and agree as set forth below.

#### RECITALS

WHEREAS, Developer intends to develop certain real property identified as Parcel No. 27-17-400-046 and 27-17-378-003, specifically described in Exhibit A (the “Property”), consistent with the concept plan attached as Exhibit B (the “Concept Plan”), and the concept elevations attached as Exhibit C (the “Elevations”); and

WHEREAS, the City Council of the City of South Jordan (the “City Council”), acting pursuant to its authority under Utah Code § 10-9a-102(2) *et seq.*, as amended, and the South Jordan City Municipal Code (the “City Code”), and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, has elected to exercise its legislative discretion to enter into this Agreement; and

WHEREAS, the Property is subject to the City’s Subdivision and Development Code, Planning and Zoning Code, and other land use regulations; and

WHEREAS, Developer desires to make improvements to the Property in conformity with this Agreement and has requested a zone change on the Property from the A-5 Zone (Agricultural, 5 acre lot) to the R-M-6 Zone (Residential-multiple, up to 6 units per acre) and the P-O Zone (Professional Office), and a copy of the City Code provisions are attached as Exhibit D; and

WHEREAS, Developer and City acknowledge that the development and improvement of the Property pursuant to this Agreement will provide certainty useful to Developer and to the City in ongoing and future dealings and relations among the parties; and

WHEREAS, the City Council pursuant to Ordinance 2017-14-Z, a copy of which is attached as Exhibit E, approved the rezone Developer requested conditioned on the approval of this Agreement; and

WHEREAS, City and Developer acknowledge that the terms of this Agreement shall be enforceable and the rights of Developer as set forth in this Agreement relative to the Property shall vest only if this Agreement is agreed upon by the City and Developer as indicated by their respective signatures below.

NOW THEREFORE, based on the foregoing recitals and in consideration of the mutual covenants and promises contained and set forth herein, the parties agree as follows:

### TERMS

A. **Recitals; Definitions.** The recitals set forth above are incorporated herein by this reference. Any capitalized term used but not otherwise defined in this Agreement shall have the meaning ascribed to such term in the City Code.

B. **Enforceability.** City and Developer acknowledge that the terms of this Agreement shall be enforceable, and the rights of Developer as set forth in this Agreement relative to the Property shall vest, only if this Agreement is agreed upon by the City and Developer as indicated by their respective signatures below.

C. **Conflicting Terms.** The Property shall be developed in accordance with the requirements and benefits provided for in relation to the R-M-6 and P-O zones under the City Code as of the Effective Date. If there is a discrepancy between the requirements of the City Code, including the R-M-6 and P-O zones, and this Agreement, this Agreement shall control.

D. **Developer Obligations.**

1. Uses and Layout. Developer shall only develop and use the Property as is generally shown on the Concept Plan, with the understanding that the Concept Plan is just the concept of the Property and that Developer may make minor changes to the layout and development as needed prior to and up to obtaining plat approval, so long as Developer does not construct more than 117 units.

E. **City Obligations.** City shall review development of the Property in a timely manner, consistent with the City's routine development review practices and in accordance with all applicable laws and regulations.

F. **Vested Rights and Reserved Legislative Powers.**

1. Vested Rights. Consistent with the terms and conditions of this Agreement, the City agrees Developer has the vested right to develop and construct the Property in accordance with: (i) this Agreement; and (ii) the City Code in effect as of the Effective Date.

2. Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to City all of its police power that cannot be so limited. Notwithstanding the retained power of City to enact such legislation under the police powers, such legislation shall only be applied to modify

the vested rights of Developer under this Agreement and with respect to use under the zoning designations as referenced in this Agreement based upon the policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed change affecting the vested rights of the Property shall be of general application to all development activity in City and Salt Lake County; and, unless in good faith City declares an emergency, Developer shall be entitled to prior written notice and an opportunity to be heard with respect to the proposed change and its applicability to the Property under the compelling, countervailing public interest exception to the vested rights doctrine. The notice required by this paragraph shall be that public notice published by City as required by State statute.

G. **Term.** This Agreement shall be effective as of the date of recordation, shall run with the land and shall continue in full force and effect until all obligations hereunder have been fully performed and all rights hereunder fully exercised; provided, however, that unless the parties mutually agree to extend the term, this Agreement shall not extend further than a period of ten years from its date of recordation in the official records of the Salt Lake County Recorder's Office.

H. **General Provisions.**

1. **Notices.** All Notices, filings, consents, approvals, and other communication provided for herein or given in connection herewith shall be validly given, filed, made, delivered or served if in writing and delivered personally or sent by registered or certified U.S. Postal Service mail, return receipt requested, postage prepaid to the following addresses or to such other addresses as either Party may from time to time designate in writing and deliver in like manner. Any such change of address shall be given at least ten days before the date on which the change is to become effective:

If to City:                   ATTN: City Recorder  
City of South Jordan  
1600 West Towne Center Drive  
South Jordan, Utah 84095

If to Developer:           Peterson Development Company, LLC  
225 South 200 East, Suite 300  
Salt Lake City, Utah 84111

2. **Mailing Effective.** Notices given by mail shall be deemed delivered seventy-two hours following deposit with the U.S. Postal Service in the manner set forth above.

3. **No Waiver.** Any Party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the Party intended to be benefited by the provisions, and a waiver by a Party of a breach hereunder by the other Party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

4. Headings. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any provision this Agreement.

5. Authority. The Parties to this Agreement represent that they have full power and authority to enter into this Agreement, and that all necessary actions have been taken to give full force and effect to this Agreement. Developer represents and warrants it is fully formed and validly existing under the laws of the State of Utah, and that it is duly qualified to do business in the State of Utah and is in good standing under applicable state laws. Developer and City warrant to each other that the individuals executing this Agreement on behalf of their respective Party are authorized and empowered to bind the Party on whose behalf each individual is signing. Developer represents to City that by entering into this Agreement Developer has bound all persons and entities having a legal or equitable interest to the terms of this Agreement as of the Effective Date.

6. Entire Agreement. This Agreement, together with the Exhibits attached hereto, documents referenced herein and all regulatory approvals given by City for the Property contain the entire agreement of the Parties with respect to the subject matter hereof and supersede any prior promises, representations, warranties, inducements or understandings between the Parties which are not contained in such agreements, regulatory approvals and related conditions.

7. Amendment. This Agreement may be amended in whole or in part with respect to all or any portion of the Property by the mutual written consent of the Parties or by their successors-in-interest or assigns. Any such amendment of this Agreement shall be recorded in the official records of the Salt Lake County Recorder's Office.

8. Severability. If any of the provisions of this Agreement are declared void or unenforceable, such provision shall be severed from this Agreement. This Agreement shall otherwise remain in full force and effect provided the fundamental purpose of this Agreement and Developer's ability to complete the development of the Property as set forth in the Concept Plan is not defeated by such severance.

9. Governing Law. The laws of the State of Utah shall govern the interpretation and enforcement of this Agreement. The Parties shall agree that the venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Salt Lake County, Utah. The Parties hereby expressly waive any right to object to such choice of law or venue.

10. Remedies. If either Party breaches any provision of this Agreement, the non-defaulting Party shall be entitled to all remedies available both at law and in equity.

11. Attorney's Fees and Costs. If either Party brings legal action either because of a breach of this Agreement or to enforce a provision of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and court costs.

12. Binding Effect. The benefits and burdens of this Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective heirs, legal

representatives, successors in interest and assigns. This Agreement shall be incorporated by reference in any instrument purporting to convey an interest in the Property.

13. No Third Party Rights. The obligations of Developer and City set forth in this Agreement shall not create any rights in or obligations to any other persons or parties except to the extent otherwise provided herein.

14. Assignment. Developer may freely assign this Agreement, in which case the assignor or successor-in-interest shall be fully liable under this Agreement and Developer shall be deemed released of its obligations in connection with this Agreement; provided, however, that Developer shall provide City with notice of the assignment of this Agreement within a reasonable time after the occurrence of such assignment.

15. No Agency Created. Nothing contained in this Agreement shall create any partnership, joint venture, or agency relationship between the Parties.

[SIGNATURES ON FOLLOWING PAGE(S)]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

CITY OF SOUTH JORDAN,  
a Utah municipal corporation

By: *Dawn Ramsey*  
Dawn Ramsey Mayor

Approved as to form:  
*[Signature]*  
Attorney for City

State of Utah )  
  :SS  
County of Salt Lake )

The foregoing instrument was acknowledged before me this 1 day of May 2018, by Dawn Ramsey the Mayor of the City of South Jordan, on behalf of the City.



*Melanie Edwards*  
Notary Public

My Commission Expires:

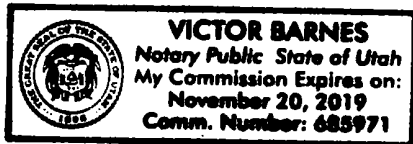
Residing at:

PETERSON DEVELOPMENT COMPANY, L.L.C.,  
a Utah limited liability company

By: *Barrett Peterson* *[Signature]*  
Manager  
(Print name and title)

State of Utah )  
  :SS  
County of Salt Lake )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of April 2018, by Barrett Peterson, the Manager of Peterson Development Company, LLC, on behalf of the corporation.



*Victor Barnes*  
Notary Public

My Commission Expires: 11/20/19 Residing at: Davis County

**Exhibit A – Legal Description:**

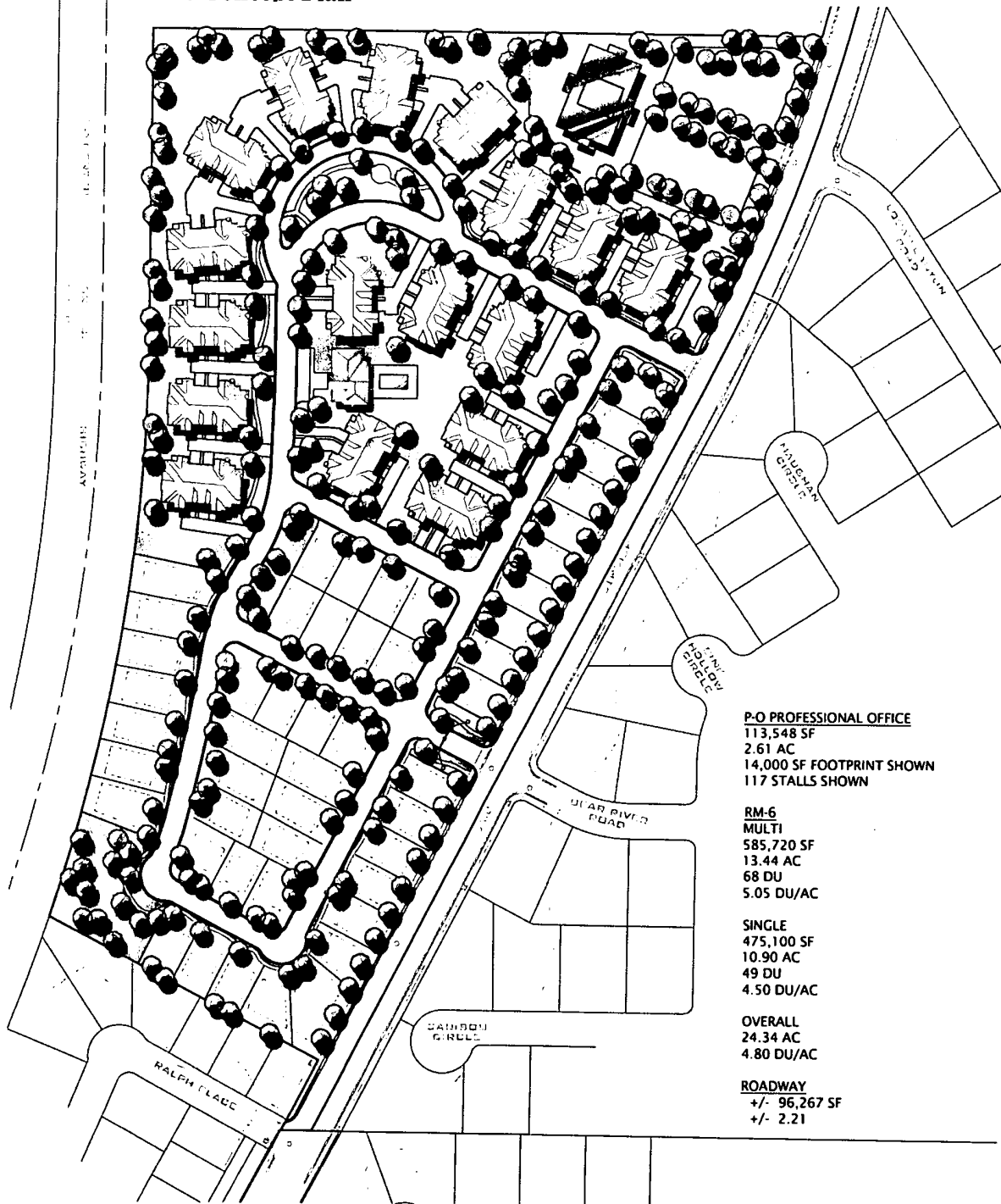
BEG N 0°11'01" E 852.52 FT FR S 1/4 COR SEC 17, T3S, R1W, SLM; N 0°03'07" W 1491.44 FT M OR L; N 89°57'07" E 1066.10 FT; NE'LY 104.38 FT ALG A 2948 FT RADIUS CURVE TO L (CHD N 14°54'48" E 104.37 FT); NE'LY 179.03 FT ALG A 2948 FT RADIUS CURVE TO L; N 89°57'07" E 43.21 FT M OR L; SW'LY ALG A 2990.50 FT RADIUS CURVE TO R 717.57 FT M OR L; SW'LY ALG A 2990.50 FT RADIUS CURVE TO R 163.94 FT (CHD S 25°39'57" W 163.92 FT); S 27°14'W 1343 FT M OR L; N 89°57'07" W 47.97 FT M OR L; N 28°45'05" E 30.89 FT; N 27°28'51" E 95.51 FT; N 62°31'09" W 320.71 FT TO BEG. 28.01 AC M OR L. 9623-1554 10170-4672 10194-274

Parcel No. 27-17-400-046.

BEG N 0°11'01" E 852.52 FT FR S 1/4 COR SEC 17, T3S, R1W, SLM; N 62°31'09" W 164.41 FT; N'LY 883.03 FT ALG A 2945.73 FT RADIUS CURVE TO L; S 0°11'01" W 942.91 FT TO BEG. 1.14 AC. 9435-9331 10138-1933 10170-4675

Parcel No. 27-17-378-003

**Exhibit B – The Concept Plan**



**P-O PROFESSIONAL OFFICE**  
 113,548 SF  
 2.61 AC  
 14,000 SF FOOTPRINT SHOWN  
 117 STALLS SHOWN

**RM-6 MULTI**  
 585,720 SF  
 13.44 AC  
 68 DU  
 5.05 DU/AC

**SINGLE**  
 475,100 SF  
 10.90 AC  
 49 DU  
 4.50 DU/AC

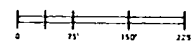
**OVERALL**  
 24.34 AC  
 4.80 DU/AC

**ROADWAY**  
 +/- 96,267 SF  
 +/- 2.21

Peterson DEVELOPMENT



HAVEN AT HARVEST VILLAGE



19 SEPT 2017



# Exhibit C – Elevations

**RESIDENTIAL UNITS FRONT ELEVATION**  
SCALE: 1/8" = 1'-0"

**RESIDENTIAL UNITS RIGHT SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"

**LEGEND**

- 1. BRICK
- 2. BRICK WITH STUCCO ACCENT
- 3. STUCCO
- 4. STUCCO WITH BRICK ACCENT
- 5. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)
- 6. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)
- 7. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)
- 8. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)
- 9. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)
- 10. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)

**GENERAL NOTES**

- 1. SEE ARCHITECTURAL PLAN
- 2. SEE ARCHITECTURAL PLAN

**THE RICHARDSON DESIGN PARTNERSHIP, L.L.C.**  
10000 N. 100th St., Suite 100, Omaha, NE 68164  
402.491.1234  
www.richardsondesign.com

**HARVEST VILLAS SENIOR LIVING COMMUNITY**  
10000 N. 100th St., Suite 100, Omaha, NE 68164  
402.491.1234  
www.harvestvillas.com

**EXTERIOR ELEVATIONS**  
A210

**RESIDENTIAL UNITS REAR ELEVATION**  
SCALE: 1/8" = 1'-0"

**RESIDENTIAL UNITS LEFT SIDE ELEVATION**  
SCALE: 1/8" = 1'-0"

**LEGEND**

- 1. BRICK
- 2. BRICK WITH STUCCO ACCENT
- 3. STUCCO
- 4. STUCCO WITH BRICK ACCENT
- 5. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)
- 6. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)
- 7. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)
- 8. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)
- 9. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)
- 10. STUCCO WITH BRICK ACCENT (DIFFERENT PATTERN)

**GENERAL NOTES**

- 1. SEE ARCHITECTURAL PLAN
- 2. SEE ARCHITECTURAL PLAN

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**EXTERIOR ELEVATIONS**  
A211

## Exhibit D – R-M-6 Zone and P-O Zone

### Chapter 17.18: USES

#### 17.18.010: PURPOSE:

In order to implement the purposes and provisions of this title, this chapter is adopted to identify allowed uses, permitted and conditional, of zoning districts established within the city per chapter 17.20, "Zone Establishment", of this title and consolidate regulations pertaining to allowed uses. This chapter shall only apply to the zones listed in the allowed uses table in section 17.18.020 of this chapter. (Ord. 2016-02, 4-19-2016)

#### 17.18.020: ALLOWED USES:

- A. Regulations: Development or use of a property for primary uses not specifically allowed in the table in this section or approved by the provisions of this chapter and this code are prohibited, except as otherwise determined by the development services director according to subsection 17.18.030.010B of this chapter. Regardless of whether a primary use is allowed as a permitted or conditional use, the regulations of this title shall apply. Allowed uses shall be identified in the allowed uses table in this section with a "P" for a permitted use and a "C" for a conditional use.
- B. Classifications: The classification of uses as agricultural, residential, public, commercial, and industrial, and associated grouping within each category, is for organizational and reference purposes. (Ord. 2016-02, 4-19-2016)
- C. Allowed Uses Table:

P	=	Permitted	C	=	Conditional
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Category	Uses	Zones												
		A-5 A-1	BH-MU	C-C	C-F	C-I	C-N	I-F	MU-TC MU-TOD	P-O	R-1.8	R-2.5 R-3 R-4 R-5	R-M	
Agricultural	Animal husbandry	P												
	Horticulture	P												
	Plant nursery	C	C	C	C						C			
	Public agricultural facility	C									C			
<b>Residential:</b>														
Group living	Community residential facility		C							C			C	
	Dormitory													
	Institutional facility													
Household	Live-work		C											
	Multi-family													
	Neighborhood residential facility	P									P	P	P	
	Single-family, attached												P	
	Single-family, detached	P									P	P	P	
<b>Public:</b>														
Civic and community	Cemetery													
	Community services	C	C	C	P	P	C	P	C	C	C	C	C	
	Public safety	C	C	C	C	C	C	C	C	C	C	C	C	
	Religious assembly and worship	C	C	C	C	C	C	C	C	C	C	C	C	
Education	Elementary/secondary education	C	C	C	C				P	C	C	C	C	
	University/college		C	C	C			C	P	C				
	Vocational/professional		C	C	C			C	P	C				
Open space	Natural open space													
	Park open space		C						C					
Utility and 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	
<b>Commercial:</b>														
Services	Animal services			C	C	C	C							

	Business support		P	C	P	P		P	P	P			
	Daycare	P	P	P	P		P	P	P	C	P	P	P
	Financial institution		P	P	P		C	P	P	P			
	Hospital		C		C					C			
	Light service and repair		C	C	C	P	C	P					
	Lodging		P	C	P		C	P	P	C			
	Medical/dental office or clinic		P	P	P		P	P	P	P			
	Mortuary/funeral home			C						P			
	Office		P	P	P		P	P	P	P			
	Personal services		P	P	P		P	P	P	P			
	Professional services			P	P		P	P	P	P			
	Restaurant		P	C	P		C	P	P	C			
	Self-storage			C	C	C				C			
	Vehicle repair					C		C					
	Vehicle services		C	C	C	P		P	C				
Recreation and assembly	Arts and recreation		P	P	P	P		P	P	P			
	Convention/reception center			C	C			C	C	C			
	Instruction and training			P	C	P	P	P		C			
	Outdoor recreation		C	C	C			C					
	Stadium/theater/auditorium		C	C	C			C	C				
Retail	Gas station		C	C	C	C	C	C	C				
	General retail		P	P	P	P	P	P	P				
	Kiosk, freestanding		P	C	C					P			
	Shopping center/department store		P	C	C			C	P				
	Vehicle sales and rental		C		C			C					
Industrial:													
Manufacturing and production	Assembly					P		P					
	Fabrication					C		C					
	Manufacturing					C		C					
	Mining												
Sales and service	Commercial service and repair					C		C					
	Food and drink preparation					C		C					
	Heavy equipment sales and rental					C		C					
	Research and development					P		P		C			
	Storage yards					C							
	Wholesale and warehouse					P		P					
Transportation	Aircraft transportation												
	Parking facility									C			
	Passenger terminal/station			C	C	C		C	C	C			
	Railroad facility					C							
Waste	Refuse												
	Salvage					C		C					

(Ord. 2017-05, 3-7-2017)

**17.18.030: USE REGULATIONS:**

**17.18.030.010: GENERAL USE REGULATIONS:**

- A. Uses may be conducted within the city only in accordance with the regulations of this title, including, but not limited to, the use regulations of this chapter, chapter 17.04, "General And Supplementary Provisions", of this title, 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 chapter 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 the table in section 17.18.020 of this chapter 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 foot (6') 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 semitrailer trucks and trailers, trucks and trailers exceeding eight thousand (8,000) pounds curb weight, "truck" as defined in section 10.04.020 of this code, 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 nonresidential 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 nonresidential 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 feet (8') from the street right of way and behind a six foot (6') 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 zones. Sexually oriented businesses shall be located no less than five hundred feet (500') 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 title 5, "Business Licenses And Regulations", of this code.
- H. Telecommunications shall comply with the requirements of chapter 17.112, "Wireless Communications Facilities", of this title.
- I. Wind energy conversion systems shall comply with the requirements of chapter 17.108, "Wind Energy Conversion Systems", of this title.
- J. All uses are subject to the impact control measures in section 17.18.040 of this chapter. (Ord. 2017-05, 3-7-2017)

**17.18.030.020: 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 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 in section 17.18.020 of this chapter, and as regulated in section 17.130.040, "Farm Animal Floating Zone", of this title.
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 Facility:** 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. (Ord. 2017-05, 3-7-2017)

**17.18.030.030: 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 commercial 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 seven o'clock (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 Chickens Floating Zone", and 17.130.040, "Farm Animal Floating Zone", of this title.
5. Household 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 facility) shall require site plan review according to title 16, chapter 16.24, "Site Plan Review", of this code 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. **P-O zone:** Community residential facility uses shall not exceed two (2) stories.
  - b. **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.
2. **Institutional Facility:** Excluding temporary emergency shelter as determined necessary by the city, institutional facility uses shall be located no closer than one mile from any elementary/secondary education use or any other institutional facility use.
3. **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 nonresidential uses shall be established with the approval of the project and shall be consistent with other nonresidential uses allowed in the associated zone. The following activities are prohibited: sexually oriented businesses; uses involving animals on site; vehicle service and repair; welding/woodworking; 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 nonresidential use shall not exceed fifty percent (50%) of the total floor area of the unit.
  - d. Employees may only consist of the residents of the dwelling and not more than one additional nonresident person.
  - e. Each nonresidential use shall comply with all requirements of this code.

- f. The exterior of live-work units shall be designed to be compatible with surrounding residential uses.
  - g. One wall sign may be allowed. The sign shall not exceed five percent (5%) of the facade of the unit and shall comply with all other requirements of title 16, chapter 16.36 of this code.
  - h. Garage and/or exterior areas shall not be used for the nonresidential use, except that a garage area may be used to park one (1) vehicle related to the nonresidential use.
4. Neighborhood Residential Facility: Neighborhood residential facility uses shall comply with title 5, chapter 5.62, "Residential Facilities", of this Code.
  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 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 section 17.130.030, "Accessory Living Unit Floating Zone", of this title. (Ord. 2017-05, 3-7-2017)

**17.18.030.040: 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 chapter.
2. All public uses shall be conducted within completely enclosed buildings, unless otherwise allowed in this chapter, 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) 1-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. Elementary/Secondary Education, University/College, Vocational/Professional: A conditional use permit is not required in the BH-MU Zone when the use is located on a legal lot or parcel with frontage and access to a collector or arterial street. (Ord. 2017-05, 3-7-2017)
2. 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 according to section 17.04.240 of this title. (Ord. 2017-22, 7-18-2017)

**17.18.030.050: 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 may be allowed in sales/storage yards as an accessory use according to section 17.18.030.070 of this chapter. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two (2) square feet, 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 feet (5') from any travel lane, outside of a public right-of-way, and shall allow pedestrian walkways of a minimum width of at least six feet (6') to remain unobstructed.

2. All commercial uses shall be conducted within completely enclosed buildings, except as otherwise allowed in this chapter, including, but not limited to, those uses defined herein that allow outdoor activities or allowed temporary uses per section 17.18.030.080 of this chapter.
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 discernible 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 Services:** 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 feet (300') from the property line of a residential zone, educational institution, or place of worship.
2. **Arts And Recreation:** All gun ranges require a conditional use.
3. **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.
4. **Financial Institution, Nondepository:**
  - a. Establishments shall be located no closer than one (1) mile from other similar establishments.
  - b. Use activities shall be limited to short term title loan and short term consumer installment loan business.
  - c. The following services are specifically prohibited: "cash for gold", "cash for precious metals", and the processing or storage of repossessed vehicles or other repossessed property.
  - d. All business activity, including customer queuing, shall be accommodated inside the building.
5. **Gas Station:** Where buildings in the MU Zone are built to the street, associated vehicle bays, gas pumps, and vacuums shall be located to the side or rear of the main building.
6. **General Retail; C-N Zone:** Secondary metals dealer, recycler, and other similar businesses are prohibited in the C-N Zones.
7. **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 feet (50') of a building or within thirty feet (30') of the public right-of-way. Kiosk structures shall not exceed twenty (20) square feet in area nor ten feet (10') 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.
8. **Medical/Dental Office Or Clinic:** Medical/dental office or clinic buildings in the C-N Zone shall not exceed five thousand (5,000) square feet.
9. **Office:** Office buildings in the C-N Zone shall not exceed five thousand (5,000) square feet.
10. **Outdoor Recreation:** Where facilities are approved within three hundred feet (300') of the property line of a residential zone, all outdoor lighting shall be extinguished when the facilities are not operating, or by ten o'clock (10:00) P.M. on Sundays through Thursdays, and by eleven o'clock (11:00) P.M. on Fridays and Saturdays, whichever is earlier.

11. Personal Services: Laundry/dry cleaning activities require a conditional use permit in the BH-MU Zone.
12. Restaurant: The combined site area of restaurant uses shall occupy no more than twenty percent (20%) 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.
13. Self-Storage:
  - a. C-C Zone: Self-storage uses shall not exceed six (6) total acres in the C-C Zone.
  - 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 250 West Street.
  - c. P-O Zone: Self-storage uses shall not exceed three (3) acres in the P-O Zone.
14. 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 Code.
15. Vehicle Sales And Rental: Uses involving vehicle sales shall include a building of not less than eight thousand (8,000) square feet.
  - a. BH-MU Zone: Vehicle inventory, which includes vehicles kept for sale or rental, shall only be kept within a completely enclosed building. (Ord. 2017-05, 3-7-2017)
16. Vehicle Services:
  - a. Where buildings in the MU Zone are built to the street, vehicle bays and vacuums shall be located to the side or rear of the building.
  - b. Car washes are prohibited as a primary use, except that the use and structure of a car wash that was legally established and complied with this title as of July 18, 2017, shall not be considered non-conforming by this subsection. (Ord. 2017-22, 7-18-2017)

**17.18.030.060: 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) square feet, 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 feet (5') from any travel lane, located outside of public rights-of-way, and shall allow for pedestrian walkways that are a minimum width of six feet (6') to remain unobstructed.
2. All industrial uses shall be conducted within completely enclosed buildings, except as otherwise allowed in this chapter, including, but not limited to, those uses defined herein that allow outdoor activities, accessory uses per section 17.18.030.070 of this chapter, and allowed temporary uses per section 17.18.030.080 of this chapter.
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 and 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 foot (6') tall obscure fence or wall. (Ord. 2017-05, 3-7-2017)

**17.18.030.070: ACCESSORY USE REGULATIONS:**



A. General Accessory Use Regulations:

1. Accessory uses and buildings are permitted only in conjunction with the regulations of this Code 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. BH-MU zone: Drive-through facilities on lots or parcels adjacent to a right of way shall be screened with landscaping and/or fencing to a height of not less than two feet (2') and not more than four feet (4') above the right of way sidewalk or driving surface of the drive-through, whichever is higher.
  - b. C-C and C-F zones: One electronic vending machine (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 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 feet (50') of the building's main entrance. Electronic vending machines shall not exceed fifteen (15) square feet in area and no more than seven feet (7') high. Electronic vending machines shall not impede or obstruct vehicular and/or designated pedestrian pathways or access.
  - c. MU zone: Drive-through facilities shall be located at the rear of the structure.
  - d. Outdoor storage shall only be allowed in association with plant nursery, vehicle repair, retail, or industrial uses and when located within sale/storage yards shown on an approved site plan and screened from view by a six foot (6') fence or wall. Sales/storage yards shall comply with yard area requirements of the applicable zone. Sales/storage yards require a conditional use permit when associated with vehicle repair or retail uses.
3. The sale and distribution of fuel, not otherwise classified as a gas station, from aboveground 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 feet (1,000') from the property line of a residential zone, and be set back 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 per legal lot or parcel and shall be no more than three hundred (300) square feet are 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 section 17.130.040, "Farm Animal Floating Zone", of this title. (Ord. 2017-05, 3-7-2017)

**17.18.030.080: 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 title. The property owner shall ensure that all trash is removed and the property is restored to a clean condition after a temporary use 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 zone 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 BH-MU, C-C, C-F, and I-F zones for up to four (4) 1-week periods per year when associated with an approved use on the property. (Ord. 2017-05, 3-7-2017)

**17.18.040: IMPACT CONTROL MEASURES:**

Impact control measures, as explained by this section, 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 section 17.18.050, "Conditional Uses", of this chapter. 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 section are determined to be in conflict with other regulations of this code, 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 in this section.
  2. Project may generate more than one hundred (100) trips in a peak hour or one thousand (1,000) 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 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 in this section.
  2. New construction projects proposing the use of a drive-through, car wash, or vehicle bay.
  3. Projects that require a traffic study per subsection A of this section.
  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 in this section.
  2. Initial establishment of all nonresidential uses that involve animals, when located less than three hundred feet (300') 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 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 in this section.
  2. All gun ranges.
  3. All nonresidential uses that anticipate using outdoor speakers or public address systems. (Ord. 2016-02, 4-19-2016)
  4. Initial establishment of the following uses shall require a sound study when located within three hundred feet (300') 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 nonresidential uses, including kennels, runs and corrals.
    - b. Drive-through facilities.
    - c. Car washes or car vacuums.
    - d. Nonresidential outdoor accessory uses. (Ord. 2017-01, 1-3-2017)
- 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 in this section.
  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 section shall provide notice to all property owners of record within six hundred feet (600') of the boundary of the subject property for any statutorily required public hearing, in addition to other noticing requirements of this 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 in this section.
  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 nonconforming, according to the requirements of this 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 in this section 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 of this section may be reduced to one hundred feet (100') 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 in this section. The following exceptions to the residential protection area are allowed:
    - (1) The residential protection area is reduced to one hundred feet (100') from the property line of residential zone properties that do not have an existing single-family dwelling unit.
    - (2) 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 feet (100') 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 feet (1,500') from a property line and no closer than two thousand five hundred feet (2,500') from the property line of a residential zone or existing dwelling unit.
  3. Aircraft transportation landing and takeoff facilities shall be located no closer than one thousand feet (1,000') 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 nonresidential uses located within one hundred feet (100') of the property line of a residential zone:
    - 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 feet (35') in height and shall be set back from the common residential property line a minimum distance of twenty five feet (25').
    - d. P-O zone: Drive-through facilities shall be prohibited.

H. Required Impact Control Measures Table:

X = Required

Category	Uses	Required Impact Control Measures						
		A. Traffic	B. Circulation And Access	C. Operations	D. Sound	E. Rehabilitation And Containment	F. Additional Notice	G. Residential Protection Area
Agricultural	Animal husbandry			X				100'
	Horticulture			X				100'
	Plant nursery			X				100' <sup>1</sup>
	Public agricultural facility		X	X	X		X	300' <sup>1</sup>
Residential:								
Group living	Community residential facility		X	X			X	
	Dormitory	X	X	X			X	300'
	Institutional facility		X	X			X	1 mile
Household	Live-work	X	X	X			X	300'
	Multi-family	X	X				X	300'
	Neighborhood residential facility							
	Single-family, attached		X				X	
	Single-family, detached		X					
Public:								
Civic and community	Cemetery							
	Community services		X	X				
	Public safety		X	X	X		X	
	Religious assembly and worship		X	X				
Education	Elementary/secondary	X	X	X			X	

	education							
	University/college	X	X	X			X	
	Vocational/professional	X	X	X			X	
Open space	Natural open space							
	Park open space							
Utility and communication	Energy conversion			X				100'
	Telecommunication facility			X				
	Utility services			X		X	X	1,000' <sup>2</sup>
<b>Commercial:</b>								
Services	Animal services			X	X		X	100'
	Business support							
	Daycare		X	X				
	Financial institution			X			X <sup>3</sup>	
	Hospital	X	X	X			X	100'
	Light service and repair			X				100'
	Lodging							100'
	Medical/dental office or clinic							
	Mortuary/funeral home							100'
	Office							
	Personal services			X				
	Professional services							
	Restaurant							100'
	Self-storage		X	X				
	Vehicle repair		X	X	X	X	X	300'
	Vehicle services		X	X	X	X	X	300'
Recreation and assembly	Arts and recreation		X	X				
	Convention/reception center	X	X	X			X	100'
	Instruction and training		X	X				
	Outdoor recreation	X	X	X	X		X	100'
	Stadium/theater/auditorium	X	X	X	X <sup>4</sup>		X	500'
Retail	Gas station	X	X	X		X	X	300'
	General retail							
	Kiosk, freestanding		X	X				100'
	Shopping center/department store	X	X	X			X	
	Vehicle sales and rental							300'
<b>Industrial:</b>								
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 and service	Commercial service and repair		X	X	X	X	X	500'
	Food and drink preparation			X	X	X	X	500'
	Heavy equipment sales and rental			X			X	300'
	Research and development			X	X		X	300'
	Storage yards			X	X	X	X	300'
	Wholesale and warehouse			X		X	X	300'
Transportation	Aircraft transportation	X	X	X	X	X	X	500'
	Parking facility	X	X	X			X	300'
	Passenger terminal/station	X	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'

Notes:

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 nondepository financial institutions.
- 4. Only applies to outdoor or open air facilities.

(Ord. 2016-02, 4-19-2016)

**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 feet (300') of the subject property; and
  - 5. A site plan pursuant to title 16, 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:
    - (1) 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
    - (2) 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 subsection C of this section, within one 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 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 subsection H1 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 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 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 code 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 subsection I1 of this section.
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. (Ord. 2016-02, 4-19-2016)

**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 facility.** 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:**

**1. 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.

**2. 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 title 5, chapter 5.62, "Residential Facilities", of this code. 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, row house, 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:**

**1. Civic and 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 nonprofit 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 and 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.

2. 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 postsecondary education by offering instruction in a variety of fields and is authorized to offer academic degrees (associate's, bachelor's, master's, 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.

3. 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, floodplains, 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 trails, 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.

4. 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.

Major utility facility. Facilities that include the following: sewer facilities, other than below grade lines; regional power generation, other than energy conversion; and aboveground facilities on a site exceeding ten thousand (10,000) square feet.

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.

D. Commercial:

1. Services:

Animal services. 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 childcare center.

Financial institution. Establishments that provide financial services to the public and business, including depository and nondepository establishments.

Depository financial institution. Establishments that are primarily engaged in depository banking and are generally a state or federally chartered bank, credit union, or saving institution.

Nondepository 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 twenty four (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 and 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 outpatient 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 and 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:

- Beauty and barber shops.
- Clothing rental and tailoring.
- Laundry/dry cleaning.
- Massage therapy.
- Portrait and photography.
- Tanning salon.
- Tattoo parlor.

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.
- Fast food.
- 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 nontoxic, nonhazardous, 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:

- Bodywork and paint.
- Brakes.
- Electrical.
- Engines.
- Exhaust system.
- Fuel.
- Radiator.
- Transmission.
- Undercoating and rustproofing.
- 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 business day. Activities commonly associated with this use include:

- Automotive diagnostics.
- Automotive inspection.
- Automotive lubricating service.
- Car wash.
- Detailing.
- Emissions testing without repair.
- Glass replacement.
- Tires.
- Window tinting.

## 2. Recreation and assembly:

Arts and 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 and 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, minigolf, 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.

3. 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 and repair use, may be conducted as accessory uses. Products and terms commonly associated with this use include:

- Apparel, shoe, and jewelry.
- Art supplies.
- Book and stationery.
- Building, hardware, and garden materials and supplies.
- Camera and photographic.
- Electronic and computer.
- Florists.
- Food (grocery, bakery, health, diet, poultry, meat, dairy, vitamins, and convenience).
- Furniture, furnishing, and appliance.
- Gift, novelty, and souvenir.
- Hobby, craft, toy, and game.
- Medical supply.
- Office supply.
- Personal care.
- Pet store.
- Pets.
- Pharmacy and drug.
- Religious goods.
- Secondhand and pawn.
- Sporting goods and bicycles.
- Tobacco and alcohol.
- Variety stores.
- Vehicle and equipment parts and supplies.

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 and 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:

1. Manufacturing and production:

Assembly. Establishments engaged in the assembly of goods from previously prepared materials and the production of handcrafted 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 candlemaking, ceramics studios, weaving, woodworking, glasswork, and leatherwork.

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.

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.

2. Sales and service:

Commercial service and repair. Establishments primarily engaged in providing services to commercial and business establishments, service and repair 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.

Food and 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 and 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 and 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 and 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.

3. 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 facility. Nonpassenger facilities directly related to rail transportation, such as storage, fueling, maintenance and rail yards, but not including signage and signals.

4. 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. (Ord. 2016-02, 4-19-2016)

**Chapter 17.40: RESIDENTIAL ZONES**

**17.40.010: PURPOSE:**

This chapter is established to provide standards and regulations, consistent with the city's general plan and the purposes and provisions of this title, for single-family residential areas in the city. This chapter shall apply to the following residential zones as established in chapter 17.20, "Zone Establishment", of this title: R-1.8, R-2.5, R-3, R-4, R-5, and R-M zones. Uses may only be conducted in residential zones in accordance with the regulations of this code. Allowed use (permitted and conditional), accessory use, temporary use and other associated use regulations may be found in chapter 17.18, "Uses", of this title. (Ord. 2016-05, 5-3-2016)

**17.40.020: DEVELOPMENT AND DESIGN STANDARDS:**

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

Zone	Minimum Lot Area (Square Feet)
R-1.8	14,520
R-2.5	12,000
R-3	10,000
R-4	8,000
R-5	6,000
R-M	5,000

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

Zone	Maximum Gross Density
R-1.8	1 .8
R-2.5	2 .5
R-3	3
R-4	4
R-5	5
R-M-5	5
R-M-6	6

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

Zone	Minimum Width	Frontage (Standard)	Frontage (Diverged)
R-1.8	90'	90'	50'
R-2.5	90'	90'	50'
R-3	85'	85'	50'
R-4	80'	80'	50'
R-5	75'	75'	50'
R-M-5	65'	65'	40'
R-M-6	60'	60'	40'

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

Zone	Maximum Building Coverage
R-1.8	40%
R-2.5	40%

R-3	40%
R-4	40%
R-5	50%
R-M	60%

F. Yard Area: The yard area (setback) requirements below shall apply in all residential zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review. (Ord. 2016-05, 5-3-2016)

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

Zone	Front Yard (Interior And Corner Lots)	Garage Opening <sup>1</sup> (Front Or Street Side)	Front Yard (Cul-De-Sac Lots)	Side Yard (Standard)	Side Yard (Corner Lot Street Side)	Rear Yard (Interior Lot)	Rear Yard (Corner Lot)
R-1.8	30'	30'	25'	10'	30'	25'	10'
R-2.5	25'	30'	20'	10'	25'	25'	10'
R-3	25'	30'	20'	10'	25'	25'	10'
R-4	20'	25'	20'	8'	20'	20'	10'
R-5	20'	25'	20'	8'	20'	20'	10'
R-M-5	20'	25'	20'	8'	10'	20'	10'
R-M-6	20'	25'	20'	8'	10'	20'	10'

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

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

3. Buildings Used To Shelter Animals: Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right-of-way or, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right-of-way line.

4. Projections: The following may be erected on or projected into any required yard space in residential zones:

- a. Fences and walls in conformance with this Code.
- b. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- c. Utility or irrigation equipment or facilities.
- d. Decks not more than two feet (2') high.
- e. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, awnings or similar architectural features attached to the building and not enclosed by walls, extending not more than two 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 no greater than 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.

- G. **Parking And Access:** Parking areas and vehicle access in residential zones shall meet the requirements of title 16, chapter 16.26, "Parking And Access", of this Code, chapter 17.18, "Uses", of this title, and title 10 of this Code (Traffic Code). A driveway may only directly access a collector or arterial street with approval of the Utah Department of Transportation ("UDOT") for UDOT streets or with approval of the City Engineer for City streets.
- H. **Fencing, Screening And Clear Vision:** The fencing, screening and clear vision requirements of this section shall apply in residential zones. A permit shall be obtained from the Development Services Department prior to construction of any fence in a residential zone. A completed fence application form that includes a diagram showing the location and height of the proposed fence, and a description of the proposed fence shall be submitted for review by the Development Services Department. (Ord. 2016-05, 5-3-2016)
1. **Utility Screening:** In nonresidential developments, all mechanical equipment, antennas (where possible), loading areas, and utility areas shall be screened from view at ground level along the property line of the subject property with architectural features or walls consistent with materials used in the associated buildings. Exterior trash receptacles in nonresidential developments shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six feet (6') tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings. (Ord. 2017-22, 7-18-2017)
  2. **Incompatible Land Use Screening:** Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as required by the development approval.
  3. **Rear And Side Yard Fencing:** A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
  4. **Front Yard Fencing:** A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or nonobscuring vinyl picket fence may be constructed along a side lot line to the right-of-way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be constructed along lot lines to the right-of-way or sidewalk but may not be greater than three feet (3') high. 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 fence panel.
  5. **Clear Vision:** Landscape materials, except for mature trees that are pruned at least seven feet (7') above the ground, and fences shall be no greater than three feet (3') high 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 on traffic speeds, flow, volumes and other traffic related variables.
  6. **Collector Street Fencing:** Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right-of-way in a residential zone shall be constructed according to section 16.04.200 of this Code.
- I. **Architecture:** The following exterior materials and architectural standards are required in residential zones:
1. **General Architectural Standards:**
    - a. All building materials shall be high quality, durable and low maintenance.
    - b. The exteriors of buildings in residential zones shall be properly maintained by the owners or owners' association.
    - c. Signs shall meet requirements of title 16, chapter 16.36, "Sign Ordinance", of this Code and shall be constructed of materials that are consistent with the buildings they identify.
    - d. Main buildings shall be no greater than thirty five feet (35') high.
  2. **Architectural Standards For Main Buildings:**
    - a. Main buildings shall be constructed with a minimum amount of brick or stone that is calculated by multiplying two (2) by the perimeter length of the foundation (including garage). (Ord. 2016-05, 5-3-2016)
    - b. Main buildings shall be constructed with a majority of the roof to be a minimum roof pitch of three to twelve (3:12), except that main buildings of a contemporary design with a parapet wall enclosing the roof deck may be constructed with a lower roof pitch when done so in compliance with applicable building codes. (Ord. 2017-22, 7-18-2017)
    - c. Residential main buildings shall include a minimum two car garage (minimum 22 feet by 22 feet, or an approved equivalent area).



- d. The minimum total floor area, finished and unfinished, of any residential main building shall be two thousand four hundred (2,400) square feet.
- e. Residential main buildings shall include architectural elements (i.e., main entrance, porch) that distinguish the side of the building oriented toward the front yard as the front of the house. The front of the house shall be accessible by a pedestrian from the adjacent right-of-way.

3. Architectural Standards For Accessory Buildings:

- a. Accessory buildings may not be higher than the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building be greater than twenty five feet (25') high.
- b. The footprint of accessory buildings in the R-2.5, R-3, R-4, R-5 and R-M Zones shall not exceed sixty percent (60%) of the footprint of the main building, including the footprint of an attached garage, except that the Planning Commission may approve a conditional use permit for an accessory building with a footprint that is greater than sixty percent (60%) but in no case shall exceed the footprint of the main building. In the R-1.8 Zone, the footprint of an accessory building, such as a barn or a stable, shall not exceed the footprint of the main building, except with a conditional use permit approved by the Planning Commission.
- c. Any portion of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:
  - (1) Openings (e.g., windows and doors) that are visible from the property line shall not be located in an exterior wall when the floor height exceeds four feet (4') above grade.
  - (2) The average wall height shall not exceed sixteen feet (16') above grade. (Ord. 2016-05, 5-3-2016)
- d. Accessory buildings with a footprint exceeding two hundred (200) square feet shall be constructed with a minimum three to twelve (3:12) roof pitch over a majority of the structure. (Ord. 2017-22, 7-18-2017)
- e. Applications for a conditional use permit under subsections I3a, I3b and I3c of this section shall demonstrate that the proposed accessory building is consistent with the character of the surrounding area, which analysis includes, but is not limited to, consideration of nearby structures and uses and applicable declarations of conditions, covenants and restrictions ("CC&Rs"). Written notice shall be provided to all property owners located within the subdivision plat of the subject property and to all property owners otherwise located within three hundred feet (300') of the subject property. Notice shall be provided no less than ten (10) days prior to the scheduled planning commission meeting.

J. Landscaping:

- 1. The front and street side yards of single-family lots shall be fully improved and properly maintained with not less than fifty percent (50%) of the yard area landscaped and not less than fifty percent (50%) of the required landscaped area covered in lawn or other acceptable live plant material unless otherwise approved with a conditional use permit.
- 2. All collector street and other public and private park strips in residential zones shall be improved and maintained by the adjoining property owners according to specifications adopted by the city unless otherwise allowed with development approval.
- 3. Where an adjacent park strip in a residential right of way is a minimum of five feet (5') wide, park strip improvements shall include one shade tree that is a minimum two inch (2") caliper, for every fifty feet (50') of frontage and spaced evenly throughout the landscaped portion of the park strip. Park strip trees shall be consistent with the "streetscape tree species for South Jordan City" list.
- 4. In developments that have a principal use other than single-family, detached, the following landscaping requirements shall apply:
  - a. All areas of developments not approved for parking, buildings, recreation facilities, access, other hard surfaces, or otherwise exempted with development approval shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
  - b. A minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped areas, excluding landscaped sports or play areas, is required. At least thirty percent (30%) of all required trees shall be a minimum seven foot (7') evergreen. Deciduous trees shall be a minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
  - c. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of each parking row. Planters shall be at least five feet (5') wide.

d. Minimum five foot (5') wide landscaped planters shall be installed along the street side of building foundations, except at building entrances.

e. All landscaped areas shall be curbed.

5. Developments that are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any area so included and perpetually preserved as open space may be counted toward required open space for the development. If approved by the 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.

6. All required landscaping in yard areas and open spaces shall be installed prior to occupancy unless deferred pursuant to section 16.04.300, "Deferred Improvements", of this code.

7. Property owners shall properly irrigate and maintain all landscaped areas, including those in adjacent public rights of way that are not maintained by the city.

8. Required trees may not be topped and required landscape material may not be removed in residential zones without city approval.

9. Dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.

**K. Lighting:**

1. A lighting plan shall be submitted with all new nonresidential developments in residential zones.

2. Lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.

3. Lighting fixtures in all developments that have a principal use that is not agricultural or residential shall be architectural grade and consistent with the architectural theme of the development.

4. Lighting fixtures on public property shall be approved by the city engineer.

L. Streets: Streets in residential zones shall meet the requirements of section 16.04.180, "Streets", of this code, except that private streets and gated communities are prohibited in residential zones unless otherwise provided for in this chapter. (Ord. 2016-05, 5-3-2016)

**17.40.030: OTHER REQUIREMENTS:**

A. Grading: All developments shall be graded as required by the development services department to provide adequate drainage. Buildings shall be equipped with facilities that discharge all roof drainage onto the subject lot or parcel.

B. Maintenance: All private areas of lots or parcels shall be properly maintained by the owners.

C. Phasing Plan: A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.

D. Common Areas: All common area improvements in developments, including, but not limited to, buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned and maintained by the property owners of the development or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city.

E. Prior Created Lots: Lots or parcels of land that legally existed or were created by a preliminary or final plat approval prior to the establishment of a residential zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter.

F. Approval: Before building permits are issued, all projects shall have been approved according to the provisions and requirements of this code and the applicable plat recorded with the Salt Lake County recorder's office.

G. Open Space: Any open space provided within a subdivision to be jointly owned, maintained and preserved by a homeowners' association and/or special assessment area acceptable to the city shall be labeled and recorded as common area or as a perpetual open space easement. Private yard areas may not be counted as required open space. The city may determine the location of open space in a subdivision by considering topography, drainage or other land features. The city may require a cash bond or a letter of credit to guarantee installation of improvements.

- H. **Developer Requirements:** Developers of projects that will include common area, private streets, shared private improvements, or shall otherwise include restrictive covenants shall submit a proposed declaration of conditions, covenants and restrictions ("CC&Rs") to the city for staff review. The CC&Rs shall be recorded concurrently with the final plat and, except where the city has agreed to and executed documents to guarantee the establishment of a special assessment area, shall include the following:
1. An opinion of legal counsel licensed to practice law in the state that the project meets requirements of state law.
  2. Provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission.
  3. Language consistent with section 17.04.300 of this title. (Ord. 2016-05, 5-3-2016)

## **Chapter 17.62: OFFICE ZONE**

### **17.62.010: PURPOSE:**

This chapter 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", of this title. 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. (Ord. 2016-02, 4-19-2016)

### **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 this title, 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 feet (20') 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 feet (30') 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 feet (20') 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 E1 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 feet (2') in height.
    - e. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to a building that does not extend more than two feet (2') into a side yard area or four feet (4') 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 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.
- F. **Parking And Access:** Parking areas and access in the P-O Zone shall comply with title 16, chapter 16.26, "Parking And Access", of this Code, chapter 17.18, "Uses", of this title and title 10, "Vehicles And Traffic", of this Code.
- G. **Fencing, Screening, And Clear Vision:** The fencing, screening and clear vision requirements of this section shall apply to the P-O Zone: (Ord. 2016-02, 4-19-2016)
1. All mechanical equipment, antennas (where possible), loading areas, and utility areas shall be screened from view at ground level along the property line of the subject property with architectural features or walls consistent with materials used in the associated buildings. Exterior trash receptacles shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six feet (6') tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings. (Ord. 2017-22, 7-18-2017)
  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 G1 of this section.
  4. Landscape materials, except for mature trees that are pruned at least seven feet (7') above the ground, and fences shall be no higher than three feet (3') high 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.
- 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.
  3. Exterior walls of buildings that are longer than sixty feet (60') in length shall have relief features at least four inches (4") deep at planned intervals.
  4. All sides of buildings shall receive design consideration.
  5. 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.

6. The maximum building height in the P-O Zone shall be six (6) stories or seventy feet (70'), whichever is less.
  7. 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 subsection 16.10.040E9 of this Code and as required by the Development Services Department to provide adequate drainage. Buildings shall be equipped with facilities that discharge all roof drainage onto the subject lot or parcel.
- J. Landscaping: The following landscaping requirements and standards shall apply in the P-O Zone: (Ord. 2016-02, 4-19-2016)
1. A minimum of fifteen percent (15%) landscaped open space, which may include required landscaped yard areas, shall be provided with each development in the P-O Zone. (Ord. 2017-22, 7-18-2017)
  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 feet (10') for buildings not exceeding two (2) stories and shall not be less than twenty feet (20') for buildings with three (3) stories or more, except that no yard landscape area is required when a yard area reduction has been approved according to subsection E2 of this section.
    - b. The required yard landscape area for a yard adjacent to a public right-of-way shall be twenty feet (20'), except that no yard landscape area is required when a yard area reduction has been approved according to subsection E2 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 (1) 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 percent (30%) of required yard area trees shall be minimum seven foot (7') tall evergreens. Deciduous trees shall be minimum two inch (2") 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 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 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.
    - 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 foot (30') intervals and no farther than six feet (6') from the parking area.
    - c. Minimum five foot (5') 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. (Ord. 2016-02, 4-19-2016)

**17.62.030: OTHER REQUIREMENTS:**

- A. Private Covenants: 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. (Ord. 2016-02, 4-19-2016)

**Exhibit E – Ordinance No. 2017-14-Z**

**ORDINANCE NO. 2017-14-Z**

**AN ORDINANCE AMENDING THE REVISED ORDINANCES OF THE CITY OF SOUTH JORDAN, UTAH AS AMENDED; CHANGING THE ZONING MAP FROM THE A-5 ZONE (AGRICULTURAL, 5 ACRE LOT) AND P-O ZONE (PROFESSIONAL OFFICE) TO THE R-M-6 ZONE (RESIDENTIAL-MULTIPLE) AND P-O ZONE (PROFESSIONAL OFFICE) ON PROPERTY GENERALLY LOCATED AT 10768 SOUTH RIVER HEIGHTS DRIVE; PETERSON DEVELOPMENT COMPANY, L.L.C. (APPLICANT).**

**WHEREAS**, the City Council of the City of South Jordan ("City Council") has adopted the Planning and Zoning Code of the City of South Jordan (Title 17 of the South Jordan City Municipal Code) with the accompanying Zoning Map; and

**WHEREAS**, Applicant proposed that the City Council amend the Zoning Map by rezoning the below-described property; and

**WHEREAS**, the South Jordan Planning Commission reviewed the proposed rezoning and made a recommendation to the City Council; and

**WHEREAS**, the City Council held a public hearing concerning the proposed rezoning; and

**WHEREAS**, the City Council finds that the rezoning will enhance the public health, safety and welfare, and 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. Rezone.** The property described in Application PLZBA201700862, filed by Peterson Development Company, L.L.C., which is located generally at 10768 South River Heights Drive in the City of South Jordan, Utah, is hereby reclassified from the A-5 Zone (Agricultural, 5 acre lot) and P-O Zone (Professional office) to the R-M-6 Zone (Residential-multiple) and P-O Zone (Professional office) as described below and as depicted in Exhibit A:

**Description of portion of property rezoned to the R-M-6 Zone:**

A portion of the SE1/4 & SW1/4 of Section 17, Township 3 South, Range 1 West, Salt Lake Base & Meridian, located in South Jordan, Utah, more particularly described as follows:

Beginning at a point on the northerly line of THATCHER PARK Subdivision, according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder, located N0°11'01"E along the 1/4 Section line 852.51 feet from the South ¼ Corner of Section 17, T3S, R1W, S.L.B.& M.; thence N62°31'09"W along said plat 164.35 feet to the easterly right-of-way line of Bangerter Highway (State Road 154); thence Northeasterly along the arc of a 2,945.72 foot radius non-tangent curve (radius bears: N71°40'20"W) to the left 882.75 feet through a central angle



of 17°10'12" (chord: N9°44'34"E 879.45 feet) to a right-of-way marker; thence N0°10'57"E 50.34 feet to a right-of-way marker on the 1/4 Section line; thence N0°11'01"E along the 1/4 Section line and said right-of-way line 498.45 feet to the southwest corner of RIVER HEIGHTS COMMERCIAL Subdivision (Amended), according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder; thence S89°43'02"E along said plat 600.60 feet; thence South 179.16 feet; thence S62°50'37"E 423.27 feet to the westerly line of JONES MEADOWS Subdivision Phase 4, according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder; thence along said plat and also along Phase 5 of said plat the following 2 (two) courses and distances: Southwesterly along the arc of a 2,990.50 foot radius non-tangent curve (radius bears: N66°27'00"W) to the right 204.92 feet through a central angle of 3°55'34" (chord: S25°30'46"W 204.88 feet); thence S27°28'34"W 1,342.33 feet to the north line of that Real Property conveyed to the City of South Jordan as described in Deed Book 9435 Page 9333 of the Official Records of Salt Lake County; thence N89°44'32"W along said deed 48.68 feet to the easterly line of said THATCHER PARK Subdivision; thence along said plat the following 3 (three) courses and distances: N28°45'05"E 30.57 feet; thence N27°28'51"E 95.51 feet; thence N62°31'09"W 320.70 feet to the point of beginning.

Contains: 25.90± acres

**Description of portion of the property rezoned to the P-O Zone:**

A portion of the SE1/4 of Section 17, Township 3 South, Range 1 West, Salt Lake Base & Meridian, located in South Jordan, Utah, more particularly described as follows:

Beginning at a point on the southerly line of RIVER HEIGHTS COMMERCIAL Subdivision (Amended), according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder, located N0°11'01"E along the 1/4 Section line 2,343.91 feet and S89°43'02"E 600.60 feet from the South ¼ Corner of Section 17, T3S, R1W, S.L.B.& M.; thence S89°43'02"E along said plat 465.50 feet; thence northeasterly along said plat and along the arc of a 2,948.00 foot radius non-tangent curve (radius bears: N73°44'39"W) to the left 283.54 feet through a central angle of 5°30'38" (chord: N13°30'02"E 283.42 feet) to the southeast corner of HARVEST VILLAGE AT SOUTH JORDAN Subdivision Phase 1, according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder; thence S89°43'16"E along said plat 43.12 feet to the westerly line of JONES MEADOWS Subdivision Phase 4, according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder; thence southwesterly along said plat and along the arc of a 2,990.50 foot radius non-tangent curve (radius bears: N79°24'49"W) to the right 676.62 feet through a central angle of 12°57'49" (chord: S17°04'05"W 675.18 feet); thence N62°50'37"W 423.27 feet; thence North 179.16 feet to the point of beginning.

Contains: 3.26± acres

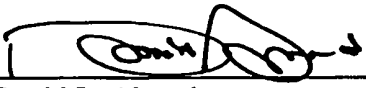
**SECTION 2. Filing of Zoning Map.** The Official Zoning Map showing such changes shall be filed with the South Jordan City Recorder.

**SECTION 3. 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 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 THE CITY OF SOUTH JORDAN, UTAH, ON THIS 21 DAY OF November, 2017 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

