ORDINANCE NO. 2021-O-19

AN ORDINANCE AMENDING DEFINITIONS AND REGULATIONS RELATED TO ACCESSORY DWELLING UNITS IN CHAPTER 1.01 AND CHAPTER 17 OF THE MIDVALE CITY MUNICIPAL CODE.

WHEREAS, pursuant to Utah Code Annotated Sections 10-8-84 and 10-9a-501 through 10-9a-503, Midvale City ("the City") has authority to make and amend any regulation of or within zoning districts or any other provision of the land use ordinance to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, on January 2, 2002, the Midvale City Zoning Ordinance, Title 17 of the Midvale City Municipal Code (the "Code"), became effective and is subject to amendments from time to time pursuant to Section 17-3-1 the Code; and

WHEREAS, State of Utah legislation allows for Internal Accessory Dwelling Units generally and requires municipalities to adopt an ordinance if they wish to regulate certain requirements of the dwellings;

WHEREAS, the Planning Commission held a public hearing on September 15, 2021, which meeting was preceded by notice of publication, to review the request for a text amendment and, after considering all the information received, made a recommendation to approve the text amendment request to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on September 21, 2021, which meeting was preceded by notice of publication; and

WHEREAS, after taking into consideration citizen testimony, planning analysis, and the Planning Commission's recommendation as part of its deliberations, the City Council finds it is appropriate and within the best interest of the City to make changes to the Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The following sections of the Midvale City Municipal Code are hereby amended as included in the following attachments to this document:

• Attachment A: Amending Chapters:

1.01: General Provisions

17-1: General Provisions

17-2: Definitions

17-7-1: Single Family Residential Zone (SF-1)

17-7-2: Single Family Residential Zone (SF-2)

17-7-3: Multifamily Residential – Medium Density Zone (RM-12)

17-7-4: Multifamily Residential – Medium to High Density Zone (RM-25)

17-7-5: Mixed-Use Zone (MU)

17-7-7: State Street Zone (SSC)

17-7-8: Transit-Oriented Development Zone (TOD)

17-7-9: Bingham Junction Zone (BJ)

17-7-9.12.1: Riverwalk Zone

17-7-9.12.2: The Junction at Midvale Zone

17-7-9.12.3: Silver Refinery Overlay

17-7-11: Main Street Form-Based Code (MS-FBC)

17-7-15: State Street Overlay Zone (SSOZ)

Section 2. This ordinance shall be effective upon the date of first publication

| PASSED AND APPROVED this | 15 day of September | _, 202]. | |
|--|--|----------|-------|
| DICORPORATED OF THE DICORPORATED AUTHORITIES OF THE DICORPORAT | Robert Hale, Mayor | le | |
| ATTEST: ORPORATE SERVICE Rori Andreason, MMC City Recorder | Voting by City Council Quinn Sperry Paul Glover Heidi Robinson Bryant Brown Dustin Gettel | "Aye" | "Nay" |
| Date of first publication: Sept 23, 2021 | | | |



Title 17 – Zoning:

Affected chapters:

- 1.01: General Provisions
- 17-1: General Provisions
- 17-2: Definitions
- 17-7-1: Single Family Residential Zone (SF-1)
- 17-7-2: Single Family Residential Zone (SF-2)
- 17-7-3: Multifamily Residential Medium Density Zone (RM-12)
- 17-7-4: Multifamily Residential Medium to High Density Zone (RM-25)
- 17-7-5: Mixed-Use Zone (MU)
- 17-7-7: State Street Zone (SSC)
- 17-7-8: Transit-Oriented Development Zone (TOD)
- 17-7-9: Bingham Junction Zone (BJ)
- 17-7-9.12.1: Riverwalk Zone
- 17-7-9.12.2: The Junction at Midvale Zone
- 17-7-9.12.3: Silver Refinery Overlay
- 17-7-11: Main Street Form-Based Code (MS-FBC)
- 17-7-15: State Street Overlay Zone (SSOZ)

(individual breakdown of text changes by zone follows)

Chapter 1.01

GENERAL PROVISIONS

| Sections: | |
|-----------|--|
| 1.01.010 | Designation of code. |
| 1.01.020 | Definitions and terms. |
| 1.01.030 | Purpose and rules of construction. |
| 1.01.040 | Severability. |
| 1.01.050 | Effect of repeal of ordinances. |
| 1.01.060 | Catchlines of sections and other headings. |
| 1.01.070 | General penalty—Continuing violations |

1.01.010 Designation of code.

[No changes in this section.]

1.01.020 Definitions and terms.

In the construction of the ordinances of the municipality, the rules and definitions of this chapter shall be observed and applied unless such construction would be inconsistent with the manifest intent of this code of ordinances.

"Business" includes any trade, profession, calling, activity, operation, or enterprise for which a license is required by any ordinance of the municipality.

"City" means the municipal corporation known as Midvale, Utah.

"City council" or "council" shall mean, collectively, the mayor and city council of Midvale City, Utah.

"Code" means the Midvale Municipal Code comprised of titles, containing ordinances and amendments as enacted by the city council.

Computation of Time. The time in which any act provided by this code is to be done is computed by excluding the first day and including the last unless the last is a holiday, and then it also is excluded.

"County" means the political subdivision of the state known as Salt Lake County.

Gender. Words used in one gender comprehend the other.

"Law" means any formal rule of expected standards of conduct or procedure, enacted by a properly constituted administrative agency or executive, legislative body, or judicial tribunal.

Location. Whenever any act, conduct, or offense is prohibited or required and no reference is made to location, unless the context specifically indicates otherwise, the act, conduct, or offense prohibited or required shall be within the boundaries of the municipality.

"May" indicates that a permissive, discretionary exercise of thought or action is permitted.

Numbers. The singular number includes the plural, and the plural the singular.

Officers, Departments, Etc. References to officers, departments, board, commissions, or employees are to officers, departments, boards, commissions, and employees of Midvale City, Utah.

"Person" includes individuals, bodies politic and corporate, partnerships, associations, and companies.

"Shall" indicates that a mandatory performance of the duty or obligation is required.

"State" means the state of Utah.

Tenses. Words used in the present tense include the future.

"Utah Code Annotated" means the Utah Code Annotated, as amended.

"Week" shall be construed to mean any seven-day period.

When terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used. (Ord. 10/02/2007O-14 § 1 (Exh. A)(1.02), 2007)

State law reference(s)—Similar provisions, §§ 68-3-7 and 68-3-12(2)(o) of the Utah Code Annotated.

1.01.030 Purpose and rules of construction.

[No changes in this section.]

1.01.040 Severability.

[No changes in this section.]

1.01.050 Effect of repeal of ordinances.

[No changes in this section.]

1.01.060 Catchlines of sections and other headings.

[No changes in this section.]

1.01.070 General penalty—Continuing violations.

Ordinance 2021-O-XX Attachment A 17-2: Definitions Text Insertion
Text Deletion

[No changes in this section.]

Chapter 17-1

GENERAL PROVISIONS

Sections:

- 17-1-1 Legislative intent.
- 17-1-2 Scope and application.
- 17-1-3 Zoning map.
- 17-1-4 How to use this title.
- 17-1-5 Rules of construction.
- 17-1-6 Conflicting provisions.
- 17-1-7 Interpretation.
- 17-1-8 Creation of vested rights.
- 17-1-9 Transitional provisions.

17-1-1 Legislative intent.

[No changes in this section.]

17-1-2 Scope and application.

[No changes in this section.]

17-1-3 Zoning map.

[No changes in this section.]

17-1-4 How to use this title.

[No changes in this section.]

17-1-5 Rules of construction.

This title is subject to the following rules of construction:

. . . .

- J. Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected items, conditions, provisions, or events apply; and
 - 2. "Or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

Ordinance 2021-O-XX Attachment A 17-2: Definitions K. Tenses-and Plurals. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. One example of the a word being used in one tense and not including the other tenses is when an accompanying condition precedent or subsequent is specifically noted. The singular includes the plural, and the plural includes the singular. (Ord. 12-11-2001C § 2 (part), 2001)

17-1-6 Conflicting provisions.

[No changes in this section.]

17-1-7 Interpretation.

[No changes in this section.]

17-1-8 Creation of vested rights.

[No changes in this section.]

17-1-9 Transitional provisions.

[No changes in this section.]

Chapter 17-2 DEFINITIONS

Sections:

- 17-2 Generally.
- 17-2-1 "A" definitions.
- 17-2-2 "B" definitions.
- 17-2-3 "C" definitions.
- 17-2-4 "D" definitions.
- 17-2-5 "E" definitions.
- 17-2-6 "F" definitions.
- 17-2-7 "G" definitions.
- 17-2-8 "H" definitions.
- 17-2-9 "I" definitions.
- 17-2-10 "J" definitions.
- 17-2-11 "K" definitions.
- 17-2-12 "L" definitions.
- 17-2-13 "M" definitions.
- 17-2-14 "N" definitions.
- 17-2-15 "O" definitions.
- 17-2-16 "P" definitions.
- 17-2-17 "Q" definitions.
- 17-2-18 "R" definitions.
- 17-2-19 "S" definitions.
- 17-2-20 "T" definitions.
- 17-2-21 "U" definitions.
- 17-2-22 "V" definitions.
- 17-2-23 "W" definitions.
- 17-2-24 "X" definitions. 17-2-25 "Y" definitions.
- 17-2-26 "Z" definitions.

17-2 Generally.

[No changes in this section.]

17-2-1 "A" definitions.

...

"Access, secondary" means an access point to property that does not qualify as legal or required access, but is intended as an additional means of vehicular access. Secondary access is not intended for general traffic circulation.

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Attachment A
17-2: Definitions

"Accessory apartment" means a self-contained apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of, and/or by adding on to, an existing detached single family dwelling or detached accessory building.

Accessory building, occupied. See "Occupied accessory building."

Accessory buildingstructure, unoccupied. See "Unoccupied accessory buildingstructure."

Accessory dwelling unit, external. See "External accessory dwelling unit."

Accessory dwelling unit, internal. See "Internal accessory dwelling unit."

"Accessory use" means a land use that is customarily incidental and subordinate to the primary land use on a lot.

"Active building permit" means any building permit that has not expired.

. . .

17-2-2 "B" definitions.

[No changes in this section.]

17-2-3 "C" definitions.

[No changes in this section.]

17-2-4 "D" definitions.

. . .

"Driveway" means a private entryway that may be used by a single parcel or shared with more than one parcel to provide access from a public or private road.

"Duplex dwelling" or "duplex" means a building containing two dwelling units that is owned by one owner and has separate exterior entrances for each dwelling unit. A duplex dwelling does not require an owner to live in one of the dwelling units. A duplex dwelling does not include a single family dwelling with an internal accessory dwelling unit.

Dwelling, duplex. See "Duplex dwelling."

17-2-5 "E" definitions.

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Text Deletion

...

"Existing grade" means the grade of a property prior to any proposed development or construction activity.

"External accessory dwelling unit" or "EADU" means an accessory dwelling unit that is:

A. On the same lot as a primary dwelling;

B. Detached from the principal building; and

A.C. Offered as a long-term rental or residence of 30 consecutive days or longer.

"Extra-drought tolerant plant" means a plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.

17-2-6 "F" definitions.

[No changes in this section.]

17-2-7 "G" definitions.

[No changes in this section.]

17-2-8 "H" definitions.

[No changes in this section.]

17-2-9 "I" definitions.

. . .

"Interior sign" means a sign located within a building so as to be visible only from within the building in which the sign is located.

"Internal accessory dwelling unit" or "IADU" means the same as that term is defined in Section 10-9a-530 of the Utah Code Annotated, as amended.

"Irrigated landscaped area" means all portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscaped area.

. . .

17-2-10 "J" definitions.

Ordinance 2021-O-XX Attachment A 17-2: Definitions Text Insertion
Text Deletion

[No changes in this section.] 17-2-11 "K" definitions. [No changes in this section.] 17-2-12 "L" definitions. [No changes in this section.] 17-2-13 "M" definitions. [No changes in this section.] 17-2-14 "N" definitions. [No changes in this section.] 17-2-15 "O" definitions. "Occupied accessory building" means a building on the same lot as the principal building and A. Clearly incidental to, and customarily found in connection with, such principal building; B. Operated and maintained for the benefit of the principal use; and C. A dwelling unit or home office. Office, general. See "General office." . . . 17-2-16 "P" definitions. . . . "Preliminary plat" means the preliminary drawings of a proposed subdivision specifying the layout, uses, and restrictions. "Primary dwelling" means the same as that term is defined in Section 10-9a-530 of the Utah Code Annotated, as amended.

Ordinance 2021-O-XX Attachment A 17-2: Definitions

Utah Admin. Code 884-24P-52, as amended.

Text Insertion

"Primary residence" means the dwelling unit an individual has established domicile pursuant to

"Principal building" means a building within which the principal land use of the lot is conducted. In the SF-1, SF-2, RM-12, RM-25 zoning districts, the largest dwelling is the principal building on the lot on which it is situated.

...

17-2-17 "Q" definitions.

[No changes in this section.]

17-2-18 "R" definitions.

[No changes in this section.]

17-2-19 "S" definitions.

. . .

- "Significant wetland" means all wetlands that occupy a surface area greater than one-tenth acre or are associated with permanent surface water or that are adjacent to, or contiguous with, a stream corridor.
- "Single family dwelling" means a building containing not more than one dwelling unit, with the exception of an accessory apartment unit IADU.
- "Site cover" means the area covered by an impervious surface such as a structure, deck, pool, parking lot, patio, walk, or driveway.

...

17-2-20 "T" definitions.

[No changes in this section.]

17-2-21 "U" definitions.

...

- "Unincorporated" means the area outside of the incorporated boundaries of cities and towns.
- "Unoccupied accessory structure" means a building on the same lot as the principal building and that is
 - A. Clearly incidental to, and customarily found in connection with, such principal building;
 - B. Operated and maintained for the benefit of the principal use;

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Attachment A
17-2: Definitions

Text Insertion
Text Deletion

- C. Not a dwelling unit; and
- D. Not separately connected to water, sewer, power, or gas utilities.

"Upper level sign" means a sign which is located above the first level of a building

. . .

17-2-22 "V" definitions.

[No changes in this section.]

17-2-23 "W" definitions.

[No changes in this section.]

17-2-24 "X" definitions.

[No changes in this section.]

17-2-25 "Y" definitions.

[No changes in this section.]

17-2-26 "Z" definitions.

[No changes in this section.]

Chapter 17-7-1 SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

| 17-7-1.1 Purpose. 17-7-1.2 Use table. 17-7-1.3 Lot standards. 17-7-1.4 Development standards. 17-7-1.5 Neighborhood compatibility. 17-7-1.6 Fences, hedges and walls. 17-7-1.7 Landscaping. 17-7-1.8 Parking. 17-7-1.9 Unoccupied aAccessory structures (unoccupied)and external accessory dwelling unit standards. 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Related provisions. 17-7-1.16 Related provisions. 17-7-1.17 Camping. | Sections: | |
|--|-----------|--|
| 17-7-1.3 Lot standards. 17-7-1.4 Development standards. 17-7-1.5 Neighborhood compatibility. 17-7-1.6 Fences, hedges and walls. 17-7-1.7 Landscaping. 17-7-1.8 Parking. 17-7-1.9 Unoccupied aAccessory structures (unoccupied)and external accessory dwelling unit standards. 17-7-1.10 Master planned development. 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.1 | Purpose. |
| 17-7-1.4 Development standards. 17-7-1.5 Neighborhood compatibility. 17-7-1.6 Fences, hedges and walls. 17-7-1.7 Landscaping. 17-7-1.8 Parking. 17-7-1.9 Unoccupied aAccessory structures (unoccupied)and external accessory dwelling unit standards. 17-7-1.10 Master planned development. 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.2 | Use table. |
| 17-7-1.5 Neighborhood compatibility. 17-7-1.6 Fences, hedges and walls. 17-7-1.7 Landscaping. 17-7-1.8 Parking. 17-7-1.9 Unoccupied aAccessory structures (unoccupied)and external accessory dwelling unit standards. 17-7-1.10 Master planned development. 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.3 | Lot standards. |
| 17-7-1.6 Fences, hedges and walls. 17-7-1.7 Landscaping. 17-7-1.8 Parking. 17-7-1.9 Unoccupied aAccessory structures (unoccupied)and external accessory dwelling unit standards. 17-7-1.10 Master planned development. 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.4 | Development standards. |
| 17-7-1.8 Parking. 17-7-1.9 Unoccupied aAccessory structures (unoccupied)and external accessory dwelling unit standards. 17-7-1.10 Master planned development. 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.5 | Neighborhood compatibility. |
| 17-7-1.8 Parking. 17-7-1.9 Unoccupied aAccessory structures (unoccupied)and external accessory dwelling unit standards. 17-7-1.10 Master planned development. 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.6 | Fences, hedges and walls. |
| 17-7-1.9 Unoccupied aAccessory structures (unoccupied)and external accessory dwelling unit standards. 17-7-1.10 Master planned development. 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.7 | Landscaping. |
| 17-7-1.10 Master planned development. 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.8 | Parking. |
| 17-7-1.10 Master planned development. 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.9 | Unoccupied aAccessory structures (unoccupied) and external accessory dwelling unit |
| 17-7-1.11 Conditional use standards of review. 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | | standards. |
| 17-7-1.12 Home occupation standards. 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.10 | Master planned development. |
| 17-7-1.13 Signs. 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.11 | Conditional use standards of review. |
| 17-7-1.14 Duplex (two-family) overlay (OD) zone. 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.12 | Home occupation standards. |
| 17-7-1.15 Agricultural overlay zone. 17-7-1.16 Related provisions. | 17-7-1.13 | Signs. |
| 17-7-1.16 Related provisions. | 17-7-1.14 | Duplex (two-family) overlay (OD) zone. |
| | 17-7-1.15 | Agricultural overlay zone. |
| 17-7-1.17 Camping. | 17-7-1.16 | Related provisions. |
| | 17-7-1.17 | Camping. |

17-7-1.1 Purpose.

[No changes in this section.]

17-7-1.2 Use table.

If a use is not specifically designated, then it is prohibited. <u>Uses designated with an asterisk (*)</u> have additional use-specific standards included in subsection (A) of this section.

Table 17-7-1.2 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|------------------------------------|---------|----------------|-------------|---------------------|
| Accessory Apartment | _ | X | - | _ |
| Accessory Structure, Occupied | - | - | ¥ | - |
| Accessory Structure, Unoccupied | X | | | |

Ordinance 2021-O-XX
Attachment A
17-7-1: Single Family Residential
Zone (SF-1)

Text Insertion
Text Deletion

| Туре | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Agricultural Uses (AO zone only) | | X | | |
| Apiary | | X | | |
| Assisted Living Facility, Group Home | | | X | X |
| Chickens, Keeping of | | X | | |
| Child Care Center: 6 children or less Facility: 7 to 12 children | | X | X | X X |
| Disabled Care Facility | | | X | X |
| Dwellings Single Family Duplex (DO zone only) | X | | X | |
| Duplex (OD zone only) | _ | _ | X | - |
| External accessory dwelling unit* | X | | | |
| Fence | X | | | |
| Flag Lot | | | X | |
| Gated Community | | X | | |
| Home Occupation | X | | | X |
| Internal accessory dwelling unit* | X | | | |
| Kennel, Private | | X | | |
| Manufactured Home | X | | | |
| Master Planned Development | | | X | |
| Municipal Facilities: Cemeteries Parks Public Safety Facility Public Utilities: Minor Major | X X | | X X | |

| Туре | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Recreational Facilities Trails | X X | | | |
| Neighborhood Commercial NC-1 and NC-2 Commercial Mixed Use Commercial Use Financial Institution without Drive-Up Window Office General Restaurant (Outdoor Dining) without Drive-Up Window Vertical Mixed Use | | | X | X |
| Personal Athletic Facility | | X | | |
| Pre-Existing Lot | X | | | |
| Pre-Existing Structure | X | | | |
| Quasi-Public Facilities: Hospital Schools, Private | | | X X | X X |
| Radio Station | | | X | X |
| Religious/Educational Institute: Permanent Temporary | X | X | | |
| Single Family | X | - | - | - |
| Swimming Pool | | X | 260-1000 | |
| Telecommunications Facility <35' in height | | X | | |

1. Internal accessory dwelling unit.

a. An IADU may only be constructed on a lot with one detached single family dwelling.

The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.

- b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- c. Installing separate utility meters or separate addresses for an IADU is prohibited.
- d. Any additions to an existing building must comply with the development standards within this chapter.
- e. An IADU must provide off-street parking as described within this chapter.
- f. An IADU may not be constructed within a mobile home or manufactured home.
- g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an IADU; and
 - iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one IADU is permitted on each property.
- 2. External accessory dwelling unit.
 - a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.
 - b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.
 - c. Installing separate utility meters or separate addresses for an EADU is prohibited.
 - d. An EADU must comply with the standards in Section 17-7-1.9.
 - e. An EADU must provide off-street parking as described within this chapter.
 - f. An EADU may not be constructed on the same lot as a mobile home or manufactured home.

- g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
- i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one EADU is permitted on each property.

17-7-1.3 Lot standards.

[No changes in this section.]

17-7-1.4 Development standards.

[No changes in this section.]

17-7-1.5 Neighborhood compatibility.

[No changes in this section.]

17-7-1.6 Fences, hedges and walls.

[No changes in this section.]

17-7-1.7 Landscaping.

[No changes in this section.]

17-7-1.8 Parking.

A. All residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete

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- pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area.
- B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. ...
- C. An applicant for new development shall propose on site provide off-street parking as follows:

Table 17-7-1.8 Parking

| Tarki | |
|---|---|
| Uses | Parking Requirement |
| Accessory Apartment | 1 space |
| Accessory Structure Occupied | 1 space in addition to requirements for primary structure |
| Child Care Facility/Center | 1 space per on-duty employee and 1 per 6 children |
| Group Home | The greater of: 1 space per 2 bedrooms plus 1 space per employee per shift, or 2 per 3 employees per shift |
| IADU/EADU | 1 space per unit |
| Master Planned Development | As determined by planning commission, based on the proposed uses and the potential for shared parking |
| Neighborhood Commercial | 2 spaces per 1,000 s.f. of leasable area |
| Public and Quasi-Public Institution, Church and School; Public Utility; Municipal Facility | The greater of: 1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 s.f. |

| Uses | Parking Requirement |
|----------------------|----------------------------|
| Single Family/Duplex | 2 spaces per dwelling unit |

D. Off-street parking, as required herein, must be installed within six months of occupancy, change of occupancy, or notice of violation. ...

17-7-1.9 <u>Unoccupied</u> <u>Aaccessory structures (unoccupied)</u> and external accessory dwelling unit standards.

New development of a An unoccupied accessory structure intended for storage and not for human occupancy is an allowed use andor an external accessory dwelling unit shall meet the following development standards:

- 1. Proximity. An <u>unoccupied</u> accessory structure <u>or an EADU</u> must be located no less thanat <u>least</u> six feet from the main building.
- 2. Location. The An unoccupied accessory structure or an EADU must be located in either the rear or side yard. An exception for corner lots is provided in subsection (I) of this section.
- 3. Setbacks. The An unoccupied accessory structure or an EADU, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.
- 4. Height. The height of an unoccupied aAccessory structure height or an EADU may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.
- <u>5.</u> Stories. An <u>unoccupied</u> accessory structure <u>or an EADU</u> may range from one to one and one-half stories.
- <u>6.</u> Building Area. The <u>cumulative</u> maximum area of <u>an-all unoccupied</u> accessory structures and <u>an EADU</u> is the larger of nine hundred square feet or thirteen percent of the lot area.
- <u>7.</u> Utilities. An <u>unoccupied</u> accessory structure <u>or an EADU</u> may not have a separate electrical service, gas service, sewer service or water service.
- 8. Maintenance. It is the responsibility of the property owner to ensure the setback area between the an unoccupied accessory structure or an EADU and the property line remains free of weeds, junk and debris.

- 4.9. Corner Lot Exception. An uunoccupied accessory structures, but not an EADU, may be allowed where one front yard functions as a side yard. On these lots, unoccupied accessory structures shall be permitted to encroach within the required front yard subject to the following requirements:
 - 1. The accessory structure may be allowed within one front yard, opposite of the front yard associated with the structural front entrance location.
 - +.2. The accessory structure, including eaves, must be a minimum of two feet from all property lines, subject to the following:
 - a. The accessory structure must be located behind a minimum six-foot, solid, sight-obscuring fence and the initial height shall correlate with the adjacent fencing height. Said fence shall comply with all fencing requirements in Section 17-7-1.6.
 - <u>b.</u> If a non-sight-obscuring fence is existing, proposed to be constructed, or if no fencing is present; the accessory structure, including eaves, must be a minimum of eight feet from all property lines and the initial height shall not exceed eight feet.
 - a.c. For every two feet the accessory structure is set back from the identified property line or fence line, the accessory structure may extend an additional one foot in height, not to exceed a maximum of twenty feet.
 - 3. The <u>cumulative</u> maximum area of <u>the all accessory</u> structures shall be one hundred square feet.
 - 4. All construction must be done in accordance with the building code.
 - 5. The accessory structure must be located no less than six feet from the main building.—
- 2.10. Number of Unoccupied Accessory Structures. Multiple unoccupied accessory structures are permitted on each so long as each unoccupied accessory structure meets the requirements of this section.

17-7-1.10 Master planned development.

[No changes in this section.]

17-7-1.11 Conditional use standards of review.

The city shall not issue a conditional use permit unless the community and economic development department, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application fully mitigates all

identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

- A. General Review Criteria. ...
- B. Specific Review Criteria for Certain Conditional Uses. ...
 - 1. Conditional Use.
 - a. Child Care Facility/Center. ...
 - b. Assisted Living/Senior Housing/Congregate Care. ...

b.c. Reserved.

- c. Accessory Structure (Occupied). New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards:
 - i. Proximity. The accessory structure must be located no less than six feet from the main building.
 - ii. Setbacks. The accessory structure must be located in either the rear or side yard, with no less than a ten foot setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case, the side yard setback to the nearest side lot line must be at least fifteen feet.
 - iii. Height. The accessory structure height may not exceed twenty-four feet to the midpoint for a sloped roof and twenty feet to the cornice for a flat roof.
 - iv. Stories. An accessory structure may range from one to one and one half stories.
 - v. Building Area. The maximum area of an occupied accessory structure is the larger of nine hundred square feet or thirteen percent of the lot area. No more than six hundred square feet of the accessory structure shall be used for human occupancy.
- d. Neighborhood Commercial-1 (NC-1)....
- e. Neighborhood Commercial-2 (NC-2). ...
- f. Flag Lots....
- 2. Administrative Conditional Use.
 - a. Reserved.
 - a. Accessory Apartments. Each application for an accessory apartment shall include:
 - i. A site plan, which demonstrates one additional, paved, off-street parking space for the accessory apartment;
 - ii. A floor plan which demonstrates that the accessory apartment is less than twenty-five percent of the dwelling size; and
 - iii. The owner's covenant to occupy the primary dwelling unit, which covenant shall run with the conditional use permit.

- b. Gated Communities. ...
- c. Swimming Pool. ...
- d. Personal Athletic Facility. ...
- e. Telecommunications Facility. ...
- f. Private Kennel. ...
- g. Temporary Dwellings. ...
- h. Chickens....
- i. Apiary....

17-7-1.12 Home occupation standards.

[No changes in this section.]

17-7-1.13 Signs.

[No changes in this section.]

17-7-1.14 Duplex (two-family) overlay (ODDO) zone.

[No other changes in this section.]

17-7-1.15 Agricultural overlay zone.

[No changes in this section.]

17-7-1.16 Related provisions.

[No changes in this section.]

17-7-1.17 Camping.

[No changes in this section.]

Chapter 17-7-2 SINGLE FAMILY RESIDENTIAL ZONE (SF-2)

Sections:

| 17-7-2.1 | Purpose. |
|-----------|--|
| 17-7-2.2 | Use table. |
| 17-7-2.3 | Lot standards. |
| 17-7-2.4 | Development standards. |
| 17-7-2.5 | Neighborhood compatibility. |
| 17-7-2.6 | Fences, hedges and walls. |
| 17-7-2.7 | Landscaping. |
| 17-7-2.8 | Parking. |
| 17-7-2.9 | Unoccupied Aaccessory structures (unoccupied) and external accessory |
| | dwelling unit standards. |
| 17-7-2.10 | Master planned development. |
| 17-7-2.11 | Conditional use standards of review. |
| 17-7-2.12 | Home occupation standards. |

17-7-2.1 Purpose.

[No changes in this section.]

17-7-2.15 Camping.

17-7-2.13 Signs.

17-7-2.14 Related provisions.

17-7-2.2 Use table.

If a use is not specifically designated, then it is prohibited. Uses designated with an asterisk (*) have additional use-specific standards included in subsection (A) of this section.

Table 17-7-2.2 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|---------------------------------|---------|----------------|-------------|---------------------|
| Accessory Apartment | - | X | - | - |
| Accessory Structure, Occupied | - | - | X | - |
| Accessory Structure, Unoccupied | X | | | |

Table 17-7-2.2 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Apiary | | X | | |
| Assisted Living Facility, Group Home | | | X | X |
| Chickens, Keeping of | | X | | |
| Child Care Center: 6 children or less Facility: 7 to 12 children | | x | X | X X |
| Disabled Care Facility | | | X | X |
| Dwellings Single Family Duplex (DO zone only) | ¥ | | <u>X</u> | |
| External accessory dwelling unit* | X | | | |
| Fence | X | | | |
| Flag Lot | | | X | |
| Home Occupation | X | | | X |
| Internal accessory dwelling unit* | X | | | |
| Kennel, Private | | X | | |
| Manufactured Home | X | | | |
| Master Planned Development | | | X | |
| Municipal Facilities: Cemeteries Parks Public Safety Facility Public Utilities: Minor Major | X X | | x x | |
| Recreational facilities Trails Neighborhood Commercial NC-1 and NC-2 Commercial Mixed Use | X X | | X | X |
| Commercial Wixed Ose Commercial Use | | | | |

Table 17-7-2.2 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Financial Institution without Drive-Up Window Office General Restaurant (Outdoor Dining) without Drive-Up Window Vertical Mixed Use | | | | |
| Personal Athletic Facility | | X | | |
| Pre-Existing Lot | X | | | |
| Pre-Existing Structure | X | | | |
| Quasi-Public Facilities: Hospital Schools, Private Nonprofit Multi-Cultural Center | | X | X X | X X |
| Radio Station | | | X | X |
| Religious/Educational Institute: Permanent Temporary | x | X | | |
| Single Family | X | | | |
| Swimming Pool | | X | | |
| Telecommunications Facility <35' in height | | x | | |

(Ord. 2015-04 § 1 (Att.) (part); Ord. 7/6/2010O-5 § 1 (Att. A) (part), 2010: Ord. 9/22/2009O-15 § 1 (Att. A) (part), 2009; Ord. 6/16/2009O10 § 2 (part), 2009; Ord. 5/07/2002A § 1 (part), 2002; Ord. 11-13-2001 § 2 (part), 2001)

A. Additional Use-Specific Standards.

- 1. Internal accessory dwelling unit.
 - a. An IADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.

| | b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU. |
|----|---|
| | c. Installing separate utility meters or separate addresses for an IADU is prohibited. |
| | d. Any additions to an existing building must comply with the development standards within this chapter. |
| | e. An IADU must provide off-street parking as described within this chapter. |
| | f. An IADU may not be constructed within a mobile home or manufactured home. |
| | g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less. |
| | a.h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes: |
| | i. A description of the primary dwelling;ii. A statement that the property contains an IADU; andiii. A statement that the IADU may only be used in accordance with this title. |
| | i. An IADU may not be rented or leased for a period of less than 30 consecutive days. |
| | b.j. Only one IADU is permitted on each property. |
| 2. | External accessory dwelling unit. |
| | a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property. |
| | <u>b.</u> The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU. |
| | c. Installing separate utility meters or separate addresses for an EADU is prohibited. |
| | d. An EADU must comply with the standards in Section 17-7-2.9. |
| | e. An EADU must provide off-street parking as described within this chapter. |
| | <u>f.</u> An EADU may not be constructed <u>on the same lot as</u> a mobile home or manufactured home. |

- g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
- a.h.Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
- i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one EADU is permitted on each property.

17-7-2.3 Lot standards.

[No changes in this section.]

17-7-2.4 Development standards.

[No changes in this section.]

17-7-2.5 Neighborhood compatibility.

[No changes in this section.]

17-7-2.6 Fences, hedges and walls.

[No changes in this section.]

17-7-2.7 Landscaping.

[No changes in this section.]

17-7-2.8 Parking.

A. All residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side

yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area.

- B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area.
- C. An applicant for new development shall propose on-site_provide off-street parking as follows:

Table 17-7-2.8 Parking

| Uses | Parking Requirement |
|-------------------------------|---|
| Accessory Structure Occupied | 1 space in addition to requirements for primary structure |
| Child Care Facility/Center | 1 space per on-duty employee and 1 per 6 children |
| Group Home | The greater of: 1 space per 2 bedrooms plus 1 space per employee per shift, or 2 per 3 employees per shift |
| IADU/EADU | 1 space per unit |
| Master Planned Development | As determined by planning commission, based on the proposed uses and the potential for shared parking |

Table 17-7-2.8 Parking

| Uses | Parking Requirement |
|---|---|
| Neighborhood Commercial | 2 spaces per 1,000 s.f. of leasable area |
| Public and Quasi- Public Institution, Church and School; Public Utility; Municipal Facility | The greater of: 1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 s.f. |
| Single Family/Duplex | 2 spaces per dwelling unit |

D. Off-street parking, as required herein, must be installed within six months of occupancy, change of occupancy, or notice of violation. Parcels existing at the time of the adoption of the ordinance codified in this section for which the installation of two off-street parking spaces is impossible due to lack of front or side yard area adequate for the installation of off-street parking spaces in accordance with Midvale City standards are exempt from the off-street parking requirements only to the extent that compliance is impossible. A parcel exempted by this section must install as much off-street parking as possible. (Ord. 2016-11 § 1 (Att. A) (part); Ord. 6/20/2006O-8 § 1 (part), 2006: Ord. 11-13-2001 § 2 (part), 2001)

17-7-2.9 Unoccupied accessory structures and EADU external accessory dwelling unit standards (unoccupied).

New development of an An unoccupied accessory structure for storage and not for humanoccupancy is an allowed use and or or an external accessory dwelling unit shall meet the following development standards:

- A. Proximity. An <u>unoccupied</u> accessory structure <u>or an EADU</u> must be located <u>no less than</u> at least six feet from the main building.
- B. Location. The An unoccupied accessory structure or an EADU must be located in either the rear or side yard. An exception for corner lots is provided in subsection (I) of this section.
- C. Setbacks. The An unoccupied accessory structure, or an EADU, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.

- D. Height. The height of an unoccupied <u>Aaccessory</u> structure <u>height</u> or an EADU may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.
- E. Stories. An unoccupied accessory structure or an EADU may range from one to one and one-half stories.
- F. Building Area. The maximum <u>cumulative</u> building area of an <u>all</u> unoccupied –accessory structures <u>and</u> an EADU is the larger of nine hundred square feet or thirteen percent of the lot area.
- G. Utilities. An unoccupied accessory structure or an EADU may not have a separate electrical service, gas service, sewer service or water service.
- H. Maintenance. It is the responsibility of the property owner to ensure the setback area between the an unoccupied accessory structure or an EADU and the property line remains free of weeds, junk and debris.
- I. Corner Lot Exception. An <u>U</u>unoccupied accessory structure, <u>but not</u> an EADU, may be allowed where one front yard functions as a side yard. On these lots, an unoccupied accessory structure or and EADU shall be permitted to encroach within the required front yard subject to the following requirements:
 - 1. An unoccupied accessory structure may be allowed within one front yard, opposite of the front yard associated with the structural front entrance location.
 - 2. An unoccupied– accessory structure, including eaves, must be a minimum of two feet from all property lines, subject to the following:
 - a. The unoccupied accessory structure must be located behind a minimum six-foot, solid, sight-obscuring fence and the initial height shall correlate with the adjacent fencing height. Said fence shall comply with all fencing requirements in Section 17-7-2.6.
 - b. If a non-sight-obscuring fence is existing, proposed to be constructed, or if no fencing is present; the unoccupied accessory structure, including eaves, must be a minimum of eight feet from all property lines and the initial height shall not exceed eight feet.
 - c. For every two feet an unoccupied accessory structure is set back from the identified property line or fence line, the accessory structure may extend an additional one foot in height, not to exceed a maximum of twenty feet.

- 3. The maximum area of an unoccupied– accessory structure shall be one hundred square feet.
- 4. All construction must be done in accordance with the building code.
- 5. The An unoccupied –accessory structure must be located no less than at least six feet from the main building.
- J. Number of Unoccupied Accessory Structures. Multiple unoccupied accessory structures are permitted on each property so long as each unoccupied accessory structure meets the requirements of this section. (Ord. 2017-03 § 1 (Att. A) (part): Ord. 5/4/2010O-3 § 1 (Att. A) (part), 2010: Ord. 7/11/2006O-10 § 1 (Exh. B) (part), 2006: Ord. 11-13-2001 § 2 (part), 2001)

17-7-2.10 Master planned development.

[No changes in this section.]

17-7-2.11 Conditional use standards of review.

The city shall not issue a conditional use permit unless the community and economic development department, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

- A. General Review Criteria...
- B. Specific Review Criteria for Certain Conditional Uses...
 - 1. Conditional Use.
 - a. Child Care Facility/Center...
 - b. Assisted Living/Senior Housing/Congregate Care...
 - c. Reserved.

c. Accessory Structure (Occupied). New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards:

i. Proximity. The accessory structure must be located no less than six feet from the main building.

ii. Setbacks. The accessory structure must be located in either the rear or side yard, with no less than a ten foot setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case the side yard setback to the nearest side lot line must be at least fifteen feet.

iii. Height. The accessory structure height may not exceed twenty-four feet to the midpoint for a sloped roof and twenty feet to the cornice for a flat roof.

iv. Stories. An accessory structure may range from one to one and one-half-stories.

v. Building Area. The maximum area of an occupied accessory structure is the greater of nine hundred square feet or thirteen percent of the lot area. No more than six hundred square feet of the accessory structure shall be used for human occupancy.

- d. Neighborhood Commercial-1 (NC-1)...
- e. Neighborhood Commercial-2 (NC-2)...
- f. Flag Lots...
- g. Disabled Care Facility...
- 2. Administrative Conditional Use.
 - a. Reserved.

a. Accessory Apartments. Each application for an accessory apartment shall include:

i. A site plan, which demonstrates one additional, paved, off-street parking space for the accessory apartment;

ii. A floor plan which demonstrates that the accessory apartment is less than twenty-five percent of the dwelling size; and

iii. The owner's covenant to occupy the primary dwelling unit, which covenant shall run with the conditional use permit.

- b. Gated Communities...
- c. Swimming Pool...

- d. Personal Athletic Facility...
- e. Telecommunications Facility...
- f. Private Kennel...
- g. Temporary Dwellings...
- h. Chickens...
- i. Apiary...

17-7-2.12 Home occupation standards.

[No changes in this section.]

17-7-2.13 Signs.

[No changes in this section.]

17-7-2.14 Related provisions.

[No changes in this section.]

17-7-2.15 Camping.

[No changes in this section.]

Chapter 17-7-3 MULTIFAMILY RESIDENTIAL—MEDIUM DENSITY ZONE (RM-12)

Sections:

- 17-7-3.1 Purpose.
- 17-7-3.2 Use table.
- 17-7-3.3 Lot standards.
- 17-7-3.4 Development standards.
- 17-7-3.5 Architectural standards (multifamily).
- 17-7-3.6 Landscaping.
- 17-7-3.7 Parking.
- 17-7-3.8 Unoccupied Aaccessory structures (unoccupied) and external accessory dwelling unit standards.
- 17-7-3.9 Master planned development.
- 17-7-3.10 Conditional use standards of review.
- 17-7-3.11 Home occupation standards.
- 17-7-3.12 Signs.
- 17-7-3.13 Related provisions.

17-7-3.1 Purpose.

[No changes in this section.]

17-7-3.2 Use table.

If a use is not specifically designated, then it is prohibited. Uses designated with an asterisk (*) have additional use-specific standards included in subsection (A) of this section.

Table 17-7-3.2

Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Accessory Apartment in Single-Family | | X | | - |
| Accessory Structure Occupied, Single Family use only | | | X | - |
| Accessory Structure, Unoccupied | X | | | |

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| Туре | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Assisted Living Facility, Group Home | | | x | x |
| Child Care Center: 6 children or less Facility: 7 to 12 children | | X | x | X X |
| Disabled Care Facility | | | X | X |
| Dwellings: Single Family Duplex Multi-Family: One-half to one acre Over one acre | X X | X | X | |
| Fence | X | | | |
| External accessory dwelling unit* | X | | | |
| Home Occupation | X | | | X |
| Internal accessory dwelling unit* | X | | | |
| Kennel, Private | | X | | X |
| Manufactured Home | X | | | |
| Master Planned Development | | | X | |
| Municipal Facilities: Animal Shelter Cemeteries Parks | X X | | X | |
| Public Safety Facility Public Utilities: Minor | X | X | X | |
| Major Recreational Facilities Trails | | X X | X | |
| Neighborhood Commercial | | | X | X |
| Personal Athletic Facility | | X | | |
| Pre-Existing Landscaping | X | | | |
| Pre-Existing Lighting | X | | | |

| Туре | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Pre-Existing Lot | X | | | |
| Pre-Existing Structure | X | | | |
| Quasi-Public Facilities: Hospital Schools, Private | | | X X | X X |
| Radio Station | | | X | |
| Religious/Educational Institute: Permanent Temporary | x | | x | X X |
| Telecommunications Facility <35' in height | | X | | |

(Ord. 5/07/2002A § 1 (part), 2002; Ord. 11-13-2001 § 2 (part), 2001)

B.A. Additional Use-Specific Standards.

- 1. Internal accessory dwelling unit.
 - a. An IADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
 - <u>b.</u> The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
 - c. Installing separate utility meters or separate addresses for an IADU is prohibited.
 - <u>d.</u> Any additions to an existing building must comply with the development standards within this chapter.
 - e. An IADU must provide off-street parking as described within this chapter.
 - <u>f.</u> An IADU may not be constructed as part of within a mobile home or manufactured home.
 - g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
 - a.h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:

- i. A description of the primary dwelling: ii. A statement that the property contains an IADU; and iii. A statement that the IADU may only be used in accordance with this title. i. An IADU may not be rented or leased for a period of less than 30 consecutive days. b.j. Only one IADU is permitted on each property. 2. External accessory dwelling unit. a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property. b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU. c. Installing separate utility meters or separate addresses for an EADU is prohibited. d. An EADU must comply with the standards in Section 17-7-3.8. e. An EADU must provide off-street parking as described within this chapter. f. An EADU may not be constructed on the same lot as a mobile home or manufactured home. g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
 - a.h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
 - i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
 - b. Only one EADU is permitted on each property.
 - <u>j.</u>

17-7-3.3 Lot standards.

[No changes in this section.]

17-7-3.4 Development standards.

[No changes in this section.]

17-7-3.5 Architectural standards (multifamily).

[No changes in this section.]

17-7-3.6 Landscaping.

[No changes in this section.]

17-7-3.7 Parking.

An applicant shall propose on-site parking as follows.

Table 17-7-3.7 Parking

| Uses | Parking Requirement |
|-------------------------------|--|
| Accessory Apartment | 1 space |
| Accessory Structure Occupied | 1 space in addition to requirements for primary structure |
| Child Care Facility/Center | 1 space per on-duty employee and 1 per 6 children |
| Duplex-Structure | 2 spaces per dwelling unit |
| Group Home | The greater of: 1 space per 2 bedrooms plus 1 space per employee per shift, or 2 per 3 employees per shift |
| IADU/EADU | 1 space per unit |

Table 17-7-3.7 Parking

| Uses | Parking Requirement |
|---|---|
| Master Planned Development | As determined by planning commission, based on the proposed uses and their potential for shared parking |
| Multifamily Developments | 1.5 spaces per 1 bedroom unit; 2 spaces per 2 bedroom unit; 2.5 spaces per 3 bedroom unit and greater; plus 1 space per every 4 units for guest parking |
| Neighborhood Commercial | 2 spaces per 1,000 s.f. of leasable area |
| Public and Quasi- Public Institution, Church and School; Public Utility; Municipal Facility | The greater of: 1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 s.f. |
| Senior Affordable Housing | Not less than 1 space per dwelling unit; plus not less than 0.3 spaces per dwelling unit for guest parking |
| Single Family | 2 spaces per dwelling unit |

A. All single family and duplex residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the

driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area.

- B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area.
- C. Driveway Widths and Parking Lot Standards. The following driveway width dimensions and parking lot standards apply to all new development. The city engineer may approve minor (equal to or less than ten percent) variations in driveway width and spacing.
 - 1. Parking. No parking is allowed within the required front yard setbacks.
 - a. If a parking lot or driveway to a parking lot is proposed to abut a residential use, the applicant must screen the lot or drive and provide adequate sight distance.
 - b. Required Landscaping. The following landscaping standards apply to new development:
 - i. Parking areas with more than four stalls must have perimeter landscaping of at least five feet in width:
 - ii. Parking areas with over ten stalls must have a minimum of fifteen percent interior landscaping;
 - iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, and landscaped area that separates parking spaces from any building facade that is visible from a public right-of-way.
 - 2. Driveway Standards. For all new development, driveways shall comply with the following standards:
 - a. No driveway shall be less than fifty feet from any intersecting right-of-way;
 - b. Driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least twelve feet in width and ten feet in depth;

- c. Single Family. The minimum driveway width for a single family use is ten feet. The maximum driveway width for a single family detached use is twenty feet or forty percent of the lot frontage, whichever is greater;
- d. Duplex/Multi-Family. The following standards apply to new development of duplex and multi-family uses:
 - i. Shared Drive for Two Units. The minimum driveway width for a duplex use shared by two units is twelve feet. The maximum driveway width for a single family detached use shared by two units is twenty feet or forty percent of the lot frontage, whichever is greater;
 - ii. Shared Drive for Three or More Units. The minimum driveway width for three or more units are as follows:
 - (A) One-Way Drive. The minimum one-way drive width is fifteen feet. The maximum one-way drive width is twenty feet.
 - (B) Two-Way Drive. The minimum two-way drive width is twenty feet. The maximum two-way drive width is twenty-four feet.
- D. Parking Garages and Structures. Parking within a fully enclosed parking structure requires:
 - 1. Aisle. A minimum aisle width of twenty-four feet;
 - 2. Circulation. Circulation designed to ensure that each required parking space is readily accessible, usable and safe for automobiles and pedestrians. (Ord. 2016-11 § 1 (Att. A) (part); Ord. 2015-06 § 1 (Att. B) (part); Ord. 6/20/2006O-8 § 1 (part), 2006: Ord. 3-19-2002A § 1(5) (part), 2002; Ord. 11-13-2001 § 2 (part), 2001)
- 17-7-3.8 Unoccupied <u>Aaccessory structures (unoecupied)</u> and <u>EADU external accessory</u> dwelling unit standards.

New development of a An unoccupied accessory structure intended for storage and not for human occupancy is an allowed use and or an external accessory dwelling unit shall meet the following development standards:

- A. Proximity. An unoccupied accessory structure or an EADU must be located <u>no less than</u> at least six feet from the main building.
- B. Location. The An unoccupied accessory structure or an EADU must be located in either the rear or side yard.

- C. Setbacks. The An unoccupied accessory structure or an EADU, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.
- D. Height. The height of an unoccupied a Accessory structure height or an EADU may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.
- E. Stories. An unoccupied accessory structure or an EADU may range from one to one and one-half stories.
- F. Building Area. The maximum <u>cumulative</u> building area of an unoccupied accessory structure <u>and</u> an EADU is the larger of nine hundred square feet or thirteen percent of the lot area.
- G. Utilities. An unoccupied accessory structure or an EADU may not have a separate electrical service, gas service, sewer service or water service.
- H. Maintenance. It is the responsibility of the property owner to ensure the setback area between the unoccupied accessory structure or an EADU and the property line remains free of weeds, junk and debris. (Ord. 5/4/2010O-3 § 1 (Att. A) (part), 2010: Ord. 7/11/2006O-10 § 1 (Exh. B) (part), 2006: Ord. 11-13-2001 § 2 (part), 2001)

17-7-3.9 Master planned development.

[No changes in this section.]

17-7-3.10 Conditional use standards of review.

The city shall not issue a conditional use permit unless the community and economic development department, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application mitigates adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

- A. General Review Criteria...
- B. Specific Review Criteria for Certain Conditional Uses...
 - 1. Conditional Use...

a. a. Child Care Facility/Center. ... Reserved.

b. Assisted Living/Senior Housing/Congregate Care...

- c. Reserved. Accessory Structure (Occupied). New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards:
 - i. Proximity. The accessory structure must be located no less than six feet from the main building:
 - ii. Setbacks. The accessory structure must be located in either the rear or side yard, with no less than a ten-foot setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case the side yard setback to the nearest side lot line must be at least fifteen feet.
 - iii. Height. The accessory structure height may not exceed twenty-four feet to the midpoint for a sloped roof and twenty feet to the cornice for a flat roof.
 - iv. Stories. An accessory structure may range from one to one and one half stories.
 - v. Building Area. The maximum area of an accessory structure is one thousand three hundred square feet, of which six hundred square feet may be intended for human occupancy. The maximum footprint of an accessory structure is nine hundred square feet.
- e.d. Neighborhood Commercial Uses...
- e. Multi-Family Development...
- f. Disabled Care Facility...
- Administrative Conditional Use.
 - a. Reserved. Accessory Apartments. Each application for an accessory apartment shall include:
 - i. A site plan, which demonstrates one additional, paved, off-street parking space for the accessory apartment;
 - ii. A floor plan, which demonstrates that the accessory apartment is less than twenty five percent of the dwelling size; and

- iii. The owner's covenant to occupy the primary dwelling unit, which covenant shall run with the conditional use permit.
- b. Gated Communities...
- c. Swimming Pool...
- d. Personal Athletic Facility...
- e. Telecommunications Facility...
- f. Multi-Family Development...
- g. Private Kennel...

17-7-3.11 Home occupation standards.

[No changes in this section.]

17-7-3.12 Signs.

[No changes in this section.]

17-7-3.13 Related provisions.

[No changes in this section.]

Chapter 17-7-4 MULTIFAMILY RESIDENTIAL—MEDIUM TO HIGH DENSITY ZONE (RM-25)

Sections:

17-7-4.1 Purpose.

17-7-4.2 Use table.

17-7-4.3 Lot standards.

17-7-4.4 Development standards.

17-7-4.5 Architectural standards.

17-7-4.6 Landscaping.

17-7-4.7 Parking.

17-7-4.8 Unoccupied Accessory accessory structures (unoccupied) and external accessory dwelling unit standards.

17-7-4.9 Master planned development.

17-7-4.10 Conditional use standards of review.

17-7-4.11 Home occupation standards.

17-7-4.12 Signs.

17-7-4.13 Related provisions.

17-7-4.1 Purpose.

[No changes in this section.]

17-7-4.2 Use table.

If a use is not specifically designated, it is prohibited. <u>Uses designated with an asterisk (*) have</u> additional use-specific standards included in subsection (A) of this section.

Table 17-7-4.2

Uses

| Type | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|---------------|---------------------|
| Accessory Apartment in Single Family | - | X | - | - |
| Accessory Structure Occupied, Single Family use only | - | - | - X | - |
| Accessory Structure, Unoccupied | X | | | |

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| Туре | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Assisted Living Facility, Group Home | | | X | X |
| Child Care Center: 6 children or less Facility: 7 to 12 children | | X | X | X X |
| Disabled Care Facility | | | X | X |
| Dwellings: Single Family Duplex Multi-Family: One-half to one acre Over one acre | X X | X | X | |
| Fence | X | | | |
| External accessory dwelling unit* | X | | | |
| Home Occupation | X | | | X |
| Internal accessory dwelling unit* | X | | | |
| Kennel, Private | | X | | |
| Manufactured Home | X | | | |
| Master Planned Development | | | X | |
| Municipal Facilities: Animal Shelter Cemeteries Parks | X X | | X | |
| Public Safety Facility Public Utilities: Minor Major | | x | X X | |
| Recreational Facilities Trails | | X X | A | |
| Neighborhood Commercial | | | X | X |
| Personal Athletic Facility | | X | | |
| Pre-Existing Landscaping | X | | | |
| Pre-Existing Lighting | X | | | |

| Туре | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Pre-Existing Lot | X | | | |
| Pre-Existing Structure | X | | | |
| Quasi-Public Facilities: Hospital Schools, Private | | | X X | X X |
| Radio Station | | | X | |
| Religious/Educational Institute: Permanent Temporary | X | | X | X X |
| Telecommunications Facility <35' in height | | X | | |

(Ord. 5/07/2002A § 1 (part), 2002; Ord. 11-13-2001 § 2 (part), 2001)

B. Additional Use-Specific Standards.

- 1. Internal accessory dwelling unit.
 - a. An IADU may only be constructed on a lot with one detached single family dwelling.

 The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
 - b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
 - c. Installing separate utility meters or separate addresses for an IADU is prohibited.
 - d. Any additions to an existing building must comply with the development standards within this chapter.
 - e. An IADU must provide off-street parking as described within this chapter.
 - f. An IADU may not be constructed within a mobile home or manufactured home.
 - g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
 - h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:

- i. A description of the primary dwelling;
- ii. A statement that the property contains an IADU; and
- iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one IADU is permitted on each property.
- 2. External accessory dwelling unit.
 - a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.
 - b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.
 - c. Installing separate utility meters or separate addresses for an EADU is prohibited.
 - d. An EADU must comply with the standards in Section 17-7-4.8.
 - e. An EADU must provide off-street parking as described within this chapter.
 - f. An EADU may not be constructed on the same lot as a mobile home or manufactured home.
 - g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
 - h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
 - i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
 - j. Only one EADU is permitted on each property.

| ARRIVAT A REPORT |
|---|
| 17-7-4.3 Lot standards. SHARE |
| [No changes in this section.] |
| 17-7-4.4 Development standards. SHARE |
| [No changes in this section.] |
| 17-7-4.5 Architectural standards. SHARE |
| [No changes in this section.] |
| 17-7-4.6 Landscaping. SHARE |
| [No changes in this section.] |
| 17-7-4.7 Parking. SHARE |

An applicant shall propose on-site parking as follows.

Table 17-7-4.7 Parking

| Uses | Parking Requirement |
|-------------------------------|--|
| Accessory Apartment | 1 space |
| Accessory Structure Occupied | 1 space in addition to- requirements for primary structure |
| Child Care Facility/Center | 1 space per on-duty employee and 1 per 6 children |
| Duplex Structure | 2 spaces per dwelling unit |
| Group Home | The greater of: 1 space per 2 bedrooms plus 1 space per employee per shift, or 2 per 3 employees per shift |
| IADU/EADU | 1 space per unit |

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Attachment A
17-7-4 Multifamily Residential—
Medium to High Density Zone
(RM-25)

Table 17-7-4.7 Parking

| Uses | Parking Requirement |
|---|---|
| Master Planned Development | As determined by planning commission, based on the proposed uses and their potential for shared parking |
| Multifamily Developments | 1.5 spaces per 1 bedroom unit; 2 spaces per 2 bedroom unit; 2.5 spaces per 3 bedroom unit and greater; plus 1 space per every 4 units for guest parking |
| Neighborhood Commercial | 2 spaces per 1,000 s.f. of leasable area |
| Public and Quasi- Public Institution, Church and School; Public Utility; Municipal Facility | The greater of: 1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 s.f. |
| Senior Affordable Housing | Not less than 1 space per dwelling unit; plus not less than 0.3 spaces per dwelling unit for guest parking |
| Single Family | 2 spaces per dwelling unit |

A. All single family and duplex residential lots shall provide a minimum of two improved offstreet parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area.

- B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area.
- C. Driveway Widths and Parking Lot Standards. The following driveway width dimensions and parking lot standards apply to all new development. The city engineer may approve minor (equal to or less than ten percent) variations in driveway width and spacing.
 - 1. Parking. No parking is allowed within the required front yard setbacks.
 - a. If a parking lot or driveway to a parking lot is proposed to abut a residential use, the applicant must screen the lot or drive and provide adequate sight distance.
 - b. Required Landscaping. The following landscaping standards apply to new development:
 - i. Parking areas with more than four stalls must have perimeter landscaping of at least five feet in width:
 - ii. Parking areas with over ten stalls must have a minimum of fifteen percent interior landscaping;
 - iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, and landscaped area that separates parking spaces from any building facade that is visible from a public right-of-way.
 - 2. Driveway Standards. For all new development, driveways shall comply with the following standards:
 - a. No driveway shall be less than fifty feet from any intersecting right-of-way;

- b. Driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least twelve feet in width and ten feet in depth;
- c. Single Family. The minimum driveway width for a single family use is ten feet. The maximum driveway width for a single family detached use is twenty feet or forty percent of the lot frontage, whichever is greater;
- d. Duplex/Multifamily. The following standards apply to new development of duplex and multifamily uses:
 - i. Shared Drive for Two Units. The minimum driveway width for a duplex use shared by two units is twelve feet. The maximum driveway width for a single family detached use shared by two units is twenty feet or forty percent of the lot frontage, whichever is greater;
 - ii. Shared Drive for Three or More Units. The minimum driveway width for three or more units are as follows:
 - (A) One-Way Drive. The minimum one-way drive width is fifteen feet. The maximum one-way drive width is twenty feet.
 - (B) Two-Way Drive. The minimum two-way drive width is twenty feet. The maximum two-way drive width is twenty-four feet.
- D. Parking Garages and Structures. Parking within a fully enclosed parking structure requires:
 - 1. Aisle. A minimum aisle width of twenty-four feet;
 - 2. Circulation. Circulation designed to ensure that each required parking space is readily accessible, usable and safe for automobiles and pedestrians. (Ord. 2016-11 § 1 (Att. A) (part); Ord. 2015-06 § 1 (Att. B) (part); Ord. 6/20/2006O-8 § 1 (part), 2006: Ord. 3-19-2002A § 1(5) (part), 2002; Ord. 11-13-2001 § 2 (part), 2001)

17-7-4.8 <u>Unoccupied</u> Accessory structures <u>Structures and External Accessory Dwelling</u> Unit sStandards. (unoccupied).

SHARE

New development of <u>Aan unoccupied</u> accessory structure <u>or an Eexternal accessory dwelling unit intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:</u>

- A. Proximity. An <u>unoccupied accessory structure or an EADU</u> must be located <u>at least no less than</u> six feet from the main building.
- B. Location. The <u>unoccupied</u> accessory structure <u>or an EADU</u> must be located in either the rear or side yard.
- C. Setbacks. An The unoccupied accessory structure or an EADU, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.
- D. Height. The height of an unoccupied a Accessory structure or an EADU height may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.
- E. Stories. An <u>unoccupied</u> accessory structure <u>or an EADU</u> may range from one to one and one-half stories.
- F. Building Area. The maximum <u>cumulative building</u> area of <u>an-all unoccupied</u> accessory structures <u>or an EADU</u> is the larger of nine hundred square feet or thirteen percent of the lot area.
- G. Utilities. An <u>unoccupied</u> accessory structure <u>or an EADU</u> may not have a separate electrical service, gas service, sewer service or water service.
- H. Maintenance. It is the responsibility of the property owner to ensure the setback area between an Uunoccupied the accessory structure or an EADU and the property line remains free of weeds, junk and debris.
- I. Number of Unoccupied Accessory Structures. Multiple unoccupied accessory structures are permitted on each property so long as each unoccupied accessory structure meets the requirements of this section. (Ord. 5/4/2010O-3 § 1 (Att. A) (part), 2010: Ord. 7/11/2006O-10 § 1 (Exh. B) (part), 2006: Ord. 11-13-2001 § 2 (part), 2001)

17-7-4.9 Master planned development. SHARE

[No changes in this section.]

17-7-4.10 Conditional use standards of review. SHARE

The city shall not issue a conditional use permit unless the community and economic development department, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application mitigates adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

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17-7-4 Multifamily Residential—
Medium to High Density Zone
(RM-25)

- A. General Review Criteria...
- B. Specific Review Criteria for Certain Conditional Uses... In addition to the foregoing, the community and economic development department and planning commission must review each of the following criteria when considering approving or denying an application for each of the following conditional uses:
 - 1. Conditional Use.
 - a. Child Care Facility/Center...
 - b. Assisted Living/Senior Housing/Congregate Care...
 - c. Reserved

Accessory Structure (Occupied). New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards:

- i. Proximity. The accessory structure must be located no less than six feet from the main building.
- ii. Setbacks. The accessory structure must be located in either the rear or side yard, with no less than a ten foot setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case the side yard setback to the nearest side lot line must be at least fifteen feet.
- iii. Height. The accessory structure height may not exceed twenty-four feet tothe midpoint for a sloped roof and twenty feet to the cornice for a flat roof.
- iv. Stories. An accessory structure may range from one to one and one halfstories.
- v. Building Area. The maximum area of an accessory structure is one thousand three hundred square feet, of which six hundred square feet may be intended for human occupancy. The maximum footprint of an accessory structure is nine hundred square feet.
- d. Neighborhood Commercial Uses....
- e. Multifamily Development...

| | 2. | Adr | ministrative Conditional Use. |
|---|-----------|------|--|
| | | | a. Reserved. |
| | | a. | Accessory Apartments. Each application for an accessory apartment shall include: |
| | | | i. A site plan, which demonstrates one additional, paved, off-street parking space for the accessory apartment; |
| | | | ii. A floor plan, which demonstrates that the accessory apartment is less than twenty five percent of the dwelling size; and |
| | | | iii. The owner's covenant to occupy the primary dwelling unit, which covenant shall run with the conditional use permit. |
| | | b. | Gated Communities |
| | | c. | Swimming Pool |
| | | d. | Personal Athletic Facility |
| | | e. | Telecommunications Facility |
| | | f. | Multifamily Development |
| | | g. | Private Kennel |
| l | 17-7-4.11 | Ho | me occupation standards. SHARE |
| | [No chang | es i | n this section.] |
| | 17-7-4.12 | Sig | ns. SHARE |
| | [No chang | es i | n this section.] |
| | 17-7-4.13 | Rel | ated provisions. SHARE |
| | [No chang | es i | n this section.] |

f. Disabled Care Facility...

Chapter 17-7-5 MIXED-USE ZONE (MU)

Sections:

- 17-7-5.1 Purpose.
- 17-7-5.2 Uses.
- 17-7-5.3 Lot and development standards.
- 17-7-5.4 Master planned development criteria and application.
- 17-7-5.5 Mixed-use master planned development permit—Required findings of fact.
- 17-7-5.6 Additional requirements for new residential development.
- 17-7-5.7 Parking.
- 17-7-5.8 Conditional use standards of review.
- 17-7-5.9 Related provisions.

17-7-5.1 Purpose. SHARE

[No changes in this section.]

17-7-5.2 Uses. SHARE

If a use is not specifically designated, it is prohibited. Uses designated with an asterisk (*) have additional use-specific standards included in subsection (A) of this section.

Table 17-7-5.2 Uses

| Type | Allowed | Administrative | Conditional | Business License |
|---|------------------|----------------|-------------|----------------------------|
| Accessory Apartment, Single Family | X | - | - | _ |
| Accessory Building—Occupied, Unoccupied, Single Family only | X | | | |
| Alcoholic Beverage Class A License Class B License Class C Tavern Restaurant Package Agency Private Club State Liquor Store | X X X X | | X | X X X X X X |

Ordinance 2021-O-XX Attachment A 17-7-5 Mixed Use Zone (MU)

Table 17-7-5.2 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Animal Hospital | | | X | X |
| Assisted Living Facility ≤ 1 acre > 1 acre | | X | X | X X |
| Athletic, Tennis, Health Club | X | | | X |
| Bed and Breakfast | X | | | X |
| Cemetery | | | X | X |
| Child Care ≤ 6 children ≥ 7 children | X | X | | X X |
| Commercial Repair Services | X | | | X |
| Commercial Convenience Store | | | X | X |
| Comprehensive Mental Health Treatment | | | X | X |
| Dwellings Single Family Duplex Multi-Family ≤ 1 acre > 1 acre | X X | X | X | |
| Entertainment Center | | | X | X |
| Fences 7' or less > 7' | X | X | | |
| Financial Institution W/drive up window W/o drive up window | X X | | | X X |
| External accessory dwelling unit* | X | | | |
| Home Occupation | X | | | X |
| Hotel/Motel | | | X | X |
| Internal accessory dwelling unit* | X | | | |

Table 17-7-5.2 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|---|---------|------------------|-------------|---------------------|
| Kennel | | X | | X |
| Manufactured Home | X | | | |
| Master Planned Development | | | X | |
| Medical Cannabis Pharmacy* | X | | | X |
| Mixed-Use | X | | | |
| Mortuary, Funeral Home | X | | | X |
| Municipal Facilities Parks Public Safety Facility Public Utilities Minor Major Recreational Facilities Trails | | X X X X | X | |
| Office General Intensive and Clinical, Medical | x | | X | X X |
| Outdoor Dining | | X | | X |
| Parking Lot Commercial Private | X | | X | X |
| Plant Nursery | | | X | |
| Pre-Existing Landscaping | X | | | |
| Pre-Existing Lighting (outdoor) | X | | | |
| Pre-Existing Lot | X | | | |
| Pre-Existing Structure | X | | | |
| Pre-Existing Use | X | | | |
| Quasi-Public Facilities | | | X | X |
| Recreation Facility Commercial | | | X | X |

Table 17-7-5.2 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Religious/Educational Institute Permanent Temporary | X | X | | X X |
| Residential Facility, Handicapped | | | X | X |
| Residential Facility, Elderly | | | X | X |
| Restaurant w/o drive up window | | X | | X |
| Retail and Service Commercial w/o drive up window | | X | | X |
| Shopping Center | | | X | X |
| Telecommunications Facility | | X | | |
| Transportation Facility Major Minor | X | | X | |

A. Additional Use-Specific Standards.

- 1. Medical Cannabis Pharmacy.
 - a. Proximity Restrictions.
 - i. A medical cannabis pharmacy use shall meet the proximity requirements as specified and amended in Section <u>26-61a-301</u> of the Utah Code Annotated.
 - b. Application Requirements.
 - i. An applicant for a medical cannabis pharmacy use must provide a description of the physical characteristics of the proposed facility, including a site plan, floor plan, architectural elevations, and a security plan as part of the business license application for the use. Fencing and security devices must comply with applicable city requirements.
 - ii. When proximity restrictions include area in an adjacent municipality, an applicant for a medical cannabis pharmacy use shall obtain a letter from

the adjacent municipality indicating proximity restrictions within this title are satisfied based on existing uses in the area in the adjacent municipality prior to issuance of a business license.

- c. Parking. A medical cannabis pharmacy use shall be considered a retail and service commercial personal service use for the purpose of calculating parking requirements.
- d. Signage. In addition to those requirements within this title, all signage associated with a medical cannabis pharmacy use shall comply with any requirements imposed by the state of Utah. (Ord. 2020-02 § 1 (Att. A) (part); Ord. 2016-15 § 1 (Att. A) (part); Ord. 2012-08 § 1 (Att. A) (part); Ord. 5/5/2009O-8 § 1 (Att. A) (part), 2009; Ord. 8/10/2004O-25 § 1(7) (part), 2004: Ord. 3-19-2002A § 1(2), 2002; Ord. 11-20-2001 § 2 (part), 2001)

2. Internal accessory dwelling unit.

- a. An IADU may only be constructed on a lot with one detached single family dwelling.

 The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
- b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- c. Installing separate utility meters or separate addresses for an IADU is prohibited.
- d. Any additions to an existing building must comply with the development standards within this chapter.
- e. An IADU must provide off-street parking as described within this chapter.
- f. An IADU may not be constructed within a mobile home or manufactured home.
- g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an IADU; and
 - iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.

| j. Only one IADU is permitted on each property. |
|--|
| 3. External accessory dwelling unit. |
| a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property. |
| b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU. |
| c. Installing separate utility meters or separate addresses for an EADU is prohibited. |
| d. An EADU must comply with the standards in Section 17-7-2.9. |
| e. An EADU must provide off-street parking as described within this chapter. |
| f. An EADU may not be constructed on the same lot as mobile home or manufactured home. |
| g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less. |
| h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes: |
| i. A description of the primary dwelling; ii. A statement that the property contains an EADU; and iii. A statement that the EADU may only be used in accordance with this title. |
| i. An EADU may not be rented or leased for a period of less than 30 consecutive days. |
| —Only one EADU is permitted on each property. |
| 17-7-5.3 Lot and development standards. ☐ SHARE |
| [No changes in this section.] |

[No changes in this section.]

17-7-5.4 Master planned development criteria and application. Share

| SHARE | red-use master planned development permit—Required findings of fact. |
|----------|--|
| [No chan | ges in this section.] |
| 17-7-5.6 | Additional requirements for new residential development. SHARE |

[No changes in this section.]

17-7-5.7 Parking. ☐ SHARE

The following standards apply to all new development and to the expansion by more than twenty-five percent of an existing building mass or site size. To the greatest extent possible, the applicant should propose shared parking to reflect the proposed mix of uses. Without shared parking, the applicant shall propose on-site parking as follows:

Table 17-7-5.7 Parking

| Uses | Parking Requirement (Number of Spaces) | | |
|---|---|---|--|
| Auditorium | 1 for every 5 seats or 3 for every 100 square feet of floor area used for assembly or dancing | | |
| Bed and Breakfast Inn | 1 per bedroom plus 1 per employee per shif | t | |
| Cafe/Deli | 3 per 1,000 s.f. of net leasable building area | | |
| Child Care Facility/Center | 1 per on-duty employee and 1 per 6 children | 1 | |
| Convenience Store, Support Commercial Uses | 5 per 1,000 s.f. of net leasable building area | | |
| Duplex Dwelling | 2 spaces per dwelling unit | | |
| Financial Institution | 3 per 1,000 s.f. of net leasable building area | | |
| Group Care Facility | The greater of: 1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees/shift | | |
| Hotel | 1 per suite and 1 space per 200 s.f. of separately net leasable space | | |
| IADU/EADU | 1 space per unit | | |
| Master Planned Development | Determined by planning commission, based on proposed uses and potential for shared parking | | |
| Multi-Family Dwelling | Apartment/Condominium not greater than 650 s.f. floor area 1 per dunit | | |

Table 17-7-5.7 Parking

| Uses | Parking Requirement (Number of Spaces) | | | |
|---|--|--------------------------|--|--|
| | Apartment/Condominium 650 to 1,000 s.f. floor area | 1.5 per dwelling unit | | |
| | Apartment/Condominium 1,000 to 2,500 s.f. floor area | 2 per dwelling unit | | |
| | Apartment/Condominium 2,500 s.f. floor area or more | 3 per dwelling unit | | |
| Neighborhood Commercial | 2 per 1,000 s.f. of net leasable building area | | | |
| Offices, General | 3 per 1,000 s.f. of net leasable building area | | | |
| Offices, Intensive and Clinic, Medical | 5 per 1,000 s.f. of net leasable building area | | | |
| Public/Quasi-Public Institution, Church, School, Utility | The greater of: 1 per 5 seats, or 2 per 3 employees, or 1 per 1,000 s.f. | | | |
| Recreation Facility, Private | 1 per 4 persons (based on the facility's maximum rated capacity) | | | |
| Recreation Facility, Commercial | The greater of: 1 per 4 seats; 5 per 1,000 s.f. of floor area; or 1 per 3 persons rated capacity | | | |
| Retail & Service Commercial Personal Service | 3 for each 1,000 s.f. of net leasable building area | | | |
| Retail & Service Commercial, Regional | 5 for each 1,000 s.f. of net leasable building | area | | |
| Restaurant, Standard and Bar | 1 for every 100 s.f. of net leasable floor area, including kitchen areas | | | |
| Senior Affordable Housing | Not less than 1 space per dwelling unit; plus not less than 0.3 spaces per dwelling unit for guest parking | | | |
| Shopping Centers/Complexes of Multi-Tenant Retail | 3.5 per 1,000 s.f. of net leasable building area | | | |
| | | | | |

A. Driveway Widths and Parking Lot Standards. The following driveway width dimensions and parking lot standards apply. The city engineer may approve minor variations (equal to or less than ten percent) in driveway width and spacing.

- 1. Parking. No parking is allowed within the required front and side yard setbacks.
 - a. If a parking lot or driveway to a parking lot is proposed to abut a residential use, the applicant must screen the lot or drive and provide adequate sight distance.
 - b. Required Landscaping. The following landscaping standards apply:
 - i. Parking areas with more than four stalls must have perimeter landscaping of at least five feet in width;
 - ii. Parking areas with over ten stalls must have a minimum of fifteen percent interior landscaping;
 - iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, a minimum of five percent interior landscaping and perimeter landscaping of at least five feet in width.
- 2. Driveway Standards. Driveways shall comply with the following standards:
 - a. No driveway shall be less than fifty feet from intersecting rights-of-way; and
 - b. Commercial driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least twelve feet in width and ten feet in depth.
- B. Parking Garages and Structures. Parking within a parking garage or structure requires:
 - 1. Aisle. The minimum aisle width is twenty-four feet;
 - 2. Circulation. The parking structure must be designed to ensure that each required parking space is readily accessible, usable and safe for automobiles and pedestrians;
 - 3. Location. The parking structure shall not be located on a street frontage;
 - 4. Architecture. Architectural relief shall be integrated into all facades to soften visual impacts and to provide a visual relationship with the surrounding structures.
- C. Commercial Use Parking Standards. Parking for new commercial uses shall comply with the following:

- 1. Surfacing. Parking areas and driveways must be hard-surfaced, maintained in good condition, and clear of obstructions at all times.
- 2. Parking Space Dimensions. All new commercial development shall provide parking spaces of the following minimum dimensions. The city engineer may approve minor variations in parking space dimensions.
 - a. Parking spaces must be nine feet wide by eighteen feet long;
 - b. ADA parking space width requirements vary and shall be consistent with current Building Code standards; and
 - c. Compact spaces with dimensions of nine feet wide by sixteen feet long may be provided. These spaces are not code spaces for the purpose of satisfying parking requirements.
- 3. Grading and Drainage. Parking shall be graded and constructed as follows:
 - a. Parking areas must be graded for proper drainage with surface water diverted to keep the parking area free of accumulated water and ice;
 - b. Adequate control curbs must be installed to control drainage and direct vehicle movement;
 - c. Parking area drainage must be detained on-site, treated (if required by NPDES), and channeled to a storm drain or gutter as approved by the city engineer;
 - d. Driveways may not exceed a ten percent slope;
 - e. Drives serving more than one single family dwelling shall provide a minimum twenty-foot transition area at no greater than a two percent slope beginning at the back of the curb, or as otherwise approved by the city engineer, in anticipation of future street improvements; and
 - f. The maximum stormwater discharge level accepted by the city is two-tenths of a cubic foot per second per acre.
- 4. Street Access and Circulation. Commercial development shall provide the following:
 - a. Off-Street Parking. Off-Street parking areas must have unobstructed access to a street or alley. The parking area design for five or more vehicles must not encourage cars to back onto adjoining public sidewalks, parking strips, or

roadways. With the exception of permitted tandem parking, parking spaces shall be independently accessible and unobstructed.

- b. Corner Lots. No landscape obstruction is allowed in excess of two feet in height above street grade within the sight distance triangle. A reasonable number of trees with lower branches pruned to six feet to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by administrative permit.
- c. Driveway Access. For corner lots, the triangular area is defined by the intersection of the road right-of-way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at points twenty-five feet from their intersection.
- d. Drive-Through Developments. Applicants for all drive-up or drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the right-of-way.
- e. Common Driveways. To encourage the location of parking in the rear yard and/or below grade, the city allows common driveways along shared side yards to provide access to parking if the owner restricts the deeds to both properties to preserve the shared drive in perpetuity.
- f. Off-Street Loading Spaces. Every structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle must provide and maintain adequate space for standing, loading, or unloading services off-street.
 - i. All such loading areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any front yard or in any street or right-of-way.
 - ii. Loading docks and loading areas must be screened from adjoining property and public right-of-way.
- D. Calculation of Spaces. If a project incorporates two uses, the use requiring higher number of parking spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.
- E. Reserved.
- F. Parking Lot Use. A parking lot shall only be constructed for uses allowed within the zone in which it is located. (Ord. 2019-06 § 1 (Att. B) (part); Ord. 2015-06 § 1 (Att. B) (part); Ord.

7/11/2006O-10 § 1 (Exh. A and C) (part), 2006; Ord. 3/18/2003O-2 § 1 (part), 2003; Ord. 11-20-2001 § 2 (part), 2001)

17-7-5.8 Conditional use standards of review. SHARE

[No changes in this section.]

17-7-5.9 Related provisions. SHARE

[No changes in this section.]

Chapter 17-7-7 STATE STREET ZONE (SSC)

Sections:

17-7-7.1 Purpose.

17-7-7.2 Uses.

17-7-7.3 Residential standards.

17-7-7.4 Lot and development standards.

17-7-7.5 Architectural standards.

17-7-7.6 Outdoor storage.

17-7-7.7 Required landscaping.

17-7-7.8 Parking.

17-7-7.9 Utilities.

17-7-7.10 Signs.

17-7-7.11 Conditional use standards of review.

17-7-7.12 Itinerant merchants.

17-7-7.13 Related provisions.

17-7-7.1 Purpose. SHARE

[No changes in this section.]

17-7-7.2 Uses. SHARE

If a use is not specifically designated, it is prohibited. Uses designated with an asterisk (*) have additional use-specific standards included in subsection (A) of this section.

Table 17-7-7.2

Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|--|------------------|----------------|-------------|----------------------------|
| Accessory Apartment, Single Family | X | - | - | - |
| Accessory Building—Occupied, Unoccupied, Single Family only | X | | | |
| Alcoholic Beverage Class A License Class B License Class C Tavern Restaurant Package Agency Private Club | X X X X | | X | X X X X X X |

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Table 17-7-7.2

Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| State Liquor Store | X | | | |
| Animal Hospital | X | | | X |
| Assembly Use | | X | | X |
| Assisted Living Facility ≤ 1 acre > 1 acre | | X | X | X X |
| Auditorium, Assembly Hall | | | X | X |
| Bed and Breakfast | | | X | X |
| Cafe/Deli | X | | | X |
| Car Wash | | X | | X |
| Child Care ≤ 6 children ≥ 7 children | X | X | | X X |
| Commercial Repair Services | X | | | X |
| Dwellings Single Family Duplex Multi-Family ≤ 1 acre > 1 acre | X X | X | X | |
| External accessory dwelling unit* | X | | | |
| Entertainment Center | | | X | X |
| Fences 7' or less > 7' | X | X | | |
| Financial Institution W/drive up window W/o drive up window | X | x | | X X |
| Heliport | | | | |
| Home Occupation | | | X | X |
| Hotel/Motel | X | | | X |

Table 17-7-7.2

Uses

| Type | Allowed | Administrative | Conditional | Business License |
|--|-----------------------|----------------|-------------|-----------------------|
| Internal accessory dwelling unit* | X | | X | X |
| Itinerant Merchant Vending Carts Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | X | | | |
| Kennel | X X X X X | | | X X X X X |
| Manufactured Home | | X | | X |
| Master Planned Development | X | | | |
| Medical Cannabis Pharmacy* | | | X | |
| Mixed-Use | X | | | X |
| Mortuary, Funeral Home | X | | | X |
| Municipal Facilities Parks Public Safety Facility Public Utilities Minor Major Recreational facilities Trails | X | | | X |
| Nursery, Commercial | | X X | | |
| | | X X | X | |

Table 17-7-7.2

Uses

| Type | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| | | X | | |
| Office General Intensive | X | | | X |
| Outdoor Dining | X | | X | X X |
| Outdoor Storage | | X | | X |
| Parking Lot Commercial Personal | | X | | |
| Pre-Existing Landscaping | X | | X | X |
| Pre-Existing Lighting (outdoor) | X | | | |
| Pre-Existing Lot | X | | | |
| Pre-Existing Structure | X | | | |
| Pre-Existing Use | X | | | |
| Quasi-Public Facilities | X | | | |
| Radio Station | | | X | X |
| Recreation Facility Commercial Private | X | | | X |
| Religious/Educational Institute Permanent Temporary | X | | X | X |
| Restaurant W/drive up window W/o drive up window | x | | X | X X |
| Retail and Service Commercial W/drive up window W/o drive up window 24 hour use | X | X | | X X |

| Туре | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|------------------|-----------------------|
| Self-Service Storage Facility | X | x | X | X X |
| Shopping Center | | | X | X |
| Telecommunications Facility | | | X | X |
| Transportation Facility Major Minor | | X | | |
| Vehicle-Related Use Rental Sales (Minor) Sales and Service (Major) Filling Station Repair | X | | X | |
| Warehouse/Distribution | | X | X X X X | X X X X X |
| | | | X | X |

A. Additional Use-Specific Standards.

- 1. Medical Cannabis Pharmacy.
 - a. Proximity Restrictions.
 - i. A medical cannabis pharmacy use shall meet the proximity requirements as specified and amended in Section <u>26-61a-301</u> of the Utah Code Annotated.
 - b. Application Requirements.
 - i. An applicant for a medical cannabis pharmacy use must provide a description of the physical characteristics of the proposed facility, including

a site plan, floor plan, architectural elevations, and a security plan as part of the business license application for the use. Fencing and security devices must comply with applicable city requirements.

- ii. When proximity restrictions include area in an adjacent municipality, an applicant for a medical cannabis pharmacy use shall obtain a letter from the adjacent municipality indicating proximity restrictions within this title are satisfied based on existing uses in the area in the adjacent municipality prior to issuance of a business license.
- c. Parking. A medical cannabis pharmacy use shall be considered a retail and service, minor use for the purpose of calculating parking requirements.
- d. Signage. In addition to those requirements within this title, all signage associated with a medical cannabis pharmacy use shall comply with any requirements imposed by the state of Utah. (Ord. 2020-02 § 1 (Att. A) (part); Ord. 2016-15 § 1 (Att. A) (part); Ord. 2015-05 § 1 (Att. A) (part); Ord. 2014-04 § 1 (Att. A) (part); Ord. 2012-08 § 1 (Att. A) (part); Ord. 2011-09 § 1 (Att. A) (part); Ord. 5/5/2009O-8 § 1 (Att. A) (part), 2009; Ord. 8/10/2004O-25 § 1(7) (part), 2004: Ord. 3-19-2002A § 1(3) (part), 2002; Ord. 11-20-2001 § 2 (part), 2001)

3.2.Internal accessory dwelling unit.

- a. An IADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
- <u>b.</u> The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- c. Installing separate utility meters or separate addresses for an IADU is prohibited.
- d. Any additions to an existing building must comply with the development standards within this chapter.
- e. An IADU must provide off-street parking as described within this chapter.
- f. An IADU may not be constructed within a mobile home or manufactured home.
- g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.

- a.h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an IADU; and
 - iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.
- b.j. Only one IADU is permitted on each property.
- 4.3. External accessory dwelling unit.
 - a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.
 - <u>b.</u> The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.
 - c. Installing separate utility meters or separate addresses for an EADU is prohibited.
 - d. An EADU must comply with the standards in Section 17-7-2.9.
 - e. An EADU must provide off-street parking as described within this chapter.
 - f. An EADU may not be constructed on the same lot as a mobile home or manufactured home.
 - g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
 - a.h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
 - i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
 - b.j. Only one EADU is permitted on each property.

| 17-7-7.3 Residential standards. | SHARE | |
|---------------------------------|-------|--|
|---------------------------------|-------|--|

For single family residential development in this zone, please refer to Chapter <u>17-7-2</u>. For multifamily residential development in this zone, please refer to Chapter <u>17-7-4</u>. (Ord. 11-20-2001 § 2 (part), 2001)

| 17-7-7.4 Lot and development standards. SHARE |
|---|
| [No changes in this section.] |
| 17-7-7.5 Architectural standards. SHARE |
| [No changes in this section.] |
| 17-7-7.6 Outdoor storage. SHARE |
| [No changes in this section.] |
| 17-7-7.7 Required landscaping. SHARE |
| [No changes in this section.] |
| 17-7-7.8 Parking. SHARE |

An applicant for new development or the expansion by more than twenty-five percent of an existing building mass or site size in the zone must provide off-street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles as follows. The planning commission shall grant a reduction of up to thirty-five percent of required parking upon an applicant's demonstration of opportunities for shared parking within a mixed-use development.

Table 17-7-7.8 Parking

| Uses | Parking Requirement (Number of Spaces) |
|---|--|
| Auditorium | 1 per 5 seats or 3 per 100 s.f. of assembly area |
| Auto Repair | 1 per employee per shift plus 4 per service bay |
| Bed and Breakfast Inn | 1 per bedroom plus 1 per employee per shift |
| Cafe/Deli | 3 per 1,000 s.f. of net leasable building area |
| Car Wash Self Serve Automatic Tunnel (primary) Automatic Tunnel (secondary) | 3 stacking spaces per wash bay 6 stacking spaces per wash bay 8 stacking spaces per wash bay |

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Table 17-7-7.8 Parking

| Uses | Parking Requirement (Number of Spaces) | | | | |
|--|--|--|--|--|--|
| Child Care Facility/Center | 1 per on-duty staff per shift and 1 per 6 children | | | | |
| Convenience Store, Support Commercial Uses | 5 per 1,000 s.f. of net leasable building area | | | | |
| Duplex Dwelling | 2 spaces per dwelling unit | | | | |
| Entertainment Center | 1 per 4 seats or 5 per 1,000 s.f. of floor area, de of facility | l per 4 seats or 5 per 1,000 s.f. of floor area, depending on type of facility | | | |
| Financial Institution | 3 per 1,000 s.f. of net leasable building area | | | | |
| Group Care Facility | The greater of: 1 per 2 bedrooms plus 1 per em or 2 per 3 employees per shift | ployee per shift | | | |
| Hospital, Limited Care | 1 per 2 beds | | | | |
| Hospital, General | 3 per bed | | | | |
| Hotel | 1 per suite and 1 space per 200 s.f. of separately | 1 per suite and 1 space per 200 s.f. of separately leasable space | | | |
| IADU/EADU | 1 space per unit | 1 space per unit | | | |
| Master Planned Development | Determined by planning commission, based on proposed uses and potential for shared parking | | | | |
| Mixed-Use: Commercial Portions Residential Portions | Determined by most applicable use in this secti 1.5 spaces per 1 bedroom unit; 2 spaces per 2 b spaces per 3 bedroom unit and greater; plus 1 s units for guest parking | edroom unit; 2.5 | | | |
| | Apartment/Condominium not greater than 650 s.f. floor area | 1 per dwelling unit | | | |
| M K' E T D III | Apartment/Condominium 650 to 1,000 s.f. floor area | 1.5 per dwelling unit | | | |
| Multi-Family Dwelling | Apartment/Condominium 1,000 to 2,500 s.f. floor area | 2 per dwelling unit | | | |
| | Apartment/Condominium 2,500 s.f. floor area or more | 3 per dwelling unit | | | |
| Neighborhood Commercial | 2 per 1,000 s.f. of net leasable building area | | | | |
| Offices, General | 3 per 1,000 s.f. of net leasable building area | | | | |
| Offices, Intensive and Clinic, Medical | 5 per 1,000 s.f. of net leasable building area | | | | |

Table 17-7-7.8 Parking

| Uses | Parking Requirement (Number of Spaces) |
|--|---|
| Public and Quasi-Public Institution, Church and School; Public Utility | The greatest of: 1 per 5 seats, or 2 per 3 employees, or 1 per 1,000 s.f. |
| Recreation Facility, Private | 1 per 4 persons (based on the facility's maximum rated capacity) |
| Recreation Facility, Commercial | The greatest of: 1 per 4 seats, 5 per 1,000 s.f. of floor area, or 1 per 3 persons rated capacity |
| Retail & Service Commercial, Minor | 3 for each 1,000 s.f. of net leasable building area |
| Retail & Service Commercial, Major | 5 for each 1,000 s.f. of net leasable building area |
| Retail & Service, Auto Related and Gas Stations | 5 per each 1,000 s.f. of net leasable building area |
| Restaurant, Standard and Bar | 1 for every 100 s.f. of net leasable floor area, including kitchen areas |
| Restaurant, with Drive-up | 5 per 1,000 s.f. of net leasable floor area |
| Senior Affordable Housing | Not less than 1 space per dwelling unit; plus not less than 0.3 spaces per dwelling unit for guest parking |
| Shopping Centers, Multi-Tenant Retail Spaces | 3.5 per 1,000 s.f. of net leasable building area |
| Single Family Dwelling | 2 spaces per dwelling unit |
| Temporary Construction Sites | 1 for every 2 employees in the largest shift plus 1 for each vehicle used in conducting the business |
| Vehicle Sales (Minor) | 3 spaces, plus 1 per employee per shift and a minimum of 2 for customers |
| Vehicle Sales/Rental (Major) | 1 per vehicle for sale or rent plus 1 space per 400 square feet of net leasable floor area |
| Warehouse | 1 per 1,000 s.f. of floor area |
| Wholesale | 1 for every 2 employees in the largest shift plus 1 for each vehicle used in conducting the business and wholesale storage uses at 1 per 1,000 s.f. of floor area |

- A. Driveway Widths and Parking Lot Standards. The following driveway width dimensions and parking lot standards apply to all new development and to the expansion by more than twenty-five percent of an existing building mass or site size. The city engineer may approve minor variations (equal to or less than ten percent) in driveway width and spacing.
 - 1. Parking. No parking is allowed within the required front yard.
 - a. If a parking lot or driveway to a parking lot is proposed to abut a residential use, the applicant must screen the lot or drive and provide adequate sight distance.
 - b. Required Landscaping. The following landscaping standards apply to new development:
 - i. Parking areas with more than four stalls must have perimeter landscaping of at least five feet in width;
 - ii. Parking areas with over ten stalls must have a minimum of fifteen percent interior landscaping;
 - iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, perimeter landscaping of at least five feet in width, and a minimum of ten percent interior landscaping.
 - 2. Driveway Standards. For all new development, driveways shall comply with the following standards:
 - a. No driveway shall be less than fifty feet from intersecting rights-of-way;
 - b. Commercial driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least twelve feet in width and ten feet in depth.
 - i. One-Way Drive. The minimum one-way drive width is fifteen feet. The maximum one-way drive width is twenty feet.
 - ii. Two-Way Drive. The minimum two-way drive width is twenty feet. The maximum two-way drive width is thirty-six feet.
- B. Parking Garages and Structures. Parking within a parking garage or structure requires:
 - 1. Aisle. The minimum aisle width is twenty-four feet.

- 2. Circulation. The parking structure must be designed to ensure that each required parking space is readily accessible, usable and safe for automobiles and pedestrians.
- 3. Location. The parking structure shall not be located on a street frontage.
- 4. Architecture. Architectural relief shall be integrated into all facades to soften visual impacts and to provide a visual relationship with the surrounding structures.
- C. Parking Ratio Requirements for Specific Land Use Categories. All new development shall provide parking according to the following standards. If a project incorporates two uses, the use requiring higher number of parking spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.
 - 1. Surfacing. Parking areas and driveways must be hard-surfaced, maintained in good condition, and clear of obstructions at all times.
 - 2. Parking Space Dimensions. All new commercial development shall provide parking spaces of the following minimum dimensions. The city engineer may approve minor (equal to or less than ten percent) variations in parking space dimensions.
 - a. Parking spaces must be nine feet wide by eighteen feet long;
 - b. ADA parking space width requirements vary and shall be consistent with current Building Code standards; and
 - c. Compact spaces with dimensions of nine feet wide by sixteen feet long may be provided. These spaces are not code spaces for the purpose of satisfying parking requirements.
 - 3. Grading and Drainage. Parking shall be graded and constructed as follows:
 - a. Parking areas must be graded for proper drainage, with surface water diverted to keep the parking area free of accumulated water and ice;
 - b. Adequate control curbs must be installed to control drainage and direct vehicle movement:
 - c. Parking area drainage must be detained on-site, treated (if required by NPDES), and channeled to a storm drain or gutter as approved by the city engineer;
 - d. Driveways may not exceed a ten percent slope;

- e. Drives serving more than one single family dwelling shall provide a minimum twenty-foot transition area at no greater than two percent slope beginning at the back of the curb, or as otherwise approved by the city engineer, in anticipation of future street improvements; and
- f. The maximum stormwater discharge level accepted by the city is two-tenths of a cubic foot per second per acre.
- 4. Street Access and Circulation. New commercial development shall provide the following:
 - a. Off-Street Parking. Off-street parking areas must have unobstructed access to a street or alley. The parking area design for five or more vehicles must not encourage cars to back onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted tandem parking, parking spaces shall be independently accessible and unobstructed.
 - b. Corner Lots. No landscape obstruction is allowed in excess of two feet in height above street grade within the sight distance triangle. A reasonable number of trees with lower branches pruned to six feet to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by administrative permit.
 - c. Driveway Access. For corner lots, the triangular area is defined by the intersection of the road right-of-way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at points twenty-five feet from their intersection.
 - d. Drive-Through Developments. Applicants for all drive-up or drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the right-of-way.
 - e. Common Driveways. To encourage the location of parking in the rear yard and/or below grade, the city allows common driveways along shared side yards to provide access to parking if the owner restricts the deeds to both properties to preserve the shared drive in perpetuity.
 - f. Off-Street Loading Spaces. Every structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle must provide and maintain adequate space for standing, loading, or unloading services off-street.

- i. All such loading areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any front yard or in any street or right-of-way.
- ii. Loading docks and loading areas must be screened from adjoining property and public rights-of-way.
- D. Calculation of Spaces. If a project incorporates two uses, the use requiring higher number of parking spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.
- E. Reserved.
- F. Parking Lot Use. A parking lot shall only be constructed for uses allowed within the zone in which it is located. (Ord. 2020-19 § 1 (Att. A); Ord. 2019-06 § 1 (Att. B) (part); Ord. 2015-06 § 1 (Att. B) (part); Ord. 2015-05 § 1 (Att. A) (part); Ord. 7/11/2006O-10 § 1 (Exh. A and C) (part), 2006; Ord. 3/18/2003O-2 § 1 (part), 2003; Ord. 11-20-2001 § 2 (part), 2001)

| 17-7-7.9 Utilities. SHARE |
|--|
| [No changes in this section.] |
| 17-7-7.10 Signs. SHARE |
| [No changes in this section.] |
| 17-7-7.11 Conditional use standards of review. SHARE |
| [No changes in this section.] |
| 17-7-7.12 Itinerant merchants. SHARE |
| [No changes in this section.] |
| 17-7-7.13 Related provisions. SHARE |
| [No changes in this section.] |

Chapter 17-7-8 TRANSIT-ORIENTED DEVELOPMENT ZONE (TOD)

Sections:

- 17-7-8.1 Purpose.
- 17-7-8.2 Uses.
- 17-7-8.3 Single family residential development standards.
- 17-7-8.4 Medium and high density residential development standards.
- 17-7-8.5 Retail, office and mixed-use development standards.
- 17-7-8.6 Retail, office and mixed-use architectural standards.
- 17-7-8.7 Required landscaping.
- 17-7-8.8 Parking.
- 17-7-8.9 Utilities.
- 17-7-8.10 Signs.
- 17-7-8.11 Conditional use standards of review.
- 17-7-8.12 Live/work units.
- 17-7-8.13 Itinerant merchants.
- 17-7-8.14 Related provisions.

17-7-8.1 Purpose. SHARE

[No changes in this section.]

17-7-8.2 Uses. D SHARE

If a use is not specifically designated, it is prohibited. Uses designated with an asterisk (*) have additional use-specific standards included in subsection (A) of this section.

Table 17-7-8.2 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Accessory Apartment (single family residential lot subdivision only) | ¥ | - | _ | W1 |
| Accessory Building—Occupied, Unoccupied (single family residential lot subdivision only) | X | | | |

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17-7-8 Transit-Oriented
Development Zone (TOD)

Text Insertion
Text Deletion

Table 17-7-8.2 Uses

| Tuna | Allowed | A desirate desarting | Conditional | Business |
|---|---------|----------------------|-------------|----------|
| Type Alcoholic Beverage | Allowed | Administrative | Conditional | License |
| Class A License | X | | | X |
| Class B License | X | | | X |
| Class C License | X | | | X |
| Restaurant | X | | | X |
| Package Agency | Λ | | | X |
| Private Club | X | | X | X |
| State Liquor Store | X | | A | X |
| Animal Hospital | Α | | X | X |
| Assisted Living | | | Λ | Λ |
| ≤ 1/2 acre | | X | | X |
| > 1/2 acre | | A | X | X |
| | | | X | X |
| Auditorium, Assembly Hall | v | | Λ | |
| Bed and Breakfast Inn | X | | | X |
| Child Care | | | | |
| Center: ≤ 6 children | X | | | X |
| Facility: ≥ 7 children | | X | | X |
| Commercial Repair Services | X | | | X |
| Dwellings | | | | |
| Single Family (single family residential lot subdivision only) | X | | | |
| Medium and High Density Residential Developments (single family attached, single family detached, multi family) | | | X | |
| Entertainment Center | | | X | X |
| External accessory dwelling unit* | X | | | |
| Fences | | | | |

Ordinance 2021-O-XX Attachment A 17-7-8 Transit-Oriented Development Zone (TOD) Text Insertion Text Deletion

Table 17-7-8.2 Uses

| Type | Allowed | Administrative | Conditional | Business License |
|--|----------|----------------|-------------|---------------------|
| ≤ 7' | X | | | |
| > 7' | | X | | |
| Financial Institution | | | | |
| W/o Drive Up Window | X | | | X |
| W/ Drive Up Window | | X | | X |
| Heliport | | | X | X |
| Home Occupation | X | | | X |
| Hotel/Motel | | | X | X |
| Internal accessory dwelling unit* | <u>X</u> | | | |
| Itinerant Merchant Vending Carts Seasonal Produce Stands | X X | | | X X |
| Live/Work Units | | | X | X |
| Manufactured Home | X | | | |
| Medical Cannabis Pharmacy* | X | | | X |
| Mixed-Use | | | X | X |
| Municipal Facilities | | | | |
| Parks | | X | | |
| Public Safety Facility | | X | | |
| Public Utilities | | | | |
| Major | | | X | |
| Minor | | X | | |
| Recreational Facilities | | X | | |
| Trails | | X | | |
| Office | | | | |
| General | X | | | X |

Table 17-7-8.2 Uses

| Type | Allowed | Administrative | Conditional | Business License |
|-----------------------------------|---------|----------------|-------------|---------------------|
| Intensive | | | X | X |
| Outdoor Dining | | X | | |
| Parking Lot | | | | |
| Commercial | | | X | X |
| Personal | X | | | |
| Pre-Existing Landscaping | X | | | |
| Pre-Existing Lighting (outdoor) | X | | | |
| Pre-Existing Lot | X | | | |
| Pre-Existing Structure | X | | | |
| Pre-Existing Use | X | | | |
| Quasi-Public Facilities | | | X | X |
| Radio Station | X | | | X |
| Recreation Facility | | | | |
| Commercial | | | X | X |
| Private | X | | | |
| Religious/Educational Institution | | | | |
| Permanent | X | | | X |
| Temporary | | | X | X |
| Restaurant W/o Drive Up Window | X | | | X |
| Retail and Service Commercial | | | | |
| W/o Drive Up Window | X | | | X |
| W/ Drive Up Window | | | X | X |
| 24-hour use | | | X | X |
| Shopping Center | | | X | X |
| Telecommunications Facility | | X | | |
| Transportation Facility | | | | |

Ordinance 2021-O-XX Attachment A 17-7-8 Transit-Oriented Development Zone (TOD) Text Insertion Text Deletion

Table 17-7-8.2 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|-------|---------|----------------|-------------|---------------------|
| Major | | | X | |
| Minor | X | | | |

- A. Additional Use-Specific Standards.
 - Medical Cannabis Pharmacy.
 - a. Proximity Restrictions.
 - i. A medical cannabis pharmacy use shall meet the proximity requirements as specified and amended in Section 26-61a-301 of the Utah Code Annotated.
 - b. Application Requirements.
 - i. An applicant for a medical cannabis pharmacy use must provide a description of the physical characteristics of the proposed facility, including a site plan, floor plan, architectural elevations, and a security plan as part of the business license application for the use. Fencing and security devices must comply with applicable city requirements.
 - ii. When proximity restrictions include area in an adjacent municipality, an applicant for a medical cannabis pharmacy use shall obtain a letter from the adjacent municipality indicating proximity restrictions within this title are satisfied based on existing uses in the area in the adjacent municipality prior to issuance of a business license.
 - c. Parking. A medical cannabis pharmacy use shall be considered a retail and service commercial, personal service use for the purpose of calculating parking requirements.
 - d. Signage. In addition to those requirements within this title, all signage associated with a medical cannabis pharmacy use shall comply with any requirements imposed by the state of Utah. (Ord. 2020-02 § 1 (Att. A) (part); Ord. 2017-04 § 1 (Att. A) (part): Ord. 2016-15 § 1 (Att. A) (part); Ord. 5/5/2009O-8 § 1 (Att. A) (part), 2009: Ord. 10/21/2008O-8 § 1 (part), 2008: Ord. 10/16/2007O-15 § 1 (part), 2007: Ord. 8/10/2004O-25 § 1(7) (part), 2004: Ord. 11-20-2001 § 2 (part), 2001)

2. Internal accessory dwelling unit.

- a. An IADU may only be constructed on a lot with one detached single family dwelling.

 The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
- b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- c. Installing separate utility meters or separate addresses for an IADU is prohibited.
- d. Any additions to an existing building must comply with the development standards within this chapter.
- e. An IADU must provide off-street parking as described within this chapter.
- f. An IADU may not be constructed within a mobile home or manufactured home.
- g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an IADU; and
 - iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one IADU is permitted on each property.
- 3. External accessory dwelling unit.
 - a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.
 - b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.
 - c. Installing separate utility meters or separate addresses for an EADU is prohibited.

- d. An EADU must comply with the standards in Section 17-7-8.3(H).
- e. An EADU must provide off-street parking as described within this chapter.
- f. An EADU may not be constructed on the same lot as a mobile home or manufactured home.
- g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
- i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
- —Only one EADU is permitted on each property.

j.

17-7-8.3 Single family residential development standards. SHARE

The following development standards apply to all single family detached residential lot subdivisions in the residential land use areas. These are traditional single family residential lots that do not require additional open space and common areas within the development.

- A. Lot Standards. Minimum area: The minimum lot area is three thousand five hundred square feet, subject to the following regulations:
 - 1. Lot Width. The minimum lot width is forty-five feet, measured at the front setback line.
 - 2. Lot Frontage. The minimum lot frontage is forty-five feet, unless the proposed lot is on the curve of a cul-de-sac, then the minimum lot frontage is thirty-five feet.
 - 3. Lot Depth. The minimum lot depth is seventy-five feet, unless the proposed lot width is at least sixty-seven feet, then the minimum lot depth shall be sixty-seven feet. Corner lots must meet the minimum lot depth from both street frontages.
- B. Setbacks. The minimum setbacks for primary structures in single family detached residential lot subdivisions are as follows:

- 1. Front. The minimum front yard setback is twenty feet.
 - a. Corner Lot Rule. Corner lots have two front yards.
 - b. Exceptions. The following exceptions apply to all front yard setbacks in the zone:
 - i. Front Porch. An open, front entry porch may encroach eight feet into the front yard setback.
 - ii. Projections. Sills, cornices, chimneys, flues, eaves and ornamental features may project into the front yard up to two and one-half feet.
 - iii. Impervious Surfaces. A driveway with a width of twenty feet or forty percent of the lot frontage, whichever is greater, and a sidewalk of up to five feet in width from the driveway or street to the front door. The driveway may extend an additional ten feet in width behind the sidewalk.
- 2. Side. The minimum side yard setback is five feet, subject to the following exceptions:
 - a. Projections. Sills, cornices, chimneys, flues, eaves and ornamental features may project into the side yard up to two and one-half feet. If the front porch wraps around the structure, it may project into the side yard up to two feet.
 - b. Stairs and Landings. Outside stairways and landings required by building code for exterior doorways may project into the side yard up to three feet.
- 3. Rear. The minimum rear yard setback is fifteen feet, subject to the following exceptions:
 - a. Corner Lot Rule. On corner lots there is no rear yard.
 - b. Projections. Sills, cornices, chimneys, flues, eaves and ornamental features may project into the rear yard up to two and one-half feet.
 - c. Stairs and Landings. Outside stairways and landings required by building code for exterior doorways may project into the rear yard up to three feet.
- C. Building Orientation and Scale...
- D. Build-To Line...
- E. Height...

- F. Stories...
- G. Parking/Driveway.
 - 1. Each lot shall provide two parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard of the property. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area.
 - 2. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area.
- H. <u>Unoccupied Accessory Structures or and an eExternal aAccessory dDwelling #Unit Standards.</u> (Unoccupied). New development of Aan unoccupied accessory structure or an exsternal accessory dwelling unit intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:
 - 1. Proximity. An <u>unoccupied</u> accessory structure <u>or EADU</u> must be located <u>at least no less</u> than six feet from the main building.
 - 2. Location. The <u>unoccupied</u> accessory structure <u>or EADU</u> must be located in either the rear or side yard.
 - 3. Setbacks. The <u>unoccupied</u> accessory structure <u>or an EADU</u>, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.

- 4. Height. The height of -an unoccupied a Accessory structure or an EADU height may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.
- 5. Stories. An <u>unoccupied</u> accessory structure <u>or an EADU</u> may range from one to one and one-half stories except that an accessory structure may not exceed the height of the main structure.
- 6. Building Area. The maximum <u>cumulative building</u> area of an all unoccupied accessory structures or an EADU is the greater of five hundred square feet or thirteen percent of the lot area.
- 7. Utilities. An <u>unoccupied</u> accessory structure <u>or an EADU</u> may not have a separate electrical service, gas service, sewer service or water service.
- 8. Maintenance. It is the responsibility of the property owner to ensure the setback area between the <u>unoccupied</u> accessory structure <u>or an EADU</u> and the property line remains free of weeds, junk and debris.
- 9. Number of Unoccupied Accessory Structures. Multiple unoccupied accessory structures are permitted on each property so long as each unoccupied accessory structure meets the requirements of this subsection.

I. Reserved.

- I. Accessory Structure (Occupied). New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards:
 - 1. Lot Size. The accessory structure must be located on a lot with at least five thousand square feet.
 - 2. Proximity. The accessory structure must be located no less than six feet from the main building.
 - 3. Setbacks. The accessory structure must be located in either the rear or side yard, with no less than a five foot setback from the rear and side lot lines.
 - 4. Height. The accessory structure height may not exceed twenty-four feet to the midpoint for a sloped roof and twenty feet to the cornice for a flat roof.
 - 5. Stories. An accessory structure may range from one to two stories except that an accessory structure may not exceed the height of the main structure.

- 6. Building Area. The maximum area of an accessory structure is the greater of nine hundred square feet or thirteen percent of the lot area. No more than six hundred square feet of the accessory structure shall be used for human occupancy.
- 7. Architecture. The materials, architectural style and pitch of primary and secondary roofs shall match those found on the primary structure.
- J. Architectural Requirements...
- K. Fences, Hedges and Walls...
- L. Landscaping...

| 17-7-8.4 Medium and high density residential development standards. SHARE |
|---|
| [No changes in this section.] |
| 17-7-8.5 Retail, office and mixed-use development standards. SHARE |
| [No changes in this section.] |
| 17-7-8.6 Retail, office and mixed-use architectural standards. SHARE |
| [No changes in this section.] |
| 17-7-8.7 Required landscaping. SHARE |
| [No changes in this section.] |
| |

An applicant for new development or the expansion by more than twenty-five percent of an existing building mass or site size in the zone must provide off-street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles as follows. The planning commission may grant a reduction of up to thirty-five percent of required parking upon an applicant's demonstration of opportunities for shared parking within a mixed-use development or reduced parking need due to proximity to public transportation.

17-7-8.8 Parking. SHARE

Table 17-7-8.8 Parking

| Uses | Parking Requirement (Number of Spaces) |
|---|--|
| Assisted Living | 1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater |
| Auditorium | 1 per 5 seats or 3 per 100 s.f. of assembly area |
| Bed and Breakfast Inn | 1 per bedroom plus 1 per employee per shift |
| Cafe/Deli | 3 per 1,000 s.f. of net leasable building area |
| Child Care Facility/Center | 1 per on-duty employee and 1 per 6 children |
| Convenience Store, Support Commercial Uses | 5 per 1,000 s.f. of net leasable building area |
| Financial Institution | 3 per 1,000 s.f. of net leasable building area |
| Hospital, Limited Care | 1 per 2 beds |
| Hotel/Motel | 1 per suite and 1 space per 200 s.f. of separately leasable space |
| IADU/EADU | 1 space per unit |
| Indoor Entertainment, Theater | 1 per 4 seats or 5 per 1,000 s.f. of floor area depending on type of facility |
| Medium and High Density Residential Developments (single family attached, single family detached, multi family) | See subsection (D) of this section |
| Offices, General | 3 per 1,000 s.f. of net leasable building area |
| Offices, Intensive and Clinic, Medical | 5 per 1,000 s.f. of net leasable building area |
| Public and Quasi-Public Institution, Church and School; Public Utility | The greatest of: 1 per 5 seats, or 2 per 3 employees, or 1 per 1,000 s.f. |
| Recreation Facility, Private | 1 per 4 persons (based on the facility's maximum rated capacity) |
| Recreation Facility, Commercial | The greatest of: 1 per 4 seats, 5 per 1,000 s.f. of floor area, or 1 per 3 persons rated capacity |
| Retail and Service Commercial, Personal Service | 3 for each 1,000 s.f. of net leasable building area |
| Retail and Service Commercial, Regional | 5 for each 1,000 s.f. of net leasable building area |

Table 17-7-8.8 Parking

| Uses | Parking Requirement (Number of Spaces) |
|---|---|
| Retail and Service, Auto Related and Gas Stations | 5 per 1,000 s.f. of net leasable building area |
| Restaurant, Standard and Bar | 1 for every 100 s.f. of net leasable floor area, including kitchen areas |
| Senior Affordable Housing | Not less than 1 space per dwelling unit; plus not less than 0.3 spaces per dwelling unit for guest parking |
| Shopping Centers or Complexes of Multi- Tenant Retail Spaces | 3.5 per 1,000 s.f. of net leasable building area |
| Single Family Residential Subdivision | 2 spaces per dwelling unit; developments with private street shall include guest parking at a rate of 1 space for every 4 units |

A. Location of Parking.

- 1. Off-Street Parking. The parking required herein must be located on the property except as specifically exempted herein.
- 2. On-Street Parking. Parallel parking spaces on designated public and private streets may be used to meet the guest parking needs of residential and mixed uses. The city engineer will designate streets available for parking based on the width of the traveled surface, traffic demand, best engineering practices and adopted fire codes.
- 3. Front Setback. No parking shall occur within the front setback of any building, except that when a single family attached or detached structure is located on a local street and is set back at least eighteen feet from the property line, a private driveway may be used for off-street parking.
- B. Driveway Widths and Parking Lot Standards. The following driveway width dimensions and parking lot standards apply. The city engineer may approve minor variations (equal to or less than ten percent) in driveway width and spacing.
 - 1. Parking. No parking is allowed within the required front yard.

- a. If a parking lot or driveway to a parking lot is proposed to abut a residential use, the applicant must screen the lot or drive and provide adequate sight distance.
- b. Required Landscaping. The following landscaping standards apply to new development:
 - i. Parking areas with more than four stalls must have perimeter landscaping of at least five feet in width:
 - ii. Parking areas with over ten stalls must have a minimum of ten percent interior landscaping;
 - iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, a minimum of ten percent interior landscaping, and perimeter landscaping of at least five feet in width.
- 2. Driveway Standards. For all new development, driveways shall comply with the following standards:
 - a. No driveway shall be less than fifty feet from intersecting rights-of-way.
 - b. No driveway or aisle shall exceed three hundred feet in length unless trafficcalming devices/techniques are used to slow traffic and safely allow pedestrian crossings.
 - c. Commercial driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least twelve feet in width and ten feet in depth.
 - i. One-Way Drive. The minimum one-way drive width is fifteen feet. The maximum one-way drive width is twenty feet.
 - ii. Two-Way Drive. The minimum two-way drive width is twenty feet. The maximum two-way drive width is thirty-six feet.
- C. Parking Garages and Structures...
- D. Medium and High Density Residential Use Parking Standards...
- E. Commercial Use Parking Standards...

17-7-8.9 Utilities. SHARE

| [No changes in this section.] |
|--|
| 17-7-8.10 Signs. □ SHARE |
| [No changes in this section.] |
| 17-7-8.11 Conditional use standards of review. SHARE |
| [No changes in this section.] |
| 17-7-8.12 Live/work units. SHARE |
| [No changes in this section.] |
| 17-7-8.13 Itinerant merchants. SHARE |
| [No changes in this section.] |
| 17-7-8.14 Related provisions. SHARE |
| [No changes in this section.] |

Chapter 17-7-9 BINGHAM JUNCTION ZONE (BJ)

Sections:

| 1/-/-9.1 | Purpose. |
|------------|--------------------------------------|
| 17-7-9.2 | Planning and zoning process. |
| 17-7-9.3 | Uses. |
| 17-7-9.4 | Common intent statements. |
| 17-7-9.4.1 | Subarea 1 intent statements. |
| 17-7-9.4.2 | Subarea 2 intent statements. |
| 17-7-9.4.3 | Subarea 3 intent statements. |
| 17-7-9.4.4 | Subarea 4 intent statements. |
| 17-7-9.4.5 | Subarea 5 intent statements. |
| 17-7-9.4.6 | Subarea 6 intent statements. |
| 17-7-9.5 | Common development standards. |
| 17-7-9.6 | Parking. |
| 17-7-9.7 | Utilities. |
| 17-7-9.8 | Outdoor advertising. |
| 17-7-9.9 | Conditional use standards of review. |
| 17-7-9.10 | Itinerant merchant. |
| 17-7-9.11 | Institutional controls. |
| 17-7-9.12 | Adopted zoning plans. |
| 17-7-9.13 | Related provisions |

Prior legislation: Ords. 11-20-2001, 3-19-2002A, 12/03/2002A, 3/18/2003O-1 and 10/28/2003O-11.

17-7-9.1 Purpose.

[No changes in this section.]

17-7-9.2 Planning and zoning process.

[No changes in this section.]

17-7-9.3 Uses.

If a use is not specifically designated, it is prohibited. Some uses may be prohibited from certain areas of the zone due to environmental constraints. Uses designated with an asterisk (*) have additional use-specific standards included in subsection (A) of this section.

Subarea 1-Residential

| Use Type | Allowed | Administrative | Conditional | |
|--|----------|----------------|-------------|---------|
| | | | | License |
| Accessory Apartment, Single-Family | - | | - | - |
| Accessory Structure occupied, single family only | - | | | - |
| Accessory Structure—unoccupied | • | | | |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | • |
| Child Care: Center: ≤ 6 children Facility: 7 to 12 children | | • | • | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 ac. Multi-Family > 1 ac. | • | • | • | |
| External accessory dwelling unit* | • | | | |
| Fences, 7' or less | • | | | |
| Home Occupation | • | | | |
| Internal accessory dwelling unit* | <u>.</u> | | | |
| Kennel, Private | | • | | |
| Master Planned Development | | | • | |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor | • | | • | |
| Recreation Facilities Trails | • | | | |
| Quasi-Public Facility | | | • | • |

Subarea 1—Residential

| Use Type | Allowed | Administrative | Comment of the control of the contro | Business License |
|--|---------|----------------|--|---------------------|
| Recreation Facility: Private | | | | |
| Religious/Educational Institution: Permanent Temporary | | | | |
| Telecommunications Facility < 35' in height | | • | | |

Subarea 1—Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, etc. State Liquor Store | | | • | • |
| Animal Hospital | | | • | • |
| Assembly: Electronic Instruments Computer | | • | | |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Bed and Breakfast | | | • | • |
| Cafe, Deli | • | | | • |
| Carwash, Tunnel | | | • | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | |
| Fences: 7' or less 7' or more | • | • | | |

Subarea 1-Urban

| Use Type | Allowed | Administrative | Conditional | Business |
|--|---------|----------------|-------------|----------|
| | | | | License |
| Financial Institution: W/o drive-up window W/drive-up window | | • | | • |
| Itinerant Merchant: Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | | | | • |
| Manufacturing | | | • | • |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities Major Minor Recreation Facilities Trails | | • | • | |
| Nursery, Commercial | • | | | • |
| Office: General Intensive | • | | • | • |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | • | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial | | | • | • |

Subarea 1—Urban

| Use Type | Allowed | Administrative | | Business License |
|---|---------|----------------|---|---------------------|
| Private | • | | | |
| Religious/Educational Institution: Permanent Temporary | • | | • | |
| Restaurant: W/o drive-up window W/drive-up window | | • | | |
| Retail and Service Commercial: W/drive-up window W/o drive-up window 24-hour use | : | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 2—Urban

| Use Type | Allowed | Administrative | 7 1 1 1 1 1 1 1 1 1 1 | Business License |
|--|---------|----------------|-----------------------|---------------------|
| Alcoholic Beverage: | | | | |
| Package Agency | | | • | • |
| Private Club/Tavern | | | | • |
| Restaurant, Beer Retailer, etc. | | | | • |
| State Liquor Store | • | | | • |
| Animal Hospital | • | | | • |
| Assembly: Electronic Instruments | | | | |
| Computer | | • | | • |
| Assisted Living: | | | | |
| $\leq 1/2$ acre | | • | | • |
| > 1/2 acre | | | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Automobile Filling Station, Car Wash, and/or Repair | | • | | • |
| Cafe, Deli | • | | | • |
| Child Care: | | | | |

Subarea 2—Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Center: ≤ 6 children Facility: ≥ 7 children | • | • | | |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | • |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | | • | | • |
| Hospital, Medical Center | | | • | • |
| Hotel/Motel | | | • | • |
| Itinerant Merchant: Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | | | | • |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities | | • | • | |
| Major Minor Recreation Facilities Trails | | | • | |
| Office: General Intensive | • | | • | • |
| Outdoor Dining | | • | | |

Subarea 2-Urban

| Use Type | Allowed | Administrative | Programme and the second second | Business License |
|---|---------|----------------|---------------------------------|---------------------|
| Outdoor Storage | | • | | License |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | • |
| Religious/Educational Institution: Permanent Temporary | • | | • | |
| Restaurant: W/o drive-up window W/drive-up window | • | • | | • |
| Retail and Service Commercial: Large* W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Retail and Service Commercial: Small*** W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 2—Mixed-Use

| Use Type | Allowed | Administrative | Conditional | |
|---|---------|----------------|-------------|---------|
| Accessory Apartment, Single-Family | - | | _ | License |
| Accessory Structure occupied, single family only | - | - | A | - |
| Accessory Structure—unoccupied | | | | |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, etc. State Liquor Store | • | | • | • |
| Animal Hospital | • | | | • |
| Assembly: Electronic Instruments Computer | | • | | • |
| Assisted Living: ≤ 1/2 acre >1/2 acre | | • | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Automobile Filling Station, Car Wash, and/or Repair | | • | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | | • | | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Fam. Detached Single Fam. Attached Multi-Family 1/2—1 ac. Multi-Family > 1 ac. | • | • | • | |
| Entertainment Center | | | • | • |
| External accessory dwelling unit* | | | | |
| Fences: 7' or less | | | | |

Subarea 2—Mixed-Use

| Use Type | Allowed | Administrative Condition | | | |
|---|---------|--------------------------|---|---------|--|
| | | | | License | |
| 7' or more | | • | | | |
| Financial Institution: W/o drive-up window W/drive-up window | | • | | • | |
| Home Occupation | • | | | • | |
| Hospital, Medical Center | | | • | • | |
| Hotel/Motel | | | • | • | |
| Internal accessory dwelling unit* | • | | | | |
| Kennel, Private | | • | | | |
| Master Planned Development | | | • | | |
| Medical Cannabis Pharmacy* | • | | | • | |
| Mixed-Use—horizontal, vertical | • | | | • | |
| Mortuary/Funeral Home | • | | | • | |
| Municipal Facilities: Parks Public Safety Facility Library | • | • | | | |
| Postal Facility Public Utilities Major Minor | | | | | |
| Recreation Facilities Trails | • | | | | |
| Office: General Intensive | | | • | • | |
| Outdoor Dining | | • | | | |
| Outdoor Storage | | • | | | |
| Parking Lot: Commercial Private | | | • | • | |
| Quasi-Public Facility | | | • | • | |
| Recreation Facility: | | | | | |

Subarea 2-Mixed-Use

| Use Type | Allowed | Administrative | A CONTRACTOR OF THE STATE OF TH | |
|--|---------|----------------|--|---------|
| | | | | License |
| Commercial Private | | | • | • |
| | • | | | |
| Religious/Educational Institution: | | | | |
| Permanent Temporary | • | | | |
| Restaurant: | | | | |
| W/o drive-up window | | | | |
| W/drive-up window | | • | | • |
| Retail and Service Commercial: | | | | |
| Large* | | | | |
| W/drive-up window | | • | | • |
| W/o drive-up window 24-hour use | • | | | |
| Tercestar auto-consessado cue especiales | | • | | - |
| Retail and Service Commercial: Medium** | | | | |
| W/drive-up window | | | | |
| W/o drive-up window | | | | |
| 24-hour use | • | • | | • |
| Retail and Service Commercial: | | | | |
| Small*** | | | | • |
| W/drive-up window | | • | | • |
| W/o drive-up window 24-hour use | : | | | : |
| The Market State (Market State | - | | | |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 3—Residential

| Use Type | Allowed | Administrative | | Business License |
|--|---------|----------------|---|---------------------|
| Accessory Apartment, Single Family | - | • | - | - |
| Accessory Structure occupied, single family only | - | - | A | - |

Subarea 3—Residential

| Use Type | Allowed | Administrative | Conditional | Business |
|--|---------|----------------|-------------|----------|
| | | | | License |
| Accessory Structure—unoccupied | • | | | |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | • |
| Child Care: Center: ≤ 6 children Facility: 7 to 12 children | | • | • | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 ac. Multi-Family > 1 ac. | • | • | • | |
| External accessory dwelling unit* | • | | | |
| Fences, 7' or less | • | | | |
| Home Occupation | • | | | |
| Internal accessory dwelling unit* | • | | | |
| Kennel, Private | | • | | |
| Master Planned Development | | | • | |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor | • | | • | |
| Recreation Facilities Trails | : | | | |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Private | | | | |
| Religious/Educational Institution: Permanent | • | | | |

Subarea 3—Residential

| Use Type | Allowed | Administrative | No - See Transaction Section See Supplier Section Action | Business License |
|---|---------|----------------|--|---------------------|
| Temporary | | • | | |
| Telecommunications Facility < 35' in height | | • | | |

Subarea 3—Urban

| Use Type | Allowed | Administrative | | Business License |
|---|---------|----------------|---|---------------------|
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, etc. State Liquor Store | | | • | • |
| Animal Hospital | • | | | • |
| Assembly: Electronic Instruments Computer | | • | | • |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Automobile Filling Station, Car Wash, and/or Repair | | • | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | • |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | • |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | • |
| Hospital, Medical Center | | | • | • |

Subarea 3—Urban

| Use Type | Allowed | Administrative | | |
|--|---------|----------------|---|---------|
| | | | | License |
| Hotel/Motel | | | • | • |
| Itinerant Merchant: Seasonal Food Stands | | | | |
| Christmas Tree Sales Fireworks Stands | • | | | • |
| Seasonal Produce Stands | | | | |
| Seasonal Flower Stands | • | | | • |
| Medical Cannabis Pharmacy* | | | | |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: Parks Public Safety Facility | • | • | | |
| Library Postal Facility Public Utilities | • | | • | |
| Major | | | • | |
| Minor | • | | | |
| Recreation Facilities Trails | | | | |
| Office: General Intensive | • | | | • |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | • | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | • | | • | • |
| Religious/Educational Institution: Permanent Temporary | • | | • | |

Subarea 3—Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Restaurant: W/o drive-up window W/drive-up window | | • | | • |
| Retail and Service Commercial: Large* W/drive-up window W/o drive-up window 24-hour use | : | • | | • |
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Retail and Service Commercial: Small*** W/drive-up window W/o drive-up window 24-hour use | : | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 3—Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Accessory Apartment, Single Family | - | | - | - |
| Accessory Structure occupied, single family only | - | _ | | - |
| Accessory Structure—unoccupied | • | | | |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, etc. | | | • | • |

Subarea 3-Mixed-Use

| Subarea 3—Mixed-Use Use Type | Allowed | Administrative | Conditional | Business |
|--|----------------|-------------------|-------------|----------|
| | i i i o i o cu | , idininistrative | | License |
| State Liquor Store | • | | | • |
| Assisted Living: ≤ 1/2 acre >1/2 acre | | • | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 ac. Multi-Family > 1 ac. | : | • | • | |
| External accessory dwelling unit* | • | | | |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | • |
| Home Occupation | • | | | |
| Internal accessory dwelling unit* | • | | | |
| Kennel, Private | | • | | • |
| Master Planned Development | | | • | |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility | | • | • | |

Subarea 3—Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business |
|---|---------|----------------|-------------|----------|
| | | | | License |
| Public Utilities Major Minor Recreation Facilities Trails | • | | • | |
| Office: General Intensive | • | | • | • |
| Outdoor Dining | | • | | |
| Parking Lot: Private | | | | |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | • |
| Religious/Educational Institution: Permanent Temporary | | | • | |
| Retail and Service Commercial: Medium** W/o drive-up window | • | | | • |
| Retail and Service Commercial: Small*** W/o drive-up window | • | | | • |
| Telecommunications Facility | | • | | |

Subarea 4—Residential

| Use Type | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Accessory Apartment, Single Family | - | A | - | |
| Accessory Structure occupied, single family only | - | - | A | - |

Subarea 4—Residential

| Subarea 4—Residential | Allema 1 | A | Condition-1 | Dugings |
|---|----------|----------------|-------------|---------------------|
| Use Type | Allowed | Administrative | Conditional | Business License |
| Accessory Structure—unoccupied | | | | Literise |
| Assisted Living: ≤ 1/2 acre >1/2 acre | | • | • | • |
| Child Care: Center: ≤ 6 children Facility: 7 to 12 children | | • | • | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 ac. Multi-Family > 1 ac. | • | • | • | |
| External accessory dwelling unit* | • | | | |
| Fences, 7' or less | • | | | |
| Home Occupation | • | | | |
| Internal accessory dwelling unit* | • | | | |
| Kennel, Private | | • | | |
| Master Planned Development | | | • | |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor Recreation Facilities Trails | • | | • | |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Private | | | | |
| Religious/Educational Institution: Permanent | • | | | |

Subarea 4—Residential

| Use Type | Allowed | Administrative | Business License |
|---|---------|----------------|-------------------------|
| Temporary | | • | |
| Telecommunications Facility < 35' in height | | • | |

Subarea 4—Urban

| Use Type | Allowed | Administrative | Conditional | |
|---|---------|----------------|-------------|---------|
| | | | | License |
| Alcoholic Beverage: Package Agency Private Club/Tavern | | | | : |
| Restaurant, Beer Retailer, etc. State Liquor Store | | | | • |
| Animal Hospital | | | • | • |
| Assembly: Electronic Instruments Computer | | • | | |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Bed and Breakfast | | | • | • |
| Cafe, Deli | • | | | • |
| Carwash, Tunnel | | | • | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | • |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | • |

Subarea 4—Urban

| Use Type | Allowed | Administrative | | |
|---|---------|----------------|---|---------|
| | | | | License |
| Itinerant Merchant: Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | | | | • |
| Manufacturing | | | • | • |
| Medical Cannabis Pharmacy* | | | | • |
| Mixed-Use—horizontal, vertical | | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor Recreation Facilities Trails | | • | • | |
| Nursery, Commercial | | | | • |
| Office: General Intensive | • | | • | • |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | • |
| Religious/Educational Institution: Permanent | | | | |

Subarea 4—Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Temporary | | | • | |
| Restaurant: W/o drive-up window W/drive-up window | • | • | | • |
| Retail and Service Commercial: W/drive-up window W/o drive-up window 24-hour use | : | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 4—Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Accessory Apartment, Single Family | - | | - | - |
| Accessory Structure occupied, single family only | - | - | | - |
| Accessory Structure—unoccupied | • | | | |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, etc. State Liquor Store | | | • | • |
| Assisted Living: ≤ 1/2 acre >1/2 acre | | • | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | |
| Disabled Care Facility | | | • | • |

Subarea 4—Mixed-Use

| Subarea 4—Mixed-Use Use Type | Allowed | Administrative | Conditional | Business |
|--|---------|----------------|-------------|----------|
| | | | | License |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 ac. Multi-Family > 1 ac. | • | • | | |
| External accessory dwelling unit* | • | | | |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | | • | | • |
| Home Occupation | • | | | • |
| Internal accessory dwelling unit* | • | | | |
| Kennel, Private | | • | | |
| Master Planned Development | | | • | |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities Major | • | • | • | |
| Minor Recreation Facilities Trails | • | | | |
| Office: General Intensive | • | | • | • |
| Outdoor Dining | | • | | |
| Parking Lot: Private | | | | |

Subarea 4—Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Private | | | | |
| Religious/Educational Institution: Permanent Temporary | • | | • | |
| Retail and Service Commercial: Medium** W/o drive-up window | | | | • |
| Retail and Service Commercial: Small*** W/o drive-up window | | | | • |
| Telecommunications Facility | | | | |

Subarea 5—Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---------------------------------|---------|----------------|-------------|---------------------|
| Alcoholic Beverage: | | | | |
| Package Agency | | | • | • |
| Private Club/Tavern | • | | | • |
| Restaurant, Beer Retailer, etc. | • | | | • |
| State Liquor Store | • | | | • |
| Animal Hospital | • | | | • |
| Assembly: | | | | |
| Electronic Instruments | | | | • |
| Computer | | • | | • |
| Assisted Living: | | | | |
| $\leq 1/2$ acre | | | | • |
| > 1/2 acre | | | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Automobile Filling Station, Car | | • | | • |
| Wash and/or Repair | | | | |
| Cafe, Deli | • | | | • |

Subarea 5-Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | • |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | • |
| Hospital, Medical Center | | | • | • |
| Hotel/Motel | | | • | • |
| Itinerant Merchant: Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | • | | | • |
| Master Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility | | • | • | |
| Public Utilities: Major Minor Recreation Facilities Trails | • | | • | |
| Office: General Intensive | • | | • | |

Subarea 5-Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | • | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | • | | • | • |
| Religious/Educational Institution: Permanent Temporary | • | | • | |
| Restaurant: W/o drive-up window W/drive-up window | • | • | | • • |
| Retail and Service Commercial: Large* W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Retail and Service Commercial: Small*** W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 5-Mixed-Use

| Use Type | Allowed | Administrative | Conditional | No. of the last of |
|---|---------|----------------|-------------|--|
| Accessory Apartment, Single-Family | - | A | - | License |
| Accessory Structure occupied, single family only | - | - | Δ. | - |
| Accessory Structure—unoccupied | • | | | |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, etc. State Liquor Store | | | • | • |
| Assisted Living: ≤ 1/2 acre >1/2 acre | | • | | |
| Athletic, Tennis, Health Club | • | | | • |
| Bed and Breakfast Inn | • | | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Attached Multi-Family 1/2—1 ac. Multi-Family > 1 ac. | • | • | • | |
| External accessory dwelling unit* | • | | | |
| Entertainment Center | | | • | • |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | • |
| Home Occupation | • | | | • |

Subarea 5—Mixed-Use

| Use Type | Allowed | Administrative | | Business License |
|--|---------|----------------|---|---------------------|
| Internal accessory dwelling unit* | • | | | |
| Master Planned Development | | | • | |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities Major Minor Recreation Facilities Trails | | • | • | |
| Office: General Intensive | • | | • | • |
| Outdoor Dining | | • | | |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | • |
| Religious/Educational Institution: Permanent Temporary | • | | • | |
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window 24-hour use | • | • | | · · |
| Retail and Service Commercial: Small*** | • | | | • |

Subarea 5-Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Shopping Center | | | • | |
| Telecommunications Facility | | • | | |

Subarea 6—Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|--|----------|----------------|-------------|---------------------|
| Accessory Apartment, Single Family | - | | - | - |
| Accessory Structure occupied, single family only | - | - | | - |
| Accessory Structure—unoccupied | • | | | |
| Assisted Living: ≤ 1/2 acre >1/2 acre | | • | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | | • | | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 ac. Multi-Family > 1 ac. | : | • | • | |
| External accessory dwelling unit* | <u>•</u> | | | |
| Fences: 7' or less 7' or more | • | • | | |

Subarea 6—Mixed-Use

| Subarea 6—Mixed-Use Use Type Allowed Administrative Conditional Busin | | | | | |
|---|---------|----------------|-------------|---------------------|--|
| Use Type | Allowed | Administrative | Conditional | Business License | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | • | |
| Home Occupation | • | | | • | |
| Internal accessory dwelling unit* | • | | | | |
| Kennel, Private | | • | | | |
| Master Planned Development | | | • | | |
| Medical Cannabis Pharmacy* | • | | | • | |
| Mixed-Use—horizontal, vertical | • | | | • | |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities Major Minor | | • | • | | |
| Recreation Facilities Trails | | | | | |
| Office: General Intensive | • | | • | • | |
| Outdoor Dining | | • | | | |
| Outdoor Storage | | • | | | |
| Parking Lot: Commercial Private | • | | • | • | |
| Quasi-Public Facility | | | • | • | |
| Recreation Facility: Commercial Private | | | • | • | |
| Religious/Educational Institution: Permanent Temporary | • | | • | | |

Subarea 6-Mixed-Use

| Use Type | Allowed | Administrative | CONTRACTOR OF THE PROPERTY OF | Business License |
|--|---------|----------------|---|---------------------|
| Retail and Service Commercial: Medium** | • | | | • |
| W/drive-up window | | • | | • |
| W/o drive-up window | • | • | | • |
| Retail and Service Commercial: Small*** | • | | | • |
| W/drive-up window | | • | | • |
| W/o drive-up window | • | • | | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

** Medium: 12,500 SF to 24,999 SF, single tenant *** Small: 400 SF to 12,499 SF, single tenant

- A. Additional Use-Specific Standards.
 - 1. Medical Cannabis Pharmacy.
 - a. Proximity Restrictions.
 - i. A medical cannabis pharmacy use shall meet the proximity requirements as specified and amended in Section 26-61a-301 of the Utah Code Annotated.
 - b. Application Requirements.
 - i. An applicant for a medical cannabis pharmacy use must provide a description of the physical characteristics of the proposed facility, including a site plan, floor plan, architectural elevations, and a security plan as part of the business license application for the use. Fencing and security devices must comply with applicable city requirements.
 - ii. When proximity restrictions include area in an adjacent municipality, an applicant for a medical cannabis pharmacy use shall obtain a letter from the adjacent municipality indicating proximity restrictions within this title are satisfied based on existing uses in the area in the adjacent municipality prior to issuance of a business license.
 - c. Parking. A medical cannabis pharmacy use shall be considered a retail and service commercial personal service use for the purpose of calculating parking requirements.

d. Signage. In addition to those requirements within this title, all signage associated with a medical cannabis pharmacy use shall comply with any requirements imposed by the state of Utah. (Ord. 2020-02 § 1 (Att. A) (part); Ord. 2016-15 § 1 (Att. A) (part); Ord. 2014-04 § 1 (Att. A) (part); Ord. 5/5/2009O-8 § 1 (Att. A) (part), 2009; Ord. 9/21/2004O-29 § 1 (part), 2004)

2. Internal accessory dwelling unit.

- a. An IADU may only be constructed on a lot with one detached single family dwelling.

 The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
- b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- c. Installing separate utility meters or separate addresses for an IADU is prohibited.
- d. Any additions to an existing building must comply with the development standards within this chapter.
- e. An IADU must provide off-street parking as described within this chapter.
- f. An IADU may not be constructed within a mobile home or manufactured home.
- g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an IADU; and
 - iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one IADU is permitted on each property.
- 3. External accessory dwelling unit.
 - a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.

- b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.
- c. Installing separate utility meters or separate addresses for an EADU is prohibited.
- d. An EADU must comply with the standards in its respective overlay.
- e. An EADU must provide off-street parking as described within this chapter.
- f. An EADU may not be constructed on the same lot as a mobile home or manufactured home.
- g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
- i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one EADU is permitted on each property.

17-7-9.4 Common intent statements.

[No changes in this section.]

17-7-9.4.1 Subarea 1 intent statements.

[No changes in this section.]

17-7-9.4.2 Subarea 2 intent statements.

[No changes in this section.]

17-7-9.4.3 Subarea 3 intent statements.

[No changes in this section.]

17-7-9.4.4 Subarea 4 intent statements.

[No changes in this section.]

17-7-9.4.5 Subarea 5 intent statements.

[No changes in this section.]

17-7-9.4.6 Subarea 6 intent statements.

[No changes in this section.]

17-7-9.5 Common development standards.

[No changes in this section.]

17-7-9.6 Parking.

The planning commission shall grant a reduction of up to thirty-five percent of required parking upon an applicant's demonstration of opportunities for shared parking within a mixed-use development or within a quarter-mile radius of the light rail transit (LRT) station.

- A. Allowance for Small Businesses within Subarea 5.
 - 1. On-Street Parking. Businesses under three thousand square feet leasable area may include on-street parking in their parking requirements, up to fifty percent of total required spaces.
 - 2. Parking Reductions. Businesses under three thousand square feet gross floor area, located in mixed-use buildings may receive up to a twenty-five percent reduction in parking requirements, based upon the expected customer turnover for the service provided.

| USES | PARKING REQUIREMENT (Number of spaces) |
|---------------|--|
| Assembly Hall | 1 for every 2 employees in the largest shift + 1 for each vehicle used in conducting the business |

| USES | PARKING REQUIREMENT (Number of spaces) |
|--|---|
| Auditorium | 1 per vehicle for sale or rent plus one space per employee per shift |
| Bed and Breakfast Inn | 1 per bedroom + 1 per employee per shift |
| Cafe/Deli | 3 per 1,000 s.f. of net leasable building area |
| Car Wash • Automatic Tunnel (primary) • Automatic Tunnel (secondary) | 6 stacking spaces per wash bay 8 stacking spaces per wash bay |
| Child Care Facility/Center | 1 per on-duty employee and 1 per 6 children |
| Convenience Store, Support Commercial Uses | 5 per 1,000 s.f. of net leasable building area |
| Financial Institution | 3 per 1,000 s.f. of net leasable building area |
| Group Care Facility | The greater of: 1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees/shift |
| Hospital, Limited Care | 1 per 2 beds |
| Hospital, General | 3 per bed |
| Hotel | 1 per suite and 1 space per 200 s.f. of separately leasable space |
| IADU/EAD | 1 space per unit |
| Indoor Entertainment, Theater | 1 per 4 seats or 5 per 1,000 s.f. of floor area depending on type of facility |

| USES | PARKING REQUIREMENT (Number of spaces) |
|---|--|
| Master Planned Development | Determined by planning commission, based on proposed uses and potential for shared parking |
| Neighborhood Commercial | 2 per 1,000 s.f. of net leasable building area |
| Offices, General | 3 per 1,000 s.f. of net leasable building area |
| Offices, Intensive and Clinic, Medical | 5 per 1,000 s.f. of net leasable building area |
| Public and Quasi- Public Institution, Church and School; Public Utility | The greater of: 1 per 5 seats, or 2 per 3 employees, or 1 per 1,000 s.f. |
| Recreation Facility, Private | 1 per 4 persons (based on the facility's maximum rated capacity) |
| Recreation Facility, Commercial | The greater of: 1 per 4 seats; 5 per 1,000 s.f. of floor area; or 1 per 3 persons rated capacity |
| Retail and Service Commercial Personal Service | 3 for each 1,000 s.f. of net leasable building area |
| Retail and Service Commercial, Regional | 5 for each 1,000 s.f. of net leasable building area |
| Retail and Service, Auto-Related and Gas Stations | 5 per 1,000 s.f. of net leasable building area |
| Restaurant, Standard and Bar | 1 for every 100 s.f. of net leasable floor area, including kitchen areas |

| USES | PARKING REQUIREMENT (Number of spaces) |
|--|--|
| Restaurant, with Drive-up | 5 per 1,000 s.f. of net leasable floor area |
| Senior Affordable Housing | Not less than 1 space per dwelling unit; plus not less than 0.3 spaces per dwelling unit for guest parking |
| Shopping Centers or Complexes of Multi-Tenant Retail Spaces | 3.5 per 1,000 s.f. of net leasable building area |
| Single Family | 2 per dwelling unit |

- B. Driveway and Parking Lot Standards. The following driveway width dimensions and parking lot standards apply to all new development. The city engineer may approve minor variations (less than or equal to ten percent) in driveway width and spacing.
 - 1. Driveway Standards. Driveways shall comply with the following standards:
 - a. No driveway shall be less than fifty feet from intersecting rights-of-way;
 - b. Commercial driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least twelve feet in width and ten feet in depth.
 - i. One-Way Drive. The minimum one-way drive width is fifteen feet. The maximum one-way drive width is twenty feet.
 - ii. Two-Way Drive. The minimum two-way drive width is twenty-four feet. The maximum two-way drive width is thirty-six feet.
 - 2. Parking. No parking is allowed within the required front yard setbacks.
 - a. If a parking lot or driveway to a parking lot is proposed to abut a residential use, the applicant must screen the lot or drive and provide adequate sight distance triangle.
 - b. Required Landscaping. The following landscaping standards apply to new development:

- i. Parking areas with more than four stalls must have perimeter landscaping of at least five feet in width;
- ii. Parking areas with over ten stalls must have a minimum of ten percent interior landscaping, and perimeter landscaping of at least five feet in width;
- iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, perimeter landscaping of at least five feet in width, and a minimum of ten percent interior landscaping.
- 3. Spacing. New development shall provide the following:
 - a. Commercial. A minimum of seventy-five feet spacing between major commercial driveways is recommended. Shared use of commercial drives is strongly recommended.
 - b. Centerline. The centerline of intersections of the driveways of major traffic generators entering from opposite sides of a roadway must be either perfectly aligned or offset by a minimum of one hundred fifty feet.
 - c. Deviations. The city engineer may approve spacing deviations to facilitate adequate access to a business or parcel.
- C. Parking Garages and Structures. Parking within a parking garage or structure requires:
 - 1. Aisle. The minimum aisle width is twenty-four feet;
 - 2. Circulation. The parking structure must be designed to ensure that each required parking space is readily accessible, usable and safe for automobiles and pedestrians;
 - 3. Location. The parking structure should not be located on a street frontage unless measures have been taken to provide architectural relief and pedestrian scale to the ground floor:
 - 4. Architecture. Architectural relief shall be integrated into all facades to soften visual impacts and to provide a visual relationship with the surrounding structures.
- D. Commercial Use Parking Standards. Parking for new commercial uses shall comply with the following:
 - 1. Surfacing. Parking areas and driveways must be hard-surfaced, maintained in good condition, and clear of obstructions at all times.

- 2. Parking Space Dimensions. All new commercial development shall provide parking spaces of the following minimum dimensions. The city engineer may approve minor (ten percent) variations in parking space dimensions.
 - a. Parking spaces must be nine feet wide by eighteen feet long;
 - b. ADA parking space width requirements vary and shall be consistent with current Uniform Building Code standards; and
 - c. Compact spaces with dimensions of nine feet wide by sixteen feet long may be provided. These spaces are not code spaces for the purpose of satisfying parking requirements.
- 3. Grading and Drainage. Parking shall be graded and constructed as follows:
 - a. Parking areas must be graded for proper drainage with surface water diverted to keep the parking area free of accumulated water and ice;
 - b. Adequate control curbs must be installed to control drainage and direct vehicle movement;
 - c. Parking area drainage must be detained on-site, treated (if required by NPDES), and channeled to a storm drain or gutter as approved by the city engineer;
 - d. Driveways may not exceed a ten percent slope;
 - e. Drives serving more than one single family dwelling shall provide a minimum twenty-foot transition area at no greater than two percent slope beginning at the back of the curb, or as otherwise approved by the city engineer, in anticipation of future street improvements; and
 - f. The maximum stormwater discharge level accepted by the city is two-tenths of a cubic foot per second per acre.
- 4. Street Access and Circulation. New commercial development shall provide the following:
 - a. Off-Street Parking. Off-street parking areas must have unobstructed access to a street or alley. The parking area design for five or more vehicles must not encourage cars to back onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted tandem parking, parking spaces shall be independently accessible and unobstructed.

- b. Corner Lots. No landscape obstruction is allowed in excess of two feet in height above street grade within the sight distance triangle. A reasonable number of trees with lower branches pruned to six feet to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by administrative permit.
- c. Driveway Access. For corner lots, the triangular area is defined by the intersection of the road right-of-way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at points thirty feet from their intersection.
- d. Drive-Through Developments. Applicants for all drive-up or drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the right-of-way.
- e. Common Driveways. To encourage the location of parking in the rear yard and/or below grade, the city allows common driveways along shared side yards to provide access to parking if the owner restricts the deeds to both properties to preserve the shared drive in perpetuity.
- f. Off-Street Loading Spaces. Every structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle must provide and maintain adequate space for standing, loading, or unloading services off-street.
 - i. All such loading areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any front yard or in any street or right-of-way.
 - ii. Loading docks and loading areas must be screened from adjoining property and public right-of-way.
- E. Calculation of Spaces. If a project incorporates two uses, the use requiring higher number of parking spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number. (Ord. 2019-06 § 1 (Att. B) (part); Ord. 2015-06 § 1 (Att. B) (part); Ord. 2015-01 § 1 (Att. B) (part); Ord. 9/23/2008O-7 § 1, 2008; Ord. 9/21/2004O-29 § 1 (part), 2004)

17-7-9.7 Utilities.

[No changes in this section.]

17-7-9.8 Outdoor advertising.

[No changes in this section.]

17-7-9.9 Conditional use standards of review.

[No changes in this section.]

17-7-9.10 Itinerant merchant.

[No changes in this section.]

17-7-9.11 Institutional controls.

[No changes in this section.]

17-7-9.12 Adopted zoning plans.

[No changes in this section.]

17-7-9.13 Related provisions.

[No changes in this section.]

Chapter 17-7-9.12.1 RIVERWALK ZONE

Sections:

| 17-7-9.12.1.1 | Purpose. |
|----------------|---|
| 17-7-9.12.1.2 | Boundary. |
| 17-7-9.12.1.3 | Use. |
| 17-7-9.12.1.4 | Single family residential development standards. |
| 17-7-9.12.1.5 | Medium and high density residential development standards. |
| 17-7-9.12.1.6 | Retail/office/flex and mixed-use lot and development standards. |
| 17-7-9.12.1.7 | Retail/office/flex and mixed-use landscaping. |
| 17-7-9.12.1.8 | Retail/office/flex and mixed-use architectural standards. |
| 17-7-9.12.1.9 | Trails and open space. |
| 17-7-9.12.1.10 | Streets and alleys. |
| 17-7-9.12.1.11 | Related provisions. |
| | |

17-7-9.12.1.1 Purpose.

[No changes in this section.]

17-7-9.12.1.2 Boundary.

[No changes in this section.]

17-7-9.12.1.3 Use.

Uses are categorized by subarea and land use designation as defined in the large scale master plan for Bingham Junction. If a use is not specifically designated, it is prohibited. Uses designated with an asterisk (*) have additional use-specific standards included in subsection (A) of this section.

Subarea 1—Residential

| Use Type | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Accessory Apartment, Single-Family | - | | - | - |
| Accessory Structure occupied, single family only | - | - | | |
| Accessory Structure—unoccupied | • | | | |
| Assisted Living: | | | | |

Ordinance 2021-O-XX Attachment A 17-7-9.12.1 Riverwalk Zone Text Insertion
Text Deletion

Subarea 1—Residential

| Subarea 1—Residential | 1.11 | | C 11:: | n · |
|------------------------------------|---------|----------------|-------------|---------------------|
| Use Type | Allowed | Administrative | Conditional | Business License |
| | | | | License |
| $\leq 1/2$ acre | | • | | • |
| > 1/2 acre | | | • | • |
| Child Care: | | | | |
| Center: ≤ 6 children | | • | l l | • |
| Facility: 7 to 12 children | | | • | • |
| Disabled Care Facility | | | • | • |
| Dwellings: | | | | |
| Single Family, Detached | • | | | |
| Single Family, Attached | • | | | |
| Multi-Family 1/2—1 ac. | | • | | |
| Multi-Family > 1 ac. | | | • | |
| External accessory dwelling unit* | X | | | |
| Fences, 7' or less | • | | | |
| Home Occupation | • | | | |
| Internal accessory dwelling unit* | X | | | |
| Master Planned Development | | | • | |
| Municipal Facilities: | | | | |
| Parks | • | | | |
| Public Safety Facility | | | • | |
| Library | | | • | |
| Postal Facility | | | • | |
| Public Utilities: | | | | |
| Major | | | • | |
| Minor | • | | | |
| Recreation Facilities | • | | | |
| Trails | • | | | |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: | | | | |
| Private | • | | | |
| Religious/Educational Institution: | | | | |
| Permanent | • | | | |
| Temporary | | • | | |
| Telecommunications Facility < 35' | | | | |
| in height | | | | |

Subarea 1—Retail/Office/Flex

| Use Type | Allowed | Administrative | Conditional | |
|---|---------|----------------|-------------|---------|
| | | | | License |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, etc. State Liquor Store | • | | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Animal Hospital | | | • | • |
| Assembly: Electronic Instruments Computer | | • | | |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | • |
| Bed and Breakfast | | | • | • |
| Cafe, Deli | • | | | • |
| Carwash, Tunnel | | | • | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | • |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | |
| Fences: 7' or less 7' or more | | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | • |
| Itinerant Merchant: Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | | | | • |
| Manufacturing | | | • | • |

Subarea 1—Retail/Office/Flex

| Use Type | Allowed | Administrative | | Business License |
|--|---------|----------------|---|---------------------|
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities Major Minor Recreation Facilities Trails | | • | • | |
| Nursery, Commercial | • | | | • |
| Office: General Intensive | | | | • |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | | |
| Religious/Educational Institution: Permanent Temporary | • | | • | |
| Restaurant: W/o drive-up window W/drive-up window | • | • | | • |
| Retail and Service Commercial: W/drive-up window W/o drive-up window | • | • | | • |

Subarea 1—Retail/Office/Flex

| Use Type | Allowed | Administrative | Conditional | Business License |
|-----------------------------|---------|----------------|-------------|---------------------|
| 24-hour use | • | | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 2—Retail/Office/Flex

| Use Type | Allowed | Administrative | Conditional | |
|---|---------|----------------|-------------|---------|
| | | | | License |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, etc. State Liquor Store | : | | • | • |
| Athletic, Tennis, Health Club | | | | • |
| Animal Hospital | • | | | • |
| Assembly: Electronic Instruments Computer | | • | | |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | |
| Automobile Filling Station, Car Wash, and/or Repair | | • | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | • |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: W/o drive-up window | | | | |

Subarea 2—Retail/Office/Flex

| Use Type | Allowed | Administrative | | Business License |
|--|---------|----------------|---|---------------------|
| W/drive-up window | | • | | • |
| Hotel/Motel | | | • | • |
| Hospital, Medical Center | | | • | • |
| Itinerant Merchant: Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | | | | · · · |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities Major Minor Recreation Facilities Trails | | • | • | |
| Office: General Intensive | | | • | • |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | • | | • | • |

Subarea 2—Retail/Office/Flex

| Use Type | Allowed | Administrative | Conditional | Business |
|---|---------|----------------|-------------|----------|
| | | | | License |
| Religious/Educational Institution: Permanent Temporary | • | | • | |
| Restaurant: W/o drive-up window W/drive-up window | • | • | | • |
| Retail and Service Commercial: Large* W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Retail and Service Commercial: Small*** W/drive-up window W/o drive-up window 24-hour use | • | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

| Use Type | Allowed | Administrative | | Business License |
|--|---------|----------------|---|---------------------|
| Accessory Apartment, Single Family | - | | - | - |
| Accessory Structure occupied, single family only | - | - | A | - |
| Accessory Structure—unoccupied | | | | |

Subarea 2-Mixed-Use

| Use Type | Allowed | Administrative | | D-1-12000-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0 |
|-----------------------------------|---------|----------------|---|---|
| Alcoholic Beverage: | | | | License |
| Package Agency | | | | |
| Private Club/Tavern | • | | | • |
| Restaurant, Beer Retailer, etc. | • | | | • |
| State Liquor Store | • | | | • |
| Animal Hospital | • | | | • |
| Assembly: | | | | |
| Electronic Instruments | | • | | • |
| Computer | | • | | • |
| Assisted Living: | | | | |
| $\leq 1/2$ acre | | • | A | • |
| >1/2 acre | | | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Automobile Filling Station, Car | | • | | • |
| Wash, and/or Repair | | | | |
| Cafe, Deli | • | | | • |
| Child Care: | | | | |
| Center: ≤ 6 children | • | | | • |
| Facility: ≥ 7 children | | • | | • |
| Disabled Care Facility | | | • | • |
| Dwellings: | | | | |
| Single Family Detached | • | | | |
| Single Family Attached | • | | | |
| Multi-Family 1/2—1 ac. | | • | | |
| Multi-Family > 1 ac. | | | • | |
| Entertainment Center | | | • | • |
| External accessory dwelling unit* | X | | | |
| Fences: | | | | |
| 7' or less | • | | | |
| 7' or more | | • | | |
| Financial Institution: | | | | |
| W/o drive-up window | • | | | • |
| W/drive-up window | | • | | • |
| Home Occupation | • | | | • |

Subarea 2-Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Hospital, Medical Center | | | • | • |
| Hotel/Motel | | | • | • |
| Internal accessory dwelling unit* | X | | | |
| Master Planned Development | | | • | |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities Major Minor Recreation Facilities Trails | | • | • | |
| Office: General Intensive | | | • | |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | • |
| Religious/Educational Institution: Permanent Temporary | | | • | |
| Restaurant: W/o drive-up window | | | | • |

| Use Type | Allowed | Administrative | | Business License |
|---|---------|----------------|---|---------------------|
| W/drive-up window | | • | | • |
| Retail and Service Commercial: Large* W/drive-up window W/o drive-up window 24-hour use | • | • | | • |
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Retail and Service Commercial: Small*** W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 5—Retail/Office/Flex

| Use Type | Allowed | Administrative | Conditional | Business License |
|---------------------------------|---------|----------------|-------------|---------------------|
| Alcoholic Beverage: | | | | |
| Package Agency | | | • | • |
| Private Club/Tavern | • | | | • |
| Restaurant, Beer Retailer, etc. | • | | | • |
| State Liquor Store | • | | | • |
| Athletic, Tennis, Health Club | • | | | • |
| Animal Hospital | • | | | • |
| Assembly: | | | | |
| Electronic Instruments | | • | | • |
| Computer | | • | | • |

Subarea 5—Retail/Office/Flex

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | |
| Automobile Filling Station, Car Wash and/or Repair | | • | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | • |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | • |
| Fences: 7' or less 7' or more | | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | | • | | • |
| Hotel/Motel | | | • | • |
| Hospital, Medical Center | | | • | • |
| Itinerant Merchant: Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | | | | • |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: | • | • | • | |

Subarea 5—Retail/Office/Flex

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Major Minor Recreation Facilities Trails | | | • | Diceise |
| Office: General Intensive | • | | • | |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | • |
| Religious/Educational Institution: Permanent Temporary | • | | • | |
| Restaurant: W/o drive-up window W/drive-up window | • | • | | |
| Retail and Service Commercial: Large* W/drive-up window W/o drive-up window 24-hour use | | • | | • |
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window 24-hour use | : | • | | • |
| Retail and Service Commercial: Small*** W/drive-up window | | • | | • |

Subarea 5—Retail/Office/Flex

| Use Type | Allowed | Administrative | Conditional | Business License |
|---------------------------------|---------|----------------|-------------|---------------------|
| W/o drive-up window 24-hour use | | | | |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

* Large: 25,000 SF or larger, single tenant

** Medium: 12,500 SF to 24,999 SF, single tenant *** Small: 400 SF to 12,499 SF, single tenant

- A. Additional Use-Specific Standards.
 - 1. Medical Cannabis Pharmacy.
 - a. Proximity Restrictions.
 - i. A medical cannabis pharmacy use shall meet the proximity requirements as specified and amended in Section <u>26-61a-301</u> of the Utah Code Annotated.
 - b. Application Requirements.
 - i. An applicant for a medical cannabis pharmacy use must provide a description of the physical characteristics of the proposed facility, including a site plan, floor plan, architectural elevations, and a security plan as part of the business license application for the use. Fencing and security devices must comply with applicable city requirements.
 - ii. When proximity restrictions include area in an adjacent municipality, an applicant for a medical cannabis pharmacy use shall obtain a letter from the adjacent municipality indicating proximity restrictions within this title are satisfied based on existing uses in the area in the adjacent municipality prior to issuance of a business license.
 - c. Parking. A medical cannabis pharmacy use shall be considered a retail and service commercial personal service use in the Bingham Junction zone for the purpose of calculating parking requirements.

d. Signage. In addition to those requirements within this title, all signage associated with a medical cannabis pharmacy use shall comply with any requirements imposed by the state of Utah.

2. Internal accessory dwelling unit.

- a. An IADU may only be constructed on a lot with one detached single family dwelling.

 The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
- b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- c. Installing separate utility meters or separate addresses for an IADU is prohibited.
- d. Any additions to an existing building must comply with the development standards within this chapter.
- e. An IADU must provide off-street parking as described within this chapter.
- f. An IADU may not be constructed within a mobile home or manufactured home.
- g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an IADU; and
 - iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one IADU is permitted on each property.
- 3. External accessory dwelling unit.
 - a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.
 - b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.

- c. Installing separate utility meters or separate addresses for an EADU is prohibited.
- d. An EADU must comply with the standards in Section 17-7-9.12.1.4(G).
- e. An EADU must provide off-street parking as described within this chapter.
- f. An EADU may not be constructed on the same lot as a mobile home or manufactured home.
- g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
- i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one EADU is permitted on each property.(Ord. 2020-02 § 1 (Att. A) (part); Ord. 2016-15 § 1 (Att. A) (part); Ord. 2014-04 § 1 (Att. A) (part); Ord. 5/5/2009O-8 § 1 (Att. A) (part), 2009; Ord. 8/1/2006O-12 § 1 (part), 2006)

17-7-9.12.1.4 Single family residential development standards.

The following development standards apply to all single family detached residential lot subdivisions in the residential land use areas. These are traditional single family residential lots that do not require additional open space and common areas within the development.

A. Lot Standards.

- 1. Minimum Area. The minimum lot area is five thousand square feet, subject to the following exceptions:
 - a. Lot Width. The minimum lot width is forty-five feet, measured at the front setback line.
 - b. Lot Frontage. The minimum lot frontage is forty-five feet, unless the proposed lot is on the curve of a cul-de-sac, then the minimum lot frontage is thirty-five feet.
 - c. Lot Depth. The minimum lot depth is ninety feet, unless the proposed lot width is at least sixty-seven feet, then the minimum lot depth shall be eighty feet. Corner lots must meet the minimum lot depth from both street frontages.

- B. Setbacks. The minimum setbacks for primary structures in single family detached residential lot subdivisions are as follows:
 - 1. Front. The minimum front yard setback is twenty feet.
 - Corner Lot Rule. Corner lots have two front yards.
 - b. Exceptions. The following exceptions apply to all front yard setbacks in the zone:
 - i. Front Porch. An open, front entry porch may encroach eight feet into the front yard setback.
 - ii. Projections. Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the front yard up to two and one-half feet.
 - iii. Impervious Surfaces. A driveway with a width of twenty feet or forty percent of the lot frontage, whichever is greater, and a sidewalk of up to five feet in width from the driveway or street to the front door. The driveway may extend an additional ten feet in width behind the sidewalk.
 - 2. Side. The minimum side yard setback is five feet, subject to the following exceptions:
 - a. Projection. Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the side yard up to two and one-half feet. If the front porch wraps around the structure it may project into the side yard up to two feet.
 - b. Stairs and Balconies. Outside stairways and balconies may project into the side yard up to three feet.
 - 3. Rear. The minimum rear yard setback is fifteen feet, subject to the following exceptions:
 - a. Corner Lot Rule. On corner lots there is no rear yard.
 - b. Projection. Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the rear yard up to two and one-half feet.
 - c. Stairs and Balconies. Outside stairways and balconies may project into the rear yard up to three feet.
- C. Build-To Line. The front yard setback is the build-to line. At least fifty percent of the front elevation must be built within three feet of the build-to line. This provision does not apply to the development of cul-de-sac lots.

- D. Height. The maximum height for a structure is twenty-eight feet to the midpoint for a sloping roof and twenty-five feet to the cornice for flat roofs.
- E. Stories. All buildings must be from one to two and one-half stories.
- F. Parking/Driveway Access. Each lot shall provide two parking spaces in a garage, or in the side or rear yard of the property. The driveway shall have a maximum paved width of twenty feet, or forty percent of the lot frontage, whichever is greater. The driveway may extend an additional ten feet in width behind the sidewalk.
- G. <u>Unoccupied Accessory Structures (Unoccupied) and External Accessory Dwelling Unit Standards</u>. New development of a n <u>unoccupied accessory structure intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:</u>
 - 1. Proximity. An <u>unoccupied</u> accessory structure <u>or an EADU</u> must be located no less thanat least six feet from the main building.
 - 2. Setbacks. The An unoccupied accessory structure or an EADU must be located in either the rear or side yard with a five-foot setback, except an accessory structure located at the front yard setback of an adjacent corner lot must be at least fifteen feet from the corner lot line.
 - 3. Height. The height of an aAccessory structure height or an EADU may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.
 - 4. Stories. An <u>unoccupied accessory structure or an EADU</u> may range from one to one and one-half stories.
 - 5. Building Area. The maximum <u>cumulative</u> area of an <u>all</u> unoccupied accessory structures and an <u>EADU</u> is the greater of nine hundred square feet or thirteen percent of the lot area.
 - 6. Utilities. An unoccupied accessory structure or an EADU may not have a separate electrical service, gas service, sewer service or water service.
 - 7. Maintenance. It is the responsibility of the property owner to ensure the setback area between an unoccupied accessory structure or an EADU and the property line remains free of weeds, junk and debris.
 - 8. Number of Unoccupied Accessory Structures. Multiple unoccupied accessory structures are permitted on each property so long as each unoccupied accessory structure meets the requirements of this subsection.
- H. Reserved.

Accessory Structure (Occupied). New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards:

- 1. Proximity. The accessory structure must be located no less than six feet from the main-building.
- 2. Setbacks. The accessory structure must be located in either the rear or side yard, with no less than a ten foot setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case, the side yard setback to the nearest side lot line must be at least fifteen feet.
- 3. Height. The accessory structure height may not exceed twenty four feet to the midpoint for a sloped roof and twenty feet to the cornice for a flat roof.
- 4. Stories. An accessory structure may range from one to one and one half stories.
- 5. Building Area. The maximum area of an accessory structure is the greater of nine hundred square feet or thirteen percent of the lot area. No more than six hundred square feet of the accessory structure shall be used for human occupancy.
- I. Architectural Requirements.
 - 1. Front Porches. Front porches shall be provided on all dwelling units, or as otherwise approved by the planning commission through specific design review. Porches shall consist of a roofed, unenclosed porch. Porches shall be at least one to two feet above grade and defined by a railing, wall, columns or similar architectural features, provided accessibility requirements are met. Porches are encouraged to reflect the design of traditional porches found in older neighborhoods. Railings and porch supports shall be composed of relatively substantial members, preferably wood, metal and/or masonry or other materials that complement the design. Porches may encroach eight feet into the front yard setback and two feet into the side yard setback.
 - 2. Garages. Street-facing garage doors must be set back a minimum of twenty-two feet from the property line or sidewalk, whichever is greater, and, in all cases, be recessed a minimum of two feet behind the front line of the building living area (porches, bay windows, and similar projections not included).
 - 3. Colors, Materials, Roofs, Openings.
 - a. Building/Retaining Walls. No more than three materials shall be used for the primary wall surfaces on a building. Exterior finish shall be of traditional, time- and weather-tested techniques. Retaining walls shall be of materials complimentary to the building's materials.

- b. Colors. Without limiting the use of color, exterior walls shall be subdued in color and not reflective. Intense colors should be used as accent only.
- c. Roofs. All the roofs and dormer roofs of a building shall be constructed of the same material. Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.
- d. Openings. The following standards apply to openings of all structures:
 - i. Entry Doors. Entry doors must face the front yard or, if located on the building side, must be placed within three feet of the front facade. Entry doors must be covered by a roof and must be a primary element of the front of the structure. (Ord. 8/1/2006O-12 § 1 (part), 2006)

17-7-9.12.1.5 Medium and high density residential development standards.

[No changes in this section.]

17-7-9.12.1.6 Retail/office/flex and mixed-use lot and development standards.

[No changes in this section.]

17-7-9.12.1.7 Retail/office/flex and mixed-use landscaping.

[No changes in this section.]

17-7-9.12.1.8 Retail/office/flex and mixed-use architectural standards.

[No changes in this section.]

17-7-9.12.1.11 Related provisions.

[No changes in this section.]

Chapter 17-7-9.12.2 THE JUNCTION AT MIDVALE ZONE

Sections:

| 17-7-9.12.2 | 2.1 | Purpose. |
|-------------|------|---|
| 17-7-9.12.2 | 2.2 | Boundary. |
| 17-7-9.12.2 | 2.3 | Use. |
| 17-7-9.12.2 | 2.4 | Single family residential development standards. |
| 17-7-9.12.2 | 2.5 | Medium and high density residential development standards. |
| 17-7-9.12.2 | 2.6 | Retail/office/flex and mixed-use lot and development standards. |
| 17-7-9.12.2 | 2.7 | Retail/office/flex and mixed-use architectural standards. |
| 17-7-9.12.2 | 2.8 | Retail/office/flex and mixed-use landscaping. |
| 17-7-9.12.2 | 2.9 | Trails and open space. |
| 17-7-9.12.2 | 2.10 | Streets and alleys. |
| 17-7-9.12.2 | 2.11 | Parking standards. |
| 17-7-9.12.2 | 2.12 | Live/work units. |
| 17-7-9.12.2 | 2.13 | Thematic elements. |
| 17-7-9.12.2 | 2.14 | Related provisions. |
| | | |

17-7-9.12.2.1 Purpose.

[No changes in this section.]

17-7-9.12.2.2 Boundary.

[No changes in this section.]

17-7-9.12.2.3 Use.

Uses are categorized by subarea and land use designation as defined in the large-scale master plan for Bingham Junction. If a use is not specifically designated, it is prohibited. Uses designated with an asterisk (*) have additional use-specific standards included in subsection (A) of this section.

Subarea 2-Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---------------------------------|---------|----------------|-------------|---------------------|
| Alcoholic Beverage: | | | | |
| Package Agency | | | • | • |
| Private Club/Tavern | • | | | |
| Restaurant, Beer Retailer, Etc. | • | | | • |

Subarea 2—Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| State Liquor Store | • | | | • |
| Animal Hospital | • | | | • |
| Assembly: Electronic Instruments Computer | | • | | : |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | | : |
| Athletic, Tennis, Health Club | • | | | • |
| Automobile Filling Station, Car Wash, and/or Repair | | • | | • |
| Cafe, Deli | | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | | • | | • |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | • |
| Fences: 7' or less 7' or more | | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | | • | | • |
| Hospital, Medical Center | | | • | • |
| Hotel/Motel | | | • | • |
| Itinerant Merchant: Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | : | | | |
| Medical Cannabis Pharmacy* | | | | • |

Subarea 2—Urban

| Subarea 2—Urban | 1 | | | Business |
|--|---------|----------------|--------------------|----------|
| Use Type | Allowed | Administrative | Conditional | |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor Recreation Facilities | • | • | • | |
| Trails Office: General Intensive | • | | | : |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | • | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | ٠ | • |
| Religious/Educational Institution: Permanent Temporary | • | | • | |
| Restaurant: W/o drive-up window W/drive-up window | • | • | | • |
| Retail and Service Commercial: Large* W/drive-up window W/o drive-up window 24-hour use | : | • | | • |

Subarea 2-Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window 24-hour use | • | • | | • |
| Retail and Service Commercial: Small*** | | | | • |
| W/drive-up window W/o drive-up window 24-hour use | : | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Accessory Apartment, Single-Family | - | | - | - |
| Accessory Structure occupied, single family only | - | - | | - |
| Accessory Structure—unoccupied | • | | | |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, Etc. State Liquor Store | : | | • | • |
| Animal Hospital | • | | | • |
| Assembly: Electronic Instruments Computer | | • | | • |
| Assisted Living: ≤ 1/2 acre | | • | | • |

| Use Type | Allowed | Administrative | Conditional | Business License |
|--|---------|------------------|-------------|---------------------|
| > 1/2 acre | ZHOWCU | - Administrative | • | · |
| Athletic, Tennis, Health Club | | | | • |
| Automobile Filling Station, Car Wash, and/or Repair | | • | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family Detached Single Family Attached Multi-Family 1/2—1 acre Multi-Family > 1 acre | : | • | • | |
| Entertainment Center | | | • | • |
| External accessory dwelling unit* | e _ | | | |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | : |
| Home Occupation | • | | | • |
| Hospital, Medical Center | | | • | • |
| Hotel/Motel | | | • | • |
| Internal accessory dwelling unit* | • | | | |
| Kennel, Private | | • | | |
| Master Planned Development | | | • | |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | |

| Subarea 2—Mixed-Use | | | | |
|---|---------|----------------|-------------|---------------------|
| Use Type | Allowed | Administrative | Conditional | Business License |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor Recreation Facilities Trails | | • | • | |
| Office: General Intensive | | | | |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | • |
| Religious/Educational Institution: Permanent Temporary | | | | |
| Restaurant: W/o drive-up window W/drive-up window | • | • | | • |
| Retail and Service Commercial: Large* W/drive-up window W/o drive-up window 24-hour use | • | • | | : |
| Retail and Service Commercial: Medium** | | | | |

| Use Type | Allowed | Administrative | Conditional | Business License |
|--------------------------------|---------|----------------|-------------|---------------------|
| W/drive-up window | | • | | • |
| W/o drive-up window | • | | | • |
| 24-hour use | • | • | | • |
| Retail and Service Commercial: | | | | |
| Small*** | | | | |
| W/drive-up window | | • | | • |
| W/o drive-up window | • | | | • |
| 24-hour use | • | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 3—Residential

| Use Type | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Accessory Apartment, Single Family | - | A | - | - |
| Accessory Structure occupied, single family only | - | - | | - |
| Accessory Structure—unoccupied | • | | | |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | | |
| Child Care: Center: ≤ 6 children Facility: 7 to 12 children | | • | • | |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 acre Multi-Family > 1 acre | : | • | • | |

Subarea 3—Residential

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| External accessory dwelling unit* | • | | | |
| Fences, 7' or less | • | | | |
| Home Occupation | • | | | |
| Internal accessory dwelling unit* | • | | | |
| Kennel, Private | | • | | |
| Master Planned Development | | | • | |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor Recreation Facilities Trails | | | • | |
| Quasi-Public Facility | | - | • | • |
| Recreation Facility: Private | | | | |
| Religious/Educational Institution: Permanent Temporary | • | | | |
| Telecommunications Facility < 35' in height | | • | | |

Subarea 3—Urban

| Use Type | Allowed | Administrative | Deposit where the trans- | Business License |
|---------------------------------|---------|----------------|--------------------------|---------------------|
| Alcoholic Beverage: | | | | |
| Package Agency | | | • | • |
| Private Club/Tavern | • | | | |
| Restaurant, Beer Retailer, Etc. | • | | | • |
| State Liquor Store | • | | | • |
| Animal Hospital | • | | | • |

Subarea 3-Urban

| | | | | Business |
|---|---------|----------------|-------------|----------|
| Use Type | Allowed | Administrative | Conditional | License |
| Assembly: Electronic Instruments Computer | | • | | • |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | | • |
| Athletic, Tennis, Health Club | | | | • |
| Automobile Filling Station, Car Wash, and/or Repair | | • | | • |
| Cafe, Deli | | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | • |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | |
| Fences: 7' or less 7' or more | | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | |
| Hospital, Medical Center | | | • | ٠ |
| Hotel/Motel | | | • | • |
| Itinerant Merchant: Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | | | | : |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |

Subarea 3—Urban

| Subarea 3—Urban | 1 | | | |
|---|---------|----------------|---|---------------------|
| Use Type | Allowed | Administrative | | Business License |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor Recreation Facilities Trails | • | • | • | |
| Office: General Intensive | | | • | • |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | • |
| Religious/Educational Institution: Permanent Temporary | • | | • | |
| Restaurant: W/o drive-up window W/drive-up window | • | • | | • |
| Retail and Service Commercial: Large* W/drive-up window W/o drive-up window 24-hour use | · | • | | • |
| Retail and Service Commercial: Medium** | | | | |

Subarea 3—Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| W/drive-up window | | • | | • |
| W/o drive-up window | • | | | • |
| 24-hour use | • | | | • |
| Retail and Service Commercial: Small*** | | | | |
| W/drive-up window | | • | | • |
| W/o drive-up window | • | | | • |
| 24-hour use | • | | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 3—Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Accessory Apartment, Single-Family | - | | - | - |
| Accessory Structure occupied, single family only | - | - | | - |
| Accessory Structure—unoccupied | • | | | |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, Etc. State Liquor Store | : | | • | : |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children | | | | • |

Subarea 3—Mixed-Use

| Subarea 5—Mixed-Use | | | | Business |
|--|---------|----------------|-------------|--|
| Use Type | Allowed | Administrative | Conditional | and the second s |
| Facility: ≥ 7 children | | • | | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 acre Multi-Family > 1 acre | • | • | • | |
| External accessory dwelling unit* | • | | | |
| Fences: 7' or less 7' or more | | | | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | • |
| Home Occupation | • | | | |
| Internal accessory dwelling unit* | 0 - | | | |
| Kennel, Private | | • | | • |
| Master Planned Development | | | • | |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library | | • | | |
| Postal Facility Public Utilities: Major | | | • | |
| Minor Recreation Facilities Trails | : | | | |
| Office: General Intensive | • | | • | • |

Subarea 3—Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Outdoor Dining | | • | | |
| Parking Lot: Private | • | | | |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | ٠ |
| Religious/Educational Institution: Permanent Temporary | | | | |
| Retail and Service Commercial: Medium** W/o drive-up window | | | | • |
| Retail and Service Commercial: Small*** W/o drive-up window | | | | • |
| Telecommunications Facility | | • | | |

Subarea 4—Residential

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Accessory Apartment, Single Family | - | | - | - |
| Accessory Structure occupied, single family only | - | - | * | 2 |
| Accessory Structure—unoccupied | • | | | |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | • |
| Child Care: Center: ≤ 6 children Facility: 7 to 12 children | | • | • | • |

Subarea 4—Residential

| Subarea 4—Residentiai | T | | | |
|--|----------|----------------|---|---------------------|
| Use Type | Allowed | Administrative | | Business License |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 acre Multi-Family > 1 acre | : | • | • | |
| External accessory dwelling unit* | <u>*</u> | | | |
| Fences, 7' or less | • | | | |
| Home Occupation | • | | | |
| Internal accessory dwelling unit* | • | | | |
| Kennel, Private | | • | | |
| Master Planned Development | | | • | |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: | | | • | |
| Major Minor Recreation Facilities Trails | : | | • | |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Private | • | | | |
| Religious/Educational Institution: Permanent Temporary | | • | | |
| Telecommunications Facility < 35' in height | | • | | |

Subarea 4—Urban

| Subarea 4—Orban | 1 | 1 | | D |
|---|---------|----------------|---|---------------------|
| Use Type | Allowed | Administrative | | Business License |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, Etc. State Liquor Store | : | | • | : |
| Animal Hospital | | | • | • |
| Assembly: Electronic Instruments Computer | | • | | |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | ٠ | • |
| Athletic, Tennis, Health Club | • | | | • |
| Bed and Breakfast | | | • | • |
| Cafe, Deli | • | | | • |
| Carwash, Tunnel | | | • | • |
| Child Care: Center: ≤ 6 children Facility: 7 children | | • | | • |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | |
| Fences: 7' or less 7' or more | | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | | • | | : |
| Itinerant Merchant: Seasonal Food Stands Christmas Tree Sales Fireworks Stands Seasonal Produce Stands Seasonal Flower Stands | | | | : |

Subarea 4—Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Manufacturing | | | • | • |
| Medical Cannabis Pharmacy* | | | | • |
| Mixed-Use—horizontal, vertical | | | | |
| Mortuary/Funeral Home | | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor Recreation Facilities Trails | | • | • | |
| Nursery, Commercial | • | | | • |
| Office: General Intensive | • | | | • |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | • | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | • | | • | • |
| Religious/Educational Institution: Permanent Temporary | • | | | |
| Restaurant: W/o drive-up window W/drive-up window | • | | | : |

Subarea 4—Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Retail and Service Commercial: W/drive-up window W/o drive-up window 24-hour use | : | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

Subarea 4—Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Accessory Apartment, Single-Family | - | | | = |
| Accessory Structure occupied, single family only | - | _ | | - |
| Accessory Structure—unoccupied | • | | | |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, Etc. State Liquor Store | : | | • | • |
| Assisted Living: ≤ 1/2 acre >1/2 acre | | • | | • |
| Athletic, Tennis, Health Club | • | | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | | | | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 acre | : | • | | |

Subarea 4—Mixed-Use

| Subarea 4—Mixed-Use | 1 | | | Business |
|---|---------|----------------|-------------|----------|
| Use Type | Allowed | Administrative | Conditional | |
| Multi-Family > 1 acre | | • | | |
| External accessory dwelling unit* | • | | | |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | • | • | | · |
| Home Occupation | • | | | • |
| Internal accessory dwelling unit* | • | | | |
| Kennel, Private | | • | | |
| Master Planned Development | | | • | |
| Medical Cannabis Pharmacy* | | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor Recreation Facilities Trails | | • | • | |
| Office: General Intensive | • | | • | |
| Outdoor Dining | | • | | |
| Parking Lot: Private | • | | | |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Private | • | | | |

Subarea 4—Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Religious/Educational Institution: Permanent Temporary | | | • | |
| Retail and Service Commercial: Medium** W/o drive-up window | | | | • |
| Retail and Service Commercial: Small*** W/o drive-up window | | | | • |
| Telecommunications Facility | | • | | |

Subarea 5—Urban

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, Etc. State Liquor Store | : | | ٠ | • • • • |
| Animal Hospital | • | | | • |
| Assembly: Electronic Instruments Computer | | : | | : |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | : |
| Athletic, Tennis, Health Club | • | | | • |
| Automobile Filling Station, Car Wash and/or Repair | | • | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | • |

Subarea 5—Urban

| Allowed | Administrative | Conditional | Business License |
|---------|----------------|-------------|---------------------|
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Subarea 5—Urban

| Subarea 5—Orban | | | | Business |
|---|---------|----------------|-------------|----------|
| Use Type | Allowed | Administrative | Conditional | |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | • |
| Religious/Educational Institution: Permanent Temporary | | | • | |
| Restaurant: W/o drive-up window W/drive-up window | • | • | | : |
| Retail and Service Commercial: Large* W/drive-up window W/o drive-up window 24-hour use | : | • | | : |
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window 24-hour use | : | • | | : |
| Retail and Service Commercial: Small*** W/drive-up window W/o drive-up window 24-hour use | · | • | | • |
| Shopping Center | | | • | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

| Use Type | Allowed | Administrative | Conditional | Business License |
|---|---------|----------------|-------------|---------------------|
| Accessory Apartment, Single-Family | - | | - | - |
| Accessory Structure occupied, single family only | - | - | A | 1 |
| Accessory Structure—unoccupied | | | | |
| Alcoholic Beverage: Package Agency Private Club/Tavern Restaurant, Beer Retailer, Etc. State Liquor Store | | | • | : |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | | • |
| Athletic, Tennis, Health Club | • | | | • |
| Bed and Breakfast Inn | • | | | • |
| Cafe, Deli | | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | | ٠ | | |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Attached Multi-Family 1/2—1 acre Multi-Family > 1 acre | • | | | |
| Entertainment Center | | | • | • |
| Fences: 7' or less 7' or more | | • | | |
| Financial Institution: W/o drive-up window W/drive-up window | | | | • |
| Home Occupation | • | | | • |
| Master Planned Development | | | • | |

| Subarea 5—Mixed-Use | | | | |
|---|---------|----------------|-------------|---------------------|
| Use Type | Allowed | Administrative | Conditional | Business License |
| Medical Cannabis Pharmacy* | • | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Municipal Facilities: Parks Public Safety Facility | | • | | |
| Library Postal Facility Public Utilities: | • | | | |
| Major Minor Recreation Facilities Trails | : | | • | |
| Office: General Intensive | • | | ٠ | • |
| Outdoor Dining | | • | | |
| Parking Lot: Commercial Private | | | ٠ | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | | | • | • |
| Religious/Educational Institution: Permanent Temporary | • | | | |
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window | | • | | • |
| 24-hour use | | | | • |
| Retail and Service Commercial: Small*** W/drive-up window | | • | | |
| W/o drive-up window | | • | | _ • |

Subarea 5—Mixed-Use

| Use Type | Allowed | Administrative | | Business License |
|-----------------------------|---------|----------------|---|---------------------|
| 24-hour use | • | | | • |
| Shopping Center | | | • | |
| Telecommunications Facility | | • | | |

Subarea 6—Mixed-Use

| Use Type | Allowed | Administrative | | Business License |
|--|---------|----------------|---|---------------------|
| Accessory Apartment, Single-Family | - | | - | - |
| Accessory Structure occupied, single family only | - | - | | |
| Accessory Structure—unoccupied | • | | | |
| Assisted Living: ≤ 1/2 acre > 1/2 acre | | • | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Cafe, Deli | • | | | • |
| Child Care: Center: ≤ 6 children Facility: ≥ 7 children | • | • | | • |
| Disabled Care Facility | | | • | • |
| Dwellings: Single Family, Detached Single Family, Attached Multi-Family 1/2—1 acre Multi-Family > 1 acre | : | • | • | |
| External accessory dwelling unit* | • | | | |
| Fences: 7' or less 7' or more | • | • | | |
| Financial Institution: | | | | |

Subarea 6-Mixed-Use

| Subarea o-Mixed-Use | | | | Business |
|---|---------|----------------|-------------|----------|
| Use Type | Allowed | Administrative | Conditional | |
| W/o drive-up window W/drive-up window | • | • | | • |
| Home Occupation | • | | | • |
| Internal accessory dwelling unit* | • | | | |
| Kennel, Private | | • | | |
| Master Planned Development | | | • | |
| Medical Cannabis Pharmacy* | | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Municipal Facilities: Parks Public Safety Facility Library Postal Facility Public Utilities: Major Minor Recreation Facilities Trails Office: General | | • | • | |
| Intensive | | | • | • |
| Outdoor Dining | | • | | |
| Outdoor Storage | | • | | |
| Parking Lot: Commercial Private | | | • | • |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: Commercial Private | • | | • | • |
| Religious/Educational Institution: Permanent Temporary | • | | • | |

Subarea 6-Mixed-Use

| Use Type | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Retail and Service Commercial: Medium** W/drive-up window W/o drive-up window | | : | | • |
| Retail and Service Commercial: Small*** W/drive-up window W/o drive-up window | | • | | • |
| Telecommunications Facility | | • | | |
| Warehouse/Distribution | | | • | • |

** Medium: 12,500 SF to 24,999 SF, single tenant

*** Small: 400 SF to 12,499 SF, single tenant

- A. Additional Use-Specific Standards.
 - 1. Medical Cannabis Pharmacy.
 - a. Proximity Restrictions.
 - i. A medical cannabis pharmacy use shall meet the proximity requirements as specified and amended in Section 26-61a-301 of the Utah Code Annotated.
 - b. Application Requirements.
 - i. An applicant for a medical cannabis pharmacy use must provide a description of the physical characteristics of the proposed facility, including a site plan, floor plan, architectural elevations, and a security plan as part of the business license application for the use. Fencing and security devices must comply with applicable city requirements.
 - ii. When proximity restrictions include area in an adjacent municipality, an applicant for a medical cannabis pharmacy use shall obtain a letter from the adjacent municipality indicating proximity restrictions within this title are satisfied based on existing uses in the area in the adjacent municipality prior to issuance of a business license.

- c. Parking. A medical cannabis pharmacy use shall be considered a retail and service commercial personal service use in the Bingham Junction zone for the purpose of calculating parking requirements.
- d. Signage. In addition to those requirements within this title, all signage associated with a medical cannabis pharmacy use shall comply with any requirements imposed by the state of Utah. (Ord. 2020-02 § 1 (Att. A) (part); Ord. 2016-15 § 1 (Att. A) (part); Ord. 2014-04 § 1 (Att. A) (part); Ord. 5/5/2009O-8 § 1 (Att. A) (part), 2009; Ord. 8/7/2007O-10 § 1 (Exh. A) (part), 2007)

2. Internal accessory dwelling unit.

- a. An IADU may only be constructed on a lot with one detached single family dwelling.

 The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
- b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- c. Installing separate utility meters or separate addresses for an IADU is prohibited.
- d. Any additions to an existing building must comply with the development standards within this chapter.
- e. An IADU must provide off-street parking as described within this chapter.
- f. An IADU may not be constructed within a mobile home or manufactured home.
- g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an IADU; and
 - iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one IADU is permitted on each property.

- 3. External accessory dwelling unit.
 - a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.
 - b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.
 - c. Installing separate utility meters or separate addresses for an EADU is prohibited.
 - d. An EADU must comply with the standards in Section 17-7-9.12.2.4(H).
 - e. An EADU must provide off-street parking as described within this chapter.
 - f. An EADU may not be constructed on the same lot as a mobile home or manufactured home.
 - g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
 - h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
 - i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
 - —Only one EADU is permitted on each property.

17-7-9.12.2.4 Single family residential development standards.

The following development standards apply to all single family detached residential lot subdivisions in the residential land use areas. These are traditional single family residential lots that do not require additional open space and common areas within the development.

A. Lot Standards. Minimum Area. The minimum lot area is three thousand five hundred square feet, subject to the following regulations:

- 1. Lot Width. The minimum lot width is forty-five feet, measured at the front setback line.
- 2. Lot Frontage. The minimum lot frontage is forty-five feet, unless the proposed lot is on the curve of a cul-de-sac, then the minimum lot frontage is thirty-five feet.
- 3. Lot Depth. The minimum lot depth is seventy-five feet, unless the proposed lot width is at least sixty-seven feet, then the minimum lot depth shall be sixty-seven feet. Corner lots must meet the minimum lot depth from both street frontages.
- B. Setbacks. The minimum setbacks for primary structures in single family detached residential lot subdivisions are as follows:
 - 1. Front. The minimum front yard setback is fifteen feet.
 - a. Corner Lot Rule. Corner lots have two front yards.
 - b. Exceptions. The following exceptions apply to all front yard setbacks in the zone:
 - i. Front Porch. An open, front entry porch may encroach eight feet into the front yard setback.
 - ii. Projections. Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the front yard up to two and one-half feet.
 - iii. Impervious Surfaces. A driveway with a width of ten feet and a sidewalk of up to five feet in width from the driveway or street to the front door.
 - 2. Side. The minimum side yard setback is four feet, subject to the following exceptions:
 - a. Distance Between Buildings. There shall be a combined minimum of ten feet between buildings.
 - b. Projection. Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the side yard up to two and one-half feet. If the front porch wraps around the structure it may project into the side yard up to two feet.
 - c. Stairs and Balconies. Outside stairways and balconies may project into the tenfoot combined separation up to three feet but may not project into the required fourfoot side yard.
 - 3. Rear. The minimum rear yard setback is fifteen feet, subject to the following exceptions:

- a. Corner Lot Rule. On corner lots there is no rear yard.
- b. Projection. Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the rear yard up to two and one-half feet.
- c. Stairs and Balconies. Outside stairways and balconies may project into the rear yard up to three feet.
- C. Building Orientation and Scale. Residential and accessory structures shall be oriented and scaled as follows:
 - 1. Dwellings shall be serviced by a local street, an access road or drive, or an alley and shall not gain access from a collector or arterial street.
 - 2. Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from buildings and to minimize road area.
 - 3. Individual lots and buildings shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or trail.
 - 4. Massing should be divided into rhythmic blocks to bring the design of the unit much closer to the human scale and to create a pedestrian-friendly atmosphere.
 - 5. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.
- D. Build-To Line. The front yard setback is the build-to line. At least fifty percent of the front elevation must be built within three feet of the build-to line. This provision does not apply to the development of cul-de-sac lots.
- E. Height. The maximum height for a structure is twenty-eight feet to the midpoint for a sloping roof and twenty-five feet to the cornice for flat roofs.
- F. Stories. All buildings must be from one to two and one-half stories.
- G. Parking/Driveway Access. Each lot shall provide two parking spaces in a garage, or in the side or rear yard of the property. Except for a ten-foot driveway from the frontage that leads to a garage or other parking area located on the side or to the rear of a dwelling, off-street parking and access to parking areas shall be located on the side or rear of a property.
- H. <u>Unoccupied Accessory Structure and External Accessory Dwelling Unit Standards.</u> An <u>unoccupied accessory structure or an external accessory dwelling unit shall meet the following development standards:</u>

- 1. Proximity. An unoccupied accessory structure or an EADU must be located at least six feet from the main building.
- 2. Location. An unoccupied accessory structure or an EADU must be located in either the rear or side yard. An exception for corner lots is provided in subsection (I) of this section.
- 3. Setbacks. An unoccupied accessory structure or an EADU, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.
- 4. Height. The height of an unoccupied accessory structure or an EADU may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.
- 5. Stories. An unoccupied accessory structure or an EADU may range from one to one and one-half stories.
- 6. Building Area. The maximum cumulative building area of all unoccupied accessory structures and an EADU is the larger of nine hundred square feet or thirteen percent of the lot area.
- 7. Utilities. An unoccupied accessory structure or an EADU may not have a separate electrical service, gas service, sewer service or water service.
- 8. Maintenance. It is the responsibility of the property owner to ensure the setback area between an unoccupied accessory structure or an EADU and the property line remains free of weeds, junk and debris.
- 2.—Number of Unoccupied Accessory Structures. Multiple unoccupied accessory structures are permitted on each property so long as each unoccupied accessory structure meets the requirements of this subsection.

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Corner Lot Exception. An unoccupied accessory structure or an EADU may be allowed where one front yard functions as a side yard. On these lots, an unoccupied accessory structure or an EADU shall be permitted to encroach within the required front yard subject to the following requirements:

An unoccupied accessory structure or an EADU may be allowed within one front yard, opposite of the front yard associated with the structural front entrance location.

An unoccupied accessory structure or an EADU, including eaves, must be a minimum of two feet from all property lines, subject to the following:

An unoccupied accessory structure or an EADU must be located behind a minimum six foot, solid, sight obscuring fence and the initial height shall correlate with the adjacent fencing height. Said fence shall comply with all fencing requirements in Section 17-7-1.6. If a non-sight-obscuring fence is existing, proposed to be constructed, or if no fencing is present; an unoccupied accessory structure or an EADU, including eaves, must be a minimum of eight feet from all property lines and the initial height shall not exceed eight feet.

For every two feet an unoccupied accessory structure or and EADU is set back from the identified property line or fence line, the accessory structure may extend an additional one foot in height, not to exceed a maximum of twenty feet.

The maximum area of the unoccupied accessory structure shall be one hundred square feet.

The maximum area of an EADU may not exceed 90% of the total square footage provided in the primary dwelling on the property.

All construction must be done in accordance with the building code.

An unoccupied accessory structure or an EADU must be located at least six feet from the main building.

J. Reserved.

JK. Architectural Requirements.

- 1. Front Porches. Front porches shall be provided on all dwelling units, or as otherwise approved by the planning commission through specific design review. Porches shall be an unenclosed, roofed structure attached to the dwelling structure. Porches shall be at least one to two feet above grade and defined by a railing, wall, columns or similar architectural features, provided accessibility requirements are met. Porches are encouraged to reflect the design of traditional porches found in older neighborhoods. Railings and porch supports shall be composed of relatively substantial members, preferably wood, metal and/or masonry or other materials that complement the design. Porches may encroach eight feet into the front yard setback and two feet into the side yard setback.
- 2. Garages. Garages must be side or rear-loaded and/or detached rear yard garages.
- 3. Colors, Materials, Roofs, Openings.
 - a. Building/Retaining Walls. No more than three materials shall be used for the primary wall surfaces on a building. Exterior finish shall be of traditional, time- and weather-tested techniques. Retaining walls shall be of materials complementary to the building's materials.

- b. Colors. Without limiting the use of color, exterior walls shall be subdued in color and not reflective. Intense colors should be used as accent only.
- c. Roofs. All the roofs and dormer roofs of a building shall be constructed of the same material. Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.
- d. Openings. The following standards apply to openings of all structures:
 - i. Entry Doors. Entry doors must face the front yard or, if located on the building side, must be placed within three feet of the front facade. Entry doors must be covered by a roof and must be a primary element of the front of the structure.
 - ii. Windows. Bay windows shall have from three to five sides.
- KL. City-Wide Utility Infrastructure. Each project and each structure within each project shall include infrastructure that facilitates connection to Questar Gas, Rocky Mountain Power, Comcast Cable, UTOPIA, and Qwest Communications. This requirement may be waived if any of the aforementioned utilities decline, in writing, the opportunity to install or utilize the necessary infrastructure. The director of community and economic development and authorized deputies may approve the waiver. (Ord. 8/7/2007O-10 § 1 (Exh. A) (part), 2007)

17-7-9.12.2.5 Medium and high density residential development standards.

The following development standards apply to all new single family attached, single family detached, and multi-family development in the residential land use area, with the exception of single family detached residential lots (see Section 17-7-9.12.2.4).

- A. Setbacks. New development shall comply with the following setbacks:
 - 1. Front. The minimum front yard setback is eighteen feet if off-street parking is to occur in the driveway. Otherwise there shall be no front yard setback except as required by the planning commission through specific design review.
 - a. Exceptions. The following exceptions to front yard setbacks apply to all new development in the zone:
 - i. Driveway and Sidewalks. A driveway width of up to twenty feet and a sidewalk width of up to six feet may occupy the front yard.
 - 2. Side. The minimum side yard setback shall be regulated by the building code. In situations where a multi-family development side yard abuts a single family residential, attached or detached development, the side yard setback shall be a minimum of fifteen feet.

- 3. Rear. The minimum rear yard setback shall be regulated by the building code. In situations where a multi-family development rear yard abuts a single family residential, attached or detached development, the rear yard setback shall be a minimum of fifteen feet.
- 4. Each unit shall have access to a common area of at least three hundred square feet in size for each unit adjacent to said space, or a private yard of at least three hundred square feet in size shall be provided at the rear of each structure.
- B. Height. The maximum height for the zone is ten stories. If a structure is constructed on a lot within fifty feet of a single family detached residential development, the maximum height shall not be constructed in excess of one story higher than the nearest adjacent building.
- C. Building Orientation and Scale. Residential and accessory structures shall be oriented and scaled as follows:
 - 1. Dwellings shall be serviced by a local street, an access road or drive, or an alley and shall not gain access from a collector or arterial street. Dwellings that front a courtyard, paseo, or common open space/recreation area are encouraged.
 - 2. Buildings shall be arranged and situated to relate to surrounding properties, to improve the view from and of buildings and to minimize road area.
 - 3. Ground floor pedestrian entrances must be oriented toward adjacent streets, plazas, courtyards, sidewalks and trails.
 - 4. Buildings shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or trail.
 - 5. Massing should be divided into rhythmic blocks to bring the design of the unit much closer to the human scale and to create a pedestrian-friendly atmosphere.
 - 6. Long building rows without varying setbacks or building mass should be avoided to prevent wind tunneling and long-term shadow casting.
 - 7. Building planes shall incorporate varying heights, textures, shapes or colors to mitigate the visual impact buildings have on the public realm.
 - 8. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.
 - 9. The landscaped setback is the build-to line for buildings adjacent to a public right-ofway. At least fifty percent of the front elevation must be built within three feet of the build-to line.
- D. Floor and Deck Height. The following floor and deck heights apply to all structures:
 - 1. Main Floor. The main floor of all residential units shall be no less than two and one-half feet above finished exterior grade.

- 2. Basement Floor. The basement floor of all residential units shall be no closer than four feet to finished exterior grade.
- E. Stories. All building types must be from one to ten stories.
- F. Proximity. There shall be a minimum separation of twenty feet between all habitable structures. Building separation may be reduced as follows if building code requirements are met: ten feet between one-story structures; fourteen feet between two-story structures; and eighteen feet between three-story structures.
- G. Fencing. Fencing in residential developments shall not exceed seven feet in height in the rear and side yards. Fencing in a front yard is prohibited. Fencing located in the site distance triangle shall not exceed three feet in height. The fencing of private yards shall be accomplished in a manner that does not create areas of common space that are unusable, inaccessible, or hidden from other residents of the project. Barbed or razor wire is prohibited. Fencing up to eight feet in height may be allowed in the side(s) or rear yard provided one of the following requirements are met:
 - 1. The side(s) or rear property is adjacent to a freeway system or arterial or collector roadway.
 - 2. Buffering between commercial/industrial uses and residential uses or between single family and multifamily residential uses.
 - 3. Demonstration of safety and/or security matters.

Fencing eight feet in height shall comply with the following conditions:

- a. The proposed fence shall be reasonably compatible with respect to height from adjacent fences and shall transition consistently from one segment of fence to another.
- b. The proposed fence shall be reasonably compatible with respect to materials from adjacent fences and shall propose materials and colors that are consistent and similar.
- c. A building permit shall be obtained from the city and construction of fences and retaining walls must meet applicable requirements of the building codes.
- H. Required Residential Open Space and Landscaping. All required landscaping shall be installed as a condition precedent to receiving a certificate of occupancy unless seasonal conditions make installation unfeasible, in which case the applicant shall provide cash security or its approved alternative for all landscaping, which landscaping shall be installed by the following May 31st.
 - 1. Minimum Open Space. Active, improved open space is required to meet whichever of the two following standards requires the greatest amount of open space:

- a. The applicant shall improve not less than twenty-five percent of the interior of the proposed development area as open space; or
- b. The applicant shall improve as open space not less than twice as much of the site area as is utilized for surface parking, including the parking stalls, aisles and associated hardscape but not including required parking lot landscaping or private driveways. Surface parking includes any dedicated parking spaces and associated paved areas not located in the enclosed levels of a parking structure, underneath living spaces, in a structure attached to a single family attached or detached dwelling, in a detached garage on the same parcel as a single family attached or detached dwelling, or in a driveway for a single family attached or detached dwelling.
- 2. Maximum Open Space. Subsection (H)(1) of this section notwithstanding, no development shall be required to include more than forty percent open space.
- 3. Minimum Landscaped Area. The applicant shall landscape twenty percent of the interior of the proposed development area. The required open space may be landscaped to comply with this requirement. Landscaped areas shall not be less than five feet wide. Building foundation landscaping is not interior landscaping. The applicant must landscape a minimum of ten feet between the side yard and the abutting property line when the side or rear yards are in public view.
- 4. Minimum Improved, Common Recreational Amenities. A minimum of fifteen percent of the land area shall be developed as active, improved common area to include such uses as mini parks, picnic areas, playgrounds, recreation areas and structures such as club houses, pavilions, swimming pools, etc. Improved, common recreational amenities shall be concentrated into larger, more functional areas as much as possible while continuing to provide each dwelling unit with an amenity within reasonable walking distance.
- 5. Landscaped Setback from a Public Right-of-Way. The minimum landscaped setback from the back of curb on a public right-of-way shall be thirty feet. No parking access shall be allowed through the landscape setback and no parking shall be adjacent to the required landscape setback. When the residential structure is located adjacent to or on a street where retail, office, or mixed-use structures are the dominant use, the setback shall be the same as that required for the dominant use on that block. Open, front entry elements such as porches, stoops, or verandas may encroach up to thirteen feet into the landscape setback provided all other provisions within this section are in conformance.
- 6. Building Foundation Landscaping. The ground adjacent to the building foundation must be landscaped if it is visible from public vantage points. The landscaped area must be at least three feet in width.
- 7. Plant Materials. Areas requiring landscaping shall be planted with substantial live plant material including: plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site.

- a. Minimum Number of Trees. A minimum of one tree for every four hundred square feet of landscaping is required for all landscaped areas. Street trees may be included in calculations in order to meet this requirement.
- b. Types of Vegetation. At least twenty-five percent of trees and shrubs must be evergreen. Up to twenty-five percent of the landscape area can include specialty paving, street furniture, and outdoor seating areas. Trees that are planted in the park strip shall meet the specifications described in the street tree selection guide of Midvale City.
- c. Size of Trees. The following standards apply to the use of plant and tree material:
 - i. Deciduous Trees. All deciduous trees shall have a minimum caliper size of two inches.
 - ii. Ornamental Trees. All ornamental trees shall have a minimum caliper size of one and one-half inches.
 - iii. Evergreen Trees. All evergreen trees shall have a minimum height of six feet.
- 8. Existing, Incompatible Use Buffer Area. Residential developments shall be developed such that existing uses that are incompatible with the reasonable enjoyment of residential users for reasons of noise, dust, vibration or other nuisance impacts shall be buffered from that nuisance by way of distance, screening or other mitigation techniques and/or conditions as approved by the planning commission. The mitigating techniques and/or conditions shall be conditions of approval for the residential project.
- I. Characteristics of Housing Product.
 - 1. Minimum Number of Models for Single Family Detached, Attached, or Other Multi-Family Residential Unit Combinations That Appear to Be a Single Large House. Any development of fifty or more units in any of the above-listed configurations shall have at least three different types of housing models. Any development of fewer than fifty units of the above-listed configurations shall have at least two different types of housing models.
 - 2. Minimum Model Characteristics for Single Family Detached, Attached, or Other Multi-Family Residential Unit Combinations That Appear to Be a Single Large House. Each housing model shall have at least three characteristics, which clearly and obviously distinguish it from the other housing models, such as different floor plans, exterior materials and colors, roof shapes, garage placement, window size/proportion/pattern, placement of the footprint on the lot, and/or overall building facade design.
 - 3. Street-Accessed Garages. Only a maximum of fifty percent of street-accessed garages shall have garage doors facing the street with the balance being alternative side or rearloaded and/or detached rear yard garages, etc., except that all opposing block faces shall duplicate the opposite side of the street; only front driveway block faces will face each other, only alley-loaded block faces will face each other. Each such alternatively loaded garage plan will constitute a distinct model for the purposes here.

- 4. Single Family Attached (Townhouse). The development of contiguous townhouses is limited to fifty units (i.e., in any single location) and in groupings no larger than eight units each. Any additional development over fifty townhouses may be developed so long as one-third of the total approved units are located on uncontiguous lots, a minimum of one hundred fifty feet or three lots apart in all directions and in groupings no larger than eight units each. Any townhouse development larger than eight units shall provide at least two different unit models. Each unit model shall have at least three characteristics that clearly distinguish it from the other townhouse models.
- J. Medium and High Density Residential Architectural Requirements.
 - 1. Residential Architectural Standards. All new residential development must present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians. All new residential development shall comply with the general architectural standards for the Junction at Midvale zone and with each of the following architectural standards:
 - a. Materials. All single family detached, attached, or other multi-family residential units, including combinations that appear to be a single large house, shall include a substantial use of brick, cultured brick, natural or cultured stone, wood or synthetic wood products.
 - b. Base Materials. Each structure shall have a base or foundation with a minimum height of one-third the overall height of the structure. The base or foundation shall extend beyond the plane of the wall above it, creating a larger mass at the base of the building. The planning commission may allow for minor deviations to allow this base to terminate at visual breaks in the architecture, and the planning commission may approve alternative materials that are the qualitative equivalent of brick, cultured brick, natural or cultured stone.
 - c. Brick and Rock Pattern. Ledge stone, uncoursed ledge rock, random or coursed Ashlar Flemish bond, English bond, common bond, running bond or drystack patterns shall be used for finished brick, rock and stone work. Herringbone, basket weave, vertical stack, stack bond, uncoursed roughly squared, and other vertical, irregular, or diagonal masonry patterns or vertical, nonalternating bond courses may be used only as an accent. Other masonry patterns shall not be used on vertical surfaces except as expressly authorized by the planning commission.
 - d. Stucco. The use of stucco should be limited to architectural relief and shall not exceed twenty-five percent of a front elevation or fifty percent of any elevation. The planning commission may determine, on a case-by-case basis, that the architectural detail and excellence of a structure is such that the use of stucco in excess of this standard is warranted.
 - e. Prohibited Materials. Vinyl and aluminum siding products are prohibited as wall materials.

- f. Color Scheme. The use of a single color scheme, minimal detailing, or blank (or largely blank) walls is not permitted. The use of exterior staircases is discouraged.
- g. Building Massing. Buildings that are uniformly three stories or more must step the roof form or interrupt it with other roof elements. The building mass of the elevation can be reduced by off-setting dwelling units, and varying building setbacks and heights.
- h. Openings. Not less than twenty-five percent of any front or rear building face shall be made up of window or door areas. Not less than fifteen percent of any side building face shall be made up of windows or door areas unless an adjacent building within twenty feet of that side face obscures the majority of that side face from public view.
- i. Protruding Features. Bay windows and other architectural elements protruding from the facades may be clad in other materials.
- j. Miscellaneous. Security devices shall have materials and colors that complement the building's architecture and building materials. Accessory structures shall be architecturally compatible with the primary development. Satellite dishes should be placed on the roof of a building, should be wired for use during construction, and shall not be placed within the public view or on the first floor of any building.
- 2. Roof Form. Roof forms shall be designed in ways and/or used in combinations to break up large, continuous building forms, particularly for cluster and multiple dwelling structures. Where flat roofs are used, other techniques to provide scale and interest shall be used to refine large, continuous building forms. Long unbroken ridge or parapet lines are prohibited.
 - a. Generally, for structures lower than forty feet high, gable or hip roofs are preferred for the primary roof form. The primary gable roof slope shall not be less than five to twelve and not less than six to twelve for single family or duplex residences.
 - b. Secondary roof structures such as porch roofs, roofs over bay extensions, bay windows, etc., may include other roof forms such as shed roofs, and hip roofs in combination with gable roofs. However, the secondary roofs shall be consistent or complementary with the primary roof form. Secondary roofs that slope should not be less than four to twelve. Flat roofs may be also appropriate for small areas.
- 3. Front Entry Feature. All dwelling units or residential buildings shall have an exterior entry that is a prominent, architectural focal point directing people into the unit or building. This feature shall relate to the architecture of the structure and may include porches, stoops, roofs, etc.
- 4. Garages. Garage doors must be set back a minimum of twenty feet from the property line or sidewalk, whichever is greater, if off-street parking is to occur in the driveway. In all cases where garage doors face a street, the garage door shall be recessed a minimum of two feet behind the front line of the building living area (porches, bay windows, and similar

projections not included). The style, materials, colors and roofs used in the construction of accessory structures, including garages and carports, shall be architecturally compatible with the primary structures.

- K. City-Wide Utility Infrastructure. Each project and each structure within each project shall include infrastructure that facilitates connection to Questar Gas, Rocky Mountain Power, Comcast Cable, UTOPIA, and Qwest Communications. This requirement may be waived if any of the aforementioned utilities decline, in writing, the opportunity to install or utilize the necessary infrastructure. The director of community and economic development and authorized deputies may approve the waiver.
- L. Internal accessory dwelling units.
 - 1. An IADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
 - 2. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
 - 3. Installing separate utility meters or separate addresses for an IADU is prohibited.
 - 4. Any additions to an existing building must comply with the development standards within this chapter.
 - 5. An IADU must provide off-street parking as described within this chapter.
 - An IADU may not be constructed within a mobile home or manufactured home.
 - 7. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
 - 8. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - A description of the primary dwelling;
 - b. A statement that the property contains an IADU; and
 - c. A statement that the IADU may only be used in accordance with this title.
 - 9. An IADU may not be rented or leased for a period of less than 30 consecutive days.
 - +.10. Only one IADU is permitted on each property. (Ord. 2016-15 § 15 (Att. A) (part); Ord. 2011-14 § 1 (Att. A); Ord. 8/7/2007O-10 § 1 (Exh. A) (part), 2007)

17-7-9.12.2.6 Retail/office/flex and mixed-use lot and development standards.

[No changes in this section.]

17-7-9.12.2.7 Retail/office/flex and mixed-use architectural standards.

[No changes in this section.]

17-7-9.12.2.8 Retail/office/flex and mixed-use landscaping.

[No changes in this section.]

17-7-9.12.2.9 Trails and open space.

[No changes in this section.]

17-7-9.12.2.10 Streets and alleys.

[No changes in this section.]

17-7-9.12.2.11 Parking standards.

[No changes in this section.]

17-7-9.12.2.12 Live/work units.

[No changes in this section.]

17-7-9.12.2.13 Thematic elements.

[No changes in this section.]

17-7-9.12.2.14 Related provisions.

[No changes in this section.]

Chapter 17-7-9.12.3 SILVER REFINERY OVERLAY

| Sections: |
|--|
| 17-7-9.12.3.1 Purpose. |
| 17-7-9.12.3.2 Boundary. |
| 17-7-9.12.3.3 Large scale master plan requirement. |
| 17-7-9.12.3.4 Use. |
| 17-7-9.12.3.5 Single-family residential traditional lot subdivision standards. |
| 17-7-9.12.3.6 Medium density residential development standards for single-family |
| attached and multi-family development. |
| 17-7-9.12.3.7 Medium density residential development standards for single-family |
| detached development. |
| 17-7-9.12.3.8 Commercial and mixed-use lot and development standards. |
| 17-7-9.12.3.9 Commercial and mixed-use architectural standards. |
| 17-7-9.12.3.10 Commercial and mixed-use landscaping. |
| 17-7-9.12.3.11 Trails and open space. |
| 17-7-9.12.3.12 Streets and alleys. |
| 17-7-9.12.3.13 Parking standards. |
| 17-7-9.12.3.14 Access management. |
| 17-7-9.12.3.15 Utilities. |
| 17-7-9.12.3.16 Thematic elements. |
| 17-7-9.12.3.17 Conditional use standards of review. |
| 17-7-9.12.3.18 Sign standards. |

17-7-9.12.3.1 Purpose.

[No changes in this section.]

17-7-9.12.3.2 Boundary.

[No changes in this section.]

17-7-9.12.3.3 Large scale master plan requirement.

17-7-9.12.3.19 Home occupation standards.

17-7-9.12.3.20 Itinerant merchants. 17-7-9.12.3.21 Outdoor advertising. 17-7-9.12.3.22 Related provisions.

[No changes in this section.]

17-7-9.12.3.4 Use.

If a use is not specifically designated, it is prohibited. Uses designated with an asterisk (*) have additional use-specific standards included in subsection (A) of this section.

| Urban Use Type | Allowed | Administrative | Conditional | Business License |
|---|-----------|------------------|-------------|---------------------|
| Alcoholic Beverage: | 7 Allowed | 7 Auministrative | Conditional | Literise |
| Package Agency | | | | |
| Private Club/Tavern | | | | • |
| Restaurant, Beer Retailer, Etc. | • | | | • |
| State Liquor Store | | | | • |
| Animal Hospital | • | | | |
| Assembly: | | | | |
| Electronic Instruments | | • | | |
| Computer | | • | | • |
| Assisted Living: | | | | |
| ≤ 1/2 acre | | • | | • |
| > 1/2 acre | | | • | • |
| Athletic, Tennis, Health Club | • | | | • |
| Automobile Filling Station, Car Wash, and/or Repair | | | • | • |
| Cafe, Deli | • | | | • |
| Child Care: | | | | • |
| Center: ≤ 6 children | • | | | |
| Facility: ≥ 7 children | | • | | |
| Disabled Care Facility | | | • | • |
| Entertainment Center | | | • | • |
| Fences: | | | | |
| 7' or less | • | | | |
| 7' or more | | • | | |
| Financial Institution: | | | | • |

| Urban Use Type | Allowed | Administrative | Conditional | Business License |
|--------------------------------|---------|----------------|-------------|---------------------|
| W/o drive-up window | | | | |
| W/drive-up window | | • | | |
| Hotel/Motel | | | • | • |
| Itinerant Merchant: | | | | |
| Seasonal Food Stands | | | | • |
| Christmas Tree Sales | | | | ٠ |
| Fireworks Stands | | | | • |
| Seasonal Produce Stands | • | | | • |
| Medical Cannabis Pharmacy* | | | | • |
| Mixed-Use—horizontal, vertical | • | | | • |
| Mortuary/Funeral Home | • | | | • |
| Municipal Facilities: | | | | |
| Parks | • | | | |
| Public Utilities: | | | | |
| Major | | | • | |
| Minor | • | | | |
| Trails | • | | | |
| Office: | | | | |
| General | • | | | • |
| Intensive | | | • | • |
| Medical/Clinical | | | • | • |
| Outdoor Dining | | • | | |
| Parking Lot: | | | | |
| Commercial | | | • | • |
| Private | • | | | |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: | | | | |
| Commercial | | | • | • |
| Private | • | | | |

| Urban Use Type | Allo | wed | Adı | ministrative | Co | nditional | | Business License |
|--|------|------|-----|--------------|------|-----------|-----|---------------------|
| Religious/Educational Institution | • | | | | | | | |
| Restaurant: | | | | | | | | • |
| W/o drive-up window | • | | | | | | | |
| W/drive-up window | | | | • | | | | |
| Retail and Service Commercial—Medium** | | | | | | | | • |
| W/o drive-up window | • | | | | | | | |
| W/drive-up window | | | | • | | | | |
| 24-hour use | | | | • | | | | |
| Retail and Service Commercial—Small*** | | | | | | | | • |
| W/o drive-up window | • | | | | | | | |
| W/drive-up window | | | | • | | | | |
| 24-hour use | | | | • | | | | |
| Telecommunications Facility < 35' in height | | | | • | | | | |
| Residential Use Type | | Allo | wed | Administra | tive | Conditio | nal | Business License |
| Accessory Apartment, single family only | | - | | | | - | | - |
| Accessory Occupied Structure, single-family residential traditional lot subdivision only | | - | | - | | | | - |
| Accessory Unoccupied Structure | | | | | | | | |
| Assisted Living: | | | | | | | | |
| ≤ 1/2 acre | | | | | | | | ٠ |
| > 1/2 acre | | | | | | | | • |
| Child Care: | | | | | | | | |
| Center: ≤ 6 children | | | | | | | | • |
| Facility: 7 to 12 children | | | | | | | | • |
| Disabled Care Facility | | | | | | • | | • |
| Dwellings: | | | | | | | | |
| Single-family, Detached | | | | | | | | |
| Single-family, Attached | | | | | | | | |
| Multi-Family 1/2—1 acre | | | | • | | | | |

| Residential Use Type | Allowed | Administrative | | Business |
|---|---------|----------------|---|----------|
| Multi-Family > 1 acre | Anowed | Aummstrative | • | License |
| External accessory dwelling unit* | • | | | |
| Fences, 7' or less | | | | |
| Home Occupation | • | | | • |
| Internal accessory dwelling unit* | 0 | | | |
| Kennel, Private | | • | | |
| Master Planned Development | | | • | |
| Municipal Facilities: | | | | |
| Parks | | | | |
| Public Utilities: | | | | |
| Major | | | • | |
| Minor | • | | | |
| Trails | • | | | |
| Quasi-Public Facility | | | • | • |
| Recreation Facility: | | | | |
| Private | • | | | |
| Religious/Educational Institution | • | | | |
| Telecommunications Facility < 35' in height | | • | | |

- A. Additional Use-Specific Standards.
 - 1. Medical Cannabis Pharmacy.
 - a. Proximity Restrictions.
 - i. A medical cannabis pharmacy use shall meet the proximity requirements as specified and amended in Section 26-61a-301 of the Utah Code Annotated.
 - b. Application Requirements.
 - i. An applicant for a medical cannabis pharmacy use must provide a description of the physical characteristics of the proposed facility, including a site plan, floor plan, architectural elevations, and a security plan as part of the business license application for the use. Fencing and security devices must comply with applicable city requirements.

- ii. When proximity restrictions include area in an adjacent municipality, an applicant for a medical cannabis pharmacy use shall obtain a letter from the adjacent municipality indicating proximity restrictions within this title are satisfied based on existing uses in the area in the adjacent municipality prior to issuance of a business license.
- c. Parking. A medical cannabis pharmacy use shall be considered a retail and service commercial personal service use in the Bingham Junction zone for the purpose of calculating parking requirements.
- d. Signage. In addition to those requirements within this title, all signage associated with a medical cannabis pharmacy use shall comply with any requirements imposed by the state of Utah. (Ord. 2020-02 § 1 (Att. A) (part); Ord. 2016-15 § 1 (Att. A) (part); Ord. 2013-04 § 1 (Att. A) (part))

2. Internal accessory dwelling unit.

- a. An IADU may only be constructed on a lot with one detached single family dwelling.

 The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
- b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- c. Installing separate utility meters or separate addresses for an IADU is prohibited.
- d. Any additions to an existing building must comply with the development standards within this chapter.
- e. An IADU must provide off-street parking as described within this chapter.
- f. An IADU may not be constructed within a mobile home or manufactured home.
- g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an IADU; and
 - iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.

- j. Only one IADU is permitted on each property.
- 3. External accessory dwelling unit.
 - a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.
 - b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.
 - c. Installing separate utility meters or separate addresses for an EADU is prohibited.
 - d. An EADU must comply with the standards in Section 17-7-9.12.3.5(H).
 - e. An EADU must provide off-street parking as described within this chapter.
 - f. An EADU may not be constructed on the same lot as a mobile home or manufactured home.
 - g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
 - h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
 - i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
 - j. Only one EADU is permitted on each property.

17-7-9.12.3.5 Single-family residential traditional lot subdivision standards.

The following development standards apply to all single-family residential traditional lot subdivisions in a residential land use area. These are traditional single-family residential lots that do not require additional open space and common areas within the residential development.

- A. Lot Standards and Minimum Area. The minimum lot area is three thousand five hundred square feet, subject to the following regulations:
 - 1. Lot Width. The minimum lot width is forty-five feet, measured at the front setback line.
 - 2. Lot Frontage. The minimum lot frontage is forty-five feet, unless the proposed lot is on the curve of a cul-de-sac, then the minimum lot frontage is thirty-five feet.
 - 3. Lot Depth. The minimum lot depth is seventy-five feet, unless the proposed lot width is at least sixty-seven feet, then the minimum lot depth shall be sixty-seven feet. Corner lots must meet the minimum lot depth from both street frontages.
- B. Setbacks. The minimum setbacks for primary structures in single-family detached residential lot subdivisions are as follows:
 - 1. Front. The minimum front yard setback is eighteen feet to a garage (not including a sidewalk width) and fifteen feet to living area.
 - a. Corner Lot Rule. Corner lots have two front yards.
 - b. Exceptions. The following exceptions apply to all front yard setbacks in the zone:
 - i. Front Porch. An open, front entry porch may encroach eight feet into the front yard setback.
 - ii. Projections. Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the front yard up to two and one-half feet.
 - iii. Impervious Surfaces. A driveway with a width of ten feet and a sidewalk of up to five feet in width from the driveway or street to the front door.
 - 2. Side. The minimum side yard setback is five feet, subject to the following exceptions. Where side yards are adjacent to existing residential development, the side yard setback shall be a minimum of ten feet.
 - a. Projection. Sills, cornices, chimneys, flues, eaves and ornamental features may project into the side yard up to two and one-half feet. If the front porch wraps around the structure it may project into the side yard up to two feet.
 - b. Stairs and Balconies. Outside stairways and balconies may project into the side yard up to three feet.

- 3. Rear. The minimum rear yard setback is fifteen feet, subject to the following exceptions:
 - a. Corner Lot Rule. On a corner lot there is no rear yard.
 - b. Projection. Sills, cornices, chimneys, flues, eaves and ornamental features may project into the rear yard up to two and one-half feet.
 - Stairs and Balconies. Outside stairways and balconies may project into the rear yard up to three feet.
- C. Building Orientation and Scale. Residential and accessory structures shall be oriented and scaled as follows:
 - 1. Dwellings shall be serviced by a local street, an access road or drive, or an alley and shall not gain access from a collector or arterial street.
 - 2. Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from buildings and to minimize road area.
 - 3. Individual lots and buildings shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or trail.
 - 4. Massing should be divided into rhythmic blocks to bring the design of the unit much closer to the human scale and to create a pedestrian-friendly atmosphere.
 - 5. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.
- D. Build-To Line. The front yard setback is the build-to line. At least fifty percent of the front elevation must be built within three feet of the build-to line. This provision does not apply to the development of cul-de-sac lots.
- E. Height. The maximum height for a structure is twenty-eight feet to the midpoint for a sloping roof and twenty-five feet to the cornice for flat roofs.
- F. Stories. All buildings must be from one to two and one-half stories.
- G. Parking/Driveway Access. Each lot shall provide two parking spaces in a garage or in the side or rear yard of the property. Except for a ten-foot driveway from the frontage that leads to a garage or other parking area located on the side or to the rear of a dwelling, off-street parking and access to parking areas shall be located on the side or rear of a property.

H. Unoccupied Accessory Structure and External Accessory Dwelling Unit Standards.

An unoccupied accessory structure or an external accessory dwelling unit shall meet the following development standards:

- 1. Proximity. An unoccupied accessory structure or an EADU must be located at least six feet from the main building.
- 2. Location. An unoccupied accessory structure or an EADU must be located in either the rear or side vard.
- 3. Setbacks. An unoccupied accessory structure or an EADU, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.
- 4. Height. The height of an unoccupied accessory structure or an EADU may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.
- 5. Stories. An unoccupied accessory structure or an EADU may range from one to one and one-half stories.
- 6. Building Area. The maximum cumulative building area of all unoccupied accessory structures and an EADU is the larger of nine hundred square feet or thirteen percent of the lot area.
- 7. Utilities. An unoccupied accessory structure or an EADU may not have a separate electrical service, gas service, sewer service or water service.
- 8. Maintenance. It is the responsibility of the property owner to ensure the setback area between an unoccupied accessory structure or an EADU and the property line remains free of weeds, junk and debris.
- 9. Number of Unoccupied Accessory Structures. Multiple unoccupied accessory structures are permitted on each property so long as each unoccupied accessory structure meets the requirements of this subsection.
- Reserved.
- J. Architectural Requirements.
 - 1. Front Porches. Front porches shall be provided on all dwelling units, or as otherwise approved by the planning commission through specific design review. Porches shall be an unenclosed, roofed structure attached to the dwelling structure. Porches shall be defined by a railing, wall, columns or similar architectural features. Porches are encouraged to reflect the design of traditional porches found in older neighborhoods. Railings and porch supports

shall be composed of relatively substantial members, preferably wood, metal and/or masonry or other materials that complement the design. Porches may encroach eight feet into the front yard setback and two feet into the side yard setback.

- 2. Garages. Detached garages must be located in the rear yard and may be connected to the dwelling unit with a covered breezeway, provided the breezeway is architecturally compatible with the dwelling.
- 3. Colors, Materials, Roofs, Openings.
 - a. Building/Retaining Walls. No more than three materials shall be used for the primary wall surfaces on a building. Exterior finish shall be of traditional, time- and weather-tested techniques. Retaining walls shall be of materials complementary to the building's materials.
 - b. Colors. Without limiting the use of color, exterior walls shall be subdued in color and not reflective. Intense colors should be used as accent only.
 - c. Roofs. All the roofs and dormer roofs of a building shall be constructed of the same material. Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.
 - d. Openings. The following standards apply to openings of all structures:
 - i. Entry Doors. Entry doors must face the front yard or, if located on the building side, must be placed within three feet of the front facade. Entry doors must be covered by a roof and must be a primary element of the front of the structure.
 - ii. Windows. Bay windows shall have from three to five sides.
- K. City-Wide Utility Infrastructure. Each project and each structure within each project shall include infrastructure that facilitates connection to Questar Gas, Rocky Mountain Power, Comcast Cable, UTOPIA, and CenturyLink. This requirement may be waived if any of the aforementioned utilities decline, in writing, the opportunity to install or utilize the necessary infrastructure. The director of community and economic development and authorized deputies may approve the waiver. (Ord. 2013-04 § 1 (Att. A) (part))

17-7-9.12.3.6 Medium density residential development standards for single-family attached and multi-family development.

[No changes in this section.]

17-7-9.12.3.7 Medium density residential development standards for single-family detached development.

The following development standards apply to all new single-family detached development in the residential land use area, with the exception of single-family residential traditional lot subdivisions (see Section 17-7-9.12.3.5).

- A. Setbacks. New development shall comply with the following setbacks to residential structures:
 - 1. Front. The minimum front yard setback is eighteen feet to a garage (not including the sidewalk width) if off-street parking is to occur in the driveway. Otherwise, there shall be no front yard setback for living space and porches except as required by the planning commission through specific design review.
 - a. Exceptions. The following exceptions to front yard setbacks apply to all new development in the zone:
 - i. Driveway and Sidewalks. A driveway width of up to twenty feet and a sidewalk width of up to six feet may occupy the front yard.
 - 2. Perimeter Project Setback. The setback from the project's perimeter boundary to a new residential structure shall be a minimum of ten feet.
 - 3. Proximity. There shall be a minimum separation of ten feet between all habitable structures interior to the project. All building code requirements must be met.
- B. Height. The maximum height for structures is three stories.
- C. Building Orientation and Scale. Residential and accessory structures shall be oriented and scaled as follows:
 - 1. Dwellings shall be serviced by a local street, an access road or drive, or an alley and shall not gain access from a collector or arterial street. Dwellings that front a courtyard, paseo, or common open space/recreation area are encouraged.
 - 2. Buildings shall be arranged and situated to relate to surrounding properties, to improve the view from and of buildings and to minimize road area.
 - 3. Ground floor pedestrian entrances must be oriented toward adjacent streets, plazas, courtyards, sidewalks and trails.
 - 4. Buildings shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or trail.
 - 5. Building planes shall incorporate varying heights, textures, shapes or colors to mitigate the visual impact buildings have on the public realm.

- 6. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.
- D. Stories. All structures must be from one to three stories.
- E. Interior Fencing. Interior fencing is considered a design element of the overall project. All interior fencing, including location, type and height, shall be reviewed and approved by the planning commission as part of the site review process. Interior fencing shall not exceed seven feet in height. Fencing in front yards is prohibited. Fencing located in the site distance triangle shall not exceed three feet in height. The fencing of private yards shall be accomplished in a manner that does not create areas of common space that are unusable, inaccessible, or hidden from other residents of the project. If interior fencing is used, it should enhance the overall project design and character. Barbed or razor wire is prohibited. Fencing up to eight feet in height may be allowed in the side(s) or rear yard provided one of the following requirements are met:
 - 1. The side(s) or rear property is adjacent to a freeway system or arterial or collector roadway.
 - 2. Buffering between commercial/industrial uses and residential uses or between single family and multifamily residential uses.
 - 3. Demonstration of safety and/or security matters.

Fencing eight feet in height shall comply with the following conditions:

- a. The proposed fence shall be reasonably compatible with respect to height from adjacent fences and shall transition consistently from one segment of fence to another.
- b. The proposed fence shall be reasonably compatible with respect to materials from adjacent fences and shall propose materials and colors that are consistent and similar.
- c. A building permit shall be obtained from the city and construction of fences and retaining walls must meet applicable requirements of the building codes.
- F. Required Open Space and Landscaping. All required landscaping shall be installed as a condition precedent to receiving a certificate of occupancy unless seasonal conditions make installation unfeasible, in which case the applicant shall provide cash security or its approved alternative for all landscaping, which landscaping shall be installed by the following May 31st.
 - 1. Minimum Open Space and Landscape Area. A minimum of forty percent of the land area shall be improved as open space and landscape area. Landscaped areas shall not be less than five feet wide.
 - 2. Minimum Improved, Common Recreational Amenities. A minimum of fifteen percent of the land area shall be developed as active, improved common area to include such uses as mini parks, picnic areas, playgrounds, recreation areas and structures such as club houses, pavilions, swimming pools, etc. Improved, common recreational amenities shall be

concentrated into larger, more functional areas as much as possible while continuing to provide each dwelling unit with an amenity within reasonable walking distance.

- 3. Landscaped Setback from a Public Right-of-Way. The minimum landscaped setback from the back of curb on a public right-of-way shall be thirty feet. No parking access shall be allowed through the landscape setback and no parking shall be adjacent to the required landscape setback. Open, front entry elements such as porches, stoops, or verandas may encroach up to eight feet into the landscape setback provided all other provisions within this section are in conformance. The developer is responsible to landscape the entire width of the setback, with the exception of sidewalk areas.
- 4. Building Foundation Landscaping. The ground adjacent to the building foundation must be landscaped if it is visible from public vantage points, including project common areas. The landscaped area must be at least three feet in width.
- 5. Plant Materials. Areas requiring landscaping shall be planted with substantial live plant material including: plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site.
 - a. Minimum Number of Trees. A minimum of one tree for every four hundred square feet of landscaping is required for all landscaped areas. Street trees may be included in calculations in order to meet this requirement.
 - b. Types of Vegetation. At least twenty-five percent of trees and shrubs must be evergreen. Up to twenty-five percent of the landscape area can include specialty paving, street furniture, and outdoor seating areas. Trees that are planted in the park strip shall meet the specifications described in the street tree selection guide of Midvale City.
 - c. Size of Trees. The following standards apply to the use of plant and tree material:
 - i. Deciduous Trees. All deciduous trees shall have a minimum caliper size of two inches.
 - ii. Ornamental Trees. All ornamental trees shall have a minimum caliper size of one and one-half inches.
 - iii. Evergreen Trees. All evergreen trees shall have a minimum height of six feet.
 - d. See Section 17-7-9.5 for further landscaping standards.
- G. Characteristics of Housing Product.
 - 1. Minimum Number of Models for Single-Family Detached Units. Any development of thirty or more single-family detached units shall have at least three different types of housing models. Any development of fewer than thirty units shall have at least two different types of housing models.

2. Minimum Model Characteristics for Single-Family Detached Units. Each housing model shall have at least three characteristics, which clearly and obviously distinguish it from the other housing models, such as different floor plans, exterior materials and colors, roof shapes, garage placement, window size/proportion/pattern, placement of the footprint on the lot, and/or overall building facade design.

H. Architectural Requirements.

- 1. Residential Architectural Standards. All new residential development must present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians. All new residential development shall comply with the general architectural standards for the Bingham Junction zone and with each of the following architectural standards:
 - a. Materials. Buildings shall include a substantial use of brick, cultured brick, natural or cultured stone, wood or synthetic wood products. The planning commission may approve alternative materials that are the qualitative equivalent of brick, cultured brick, natural or cultured stone. Bay windows and other architectural elements protruding from the facades may be clad in other materials.
 - b. Stucco. The use of stucco should be limited to architectural relief and shall not exceed twenty-five percent of any front elevation or side elevation adjacent to a street or common area. The use of stucco shall not exceed fifty percent of any other elevation. The planning commission may determine, on a case-by-case basis, that the architectural detail and excellence of a structure is such that the use of stucco in excess of this standard is warranted or that the elevation is such that it is not seen from any public vantage point, e.g., side elevations between structures in close proximity and of similar height.
 - Prohibited Materials. Vinyl and aluminum siding products are prohibited as wall materials.
 - d. Color Scheme. The use of a single color scheme with minimal detailing is not permitted. Buildings shall use a cohesive palette of colors that complement other buildings. Intense colors should be used as accent only.
 - e. Form Variations and Architectural Treatments. With the exception of side building elevations that cannot be seen from any public vantage point, e.g., side elevations between structures in close proximity and of similar height, all building elevations shall include form variations and architectural treatments that provide interest and dimensional changes in plane, color and detail. Blank facades in these areas are prohibited. This can be accomplished by incorporating devices such as:
 - i. Off-sets, projections and shifts in the general plane of the facade;
 - ii. Upper level step-backs;

- iii. Bay windows;
- iv. Porches:
- v. Balconies:
- vi. Exterior shading devices;
- vii. Eaves;
- viii. Secondary roof structures (secondary roofs shall be consistent or complementary with the primary roof form).
- f. Openings. Not less than twenty-five percent of any front or rear building face or side building face that is adjacent to a street or common area shall be made up of window, door, porch or balcony areas. The planning commission may determine, on a case-by-case basis, that the architectural detail and excellence of a structure is such that the use of fewer openings is warranted.
- g. Miscellaneous. Security devices shall have materials and colors that complement the building's architecture and building materials. Accessory structures shall be architecturally compatible with the primary development. Satellite dishes should be placed on the roof of a building, should be wired for use during construction, and shall not be placed within the public view or on the first floor of any building.
- 2. Garages. Garage doors must be set back a minimum of eighteen feet (not including a sidewalk width) if off-street parking is to occur in the driveway. In all cases where garage doors face a street, the garage door shall be recessed a minimum of two feet behind the front line of the building living area, porches, balconies or similar projections.
- 3. Accessory Structures. The style, materials, colors and roofs used in the construction of accessory structures, including garages and carports, shall be architecturally compatible with the primary structures.
- I. City-Wide Utility Infrastructure. Each project and each structure within each project shall include infrastructure that facilitates connection to Questar Gas, Rocky Mountain Power, Comcast Cable, UTOPIA, and CenturyLink. This requirement may be waived if any of the aforementioned utilities decline, in writing, the opportunity to install or utilize the necessary infrastructure. The director of community and economic development and authorized deputies may approve the waiver.
- J. Internal accessory dwelling units.
 - 11. An IADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.

- 12. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- 13. Installing separate utility meters or separate addresses for an IADU is prohibited.
- 14. Any additions to an existing building must comply with the development standards within this chapter.
- 15. An IADU must provide off-street parking as described within this chapter.
- 16. An IADU may not be constructed within a mobile home or manufactured home.
- 17. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
- 18. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - a. A description of the primary dwelling;
 - b. A statement that the property contains an IADU; and
 - c. A statement that the IADU may only be used in accordance with this title.
- 19. An IADU may not be rented or leased for a period of less than 30 consecutive days.
- 20. Only one IADU is permitted on each property.(Ord. 2016-15 § 1 (Att. A) (part); Ord. 2013-04 § 1 (Att. A) (part))

17-7-9.12.3.8 Commercial and mixed-use lot and development standards.

[No changes in this section.]

17-7-9.12.3.9 Commercial and mixed-use architectural standards.

[No changes in this section.]

17-7-9.12.3.10 Commercial and mixed-use landscaping.

[No changes in this section.]

17-7-9.12.3.11 Trails and open space.

[No changes in this section.]

17-7-9.12.3.12 Streets and alleys.

[No changes in this section.]

17-7-9.12.3.13 Parking standards.

In addition to those standards found in Section 17-7-9.6 of the Bingham Junction zone, the following standards shall apply to the creation of surface and/or structured parking lots and areas:

- A. Front Setbacks. No parking shall occur within the front setback of any building.
 - 1. Exceptions. The following exceptions apply to the prohibition of parking within a front setback.
 - a. When a single-family attached or detached structure is located on a local street and is set back at least eighteen feet from the property line, a private driveway may be used for off-street parking.
 - b. When one owner or lessee occupies more than one hundred twenty thousand square feet of interior tenant space on one contiguous parcel or site, up to five percent of the total parking supplied, not to exceed twenty parking spaces, may be located between the right-of-way and the front elevation so long as they are signed and used exclusively as handicapped, visitor and/or visiting executive parking. The remaining area in front of the building must be designed and constructed as a primarily pedestrian space even if limited vehicular access is allowed.
- B. On-Street Parking. Parallel parking spaces on designated public and private streets may be used to meet the guest parking needs of residential and commercial uses. The city engineer will designate streets available for parking based on the width of the traveled surface, traffic demand, best engineering practices and adopted fire codes.
- C. Parking Garages and Structures. Parking garages and structures shall meet the following standards:
 - 1. Unless otherwise stated, all parking areas shall meet the requirements found in Section 17-7-9.6.
 - 2. Parking structures shall include pedestrian walkways and connections to the sidewalk system. These shall be clearly marked and continuous in design.
 - a. Parking structures shall contain ground level retail, office or display windows along all street-fronting facades of the parking structure. Parking structures with street frontage in primarily residential areas may utilize residential units or residential architecture that reflects surrounding residential units to mask the visual impact of the parking structure.

- b. Parking structures that are not located adjacent to or within clear sight of a public street or other major transportation thoroughfare shall utilize plant material as screening to minimize the visual impact of the parking structure.
- c. Parking structures shall be designed with an architectural theme similar to the adjoining structures. Openings that face and can be seen from major vehicular and pedestrian thoroughfares shall be of similar size and, whenever possible, shape to those found on adjacent buildings.
- d. Walls, materials, patterns, colors, roof forms, and front entryways shall conform to the standards for all buildings in the applicable project area and shall reflect those used for adjacent buildings.
- e. Parking stall width may be reduced to eight feet, three inches.
- f. Parking stalls located adjacent to walls or columns shall be one foot wider than the minimum required width to accommodate door opening clearance and vehicle maneuverability.
- D. Medium Density Residential Use Parking Standards. Parking for new medium density residential uses shall comply with the following:
 - 1. Surfacing. Parking areas and driveways must be hard-surfaced with asphalt, concrete or a comparable material approved by the city engineer; maintained in good condition; and clear of obstructions at all times.
 - 2. Unless otherwise stated, all parking areas shall meet the requirements found in Section $\underline{17-7-9.6}$.
 - 3. Parking Requirements. The required number of off-street parking spaces available within a medium density residential project shall be as follows:

| Uses | Parking Requirement |
|------------------------------|--|
| Accessory Apartment | 1 space |
| Accessory Occupied Structure | 1 space in addition to- requirements for primary structure |
| IADU/EADU | 1 space per unit |
| Assisted Living | The greater of: 1 space per 2 bedrooms plus 1 space per employee per |

| Uses | Parking Requirement |
|---|---|
| | shift, or 2 per 3 employees per shift; or as determined by the planning commission based on the operation's parking need |
| Child Care Facility/Center | 1 space per on-duty employee and 1 per 6 children |
| Disabled Care Facility | The greater of: 1 space per 2 bedrooms plus 1 space per employee per shift, or 2 per 3 employees per shift; or as determined by the planning commission based on the operation's parking need |
| IADU/EADU | 1 space per unit |
| Mixed-Use Building | As determined by planning commission, based on the proposed uses and their potential for shared parking |
| Multi-family Development | 1.5 spaces per 1 bedroom unit; 2 spaces per 2 bedroom unit; 2.5 spaces per 3 bedroom unit and greater; plus 1 space per every 4 units for guest parking |
| Public and Quasi- Public Institution, Church and School; Public Utility; Municipal Facility | The greater of: 1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 s.f., or as determined by the planning commission based on the parking need |

| Uses | Parking Requirement |
|--|--|
| Senior Affordable Housing | Not less than 1 space per dwelling unit; plus not less than 0.3 spaces per dwelling unit for guest parking |
| Single-Family, Attached and Detached | 2 spaces per dwelling unit |

- 4. Guest Parking with Private Streets. In residential developments with private streets where on-street parking is unable to be accommodated because of limited street width, guest parking shall be provided at a rate of one space for every four units and shall not include any private driveways. Guest parking shall be located within an accessible and reasonable distance from all parts of the development. This may require more than one guest parking area to be constructed.
- 5. Parking Space Dimensions. All new medium density residential development shall provide parking spaces of the following minimum dimensions. The city engineer may approve minor (equal to or less than ten percent) variations in parking space dimensions.
 - a. Up to sixty percent of the total parking spaces must be at least eight and one-half feet wide by eighteen feet long, however, the remaining parking spaces must be at least nine feet wide by eighteen feet long;
 - b. ADA parking space width requirements vary and shall be consistent with current building code standards; and
 - c. Compact spaces and motorcycle spaces may be included in a project but will not count toward the parking requirement.
- 6. Grading and Drainage. Parking shall be graded and constructed as follows:
 - a. Parking areas must be graded for proper drainage with surface water diverted to keep the parking area free of accumulated water and ice;
 - b. Adequate control curbs must be installed to control drainage and direct vehicle movement:
 - c. Parking area drainage must be detained on site, treated (if required by NPDES), and channeled to a storm drain or gutter as approved by the city engineer;

- d. Driveways may not exceed a ten percent slope;
- e. Drives serving more than one dwelling shall provide a minimum twenty-foot transition area at no greater than a two percent slope beginning at the back of the curb, or as otherwise approved by the city engineer, in anticipation of future street improvements; and
- f. The maximum storm water discharge level accepted by the city is two-tenths of a cubic foot per second per acre.
- 7. Street Access and Circulation. New medium density development shall provide the following:
 - a. Off-Street Parking. Off-street parking areas must have unobstructed access to a street or alley. The parking area design for five or more vehicles must not encourage cars to back onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted tandem parking, parking spaces shall be independently accessible and unobstructed.
 - b. Corners. No landscape obstruction is allowed in excess of two feet in height above street grade within the sight distance triangle. A reasonable number of trees with lower branches pruned to six feet to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by administrative permit.
 - c. Driveway Access. For corners, the triangular area is defined by the intersection of the road right-of-way, the line extending from the point of curve at the top back of curb, and a line connecting them at points twenty-five feet from their intersection.
 - d. Common Driveways. To encourage the location of parking in the rear yard and/or below grade, the city allows common driveways along shared side yards to provide access to parking if the owner restricts the deeds to both properties to preserve the shared drive in perpetuity. (Ord. 2015-06 § 1 (Att. B) (part); Ord. 2013-04 § 1 (Att. A) (part))

17-7-9.12.3.14 Access management.

[No changes in this section.]

17-7-9.12.3.15 Utilities.

[No changes in this section.]

17-7-9.12.3.16 Thematic elements.

[No changes in this section.]

17-7-9.12.3.17 Conditional use standards of review.

[No changes in this section.]

17-7-9.12.3.18 Sign standards.

[No changes in this section.]

17-7-9.12.3.19 Home occupation standards.

[No changes in this section.]

17-7-9.12.3.20 Itinerant merchants.

[No changes in this section.]

17-7-9.12.3.21 Outdoor advertising.

[No changes in this section.]

17-7-9.12.3.22 Related provisions.

[No changes in this section.]

Chapter 17-7-11

MAIN STREET FORM-BASED CODE (MS-FBC)

| Sections: | |
|------------|-------------------------------|
| 17-7-11.1 | The Main Street neighborhood. |
| 17-7-11.2 | Form districts. |
| 17-7-11.3 | Uses. |
| 17-7-11.4 | Street types. |
| 17-7-11.5 | Frontages. |
| 17-7-11.6 | Building types. |
| 17-7-11.7 | Open space. |
| 17-7-11.8 | Landscaping. |
| 17-7-11.9 | Parking. |
| 17-7-11.10 | Signage. |
| 17-7-11.11 | Administration. |
| 17-7-11.12 | Definitions. |

17-7-11.1 The Main Street neighborhood.

[No changes in this section.]

17-7-11.2 Form districts.

[No changes in this section.]

17-7-11.3 Uses.

- General Requirements.
 - 1. General Provisions.
 - a. The following provisions apply to the uses outlined in this section:
 - i. Permitted Mixed Uses. Individual buildings may contain more than one use. Use can vary between ground and upper floors of a building.
 - ii. Form District Permissions. Within each form district, each use is either permitted by right (with some uses limited to upper floors only) or is not permitted.
 - iii. Building Type Permissions. Each use shall be located within a permitted building type on a permitted floor.
 - iv. Indoor/Outdoor. Each use may have both indoor and outdoor facilities, unless otherwise specified.

2. Organization.

- a. Uses are grouped into general categories and subcategories. See Table 3.01. If a proposed use is not listed in the use tables, the following shall apply:
 - i. Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a use permitted within a form district, the city may interpret the use as permitted. The unlisted use will be subject to any development standards applicable to the similar permitted use.
 - ii. Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature and impact to a use within a form district that is permitted, the use is not permitted and may only be approved through an amendment of this code.

3. Use Table.

- a. Table 3.01 outlines the uses in each form district as permitted by one of the following designations:
 - i. Permitted. These uses are permitted by right and indicated with a "P" in the table.
 - ii. Permitted in Upper Stories Only. These uses are permitted, by right, but only in upper stories of a building, i.e., not in the ground floor. They are indicated with a "U" in the table.
 - iii. Not Permitted. These uses are not permitted and are indicated by a "N" in the table.

Table 3.01
Use by Form District

| II Contract | Form 1 | District | |
|-------------------------|--------|----------|--|
| Use Category | MS | TCC | |
| Residential and Lodging | | | |
| Residential | P | P | |
| Hotel and Inn | P | P | |
| Residential Care | N | U | |

| Use Cotegory | Form District | | |
|-------------------------------|---------------|-----|--|
| Use Category | MS | TCC | |
| Assembly (Public and Private) | P | Р | |
| Transit Station | Р | Р | |
| Medical/Dental Clinic | Р | Р | |
| Library/Museum/Post Office | P | P | |
| Police and Fire | N | Р | |
| School | U | U | |
| Retail | | | |
| General Retail | P | Р | |
| Neighborhood Retail | P | Р | |
| Drive-Through | N | N | |
| Itinerant Merchants | Р | P | |
| Service | | | |
| General Service | P | P | |
| Neighborhood Service | P | P | |
| Office and Industrial | | | |
| Office/Professional | P | U | |
| | N | P | |

| Use Coteman | Form District | | |
|--------------------------------|---------------|-----|--|
| Use Category | MS | TCC | |
| Home Occupation | P | P | |
| Attached Parking Structure | Р | P | |
| Storage Building/Carport | P | Р | |
| Site Uses | | | |
| Utility/Infrastructure | Р | P | |
| Parking Lot | Р | P | |
| Detached Parking Structure | Р | Р | |
| Open Space | Р | P | |
| Telecommunications Facility | Р | Р | |

B. Specific Use Provisions.

1. Itinerant Merchants.

- a. General Requirements. The city shall not issue a business license for an itinerant merchant unless the following general and applicable specific criteria are demonstrated as part of the business license application:
 - i. Location on Private Property. The business and any activity associated therewith must be located on private property and only as a secondary use to another primary commercial use. The business shall not be located on public property (including public sidewalks, public streets, public parking areas or other public places as defined by the city) or on vacant or residentially used property.
 - ii. Impervious Surface. The business must be located on a hard surface with no portion of the business located in a landscaped or unimproved area.

- iii. Setbacks. The business must be located a minimum of five feet from combustible walls, roof eave lines, awnings, etc.; ten feet from any building openings (i.e., doors, windows, vents, etc.); and five feet from any fire hydrant, driveway, handicapped parking space and loading area. Space for queuing shall be provided on private property.
- iv. Lease. There must be a valid lease or written permission from the private property owner expressly allowing the use of property for the business that is the subject of this section. The merchant shall demonstrate the ability to utilize an existing restroom facility on or nearby the property.
- v. Traffic Safety. The business location shall not impede auto and/or pedestrian traffic or create auto/pedestrian conflicts. Private sidewalk clear widths shall not be reduced below five feet and the itinerant business shall not interfere with the internal parking lot circulation.
- vi. Power. All electrical wiring must be in compliance with the National Electrical Code and approved by the Midvale City building department. Extension cords and generators are prohibited.
- vii. Temporary Only. All aspects of the business shall be temporary in nature with no permanent facilities constructed on site, with the exception of the required permanent power source.
- viii. Maintenance. The area around the business shall be kept clean and orderly. A trash receptacle shall be provided for patrons. The merchant is responsible to clean up all trash, litter, spills, etc., within a minimum twenty-foot radius of the business.
- ix. Business Conduct. The business may not solicit or conduct business with persons in motor vehicles or use any flashing lights, noise, sound or other motion-producing devices to attract attention to its operation.
- x. Regulatory Compliance. All applicable local and state regulations (i.e., food permit, tax numbers, registration, etc.) shall be met.
- xi. Site Plan. A site plan, drawn to scale, showing the exact location of the itinerant merchant (including all components of the business) with setbacks to buildings, sidewalks, roadways, driveways, parking, fire hydrants, and other important features shall be provided. A photograph or illustration showing components of the business, including cart and awning dimensions, trash receptacles, coolers, signage, electrical plans, etc., shall be provided, as well as other information required to show compliance with the applicable requirements contained herein.
- b. Specific Requirements.
 - i. Each business license application for a vending cart must comply with the following:

- (A) There shall be a minimum separation of two hundred feet between all vending cart locations. This separation shall be measured as a radius in all directions, with the vending cart location being the center point.
- (B) The vending cart must be located no closer than thirty feet from a single family residential zone.
- (C) Any vending cart selling food items shall not be located within two hundred feet of the primary public entrance of an existing restaurant use except that an existing restaurant is allowed to operate a vending cart within this area, provided all other provisions of this section are satisfied.
- (D) The vending cart shall be constructed of surface materials that are primarily stainless steel and in accordance with the Salt Lake Valley health department regulations. Transparent, plastic sides may be extended above the cart's preparation/counter surface, provided these sides do not extend beyond the width or length of the cart and three

feet above the preparation counter/surface, if it is kept clean, and is free of signage and other attachments. The vending cart shall not exceed a width of four feet and a length of six feet (a hitch may extend a maximum of two feet beyond the length of the cart). The maximum height of the vending cart, excluding canopies or umbrellas, shall be five feet. A vending cart may include a built-in canopy, provided it does not extend more than three feet beyond the width of the cart on each side and any extension beyond the cart width is a minimum of seven feet above the parking lot surface. This canopy shall be an earth tone color or be finished stainless steel.

- (E) The vendor shall be limited to three stacked coolers (the footprint of each cooler shall not exceed three and three-quarters square feet in size), one trash receptacle, one chair, and a freestanding umbrella (not to exceed a six-foot diameter) external to the vending cart. All other freestanding devices, i.e., signs, propane tanks, tables, racks, customer seating, overhead structures (i.e., tarps, enclosures, canopy extensions), etc., are prohibited. The freestanding umbrella shall be an earthtone color, and, if extending beyond the front and side edges of the cart, must be a minimum of seven feet above the ground surface.
- (F) Signage shall be attached to the vending cart and occupy no more than four square feet on the street-facing side of the cart. Signs shall not be internally illuminated or make use of flashing or intermittent lighting or animation devices. Pennants, streamers, lawn banners and other temporary signs are prohibited.
- (G) A portable fire extinguisher, Type 2A-10 BC minimum, must be mounted within easy reach on the vending cart.

- (H) All aspects of the business shall be moved on and off the premises each day of operation. No overnight parking or outdoor storage is allowed. Any vending cart selling food items must be cleaned and stored at a commissary approved by the Salt Lake Valley health department.
- (I) The vending cart and all related business items shall be maintained in good condition and repair at all times.
- (J) The business shall be conducted only between the hours of six a.m. and ten p.m.

Medical Cannabis.

- a. Proximity Restrictions. A medical cannabis pharmacy use shall meet the proximity requirements as specified and amended in Utah Code Annotated Section 26-61a-301.
- b. Application Requirements. An applicant for a medical cannabis pharmacy use must provide a description of the physical characteristics of the proposed facility, including a site plan, floor plan, architectural elevations, and a security plan as part of the business license application for the use. Fencing and security devices must comply with applicable city requirements.
- c. Signage. In addition to those requirements within this title, all signage associated with a medical cannabis pharmacy use shall comply with any requirements imposed by the state of Utah.
- 3. Retail Tobacco Specialty Business.
 - a. Proximity Restrictions. A retail tobacco specialty business use shall meet the proximity requirements as specified and amended in Utah Code Annotated Section 10-8-41.6.
- 4. Outdoor Dining. Each application for an outdoor dining use shall comply with the following:
 - a. The dining area shall be located on private property or leased public property and shall not diminish required parking or landscaping.
 - b. The dining area shall not impede pedestrian circulation.
 - c. The dining area shall not impede emergency access or circulation.
 - d. The outdoor furnishings shall be compatible with the streetscape and associated building.
 - e. No music or noise shall be in excess of the city noise ordinance. Outdoor music shall not be audible off premises.

- f. No use after ten-thirty p.m. and before seven a.m.
- g. No part of the outdoor dining area shall be located within one hundred feet of any existing residential use (measured from the edge of the outdoor dining area to the closest property line of the residential use), unless the residential use is part of a mixed-use building or the outdoor dining area is separated from the residential use by a commercial building.
- h. Cooking facilities shall be located within the primary building. No cooking utilities, including grills, shall be permitted in the outdoor dining area.
- i. The outdoor dining area shall be kept in a clean condition and free of litter and food items which constitute a nuisance to public health, safety and welfare.
- Pawn Shops.
 - a. Display areas are limited to those shown on the approved site plan and may not exceed a combined one hundred square feet in size.
- 6. Telecommunications Facility. Telecommunications facilities shall be wall- or roof-mounted and shall comply with the following:
 - a. Wall-Mounted Antenna.
 - i. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of the building or extends no more than four feet horizontally from the face of the building. Whip antennas are not allowed on a wall-mounted antenna structure.
 - ii. Antennas, equipment, and the supporting structures shall be selected to achieve architectural compatibility with the host structure to which they are attached.
 - iii. Two types of wall-mounted antennas are allowed: stealth-mounted and non-stealth-mounted.
 - (A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.
 - (1) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure's mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of this chapter.

- (2) Area Limitations for Stealth Wall-Mounted Antennas. The total area for all stealth wall-mounted antennas and supporting structures combined shall not exceed five percent of any exterior wall of the building. Stealth wall-mounted antennas may occupy a maximum of four walls. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.
- (B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility, the nature of the surrounding land uses, and not visible from public vantage points.
 - (1) Area Limitations for Non-Stealth Wall-Mounted Antennas. The total area for all non-stealth wall-mounted antennas and supporting structures combined shall not exceed forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.
- b. Roof-Mounted Antenna.
 - i. Antennas, equipment, and the supporting structures shall be selected to achieve architectural compatibility with the host structure to which they are attached.
 - ii. Roof-mounted antennas are an allowed use only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission shall review and may grant approval to place roof-mounted stealth antennas on a pitched roof if the antenna(s) are compatible with the existing structure. Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view.
 - iii. Two types of roof-mounted antennas are allowed: stealth-mounted and non-stealth-mounted.
 - (A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.
 - (1) Antennas shall be mounted at least five feet behind any parapet wall or from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet behind a parapet or exterior wall shall be directly proportional to the setback distance and may not exceed a height of ten feet above the top of the parapet wall or roofline of the building.

- (2) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure's mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of this chapter.
- (B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility and the nature of the surrounding land uses.
- 7. Home Occupation. Each application for a business license for a home occupation shall include the owner's covenant that the proposed use:
 - a. Shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds gross vehicle weight;
 - b. Shall not include identifying signage in excess of a two-square-foot nameplate attached to the dwelling;
 - c. Is limited to the on-site employment of immediate family who occupy the dwelling (this criterion is not intended to limit the number of employees who are engaged in business for the home occupation but work off premises):
 - d. Shall not alter the residential character or appearance of the dwelling;
 - e. Shall not occupy more than twenty-five percent of the main floor of the dwelling nor any portion of any garage or outbuilding located on the property in which the use is conducted;
 - f. Shall not generate business-related vehicular traffic in excess of three vehicles per hour;
 - g. Shall not cause a demand for municipal services in excess of that associated with normal residential use:
 - h. Shall be enclosed within a structure in complete conformity with current building, fire, electrical and plumbing codes; and
 - i. Is not a mortuary, animal hospital, kennel, clinic, hospital, RV storage yard, junkyard, auto repair service, commercial stable or sexually oriented business.
- 8. Fire Station. Due to their unique operational requirements, fire stations may:

- a. Have garage doors located on the front facade.
- b. Have wider driveway widths than the maximum allowed by frontage type.
- c. Have visitor parking areas within the front yard and required parking setback areas; provided, all parking-related landscape requirements are satisfied.
- d. Be located outside of the build-to zone and corner occupation requirements, including the corner occupation requirement for primary facade courtyards.
- e. Be exempted from frontage coverage requirements.
- f. Use equipment storage garages to meet occupied depth requirements.
- g. Be shorter than the required minimum building height.
- h. Install turf grass along one side of vehicle access points between the nearest building elevation and the property line.
- 9. Police Station. Due to their unique operational requirements, police stations may:
 - a. Have garage doors located on the front facade.
 - b. Have wider driveway widths than the maximum allowed by frontage type.
 - c. Have visitor parking areas within the front yard and required parking setback areas; provided, all parking-related landscape requirements are satisfied.

10. Internal accessory dwelling unit.

- a. An IADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
- b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- Installing separate utility meters or separate addresses for an IADU is prohibited.
- d. Any additions to an existing building must comply with the development standards within this chapter.
- e. An IADU must provide off-street parking as described within this chapter.
- f. An IADU may not be constructed within a mobile home or manufactured home.

- g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an IADU; and
 - iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one IADU is permitted on each property.
- C. Prohibited Uses. Except for existing legal nonconforming uses, the following uses are prohibited throughout all form districts:
 - Sexually oriented businesses;
 - 2. Auto-related uses;
 - 3. Medical cannabis production establishment;
 - 4. Outdoor storage. (Ord. 2021-08 § 1 (Att. A); Ord. 2020-04 § 1 (Att. A) (part))

17-7-11.4 Street types.

[No changes in this section.]

17-7-11.5 Frontages.

[No changes in this section.]

17-7-11.6 Building types.

[No changes in this section.]

17-7-11.7 Open space.

[No changes in this section.]

17-7-11.8 Landscaping.

[No changes in this section.]

17-7-11.9 Parking.

[No changes in this section.]

17-7-11.10 Signage.

[No changes in this section.]

17-7-11.11 Administration.

[No changes in this section.]

17-7-11.12 Definitions.

[No changes in this section.]

Chapter 17-7-15 STATE STREET OVERLAY ZONE (SSOZ)

Sections:

| 17-7-15.1 | Purpose. |
|------------|---|
| 17-7-15.2 | Density and area regulations. |
| 17-7-15.3 | Use tables. |
| 17-7-15.4 | Residential development standards. |
| 17-7-15.5 | Retail/office/flex and mixed-use lot and development standards. |
| 17-7-15.6 | General architecture standards for the State Street overlay zone. |
| 17-7-15.7 | General landscaping requirements for the State Street overlay zone. |
| 17-7-15.8 | General parking requirements. |
| 17-7-15.9 | Outdoor lighting standards. |
| 17-7-15.10 | Streets and alleys. |
| 17-7-15.11 | Utilities. |
| 17-7-15.12 | Conditional use standards of review. |
| 17-7-15.13 | Home occupation standards. |
| 17-7-15.14 | Live/work units. |
| 17-7-15.15 | Signs. |

17-7-15.1 Purpose.

[No changes in this section.]

17-7-15.2 Density and area regulations.

17-7-15.16 Itinerant merchants. 17-7-15.17 Related provisions.

[No changes in this section.]

17-7-15.3 Use tables.

Due to the special circumstances of this overlay zone area, given that this overlay zone is intended to allow for the redevelopment of certain larger parcels on and adjacent to the State Street corridor, the following uses are the only uses allowed in the State Street overlay zone. If a use is not specifically designated, it is prohibited. Uses designated with an asterisk (*) have additional use-specific standards included in subsection (A) of this section.

Table 17-7-15.3 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|--|-----------------------|----------------|-------------|-----------------------|
| Accessory Apartment, Single Family | -X | | - | - |
| Accessory Structure, Unoccupied (Single Family and Duplex only) | | X | | |
| Assisted Living Facility, Group Home | | | X | X |
| Alcoholic Beverage: Class A License Class B License Class C Tavern Restaurant Package Agency Private Club State Liquor Store | X X X X X | | X | X X X X X |
| Assembly Use | | X | | X |
| Assisted Living Facility, Disabled Care, Group Home: ≤ 1 acre > 1 acre | | x | X | X X |
| Auditorium, Assembly Hall | | | X | X |
| Bed and Breakfast | X | | | X |
| Cafe/Deli | X | | | X |
| Child Care: Center: 6 children or less Facility: ≥ 7 children | | X | X | X X |
| Commercial Repair Services | X | | | X |
| Commercial Convenience Store Including Gas Sales | | | X | X |
| Dwellings: Single Family Detached Duplex Multi-Family: 1/2—1 acre | X X | X | | |

Table 17-7-15.3 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|---|---------|------------------|-------------|---------------------|
| > 1 acre | | | X | |
| Entertainment Center | | | X | X |
| External accessory dwelling unit* | X | | | |
| Fences: 7' or less 7' or more | X | x | | |
| Financial Institution: W/drive-up window W/o drive-up window | X | X | | X X |
| Heliport | | | X | X |
| Home Occupation | X | | | X |
| Hotel/Motel | | | X | X |
| Internal accessory dwelling unit* | X | | | |
| Manufactured Home | X | | | |
| Live/Work Units | | | X | X |
| Mixed-Use | | | X | X |
| Master Planned Development | | | X | |
| Medical Cannabis Pharmacy* | X | | | X |
| Municipal Facilities: Parks Public Safety Facility Public Utilities: Minor Major Recreational Facilities Trails | | X X X X | X | |
| Neighborhood Commercial | | | X | X |
| Office: General | X | | | X |

Table 17-7-15.3 Uses

| Туре | Allowed | Administrative | Conditional | Business License |
|--|---------|----------------|-------------|---------------------|
| Intensive and Clinical, Medical | | | X | X |
| Parking Lot: Commercial Private | X | | x | x |
| Personal Athletic Facility | | X | | |
| Pre-Existing Landscaping | X | | | |
| Pre-Existing Lot | X | | | |
| Pre-Existing Structure | X | | | |
| Pre-Existing Use | X | | | |
| Quasi-Public Facilities: Hospital Schools, Private | | | X X | X X |
| Recreation Facility: Commercial Private | X | | X | X |
| Religious/Educational Institute: Permanent Temporary | X | X | | X X |
| Residential Facility: Handicapped Elderly | X X | | | X X |
| Restaurant: W/drive-up window W/o drive-up window | X | X | | X X |
| Retail and Service Commercial: W/drive-up window W/o drive-up window 24-hour use | X | X | X | X X X |
| Shopping Center | | | X | X |
| Telecommunications Facility < 35' in height | | X | | |

Table 17-7-15.3 Uses

| Type | Allowed | Administrative | Conditional | Business License |
|--------------------------|---------|----------------|-------------|---------------------|
| Transportation Facility: | | | | |
| Major | | | X | |
| Minor | X | | | |

- A. Additional Use-Specific Standards.
 - Medical Cannabis Pharmacy.
 - a. Proximity Restrictions.
 - i. A medical cannabis pharmacy use shall meet the proximity requirements as specified and amended in Section <u>26-61a-301</u> of the Utah Code Annotated.
 - b. Application Requirements.
 - i. An applicant for a medical cannabis pharmacy use must provide a description of the physical characteristics of the proposed facility, including a site plan, floor plan, architectural elevations, and a security plan as part of the business license application for the use. Fencing and security devices must comply with applicable city requirements.
 - ii. When proximity restrictions include area in an adjacent municipality, an applicant for a medical cannabis pharmacy use shall obtain a letter from the adjacent municipality indicating proximity restrictions within this title are satisfied based on existing uses in the area in the adjacent municipality prior to issuance of a business license.
 - c. Parking. A medical cannabis pharmacy use shall be considered a retail and service commercial, minor use for the purpose of calculating parking requirements.
 - d. Signage. In addition to those requirements within this title, all signage associated with a medical cannabis pharmacy use shall comply with any requirements imposed by the state of Utah. (Ord. 2020-02 § 1 (Att. A) (part); Ord. 2016-15 § 1 (Att. A) (part); Ord. 6/6/2006O-6 § 1 (part), 2006)

2. Internal accessory dwelling unit.

- a. An IADU may only be constructed on a lot with one detached single family dwelling.

 The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the IADU remains on the property.
- b. The IADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an IADU.
- c. Installing separate utility meters or separate addresses for an IADU is prohibited.
- d. Any additions to an existing building must comply with the development standards within this chapter.
- e. An IADU must provide off-street parking as described within this chapter.
- f. An IADU may not be constructed within a mobile home or manufactured home.
- g. An IADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an IADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an IADU; and
 - iii. A statement that the IADU may only be used in accordance with this title.
- i. An IADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one IADU is permitted on each property.
- 3. External accessory dwelling unit.
 - a. An EADU may only be constructed on a lot with one detached single family dwelling. The property owner must occupy one of the dwelling units on the property as their permanent residence for as long as the EADU remains on the property.
 - b. The EADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. A building permit is required prior to engaging in any construction activity on an EADU.
 - c. Installing separate utility meters or separate addresses for an EADU is prohibited.

- d. An EADU must comply with the standards in Section 17-7-15.4(1).
- e. An EADU must provide off-street parking as described within this chapter.
- f. An EADU may not be constructed on the same lot as a mobile home or manufactured home.
- g. An EADU may not be constructed on a lot with a total square footage of 6,000 or less.
- h. Prior to issuance of a certificate of occupancy for an EADU, the property owner must record a notice against the property's title that includes:
 - i. A description of the primary dwelling;
 - ii. A statement that the property contains an EADU; and
 - iii. A statement that the EADU may only be used in accordance with this title.
- i. An EADU may not be rented or leased for a period of less than 30 consecutive days.
- j. Only one EADU is permitted on each property.

17-7-15.4 Residential development standards.

The following development standards apply to all new single family attached, single family detached, and multi-family development in the residential land use area.

- A. Setbacks. New development shall comply with the following setbacks:
 - 1. Front.
 - a. There is no minimum front yard setback except as follows:
 - i. The minimum front yard setback is twenty feet if off-street parking is to occur in the driveway; and
 - ii. The minimum landscaped setback from the edge of a public right-of-way shall be twenty feet except as provided by the general landscaping standards of the State Street overlay zone. No maximum setback or build-to line is required except that all of the area between the right-of-way and the building shall be landscaped or used as active open space.

- iii. The setback from the edge of the State Street right-of-way shall be at least eight feet from the right-of-way. No maximum setback or build-to line is required except that all of the area between the right-of-way and the building shall be landscaped or used as active open space. The setback shall include an eight-foot sidewalk and landscaping for any part of the setback that exceeds eight feet. A park strip, located within the right-of-way, shall be provided that is at least five feet wide that may consist of street trees, live ground cover plants or turf or hardscape if tree wells are provided.
- b. Exceptions. The following exceptions to front yard setbacks apply to all new development in the zone:
 - i. Driveway and Sidewalks. A driveway width of up to twenty feet and a sidewalk width of up to six feet may occupy the front yard.
- 2. Side. The minimum side yard setback shall be regulated by the Building Code. In situations where a multi-family development side yard abuts a single family residential, attached or detached, development the side setback shall be a minimum of twenty feet.
- 3. Rear. The minimum rear yard setback shall be regulated by the Building Code. In situations where a multi-family development rear yard abuts a single family residential, attached or detached, development the rear setback shall be a minimum of twenty-five feet.
- 4. Each unit shall have access to a common area of at least three hundred square feet in size for each unit adjacent to said space, or a private yard of at least three hundred square feet in size shall be provided at the rear of each structure.
- B. Height. The maximum height for residential structures and residential portions of mixed-use structures in the State Street overlay zone is five stories. If a structure is constructed within seventy-five feet of a single family structure located within a single family residential zoning district, the maximum height shall be thirty-five feet to the midpoint for sloped roofs and thirty-two feet to the cornice for flat roofs. See Section 17-7-15.8(C) for the surface parking exception.
- C. Floor and Deck Height. The following floor and deck heights apply to all structures:
 - 1. Main Floor. The main floor of all residential units shall be no less than two and one-half feet above finished exterior grade.
 - 2. Basement Floor. The basement floor of all residential units shall be no closer than four feet to finished exterior grade.
- D. Stories. All building types must be from one to five stories. See Section 17-7-15.8(C) for the surface parking exception.

- E. Proximity. There shall be a minimum separation of twenty feet between all habitable structures. Building separation may be reduced as follows if Building Code requirements are met: ten feet between one-story structures; fourteen feet between two-story structures; and eighteen feet between three-story structures.
- F. Residential Architectural Standards. All new residential development must present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians. All new residential development shall comply with the general architectural standards for the State Street overlay zone and with each of the following architectural standards:
 - 1. Walls. All exterior walls of all structures shall be constructed in compliance with the following:
 - a. Building/Retaining Walls. No more than three materials shall be used for the primary wall surfaces on a building. Exterior finish shall be of traditional, time- and weather-tested techniques. Retaining walls shall be of materials complementary to the building's materials.
 - b. Color Scheme. Wall colors may range from earth tones to colors with some white and gray. Trim around openings may be accent colors. No other wall colors are allowed. The use of a single color scheme, minimal detailing, or blank (or largely blank) walls is not permitted. The use of exterior staircases is discouraged.
 - c. Minimum Percentage of Brick or Stone Facades. All single family detached, attached, or other multi-family residential unit combinations shall include a substantial use of brick, cultured brick, natural or cultured stone, wood or synthetic wood products and limited amounts of stucco. Vinyl and aluminum siding products are prohibited as wall materials. Bay windows and other architectural elements protruding from the facades may be clad in other materials.
 - d. Building Massing. Buildings that are uniformly three stories or more must step the roof form or interrupt it with other roof elements. The building mass of the elevation can be reduced by offsetting dwelling units, and varying building setbacks and heights.
 - 2. Residential Roof Form. Roof forms shall be designed in ways, and/or used in combinations to break up large, continuous building forms, particularly for cluster and multiple dwelling structures. Where flat roofs are used, other techniques to provide scale and interest shall be used to refine large, continuous building forms. Long unbroken ridgelines are prohibited.

- a. Generally, for structures lower than forty feet high, gable or hip roofs are preferred for the primary roof form. The primary gable roof slope shall not be less than 5:12 and not less than 6:12 for single family and two family residences.
- b. Secondary roof structures such as porch roofs, roofs over bay extensions, bay windows, etc., may include other roof forms such as shed roofs, and hip roofs in combination with gable roofs. However, the secondary roofs shall be consistent or complementary with the primary roof form. Secondary roofs that slope should not be less than 4:12. Flat roofs may be also appropriate for small areas.
- 3. Openings. The following standards apply to openings of all structures:
 - a. Entry Doors. Entry doors must face the front yard or, if located on the building side, must be placed within three feet of the front facade. Entry doors must be covered by a roof and must be a primary element of the front of the structure.
 - b. Front Entry Feature. All dwelling units or residential buildings shall have an exterior entry that is a prominent, architectural focal point directing people into the unit or building. This feature shall relate to the architecture of the structure and may include porches, stoops, roofs, etc.
 - c. Windows. Bay windows shall have from three to five sides.
- 4. Garages. Garage doors must be set back a minimum of twenty feet from the property line or sidewalk, whichever is greater, if off-street parking is to occur in the driveway. In all cases where garage doors face a street, the garage door shall be recessed a minimum of two feet behind the front line of the building living area (porches, bay windows, and similar projections not included).
- 5. See Section <u>17-7-15.6</u> for general architectural standards.
- G. Characteristics of Housing Product.
 - 1. Minimum Number of Models for Single Family Detached, Attached, or Other Multi-Family Residential Unit Combinations That Appear to Be a Single Large House. Any development of fifty or more units in any of the above listed configurations shall have at least three different types of housing models. Any development of fewer than fifty units of the above listed configurations shall have at least two different types of housing models.
 - 2. Minimum Model Characteristics for Single Family Detached, Attached, or Other Multi-Family Residential Unit Combinations That Appear to Be a Single Large House. Each housing model shall have at least three characteristics, which clearly and obviously distinguish it from the other housing models, such as different floor plans, exterior

materials and colors, roof shapes, garage placement, window size/proportion/pattern, placement of the footprint on the lot, and/or overall building facade design. Only a maximum of fifty percent of street accessed garages shall have garage doors facing the street with the balance being alternative side or rear-loaded and/or detached rear yard garages, etc., except that all opposing block faces shall duplicate the opposite side of the street; only front driveway block faces will face each other, only alley-loaded block faces will face each other. Each such alternatively loaded garage plan will constitute a distinct model for the purposes here.

- 3. Single Family Attached (Townhouse). The development of contiguous townhouses is limited to fifty units (i.e., in any single location) and in groupings no larger than eight units each. Any additional development over fifty row-houses may be developed so long as one-third of the total approved units are located on uncontiguous lots, a minimum of one hundred fifty feet or three lots apart in all directions and in groupings no larger than eight units each. Any townhouse development larger than eight units shall provide at least two different unit models. Each unit model shall have at least three characteristics that clearly distinguish it from the other townhouse models.
- H. Required Residential Open Space and Landscaping. All required landscaping shall be installed as a condition precedent to receiving a certificate of occupancy unless seasonal conditions make installation unfeasible, in which case the applicant shall provide cash security or its approved alternative, for all landscaping, which landscaping shall be installed by the following May 31st. The following open space, landscaping and recreational amenities standards are not mutually exclusive and shall apply to all new residential development in the zone:
 - 1. Minimum Open Space. Active, improved open space is required to meet whichever of the two following standards requires the greatest amount of open space:
 - a. The applicant shall dedicate not less than thirty-five percent of the interior of the proposed development area as open space, or
 - b. The applicant shall develop as open space not less than twice as much of the site area as is utilized for surface parking, including the parking stalls, aisles and associated hardscape but not including required parking lot landscaping or private driveways. Surface parking stalls include any dedicated parking spaces not located in the enclosed levels of a parking structure, underneath living spaces, or in a structure attached to a dwelling unit.
 - 2. Minimum Landscaped Area. The applicant shall landscape twenty-five percent of the interior of the proposed development area. The required open space may be landscaped to comply with this requirement. Landscaped areas shall not be less than five feet wide. Building foundation landscaping is not interior landscaping. The applicant must landscape

a minimum of ten feet between the side yard and the abutting property line when the side or rear yards are in public view.

- 3. Minimum Improved, Common Recreational Amenities. A minimum of fifteen percent of the land area shall be developed as active, improved common area to include such uses as mini parks, picnic areas, playgrounds, recreation areas and structures such as club houses, pavilions, swimming pools, etc. Improved, common recreational amenities shall be concentrated into larger, more functional areas as much as possible while continuing to provide each dwelling unit with an amenity within reasonable walking distance.
- 4. See Section 17-7-15.7 for further landscaping standards. (Ord. 6/6/2006O-6 § 1 (part), 2006)

I. External Accessory Dwelling Unit Standards. An external accessory dwelling unit shall meet the following development standards:

- 1. Proximity. An EADU must be located at least six feet from the main building.
- 2. Location. An EADU must be located in either the rear or side yard.
- 3. Setbacks. An EADU, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.
- 4. Height. An EADU may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.
- 5. Stories. An EADU may range from one to one and one-half stories.
- 6. Building Area. The maximum cumulative building area of all unoccupied accessory structures and an EADU is the larger of nine hundred square feet or thirteen percent of the lot area.
- 7. Utilities. An EADU may not have a separate electrical service, gas service, sewer service or water service.
- 8. Maintenance. It is the responsibility of the property owner to ensure the setback area between an EADU and the property line remains free of weeds, junk and debris.

17-7-15.5 Retail/office/flex and mixed-use lot and development standards.

[No changes in this section.]

17-7-15.6 General architecture standards for the State Street overlay zone.

[No changes in this section.]

17-7-15.7 General landscaping requirements for the State Street overlay zone.

[No changes in this section.]

17-7-15.8 General parking requirements.

An applicant for new development or the expansion by more than twenty-five percent of an existing building mass or site size in the zone must provide off-street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles according to the parking requirements set forth in the mixed-use zone, except as provided herein. The planning commission shall grant a reduction of up to thirty-five percent of required parking upon an applicant's demonstration of opportunities for shared parking within a mixed-use development.

A. On-Site Parking. An applicant shall propose on-site parking in accordance with the on-site parking requirements for the MU Zone. For those uses whose parking is not regulated by the MU Zone, on-site parking shall be provided as follows:

Table 17-7-15.8 Parking

| Uses | Parking Requirement (Number of Spaces) |
|------------------------------|---|
| Accessory Apartment | 1 space |
| Accessory Structure Occupied | 1 space in addition to requirements for primary structure |
| Duplex Structure | 2 spaces per dwelling unit |
| Entertainment Center | 1 per 4 seats or 5 per 1,000 s.f. of floor area, depending on type of facility |
| Hospital, Limited Care | 1 per 2 beds |
| Hospital, General | 3 per bed |
| IADU/EADU | 1 space per unit |

Table 17-7-15.8 Parking

| Uses | Parking Requirement (Number of Spaces) |
|---|--|
| Live/Work Unit | 2 per unit or 1 1/2 per unit in groups of five live/work units |
| Master Planned Development/Mixed- Use | Determined by planning commission, based on proposed uses and potential for shared parking |
| Retail & Service Commercial, Minor | 3 for each 1,000 s.f. of net leasable building area |
| Restaurant, with Drive-up | 5 per 1,000 s.f. of net leasable floor area |
| Single Family | 2 per dwelling unit |
| Senior Affordable Housing | Not less than 1 space per dwelling unit; plus not less than 0.3 spaces per dwelling unit for guest parking |
| Temporary Construction Site | 1 for every 2 employees in the largest shift plus 1 for each vehicle used in conducting the business |

B. Driveway Standards. The following driveway width dimensions apply to all new development and to the expansion by more than twenty-five percent of an existing building mass or site size. The city engineer may approve minor variations (equal to or less than ten percent) in driveway width and spacing. For all new development, driveways shall comply with the following standards:

- 1. No driveway shall be less than fifty feet from any intersecting right-of-way;
- 2. Driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least twelve feet in width and ten feet in depth;
- 3. Single Family. The minimum driveway width for a single family use is ten feet. The maximum driveway width for a single family detached use is twenty feet or forty percent of the lot frontage, whichever is greater;
- 4. Duplex/Multi-Family. The following standards apply to new development of duplex and multi-family uses:
 - a. Shared Drive for Two Units. The minimum driveway width for a use shared by a duplex is twelve feet. The maximum driveway widths for a single family use shared by two units is twenty feet or forty percent of the lot frontage, whichever is greater;
 - b. Shared Drive for Three or More Units. The minimum driveway width for a multifamily use shared by three or more units are as follows:
 - i. One-Way Drive. The minimum one-way drive width is fifteen feet. The maximum one-way drive width is twenty feet.
 - ii. Two-Way Drive. The minimum two-way drive width is twenty feet. The maximum two-way drive width is twenty-four feet.
- C. Surface Parking. Large areas of surface parking are not generally conducive to good, walkable, livable development. Parking areas should be located underground, under buildings, or in garages as much as possible. When a developer locates more than sixty percent of the total required parking underground, under buildings or in garages, then the permitted height for the buildings in that project may be increased by one story except in those areas located within seventy-five feet of a single family structure located within a single family residential zoning district where the maximum height shall be forty-five feet for a sloped or forty-two feet for a flat roof. (Ord. 2015-06 § 1 (Att. B) (part); Ord. 6/6/2006O-6 § 1 (part), 2006)

17-7-15.9 Outdoor lighting standards.

[No changes in this section.]

17-7-15.10 Streets and alleys.

[No changes in this section.]

17-7-15.11 Utilities.

[No changes in this section.]

17-7-15.12 Conditional use standards of review.

The city shall not issue a conditional use permit unless the community and economic development department, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application mitigates adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

- A. General Review Criteria. An applicant for a conditional use in the zone must demonstrate:
 - 1. The application complies with all applicable provisions of this title, state and federal law;
 - 2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
 - 3. The use is not detrimental to the public health, safety and welfare;
 - 4. The use is consistent with the general plan, as amended;
 - 5. Traffic conditions are not adversely affected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets:
 - 6. Sufficient utility capacity;
 - 7. Sufficient emergency vehicle access;
 - 8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in Sections 17-7-5.7 and 17-7-15.8;
 - 9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
 - 10. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site, including compatibility with buildings on adjoining lots and to the street:
 - 11. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and

- 12. Within and adjoining the site, impacts on the aquifer, slope retention, flood potential and appropriateness of the proposed structure to the topography of the site.
- B. Specific Review Criteria for Certain Conditional Uses. In addition to the foregoing, the community and economic development department and planning commission must review each of the following criteria when considering approving or denying an application for each of the following conditional uses:
 - 1. Conditional Use.
 - a. Child Care Facility or Center. Each application for child care facility or center must include:
 - i. Proof of a state child care license:
 - ii. Compliance with state, federal and local law;
 - iii. A design which precludes a front yard playground and signage in excess of a two-square-foot nameplate; and
 - iv. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation.
 - b. Assisted Living/Senior Housing/Congregate Care. Each application for an assisted living, senior housing or congregate care use must comply with the following:
 - i. The maximum number of residents shall be:
 - (A) Eight for structures fronting on public streets smaller than collector streets; and
 - (B) Sixteen for structures fronting on public streets considered collector streets or larger.
 - ii. A complete application shall include:
 - (A) Proof of state license for assisted living, senior housing, congregate care, or its equivalent;
 - (B) A design, residential in character and architecturally compatible with the neighborhood, which adequately screens the use from neighboring lots and complies with Utah Department of Health standards;

- (C) An outdoor lighting plan which adequately screens lighting to mitigate its impact on surrounding uses;
- (D) A sign plan which includes no more than two square feet of signage for facilities on public streets smaller than collector streets, and monument signs not to exceed thirty-two square feet for facilities on public streets considered collector streets or larger; and
- (E) A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located. The parking plan should propose parking appropriate to the proposed use of the facility, which plan may propose parking below the standards listed in Section 17-7-15.8.
- c. Neighborhood Commercial Uses. Each application for a neighborhood commercial use shall demonstrate that the proposed use:
 - Is pedestrian oriented and shall primarily serve the neighborhood in which it is located;
 - ii. Is located on a lot at the intersection of two surface streets, each with a minimum right-of-way width of fifty feet;
 - iii. Is limited in size to a maximum footprint of one thousand five hundred square feet:
 - iv. Has a maximum of four on-site parking spaces that shall be located in the rear of the building;
 - v. Is architecturally compatible with the underlying zone;
 - vi. Shall operate no earlier than seven a.m. and no later than nine p.m.;
 - vii. Includes neither outdoor storage nor an outdoor display of merchandise, but may include outdoor dining;
 - viii. Includes a delivery plan which adequately mitigates its impact on the residential neighborhood in which it is located;
 - ix. Screens light trespass to adequately mitigate lighting impacts on surrounding uses;

- x. Does not require a lot combination or consolidation of existing platted lots; and
- xi. Includes the owner's covenant to comply with the foregoing, which covenant shall run with the conditional use permit.
- d. Disabled Care Facility. Each application for a disabled care facility must comply with the following:
 - i. The structure shall gain access from public streets considered collector streets or larger.
 - ii. The maximum number of patients shall not exceed sixteen.
 - iii. The following individuals shall not be permitted in a residential setting:
 - (A) Persons currently using controlled substances or who are in the process of detoxification;
 - (B) Persons with a violent or predatory background. This includes those charged or convicted of murder or attempted murder, predatory sexual offenses, assault and battery, robbery, burglary or theft, concealed weapons, and any other crime involving violence or weapons.
 - iv. A complete application shall include:
 - (A) Proof of state license for a "residential treatment program" from the Utah Department of Human Services Office of Licensing;
 - (B) A design, residential in character and architecturally compatible with the neighborhood, which adequately screens the use from neighboring lots;
 - (C) Proof of compliance with Utah Department of Health standards;
 - (D) A covenant stating:
- 1. Professional staff will be on site at all times;
- 2. A continual and accurate background record of all patients will be kept and made available to the city. Names of patients may be omitted from the record made available to the city for privacy and confidentiality;

- (E) An outdoor lighting plan which adequately screens lighting to mitigate its impact on surrounding uses;
- (F) A sign plan which may include a monument sign not to exceed thirtytwo square feet or a name plate attached to the structure not to exceed two square feet; and
- (G) A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located. The parking plan should propose parking appropriate to the proposed use of the facility, which plan may propose parking below the standards listed in Section 17-7-15.8.
- Administrative Conditional Use.
 - a. Accessory Structure (Unoccupied). New development of an An unoccupied accessory structure intended for storage and not for human occupancy is a permitted use and accessory to single family and duplex development and shall meet the following development standards:
 - i. Proximity. An <u>unoccupied</u> accessory structure must be located <u>no less thanat</u> least six feet from the main building.
 - ii. Setbacks. The An unoccupied accessory structure must be located in either the rear or side yard with a five-foot setback, except an accessory structure located at the front yard setback of an adjacent corner lot must be at least fifteen feet from the corner lot line.
 - iii. Height. An unoccupied Accessory accessory structure height may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.
 - iv. Stories. An <u>unoccupied</u> accessory structure may range from one to one and one-half stories.
 - v. Building Area. The maximum <u>cumulative</u> area of <u>an-all</u> unoccupied accessory structure <u>and an EADU</u> is <u>the larger of</u> nine hundred square feet <u>or</u> thirteen percent of the lot area.
 - vi. Utilities. An unoccupied accessory structure may not have a separate electrical service, gas service, sewer service or water service.

vii. Maintenance. It is the responsibility of the property owner to ensure the setback area between an unoccupied accessory structure and the property line remains free of weeds, junk and debris.

viii. Number of Unoccupied Accessory Structures. Multiple unoccupied accessory structures are permitted on each property so long as each unoccupied accessory structure meets the requirements of this subsection.

- b. Swimming Pool. Each application for a swimming pool shall include a fence designed to exclude unattended children.
- c. Personal Athletic Facility. Each application for a personal athletic facility shall include a screening plan which effectively screens the use from adjacent residences.
- d. Telecommunications Facility. Telecommunications facilities in the State Street overlay zone shall be regulated by Section <u>17-7-5.8</u> except as provided herein. This section applies to both commercial and private low-power radio services and facilities, such as "cellular" or "PCS" (personal communications system) communications and paging systems.
- e. Fences Greater Than Seven Feet in Height. Each application for a fence greater than seven feet in height must comply with the following:
 - i. The applicant must demonstrate that a fence greater than seven feet in height is necessary to better promote public health, safety, welfare, and aesthetic quality in the area and the height requested is the minimum necessary to achieve this.
 - ii. The fence design, i.e., materials, color, features, height, must be compatible with the associated development in terms of theme, architecture and function. All barbed wire or other sharp, pointed, or electrically charged fences are prohibited.
 - iii. Fences shall comply with all requirements for fences less than or equal to seven feet in height with regard to location and construction. (Ord. 2016-15 § 1 (Att. A) (part); Ord. 10/6/2009O-19 § 1 (Att. A) (part), 2009; Ord. 6/6/2006O-6 § 1 (part), 2006)

17-7-15.13 Home occupation standards.

[No changes in this section.]

17-7-15.14 Live/work units.

[No changes in this section.]

17-7-15.15 Signs.

[No changes in this section.]

17-7-15.16 Itinerant merchants.

[No changes in this section.]

17-7-15.17 Related provisions.

[No changes in this section.]