

ORDINANCE NO. 2021-02

AN ORDINANCE AMENDING TITLE 10, CHAPTER 5, ARTICLE G – TOWN CENTER ZONE (TC) OF THE SUNSET CITY CODE

WHEREAS, the City Council of Sunset is desirous of regulating the development of land within the City; and

WHEREAS, the Sunset City Planning Commission has requested amendments to the Town Center Zone Ordinance; and

WHEREAS, the Sunset City Planning Commission held a public hearing on June 10, 2021 to solicit public input; and

WHEREAS, the Sunset City Council held a public hearing on June 15, 2021 to solicit public input; and

WHEREAS, the City Council deems it necessary to amend Title 10, Chapter 5, Article G – Town Center Zone (TC) of the Sunset City Code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SUNSET CITY, as follows:

Section One: The Sunset City Code Title 10, Chapter 5, Article G is amended to read as follows:

ARTICLE G. TOWN CENTER ZONE (TC)

Sections:

10-5G-1: PURPOSE:

10-5G-2: TOWN CENTER ZONE REQUIRMENTS:

10-5G-3: VERTICLE STRUCTURE OF LAND USES:

10-5G-4: PARKING:

10-5G-5: PERMITTED MATERIALS:

10-5G-6: PROHIBITED AND CONDITIONAL USES:

10-5G-7: DEVELOPMENT REQUIREMENTS:

10-5G-1: PURPOSE:

A. The Town Center Zone (TC) is designed to encourage infill and redevelopment opportunities while creating a mix of retail, office, and residential uses. Commercial uses are limited to convenience retail, café or restaurant, service, and professional offices. The TC Zone is intended to provide a focal point that accommodates neighborhoods with retail, service, and residential uses in compact, walkable urban form.

B. The following are generally appropriate form elements in this Zone:

1. Attached;
2. Medium to large footprint;
3. Simple wall plane along street;
4. Buildings at the right-of-way;
5. Small to no side setbacks;
6. Up to five (5) stories; and
7. Diverse mix of frontages.

10-5G-2: TOWN CENTER ZONE REQUIREMENTS:

Proposed developments within the TC Zone shall submit the following items to the City before project approval can be given:

- A. Design/development guidelines, at a minimum, addressing the following:
 - 1. General site engineering (e.g., storm drainage, provision of utilities, erosion control, etc.);
 - 2. Architectural guidelines, including building setbacks, height, massing and scale, site coverage by buildings, materials and colors;
 - 3. Landscaping and open space standards and requirements;
 - 4. Signage;
 - 5. Exterior lighting;
 - 6. Parking, vehicular circulation and access to the site;
 - 7. Rights of access within the center, use of cross easements, pedestrian links, etc.;
 - 8. Development phasing and improvement/amenities to be completed with each phase;
 - 9. Outdoor storage, sales, and equipment;
 - 10. Fencing and walls;
 - 11. Street alignment and requirements; and
 - 12. Special features for the Town Center Zone.
- B. Development agreement between developer and Sunset City.
- C. Anticipated project timeline.

10-5G-3: VERTICAL STRUCTURE OF LAND USES:

The design and functioning of the areas in the mixed-use zone will be designed to achieve a vertical structure of activity in the zone. The following broad categories generally describe the character of the TC Zone:

- A. Ground-floor uses shall be a minimum twenty-five percent (25%) commercial office or retail uses.
 - 1. Where development plans may include multiple structures, this requirement may be calculated against the total ground floor space of the development, instead of each individual building, as allowed by the Planning Commission and City Council.
 - 2. Up to one hundred percent (100%) residential use may be allowed by the Planning Commission and City Council, but the purpose is to create a mix of retail, office and residential use.
- B. The dominant orientation of doors and windows shall be toward the public streets and common areas.
- C. Individual or shared entrances for upstairs residential units may be located at the first-floor level, with parking garage access at the side, rear or underneath the structure.
- D. Plazas may be located adjacent to the public streets.
- E. Upper floor uses may contain offices and residential dwelling units, including home occupations as permitted.
- F. Balconies, decks, and rooftop gardens are encouraged.

10-5G-4: PARKING:

A. Sunset City desires to encourage the redevelopment of smaller sites by providing a more flexible approach to parking and to make efficient use of available on-street parking. Shared use parking shall be encouraged. The amount of off-street parking required may be reduced by an amount that can be demonstrated may be in demand at different intervals of time throughout the day.

B. Total parking requirement for mixed-use developments may be reduced with "shared" spaces dedicated to residential in the evening and retail or commercial use during daytime hours. There must be a mitigation or management measure in place to accommodate this, such as permit parking, stall monitoring, or other management measure approved by the Planning Commission and City Council.

C. Minimum Required Residential On-Site Parking:

1. Studio: One (1) space;
2. One (1) Bedroom: One and one half (1.5) spaces;
3. Two (2) bedroom unit: Two (2) spaces;
4. Three (3) bedroom unit: Two (2) spaces; and
5. Guest Parking: One (1) space per eight (8) units.

D. Minimum Required Commercial/Retail On-Site Parking: Two (2) spaces per one thousand (1,000) square feet. No additional parking is required for a change of use in an existing building, even where the existing parking may be nonconforming. Additional parking must be provided in accordance with these standards for any building addition that adds new habitable or leasable floor area. Amount of additional parking shall be calculated based upon new square footage only.

10-5G-5: PERMITTED MATERIALS: Primary building materials shall be a mix of durable materials and project an image of permanence. Appropriate materials include, but are not limited to:

- A. Brick, stone, or other masonry products;
- B. Steel;
- C. Stucco;
- D. Cast concrete;
- E. Split face block;
- F. Composite siding;
- G. Steel, corrugated metal;
- H. Glass; or
- I. Other comparable material as proposed by builder.

10-5G-6: PROHIBITED AND CONDITIONAL USES:

A. The following uses are expressly prohibited:

1. Industrial uses, including fabrication, manufacturing, and warehousing;
 2. Drive-through services;
 3. Utilities;
 4. Automobile, truck, recreational vehicle storage, repair, fuel and/or sales.
- B. The following uses will require conditional permit:
1. Retail, dining, or entertainment uses requiring a floor area of more than ten thousand (10,000) square feet;
 2. Animal boarding;
 3. Day care or other care facilities;
 4. Recreation facilities; and
 5. Medical and recreational drug, marijuana, tobacco, e-cigarette, or vape production, distribution, dispensary, or sales facilities.
- C. Until parcels require a new conditional use permit are developed or re-developed, existing uses and parking are permitted within the TC Zone.

10-5G-7: DEVELOPMENT REQUIREMENTS:

- A. Lot Dimensions:
1. Lot area – No minimum lot size is required. No maximum lot coverage limit. All lots must be functional and meet the minimum setback and parking requirements;
 2. Lot width - no minimum or maximum; and
 3. Frontage build-out - sixty percent (60%) minimum, ninety percent (90%) maximum. Upon request, when 60% minimum is unreasonable, it may be reduced by the Planning Commission and City Council.
- B. Primary Building Setbacks:
1. Front - none;
 2. Side - none, except where the side lot line is immediately adjacent to a residential zone used for housing, it must be ten feet (10'); and
 3. Side (corner/alley) - see section 10-3-6 for visual traffic clearance triangle;
 4. Rear - none, except where the rear lot line is immediately adjacent to a residential zone, it must be fifteen feet (15'); and
 5. Attached garage/carport (from front facade) - none.
- C. Accessory Building Setbacks:
1. Front - forty feet (40') maximum from rear property line;
 2. Side - three feet (3') minimum;
 3. Side - interior - zero-foot (0') minimum;
 4. Rear - three feet (3');
 5. Rear (from alley) - fifteen feet (15'); and
 6. Detached garage/carport (from front facade) - minimum required by Fire Code.
- D. Building Form:
1. Primary building height - two (2) stories minimum, five (5) stories maximum;
 2. Accessory building height - two and one half (2.5) stories or thirty five feet (35'); and

3. Within twenty feet (20') of the rear or side lot line adjacent to residential zones, buildings are to be no more than one (1) story taller than the height of adjacent buildings. Buildings can then tier up one (1) story for every twenty feet (20') farther from the lot line.

E. Parking Pad Location:

1. Front setback -
 - a. Mixed Use: maximum ten percent (10%) of the required parking - fifteen-foot (15') minimum setback, ninety percent (90%) - forty-foot (40') setback.
 - b. For a one hundred percent (100%) residential use: one hundred percent (100%) of the required parking - forty-foot (40') minimum setback.
2. Side setback (corner/alley) - eight feet (8') minimum, including buffer; and
3. Rear setback - three feet (3') minimum, including buffer.

F. Encroachments To Setbacks:

1. Shopfront awning - allowed to back of curb;
2. Architectural features - three feet (3') maximum; and
3. Signs - see section 9-6-8.

G. Other Requirements:

1. Meet requirements of section 9-8-6: requirements for new construction of an undeveloped or redeveloped site of commercial and multi-family uses or remodeling of existing structures.
2. At corner locations, the arterial road shall be deemed the front, and principal public entrance doors shall be located in the front wall facing the arterial street or at the corner of the block adjacent to the sidewalk.
3. Sidewalks may be used for patron seating areas appurtenant to a permitted or conditional use, when such outdoor use area designation is approved in accordance with the conditional use permit standards in this chapter.
4. No building or associated parking and loading areas shall be permitted to encroach within or otherwise limit off-street vehicular circulation via shared drive aisles approved in conjunction with submitted development plans.
5. Height restrictions contained herein do not include roof top amenities such as roof top gardens, hand rails, pergolas, stair cases, elevators, air conditioners, and the like.
7. Any buildings wider than one hundred fifty feet (150') must be designed to read as a series of buildings no wider than seventy five feet (75') each.
8. Loading docks, overhead doors, and other service entries shall be screened and not to be located on primary street facades.
9. A building form with a chamfered corner is allowed only on corner lots and only if a corner entry is provided.

H. Street Scape, Landscaping, And Sidewalks: Along public streets, all mixed use developments shall incorporate all of the following:

1. Street trees, in grates or raised planters, evenly spaced between lamp posts at minimum thirty five feet (35') intervals.
2. Lamp posts every one hundred feet (100').
3. Ten-foot (10') wide sidewalks from the back of curb (owner's right- of-way is included in this calculation).
4. Parking lot/parking garage screening and/or vegetative screening.
 - a. Landscape walls shall have masonry or stucco finish.
 - b. No planting strips allowed between sidewalk and building.

5. Trash and refuse containers shall be concealed behind buildings and away from public streets, but not within ten feet (10') of residences. Dumpsters shall be stored either:
- a. Within a separate walled and gated enclosure. Materials for the enclosure should be reinforced concrete or reinforced masonry with bollards as protection from traffic.
 - b. Within the building out of sight.
6. Opaque walls or fences of at least six feet (6') in height are required along all property lines which are adjacent to a residential zone or use or public right-of-way.

Section 2. Effective Date: This Ordinance shall become effective immediately upon passage and adoption and publication of a summary of the Ordinance as required by law.

PASSED AND ADOPTED by the City Council of Sunset City, State of Utah, this 20th day of October 2020.

SUNSET CITY, a Municipal Corporation

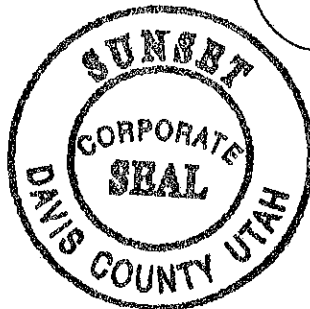
By: _____

SCOTT WIGGILL
Mayor Pro-Tem

ATTEST:

SUSAN R. HALE

City Recorder



Publication Date: 6/17/21