



City Council Staff Report

Mixed Uses 20.40 Amendment
August 24, 2021

RECOMMENDATION

Staff recommends **approval**.

PLANNING COMMISSION

On August 5, 2021 the Mixed Use 20.40 Ordinance amendment was presented to the Planning Commission in a public hearing. Commissioner Cummings made the motion to recommend to the City Council to approve the Ordinance Amendment. It was seconded by Commissioner Farr. Voting was unanimously in favor to recommend approval to the City Council.

ANALYSIS

Chapter 20.40 – Mixed Use Zones

SECTION I GENERAL PROVISIONS

20.40.100 Purpose. The purpose of the Mixed Use Zones is to provide areas for development compatible with the major arterial highway corridors. It is intended that a variety of retail, and office be intermixed in the area to create a walkable environment for workers, shoppers, residents and visitors while accommodating automobile traffic to regional services dependent upon a major transportation facility. It is also intended that some mixed use areas will include commercial and industrial uses in a planned environment consistent with such uses and compatible with other adjacent uses. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

20.40.105 Definitions.

A. "Project" shall be defined as any development for which preliminary plat or site plan approval has been proposed or granted.

B. "Living space" shall be defined as the area within a residence consisting of interior livable area and does not include exterior hallways, balconies, patios, common or limited common area(s), or garages.

20.40.110 Parking and Access.

A. General. ~~Unless otherwise stated in this chapter, P~~parking areas and access shall meet requirements of Chapter 18.44 of this code. Strategies for walkable commercial development shall be implemented where appropriate. ~~All access and street placements shall be subject to the UDOT Cooperative Agreement, and be in compliance with the Pleasant View Access Study and the City's Master Street Plan.~~

B. Access and street location. Access to public streets and roads and the placement of such roads and access shall be subject to City approval and the following:

1. Along Highway 89 and 2700 North, UDOT approval shall be required for all access.

2. On street intersections connecting to Highway 89 and 2700 North, there shall be no curb cuts closer than 100 feet to that intersection. Corner lots on all other streets shall have no curb cuts closer than 60 feet to the intersection. The City may require greater distances as uses and conditions dictate.

3. All access and street placement shall be subject to specific City approval based on the UDOT Cooperative Agreement and the City's Master Street Plan.

(Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

20.40.120 Architectural and Site Standards. All development shall incorporate components of Chapter 18.43 - the Design Requirements of the City that are appropriate to the type of project, or design alternatives approved by the City. Site plan approval shall be required of all developments. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

20.40.130 Other Requirements.

The following provisions shall apply:

A. Private Covenants: ~~if~~ applicable, the developer shall submit a proposed declaration of covenants to the ~~city~~ City for review, and record the accepted covenants with the condominium map or subdivision plat for the project.

B. Grading and Drainage: All developments shall be graded according to the city engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel in a manner acceptable to the City. ~~Unless specifically determined otherwise by the City, land drain systems shall be included.~~

C. Easements: Buildings may not be located within public easements ~~without written approval of the City and utility providers.~~

D. Maintenance: All developments shall be ~~properly~~ privately maintained by the owners.

E. Phasing Plan: ~~If a phased development is proposed, Aa~~ project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan ~~unless a revised phasing plan is approved by the city and adopted as an exhibit. Such phasing plan shall be included in a development agreement. A development agreement shall be required for all phased development.~~

F. Utilities and street improvements.

1. Complete utility plans shall be provided. ~~including onsite storm drain provisions.~~

2. Streets and appropriate access shall be required and plans for placement of such shall be approved by the City based on the UDOT Cooperative Agreement, ~~the Pleasant View Access Study~~ and the City's Master Street Plan. Plans for completion of improvements to adjacent and/or any required new streets shall be provided by the developer and be subject to City approval.

G. ~~Conflicts. Whenever the Mixed Use zones conflict or overlap the Gateway Zones, as depicted on the General Plan, the Gateway zone requirements shall prevail.~~ (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

20.40.140 Use Regulations. Uses may be conducted only in accordance with the following regulations:

A. Only those uses listed as permitted, conditional or accessory uses as set forth in this chapter may be conducted. A conditional use permit must be obtained prior to establishing a conditional use.

B. All uses shall be conducted within completely enclosed buildings, except those customarily associated with outside use such as auto sales, as determined by the ~~City~~ or unless otherwise allowed in this chapter, or those temporary uses customarily conducted in the outdoors, including Christmas tree lots, fireworks stands and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) 1-week periods per year.

C. Accessory uses and buildings may be conducted or used only in conjunction with allowed permitted and conditional uses. Accessory uses or buildings include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are customarily incidental and subordinate to the principal permitted or conditional use on the premises.

D. There shall be no storage of trash or debris nor any used, wrecked or neglected materials, equipment or vehicles. No commercial materials, goods or inventory may be stored in open areas, except for temporary display items which may be located only on private property no closer than ten feet from any public right of way. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies and building materials is permitted only in specific areas approved for such purpose by the City and shall be screened from view through the use of solid fencing, a minimum of six (6) feet high and shall be an accessory use to the ~~principle~~principal use. Fencing and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable material includes, but not limited to tilt-up concrete, masonry block, brick, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored for longer than twenty-four hours unless stored within a completely enclosed building.

F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers or any commercial truck, trailer or vehicle may be stored for longer than twenty-four hours, except in conjunction with an approved use, or approved development or construction activities on the property.

G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers and all-terrain vehicles, may not be stored in any area unless part of an approved business for such or except in conjunction with a single-family dwelling, and must be in accordance with City requirements.

H. ~~Access and street location. Access to public streets and roads and the placement of such roads and access shall be subject to City approval and the following:~~

1. ~~Along Highway 89 and 2700 North, UDOT approval shall be required for all access.~~

2. ~~On street intersections connecting to Highway 89 and 2700 North there shall be no curb cuts closer than one hundred feet to that intersection. Corner lots on all other streets shall have no curb cuts closer than sixty feet to the intersection. The City may require greater distances as uses and conditions dictate.~~

3. ~~All access and street placement shall be subject to specific City approval based on the UDOT Cooperative Agreement, the Pleasant View Access Study, and the City's Master Street Plan.~~

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

20.40.150 Lot Requirements.

A. Width. Minimum lot width shall be as established with development approval. Each lot or parcel must front on or have legal access to a public ~~or private~~ street.

B. The following area requirements shall apply:

1. Minimum Project Area: ~~"Project" shall be defined as any development for which preliminary plat or site plan approval has been proposed or granted.~~ The minimum area of any Project shall be one acre.

2. Minimum Lot Area: Minimum lot area shall be as established with development approval.

C. Prior Created Lots: Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of the zone shall be brought into conformance with the requirements of this chapter prior to or with new development. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

20.40.160 Yard Requirements.

A. Yard requirements ~~shall be as established with development approval shall be determined during the site plan, subdivision.~~ (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

20.40.170 Development Review.

A. All uses proposed may only be established in conformance with development review procedures of the ~~city~~City. Applicants shall follow the procedures and requirements of City codes regarding development review in the preparation and review of development proposals. Appropriate site plan and conditional use reviews shall be included.

B. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the ~~city~~City.

C. Development agreements may be required and included in development approvals. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

SECTION II MIXED USE WEST

20.40.200 Description and Intent.

A. Description. ~~As depicted in the City General Plan, the areas in which the Mixed Use West zone could may be applied includes: 1) is the area bounded by north of 2700 North to the north City boundary between the railroad tracks, approximately 2800 North, and 15 the west city boundary, includes the Transit Oriented Development (TOD) areas, and 2) includes the area bounded by south of approximately 2550 North, Highway 89, 2700 North, between Highway 89 and the railroad tracks.~~

B. Intent.

1. The Mixed Use West ~~Areas~~ areas are intended to encourage general commercial, light manufacturing, and industrial uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone.

~~2. This area is intended for general commercial and light manufacturing, as well as retail and office particularly along Highway 89 and adjacent to the Freeway, and could include a variety of residential and mixed uses.~~

~~3.2.~~ Retail services, professional business parks, and manufacturing/industrial uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

20.40.210 Uses.

A. The following uses are permitted:

1. Uses listed as permitted in the Gateway West ~~Zone~~ zone.
2. Business parks.
3. Manufacturing within an enclosed building.
5. Warehousing/~~Distribution~~ distribution.

B. The following are conditional uses:

1. Automobile sales, new and/or used.
2. Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, repairs, parts retailing.
3. Community uses.
4. Contractor/~~Construction construction~~ Equipment equipment yards and/or facilities; may not be located east of the ~~UP~~ rail road tracks and not within 500 feet of

the freeway.

5. Equipment and/or appliance repairs and/or service enclosed within a building.
6. Gas stations, convenience stores.
7. Hospitals.
8. Lumber, building material retail sales.
9. Mixed uses (residential/retail/office/industrial).
10. Motorcycle, snowmobile, other similar recreation equipment sales and/or service.

11. Office/warehouse facilities, small scale.
 12. Outdoor storage as part of a ~~principle~~ principal use with an approved CUP ~~conditional use permit~~.
 13. Public or quasi-public facilities, utility facilities.
 14. Recreational vehicle or boat sales.
 15. Recreational facilities, non-motorized.
 16. Self storage facilities, ~~subject to the requirements found in~~ Supplementary regulations.
 17. Sexually Oriented Businesses, not within ~~five hundred~~ 500 feet of UDOT controlled roads, nor east of the ~~U.P. (the operating freight line)~~ railroad tracks.
- C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Community Development Department ~~Development Review Committee~~.
- D. Additional Requirements for Mixed Use with a Residential Component.
1. Development Agreement. If a residential component is desired, developer shall enter into a development agreement with the City.
 2. If a phased development is proposed, each phase shall comply with the provisions of this section.
 3. Percentage of Development. A maximum of 25% (by total Project area) may be utilized for the residential component of a Mixed Use West Project.
 4. Density. The residential component shall be limited to 20 units per acre, with a minimum of 900 square feet of living space per unit.
 5. Timing of Approvals and Building Permits.
 - a. The commercial site plan shall be submitted prior to or concurrently with the residential site plan. Approval of the residential site plan shall not occur until 1) the commercial site plan has received approval, and 2) a commercial building permit has been issued by the City.
 - b. Commercial Building Permits.
 - i. Required site improvements per Chapter 17.12.010.2 shall be complete prior to the issuance of building permits.
 - ii. With the issuance of the first commercial building permit, developer may be issued building permits for up to ~~25~~ 33% of the residential component of the Project (based on the total number of proposed units).
 - iii. Upon completion (i.e. issuance of certificate of occupancy) of ~~25~~ 33% of the total commercial building square footage, developer may be issued building permits for up to ~~50~~ 67% of the residential component.
 - iv. Upon completion of ~~50~~ 67% of the total commercial building square footage, developer may be issued building permits for up to ~~75~~ 100% of the residential component.
- ~~— Upon completion of 75% of the total commercial building square footage, developer may be issued building permits for up to 100% of the~~

residential component.

5. Parking.

a. Residential Parking. The residential component of the Project shall contain the following parking requirements: 1.8 spaces per unit plus 0.25 guest spaces per unit (all calculations shall round up to the nearest whole number). Garages and driveways of at least the minimum dimensions of standard parking spaces (9-ft by 18-ft) may count toward resident parking requirements but shall not count towards guest parking requirements

b. Shared Use Parking. Shared use parking in multi-family, commercial, or manufacturing zoning district may be allowed if it can be established that the on-site use(s) characteristically result in peak demand for parked vehicles at different hours, days, or seasons than the off-site use(s).

i. Study. A shared use parking study shall be submitted for review for approval of shared use parking. The parking study shall include the following: the location and identity of each use that will share the facility; the total parking requirement for each use; the projected hours of operation of each use and the hours during which the peak parking demand will be experienced; the number of existing and/or proposed parking spaces; a site plan that provides for a distance of not more than 500 feet from the development site's property boundary measured along the shortest available pedestrian route of access to the shared parking facility; and a site plan that demonstrates that the proposed shared parking facility will comply with all standards required by this Code for parking lot development.

ii. Review and Authorization. The study shall be reviewed by the Development Review Committee to determine whether the uses will make use of the shared spaces at different times of the day, week, month, or year. The planning commission, following a recommendation from the Development Review Committee, may authorize shared use of a parking area subject to the following conditions:

a. The study demonstrates to the satisfaction of the City that uses sharing the parking area are unlikely to produce a substantial demand for parking at the same time;

b. Required parking spaces reserved for persons with disabilities shall not be reduced; and

c. Ongoing shared use of the parking area is assured by an agreement reviewed and accepted by the City which provides at least the following: 1) the parking area shall be continuously available; 2) all spaces shall be available without charge; 3) all parking spaces shall be available perpetually to all uses utilizing the parking; and 4) additional parking shall be provided up to the amount otherwise required under this chapter if the Development Review Committee determines, based on parking counts, that a shared parking area does not satisfy the off street parking demand of the uses involved.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

SECTION III MIXED USE CENTRAL

20.40.300 Description and Intent.

A. Description. ~~As depicted in the City General Plan, the areas in which the Mixed Use Central zone could may be applied includes is two areas, one is along the west side of US bounded by Highway 89, extending from the north end of the TOD district 2700 North, the railroad tracks, and to the north city boundary 2800 North, the other is roughly 2800 to 2550 north between the RR tracks and the Mixed Use East boundary. It overlaps the central portion of the west Gateway area and the north Gateway area.~~

B. Intent.

1. The Mixed Use Central ~~Area area~~ is intended to encourage commercial, office, retail and small business manufacturing uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone.
2. Retail service professional business parks and manufacturing uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses, particularly residential.
3. Quality of materials, design excellence, a high level of architectural quality, including landscaped street themes, and appropriate land uses are the foundation of this Zone. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

20.40.310 Uses.

A. The following uses are permitted:

1. Uses listed as permitted in the Gateway West Zone.
2. Automobile sales, new and/or used.
3. Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, repairs, parts retailing.
4. Bottling works, non-alcoholic.
5. Business parks.
6. Equipment or appliance light repairs and/or service enclosed within a building.
7. Manufacturing within an enclosed building.
8. Motorcycle, snowmobile, other similar recreation equipment sales and/or service.
9. Office/warehouse facilities, small scale.
10. Recreational vehicle or boat sales.
11. Warehousing/~~Distribution~~distribution.

B. The following are conditional uses:

1. Community uses.
2. Contractor/~~Construction construction Equipment equipment~~ yards and/or facilities; may not be located within 200 feet of Highway 89.

3. Gas stations, convenience stores.
 4. Hospitals.
 5. Lumber, building material retail sales.
 6. Outdoor storage as part of a principle principal use with an approved CUP conditional use permit.
 7. Public or quasi-public facilities.
 8. Recreational facilities, non-motorized.
 9. Self Storage storage Facilities facilities, subject to the requirements found in Supplementary Regulations.
- C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Community Development Department Development Review Committee.
- D. Sexually Oriented Businesses are prohibited. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

SECTION IV MIXED USE EAST

20.40.400 Description and Intent.

A. Description. As depicted in the City General Plan, the area in which the Mixed Use East zone could may be applied is along 2700 North and 2550 North from approximately 900 West to the east city boundary and including 2550 North.

B. Intent.

1. This area is intended to provide a range of uses focusing on retail and office commercial. _____ The overall mix should consist of office, retail, and restaurant developed in a coordinated, complimentary fashion with significant public spaces and amenities.

2. The area is intended to provide for specific uses in a planned commercial setting which will be compatible and complimentary with adjacent uses including nearby residential neighborhoods and will promote a high level of architectural and landscaping excellence.

3. Enhancements of the architectural quality and landscaping themes are required.

4. Streetscape treatments are required. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

20.40.410 Uses.

- A. The following uses are permitted:
 - 1. Uses listed as permitted in the Gateway West Zone.
- B. The following are conditional uses:
 - 2. Community uses.
 - 3. Gas stations, convenience stores.
 - 4. Public or quasi-public facilities.
 - 5. Recreational facilities, non-motorized.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the [Development Review Committee, Community Development Department](#).

D. Sexually Oriented Businesses are prohibited. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

Public Comment

There have been no comments currently.

This item was noticed in the Standard Examiner and on the State Public Notice Website.

STAFF CONTACT

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DRAFT PLANNING COMMISSION MINUTES

3. Discussion/recommend to City Council: Mixed Use Ordinance 20.40 Amendment

Jill states that the proposed amendment was discussed with the mayor and city council, then presented the proposed changes to the commission ****the audio once again cuts in and out throughout the presentation and is mostly inaudible. Julie and Keith can be heard asking some questions but the audio is largely quiet except for mic screeches. At one point Jill states she is giving the mic to Sarah to explain some of the changes in the amendment before all audio goes silent again for most of her statement****. Sarah explains to the commission that the changes aim to bring a balance of residential and commercial in mixed use zones that would be beneficial to the city. Amy stated that she believed the proposed changes would cause little stir among the state legislature. ****the audio goes silent again the public hearing starting is entirely inaudible, a resident comes up and speaks during the hearing. The audio comes back at multiple points while the resident is speaking with the commission, but the audio is so quiet and distorted I can't make out what is being said before it goes silent again. The audio cuts in occasionally for at maximum a minute, but is silent or too quiet for most of the rest of the meeting****

Jim moved to open the public hearing. Motion was seconded by Julie. Voting was unanimous in favor.

Julie moved to close the public hearing. Motion was seconded by Jim. Voting was unanimous in favor.

Jim moved to recommend approval to the City Council. Motion was seconded by Julie. Voting was unanimous in favor. Jeff voted via text as the zoom connection dropped him.