

ORDINANCE 2021-8

AN ORDINANCE AMENDING CHAPTER 20.40 – MIXED USE ZONES OF THE PLEASANT VIEW CITY MUNICIPAL CODE TO EXPAND THE LOCATION OF THE MUW AREA.

WHEREAS, Pleasant View City finds that the amendments to Chapter 20.40 of the Zoning Ordinance is consistent with the City's General Plan and further promotes and supports businesses in the City; and

WHEREAS, Pleasant View City finds that such an amendment is in the best interest of the City; and

WHEREAS, Section 10-9a-503 (1) and (2) of the Utah State Municipal Code provides for the amendment of municipal ordinances after receiving a recommendation from the Planning Commission; and,

WHEREAS, The Pleasant View City Planning Commission has made a positive recommendation of the proposed amendment;

NOW THEREFORE, Be it hereby ordained that:

SECTION ONE: Chapter 20.40 – Mix Use Zones Ordinance shall hereby be amended as follows:

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, parking areas and access shall meet requirements of Chapter 18.44 of this code. Strategies for walkable commercial development shall be implemented where appropriate.

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 - 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 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.

C. Easements: Buildings may not be located within public easements.

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

E. Phasing Plan: If a phased development is proposed, a 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. A development agreement shall be required for all phased development.

F. Utilities and street improvements.

1. Complete utility plans shall be provided.

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 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. (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 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.

(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: 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. (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. 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.

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. The areas in which the Mixed Use West zone may be applied includes: 1) the area bounded by 2700 North the railroad tracks, approximately 2800 North, and the west city boundary, and 2) the area bounded by approximately 2550 North, Highway 89, 2700 North, and the railroad tracks.

B. Intent.

1. The Mixed Use West 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. 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.
2. Business parks.
3. Manufacturing within an enclosed building.
5. Warehousing/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 equipment yards and/or facilities; may not be located east of the railroad 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 principal use with an approved 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.
17. Sexually Oriented Businesses, not within 500 feet of UDOT controlled roads, nor east of the 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 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 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 33% of the total commercial building square footage, developer may be issued building permits for up to 67% of the residential component.
 - iv. Upon completion of 67% of the total commercial building square footage, developer may be issued building permits for up to 100% of the residential component.
6. 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. The area in which the Mixed Use Central zone may be applied is bounded by Highway 89, 2700 North, the railroad tracks, and 2800 North.

B. Intent.

1. The Mixed Use Central 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.

B. The following are conditional uses:

1. Community uses.
2. Contractor/construction 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 principal use with an approved conditional use permit.
7. Public or quasi-public facilities.
8. Recreational facilities, non-motorized.
9. Self storage facilities.

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.

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. The area in which the Mixed Use East zone may be applied is along 2700 North and 2550 North from approximately 900 West to the east city boundary.

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..

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)

SECTION TWO: This ordinance shall take effect immediately upon approval and posting.

DATED this _____ day of August, 2021.

PLEASANT VIEW CITY, UTAH

Leonard M. Call, Mayor

Attest:

Laurie Hellstrom, City Recorder

Posted this ____ day of _____, 2021

This ordinance has been approved by the following vote of the Pleasant View City Council:

CM Arrington	_____
CM Bailey	_____
CM Gibson	_____
CM Marriott	_____
CM Urry	_____