



G R E A T E R   S A L T   L A K E  
**Municipal Services  
District**

## **MEMORANDUM: MAGNA 2022 ORDINANCE UPDATES – PHASE ONE**

**TO:** Magna Planning Commission and Council

**FROM:** Brian Tucker

**DATE:** August 5th, 2022

### **SUMMARY**

MSD Planning & Development Services Staff (“PDS”) have been tasked by the Metro Townships and Town of Brighton to lead ordinance update efforts for each respective community. For the remainder of 2022, PDS will be drafting revisions to Titles 18 & 19, Zoning and Subdivision Ordinances, respectively. Staff will work closely with the Planning Commission and Council to review drafted materials and lead ordinance revisions through the formal adoption process. This project has an anticipated end date of December 2022. Materials included in this memorandum represent the first phase of ordinances drafted for the Magna Metro Township by MSD Planning & Development Services.

Exhibit A includes drafted versions of the following:

- Chapter 19.04 Definitions
- Chapter 19.22 Parks and Open Space Zones
- Chapter 19.26 Agricultural Zones
- Chapter 19.28 Single-Family Residential Zones
- Chapter 19.29 Residential Mobile Home Park Zone
- Chapter 19.30 Medium and High Density Residential Zones
- Chapter 19.32 Commercial Zones
- Chapter 19.34 Manufacturing Zones
- Chapter 19.36 Mixed-Use Zone

Staff recommends that several zones be removed from Magna’s Zoning Ordinance. Zones recommended for removal include Forestry, Foothills Agricultural, Office Research Park and Development, the Foothills and Canyons Overlay Zone, and Forestry and Recreation Zones. None of these zones are currently applied in the community.

Land Use Ordinances determine the use, development, and subdivision of property within a municipality. A municipality’s right to implement land use ordinances is tied to its “Police Power” (or to the essential task of protecting public health, safety, and welfare). Private property rights are balanced with public needs, in order to ensure safe, equitable, and sustainable development.

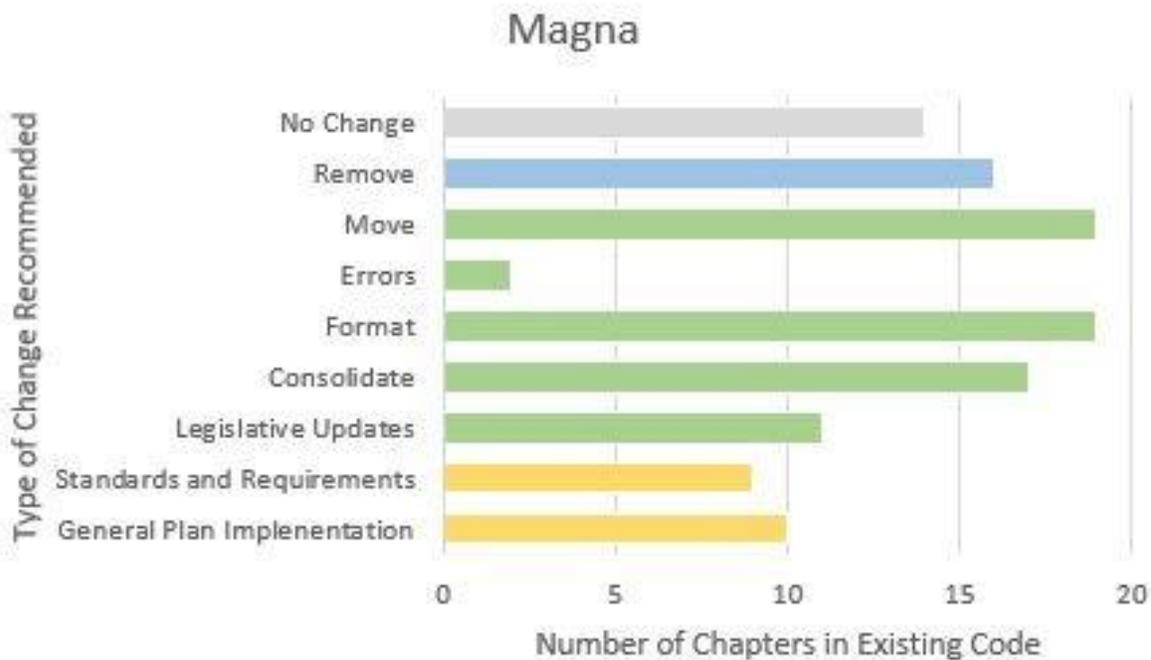
The 2022 Land Use Ordinance revisions are intended to accomplish several **objectives, including:**

- Ensuring compliance with State Legislation.
- Encouraging conformity with adopted General Plans.
- Promoting ease of use for both staff and residents.
- Meeting the unique needs and preserving the character of the community.

**BACKGROUND AND ANALYSIS**

Pre-Analysis: In the first quarter of 2022, Erin O’Kelley (Long Range Planner) performed an in-depth analysis of existing Title 19 Ordinances to provide a basis from which the project team could begin their revisions. This analysis helped the team understand how much time to allot to various tasks, such as removing outdated sections or obsolete zoning districts, consolidating materials for ease of use, and updating language to reflect recent legislative changes and the vision of the Magna General Plan. Figure 1 comprehensively portrays the work that staff estimates needs to be completed on Kearns’ Ordinances.

**Figure 1: Estimation of Magna’s Title 19 Needed Actions.**



**Credit:** MSD PDS, 2022.

The bar chart is color-coded to show changes that staff expect to require a low, medium, or high effort. Low-effort actions include the removal of certain sections of code that are no longer applicable (blue). Medium-effort actions involve moving, reformatting, or consolidating chapters or sections of the ordinance, as well as bringing those sections into compliance with State Code (green). Finally, high-effort actions are those that require an updating of chapters or sections in order to improve standards and requirements or facilitate General Plan implementation (yellow). In addition to greater staff expertise being needed for the high-effort changes, it is anticipated that those actions will trigger a higher level of engagement from the community. As a general strategy, staff have elected to draft the 'High-Effort' ordinance updates first so that the Planning Commission and Council have the most time to look over those sections before adoption. Thus, you will find many of the anticipated High-Effort Draft Chapters (namely the Zone Chapters) included in this packaged Phase 1 draft.

Ordinance-Writing Methodology: Staff followed several steps in order to produce the drafted chapters presented in Exhibit A.

1. Staff members were assigned various chapters to research. They drew on model codes, planning best practices, and existing conditions to draft a "model chapter" that other staff members would later use as a basis for their own communities.
2. Staff members reviewed each other's work at weekly Ordinance Update Meetings. Model ordinances were revised in response to feedback.
3. Model Ordinance Chapters were sent to the Smith-Hartvigsen legal team for review.
4. Staff members revised their model ordinances accordingly.
5. The planner assigned to each community reviewed the Model Ordinance Chapters and tailored them to their specific community. Planners reviewed the community's General Plan, existing ordinances, pre-analysis, and other sources relevant to the community vision.

Preceding each Chapter in Exhibit A, staff have prepared a summary that describes major changes made to the Chapter and any information of significance to the community.

### **SUMMARY OF CHAPTER CHANGES**

The Chapters presented in Exhibit A differ from the existing Zoning Ordinance both in formatting and in substance. Several of the existing ordinance chapters were lacking important standards that contribute to a high-quality built-environment and protect the public health, safety, and welfare of residents. Major changes drafted for each specific Chapter are highlighted below:

#### Chapter 19.04 Definitions

- Over 400 specific uses (many undefined) existed in the previous code. Staff consolidated these to a couple hundred categorized uses, with clear definitions.

- All definitions used in the Zoning Ordinance were moved into a single chapter to reduce redundancy and cut down on text in other sections.

#### Chapter 19.22 Parks and Open Space Zones

- A new zone was created that did not exist in previous code – the PR Zone.
- The PR Zone protects and promotes developed park spaces, with recreation as the primary goal.
- The OS Zone is meant for more natural open spaces such as wildlife corridors, sensitive lands, and viewsheds. This should be applied in areas where the primary goal is conservation.
- Development standards were added to ensure compatibility with existing development and zone intent. For example, lighting standards for these zones work to prevent light pollution.

#### Chapter 19.26 Agricultural Zones

- The agricultural zones were cleaned up for enhanced clarity and an emphasis on single-family development with small scale agricultural uses.
- Staff recommended removing the A-2, A-5, and A-10 Zones, which are not currently applied in Magna and are unlikely to be desired in the future.
- Several incompatible uses were removed from this Chapter.

#### Chapter 19.28 Single-Family Residential Zones

- Staff recommend removing the R-1-15 and R-1-43 Zones, which are not in use currently and are unlikely to be desired in the future.
- Several standards were added to this Chapter, including standards for accessory structures, fencing standards, and additional development standards like lot coverage.
- Incompatible uses such as pigeons, golf courses, and cemeteries were removed from the Single-Family Residential Zones.

#### Chapter 19.29 Residential Mobile Home Park Zone

- This zone was largely preserved from existing ordinance and should apply to the existing mobile home park in Magna and to the property zoned RMH near the Pleasant Green Cemetery, if it is ultimately developed as a mobile home park
- Sections were re-formatted to match other Chapters.
- A few additional uses were added to support strong mobile home park neighborhoods.

#### Chapter 19.30 Medium and High Density Residential Zones

- R-2, R-4, and RM Zones were combined into one Chapter. Staff recommends that the RM Zone only apply to existing and future multi-family developments.
- Incompatible uses were removed from the Medium and High Density Residential Zones, although limited commercial uses were preserved in the ordinance recognizing Kearns desire for additional tax base and the benefit of having commercial services near residential land uses.
- Development standards were added to ensure that any development in these zones is compatible with the surrounding neighborhood.

#### Chapter 19.32 Commercial Zones

- The C-V zone is intended to cater to visitors and tourists. It is only applied near the Great Salt Lake and Saltair and is not recommended elsewhere in the community.
- The C-1 Zone has been re-imagined as a smaller-scale commercial zone. The C-2 Zone is now intended primarily for shopping centers with appropriate standards regarding form. The C-3 Zone is preserved as a legacy Zone only. No new applications of C-3 Zoning are recommended and the existing C-3 zones in the Historic Downtown Area should be rezoned to Downtown Historical Mixed Use.
- Development standards previously missing from ordinance have been added to the drafted Chapter, including lot size and frontage, build-to-line, walkway, and architectural standards.

#### Chapter 19.34 Manufacturing Zones

- Staff drafted this Chapter so that greater distinctions were visible between the M-1 and M-2 Zones. The M-1 Zone is intended to promote flex industrial uses.
- The M-2 Zone allows for more industrial uses on the outskirts of communities and is most appropriate near and north of Hwy 201.
- Development standards were added to ensure that any development in the M-1 or M-2 Zone is compatible with surrounding uses. These development standards address height, landscaping and screening, lot coverage, parking and loading, and a host of other items that were not previously regulated.

#### Chapter 19.36 Mixed-Use Zone

- Magna adopted the Downtown Historic District (DH) zone earlier this year. This ordinance is retained. Two additional mixed use districts have been created for use in other parts of Magna.
- The Corridor Mixed Use District could be applied to facilitate development on the portion of Magna Main Street not in the Historic District and along other major commercial thoroughfares.

- The Neighborhood Mixed Use Zone allows for the vertical and horizontal mixing of residential, commercial, and civic uses at a small, neighborhood scale and may be appropriate at the intersections of major streets where residential development currently predominates.
- Several design standards were included to ensure that any mixed-use development occurs at a compatible scale and in a pattern that encourages a safe and walkable built-environment.

### **PURPOSES OF EXHIBIT A / PROVIDING FEEDBACK**

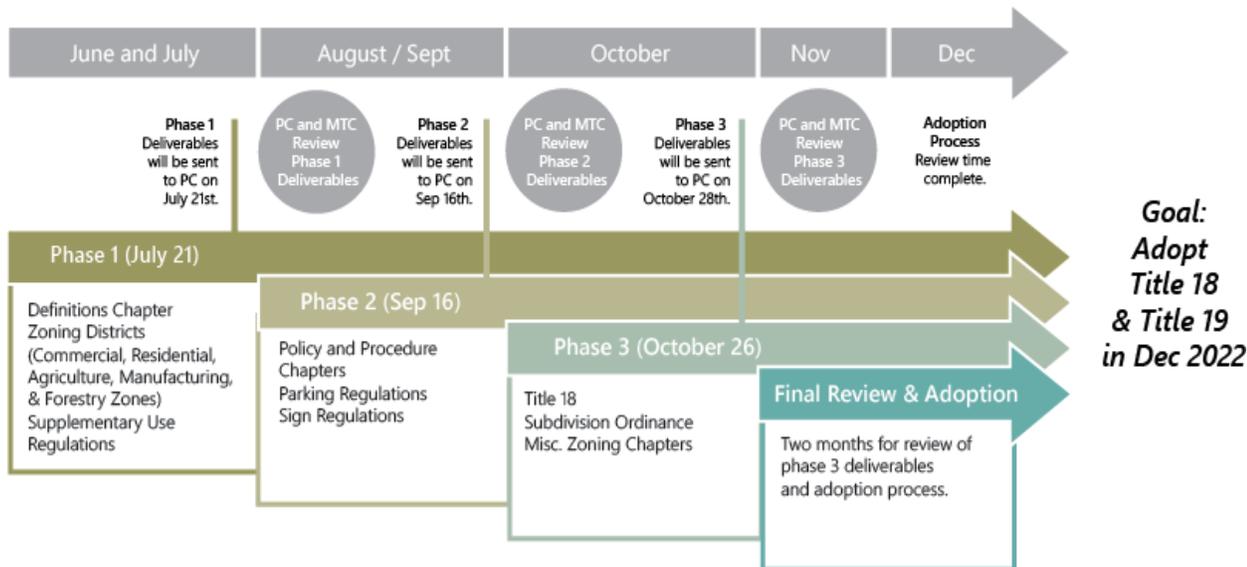
The contents of Exhibit A are drafted for review purposes only. This is not a final draft nor a public hearing draft. Staff are fully anticipating feedback from the Planning Commission and Council and will make several revisions before moving drafted chapters into the adoption phase in December. Staff are asking for feedback in one of two (or both) ways:

1. Send comments, red-line edits, or other thoughts to Brian Tucker, Planning Manager ([BTucker@msd.utah.gov](mailto:BTucker@msd.utah.gov)).
2. Request a work session to address drafted Chapters. A work session could include staff, the Planning Commission, the Council, the legal team, and other desired stakeholders. At the work session, participants would review the content together and work toward desired revisions.

### **TIMELINE FOR FUTURE PHASES**

Staff have broken the entire ordinance-update project down into a series of three phases, as shown in Figure 3. At the end of each phase, draft versions of the specified chapters will be delivered to the Planning Commission and Council for their review and feedback. When all of the drafted chapters have been reviewed, a final draft version of Titles 18 & 19, with revisions as applicable, will be presented for adoption.

**Figure 3: Proposed Timeline for Ordinance Updates.**



**Credit:** MSD PDS, 2022.

The Commission and Council can expect Phase 2 deliverables in September 2022. Staff will work hard to prepare a high-quality draft of Titles 18 & 19 that can be considered by the Planning Commission and adopted by the Council in December of 2022. We recognize our communities' urgency to update its codes before the 2023 State Legislative Session.

### **CONCLUSION**

The planning team has completed the initial draft of Phase 1 Ordinance Chapters (see Exhibit A). These drafted chapters are presented for Magna's Planning Commission and Council review and feedback only. The next phase of ordinances is expected to be delivered to the Commission and Council in September of 2022.

## MAGNA ZONING ORDINANCE

### TABLE OF CONTENTS

#### **Article I. GENERAL PROVISIONS**

CHAPTER 19.02: TITLE, PURPOSE AND APPLICABILITY

CHAPTER 19.04: DEFINITIONS

CHAPTER 19.06: NONCONFORMITIES

CHAPTER 19.08: ENFORCEMENT

CHAPTER 19.10: PROCEDURES FOR ANALYZING TAKINGS

#### **Article II. ADMINISTRATION**

CHAPTER 19.12: ADMINISTRATIVE BODIES, POWERS & DUTIES

CHAPTER 19.14: ESTABLISHMENT OF ZONES, ZONING MAP, AMENDMENTS

CHAPTER 19.15: APPLICATION PROCESS

CHAPTER 19.16: LAND USE PROCESSES AND PROCEDURES

CHAPTER 19.18: PLANNED UNIT DEVELOPMENTS

CHAPTER 19.20: APPEALS, VARIANCES AND EXCEPTIONS

#### **Article III. ....ZONE REGULATIONS**

CHAPTER 19.22: PARKS AND OPEN SPACE

CHAPTER 19.26: AGRICULTURAL ZONES

CHAPTER 19.28: SINGLE-FAMILY RESIDENTIAL ZONES

CHAPTER 19.29: RESIDENTIAL MOBILE HOME ZONE

CHAPTER 19.30: MEDIUM AND HIGH-DENSITY RESIDENTIAL ZONES

CHAPTER 19.32: COMMERCIAL ZONES

CHAPTER 19.34: MANUFACTURING ZONES

CHAPTER 19.36: MIXED USE ZONES

#### **Article IV. ....SPECIFIC AND TEMPORARY USE STANDARDS**

CHAPTER 19.40: SPECIFIC USE STANDARDS

CHAPTER 19.42: TEMPORARY USE STANDARDS

#### **Article V. ....DEVELOPMENT STANDARDS**

CHAPTER 19.46: SITE DEVELOPMENT STANDARDS

CHAPTER 19.48: OFF-STREET PARKING AND LOADING

CHAPTER 19.50: LANDSCAPING & SCREENING

CHAPTER 19.51: SUPPLEMENTARY REGULATIONS

CHAPTER 19.52: SIGNS

CHAPTER 19.58: AIRPORT OVERLAY ZONE

CHAPTER 19.61: FLOOD PLAIN REGULATIONS

CHAPTER 19.62: GEOLOGICAL HAZARDS

### **Definitions Chapter – Staff Summary**

**Summary:** Readers will notice substantial changes from the existing definitions in Title 19. Staff began with a list of over four hundred (400+) use definitions that were dispersed throughout Title 19. They then worked to categorize uses with similar meanings and impacts in order to improve readability and reduce the number of uses that needed to be listed in each zone’s ‘Schedule of Permitted Uses’. For example, existing ordinance lists several uses as permitted in Commercial Zones: bookstore, clothing store, china and/or silver shop, gift shop, popcorn and/or nut shop. . . In this drafted Definitions Chapter, all these uses are combined under the category, “Retail and Service Commercial”. Retail and Service Commercial uses are allowed in the Commercial Zones, and the impact of these uses is regulated via building heights, bulk standards, yards and setbacks, and other development standards.

**Applicability:** This Chapter includes all definitions used throughout Title 19. This prevents redundancy by defining terms and uses up-front, reducing text and explanation needed in each Chapter. Clear definitions ensure ease of use both for applicants and for Staff.

**Resources:** The Definitions Chapter required the most time of any other chapter in Phase 1. Several staff members on both the Current and Long Range Planning teams worked over the course of several months to refine definitions. Definitions included in this Draft Chapter came from a number of sources:

- Utah State Code
- American Planning Association: *A Planner’s Dictionary*
- Existing Ordinance
- Planners’ Previous Professional Experiences, including work in Millcreek, Midvale, Mapleton, Brigham City, Gunnison, and Oregon.

## Chapter 19.04 DEFINITIONS

DRAFT for Review Purposes Only – August 2nd, 2022

### Sections:

#### 19.04.005 Definitions and interpretation of language.

For the purpose of this title, certain words and terms are defined as set out in this chapter. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular, and words included herein but defined in the building code shall be construed as defined therein.

#### 19.04.010 Terms Defined:

**“Accessory Structure”** means a detached subordinate building or structure the appropriate use of which is subordinate and customarily incidental to the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use. Accessory Structures include detached garages or carports, garden or storage sheds, and children's playhouses, but do not involve the conduct of a business.

**“Accessory Dwelling Unit, Attached”** means

**“Accessory Dwelling Unit, Detached”** means a habitable living unit detached from a primary single-family dwelling and contained on one lot for the purpose of offering a long-term rental of 30 consecutive days or longer.

**“Accessory Dwelling Unit, Internal”** means an accessory dwelling unit created:

- A. within a primary dwelling;
- B. within the footprint of the primary dwelling at the time the internal accessory dwelling unit (IADU) was created; and
- C. for the purpose of offering a long-term rental of 30 consecutive days or longer. (See Utah Code 10-9a-530)

**“Accessory Outside Storage”** means the accessory location of any goods, wares, merchandise, commodities, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours. The area used for outdoor storage shall not constitute more than fifteen percent (15%) of the lot area. With the exception of retail sales displays in an approved commercial area, outdoor storage shall be screened from public view by a minimum six-foot (6') high opaque fence or, when outdoor storage occurs in a front yard, side yard, or any other location within the public view, a fence or screening of a height and material determined by the Planning Commission. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited. "Outdoor storage" as defined herein does not include construction yards, storage yards, or other storage uses where the storage of items outside of an enclosed building is a primary characteristic of the use. See definition of "storage yard."

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**“Accessory Use”** means a use clearly incidental and subordinate to the existing primary use and customarily related to the primary use and located on the same lot or in the same building as the primary use.

**“Agricultural Building”** means a structure that is primarily associated with and supports agricultural use or activity but shall not be used for human occupancy and complying with the requirements of Utah Code, as amended. To qualify as an agricultural building the structure shall meet all requirements of Utah Code, as amended, and be clearly associated with and necessary to support an agricultural use or activity.

**“Agricultural Products Processing”** means the processing of non-animal agricultural products including but not limited to the processing, cleaning, sorting, grading, packaging, or milling of products intended for human or animal consumption or use.

**“Agricultural Sales”** means the retail or wholesale sale of agricultural or horticultural products grown or raised on site and not produced or purchased from another location for resale. This use does not include the commercial slaughtering, processing, packaging, or sale of meat, poultry and dairy, concentrated animal feeding operation, or similar uses.

**“Agriculture”** means the tilling of the soil, the raising and harvesting of crops, horticulture and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals or similar uses.

**“Agritourism”** means a commercial enterprise linking agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner. This excludes guest ranches and other forms of overnight accommodation.

**“Airport/Heliport”** means an area used for the landing and takeoff of both fixed-wing aircraft and helicopters and buildings, structures, or other facilities associated with these activities, including taxiways, aircraft storage and tie-down areas, hangars, servicing, and passenger and freight terminals and used by commercial, private, or military aircraft.

**“Alley”** means a public thoroughfare ~~less than twenty five feet wide.~~ that is intended to provide rear or side access and is not intended for through traffic.

**“Amateur Radio Antenna”** means a radio antenna that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or meets the standards related to amateur radio service adopted under 47 C.F.R. Part 97.

**“Amateur Radio Antenna Support Structure”** means a lattice or pole structure which acts as a support to the amateur radio antenna. Typical support structures are triangular or square in cross-section, crank up, or guyed, and are constructed with galvanized steel or aluminum.

**“Animal Control or Rescue Facility”** means a location, with buildings, structures, and holding facilities necessary to provide temporary housing and food for animals (primarily pets or companion animals) from abusive homes or homeless situations, rehabilitation (if the animal has health or behavior problems, or for treatment if the animal requires veterinary care). This may include publicly licensed facilities to detain and/or dispose of stray dogs, cats, and other animals.

**“Animal Feeding Operation”** means a facility that confines, feeds, and maintains domestic livestock in either an open or enclosed lot or space for a total of 45 days or more in any 12-month period. The area(s) where the livestock are confined does not sustain crops, vegetation, forage growth, or post-

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harvest residues in the normal growing season. An AFO may also be a Concentrated Animal Feeding Operation (“CAFO” See CAFO). An AFO may be subject to the requirements of the Utah Pollutant Discharge Elimination System (UPDES).

**“Animal Hospital or Clinic”** means facilities for the diagnosis, treatment and hospitalization of domesticated animals in indoor holding facilities but does not include any outdoor holding or boarding facilities.

**“Animal Hospital or Clinic with Outdoor Holding Facilities”** means facilities for the diagnosis, treatment, hospitalization, and boarding of animals (including large animals) that may include indoor and/or outdoor holding and boarding facilities.

**“Animal Rights”** means the keeping of livestock and fowl, limited to one animal unit and their seasonal offspring for each ten (10) thousand square feet.

**“Animal Unit”** means a proportionate combination of the following:

- A. One (1) cow, or one (1) horse, or one (1) pig, or one (1) llama, or one (1) other similar large animal.
- B. Four (4) adult sheep or feeder lambs, or two (2) alpacas (similar to llama).
- C. Two (2) goats.
- D. Ten (10) chickens, or ten (10) ducks, or ten (10) pigeons, or ten (10) similar small fowl, subject to the standards and requirements of this Title, Salt Lake County Animal Services, and Salt Lake County Health Department that ensure that domesticated fowl do not adversely impact the neighborhood surrounding the property on which the domestic fowl are kept. For regulations regarding the keeping of chickens, see section \_\_\_\_\_ of this title.
- E. Twelve (12) rabbits, or twelve (12) similar small animals.
- F. Two (2) large birds such as ostriches, or emus, or peacocks.
- G. Four (4) turkeys.

The total animal units located on a given parcel or animal operation shall be determined by adding the animal units for each animal type. For the purpose of determining compliance, said definition shall not include the unweaned offspring of any residing animal which is less than six (6) months in age.

**“Antenna”** means a transducer, attached to a support structure, designed to transmit or receive electromagnetic waves.

**“Apiary”** means the assembly of one or more colonies of bees at a single location.

**“Assembly Use”** means a business where finished parts are assembled to develop a final product. These uses include computer and electronic assembly, and similar uses, but do not include vehicle or manufacturing type uses.

**“Assisted Living Facility”** means Either a Type I Assisted Living Facility, which is a residential facility that supports activities of daily living and social care to two or more residents who require protected living arrangements and are sufficiently mobile to exit the facility without the assistance of another person. OR A Type II Assisted Living Facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under Department rule to need any of these services.

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**“Athletic Clubs”** means an indoor establishment that provides for aerobic exercises, weightlifting, bodybuilding, running, exercise equipment, game courts, swimming facilities, saunas, spas, showers, and lockers. See “Recreation Facility, Commercial” and “Recreation Facility, Private”.

**Bank.** See “Financial Institution.”

**“Bar”** means a commercial establishment open to the general public which sells and serves intoxicating beverages for consumption on the premises, subject to the Utah Alcoholic Beverage Control Act.

**“Basement”** means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story.

**“Bed and Breakfast Inn”** means dwellings in which two (2) or more rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided by the host family, the price of which is included in the room rate.

**“Breweries and Distilleries in association with a Restaurant”** means a business which conducts the retail sale of beer or liquor which is brewed or distilled on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use.

**“Breweries and Distilleries, Industrial”** means an industrial use that brews ales, beers, meads, and/or similar beverages on site. Industrial breweries and distilleries are engaged predominantly in manufacturing and do not include a bar or restaurant. Industrial breweries and distilleries may include incidental retail sales when permitted by the Department of Alcoholic Beverage Control.

**“Boardinghouse”** means a building with not more than five guestrooms, where, for compensation, meals are provided for at least five but not more than fifteen persons.

**“Buildable Area”** means a lot or portion thereof possessing all of the following physical characteristics:

- A. The area contains no territory having a slope of thirty percent (30%) or greater;
- B. The area contains no territory which is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
- C. The engineering properties of the soil provide adequate structural support for the intended use; and
- D. The area does not possess any other recognized natural condition which renders it unsafe for building purposes.

**“Building”** means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.

**“Building alteration”** means any act or process that changes the architectural detail, function, or structural design of a building, including but not limited to the erection, construction, reconstruction, or removal of any building.

**“Building coverage”** means the maximum horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level or above, whichever is the greater area, including, without limitation, courts and exterior stairways, but excluding:

- A. Uncovered decks, porches, patios, terraces, and stairways all less than thirty inches high; and

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B. The outer four feet of completely open, uncovered, cantilevered balconies that have a minimum of eight feet of vertical clearance below.

**“Building envelope”** means the building pad, building footprint, and height restrictions, which define the maximum building area in which all development must occur.

**“Building facade”** means the exterior of a building located above ground and generally visible from public points of view.

**“Building footprint”** means the total area of the foundation of a structure, or the furthest exterior wall or supporting column of the structure. Decks, porches, patios, stairways, terraces, planter boxes and balconies that are both uncovered and less than 30’ tall, measured from the finished grade are not part of the building footprint.

**“Building Height”** means the vertical distance above the natural grade at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For purposes of measuring height, the "level of the eaves" means the highest level where the plane of the roof intersects the plane of the outside wall on any side containing an eave. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured separately.

**“Building Street Frontage”** means the portion of the building directly fronting or adjacent to the street. Building Street Frontage is calculated by dividing the portion of the building at the build-to-line or within a specified distance of the build-to-line by the street frontage.

**“Build-to-line”** means the maximum distance a building may be setback from a property line or other designated location. The purpose of a build-to-line is to bring structures adjacent to streets and sidewalks to encourage pedestrian activity.

**“Campground”** means a public area designated by a public agency for camping, or a private area licensed by the local governing body for camping. And/or any lot or parcel of land upon which two or more sites are located, established or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes. This may include accessory facilities such as kitchens, pavilions, playgrounds, or storage for recreation equipment.

**“Camping”** means the use of any tent, trailer, lean-to, teepee, recreational vehicle, or similar non-permanent structure or vehicle for temporary living quarters for residential, recreation, education, or vacation purposes.

**“Canopy”** means a roofed structure supported by a building and/or supports extending to the ground directly underneath the canopy, and providing a protective shield for service-station pump islands and walkways.

**“Car and Light Truck Wash”** means a facility with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of automobiles and light trucks. A car and truck wash may be able to accommodate more than one vehicle at a time.

**“Carport”** means a private garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

**“Cemetery”** means land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

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**“Check Cashing”** means cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the State pursuant to the Check Cashing Registration Act.

**“Child Care”** means the provision, day or night, of supplemental parental care, instruction, and supervision for a non-related child or children, on a regular basis, and for less than twenty-four hours a day. The term does not include babysitting services of a casual, non-recurring nature, or in the child’s own home or cooperative, or reciprocal child care by a group of parents in their respective domiciles.

**“Child Care Center”** means a facility, operated by a person qualified and licensed by the State of Utah, which provides children with daycare and/or preschool instruction as a commercial business and complying with all applicable state standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides childcare for less than twenty-four (24) hours per day. Commercial Daycare Facilities excludes the following:

- A. Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;
- B. Facilities operated in connection with a fitness center, shopping center, or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or
- C. Special activities or programs, including athletics, crafts instruction, and similar activities, are conducted on a periodic basis by civic, charitable, private, or governmental organizations.

**“Child Care, Licensed Family”** means the provision of childcare for sixteen or fewer children, including the provider’s children who are under the age of thirteen, in the home where the caregiver resides, in the absence of a child’s parents, for four (4) or more hours but less than twenty-four (24) hours, on a regularly scheduled, ongoing basis. A “Child Care, Licensed Family” is subject to licensing by the Utah Department of Health and Human Services.

**“Child Care, Residential”** means the provision of childcare for eight or fewer children, including the provider’s children the who are under the age of thirteen, in the home where the caregiver resides, in the absence of a child’s parents, for less than twenty-four (24) hours, on a regularly scheduled, ongoing basis. A “Child Care, Residential” is subject to licensing by the Utah Department of Health and Human Services.

**“Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings”** means a building, with accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, with accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

**“Club”** means a building used, occupied, and operated by an organized association of persons for social, fraternal, religious, or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any organization, group, or association, of which the principal activity is to render a service usually and ordinarily carried on as a business. A club may also be a bar, subject to the Utah Alcoholic Beverage Control Act.

**“Cluster Subdivision”** means a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space.

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**“Commercial Plant Nursery”** means a business where young plants or trees are raised for experimental horticultural purposes, for transplanting, or for sale.

**"Commercial recreation"** means recreational facilities operated as a business and open to the general public for a fee, such as golf driving ranges and baseball batting ranges.

**“Community Garden”** means the production of a harvestable product, planted, grown, and cultivated in the soil by an identifiable group of community members. Includes products grown and managed by a community or neighborhood organization for local consumption or sale.

**“Concentrated Animal Feeding Operation”** An Animal Feeding Operation (AFO) is a “Concentrated Animal Feeding Operation” (“CAFO”) if it meets the regulatory definition of CAFO or if it is designated as a CAFO by the State of Utah. A CAFO is defined in 40 CFR 122.23 Appendix B as “an animal feeding operation where more than 1,000 ‘animal units’ (as defined by the regulation) are confined at the location; or more than 300 animal units are confined at the facility and either one of the following conditions are met: pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made devices; or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.” (“Animal unit” means a unit of measurement for any animal feeding operation calculated as per the Utah Administrative Code (UAC) R317-8-3.5 and used to determine if an operation meets the definition of a concentrated animal feeding operation). A CAFO is subject to the requirements of the Utah Pollutant Discharge Elimination System (UPDES).

**"Conditional use"** means a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts. A land use listed as a conditional use is a use of land for which a conditional use permit is required pursuant to this title.

**“Contractor’s Office”** A facility providing building construction and maintenance, including carpentry, plumbing, roofing, electrical, air conditioning, and heating, within a fully enclosed building, and that may include the open storage of associated building materials, equipment, or vehicles.

**Contractor’s Storage Yard.** See “Storage Yard”

**"Corral"** means a space, other than a building, less than one acre in area or less than one hundred feet in width, used for the confinement of animals.

**“Correctional Facility”** means any facility operated by or contracting with the Department of Corrections to house offenders in either a secure or non-secure setting; which includes any facility operated by a municipality or a county to house or detain criminal offenders, any juvenile detention facility, and any building or grounds appurtenant to the facility or lands granted to the state, municipality, or county for use as a correctional facility.

**"Court"** means an occupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.

**“Crematorium”** means a building that contains cremation chambers and a holding facility for human or pet remains, and which may receive remains from funeral establishments.

**"Dairy"** means a commercial establishment for the manufacture or processing of dairy products.

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**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**"Director"** means the Greater Salt Lake Municipal Services District Director of Planning and Development Services.

**"Drive-Thru and Drive-Up Facilities"** means an establishment designed or operated to provide drive-through or drive-up service to patrons remaining in vehicles. May include other forms of service, such as conventional seating.

**Duplex.** See "Dwelling, Two Family."

**"Dwelling, Manufactured Home"** means a transportable factory-built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that: (a) in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and (b) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. A manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, lateral forces, and frost protection in compliance with the City's Building Code, as adopted. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the City's Building Code, as adopted.

**"Dwelling, Mobile Home"** means a transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the HUD Code. HUD Code means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

**"Dwelling, Modular Unit"** means a structure: (a) built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and (b) the purpose of which is for human habitation, occupancy, or use

**"Dwelling, Multiple Family"** means a building containing five (5) or more residential dwelling units.

**"Dwelling, Single-Family"** means a building containing one (1) residential dwelling unit.

**"Dwelling, Single-Family Attached"** A residential structure designed to house a single-family unit from the lowest level to roof, with a private outside entrance, but not necessarily occupying a private lot, and sharing a common wall adjoining dwelling units.

**"Dwelling, Three- and Four-Family (3-plex and 4-plex)"** means a building containing three (3) or four (4) residential dwelling units, each unit designed to be occupied by one (1) family.

**"Dwelling, Two Family"** means a building containing two (2) residential dwelling units.

**"Dwelling group"** means a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common.

**"Dwelling unit"** means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

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- A. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
  - B. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
  - C. There is only one electric and/or gas meter for the building.

**“Earth Station”** means a communication facility that transmits and/or receives signals to and from orbiting satellite(s).

**“Educational Facility”** means: (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and programs for children with disabilities; (ii) a structure or facility: (A) located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the use of that building; and (iii) a building to provide office and related space to a school district's administrative personnel; and (b) does not include: (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is: (A) not located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the purposes of a building described in Subsection (12)(a)(i); or (ii) a therapeutic school.

**“Educational Facility with Residential Accommodation”** means an educational facility with living accommodations for students or staff, such as universities, colleges, boarding schools, and seminaries. Educational facility includes public and private schools (PreK-12) designed for educational activities with a curriculum for technical or vocational training, pre-kindergarten, kindergarten, elementary, secondary, or higher education and recognized as an educational institution by the State of Utah Board of Education, the State of Utah Board of Higher Education, or the State Board of Regents.

**"Entrance"** means the location of ingress to a room, building, or lot; a location of admittance.

**"Exit"** means the location of egress from a room, building, or lot.

**“Family”** means one of the following groups of individuals, but not more than one group at the same time:

- A. An individual living alone; or
- B. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children, and up to two (2) other unrelated persons who do not pay rent; or
- C. Up to four (4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
- D. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.

**"Family food production"** means the keeping of not more than two cows, two sheep, two goats, twenty rabbits, fifty chickens, fifty pheasants, ten ducks, ten turkeys, ten geese, and twenty pigeons; provided that not more than three of the above-listed kinds of animals and fowl are permitted at any one time on any lot in zones where family food production may be a permitted or conditional use.

**“Fence”** means any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.

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**“Financial Institutions”** means a trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association—which is chartered under federal or state law—solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business. "Financial institutions" does not include "check cashing", "pawn shops" or other similar uses.

**“Food truck / mobile restaurant/food cart”** means a motorized vehicle or mobile food unit that's used for cooking and selling food items to the general public on a public right-of-way and licensed by the Salt Lake County Health Department.

**“Freight Service”** means an establishment primarily engaged in undertaking the transportation or transferring of goods, merchandise, materials, and commodities of any kind for compensation, and which may in turn make use of other transportation establishments in effecting delivery.

**“Frontage”** means the uninterrupted linear or curvilinear extent of a lot, abutting on a street, measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the rights-of-way. If a lot has frontage on more than one street, only the frontage on one street may be used to satisfy the minimum lot frontage.

**“Garage, Private”** means a detached accessory building or portion of a main building designed for the parking or temporary storage of automobiles of the occupants of the premises.

**“Gardening for Personal Use”** An accessory use that includes the production of fruits, vegetables, spices, and other food plants for personal use. Gardening for personal use may include a greenhouse or plant nursery subject to accessory structure regulations.

**“Grade, finished”** means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms. Also referred to as "final grade".

**“Grade, natural”** means the topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. When natural grade is not readily apparent, an approximation of preexisting conditions using grades on adjacent sites, retaining walls, prior survey maps, etc., may be used as a reference for determining natural grade. All such grade approximations shall require the concurrence of the Director. Also referred to as "existing grade".

**"Graffiti"** means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in the Salt Lake County ordinances.

**“Guest”** means a person paying for staying or receiving services at a bed and breakfast, hotel, motel, resort, or similar facility.

**"Guestroom"** means a room that is designed for double occupancy by guests, for sleeping purposes.

**"Guest house"** means a separate dwelling structure located on a lot with one or more main dwelling structures and used for housing guests or servants, and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

**“Guest Ranch”** means a vacation resort offering activities (such as horseback riding) typical of western ranches; may be associated with a working ranch.

**“Home Occupation”** means any use or activity conducted entirely within a residential dwelling or a legal accessory building or structure that is clearly incidental and secondary to the existing residential use and

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does not change the character of the residence or neighborhood and there is no display of any stock and the use complies with the applicable business license requirements.

**“Home Preschool”** means a preschool program complying with all State standards and licensing for non-family members in an occupied dwelling unit, by residents of that dwelling unit, in which lessons are provided for not more than ten (10) children for each session of instruction. If there are eight or more children, there must be two or more providers present. Sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any 24-hour period.

**“Hospital”** means a facility licensed by the Utah Department of Health, providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities.

**“Hotel”** means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. A central kitchen, dining room, accessory shops and services catering to the general public can be provided. Additional services, such as restaurants, meeting rooms, conference space and recreational facilities are allowed as accessory and subordinate uses.

**“Household Pet”** means animals or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, canaries, and similar pets.

**“Industrial flex space”** means a one-story building containing a mixture of warehouse, retail, office, and light industrial uses, with at least 25% of the net floor area dedicated to office space.

**“Institutional Use”** means a facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, or tax-exempt organization.

**“Intensity”** means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most intense being higher, longer and/or wider.

**“Junk”** means any worn out or discarded materials including but not necessarily limited to scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.

**Junkyard.** See “Salvage Yard.”

**“Kennel, Commercial”** means a shelter or place where over three dogs or cats are bred, boarded, or trained for monetary gain.

**“Kennel, Private”** means a shelter for or a place where over three and no more than five dogs and cats are bred, boarded, or trained for no monetary gain.

**“Laboratory, Medical or Dental”** means an establishment providing biological, dental, medical, or optometrical laboratory and testing services.

**“Laboratory, Research and Development”** means facilities for the investigation of natural, physical, or social sciences that may include engineering and product development.

**“Land Use Application”** means an application required by the zoning or subdivision ordinances.

**“Land Use Authority”** means the person, board, commission, agency, or other body designated by the \_\_\_\_\_ Township Council to act upon a land use application.

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**“Land Use Decision”** means any final decision of the township council, planning commission, or final administrative decision of the \_\_\_\_\_ or other official responsible for the enforcement of zoning and subdivision regulations.

**“Lattice Tower”** means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure that often tapers from the foundation to the top.

**“Laundry Cleaning, Automatic Self-Help”** means an establishment where one or more machines or devices are offered for public use to provide self-service dry-cleaning and/or clothes laundering facilities.

**“Laundry Cleaning, Drop Off”** means an establishment where patrons may drop off items for dry-cleaning or laundering—which may occur on or off-site.

**“Liquor and/or Wine Store”** means a facility for the sale of packaged liquor or wine, located on premises owned or leased by the state of Utah and operated by a state employee.

**“Lot”** means a parcel of land occupied or proposed to be occupied by a building or buildings, together with such yards, open spaces, lot width, and lot areas as are required by this title, having frontage upon a street or a right-of-way approved by a land use hearing officer, or upon a right-of-way not less than twenty feet wide. Except as provided in this title, not more than one dwelling structure shall occupy one lot.

**“Lot, Corner”** means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.

**“Lot, Double Fronting”** means a lot having frontage on two (2) streets that are parallel or nearly so or do not intersect.

**“Lot, Interior”** means a lot other than a corner lot.

**“Lot Line, Front”** means the front boundary line of a lot bordering the street.

**“Lot Line, Rear”** means a lot line that is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, the rear lot line shall be that lot line that is generally parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').

**“Lot Line, Side”** means any lot boundary line not a front lot line or a rear lot line.

**“Lot Width”** means the distance between the side lot lines measured at the required front yard setback line. For a corner lot, the lot width is the distance between one of the front lot lines and the opposite side yard line at the required front yard setback line.

**“Machine Shop”** means shops where lathes, presses, grinders, shapers, and other wood or metal working machines are used—such as blacksmith, tinsmith, welding, and sheet metal plumbing, heating, electrical repair, and overhaul shops.

**“Main building”** means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.

**“Manufacturing, Heavy”** means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

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**“Manufacturing, Light”** means an establishment primarily engaged in the production, fabrication, processing, or assembly of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activities take place and are located entirely within a building. Such uses include research and development facilities and testing laboratories. These uses do not include refineries, rock crushers, incinerators, and similar uses.

**“Meat or Poultry Processing Facility”** means a building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop.

**Medical, Urgent Care, and Dental Clinic.** See Office, Medical.”

**“Membrane Covered Frame Structure”** means a nonpressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.

**“Micromobility Support Infrastructure”** means infrastructure, such as docking stations, signage, or other small-scale infrastructure, needed to support licensed micromobility systems. Micromobility shall mean small, light-weight, and low-speed (less than 30mph) motorized vehicles that may be part of a shared-use program.

**“Mining (Subsurface)”** means mining by digging or constructing access tunnels, adits, ramps, or shafts and excavating directly from the natural mineral deposits exposed.

**“Mining (Surface)”** means mining by removing the overburden lying above the natural deposits and excavating directly from the natural deposits exposed, or by excavating directly from deposits lying exposed in their natural state, and shall include dredge operations conducted in or on natural or artificially created waterways.

**“Minor ski resort improvements”** means construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts, and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities, and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort.

**“Mobile Home”** means a dwelling unit designed to be transported, after fabrication, on its own wheels designed and intended for permanent occupancy as an independent dwelling unit, upon connection to required utility systems; but which is not constructed in compliance with the municipality’s adopted Building, Mechanical, Electrical, and Plumbing Codes or the Federal Manufactured Home Construction and Safety Standards (HUD Code). The term "mobile home" shall also include any structure meeting the above description, which is used for an office, classroom, laboratory, processing, manufacturing, retail sales, or other such uses.

**“Mobile Home Park”** means an area or tract of land used to accommodate two (2) or more mobile homes intended to be occupied as residences connected to required utility systems.

**“Mobile Store”** means a business that is carried out entirely from a motor vehicle or thing that is designed to be or is mobile such as hand pushcarts and self-propelled kiosks, whereby the entire inventory offered for sale is carried and contained in the motor vehicle or thing that is designed to be or is mobile at the time the stock is offered for sale and is delivered to the purchaser at the time of sale. This use excludes food trucks/mobile restaurants, as defined in this chapter.

**“Model Home/Temporary Sales Offices”** means a dwelling unit, unoccupied for residential purposes, temporarily used for display purposes as an example of dwelling units available or to be available for

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sale or rental in a particular subdivision or other approved residential development. Model Home may also include sales or rental offices for dwellings within the development.

**“Mortuary or Funeral Home”** means an establishment providing services such as preparing the human dead for burial, arranging and managing funerals, and necessary sales. Funeral establishments may include funeral chapels, limited caretaker facilities, and limited cremation facilities that do not accept remains from other funeral establishments. “Mortuary or Funeral Home” does not include crematoriums as a primary use, cemeteries, columbariums, and mausoleums.

**Motel**, See “Hotel.”

**“Noncomplying structure”** means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at the time of construction, that no longer conforms to the height, area, and/or yard regulations in the zone in which it is located due to changes to the zoning ordinance or to the subsequent public acquisition of land for public improvements. Includes Nonconforming Structures.

**“Nonconforming use”** means a use which lawfully occupied a building or land at the time the ordinance codified in this title became effective and which does not conform with the use regulations of the zone in which it is located.

**“Nursing Home, Convalescent Care Center”** means a health care facility, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two of the following patient services: (a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; (b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or (c) a supervised living environment that provides support, training, or assistance with individual activities of daily living.

**“Office, General”** means a building offering executive, administrative, professional, or clerical services, or a portion of a building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.

**“Office, Intensive”** means a business offering executive, administrative, professional, or clerical services with a high level of client interaction and traffic generated; and/or a business that employs five (5) or more persons per one thousand (1,000) square feet of net leasable office space.

**“Office, Medical”** means a building used by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

**“Off Street Parking”** means a site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.

**“Organic disposal site”** means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.

**“Open Space”** means land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

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**“Outdoor dining”** means an area of designated size used as a seating area with tables and chairs for the contiguous restaurant.

**“Outdoor Recreation, Large Scale, and including Outdoor Entertainment Locations”** means areas or facilities that offer recreation or entertainment outside and require significant land or are expected to create a larger impact. Such uses include shooting ranges, go-carts, motor vehicle and/or motorbike tracks, golf courses, zoological parks and botanical gardens, amphitheaters, outdoor stages and concert venues, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.

**Outdoor Storage.** See “Accessory Outdoor Storage”

**“Package agency”** means a retail liquor location operated under a contractual agreement with the Utah Department of Alcoholic Beverage Control, by a person other than the state, who is authorized by the commission to sell package liquor for consumption off the premises of the agency.

**“Park and Ride”** means an area or structure intended to accommodate parked vehicles for the general public, where commuters park their vehicles and continue to travel to another destination via public transit, carpool, vanpool, or bicycle. The parking lot may be shared with other uses or stand-alone.

**“Parking lot”** means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

**“Parking space”** means space within a building, lot, or parking lot for the parking or storage of one automobile.

**“Pawn Shop”** means any person, firm, corporation, or business that loans money on deposit of personal property, or deals in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

**“Permitted use”** means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**“Personal Care Services”** means an establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tanning and nail salons, permanent makeup facilities, tattoo and body piercing establishments, and weight loss centers.

**“Personal Instruction Services”** means an establishment engaged in the provision of informational, instructional, personal improvement, and similar services of a professional nature or by a nonprofit organization. Typical uses include art and music schools, driving instruction, computer instruction, gymnastic and dance studios, handicraft or hobby instruction, and martial arts training.

**“Planned Unit Development”** means an Integrated Design for development of residential, commercial, or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

**“Post Office”** means a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

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**“Pre-existing lot”** means a lot that was created prior to \_\_\_\_\_, through a recorded subdivision plat, deed, sales contract, or survey, and a lot that met the zoning regulations in effect at the time of its creation. For the purposes of this title, a pre-existing lot is a nonconforming lot and shall be regulated in the same manner as nonconforming lots.

**“Pre-existing structure”** means a structure that was legally constructed prior to the adoption of this ordinance. For the purposes of this title, a pre-existing structure is a nonconforming structure and shall be regulated in the same manner as nonconforming structures.

**“Pre-existing use”** means a use that validly existed prior to the adoption of this ordinance and has not been abandoned for more than one year. For the purposes of this title, a pre-existing use is a nonconforming use and shall be regulated in the same manner as nonconforming uses.

**"Private educational institutions having an academic curriculum similar to that ordinarily given in public schools"** means private training schools and other private schools which are instructional in nature, including laboratory and shop instruction with the use of demonstration vehicles, products, or models incidental to such instruction, but not including the repair, maintenance or manufacture of vehicles, goods or merchandise, not providing direct services other than instruction to the general public.

**"Private nonprofit locker club"** means a social club, recreational, athletic, or kindred association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.

**"Private nonprofit recreational grounds and facilities"** means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act or a corporate sole.

**“Private Residential Tennis Court/Sports Court”** means a recreation court requiring a base surface with a gross square footage of four hundred square feet or more, permitted as an accessory use to and on the same lot as a single-family residential dwelling.

**“Private Swimming Pool”** means any structure or container holding water to a depth of eighteen inches (18") or greater and having either a diameter or diagonal measurement of ten feet (10') or greater, permitted as an accessory use to and on the same lot as a single-family residential dwelling.

**“Protective Housing”** means a facility operated, licensed, or contracted by a governmental entity, or operated by a charitable, nonprofit organization, where, for no compensation, temporary, protective housing is provided to: (1) Abused or neglected children awaiting placement in foster care; (2) Pregnant or parenting teens; (3) Victims of sexual abuse; or (4) Victims of domestic abuse.

**“Public Parks”** means parks that are maintained by a public agency.

**“Public Service Training Facility”** means an establishment for training state and local law enforcement, fire safety, national guard, transit personnel, or other public service personnel and accessory facilities including but not limited to dining and overnight accommodations, classrooms, indoor shooting ranges, auto test tracks, and fire suppression simulations.

**"Public Use"** means a use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, government and public utility administrative offices, fire stations, police stations, and facilities that are part of the local service delivery system for public utilities. "Public use" does not include public utility production, storage, and

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treatment facilities such as power plants, refineries, natural gas processing and storage plants, water treatment plants, or sewage treatment facilities.

**“Public Utility, Major”** means structures that house operations for public utilities like, but not limited to, power generation plants, electrical switching stations, primary substations, refuse collection and disposal facilities, and water and wastewater treatment facilities and similar facilities.

**“Public Utility, Minor”** means local utility structures that are necessary for a specific development or service like, but not limited to, poles and lines.

**“Public Utility”** includes every railroad corporation, gas corporation, electrical corporation, distribution electrical cooperative, wholesale electrical cooperative, telephone corporation, telegraph corporation, water corporation, sewerage corporation, heat corporation, and independent energy producer not described in Section 54-2-201 where the service is performed for, or the commodity delivered to, the public generally, or in the case of a gas corporation or electrical corporation where the gas or electricity is sold or furnished to any member or consumers within the state for domestic, commercial, or industrial use.

**“Public Utility Easement”** An area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility lines, mains, services, and minor facilities.

**“Rail transit mixed-use”** means a use that allows rail-oriented development that combines different land uses within a single development, tract of land, building, or structure. Its purpose is to encourage development that is high quality, human-scale, and pedestrian-friendly, while creating a variety of complementary and integrated uses, such as but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact, walkable, urban form.

**“Reception Hall, Reception Center”** means a room or building for the purpose of hosting a party, banquet, wedding, or other reception or social event. Such halls are often found within pubs, clubs, hotels, or restaurants.

**“Recreation Facility, Commercial”** means recreation facilities operated as a business on private or public property and open to the public for a fee.

**“Recreation Facility, Private”** means a recreation facility operated on private property and not open to the public, including recreation facilities owned by a homeowners' or property owners' association for private use.

**“Recreation Facility, Public”** means a recreation facility operated by a public agency and open to the public with or without a fee.

**“Recycling Processing Facility”** means a building or enclosed space for the collection and processing of recyclable materials. “Processing” means the preparation of material for efficient shipment, or to an end user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, shredding, mechanical sorting, cleaning, and re-manufacturing.

**“Rehabilitation/Treatment Facilities”** means a facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also

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be provided to juvenile occupants. Does not include residential facilities for the elderly or persons with disabilities.

**"Resource recycling collection point"** means a portable structure, enclosed bin, trailer, or reverse vending machine where recyclable material (aluminum cans, glass, paper, etc.) is exchanged for money or deposited as a donation.

**"Reiki"** means a business devoted primarily to Reiki healing, or any other system that has elements of the following. The practitioner, trained to access and serve as a channel for a sacred life force, places his or her hands on or just above the client's body in order to activate healing energy within receptive points on the body. The practitioner's hands move progressively with a passive touch through various positions on the body, remaining in each position for a period of time. As a harmonic flow of energy is strengthened, within the client and practitioner, healing occurs through the return of physical, mental, and spiritual balance. For purposes of this title, a Reiki business shall not include Reiki healing, or similar system, which are performed in a hospital or medical clinic.

**"Residential Facility for Elderly Persons"** means a dwelling unit owned by a resident thereof or an immediate family member of a resident, or for which the title has been placed in trust for a resident; and is voluntarily occupied on a twenty-four (24) hour per day basis by eight (8) or fewer elderly persons in a family-type arrangement. A "residential facility for elderly persons" does not include any facility: (1) Operated as a business; provided that such facility shall not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility; (2) Where persons are placed: (a) For alcoholism or drug abuse treatment; or (b) As part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility which is: (i) A health care facility as defined by Utah Code or successor law, or (ii) A residential facility for persons with a disability.

**"Residential Facility for Persons with a Disability"** means a residence: (1) In which more than one person with a disability resides; and (a) Which is licensed or certified by the Department of Human Services under Utah Code Title 62A, Chapter 2, Licensure of Programs and Facilities; or (b) Which is licensed or certified by the Department of Health under Utah Code Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

**"Residential Keeping of Chickens or Ducks"** means the keeping of a small number of domesticated hens and/or ducks on a lot with a single-family dwelling for personal use only, subject to the standards and requirements of this Title, Salt Lake County Animal Services, and Salt Lake County Health Department that ensure that domesticated hens and ducks do not adversely impact the neighborhood surrounding the property on which the domestic fowl are kept.

**"Resort"** means a place offering amenities for recreation and relaxation in addition to lodging and meals to transient vacationers. May involve multiple, compatible uses of the land, such as open space, agriculture, and lodging.

**"Restaurant, Fast Food"** means a building or facility that sells food and beverages primarily over a counter, rather than by waitress or waiter; packages its' food in wrappers, boxes, or cartons regardless if the food is consumed on or off the restaurant premises; and typically provides a drive through/drive-up facility.

**"Restaurant, Sit-Down with or Without Alcohol"** means a building or facility for the preparation, retail sale, and on-site consumption of food and non-alcoholic and/or alcoholic beverages.

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**“Retail and Service Commercial”** means a business primarily engaged in the sale or rental of goods, merchandise, or services directly to the consumer, and includes no outdoor storage. These uses do not include sexually oriented businesses, retail tobacco specialty stores, check cashing, pawn shops, vehicle or large equipment rental, sales, repair, or assembly. Uses include department, grocery, variety and drug stores; art galleries; bakeries; jewelry stores; florists; auto parts stores; business and social services; and similar uses. These uses may include twenty-four-hour uses and drive-up windows subject to this title.

**“Retail Shops or Galleries where Primary Product is Produced On-Site”** means Establishments (not exceeding 5,000 Sq.Ft.) engaged in the selling of goods where the primary product is produced on-site. This definition is limited to small-scale uses but can include bakeries, confectionaries, nut shops, frame shops, restored furniture, cardmaking shops, jewelry-making stores, photo galleries, art galleries, and pottery studios. This definition also includes ‘painting with a twist’, ‘paint nite’, paint-your-own-ceramics businesses, and similar uses. A room or building for the display or sale of works of art, including space for the artist to create displayed work.

**“Retail Tobacco Specialty Business”** means a commercial establishment in which: (a) the sales of tobacco products, electronic cigarette products, and nicotine products account for more than 35% of the total quarterly gross receipts for the establishment; (b) 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; (c) 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; (d) the commercial establishment holds itself out as a retail tobacco specialty business and causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business; (e) any flavored electronic cigarette product is sold; or (f) the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products. (Utah Code 10-8-§41.6)

**“Salvage Yard”** means a place where scrap, waste, discarded, or salvaged materials is brought, sold, exchanged, baled, packed, disassembled or handled, or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvage, house wrecking, and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building or yard, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises.

**“School, Charter”** means (i) an operating charter school; (ii) a charter school applicant that has its application approved by a charter school authorizer in accordance with Utah Code, Title 53G, Chapter 5, Part 3, Charter School Authorization; or (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. School, Charter does not include a therapeutic school.

**“Seasonal Sales”** means a temporary use offering goods, services, or conducting an activity for a limited duration of time, but in no case existing longer than one hundred twenty (120) calendar days. Such uses may include fireworks stands, fruit or vegetable stands, beverage or snow cone vendors, Christmas tree vendors, farmers' markets, holiday boutiques, and similar sales.

**“Seasonal Use”** means outdoor, seasonal commercial activities occurring for a limited duration of time, but in no case existing longer than one hundred twenty (120) calendar days per year. Uses may include corn mazes, pumpkin patches, or "haunted" villages. Includes year-round infrastructure.

**“Self-Service Fuel Station”** means a location where flammable or combustible liquids or gases are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such establishment may offer

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the retail sale of convenience items. “Self-Service Fuel Station” specifically excludes and does not allow any servicing, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including engine, brake, muffler, tire repair, lubrication, and engine tune-up. “Self Service Fuel Station” may be combined with “Vehicle and Equipment Repair, Minor” when the applicable zone allows both uses. Does not include “Truck Stop and Service Facilities.”

**“Self-Service Storage Facilities, Enclosed”** means structures, commonly referred to as storage units, containing separate enclosed, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Such facilities are to be used for dead storage only. The following activities are prohibited within any self-storage enclosed storage facility: (1) Commercial, wholesale or retail sales, or miscellaneous or garage sales. (2) The servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment. (3) The operation of power tools, spray painting equipment, compressors, welding equipment, kilns, or similar equipment. (4) The establishment of a transfer business. (5) Any use that is noxious or offensive because of odors, dust, noise, or vibrations.

**“Self-Service Storage Facilities, Outdoor”** means the use of any lot, portion of a lot, or tract of land for outside storage of operative automobiles, trucks, recreational vehicles, boats, trailers, or non-motorized storage, containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. The following activities are prohibited within any self-storage outside storage facility: (1) Commercial, wholesale or retail sales, or miscellaneous or garage sales. (2) The servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment. (3) The establishment of a transfer business. (4) Junkyard or impound yard. (5) Storage of non-motorized storage shall not exceed the height of the screened fence. (6) Any use that is noxious or offensive because of odors, dust, noise, or vibrations.

**“Setback”** means the shortest distance between the property line and any portion of a building or structure.

**“Sexually Oriented Business or Activity”** means adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, or adult entertainment out-call services in the form of semi-nude dancing or exhibitions, adult motion picture theater, adult theater, seminude model studios, or sexual encounter establishments.

**“Shopping Center”** means a group of three or more commercial establishments that are planned, developed, and managed as a unit with common areas for off-street parking and landscaping provided on the properties.

**“Short-Term Vacation Rental”** means dwelling units meeting the requirements of Section \_\_\_\_, which are rented out by the day for a period less than thirty (30) consecutive days, for pay, offering overnight lodging to vacationers where the owner(s) live within the City limits.

**“Side Yard, Corner Lot”** means a side lot line that abuts a street.

**“Side Yard, Interior Lot”** means a side lot line that abuts a side or rear lot line of another lot.

**“Sidewalk Displays and Sidewalk Cafes”** means an accessory use that allows for the spillover of seating and/or sales displays onto the sidewalk in front of an existing business. Subject to limitations. Sidewalk Café: a restaurant with tables on the sidewalk in front or on the side of the premises. Sidewalk Display: the outdoor display of merchandise for sale by a business use.

**“Sign”** means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks, by which anything is made known, such as are used to designate

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an individual, a firm, an association, a corporation, a profession, a business, a commodity, an event, a gathering, or product, which are visible from any public way. “Sign” also includes the sign structure supports, lighting system, and any attachments, ornaments, or other features intended to draw the attention of observers.

**“Sign alteration”** means a change or rearrangement in the structural part or design of a sign whether by extending on a side, by increasing in area or height, or by relocating or changing position.

**“Sign area”** means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than ten degrees. For signs that do not have a frame or a separate background, the sign area shall be computed on the basis of the least rectangle, triangle, or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square, or other such shape shall be computed as one-half of the total surface area.

**“Sign height”** means the vertical distance above the natural grade at any point on the perimeter of the sign to the highest point of the sign structure.

**“Sign, Illegal”** means a sign that is not permitted or allowed to be established in a zone, does not meet the requirements of the zoning ordinance, and/or has not received nonconforming status. Any sign not specifically listed as a permitted or conditional use is prohibited in that zone.

**“Sign maintenance”** means the upkeep of signs in a safe, presentable and good condition, including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of said sign.

**“Sign, Monument”** means a ground sign permanently affixed to the ground at its base, supported entirely by a base structure that is flush to the ground, and not mounted on a pole.

**“Sign setback”** means the minimum distance that any portion of a sign or sign structure shall be from any street property line.

**“Sign structure”** means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having a location on or below the ground.

**“Sign, Off-premises directional”** means an off-premises sign containing no advertising and used for directional purposes only.

**“Sign, Off-premises”** means a sign advertising an establishment, merchandise, service, or entertainment, which is not primarily sold, produced, manufactured, or furnished at the property on which said sign is located. A billboard is an off-premises sign.

**“Sign, On-premises”** means a sign directing attention to a use conducted, product or commodity sold, service performed, or business name upon the premises on which it is located.

**“Sign, Vehicle”** means a sign or advertising device attached to or located on a vehicle or trailer parked on a public right-of-way, public property, or parking area with access by the general public so as to be visible from a public right-of-way for the basic purpose of directing people to a business or activity.

**“Sign, Wall”** means a sign that is either painted on a wall or its facing and not having a sign frame or separation from the wall or facing.

**“Sign, Window”** means a sign permanently attached to an exterior window or located within a building so as to be visible through a window or a door outside of the building.

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**“Ski Resort”** means a ski area that also includes sales, rentals, and services of related equipment and accessories, eating places, residences, and hotels and motels.

**“Solar Energy System, Accessory”** means a roof-mounted, wall mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property.

**“Solar Energy System, Commercial”** means a solar array meant for commercial production of energy.

**“Solar Evaporation Pond for the Processing of Salt”** means the recovery of minerals in solution through natural evaporation and subsequent harvesting.

**“Stealth Design”** means the use of alternative support structures to blend or hide the communication equipment with the design, shape, or color of the structure. Examples of stealth design are, but are not limited to, field lights, clock towers, bell towers, water towers, flagpoles, windmills, monuments, etc.

**“Storage – Hazardous Materials”** means the storage of any item or chemical which is a health or physical hazard, or can cause harm to people, plants, or animals when released by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

**“Storage Yard”** means the location of goods, wares, merchandise, commodities, equipment, materials, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours when such storage is a primary characteristic of a permitted use or constitutes more than fifteen percent (15%) of the lot area. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited. Storage yards shall be screened from public view by a minimum six-foot (6') high masonry fence and, when outdoor storage occurs in a front yard, side yard, or any other location within the public view, additional screening of a height and material determined by the Planning Commission. For the purposes of this title, construction yards, lumber yards, and like uses are considered to be storage yards as regulated herein. Compare with the definition of "accessory outdoor storage".

**"Sportsman's kennel"** means a kennel for the keeping of three to five dogs that has a valid permit from the department of animal services and is located on a lot of at least one acre.

**"Stable, private"** means a detached accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire, or sale.

**"Stable, public"** means a stable other than a private stable.

**"Start of construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

**"Story"** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building

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included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such usable or unused underfloor space shall be considered as a story.

**"Story, First"** means the lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.

**"Story, Half"** means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

**"Street"** means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails.

**"Structure"** means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.

**"Structural alterations"** means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

**"Substantial improvement"** means:

- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:
  1. Before the improvement or repair is started; or
  2. If the structure is damaged and is being restored, before the damage occurred.
- B. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- C. The term does not, however, include either:
  1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**"Swap meets and flea markets"** means a market operating for the sale or exchange of merchandise at retail by many sellers within a drive-in theater or enclosed building. This does not include garage sales.

**Tavern.** See "Bar."

**"Telecommunication Facilities, Wireless Communication Facilities, and Radio/TV Transmitting Towers"** means facilities used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. Telecommunications Sites/Facilities do not include Amateur Radio equipment that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or amateur radio service adopted under 47 C.F.R. Part 97.

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**“Temporary Construction Office”** means a temporary building or structure used as a construction office for a project located on the same site during its construction. A temporary construction office must be removed from the property prior to the final certificate of occupancy being issued on the building or project.

**“Temporary Residential Dwelling Unit”** means a temporary dwelling used during the construction of a new home. May be existing home to be removed, trailer or RV. Must have hookups to water and sewer/septic system. Approval for temporary dwelling valid for 1 year, may be extended in 6-month increments if building permit is progressing. Bonding for removal of unit required. **Terrible Idea, hard to get rid of them when the home is complete.**

**“Temporary Use”** means a use proposed to be established for a maximum period of ninety (90) days or use being discontinued after the expiration of ninety (90) days and conducted in compliance with all the requirements of this title. Such uses may include, but are not limited to; nonprofit fund-raising activities, and educational, historic, religious, and patriotic displays or exhibits.

**“Theatres and Concert Halls (Indoor)”** means buildings that contain screens, stages, or other platforms around which patrons gather to experience film, theater, and other performances. Concessions may be allowed as an accessory use. Such uses include concert halls, play theaters, cinemas, comedy clubs, operas, and orchestra and symphony halls. Does not include outdoor theaters and concert halls (see “Outdoor Recreation, Large Scale, and including Outdoor Entertainment Locations”).

**“Therapeutic School”** means a residential group living facility: (a) for four or more individuals that are not related to the owner of the facility or the primary service provider of the facility; (b) that serves students who have a history of failing to function at home, in a public school, or in a nonresidential private school; and (c) that offers room and board, and an academic education integrated with (i) specialized structure and supervision or (ii) services or treatment related to a disability, emotional development, behavioral development, familial development, or social development. (Utah Code 62A-2-§101)

**“Tiny Home”** means a dwelling less than 400 square feet in size, not including loft space, that meets building code requirements and is on a permanent foundation. A tiny home is either a single-family dwelling or an accessory dwelling unit. A tiny home used as the primary residential use on a lot or parcel is a single-family dwelling for the purposes of this ordinance. A tiny home used as an accessory dwelling is subject to the same restrictions as any other accessory dwelling unit.

**“Towing Services and Impound Lots”** means the temporary storage of vehicles that have been towed, carried, hauled, or pushed from public to private property for impoundment in a public or private impound yard.

**“Transitional Housing”** means a building or facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization that provide free temporary housing to homeless persons for at least thirty (30) days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. Transitional Housing Facilities do not include homeless shelters, dwelling units provided to a family for more than 30 days as part of a transitional housing program, or residential facilities for elderly persons or persons with disabilities.

**“Transmission Line/Right of Way (Major)”** means an electric power, gas, or petroleum transmission facility with the required right-of-way designed to provide for the location of transmission lines or facilities to operate at voltages of 140,000 volts (140 kV), or greater or eight (8) inches in diameter and that provides electrical, gas, or petroleum products transmission and found by the City to conform to

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the General Plan, or has been considered by the Commission and Council and a General Plan amendment has been approved.

**“Transmission Line/Right of Way (Minor)”** means an electric power, gas, or petroleum transmission facility with the required right-of-way designed to provide for the location of transmission lines or facilities to operate at voltages less than 140,000 volts (140 kV) or less than eight (8) inches in diameter and that provides electrical, gas, or petroleum products transmission and found by the City to conform to the General Plan, or has been considered by the Commission and Council and a General Plan amendment has been approved.

**“Truck Stop and Service Facilities”** means facilities intended to provide services to the trucking industry, including but not limited to, dispensing of fuel, servicing, repair, automated washes, and overnight parking. The facilities may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. Such establishment may offer the retail sale of convenience items.

**Twin Home.** See “Dwelling, Two Family.”

**“Underground record storage vaults”** means the secured and climate-controlled underground facilities provided for the storage of records, documents, or other media.

**“Vertical indoor agriculture”** means growing crops in vertically stacked layers indoors, often incorporating controlled-environment agricultural techniques and soilless farming techniques such as hydroponics, aquaponics, or aeroponics.

**“Vehicle”** means a self-propelled device used for transporting persons or things, including, but not limited to, automobiles, watercraft, motorcycles, snowmobiles, and recreation vehicles. Does not include heavy machinery.

**“Vehicle Assembly”** means a business where finished vehicle-related parts are put together to develop a final product.

**“Vehicle, Commercial”** means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:

- A. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
- B. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles,
- C. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature,
- D. Vehicles with more than two axles, or
- E. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

**“Vehicle and Equipment Repair, Commercial and Industrial”** means the repair and service of commercial vehicles and trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds as well as industrial or other heavy equipment. Typical uses include semi-trailer truck repair, and the repair of bulldozers, graders, dump trucks, cement mixers, and similar heavy industrial and construction equipment.

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**“Vehicle and Equipment Repair, Major”** means an establishment primarily engaged in the major repair of motor vehicles or equipment. Typical uses include major auto repair such as the removal of engines and transmissions, rebuilding of engines and transmissions, repair of the internal components, repair or removal of differentials or axles, body work and paint. "Vehicle and Equipment Repair, Major" may also include uses that are often accessory to businesses engaged in the repair of vehicles such as offices, part sales, storage of merchandise, and vehicle storage when such vehicle storage is fully and adequately screened. "Vehicle and Equipment Repair, Major" does not include repair and service of commercial vehicles and trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds, industrial or other heavy equipment, "vehicle assembly", "manufacturing use", auto dismantling or wrecking, salvage, "junkyards", or similar uses.

**“Vehicle and Equipment Repair, Minor”** means an establishment providing motor vehicle repair or maintenance services and conducted entirely within completely enclosed buildings and may include the retail sale of fuels, lubricants, and other supplies for motor vehicles. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, auto detailing, generator and starter repairs, muffler and other minor underbody repair, front-end alignments, battery recharging, lubrication, and other similar repairs. Vehicle and Equipment Repair (Minor) also includes sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc. Vehicle and Equipment Repair (Minor) does not include paint and body shops, or other activities associated with Vehicle and Equipment Repair (Major), auto dismantling or wrecking, salvage, junkyards, and similar uses.

**“Vehicle Rental”** means a business primarily engaged in the rental of vehicles.

**“Vehicle Sales and Service”** means the use of any building, land area, or other premises for the display and sale or lease of more than three (3) new or used vehicles, and including outside storage of inventory, indoor vehicle part and accessory sales, any warranty repair work, and other repair service conducted as an accessory use. “Vehicle Sales and Service” includes the sale or lease of new or used boats, cars, light trucks, motorcycles, off-road vehicles, camp trailers, recreational vehicles, motor homes, and utility or box trailers with a payload capacity of less than eight thousand five hundred (8,500) pounds. “Vehicle Sales and Service” does not include the sale or lease of semi-trailer trucks, semi-trailers, or utility or box trailers with a payload capacity of over five thousand (5,000) pounds.

**“Vehicle Sales and Service, Commercial Vehicles and Trailers”** includes the sale or lease of semi-trailer trucks, semi-trailers, or utility or box trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds. “Vehicle Sales and Service, Commercial Vehicles and Trailers” includes outside storage of inventory, indoor vehicle part and accessory sales, any warranty repair work, and other repair services conducted as an accessory use.

**“Vehicle Sales, Small Dealership”** means a business specializing in the sale of a limited number of new and/or used vehicles, with no more than three (3) vehicles displayed outside at any one time and with no more than a total of eight (8) vehicles stored on-site at any given time and licensed as required by the State of Utah. A small dealership may be permitted as an accessory use to a related business on the same property and under the same ownership.

**“Vending cart”** means a small wheeled, nonmotorized device from which to sell food and/or merchandise for immediate consumption or use. (May not be needed)

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**“Warehouse and Distribution Facilities”** means buildings used primarily for the inside storage and distribution of goods and materials, which include land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

**“Water Pumping Plant and Reservoir”** means a natural or artificial water storage basin with a pumping station to distribute potable or irrigation water.

**“Water Treatment Facility”** means the facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.

**“Wind Energy System, Accessory”** means a wind energy system that is accessory to the main use and is designed to power only the site on which it is constructed.

**“Wind Energy System, Commercial”** means a wind energy system consisting of one or more wind turbines for commercial generation.

**“Wireless Facility”** means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including (a) equipment associated with wireless communication; and (ii) regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or back up power supply, or comparable equipment. Wireless Facility does not include the structure or an improvement on, under, or within which the equipment is collocated; or a coaxial or fiber-optic cable that is: between wireless structures or utility poles; not immediately adjacent to or directly associated with a particular antenna; or a wireline backhaul facility. (Utah Code 54-21-§101)

**“Wireless Telecommunications Antenna”** means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

**“Wireless Telecommunications Equipment Shelter”** means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**“Wireless Telecommunications Site/Facility”** means an unmanned structure that consists of equipment used primarily for the transmission, reception, or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

**“Wireless Telecommunications Tower”** means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

**“Yard”** means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

- A. Fences and walls that conform with this code.
- B. Landscape elements including trees, shrubs, and other plants.
- C. Necessary appurtenances for utility services associated with minor public utilities.
- D. Planter boxes or masonry planters not exceeding twenty-four inches (24”) in height.
- E. Cornices, eaves, belt courses, buttresses, and other similar architectural features may project into any yard not more than two feet (2’).

- 
- F. Bay windows, cantilevered floors, and fireplace structures may project into any yard not more than two feet (2'), provided that they are not wider than eight feet (8') wide.
  - G. Porches, door stoops, awnings, fire escapes, and stairways may project into an interior side yard not more than two feet (2') and a front, rear, or corner side yard not more than four feet (4').
  - H. Accessory structures subject to this title.

**"Yard, Front"** means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

**"Yard, Rear"** means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

**"Yard, Required"** means the open space around buildings which is required by the terms of this title.

**"Yard, Side"** means a space on the same lot with a building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building. See "Side Yard, Interior Lot" and "Side Yard, Corner Lot".

**"Yurt (Remote Yurt)"** means a membrane-covered frame structure that:

- A. is no larger than 710 square feet;
- B. is not used as a permanent residence;
- C. is located in an unincorporated county area that is not zoned for residential, commercial, industrial, or agricultural use;
- D. does not have plumbing or electricity;
- E. is set back at least 300 feet from any river, stream, lake, or other body of water; and
- F. registers with the local health department.

## Parks and Open Space Zoning Districts – Staff Summary

### **Purposes:**

1. Create new zoning districts that adequately preserve and enhance communities' parks and open spaces.
2. Distinguish between improved/developed park spaces and more natural open spaces.
3. Establish standards for lighting, landscaping, and other elements that enhance park and open space areas.

### **Applicability:**

The PR Zone is intended to be applied to existing park areas, especially those that have been enhanced through paved trails and other recreational amenities.

The OS Zone is meant for more natural open spaces such as wildlife corridors, sensitive lands, and viewsheds. This should be applied in areas where the primary goal is conservation. Only limited improvements – such as non-paved trails – are allowed.

### **Resources Utilized:**

- Vineyard Zoning Ordinance
- Salt Lake City Zoning Ordinance
- South Jordan Zoning Ordinance
- Portland Zoning Ordinance

### **Changes to Note:**

This Chapter is entirely new. There are no changes to note. Parks and open spaces were previously held under different zoning designations that did not necessarily protect them from development.

**Chapter 19.22: Parks and Recreation Zone**  
**DRAFT for Review Purposes Only – August 1st, 2022**

**Chapter 19.22 Contents**

19.22.010 – Purpose of Provisions.....	2
19.22.020 – Establishment of Parks and Recreation Zone. ....	2
19.22.030 – Schedule of Permitted Uses.....	<b>Error! Bookmark not defined.</b>
19.22.040 – Schedule of Uses, Special Conditions.....	4
19.22.050 – Development Standards. ....	4
19.22.060 – Required Yards and Setbacks.....	5
19.22.070 – Height Exceptions. ....	5
19.22.080 – Parking Requirements.....	5
19.22.090 – Landscaping and Screening Standards.....	5
19.22.100 – Lighting Standards.....	6
19.22.110 – General Information. ....	7

**Sections:**

**19.22.010 – Purpose of Provisions.**

The purpose of the Parks and Recreation Zone is to preserve and enhance public and private open space, natural areas and habitats, and improved park and recreational areas. The Zone provides opportunities for active and passive outdoor recreation; provides contrasts to and relief from the built environment; preserves scenic qualities and viewsheds; protects sensitive or fragile environmental areas such as wetlands, steep slopes, ridge lines, meadows, and stream corridors; encourages sustainability and conservation; and provides transportation connections for people walking, biking, scootering, or using other forms of active transportation.

**19.22.020 – Establishment of Parks and Recreation Zone.**

To anticipate and respond to the changing needs of the municipality and implement greenway, natural resource preservation, and health and recreation concepts included in the adopted General Plan, Kearns establishes the following zone:

- A. Parks and Recreation District (PR): The PR Zone is intended for improved parks, recreational areas, and other public and private open spaces which can accommodate human use and visitation. Encouraged uses in this Zone include public parks, multi-use trails, ball fields, special uses such as mobile food carts and festivals, and landscaping and equipment sheds.
- B. Natural Open Space District (OS): The OS Zone is intended for preserving natural areas of the municipality, including sensitive lands, critical habitats, wildlife corridors, viewsheds, and stream corridors. Limited, unimproved recreational uses may be allowed in the OS Zone when negative impacts of recreation and visitation can be mitigated.

**19.22.030 – Schedule of Permitted Uses.**

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.22.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development shall be reviewed and approved by the Conditional Use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.XX.030 is prohibited in this zone.

<b>Table 19.XX.030: Schedule of Uses for PR and OS Zones.</b>		
<b>Use Categories</b>	<b>PR</b>	<b>OS</b>
<b>AGRICULTURAL:</b>		
Agricultural Building	P	X
Agriculture	P	X
Agritourism	C	X
Apiary	P	C
Aviary	P	X
<b>RESIDENTIAL USES:</b>		
No residential uses are permitted in these zones.		
<b>RETAIL AND SERVICES:</b>		
Child Care	P	X
<b>FOOD AND DRINK:</b>		
Food Truck / Mobile Restaurant / Food Cart	P	X
<b>RECREATIONAL:</b>		
Campground <sup>c</sup>	C	X
Commercial Recreation	P	X
Multi-use Trail, Paved	P	X
Multi-use Trail, Unpaved	P	P
Open Space	P	P
Private, Non-Profit Recreational Grounds and Facilities	C	X

Recreation Facility - Private, Public, or Commercial	P	X
Stable, Public	C	X
Trailhead Infrastructure, Large Scale: paved parking, restrooms, wayfinding and interpretive signage, trash receptacles, other improvements	P	X
Trailhead Infrastructure, Small Scale: unpaved parking (10 or less spaces), pit toilet, wooden trail signage.	P	P
<u>LODGING:</u>		
Yurt	P	X
<u>INDUSTRIAL:</u>		
No industrial uses are permitted in these zones.		
<u>INSTITUTIONAL USES:</u>		
Church, Synagogue, Mosque, Temple, Cathedral, or Other Religious Buildings	P	X
Cemetery	P	X
Community Garden	P	X
Micromobility Support Infrastructure	P	X
Public Parks	P	X
Public Use	P	X
Solar Energy System, Accessory	P	X
Wind Energy System, Accessory	P	X
<u>SPECIALTY:</u>		
Park and Ride	P	X
<u>ACCESSORY USES:</u>		
Sidewalk Displays and Cafes	P	X

**19.22.040 – Schedule of Uses, Special Conditions.**

See Chapter 19.XX: Specific Use Standards for conditions and regulations related to specific uses.

**19.22.050 – Development Standards.**

Development in the PR Zone shall comply with the development standards of Table 19.XX.050 and all other applicable standards in this Title.

<b>Table 19.XX.050: Development Standards for PR and OS Zones.</b>		
<b>Standard</b>	<b>PR</b>	<b>OS</b>
Minimum Lot Size (in square feet)	NA	NA
Minimum Frontage	Any parcel in the Parks and Recreation Zone shall have a minimum frontage of 30' on a public street.	NA
Minimum Lot Width (in feet)	NA	NA

Maximum Building Height (in feet) <sup>A</sup>	For lot areas of 5 acres or greater, the maximum is 45'.  For lot areas smaller than 5 acres, the maximum is 35'.	15
Minimum Floor Area Ratio	NA	NA
Maximum Building Lot Coverage	30%	NA

A. Height Exception for Recreational Equipment: In the PR Zone, if necessary to ensure protection of public health, safety, or welfare, recreation equipment heights are permitted up to eighty feet (80'). For example, nets around batting cages or fences at driving ranges may exceed thirty-five feet (35') as necessary and as approved by the Director or Designee.

**19.22.060 – Required Yards and Setbacks.**

Development in the PR Zone shall comply with the yard and setback standards shown in Table 19.22.060 and all other applicable standards in this Title.

<b>Standard</b>	<b>PR</b>	<b>OS</b>
Front Yard Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Side Yard Setback – Interior Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Side Yard Setback – Corner Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Rear Yard Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Minimum Distance between Primary and Accessory Buildings (in feet)	10	10

**19.22.070 – Height Exceptions.**

Exceptions to the building heights specified in Table 19.22.050 apply, in accordance with 19.XX.XXX.

**19.22.080 – Parking Requirements.**

In addition to the requirements in 19.XX, the following shall apply:

- A. In the PR Zone:
  1. Landscaped Strips: All parking areas for a commercial, institutional, or other public use that are adjacent to a public street shall have a landscaped strip of at least ten feet (10') placed between the sidewalk and the parking area. This strip shall contain drought-resistant vegetation, and at least one native or drought-friendly tree shall be placed every fifty feet (50').

2. Pedestrian Access: Any parking lot with an area greater than twenty-thousand square feet (20,000 sq. ft.) shall provide dedicated ADA-compliant walkways, at least six feet (6') wide, for pedestrians navigating from their vehicles to a building or park entrance. At a minimum, walkways shall be placed through the center of the parking area and in front of the building(s) to serve as pedestrian access to the area. Walkways shall be landscaped with trees at least every fifty feet (50'). Walkways shall be easily accessed from designated ADA parking stalls.

B. In the OS Zone:

1. Size Limitation: No parking area shall ~~exceed ten (10) spaces in the OS Zone or one tenth of an acre (1/10<sup>th</sup> acre).~~ A parking area may not exceed ten (10) spaces in the OS Zone or one tenth of an acre (1/10<sup>th</sup> acre).
2. Surfacing: Parking areas shall utilize low-impact surfacing materials, such as dirt or crushed gravel. The applicant shall demonstrate proper grading and drainage to dispose of excess surface water accumulated within the area and shall provide for the long-term maintenance of the parking area.
3. Seasonality: Parking areas shall be closed during winter months if snow removal and maintenance is unable to be provided within twenty-four hours (24 hr) after a major snow event.

**19.22.090 – Landscaping and Screening Standards.**

A. All landscaping and screening standards found in Chapter 19.XX shall apply in the PR Zone. In addition, the following fencing standards shall apply:

1. Fencing: Fencing may be allowed in the PR Zone where desirable to establish sense of privacy, protect children and pets, provide a buffer from street traffic, or enhance property appearance. The following standards apply to fencing in the PR Zone:
  - a. Height: Fences may be up to six feet (6') tall at the property line. Fences taller than six feet (6') must be set back from the property line an additional foot for each foot of fence over six feet (6').
  - b. Materials: Fences in the PR Zone shall be designed to enhance the visual appearance of the area. Chain link fencing is prohibited except where necessary to provide a perimeter or safety backing for recreational fields, as determined by the Director or Designee.

B. The intent of the OS Zone is to preserve critical habitats and natural spaces within the municipality. Any landscaping efforts shall facilitate ecosystem management for the benefit of native plant and animal species. The landscape and screening standards of Chapter 19.XX do not apply to this Zone.

**19.22.100 – Lighting Standards.**

All uses and developments in the PR Zone must comply with the following lighting standards, in addition to any other applicable standards in this Title:

- A. Lighting shall be located and installed to minimize any adverse impact on the natural environment, including avoiding lighting in critical habitat areas or where it may pose traffic safety problems.

- B. All lighting shall be fully shielded to eliminate glare, prevent light trespass onto neighboring properties, and protect views of the night sky.
- C. Lights for outdoor recreation equipment and infrastructure may be permitted up to eighty feet (80') in height, provided they are set back from any residential use at least fifty feet (50'). Such lights shall be directed in a manner that minimizes light trespass onto adjacent properties.

**Figure 19.22.110 – Types of Lighting.**



**19.22.110 – General Information.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including:

- A. 19.XX: Specific Use Standards
- B. 19.XX: Site Development Standards
- C. 19.XX: Off Street Parking Requirements
- D. 19.XX: Signs

## Agricultural Zones – Staff Summary

**General:** In Magna, we recommend keeping the A-1 and A-20 Zones and eliminating the A-2 Zone. Only the A-1 and A-20 Zones are currently applied in Magna. The A-20 Zone requires a minimum lot size of twenty (20) acres and is used primarily north of Hwy 201.

Generally, the agricultural zones were cleared of ambiguity and reformatted to accommodate single-family houses with farms, gardens, or horses. The only new regulations that have been added were the maximum lot coverage. Agricultural lots are typically bigger and so the lot coverage reflects similar lot coverages to single-family houses.

**Uses:** The uses have been updated to reflect the new definitions in 19.04. Most of the agricultural zones do not have any commercial businesses so a lot of these uses have been removed. It will be encouraged that properties that want to change the use to larger non-agricultural commercial use should rezone to an appropriate zone for the use.

### *Uses Removed:*

- Airport
- Campgrounds
- Cemetery
- Commercial Day Care
- Dwelling Group
- Golf Course
- Milk Processing
- Nursing Home
- Pigeons
- Planned Unit Development
- Private Educational Institution having an academic curriculum similar to that ordinarily given in public schools
- Radio and Television transmitting and relay station
- Sportmans Kennel (replaced with Kennel)
- Grain storage elevator
- Sugar Beet loading station
- Agriculture experimental station
- Bed and Breakfast
- Correctional Facilities
- Dog breeding (not dog kennel)
- Dude Ranch (replaced with agrotourism)
- Egg Candling
- Fertilizer and soil conditioner processing
- Fur Farm
- Gasohol Production
- Golf Course
- Gun Club

- Hay Chopping
- Livestock Feed yard
- Manure Spreading and Processing
- Milk Processing (replaced with dairy)
- Open Storage sales and rental of irrigation pipe
- Organic disposal site
- Public Stable
- Rodeo Grounds
- Sanitarium
- Slaughterhouse
- Soil composting manufacturing sales
- Stockyard
- Veterinary
- Solar evaporation pond for processing salt
- Aviary

### **Special Conditions**

The special conditions previously in the chapters have been moved to the specific use conditions chapter which will be done in the next phase of the project.

### **Development Standards**

Most of the existing agricultural zones currently have one single-family house on them with some accessory buildings for agricultural uses. These are typically very large lots. Development standards for these agricultural uses are very similar to single-family residential development standards. Accessory buildings standards are similar to accessory buildings in the single-family residential zones.

A goal of this comprehensive code update is to remove ambiguity from the code. The previous code from the county had unnecessary detail when it came to setbacks. Generally, staff removed additional language that may have been confusing and settled on the minimum setbacks required in the zone.

# Chapter 19.26: AGRICULTURAL ZONES

DRAFT for Review Purposes Only – August 2nd, 2022

## Chapter 19.26 Contents

19.26.010- Purpose of Provisions. ....	3
19.26.020- Agricultural Zones. ....	3
19.26.030- Schedule of Uses, Special Conditions. ....	3
19.26.040- Special Conditions. ....	5
19.26.050- Lot Area, Lot Width, Lot Coverage. ....	5
19.26.060- Setbacks. ....	5
19.26.070- Building Height. ....	5
19.26.080- Accessory Structure Development Standards. ....	6

## Sections:

### 19.26.010- Purpose of Provisions.

The purpose of the agricultural zones is to provide limited residential and agricultural opportunities in the same zone. To this end, the agricultural zones are intended to include activities normally related to agricultural uses and to protect the zone from the intrusion of uses inimical to the continuance of agricultural activity.

### 19.26.020- Agricultural Zones.

- A. Agricultural Zone (A-1): promotes the development of residential in association with small agricultural uses like gardens, pastures, horses, and other animals for family food production.
- B. Agricultural Zone (A-20): promotes and preserves conditions favorable to larger agricultural uses with some agricultural buildings or other uses related to agricultural product processing.

### 19.26.030- Schedule of Uses, Special Conditions.

Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.

Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.26.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P) review, the entire development shall be reviewed and approved by the Conditional Use process.

Abbreviations. The abbreviations used in the schedule mean:

P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.26.030 is prohibited in this zone.

<b>Table 19.26.030 - Uses Allowed in Agricultural Zoning Districts.</b>		
<b>Use Categories</b>	<b>A-1</b>	<b>A-20</b>
<b>Residential:</b>		
Accessory Buildings, Garages, Carports, and Structures subject to 19.XX.	P	P
Accessory Dwelling Unit, Internal subject to 19.XX	P	P
Dwelling, Single-Family	P	P
Dwelling, Two-Family	X	P
Planned Unit Development	C	C
<b>Commercial:</b>		
Agrotourism	X	P
Dairy	X	P
Farm devoted to raising (including fattening as incident to raising), slaughtering, dressing, and marketing on a commercial scale of chickens, turkey, or other fowl or poultry, or rabbits)	X	P
Home Daycare/Preschool subject to Chapter 19.XX	P	P
Home Business subject to Chapter 19.XX	P	P
Kennel	X	P
Nursery and Greenhouse	P	P
Plant for Storage or Packing of Fruit or Vegetables Produced on the Premises	X	P
Private Nonprofit Recreational Grounds and Facilities	X	P
Riding Academy	P	P
Worm Farming	X	P
<b>Other:</b>		
Agriculture	P	P
Agricultural Building subject to Accessory Building standards of Section 19.26.060	P	P
Animals and Fowl for Family Food Production, Existing	P	P
Animal Right, New	P	P
Apiary	P	P
Aviary	X	P

Fruit and Vegetable Storage and Packing	X	P
Gardening for Personal Use	P	P
Household Pets	P	P
Public and Quasi-Public Use	P	P
Residential Keeping of Chickens or Ducks	P	P
Residential Facility for Elderly Persons	P	P
Residential Facility for Persons with a Disability Subject to 19.XX	P	P
Temporary Buildings for Uses Incidental to Construction Work	P	P

**19.26.040- Special Conditions.**

See Chapter 19.XX: Specific Use Standards for conditions and regulations related to specific uses.

**19.26.050- Lot Area, Lot Width, Lot Coverage.**

Development in the A-1 and A-2 Zones shall comply with the development standards of Table 19.26.050 and all other applicable standards in this Title.

Zone	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage (Primary Buildings)
A-1	10,00 Sq Ft	65 Feet	35%
A-20	20 Acres	200 Feet	30%

**19.26.060- Setbacks.**

Development in the A-1 and A-2 Zones shall comply with the yard and setback standards shown in Table 19.26.060 and all other applicable standards in this Title.

Zone	Front Yard	Side Yard	Side Yard for Corner Lots Where Side Yard Faces the Street	Rear Yard
A-1	30 Feet	8 Feet	20 feet	30 Feet
A-20	50 Feet	20 Feet	20 Feet	50 Feet

**19.26.070- Building Height.**

- A. Primary Building or Structure Height. Except as otherwise specifically provided in this Title, no primary building or structure in the agricultural zones may exceed the following height:
1. Thirty-five feet (35'); and
  2. No structure used for residential dwelling shall contain less than one story.
- B. Accessory Building Height.

1. No building which is accessory to a dwelling shall exceed twenty feet (20') in height. For each foot (1') of height over fourteen feet (14'), the accessory building shall be set back from property lines an additional foot (1') to allow a maximum height of twenty feet (20').

**19.26.080- Accessory Structure Development Standards.**

The following yard and setback standards shall apply to accessory structures in the agricultural zones.

The structure shall be located in the side or rear yard and be located six feet (6') away from the residential dwelling. No accessory building may be located within the required front yard setback or between the main building and a street.

The structure shall be located at least one foot (1') from an interior side property line. When the accessory building is located in a side yard between two existing main buildings, the accessory building must be located at least five feet (5') from the property line.

The structure shall be twenty feet (20') from a street-facing side property line. No accessory building may be located between the main building and a street.

The structure shall be located at least one foot (1') from the rear property line, except that when the rear yard is adjacent to the side yard of an adjacent lot, the minimum setback is ten feet (10') from the adjoining side yard.

**19.26.090- Lot Coverage.**

- A. No combination of buildings, including accessory buildings and other structures, shall cover not more than forty percent (40%) of the area of the lot or parcel of land.
- B. No accessory building or group of accessory buildings shall cover more than twenty-five percent (25%) of the rear yard.
- C. Concrete, asphalt and other impervious surfaces shall not cover more than 50% of the yard area between a structure and a property line. This includes both the required setback area and any other yard area between the main building and the property boundary.

**19.26.100 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances.

## Single-Family Residential Zones – Staff Summary

### Summary of Changes:

#### Schedule of Uses

Among the most important parts of the ordinance project is updating the use tables to combine uses, eliminate obsolete uses, and define uses. The use tables now combine permitted and conditional uses and now include administrative conditional uses. The uses defined are typically more general in nature to both shorten the list by combining like uses and to include future like uses.

Golf Courses, Cemeteries, pigeons, animals and fowl for family food production and single-family project developments have been eliminated from the use table.

- There are no parcels zoned for single family development that are large enough to create a golf course or cemetery.
- Animals and fowl for family food production allowed a property owner to have an excessive number of animals on relatively small properties. This has been replaced by “animal rights” as a use and an animal unit scheme that allows for a more appropriate number of animals and fowl.
- Pigeons have been eliminated as a use, but chickens, ducks and apiary have been added.
- Single family project developments are an old-fashioned use whereby a number of homes are placed on one parcel with one owner, usually a family. Eventually someone will want to sell one or more of these houses and the configuration of these single-family projects rarely lends itself to a clean subdivision of the property. It is better to create development in a well thought out manner in the beginning rather than try to make it work years later.

#### Development Standards

- Grouped location and massing regulations for main buildings in one section and those for accessory structures in another to create clarity.
- Created a single rear yard standard for all lots in a zone rather than different setbacks that depended on having a garage.
- Clarify and modernize accessory structure standards, eliminating the rear yard rule and the oversized garage rule.
- Modernize the ordinance to include lot and impervious surface coverage maximums and establishing fencing standards.
- Removed allowable projections into required yards from the definitions section and modified it based on more modern practices.
- Created fencing standards.

#### Resources Utilized

- Ogden Zoning Ordinance

- Vineyard Zoning Ordinance
- South Jordan Zoning Ordinance
- Midvale Zoning Ordinance
- Mapleton Zoning Ordinance

#### Specific to Magna

The R-1-15 and R-1-43 Zones were removed from this Chapter. Neither Zone currently applies in Magna, and with their large minimum lot sizes and extremely low densities, they are unlikely to be desirable. The R-1-21 Zone has been left in this Chapter as a legacy Zone because there is still one parcel in the community with this designation. However, if those properties are re-zoned in the future, we advise removing the R-1-21 Zone from this Ordinance.

DRAFT

# Chapter 19.28: SINGLE-FAMILY RESIDENTIAL ZONES

DRAFT for Review Purposes Only – August 5<sup>th</sup>, 2022

## Chapter 19.28 Contents

19.28.010 - Purpose of Provisions.....	3
19.28.020 – Schedule of Permitted Uses. ....	3
19.28.030 - Lot Area, Width and Maximum Density.....	5
19.28.040 – Primary Structure Development Standards. ....	5
19.28.050 – Accessory Structure Development Standards.....	7
19.28.060 - Lot Coverage.....	7
19.28.070 - Fencing Standards.....	8
19.28.080 - Informational.....	Error! Bookmark not defined.

## Sections:

19.28.010 - Purpose of Provisions.

The purpose of the Single-Family Residential Zones is to establish primarily single-family neighborhoods which provide persons who reside therein a comfortable, healthy, safe and pleasant environment.

### 19.28.020 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.22.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development shall be reviewed and approved by the Conditional Use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
  - 1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  - 2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  - 3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.XX.030 is prohibited in this zone.



Animals and Fowl for family food production established prior to (The date of the adoption of this ordinance)	X	X	X	X	X	X	X	P
Animal Rights, one animal unit per 10,000 square feet	X	X	X	X	X	X	X	P
Bed and Breakfast Inn	X	X	X	X	X	X	X	C
Residential Keeping of Chickens or Ducks subject to section 19.XX.XX	X	X	X	P	P	P	P	P
Child Care, Residential and Licensed Family	P	P	P	P	P	P	P	P
Fences, walls and hedges subject to Section 19.28.080	P	P	P	P	P	P	P	P
Private, nonprofit recreational grounds and facilities	P	P	P	P	P	P	P	P
Sportsmen's Kennel (one-acre minimum lot area)	X	X	X	X	X	X	X	C
Temporary Construction Office associate with a permitted development project	P	P	P	P	P	P	P	P

**19.28.030 - Lot Area, Width and Maximum Density.**

The minimum lot area and width requirements and maximum density are as follows:

Zone	Minimum Lot Area	Minimum Lot Width	Density
R-1-3	3,000 Square Feet	35 feet at a distance 20 feet from the front lot line	11.0 Units per acre
R-1-4	4,000 Square Feet	40 feet at a distance 20 feet from the front lot line	9.0 Units per acre
R-1-5	5,000 Square Feet	50 feet at a distance 20 feet from the front lot line	7.0 Units per acre
R-1-6	6,000 Square Feet	60 feet at a distance 25 feet from the front lot line	6.0 Units per acre
R-1-7	7,000 Square Feet	65 feet at a distance 25 feet from the front lot line	5.0 Units per acre
R-1-8	8,000 Square Feet	65 feet at a distance 25 feet from the front lot line	4.5 Units per acre
R-1-10	10,000 Square Feet	80 feet at a distance 30 feet from the front lot line	4.0 Units per acre
R-1-21	21,7800 Square Feet	100 feet at a distance 30 feet from the front lot line	2.0 Units per acre

- A. Density for Planned Unit Developments. The allowable density for planned unit developments shall be determined by the Planning Commission on a case-by-case basis, taking into account the following factors: recommendations of county and non-county agencies; site constraints; compatibility with nearby land uses; and the provisions of the applicable General Plan. Notwithstanding the above, the Planning Commission may not approve a planned unit development with density higher than the that enumerated in Table 19.28.030.

**19.28.040 – Primary Structure Development Standards.**

The following development standards apply to all primary residential and non-residential structures.

A. Required Yards:

1. Dwellings: The minimum yard requirements for a Primary Residential Dwelling are as follows:

<b>Table 19.28.040A - Primary Residential Dwelling Setbacks.</b>				
Zone	Front Yard	Side Yard, Interior	Side Yard, Corner Lot	Rear Yard
R-1-3, R-1-4, R-1-5	20 Feet	5 Feet <sup>1</sup>	20 Feet	20 Feet <sup>3</sup>
R-1-6, R-1-7, R-1-8	25 Feet	8 Feet or 11/5 split <sup>2</sup>	20 Feet	25 Feet <sup>3</sup>
R-1-10, R-1-21	30 Feet	10 Feet	20 Feet	30 Feet <sup>3</sup>

<sup>1</sup> unless attached to a dwelling on an adjacent lot.

<sup>2</sup> 5 feet on one side and 11 feet on the garage or driveway side.

<sup>3</sup> homes with a garage existing prior to (the adoption of this ordinance) may maintain a 15' rear setback.

2. The minimum yard requirements for a main building other than residential are as follows:

<b>Table 19.28.040B - Non-Residential Main Building Setbacks.</b>			
Zone	Front Yard	Side Yard	Rear Yard
R-1-3, R-1-4, R-1-5	20 Feet	20 Feet	20 Feet
R-1-6, R-1-7, R-1-8	25 Feet	20 Feet	25 Feet
R-1-10, R-1-21	30 Feet	20 Feet	30 Feet

3. Projections into Required Yards. The following structures may be erected on or projected into any required yard:

- a. Fences and walls that conform with this code.
- b. Landscape elements including trees, shrubs and other plants.
- c. Necessary appurtenances for utility services associated with minor public utilities.
- d. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height.
- e. Cornices, eaves, belt courses, buttresses and other similar architectural features may project into any yard not more than two feet (2').
- f. Bay windows, cantilevered floors and fireplace structures may project into any yard not more than two feet (2'), provided that they are not wider than eight feet (8') wide.
- g. Porches, door stoops, awnings, fire escapes and stairways may project into an interior side yard not more than two-feet (2') and a front, rear, or corner side yard not more than four-feet (4').
- h. An attached deck may encroach up to four feet (4') into a rear yard if it is accessed from and appurtenant to the ground floor of a residential structure.

i. Accessory structures subject to Section 19.28.050.

B. Building Height. Except as otherwise specifically provided in this Title, no building or structure shall exceed the following height:

1. Thirty feet (30') on property where the slope of the original ground surface exceeds fifteen percent (15%), or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet (15') or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet (2').
2. Thirty-five feet (35') on properties other than those listed in number one of this subsection.
3. No dwelling shall contain less than one story or more than two stories except as part of a Planned Unit Development, subject to **Chapter 19.18** of this title.

**19.28.050 – Accessory Structure Development Standards.**

A. Accessory Structure Location and Setback Requirements. The location and minimum setback requirements for an accessory building in a single-family residential zone are as follows:

1. Shall be located in the side or rear yard and six feet (6') away from the dwelling. No accessory building may be located within the required front yard or between the main building and a street.
2. Shall be located at least one foot (1') from an interior side property line, measured from the nearest portion of the structure, including eaves and overhangs. When the accessory building is located in a side yard between two existing main buildings, the accessory building must be located at least five feet (5') from the property line.
3. Shall be twenty feet (20') from a street facing side property line. No accessory building may be located between the main building and a street.
4. Shall be located at least one foot (1') from the rear property line, except that when the rear yard is adjacent to the side yard of an adjacent lot, the minimum setback shall be ten feet (10') from the adjoining side yard.
5. No part of any accessory structure may be placed within one foot (1') of the property line, including eaves, cantilevers and other protrusions from the structure.

B. Accessory Structure Height requirements:

1. No building which is accessory to a single-family dwelling may exceed twenty feet (20') in height. For each foot (1') of height over fourteen feet (14'), accessory buildings shall be set back from the side and rear property lines an additional foot (1') to allow a maximum height of twenty feet (20').

**19.28.060 - Lot Coverage.**

A. No combination of buildings, including accessory buildings and other structures, shall cover more than forty percent (40%) of the area of the lot or parcel of land.

- B. No accessory building or group of accessory buildings shall cover more than twenty-five percent (25%) of the rear yard.
- C. Concrete, asphalt and other impervious surfaces may not cover more than fifty percent (50%) of the yard area between a structure and a property line. This includes both the required setback area and any other yard area between the main building and the property boundary. Any lot less than forty feet (40') wide may install one driveway that exceeds the fifty percent (50%) impervious surface rule as long as that driveway does not exceed twenty feet (20') in width.

#### **19.28.070 - Fencing Standards.**

The term "fence" shall include any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line. Notwithstanding the provisions of this section, a fence, wall, screen, hedge, or other material serving as a fence, may not create a sight distance hazard to vehicular or pedestrian traffic as determined by the municipal engineer.

1. Front Yard/Side Yard: A fence made of materials which are sight obscuring may be built to a maximum of three feet (3') in any required front/side yard perimeter. A fence made of materials which are not sight obscuring (at least 50 percent open) may be built to a maximum of four feet (4') in any required front/side yard. If an existing home is located on the property, the front/side yard perimeter is measured from the front property line to the front edge of the existing home. The fencing may slope upward to connect with a higher rear yard fence. The length of a sloped fence section may not exceed a maximum of ten feet (10').
2. Rear Yard: A fence in a rear yard may be built to a maximum of seven feet (7'). If an existing home is located on the property, the rear yard perimeter is measured from the front edge of the existing home to the rear property line.
3. Corner Lots: A fence not more than seven feet (7') high may be constructed in the rear yard as defined in subsection B, "Rear Yard", of this section adjacent to a public street on a corner lot, if it does not obstruct clear view of intersecting streets as defined in subsection D, "Clear Sight Triangle", of this section.
4. Clear Sight Triangle: At intersections of alleys and driveways (this includes private driveways and adjacent private driveways), the triangle shall be defined by drawing a line between two (2) points that are a minimum of ten feet (10') from the intersection along the property lines. At intersections of public streets, the triangle shall be defined by drawing a line between the two (2) points that are a minimum of forty feet (40') from the intersection along the property lines.
5. Larger Clear Sight Triangle: Larger clear vision triangles may be required where local streets enter arterial streets, major collector streets, or parkways, except that "clear vision triangles" need not be maintained at signed or signalized intersections in the community center. "Clear vision triangles" may also be waived at signed or signalized intersections in neighborhood centers.
6. Grade Differences: Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.
7. Retaining Walls: Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

8. Double Frontage Lots: A fence or wall may be erected in the rear yard of a double frontage lot.
9. Fire Hydrants and Mailboxes: Fire hydrants and mailboxes shall be accessible from the public streets and may not be enclosed behind fences. Location of the fire hydrant shall be in accordance with the uniform fire code.
10. Exceptions: The provisions of this section may not apply to certain other fences including tennis court backstops or patio enclosures as approved by the Planning Commission, if it is determined that the fences do not create a hazard or violation of other sections of the city ordinances.
11. Sidewalk Setback: If a sidewalk or paved trail exists parallel to the fence, the fence shall be setback at least twelve inches (12") from the back of the sidewalk. The area between the fence and sidewalk shall be landscaped or covered with mulch, bark, gravel or landscape rocks and include a weed barrier.

**19.28.080 - Informational.**

For additional information refer to the zoning ordinance and in particular the following sections:

(Will be completed at the end of the project when final locations of associated regulations are complete)

## **Residential Mobile Home Zone – Staff Summary**

**Purpose:** Magna has an existing mobile home park on 8400 West and a parcel near the Pleasant Green Cemetery that is zoned for a mobile home park. Mobile Home Parks and Subdivisions can offer an important form of affordable housing for many residents. There are unique aspects of these uses, such as the need for communal park upkeep, that must be addressed through zoning. This draft Chapter retains regulations from the existing code but reformats them to be more user-friendly.

**Applicability:** The RMH Zone is intended for the existing mobile home park in Magna. With the possible exception of the parcels near the cemetery, other areas in the community may not be appropriate for this designation.

### **Outlined Changes:**

- Sections were re-formatted for readability and consistency with other drafted chapters.
- The “Purpose of Provisions” section was expanded.
- The following uses were added as permitted or conditional in the Zone: Community Garden, Public Park, Micromobility Infrastructure, and Solar and Wind Systems – Accessory.

## Chapter 19.29 Contents

19.29.010 – Purpose of Provisions.....	2
19.29.020 – Scope.....	2
19.29.030 – Schedule of Permitted Uses.....	2
19.29.040 – Development Standards and Required Yards and Setbacks.....	3
19.29.050 – Mobile Home Parks and Subdivisions, Standards and Review.....	4
19.29.060 – General Information.....	5

### Chapter 19.29: Residential Mobile Home Zone

DRAFT for Review Purposes Only – August 2nd, 2022

#### Sections:

#### 19.29.010 – Purpose of Provisions.

The purpose of the Residential Mobile Home Zone (“RMH”) is to provide appropriate areas for the development and preservation of mobile home parks and mobile home subdivisions. The use and development standards in this Chapter are intended to provide for housing choice and affordability while ensuring that mobile home parks and subdivisions are harmonious with surrounding development.

#### 19.29.020 – Scope.

The provisions of this Chapter apply to any real property located in a RMH Zone as shown on the official zoning map. No building, structure or real property shall be used, and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, this code, or other laws.

#### 19.29.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.22.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development shall be reviewed and approved by the Conditional Use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
  1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.XX.030 is prohibited in this zone.

<b>Table 19.XX.030 – Uses Allowed in the RMH Zone.</b>	
<b>Use Categories</b>	<b>RMH</b>
<u>AGRICULTURAL:</u>	
Agriculture	P
<u>RESIDENTIAL USES:</u>	
Mobile Home Park or Mobile Home Subdivision	C
<u>RETAIL AND SERVICES:</u>	
Child Care, Home	P
Home Preschool	P
<u>FOOD AND DRINK:</u>	
No Food and Drink Uses are Allowed in the RMH Zone.	
<u>RECREATIONAL:</u>	
No Recreational Uses are Allowed in the RMH Zone.	
<u>LODGING:</u>	
No Lodging Uses are Allowed in the RMH Zone.	
<u>INDUSTRIAL:</u>	
No Industrial Uses are Allowed in the RMH Zone.	
<u>INSTITUTIONAL USES:</u>	
Community Garden	P
Micromobility Support Infrastructure	P
Public Parks	P
<u>SPECIALTY:</u>	
Planned Unit Development	C
<u>ACCESSORY USES:</u>	
Home Occupation	P
Recreational Areas and Facilities	P
Solar Energy System, Accessory	P
Temporary Uses, subject to 19.XX.	P
Wind Energy System, Accessory	P

**19.29.040 – Development Standards and Required Yards and Setbacks.**

- A. Lot Area: The minimum lot area for a mobile home park or mobile home subdivision shall be five (5) acres. There is no minimum area required per lot, provided that the required yards for each mobile home can be created and maintained.

B. Yards and Setbacks:

1. Front Yard: The minimum front yard setback shall be seven feet and six inches (7'6").
2. Side Yard: The minimum side yard for mobile homes shall be seven feet and six inches (7'6"). Awnings, patio covers, etc., may not be closer than three feet (3') from any side property lines. One accessory storage building, not exceeding one hundred twenty cubic feet (120 ft<sup>3</sup>), is allowed in one side yard and may be three feet (3') from the property line.
  - a. Exception for Corner Lots: On corner lots, there shall be a minimum seven feet and six inches (7'6") of unobstructed yard space on the private street side of the lot. No parking, awnings, patios, storage sheds or fences may occupy that unobstructed yard space.
3. Rear Yard: The minimum rear yard is ten feet (10').
4. Exceptions to Yard Requirements: Any yard adjoining a public street must be a minimum of twenty-five feet (25').

C. Other Development Standards:

1. Coverage Restrictions: In the RMH zone, the front yard, or any space within three feet (3') of the side and rear property lines, may not be occupied, and shall be open and unobstructed to the sky. Lot coverage may not exceed seventy-five percent (75%) of the lot.
  - a. "Occupied" means covered by a mobile home, garage, carport, cabana, awning, storage building, or structure of any kind.
2. Building Height: In the RMH zone, no mobile home shall contain more than one story, or exceed twelve feet (12') in height. No accessory building shall contain more than one story or exceed twelve feet (12') in height. Other main buildings (clubhouses, recreation buildings, etc.) may not exceed twenty-five feet (25') in height.

**19.29.050 – Mobile Home Parks and Subdivisions, Standards and Review.**

- A. Review and Approval: A mobile home subdivision shall follow the review and approval process, as outlined in Kearns' Subdivision Ordinance. Public streets shall meet the standards outlined in the Subdivision Ordinance. Private street standards shall be determined by conditional use review and approval.
- B. Mobile Home Park and Subdivision Maintenance: Maintenance of all areas and improvements owned in common by the lot owners, such as clubhouses, common landscaped areas, recreation facilities, playgrounds, roads, sewer and water utilities, and electrical systems, shall be the responsibility of an owner's association created with articles of association and bylaws approved by the attorney.

**19.29.060 – General Information.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including:

- A. 19.XX: Specific Use Standards
- B. 19.XX: Site Development Standards
- C. 19.XX: Off Street Parking Requirements
- D. 19.XX: Signs

## **Medium and High Density Residential Zones – Staff Summary**

**General:** This Chapter combines the R-2, R-4 and RM Zones to create new standards for medium and high-density residential development. The intent is to allow for some housing choice within communities while holding development to a high quality standard.

**Uses:** Several incompatible uses were removed from the Medium and High Density Residential Zones. These include:

- Agriculture
- Cemetery
- Dwelling group
- Golf course
- Pigeons
- Private educational institutions
- Private non-profit recreational grounds
- Airport
- Boarding house
- Dental clinic
- Fraternity house
- Mobile home park
- Medical clinic
- Sorority house
- Sportmans kennel
- Banks
- Electrolysis of hair
- Gymastics dance, dramatic, art studio
- Hospital
- Hotel
- Tanning studio

## Chapter 19.30: MEDIUM AND HIGH-DENSITY RESIDENTIAL ZONES

DRAFT for Review Purposes Only – August 5<sup>th</sup>, 2022

### Chapter 19.30 Contents

19.30.010 - Purpose of Provisions. ....	2
19.30.020 - Establishment of Medium and High-Density Residential Zones.....	2
19.30.030 - Schedule of Permitted Uses.....	3
19.30.040 - Development Standards. ....	4
19.30.050 – Required Yards, Setbacks, and Bulk. ....	4
19.30.060 – Building Height.....	5
19.30.070 - Accessory Structure Development Standards. ....	<b>Error! Bookmark not defined.</b>
19.30.080 - Subdivision and PUD Standards for Medium and High-Density Residential. ....	6
19.30.090 – General Information. ....	6

### Sections:

#### 19.30.010 - Purpose of Provisions.

The purpose of the medium and high-density residential zones is to promote a mix of housing opportunities combined with some limited commercial opportunities. It is the intent of the medium and high-density housing zones to be located in walkable and transit-oriented areas that allow for a wide range of amenities and businesses in close proximity.

#### 19.30.020 - Establishment of Medium and High-Density Residential Zones.

To anticipate and respond to the changing needs of the municipality and implement housing choice and walkability concepts included in the adopted General Plan, including the vision of the Moderate Income Housing Opportunities Character Area, Kearns establishes the following zones:

- A. Two-Family Residential Zones (R-2): The R-2 Zones are intended to promote medium-density middle housing options between 1-2 units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a Planned Unit Development (PUD) as part of the development process.
- B. Four-Family Residential Zones (R-4): The R-4 Zones are intended to promote medium-density middle housing options between 1-4 units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a PUD as part of the development process. Medium-density housing will serve as a transition between higher-density commercial, residential, or mixed-used and low-density residential or single-family.

- C. Multi-Family Residential Zone (RM): The RM Zone is intended to promote medium and high-density residential housing of greater than 4 units. Development projects in this zone should accommodate multi-modal transportation opportunities, open space, amenities for units, limited commercial uses, and provide buffering between high-density and low-density housing.

**19.30.030 - Schedule of Permitted Uses.**

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.XX.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development shall be reviewed and approved by the Conditional Use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
  1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.XX.030 is prohibited in this zone.

<b>Table 19.30.030: Uses.</b>			
<b>Use Categories</b>	<b>R-2-6.5</b>	<b>R-4-8.5</b>	<b>RM</b>
<u>Residential:</u>			
Accessory Structures	P	P	P
Dwelling, Single-Family	P	P	X
Dwelling, Single-Family Attached	P	P	P
Dwelling, Accessory Internal	P	P	P
Dwelling, Accessory Detached	X	X	P
Dwelling, Duplex	P	P	P
Dwelling, Tri-plex	X	P	P
Dwelling, Four-plex	X	P	P
Dwelling, Multi-Family (5 dwellings or more)	X	C	C
Mobile Home Park	X	P	X
Planned Unit Development	C	C	C
Residential Facility for Persons with a disability subject to 19.XX	P	P	P
Residential Facility for Elderly Persons	P	P	P
<u>Commercial:</u>			

Bed and Breakfast	X	P	P
Home Business subject to 19.30.XX	P	P	P
Home Daycare/Preschool subject to [redacted]	P	P	P
Daycare	X	P	P
Short-term Rentals	X	X	X
Other:			
Public or Quasi-Public Use	P	P	P
Shared Parking	P	P	P
Rail Transit Mixed-use	X	X	P
Public Park and Open Space	P	P	P
Private Park and Recreational Grounds	X	P	P
Temporary Buildings Incidental to Construction Work, and Other Temporary Buildings	P	P	P

**19.30.040 - Development Standards.**

Development in the R-2, R-4, and RM Zones shall comply with the development standards of Table 19.30.050 and all other applicable standards in this Title.

<b>Zone</b>	<b>R-2-6.5</b>	<b>R-4-8.5</b>	<b>RM</b>
<b>Minimum Lot Area</b>	6,500 Sq Ft	8,500 Sq Ft	1,452 Sq Ft per Dwelling
<b>Minimum Lot Width</b>	60 Feet	60 Feet	50 Feet
<b>Maximum Density<sup>1</sup></b>	5 Dwelling Units per Acre	15 Dwelling Units per Acre	25 Dwelling Units per Acre

- A. Density for Planned Unit Developments. The allowable density for planned unit developments is determined by the Planning Commission on a case-by-case basis, taking into account the following factors: recommendations of the Planning and Development Services Staff and reviewing agencies; site constraints; compatibility with nearby land uses; and the provisions of the adopted General Plan. Notwithstanding the above, the Planning Commission may not approve a planned unit development with density higher than that which is enumerated in Table 19.30.040.
- B. Calculating Density. Density calculations are based on gross density. Gross density is defined as the total number of residential dwelling units divided by the gross area of the parcel in question.

**19.30.050 – Required Yards, Setbacks, and Bulk.**

Development in the R-2, R-4, and RM Zones shall comply with the yard, setback, and bulk standards shown in Table 19.30.050 and all other applicable standards in this Title.

	Single-Family	Two-Family Building	Three/Four Family Building	Multi-plex (Five or more families)
<b>Minimum Yards; Residential Uses</b>				
Minimum Front Yard	25 Feet	25 Feet	25 Feet	25 Feet
Minimum Side Yard	8 Feet	8 Feet	8 Feet	10 Feet
Minimum Side Yard, Facing a Public Street	20 Feet	20 Feet	20 feet	20 Feet
Minimum Rear Yard, Without Garage	30 Feet	30 Feet	30 Feet	30 Feet
Minimum Rear Yard, With Garage	15 Feet	15 Feet	15 Feet	25 Feet
Distance Between Primary Buildings	16 Feet	16 Feet	16 Feet	20 Feet
Maximum Lot Coverage	40%	45%	45%	60%
<b>Minimum Yards; Non-Residential Uses</b>				
Minimum Front Yard	25 Feet	30 Feet	30 Feet	25 Feet
Minimum Side Yard	8 Feet	8 Feet	8 Feet	8 Feet
Minimum Side Yard, Facing a Public Street	20 Feet	20 Feet	20 feet	20 Feet
Minimum Rear Yard, Without Garage	30 Feet	30 Feet	30 Feet	30 Feet
Minimum Rear Yard, With Garage	15 Feet	15 Feet	15 Feet	15 Feet

- A. Distance Between Buildings. On lots with more than one primary building, the minimum distance between primary buildings is sixteen feet (16'). It is intended that if lots with more than one primary building are ever subdivided, each building shall have a side yard of eight feet (8') or the current standard for side yards in the underlying zone. In the event that regulations conflict for sides, the stricter requirement shall take precedence.

**19.30.060 – Building Height.**

Buildings in the R-2, R-4, and RM Zones shall comply with the height standards of Table 19.30.060 and all other applicable standards in this Title..

Zone	Single-Family	Two-Family Building	Three/Four Family Building	Multi-plex (Five or more families)
<b>Maximum Building Height</b>	35 Feet	35 Feet	35 Feet	60 Feet

- A. No dwelling shall contain less than one story.
- B. Within one hundred feet (100') of sites zoned for single-family residential, the following standards apply:
1. On the portion of the site within one hundred feet (100') of a site zoned R-1, no structure or portion thereof may exceed thirty-five feet (35') in height.

2. On the portion of the site within one hundred feet (100') of a site zoned R-2, R-4, RM, or RMH the maximum height is forty-five feet (45').

**19.30.070 - Accessory Structure Development Standards.**

A. The minimum yard requirements for an accessory building are as follows:

<b>Table 19.30.070: Accessory Building Development Standards.</b>					
<b>Zone</b>	<b>R-2-6.5</b>	<b>R-2-8</b>	<b>R-2-10</b>	<b>R-4-8.5</b>	<b>RM</b>
Side Yard	1 Foot	1 Foot	1 Foot	1 Foot	1 Foot
Side Yard, Facing a Public Street	20 Feet	20 Feet	20 Feet	20 Feet	20 Feet
Rear Yard	1 Foot	1 Foot	1 Foot	1 Foot	1 Foot
Setback from the Main Dwelling	6 Feet	6 Feet	6 Feet	6 Feet	6 Feet

- A. No building which is accessory to a one-family or two-family dwelling shall exceed twenty feet (20') in height. For each one foot (1') of height over fourteen feet (14'), accessory buildings shall be set back from property lines an additional one foot (1') up to the allowed maximum height of twenty feet (20').
- B. No accessory building or group of accessory buildings shall cover more than twenty-five percent (25%) of the rear yard.

**19.30.080 - Subdivision and PUD Standards for Medium and High-Density Residential.**

Two-Family dwellings may be subdivided subject to the following standards:

- A. The minimum lot area for duplexes shall be equally distributed until the following minimum lot standards are met for all newly created lots.

<b>Zone</b>	<b>R-2-6.5</b>	<b>R-2-8</b>	<b>R-2-10</b>	<b>R-4-8.5</b>	<b>RM</b>
<b>Minimum Lot Area</b>	3,000 Sq Ft	4,000 Sq Ft	5,000 Sq Ft	2,000 Sq Ft	1,452 Sq Ft per Dwelling

- B. There is no minimum side yard requirement where property lines are drawn along a shared wall.
- C. The division of ground is subject to the requirements of **Title 18.**
- D. The subdivision plat shall specifically note that the purpose of the subdivision is to accommodate the division of a two-family dwelling(s).
- E. All other subdivisions in the Medium and High-Density Residential zones are subject to all requirements in **19.78** and platted via a PUD plat.

**19.30.090 – General Information.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including:

- A. 19.04 Definitions
- B. 19.78 Planned Unit Developments
- C. 19.75 Geologic Hazards Ordinance
- D. 19.48: Off-Street Parking Requirements
- E. 19.50: Landscaping and Screening
- F. 19.51: Specific Use Standards
- G. 19.52: Signs

## **Commercial Zones – Staff Summary**

### Schedule of Uses

There are four commercial zones in the current code, C-1, C-2, C-3 and C-V. These zones each had their own chapter. This model ordinance combines the four commercial zones into one chapter. The C-V Zone was intended primarily for tourism-support areas near the Canyons and Great Salt Lake. This Zone has been removed from the draft for Kearns.

There is only one parcel in all of the MSD Service Areas Zoned C-1. The model ordinance takes advantage of this by re-creating the C-1 as a modern commercial zone where buildings are located nearer the street to create a sense of scale and place, openings or at least the impression of doors and windows are placed on the street side of the building, and parking is located in the rear of the building. It is anticipated that most smaller scale commercial development will occur in the C-1 zone.

C-2 is the predominant commercial zone within the town, township and county. The C-2 is also modernized but becomes more of a “shopping center commercial” zone. Larger commercial projects will use the C-2 in most cases.

The C-3 zone is located almost exclusively along Magna Main, with only one parcel in Kearns and two others near Copperton. Magna has adopted a mixed-use zone tailored to Magna Main and it is anticipated that future development will use this new zone and that all of these parcels will be rezoned to Mixed Use. The C-3 zone was written with warehousing and wholesale businesses in mind. This niche is now filled by the revised M-1, light industrial zone and the C-3 zone has become superfluous. The intent is that C-3 will be phased out and new development will not occur in the current zone. Most of the uses in the use table are prohibited in the C-3 zone.

Among the most important parts of the ordinance project is updating the use tables to combine uses, eliminate obsolete uses, and define uses. The uses defined are typically more general in nature to both shorten the list of uses by combining like uses and to include future like uses. These uses have been grouped together with similar uses for the ease of the user.

The use tables now combine permitted and conditional uses into one table. Larger projects such as PUD's and large commercial projects will require Planning Commission input and approval, but most other uses will not. As a result, the Planning Commission will be able to concentrate on the big picture land use management items rather than the small details.

Most of the existing use list could be characterized as retail uses, service uses or personal services. All of these uses now fall under either “retail and service commercial” or “personal care services” unless they were of a type that the council was more wary of. Check cashing, pawn shops, reiki and retail tobacco specialty businesses are not included in the general “retail and service commercial” and are typically either prohibited or allowed as conditional uses.

## Development Standards

- There are no minimum lot size, frontage or width standards in any of the commercial zones. Because the intent is that the C-2 zone be used only for larger commercial projects, it has a 3-acre project area requirement.
- The front setback is also a build to line, meaning that in most cases 50% of the building must be built at the setback line. This front setback is landscaped, and parking is located to the side or rear of the building. This allows the buildings to frame the street, which emphasizes the buildings rather than the parking and gives the streetscape a more human scale. Exceptions for grocery and other larger commercial buildings and drive through windows are built into the ordinance.
- Outdoor dining and pedestrian access are encouraged by requiring walkways and site furnishings.
- Architectural standards have been created to improve the built environment. These standards primarily apply to new development. These standards should lead to the creation of buildings that are in line with buildings in the better developments in the region but should not be a significant burden on developers. Most construction in the last 5 years would need only moderate improvements to meet the proposed standards.
- Entrances and windows will be required on the street facing side of new buildings. This does not preclude other entrances.
- Open space and landscaping standards will have a separate chapter. The elements found in this chapter are intended to be an enhancement from the general regulations that apply to industrial and other zoning districts.
- Parking lot lighting standards are included to require lighting that does not trespass on neighboring property, is efficient and relatively uniform so that dark areas are minimized.
- Residential buffering and fencing requirements are created.

## Resources Utilized

- Ogden Zoning Ordinance
- Vineyard Zoning Ordinance
- South Jordan Zoning Ordinance
- Midvale Zoning Ordinance
- Mapleton Zoning Ordinance
- Spanish Fork Zoning Ordinance

## Chapter 19.32: Commercial Zones

DRAFT for Review Purposes Only – August 5<sup>th</sup>, 2022

### Chapter 19.32 Contents

19.32.010 – Purpose of Provisions. ....	3
19.32.020 – Establishment of Commercial Zones.....	3
19.32.030 – Schedule of Permitted Uses.....	4
19.32.040 – Lot and Area Standards.....	7
19.32.050 – Site Standards.....	7
19.32.060 – Architectural Standards. ....	9
19.32.070 – Off-Street Parking Standards. ....	12
19.32.080 - Open Space and Landscaping. ....	12
19.32.090 – Lighting. ....	13
19.32.100 – Fences Hedges and Walls.....	15
19.32.110 – General Information. ....	16

### Sections:

#### 19.32.010 – Purpose of Provisions.

The purpose of the commercial zones is to provide places in the municipality for a wide range of commercial and retail trades and uses, offices, business and professional services, and other uses that contribute to the economic stability of the community and wellbeing of its employees and residents. The zones are intended to provide employment opportunities and expand the municipal tax base, while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.

#### 19.32.020 – Establishment of Commercial Zones.

To anticipate and respond to the changing needs of our community and implement commercial node concepts included in the adopted General Plan, the following zones are established:

- A. Commercial Zone – General Commercial (C-1): The C-1 Zone is intended to provide a wide range of commercial uses designed to serve neighborhood, community, and regional needs. The commercial use may be freestanding or integrated in a center. Development is oriented to the street to encourage a pedestrian relationship and buildings are placed to allow interconnected walkways and shared site accesses for increased convenience, accessibility, and enhanced safety for pedestrians. Development includes elements and façades at the pedestrian level and achieves a sense of human scale and creates visual interest at eye-level.
- B. Commercial Zone – Shopping Center Commercial (C-2): The C-2 Zone is intended to provide retail uses, service-oriented businesses, offices, and restaurants in an integrated center. Each center

shares common architecture, access, parking, signage, and landscape design. Each centers typically includes three (3) or more acres and provides regional or community level destination shopping which incorporates a design that enhances pedestrian orientation within the center.

- C. Commercial Zone – Warehousing and Wholesale Commercial (C-3): The C-3 Zone is intended to provide a legacy zone, originally intended to provide areas for warehousing and wholesale businesses and general commercial. The warehouse and wholesale business is now developed under the M-1 zoning classification and new commercial uses are developed as appropriate under the C-1 or C-2 zones.
- D. Commercial Zone – Visitor and Tourism (C-V): The C-V Zone is intended to provide areas in appropriate locations where commercial centers provide for the needs of tourists and travelers be established, maintained, and protected. The regulations of this zone encourage the provision of transient housing facilities, restaurants, service stations, and other commercial activities providing for the convenience, welfare, or entertainment of the tourist or traveler.

**19.32.030 – Schedule of Permitted Uses.**

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.XX.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development shall be reviewed and approved by the Conditional Use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
  1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.XX.030 is prohibited in this zone.

<b>Table 19.32.030 - Uses Allowed in Commercial Zones.</b>				
<b>Use Categories</b>				
<b>RETAIL AND SERVICE:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
Car and Light Truck Wash	P	P	X	P
Child Care Center	P	P	X	P
Check Cashing	P	P	X	X
Commercial Plant Nursery	P	P	X	P
Financial Institution	P	P	X	P
Kennel, Commercial	P	P	X	P
Laundry Cleaning, Automatic Self-Help and/or Drop Off	P	P	X	P

Liquor and/or Wine Store and Package Agency	P	P	X	P
Mobile Store	P	P	X	P
Pawn Shop	P	P	X	X
Personal Care Services	P	P	X	P
Personal Instruction Services	P	P	X	P
Reception Hall, Reception Center	P	P	X	P
Reiki	P	P	X	X
Retail and Service Commercial	P	P	X	P
Retail Shops or Galleries where Primary Product is Produced On-Site	P	P	X	P
Retail Tobacco Specialty Business	P	P	X	X
Self-Service Fuel Station	P	P	X	P
Sexually Oriented Business or Activity	X	X	P	X
Shopping Center	C	C	X	C
Vehicle and Equipment Repair, Minor	P	P	X	P
Vehicle Rental	P	P	X	P
Vehicle Sales and Service	P	P	X	X
Vehicle Sales, Small Dealership	P	P	X	P
<b>FOOD AND DRINK:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
Bars and Clubs	P	P	X	P
Breweries and Distilleries in association with a Restaurant	P	P	X	P
Food truck / mobile restaurant / food cart	P	P	X	P
Restaurant, Fast Food	P	P	X	P
Restaurant, Sit-Down with or Without Alcohol	P	P	X	P
<b>LODGING:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
Bed and Breakfast Inn	P	P	X	P
Hotel/Motel	P	P	X	P
<b>OFFICE:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
Office, General	P	P	X	P
Office, Intensive	P	P	X	P
Office, Medical	P	P	X	P
<b>RECREATIONAL:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
Athletic Clubs	P	P	X	P
Commercial Recreation	P	P	X	P
Recreation Facility, Commercial	P	P	X	P
Recreation Facility, Public	P	P	P	P
Theatres and Concert Halls (Indoor)	P	P	X	P

<b>RESIDENTIAL USES:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
Planned Unit Development, subject to Chapter 19.18	C	C	X	C
<b>INSTITUTIONAL USES:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
Animal Control or Rescue Facility	P	P	X	P
Animal Hospital or Clinic	P	P	X	P
Animal Hospital or Clinic with Outdoor Holding Facilities	P	P	X	P
Cemetery	CU	CU	P	X
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P	P
Hospital	P	P	X	P
Libraries	P	P	P	P
Parks/Open Space	P	P	P	P
Public Uses	P	P	P	P
Public Utilities, Major	C	C	P	X
Public Utilities, Minor	P	P	P	P
Schools, Public	P	P	P	P
Schools, Private/Charter	C	C	X	X
<b>SPECIALTY:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
Crematorium	P	P	X	X
Laboratory, Medical or Dental	P	P	X	X
Laboratory, Research and Development	P	P	X	X
Mortuary or Funeral Home	P	P	X	X
Nursing Home, Convalescent Care Center	P	P	X	X
Rehabilitation/Treatment Facilities	P	P	X	X
Self-Service Storage Facilities, Enclosed	P	P	X	X
<b>ACCESSORY USES:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
Accessory Outside Storage	C	C	X	C
Home Business, subject to chapter 19.40	P	P	X	P
Household Pets, not including kennels	P	P	X	P
Drive-Thru and Drive-Up Facilities appurtenant to a permitted use	P	P	X	P
Outdoor dining appurtenant to a permitted restaurant use	P	P	X	P
Sidewalk Displays and Sidewalk Cafes appurtenant to a permitted use	P	P	X	P
Temporary buildings subject to 19.42	P	P	X	P
<b>NONCONFORMING USES:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
Pre-Existing Lot	P	P	P	P
Pre-Existing Structure	P	P	P	P
Pre-Existing Use	P	P	P	P

**19.32.040 – Lot and Area Standards.**

Development in the C-1, C-2, C-3 and C-V Zones shall comply with the lot and project area standards in Table 19.32.040 and all other applicable standards in this Title.

<b>Table 19.32.040 - Required Yards and Setbacks.</b>				
Lot and Area Standards	C-1	C-2	C-3	C-V
Minimum Project Area	None	3 acres	N/A	None
Minimum Lot Size	There is no minimum lot size required in the Commercial Zones.			
Minimum Lot Width and Frontage	No minimum lot width is required for lots in Commercial Zones. Lots not fronting on a street must be accessible to the public via a recorded easement or right-of-way.			

**19.32.050 – Site Standards.**

The following site standards shall apply in the C-1, C-2, C-3 and C-V Zones:

- A. Setbacks. A setback standard frames the street spatially and encourages a consistent building wall along street edges. A parking setback enhances pedestrian safety and comfort and reduces the visual prominence of automobiles as viewed from streets, building entrances, and sidewalks. See Table 19.32.050 for setback requirements.

<b>Table 19.32.050 – Site Standards.</b>				
Setback Standards	C-1	C-2	C-3	C-V
Front Yard Setback, Major Street	18' landscaped setback from back of sidewalk	30' landscaped setback from public right of way	30' landscaped setback from public right of way	20' landscaped setback from public right of way
Front Yard Setback, Minor Street or Drive	10' landscaped setback from back of curb	15' landscaped setback from back of curb	15' landscaped setback from back of curb	10' landscaped setback from back of curb
Side Yard Setback – Corner Lots	Same as the front yard setback	Same as the front yard setback	Same as the front yard setback	Same as the front yard setback
Build to Line	The front yard setback is the build-to-line. At least fifty percent (50%) of the adjacent façade must be built within three feet (3') of the build-to-line. A side yard, corner lot setback is also a build-to-line.			N/A
Side Yard Setback – Interior Lots	No setback required when sharing a common wall. 8' setback to property line or 16' between buildings where building pads are used. 20' landscaped buffer required to separate residential uses from commercial uses.			
Rear Yard Setback	10' setback to property line or 20' between buildings where building pads are used. 20' Landscaped buffer required to separate residential uses from commercial uses.			

- B. Location and Orientation of Buildings. Structures frame streets spatially by being constructed at the build-to-line. Buildings shall be sited to face the street with parking lots on the side or rear. At street or drive intersections the buildings shall be located directly on the corner with parking in the rear. At least fifty percent (50%) of the adjacent façade shall be built within three feet (3') of the build-to-line.
- C. Build-to-Line Exceptions.
1. Any big box development may have parking in front, provided other commercial pad sites are proposed along the frontage that would comply with the build-to-line requirements. The other commercial pad sites shall create at least forty percent (40%) building street frontage along the width of the project area when combined with public plazas or courtyards.
  2. Drive-through windows shall be located at the side or rear of buildings. A single drive aisle may be located between the building and the street so long as its width does not exceed twelve feet (12'), any pedestrian crossings across it are clearly delineated with special paving treatments, parking spaces do not occur off of it, and a low wall, railing with landscaping, or a continuous hedge at least three feet (3') high exists between stacked cars and the sidewalk. If a drive-through is located between the building and the street, the front setback/build-to-line shall be twelve feet (12') farther from the back of sidewalk or public right of way.
- D. Sidewalks or Trails. Any building front entryway shall have a continuous sidewalk to the street sidewalk. A sidewalk at least six feet (6') wide is required along the entire front of the lot or project area. A six foot (6') wide park strip shall be installed between the street and the sidewalk as a pedestrian buffer. No fencing that is parallel to any sidewalk may be within two feet (2') of the edge of the sidewalk.
- E. Outdoor Dining. If outdoor dining is allowed, the patio or dining area may encroach on up to ten feet (10') of the required landscaped setback.
- F. Utilities. Any overhead utility shall be placed underground unless the applicable utility company determines it is infeasible.
- G. Screening. Any garbage dumpster shall be enclosed by a masonry wall or architectural design with materials that are consistent with the building. The enclosure gate shall be metal and accessible to service vehicles. The enclosure wall and gate shall be a minimum of twelve inches (12") higher than the trash receptacle bin. Service areas, mechanical equipment, and meters shall be completely screened from the street.
- H. Site Furnishings. The developer or builder is responsible for providing site furnishings as required in this document. All site furnishings shall be specified on the plans.
1. Benches. Each project shall provide one (1) outdoor bench per small building (buildings 20,000 square feet or smaller) and two (2) outdoor benches for larger buildings (greater than 20,000 square feet). Benches are encouraged in places where people congregate and at pedestrian intersections and nodes. Benches shall be durable and permanently installed on a hardscape surface (concrete, pavers, etc.).

2. Bike Rack. Bike racks shall be provided and installed at a minimum of three (3) bike stalls per fifty (50) vehicle parking stalls within each development (minimum of 3 bike rack stalls). Bike racks should be located near the entrance to the building and visible from the street or drive. Bike racks shall be durable and permanently installed and maintained over a hardscape surface.
3. Trash and Recycle Receptacles. At least one (1) trash receptacle and one (1) recycling receptacle shall be provided at a minimum of one (1) at each public entrance to commercial buildings.

**19.32.060 – Architectural Standards.**

All new development shall present an attractive, coordinated streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale and provide for the safety and convenience of pedestrians. All new development shall comply with the following architectural standards:

- A. General Design Standards: The following building design requirements shall apply in the C-1, C-2, and C-3 Zones:
  1. Walls. No more than three (3) materials may be used for primary wall surfaces. Exterior finishes shall be of traditional, time- and weather-tested techniques. Retaining and screening walls shall be of materials complementary to the building’s materials. Buildings shall use a cohesive palette of colors which complement nearby buildings. Without limiting the use of color, large areas of wall shall be subdued in color and not reflective. Intense colors should be used as accent only.
  2. Building Heights. Buildings should provide a sense of street enclosure for pedestrians in more urban environments. New commercial buildings adjacent to existing neighborhoods shall step-down in height to help minimize the visual impact to residential areas. See Table 19.32.060A for requirements.
  3. Transparency. Where applicable, the intent of transparency standards is to promote economic activity by creating active street walls and visual interest for pedestrians at the ground-level. They also serve to promote personal and property safety by introducing more “eyes on the street” or natural surveillance of the public right-of-way and building interiors. See Table 19.32.060A for requirements.

<b>Table 19.32.060A - Commercial Development Standards.</b>				
<b>Standard</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-V</b>
<b>Building Height</b>	<i>Minimum:</i> No primary building within this district shall be erected to a height less than fifteen feet (15') above grade.  <i>Maximum:</i> 45'	<i>Minimum:</i> No primary building within this district shall be erected to a height less than fifteen feet (15') above grade.  <i>Maximum:</i> 60'	<i>Minimum:</i> No primary building within this district shall be erected to a height less than fifteen feet (15') above grade.  <i>Maximum:</i> 45'	<i>Minimum:</i> No primary building within this district shall be erected to a height less than fifteen feet (15') above grade.  <i>Maximum:</i> 30'
<b>Step-down Height Adjacent to Residential Areas.</b>	Within one hundred feet (100') of sites zoned for single family residential, the following standards shall apply: a. On the portion of the site within one hundred feet			N/A

	(100') of a site zoned R-1, the maximum height shall be thirty-five feet (35'). b. On the portion of the site within one hundred feet (100') of a site zoned R-2, R-4, RM, or RMH the maximum height shall be forty-five feet (45').			
Transparency	Ground Floor (frontage) 30% Ground Floor (exposed sides) 30% Upper Floors (frontage) 20%	Ground Floor (frontage) 30% Upper Floors (frontage) 20%	Ground Floor (frontage) 30% Ground Floor (exposed sides) 30% Upper Floors (frontage) 20%	Ground Floor (frontage) 30%

4. **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.

- a. Flat roofs on stand-alone buildings are allowed when variation to the roof line is provided through the use of parapets, towers, step-backs, or accessory structures.
- b. Large building roofs shall have parapets and enclosures concealing flat roofs and rooftop equipment from public view. Parapet and enclosure materials shall match the building in quality and detail.
- c. Pitched roofs have a sloped or pitched roof. The slope is measured with the vertical rise divided by the horizontal span or run.
  - 1. The roof may not be sloped less than a 4:12 (rise: run) or more than 16:12.
  - 2. Slopes less than 4:12 are permitted to occur on second story or higher roofs.
  - 3. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
  - 4. Gambrel, butterfly (inverted gable roof), and mansard roofs are not permitted.
  - 5. A gabled end or perpendicular ridge line shall occur at least every one-hundred feet (100') of roof when the ridge line runs parallel to the front lot line.

B. **Exterior Structure Standards:** All exterior walls of all structures shall be constructed in compliance with the following:

- 1. **Materials.** All buildings shall use one or more of the following durable materials as significant finish: architectural precast concrete, architecturally treated concrete masonry units, brick cladding, natural and cast stone, architectural metals, and glazing. Architectural site-cast concrete may be allowed if designed, articulated, and colored for a finished appearance on all buildings. At least fifty percent (50%) of all buildings visible from a major street shall be composed of brick, stone, architecturally treated CMU, architectural precast concrete, architectural metals, and/or glazing.

2. Exterior Insulation and Finish System (EIFS)/Stucco. The design and application of EIFS or synthetic stucco are expected to be of a high enough quality to allow for crisp detailing and substantial relief. The use of EIFS on ground floor walls shall be limited to the surface area three (3) or more feet above finished grade. The wall area from finished grade to where the use of EIFS begins shall be clad by a hard, durable material such as brick, stone, architectural precast concrete, or architecturally treated concrete masonry units.
  3. Detail and Finish. Building façades that face the street but do not have pedestrian entries shall be composed of high-quality materials such as brick or stone and shall provide variety and interest in the façade through the introduction of such elements as pilasters, recessed or protruding bays, changes in materials and/or colors, building lighting elements, display windows with products or product graphics, transparent windows or clerestories, and well-designed signs and graphics.
  4. Surface Variation. Continuous building wall surfaces shall be relieved with significant variations of wall planes or overhangs that create shadow areas and add visual interest. Variations should result from significant dimensional changes in plane, color, or detail as accomplished by such devices as protruding bays, recessed entries, upper-level step-backs, arcades, offsets in the general plane of the façade, changes in materials or color, bay windows, vestibules, porches, balconies, exterior shading devices, nonretractable canopies or awnings, projecting cornices, or eaves.
  5. Vertical Separation and Human Scale. Buildings in excess of two (2) stories in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods. Buildings in excess of two (2) stories shall also exhibit architecture design that incorporates the human scale, which is specific architecture features below 10 feet (10').
  6. Façade Features. All large retail building façades visible from public streets shall include architectural treatments that add detail, character, and reduce the appearance of massive blank walls. Techniques such as color and material changes, expression of structure, shifts in plane, offsets and projections, belt courses, reveals, pilasters, windows, doors, arcades, canopies, and other similar elements may achieve this standard. Opaque storefront security closures (rolling doors, etc.) are not allowed.
- C. Entrances. The intent of entrance standards is to provide direct and comfortable access to businesses for pedestrians. Entrances on public streets are particularly important to promote pedestrian traffic and activities on the sidewalks. The following standards apply to the entrances of all structures:
1. Street front entrances shall be developed on all new buildings. An unobstructed sidewalk connection from the door location must be provided to connect to the public sidewalk. Entry doors must be located on the front façade or be placed within three feet (3') of the front façade.
  2. Each primary public entry shall be architecturally emphasized so that pedestrians can easily find it.

3. Weather protection features such as awnings, canopies, doors inset by at least three feet (3'), or arcades shall be provided at all customer entrances.
- D. Corner Buildings. Special attention shall be given to corner buildings that are highly visible, that may serve as landmarks, and provide a sense of enclosure at intersections. Special attention can be achieved by architecture, landscape, and public place.

**19.32.070 – Off-Street Parking Standards.**

In addition to the parking standards specified in Chapter 19.48, “Off Street Parking Standards”, the following parking standards shall apply:

- A. Change Of Use: Whenever the existing use of a structure or the existing use of land is changed to another use or another occupancy, parking and loading facilities shall be provided as required by this Title, except that the Planning Commission may reduce this requirement where a variance is requested and justified pursuant to this Title and Utah Code.
- B. Surface parking areas, except for approved street parking, may not be located between a building and a public right-of-way on lots or parcels adjacent to a public right-of-way. This requirement shall only apply to one side of a lot or parcel that is adjacent to a public right-of-way on multiple sides. Surface parking for a big box development, such as a grocery store, that meets the standards for a build-to-line exception as described in 19.32.050.C, is allowed parking between the building and the right of way if the pad sites each comply with this part.
- C. Surface parking areas, except for approved street parking, located within thirty feet (30') of a public right-of-way shall be screened by grading, landscaping, walls/fences, or a combination of these, to a height of three feet (3') above the surface of the parking area.
- D. All commercial development should be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets, unless otherwise specified. A minimum distance of one hundred feet (100') should be required between a cross-access way and an entrance. UDOT standards may supersede this requirement in areas of UDOT jurisdiction. The Director may waive this requirement when the Director determines that cross-access is impractical based on topography, the presence of natural features, or vehicular safety factors, provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or uses.
- E. The Director or Designee may approve an exception to the requirements of this subsection if he or she determines that any of the requirements are not reasonably possible based on the unique characteristics of the site.

**19.32.080 - Open Space and Landscaping.**

In addition to the parking standards specified in Chapter 19.50, “Landscaping and Screening”, the following parking standards apply:

- A. Physical Connections. Each lot shall have a system of pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, sidewalks, parking areas, open space, and public trails.

- B. Minimum Landscaped Area. Thirteen percent (13%) of the area of each commercial site shall be developed as landscaped setbacks, courtyards, plazas, open space, or walkways.
- C. Landscaped Setback from Edge of a Street or Drive. The entirety of the required setback between a building or parking lot and a street or drive shall consist of landscaping, sidewalks, or a combination thereof. Courtyard or plaza areas shall be deemed to be a part of the front setback of the building.
- D. Prohibitions. Maintenance buildings, trash collection and recycling areas, storage and service areas, mechanical equipment, and off-street loading areas are not permitted in the front setback of any building and shall be located behind the main building structure, or completely screened from public view.
- E. Building Foundation Landscaping. The ground adjacent to the building foundation shall be landscaped if it is visible from public vantage points.
- F. Residential Buffer. A landscaped buffer is required to separate residential uses from commercial and industrial uses.
  - a. Landscaped Buffer Area. The landscape buffer area must be a minimum of thirty feet wide to provide adequate screening, buffering, and separation of these uses. The landscape treatment should use a combination of distance and low-level screening to separate the uses to soften the visual impact of the commercial or industrial use. The thirty-foot (30') buffer area may be shared between adjoining properties, upon adequate proof of reciprocal easements to preserve and maintain the buffer area. The landscaped buffer area shall include a minimum of one tree for every two hundred fifty square feet (250 sq. ft).
  - b. Fully Sight-Obscuring Fence. The Planning Commission shall require complete visual separation from residential uses if it determines that complete screening is necessary to protect abutting uses, and landscaping is not practical. Such fence must be a minimum of six feet (6') high (up to eight feet (8') if warranted and approved by the Planning Commission) and completely sight-obscuring. Fences may be of wood, metal, bricks, masonry, or other permanent materials.

**19.32.090 – Lighting.**

Except for ordinary repairs and maintenance of lighting approved and installed after **(The adoption of this ordinance)**, all new development must comply with the following outdoor lighting standards:

- A. Light Source. Light sources shall be at least as efficient as LED and no greater than four thousand kelvins (4000K) in correlated color temperature (CCT). Light levels shall be designed such that light trespass measured at the property line does not exceed 0.01 foot-candles. Light fixtures shall use a cutoff luminaire that is fully or partially shielded with no light distributed above the horizontal plane of the luminaire or into nearby residential structures. In no case may the total lumens emitted for a single site exceed one hundred thousand (100,000) lumens per acre.
- B. Parking Lot Lighting. Parking lot lighting shall be designed and constructed to comply with the following standards:
  - 1. Pole Height/Design.

- a. Luminaire mounting height is measured from the parking lot or driveway surface and may range from ten feet (10') to thirty feet (30'), based on review of site plan, proposed uses, surrounding uses, parking area size, building mass, topography of site, and impacts on adjacent properties.
- b. Poles and fixtures shall be black, dark brown, or another neutral color approved by the Director or Designee.
- c. All attempts shall be made to place the base of light poles within landscape areas.
- d. Light poles in parking areas may not exceed thirty feet (30') in height. Poles exceeding twenty feet (20') in height are appropriate only for parking areas exceeding two hundred (200) stalls and not within seventy-five feet (75') of a residential zone.

C. Other Outdoor Lighting Standards.

1. Wall-mounted lighting fixtures may not be located above eighteen feet (18') in height unless being used as building accent lighting. Fixture styles and finishes shall complement the building exterior.
2. Lighting located along pedestrian pathways or in areas primarily dedicated to human activity shall be bollard style lighting or down-directed lighting not to exceed twelve feet (12') in height. Pedestrian lighting shall be coordinated through each project and shall complement adjacent projects to the greatest extent practical.
3. In order to avoid light pollution, backlit awnings, up-light spotlights, and floodlights are prohibited.
4. Street lighting shall either be chosen from the city's approved streetlight list or installed to match a theme set by developments within the zone or neighborhood.
5. Lighting for outdoor athletic facilities may be mounted on a roof or wall at a height above the typical eighteen-foot (18') maximum, provided it is demonstrated by the applicant, through submittal of appropriate documentation and light studies, that the facility cannot otherwise be properly lighted. This lighting shall comply with the following requirements:
  - a. Light fixtures and necessary supports may not extend more than four feet (4') above the roof line;
  - b. Light fixtures shall include appropriate shields to ensure no light trespass off the site;
  - c. Light fixtures shall include appropriate shields and louvers to minimize, to the greatest extent possible, any point source light pollution;
  - d. Light fixtures and supports shall be painted to blend with the color scheme of the structure to which they are mounted;
  - e. Light fixtures shall be dimmable to address any possible unforeseen light impacts once they are constructed and operable; and

- f. The Planning Commission shall review the hours of light usage and shall approve an appropriate usage schedule depending on the specific situation and impacts on the surrounding area.
- D. Upgrading Preexisting Lighting. An applicant shall bring preexisting lighting into compliance with this code upon application with the business license department for a change in ownership, new business in a stand-alone structure or a multi-tenant structure in which the new business utilizes more than fifty percent (50%) of the building square footage on the site, in conjunction with an application for a building permit for any alteration, remodel or expansion of any structure on the site, or in conjunction with changes to the approved site plan.
- E. Lighting Plan Submission Requirements. A lighting plan is required for all developments and shall contain the following:
  - 1. Plans indicating the location on the premises and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;
  - 2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices that may include manufacturer catalog cuts and drawings, including a section where required;
  - 3. Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cutoff or light emission; and
  - 4. A point-by-point light plan to determine the adequacy of the lighting over the site.

**19.32.100 – Fences Hedges and Walls.**

The following standards apply to new development of fences, hedges, and walls:

- A. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures is permitted in the required setback of a zone if it meets the following conditions:
  - 1. No fence, hedge, or wall extends beyond or across a property line without a recorded agreement with the abutting property owner;
  - 2. Only one fence or wall is allowed per property line. Double fences, walls or combination thereof are prohibited; and
  - 3. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire where the barbed wire is not less than eight feet (8') above the ground and does not extend more than two feet (2') above the temporary fence.
- B. Height. No fence or wall may exceed seven feet (7') in height, four feet (4') in height from the front of the primary structure forward, or three feet (3') in the sight distance triangle, measured as follows:

1. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;
  2. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;
  3. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and
  4. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.
- C. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet (14') in height so long as all portions above six feet (6') are constructed with at least fifty percent nonopaque materials.

**19.32.110 – General Information.**

It is the responsibility of the applicant to comply with all other applicable standards of Title 19 and all other municipal ordinances.

## Manufacturing Zoning Districts – Staff Summary

### **Purposes:**

1. Further distinguish between the M-1 and M-2 Zones.
2. Tailor the M-1 Zone to support flex industrial uses.
3. Increase development standards associated with the M-1 and M-2 Districts to ensure compatible, high-quality development.

### **Applicability:**

The M-1 Zone is intended to be applied within the fabric of communities, where industrial flex spaces (at a smaller scale) are desired. The M-2 Zone is meant for the outskirts of developed areas, where more intensive industrial uses (such as resource extraction and processing) are desired and feasible.

### **Resources Utilized:**

- Portland Zoning Ordinance
- Vineyard Zoning Ordinance
- South Jordan Zoning Ordinance
- Salt Lake City Zoning Ordinance
- Conversations with Kearns PC and Council regarding Warehouse District

### **Changes to Note:**

- The M-1 Zone is renamed from 'Manufacturing - Light' to 'Manufacturing - Flex' as a way to repurpose this zone for modern needs.
- The use table furthers distinctions between the M-1 and M-2 Zones. The M-2 Zone allows for heavier industrial uses. The M-1 Zone incorporates more amenities for employees and focuses on uses that could be integrated into the fabric of an existing community.
- Development standards are added, including height limitations: 60 feet for the M-1 and 80 feet for the M-2. Such requirements were previously lacking from the Manufacturing Zones.
- Parking and Loading Standards are added to provide more specificity than what previously existed in the ordinance. This helps ensure development is adaptable to changing uses over time.
- New Landscaping and Screening standards are added to ensure views are protected and transitions between industrial zones and other uses are as seamless as possible.

## Chapter 19.34: Manufacturing Zones

DRAFT for Review Purposes Only – August 2nd, 2022

### Chapter 19.34 Contents

19.34.010 – Purpose of Provisions.....	2
19.34.020 – Establishment of Manufacturing Zones.....	2
19.34.030 – Schedule of Permitted Uses.....	2
19.34.040 – Development Standards.....	5
19.34.050 – Required Yards and Setbacks.....	6
19.34.060 – Height Exceptions.....	7
19.34.070 – Parking and Loading Requirements.....	7
19.34.080 – Landscaping and Screening Standards.....	8
19.34.090 – Additional Standards.....	8

### Sections:

#### 19.34.010 – Purpose of Provisions.

The purpose of the manufacturing zones is to provide places in the municipality for industrial, warehousing, wholesale, and other uses that contribute to the economic stability of the community and wellbeing of its employees and residents. The zones intend to provide employment opportunities and expand the municipal tax base while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.

#### 19.34.020 – Establishment of Manufacturing Zones.

To anticipate and respond to the changing needs of our community and implement industrial and employment center concepts included in the adopted General Plan, Kearns establishes the following zones:

- A. Manufacturing Zone – Flex (M-1): The M-1 Zone is intended to provide a flexible mix of industrial uses, including light manufacturing, warehousing, wholesale, and accessory uses that contribute to employee wellbeing and quality development.
- B. Manufacturing Zone – Heavy (M-2): The M-2 Zone is reserved for areas of the municipality that support more intense industrial uses, such as distribution centers, resource processing, and energy production. Development standards are intended to minimize adverse impacts of these uses and protect the surrounding environment.

#### 19.34.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.

- B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.XX *Specific Use Standards*.
- C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.XX.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development shall be reviewed and approved by the Conditional Use process.
- D. Abbreviations. The abbreviations used in the schedule mean:
1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.34.030 is prohibited in this zone.

<b>Table 19.34.030: Table of Uses for M-1 and M-2 Zones.</b>		
<b>Use Categories</b>	<b>M-1</b>	<b>M-2</b>
<b><u>RESIDENTIAL USES:</u></b>		
Rail-Transit Mixed Use	P	X
<b><u>RETAIL AND SERVICE:</u></b>		
Animal Control or Rescue Facility	P	X
Animal Hospital or Clinic with or without Outdoor Boarding Facilities	P	X
Child Care Center	P	X
Commercial Plant Nursery	X	P
Contractor’s Office	X	P
Vehicle and Equipment Repair – All Types	P	P
<b><u>FOOD AND DRINK:</u></b>		
See Accessory Uses.		
<b><u>RECREATIONAL:</u></b>		
Open Space	P	P
See also Accessory Uses.		
<b><u>LODGING:</u></b>		

No Lodging Uses are allowed in the Manufacturing Zoning Districts.

<u>OFFICE:</u>		
Office – Intensive or Medical	P	X
<u>INDUSTRIAL:</u>		
Agricultural Products Processing	X	P
Assembly Use	P	P
Breweries and Distilleries, Industrial	P	P
Freight Service	X	C
Industrial Flex Space	P	X
Machine Shop	P	P
Manufacturing, Heavy	X	C
Manufacturing, Light	P	P
Meat or Poultry Processing Facility	X	P
Recycling Processing Facility	X	P
Resource Recycling Collection Point	P	P
Self-Service Storage Facilities, Enclosed or Outdoor	P	X
Storage Yard	X	P
Underground Record Storage Vaults	X	C
Vertical Indoor Agriculture	P	P
Vehicle Assembly	X	P
Warehouse and Distribution Facilities	X	P
<u>INSTITUTIONAL:</u>		
Micromobility Support Infrastructure	P	P
Public Service Training Facility	P	P
Public Use	P	P
Public Utility, Major	C	P
Public Utility, Minor	P	P
Water Treatment Facility	X	P
Wireless Telecommunication Site, Facility, or Equipment Shelter	X	P

<u>SPECIALTY:</u>		
Crematorium	P	P
Hospital	C	X
Laboratory, Medical or Dental	P	X
Laboratory, Research and Development	P	X
Park-and-Ride	P	P
Solar Energy System, Commercial	X	C
Wind Energy System, Commercial	X	C
<u>ACCESSORY USES:</u>		
Accessory Uses, including Employee Amenities and Accessory Outdoor Storage	P	P

**19.34.040 – Development Standards.**

A. General Design Standards: The following building design requirements apply in the M-1 and M-2 Zones:

1. View Protection. The proportion and massing of buildings shall be designed to minimize the obstruction of all views. No vertical design elements, dominant rooflines, or other features which exaggerate building height shall be used.
2. Building Massing. In order to maximize the integration of buildings and features with the natural environment and surrounding neighborhoods, all developments in the M-1 and M-2 Zones shall incorporate techniques for reducing the apparent size and bulk of buildings and structures. The following methods are required:
  - a. A consistent level of detail and finish on all sides of a building shall be provided.
  - b. Continuous building wall surfaces shall be relieved with variations of wall planes or overhangs that create shadow areas and add visual interest.

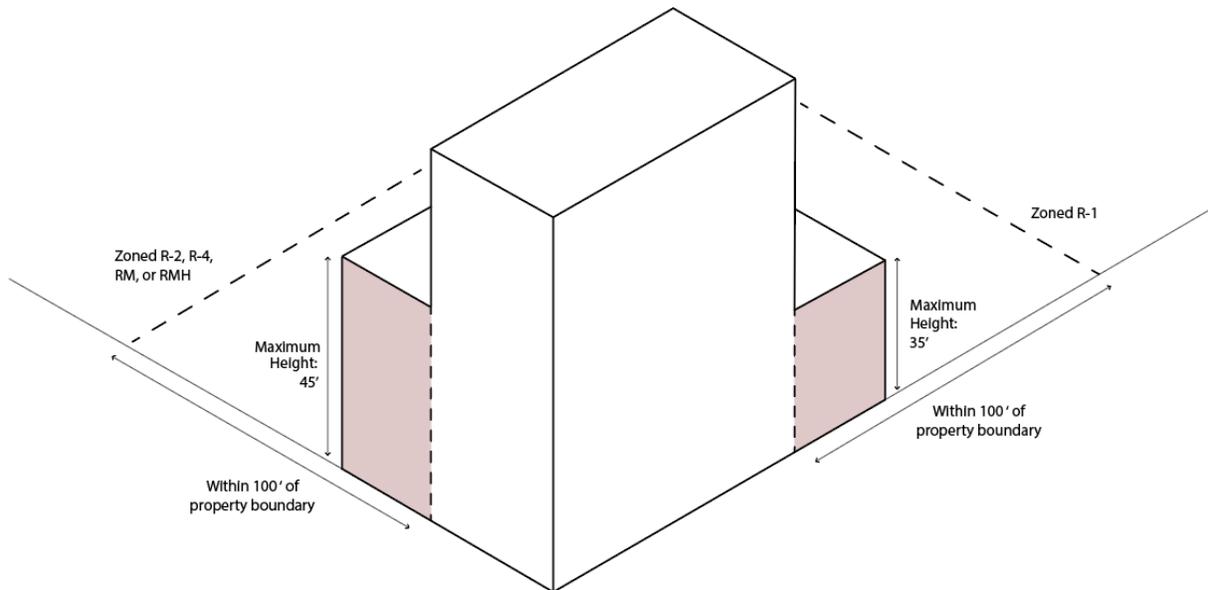
B. Development in the M-1 or M-2 Zones shall comply with the development standards of Table 19.34.040 and all other applicable standards in this Title.

<b>Table 19.34.040: M-1 and M-2 Zone Development Standards.</b>		
<b>Standard</b>	<b>M-1</b>	<b>M-2</b>
Minimum Lot Size (in square feet) <sup>C</sup>	12,000	25,000
Minimum Lot Width (in feet) <sup>C</sup>	75	100
Building Height (in feet) <sup>D</sup>	<i>Minimum:</i> No primary building within this zone shall be erected to a height	<i>Minimum:</i> No primary building within this zone shall be erected to a height less

	less than fifteen feet (15') above grade.  <i>Maximum:</i> No building within this zone may exceed sixty feet (60') above grade.	than fifteen feet (15') above grade.  <i>Maximum:</i> 80
Minimum Floor Area Ratio	0.5:1	NA
Maximum Building Lot Coverage	80%	80%

- C. Existing Lots: Lots legally existing as of [adoption date of this ordinance], shall be considered legal conforming lots.
- D. Step-down Height Adjacent to Residential Areas: Within one hundred feet (100') of sites zoned residential, the following standards shall apply:
1. On the portion of the site within one hundred feet (100') of a site zoned R-1, including any sub-zone of R-1, no structure or any portion thereof may exceed thirty-five feet (35') in height.
  2. On the portion of the site within one hundred feet (100') of a site zoned R-2, R-4, RM, or RMH, no structure or any portion thereof may exceed forty-five feet (45') in height.

**Figure 19.34.040: Stepdown Heights Adjacent to Residential Areas.**



**19.34.050 – Required Yards and Setbacks.**

Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

<b>Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.</b>		
<b>Standard</b>	<b>M-1</b>	<b>M-2</b>

Front Yard Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard Setback – Interior Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Side Yard Setback – Corner Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Rear Yard Setback (in feet)	Minimum: 25 Maximum: NA	Minimum: 35 Maximum: NA
Minimum Distance between Primary and Accessory Buildings (in feet)	10	10

**19.34.060 – Height Exceptions.**

Exceptions to the building heights specified in Table 19.34.040 apply, in accordance with 19.XX.XXX.

**19.34.070 – Parking and Loading Requirements.**

In addition to the standards specified in 19.XX.XX, the following parking and loading standards shall apply in the M-1 and M-2 Zones:

- A. Loading spaces and berths shall be at least thirty-five feet (35’) in length, ten feet (10’) in width, and fourteen feet (14’) in height, exclusive of aisle and maneuvering space and required parking space;
- B. Loading spaces and berths may occupy all or any part of any required yard space, except front and corner side yards, and may not be located closer than fifty feet (50’) to any property zoned residential unless screened by a masonry wall not less than ten feet (10’) in height. And loading spaces or berths located in side yards may not be visible from a public street;
- C. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley – subject to approval by the Director or Designee - in a manner which will eliminate or minimize conflicts with traffic movement and prevent loading vehicles from traversing residential zones. Maneuvering and backing space to the loading dock shall be accommodated on site whenever possible;
- D. All loading areas, aisles, and access drives shall be paved so as to provide a durable, dust-proof surface and shall be so graded and drained so as to dispose of surface and storm water without damage to private or public properties, streets, or alleys;
- E. If the loading or parking area is illuminated, lighting shall be deflected down and/or away from abutting residential sites so as to not cause nuisance, glare, or light pollution;
- F. Off-street loading facilities shall be located on the same site with the use for which the loading spaces and berths are required; and
- G. Space allocated to any off-street loading berth may not be used to satisfy the space requirements for any off-street parking facility. The minimum number of loading berths required in the M-1 and M-2 Zones is shown in Table 19.34.070:

Usable Floor Area (in square feet)	Minimum Number of Berths Required	
	M-1	M-2
5,000 to 40,000	1	1
40,001 to 100,000		2
Each Additional 100,000	Add 1	Add 1

**19.34.080 – Landscaping and Screening Standards.**

In addition to the standards in 19.XX.XX, the following landscaping and screening standards apply:

- A. Mechanical Equipment and Refuse Containers: Air conditioning units, generators, waste and recycling containers, and other auxiliary mechanical and building equipment shall be placed on the site so as to minimize noise, appearance, and odors, particularly for adjacent properties and public rights-of-way.
  - 1. Screening: Mechanical equipment and refuse containers shall be screened from public rights-of-way and adjacent properties by screening walls, landscaping, and other screening treatments.
  - 2. Color: All building-mounted mechanical or communications equipment shall be a color that blends with the color and design details of the primary building.
  - 3. Material: High-quality screening materials shall be used to enhance site design and minimize impacts on adjacent properties. Chain-link fencing is prohibited in front yards and side yards of corner-lots and does not count towards meeting the screening requirements of this section. Where feasible, landscaping is preferred to other screening methods.

**19.34.090 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances.

- A. 19.40: Specific Use Standards
- B. 19.46: Site Development Standards
- C. 19.48: Off Street Parking Requirements
- D. 19.50: Landscaping and Screening
- E. 19.51: Supplementary and Qualifying Regulations
- F. 19.52: Signs

## Magna Mixed-Use Zoning Districts – Staff Summary

### **Purposes:**

1. Establish a new chapter that provides for mixed-use development at a compact, walkable scale.
2. Promote successful business by integrating a customer base (residential uses) close by.
3. Create new gathering places within existing communities.

### **Applicability:**

- The DH Zone is intended only for areas in and around the Magna Historic District.
- The NMU Zone is for small-scale mixed use at a variety of locations. The NMU could be integrated on corners surrounding residential neighborhoods in order to expand services and access to goods.
- The CMU Zone is the highest-intensity mixed-use zoning district and should be implemented along transit routes. Preferably, this zone would be reserved for Major Transit Investment Corridors (places with 15min or less transit frequency). This zone would be applied primarily along the non-historical portions of Magna Main Street

### **Resources Utilized:**

- Portland Zoning Ordinance
- Vineyard Zoning Ordinance
- Magna Historic District Existing Building Fabric
- Missing Middle Housing – Type Dimensions
- Principles of Urban Retail – Robert Gibbs
- Albany, OR Zoning Ordinance
- Holladay Zoning Ordinance

### **Changes to Note:**

This Chapter expands upon the existing historic district mixed use zone, creating other opportunities for mixed use projects.

## CHAPTER 19.36: MIXED-USE ZONES

DRAFT for Review Purposes Only – August 2nd, 2022

### Sections:

#### 19.36.010 – Purpose of Provisions.

The mixed-use zones are intended for areas within the community where a combination of residential, commercial, civic, and other uses is desirable to strengthen local tax base and employment opportunities, provide diverse housing types, create gathering places, and connect businesses with nearby customers. The mixed-use zones are distinguished by the uses they allow as well as their development standards, which are intended to promote a high-quality, compact, walkable, and interesting built environment.

#### 19.36.020 – Establishment of Mixed-Use Zoning Districts.

In order to anticipate and respond to the changing needs of our community and implement mixed-use and livability concepts included in the adopted General Plan, the following zoning districts are established:

- A. Downtown Historic District (DH): The DH Zone is intended to promote a dense mixture of uses consistent with the District’s historic role in Magna. Emphasis is placed on entertainment, theaters, restaurants, retail, and specialty shops. Medium-density residential and office infill on upper floors is encouraged, as is the continued presence of the library, museum, senior center, and supporting uses. The purpose of this Zone is to implement the vision of the Magna General Plan (2021) and further the municipality’s Main Street Program.
- B. Neighborhood Mixed Use District (NMU): The NMU Zone is intended to create a residential district that allows a small-scale, horizontal or vertical mixture of neighborhood commercial uses to serve the daily needs of area residents. This Zone is intended only for small-scale, low-impact uses, to promote a better mixture of uses close to home and within a walkable environment.
- C. Corridor Mixed Use District (CMU): The CMU Zone is intended to promote compact and walkable development, diverse housing options, and proximity to shopping and services along transit corridors, especially where infill development is desirable. The CMU allows for greater intensity of uses and building footprints without disrupting surrounding neighborhoods.

#### 19.36.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.XX.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use (“C”) approval and the other portion is subject only to Permitted Use (“P”) review, the entire development shall be reviewed and approved by the Conditional Use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
  1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.36.030 is prohibited in this zone.

<b>Table 19.36.030. Uses.</b>			
<b>Use Categories</b>	<b>DH</b>	<b>NMU</b>	<b>CMU</b>
<b><u>RESIDENTIAL USES:</u></b>			
Accessory Dwelling Unit, Detached or Internal	X	P	X
Dwelling, Multiple Family	P	X	P
Dwelling, Single Family	X	P	X
Dwelling, Single Family Attached	X	P	P
Dwelling, Three- and Four-Family	P	P	P
Dwelling, Two-Family (Duplex)	P	P	X
Educational Facility with Residential Accommodation	X	X	P
<b><u>RETAIL AND SERVICE:</u></b>			
Bank, Credit Union, or Other Financial Institution	P	P	P
Car and Light Truck Wash	X	X	P
Child or Adult Care Facility	P	P	P
Laundry Cleaning, Automatic Self-Help	P	P	P
Laundry Cleaning Drop-Off	P	P	P
Liquor and/or Wine Store	X	X	P
Mobile Store	P	X	P
Personal Care Services	P	P	P
Personal Instruction Services	P	P	P
Post Office	P	P	P
Reception Hall, Reception Center	P	X	P
Retail Sales	P	P	P
Retail Shops or Galleries where Primary Product is Produced On-Site	C	C	C
Self-Service Gas Station, with or without Convenience Store	X	X	P
Shopping Center	X	X	CU

<u>FOOD AND DRINK:</u>			
Bars and Clubs	P	X	P
Breweries and Distilleries, with or without restaurant	P	X	P
Food Truck, Mobile Restaurant, Food Cart	P	X	P
Restaurant, Fast Food	P	P	P
Restaurant, Sit Down with or without Alcohol	P	P	P
<u>LODGING:</u>			
Bed and Breakfast	P	P	P
Hotel/Motel	P	X	P
<u>OFFICE:</u>			
Offices – General, Professional, and Trade Services	P	P	P
<u>RECREATIONAL:</u>			
Commercial Recreation and Entertainment, Indoor	P	X	P
Outdoor Recreation, Small Scale	X	X	P
Theatres and Concert Halls (Indoor)	P	X	P
<u>INDUSTRIAL USES:</u>			
Light or Heavy Industry	X	X	X
<u>INSTITUTIONAL USES:</u>			
Animal Hospital or Clinic	C	X	C
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P
Community Garden	P	P	P
Educational Facility	P	P	P
Public or Quasi-Public Use	P	P	P
Public Park	P	P	P
<u>SPECIALTY:</u>			
Medical, Urgent Care, and Dental Clinic	P	X	P
Mortuary or Funeral Home	P	X	P
Park and Ride	X	X	P
Parking Lot (not associated with other use)	X	X	X
<u>ACCESSORY USES:</u>			
Accessory Buildings, Garages, Carports, and Structures subject to 19.XX.	P	P	P

Drive-Thru and Drive-Up Facilities <sup>E</sup>	X	P	P
Home Business, subject to 19.XX.	P	P	P
Sidewalk Displays and Sidewalk Cafes	C	C	C
<b>NONCONFORMING USES:</b>			
Pre-Existing Lot	P	P	P

**19.36.040 – Development Standards.**

- A. Any development in the DH, NMU, or CMU Zones shall comply with the development standards shown in Table 19.36.040 and any other applicable standards in this Title.
- B. Buildings in any Mixed-Use Zone shall be oriented so as to be front-facing on the public street.
- C. Exception for Historic District Contributing Buildings. A development standard in Table 19.36.050 may be waived by the Director or Designee only if the Director or Designee finds that complying with that standard would result in a building that currently contributes to Magna’s National Historic District no longer contributing to the District designation.

**19.36.050 – Development Standards.**

- D. Buildings in any Mixed-Use Zoning District shall be oriented so as to be front-facing on the public street.
- E. Exception for Historic District Contributing Buildings. A development standard in Table 19.36.050 may be waived by the Planning Director or Designee only if the Director or Designee finds that complying with that standard would result in a building that currently contributes to Magna’s National Historic District no longer contributing to the District designation.

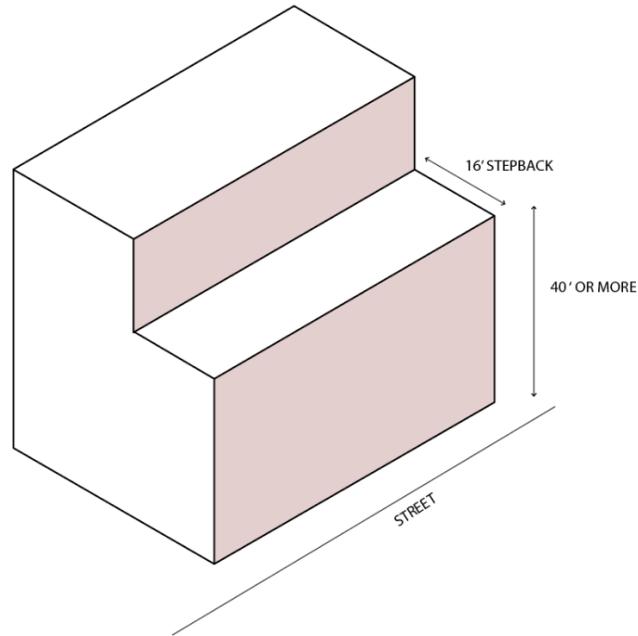
<b>Table 19.36.050 – Mixed Use Zoning District Development Standards.</b>			
<b>Standard</b>	<b>DH</b>	<b>NMU</b>	<b>CMU</b>
<b>Maximum Building Size, in square feet (sq. ft.)</b>			
Non-Grocery	25,000	5,000	
Grocery-Anchored	NA	5,000	NA
<b>Height Limitations, in feet (ft)</b>			
Minimum	25	25	20
Maximum <sup>45</sup>	50	35	60
Ground Floor Height Minimum for Commercial / Mixed Use Buildings Only	12	12	12
<b>Floor Area Ratio</b>			
Maximum FAR	NA	1.5:1	NA
Minimum FAR	1.5:1	1:1	2:1
<b>Minimum Transparency Requirements <sup>1</sup></b>			
First Floor / Ground Story	70%	50%	70%
Additional Floors	35%	25%	35%
<b>Entries</b>			

Maximum distance between ground floor entries on the primary façade, in feet (ft). <sup>2</sup>	35; Entrances shall also be present at each corner.		
Primary Façade Entries, Articulation.	Recessed a minimum of 4' depth and 5' width. A canopy or awning is required.	NA	Recessed a minimum of 4' depth and 7' width. A permanent overhang is required.
Non-primary Façade Entries	1 entry minimum at the ground floor is required on each non-primary façade, excluding those with a shared common wall.		
<b>Articulation</b>			
Horizontal Articulation	Structural columns or variation in façade (depth/change in material) shall be articulated at the primary façade for the full height of the building to the cornice (or to the full height of the building to the first stepback); minimum 50' spacing.		
Vertical Articulation	Cornice/Frieze Banding is required between the second and third floors on buildings with three or more stories.		
Roof	Pitched roofs are prohibited. Cornice at roof line is required.	NA	Pitched roofs are prohibited. Cornice at roof line is required.
<b>Usable Outdoor Space, minimum requirement per unit in square feet (sq. ft)<sup>3</sup></b>			
Single-Family Attached or Detached	150	150	NA
Two-, Three-, or Four-Family	75	100	60
Multi-Family	40	45	40

1. **Transparency:** Transparency means the use of materials that allow for persons from the street to see into the active uses of the building. Areas covered by menus, murals, or other signage that prevents visibility into the active use do not count toward the required transparency, unless the municipality has authorized a temporary advertisement or other festive decoration.
2. **Entries on Corner Lots:** Buildings on corner lots shall be oriented to the corner that faces on two public streets. Corner entries are required. Corner entries shall be angled toward the intersection of the two public streets in order to emphasize the corner.
3. **Usable Outdoor Space:** Means outdoor space provided for the enjoyment of the tenant. The required outdoor space may be provided through private outdoor balconies or patios attached to the unit or may be combined in an outdoor community space shared by all residents / units.
  - a. **Balconies:** If balconies are provided, they shall be recessed or incorporated into the horizontal setback.

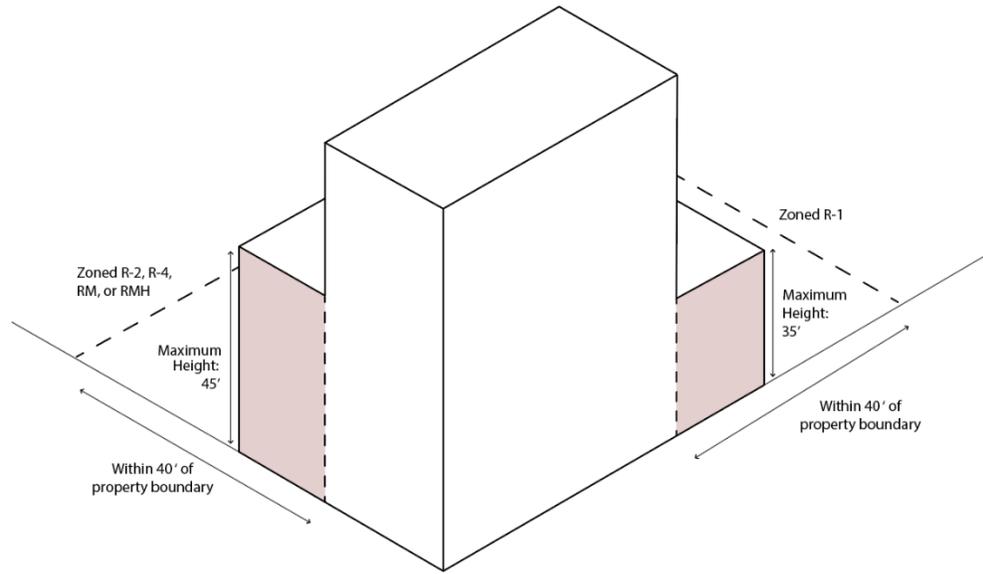
4. Stepbacks: A sixteen-foot (16') stepback shall be required for any height above forty feet (40'). See Figure 19.36.050 A for reference.

**Figure 19.36.050 A: Stepback Illustration.**



5. Step-down Height Adjacent to Residential Areas: Within forty feet (40') of sites zoned residential, the following standards shall apply. Stepped-down height is not required in the CMU Zone:
- On the portion of the site within forty feet (40') of a site zoned R-1, the maximum height shall be thirty-five feet (35').
  - On the portion of the site within forty feet (40') of a site zoned R-2, R-4, RM, or RMH the maximum height shall be forty-five feet (45').

**Figure 19.36.050 B: Step-down Heights Illustrated**



**19.36.060 – Required Yards and Setbacks.**

- A. Purpose: The purpose of the standards in this section is to create and maintain street frontages that are attractive, promote a walkable environment, and create sense of safety and comfort through appropriate scale.
- B. The minimum yard requirements for buildings within the Mixed-Use Zones are presented in Table 19.36.060.
- C. Exception for Historic District Contributing Buildings. A lot width, yard, or setback standard in Table 19.36.060 may be waived by the Director or Designee only if the Director or Designee finds that complying with that standard would result in a building that currently contributes to a National Historic District Designation or National Historic Landmark no longer contributing to the District Designation or Landmark.
- D. Exception for Setbacks for Common Walls. The side setback is zero feet (0') for any building which shares a side common wall.

<b>Table 19.36.060 – Lot Width, Yard, and Setback Requirements.</b>			
	<b>DH</b>	<b>NMU</b>	<b>CMU</b>
<b>Minimum Lot Frontage Along Public Street</b>	18	25	20
<b>Minimum Setbacks, in feet (ft.)</b>			
Front Yard	0	10	0
Side Yard, Interior	0	10	10
Side Yard, Corner Lot	0	10	0
Rear Yard	10	10	10

<b>Maximum Setbacks, in feet (ft.)</b>			
Front Yard	5	20	10
Side Yard, Interior	10	10	10
Side Yard, Corner Lot	5	10	10
Rear Yard	20	20	30
<b>Minimum Distance Between Main and Accessory Buildings, in feet (ft)</b>	10	6	10

**19.36.070 – Height Exceptions.**

Exceptions to the building heights specified in Table 19.XX.050 apply, in accordance with 19.76.190.

**19.36.080 – Off Street Parking Standards.**

All provisions of Chapter 19.XX shall apply to development in any of the Mixed-Use Zones. For developments that combine multiple uses, parking requirements shall be calculated for each specific use according to the criteria in 19.XX. The Director or Designee may authorize shared parking for combined uses if those uses are found to operate at distinct hours of the day or night.

**19.36.090 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances.

- A. 19.40: Specific Use Standards
- B. 19.46: Site Development Standards
- C. 19.48: Off Street Parking Requirements
- D. 19.50: Landscaping and Screening
- E. 19.51: Supplementary and Qualifying Regulations
- F. 19.52: Signs