

Chapter 18.31 - CP-1, CP-2 and CP-3 Zones

18.31.010 Purpose and Intent.

A. The intent of the planned commercial zones is to permit the establishment of a well designed complex of retail commercial facilities for a neighborhood, community, or region which will provide goods and services for the people to be served, minimize traffic congestion on thoroughfares and public streets in their vicinity and which shall best fit the general environment and land use pattern of the area to be served.

B. The protective standards for site use and development contained in this chapter are intended to minimize any adverse effect of the planned commercial zone itself. If required, submission of a market analysis is intended to serve as a guide to the planning commission in the evaluation of an application in terms of the need or desirability to change the comprehensive zoning plan in the public interest, and the amount of land included in the rezoning application which could be realistically supported in commercial use. Such information is further intended to substantiate a finding that the proposed development will promote the general welfare of the city.

C. The three types of planned commercial zones provided for in this chapter are as follows:

1. Planned Neighborhood Commercial CP-1, provides for the sale and supply of daily living needs of the people living in the neighborhood.
 2. Planned Community Commercial CP-2, provides in addition to convenience goods, a wider range of facilities for the sale of retail goods and personal services for the neighborhood and community.
 3. Planned Regional Commercial CP-3, provides for the sale and supply of the complete range of retail and wholesale goods and personal services for the metropolitan area and also a center for recreational entertainment and cultural activities.
- (Ord. 91-1, 6/11/91)

18.31.020 General Regulations.

A. At the time a CP zone is established and before building permits are issued, deed restrictions on the property covered under the proposed new zone change shall be filed by the owners of the property with the recorder and shall provide that development take place on the property only in accordance with a final site development plan approved by the planning commission and city council and on file with the city recorder.

B. A CP zone may be established only upon land held in single ownership or under unified control or where the planning commission determines that development on separate adjoining properties should be coordinated to form a physically unified commercial facility which will be more appropriate and compatible with the surrounding land uses.

C. A CP zone shall not be established upon a tract of land which would contain a non-conforming use after the passage of such amendment to the zoning ordinance unless the development planned for the tract includes the elimination of the non-conforming use.

D. The location of the CP zone shall have an acceptable relationship to the master street plan for the city as determined by the planning commission.

E. The petitioner or developer shall be required to pay the cost of the construction and/or installation of the following facilities on the streets providing access to the commercial center which may be necessary to control traffic generated by the commercial center.

1. Street widening.
2. Ingress and egress driveways.
3. Acceleration and deceleration lanes.

4. Traffic control devices and signs, including channelization.

The determination of standards required shall be made by the city council after recommendation by the planning commission and city engineer, and the Utah Department of Highways in the case of CP zones bordering state highways.

F. The petitioner shall submit to the planning commission with the rezoning petition a preliminary development plan for the commercial center showing a unified and organized arrangement and proposed use of buildings, off-street parking, internal traffic circulation and service facilities, etc.

G. If required, the applicant shall submit a market analysis acceptable to the planning commission and conducted and signed by a recognized and independent market analyst which shall serve as a guide to the planning commission for the evaluation of the application or part thereof in terms of:

1. The need or desirability to change the comprehensive zoning plan in the public interest.

2. The amount of land included in the rezoning application which can be realistically supported in commercial use.

3. The finding that the proposed development will promote the general welfare of the public. For the purposes of this section, the market analysis shall contain the following elements:

a. The trade area of the proposed shopping center.

b. Trade area population, present and potential.

c. Effective buying power in the trading area.

d. Net potential customer buying power for stores in the proposed shopping center.

e. The residue of buying power to be expended in existing shopping centers or commercial areas serving the trade area.

H. Prior to the submission of the proposed ordinance rezoning an area to a CP zone, the developer shall submit all evidence deemed necessary by the city engineer and/or planning commission of his ability to undertake the proposed project.

I. No building or land use permits shall be issued for any use of structure in a CP zone until a final site development plan for the entire district or for the initial phase of the stage development plan is proposed and has been submitted to and approved by the planning commission as complying with the regulations and requirements of this chapter and all other applicable provisions of this ordinance. The final site development plan shall show in detail the proposed use, area and location of buildings, off-street parking, internal traffic circulation, landscaping and service facilities indicated more generally on the approved preliminary development plan.

J. No changes shall be made in the final site development plan during the course of construction pursuant thereto without first obtaining the prior approval of the planning commission. Copies of the approval final site development plan shall be kept on file in the office of the planning commission and building inspector's department and any changes which may be approved shall be noted thereon.

K. The planning commission may specify at the time of zoning approval conditions of approval of the final site development plan including the sequence of development and may require that initial building permits must include the major facilities of a proposal.
(Ord. 91-1, 6/11/91)

18.31.030 Review.

A. A building permit shall be secured and construction begun in accordance with the

approved final site development plan within eighteen months for non-regional centers and thirty-six months for regional centers, from the effective date of the ordinance establishing such zone or other period of time as determined by the planning commission. Application may be made to the planning commission for extension of the time limit for commencement of construction as follows: One six month extension for non-regional centers and two six month extensions for regional centers. Any further applications for extensions beyond these time limits would require a showing to the planning commission's satisfaction of unique conditions or situation and of imminent success in tenant leasing and construction commencement. All such applications shall include detailed documentation as to the circumstances and reasons for such request as required by the planning commission.

B. In the event that construction is not started within the specified time limits, the planning commission shall review the classification of the zone and the progress which has taken place and if deemed necessary, institute proceedings to restore the zone to its prior classification or to a zone consistent with the comprehensive zoning plan.

C. All construction authorized in the approved final site development plan shall be completed within three years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the planning commission at the time the CP zone is recommended or may be approved by the planning commission prior to or during the course of construction of the commercial center.

D. In the event the construction is not completed within the time limit specified herein or by the planning commission, the planning commission shall review the zoning and development which has taken place and, if necessary initiate proceedings to reclassify the property or part thereof in a manner consistent with the comprehensive zoning plan. (Ord. 91-1, 6/11/91)

18.31.040 Use Regulations.

A. In planned commercial zones CP-1, CP-2 and CP-3, no building structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the uses shown in attachment #1 at the end of this chapter. (Ord. 91-1, 6/11/91)

18.31.050 Yard and Height Regulations.

A. Maximum Heights.

1. CP-1 and CP-2 - 35 Feet;
2. CP-3 - 65 feet

B. Minimum Yard Setbacks.

1. Front, twenty feet for all buildings and walls or fences over three feet in height.
2. Side, none except ten feet adjacent to residential boundary.
3. Side facing street on corner lot twenty feet.
4. Rear, none except ten feet where building rears on a residential zone.

(Ord. 91-1, 6/11/91)

5. Any yard which abuts 600 West, 1000 West or that part of 1100 West below Pleasant View Dr., requires a minimum setback of forty feet for all buildings and walls or fences over three feet in height. (Ord 96-14, 9/24/96)

18.31.060 Special Parking Requirements. There shall be provided off-street parking facilities in the ratio of not less than three square feet of parking for each one square foot of sales floor area within the development; or as determined by the planning commission and/or city council. (Ord. 91-1, 6/11/91)

18.31.070 Protection of Adjoining Residential Properties-Buffer zone. The intent of which is to separate noisy or unsightly commercial/manufacturing functions from residential functions. This buffer zone shall be created under the direction of and with the approval of the planning commission. The buffer zone shall be adapted to both the closeness to the residential use and to the nature of the commercial function. The buffer may be by planting, fence, distance or a combination of the three. Fences or planting, if used, shall conform to the requirements as set forth by the planning commission. (Ord. 91-1, 6/11/91)

18.31.080 Site Plan Approval Required.

A. A site plan shall be submitted to the planning commission which shows the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height, bulk and character of building, the provision for off-street parking space, the provision of driveways for ingress and egress, the provision for other open space on the site and the display of signs. Each of the foregoing features shall be in accordance with the site plan (or subsequent amendment thereof) of the proposed development approved by the planning commission prior to the issuance of a building permit.

B. A site plan shall include landscaping, fences, and walls designed to further the purpose of the regulations for commercial, manufacturing zones and such features shall be provided and maintained as a condition of the establishment and the maintenance of any use to which they are appurtenant.

C. In considering any site plan, the planning commission shall endeavor to assure safety and convenience of traffic movement, both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods, and that the requirements of this ordinance have been met.

D. In approving site plans, the planning commission may act on a site plan submitted to it or it may act on its own initiative in proposing and approving a site plan, including any conditions or required designated or specified therein or in connection therewith. (Ord. 91-1, 6/11/91)

18.31.090 Conditions. For each "C" use listed in the 'Use Regulation' chart below these are additional conditions that shall be met before any conditional use permit is approved.

Conditions shall have a twelve (12) month period to comply with the conditions on the ordinances placed within the title or the approval of any conditional use shall be removed. The applicant can apply for a six (6) month extension.

A. Online Auto Sales. Online Auto Sales means a business where the sale of vehicles are done online only. There shall be an office for the paperwork end of the business and test driving only.

1. Entrances.

a. There shall be no access onto 2700 N or 600 W.

b. A permit from UDOT shall be required to have an entrance onto Highway 89 along with any other requirements from UDOT.

2. Parking.

a. There shall not be any on-street parking count towards their parking count.

b. There shall be a minimum of three (3) parking stalls.

c. There shall not be any shared parking with other businesses.

3. The parking lot shall be paved with asphalt or concrete.

4. There shall be curbing and gutter outlining the parking lot along with sidewalk, where standards would be required.

5. Landscaping.

a. There shall be no less than 15% of landscaping for the location. Xeriscaping will only count towards the 15% of landscaping if a plan is submitted and approved by the city council as part of the conditional use approval.

b. A secondary water connection is required for landscaping. The City's culinary water shall not be used.

c. Landscaping shall be maintained in a healthy, neat, and orderly condition, free of weeds and litter.

d. Landscaping shall require 2 trees from listed below for every 1,000 ft. of landscaping along with at least 2 items for every 12,000 sq. ft. lot along with grass.

i. Trees for a 5 ft. park strip.

1. Maple
2. European Alder
3. Northern Red Oak
4. White Oak
5. Hybrid Poplar
6. Yellow Buckeye
7. Golden Maiden hair
8. Princeton American Elm
9. Mulberry, Fruitless
10. Honey Locust
11. Emerald Flair Elm
12. Emerald Sunshine Elm
13. Frontier Elm
14. Zelkova

ii. Trees for larger park strip and approved by the city in advance.

1. Maple
2. European Alder
3. Northern Red Oak
4. White Oak
5. Hybrid Poplar
6. Yellow Buckeye
7. Golden Maiden hair
8. Princeton American Elm
9. Mulberry, Fruitless
10. Honey Locust
11. Emerald Flair Elm
12. Emerald Sunshine Elm
13. Frontier Elm
14. Zelkova
15. Bur Oak
16. Hardy Rubber Tree
17. Lindon Silver

iii. Shrubs.

iv. Ground cover plants.

v. Ornamental grass.

vi. Flowers.

6. Snow removal.

a. Snow shall be removed to an area to be kept clear for safety of pedestrians and drivers.

b. Snow shall not be pushed into the street and shall be kept on property, unless approved by the City.

7. Vehicles.

a. There shall not be any vehicle or equipment rental.

b. There shall only be motorcycles, passenger vehicles, and trucks with weight of 0 – 14,000 pounds can be sold.

c. There shall be no buses, commercial vehicles, contractor vehicles/equipment or trucks weighing 14,001 and heavier.

d. There shall be not more than three (3) vehicles out in the parking lot waiting for test drive at a time. There shall be no signage on the vehicles of any kind.

e. Each car shall be in working order and generally devoid of noticeable damage including but not limited to considerable body rust, broken windows, flat tires, missing bumpers, or major body damage.

f. Vehicles manufactured without supplemental restraint system (air bags) shall not be sold.

g. Vehicles shall be equipped with proper safety restraints (seat belts), working headlights, taillights, stop lights, and turn signals.

h. There shall be no cracks larger than 5" on any windshield.

i. Storage of Vehicles.

i. There shall be no more than 2,600 sq. ft. area for vehicle storage.

ii. Vehicles shall be stored in a secure and private area.

iii. There shall be a 7 ft. non-climbable fence around the storage area.

iv. The ground within the storage area shall use road base or other materials that the City Staff and Engineer approve.

8. Use and safety.

a. There shall not be any blocking the flow of traffic when vehicles are being dropped off at location.

b. Drop offs shall be only done on the property of online auto sales and shall not be dropped off on public or private roads.

c. Drop offs shall only be during business hours.

d. There shall be no outside display or sale of parts or tires.

e. Amplified speaker/public address systems are prohibited, except for in fully enclosed buildings.

f. Lighting.

i. All lighting shall be kept on their property and have no light trespassing onto other properties.

ii. Lighting shall be dark sky compliant. See the Pleasant View City Public Works Standards.

9. Signage.

a. There shall only be one sign per location which shall be located on building.

i. Sign on building.

ii. maximum size of 24 sq. ft. total.

b. There shall be a shared sign only if all property owners approve of the

sign.

i. Shared sign – which all CP-1's within the area agree.

1. Maximum size actual sign

a. Height: 6 ft.

b. Width: 4 ft.

2. Maximum height of base 6 ft.

c. Electronic Signs are prohibited.

B. Parking Lots. Parking lots mean the only use of the property is to park vehicles temporarily (not more than 72 hours).

1. The parking lot shall be paved with asphalt or concrete.

2. There shall be curb, gutter out lining the parking lot along with sidewalk, where standards would be require.

3. The parking lot shall have garbage reciprocal for every 12,000 sq. ft. of ground.

4. Landscaping.

a. There shall be no less than 15% of landscaping for the location.

Xeriscaping will only count towards the 15% of landscaping if a plan is submitted and approved by the city council as part of the conditional use approval.

b. A secondary water connection is required for landscaping. The City's Culinary water shall not be used.

c. Landscaping shall be maintained in a healthy, neat, and orderly condition, free of weeds and litter.

d. Landscaping shall require 2 trees from listed below for every 1,000 ft. of landscaping along with at least 2 items for every 12,000 sq. ft. lot along with grass:

i. Trees for a 5 ft. park strip.

1. Maple

2. European Alder

3. Northern Red Oak

4. White Oak

5. Hybrid Poplar

6. Yellow Buckeye

7. Golden Maiden hair

8. Princeton American Elm

9. Mulberry, Fruitless

10. Honey Locust

11. Emerald Flair Elm

12. Emerald Sunshine Elm

13. Frontier Elm

14. Zelkova

ii. Trees for larger park strip: approved by the city in advance.

1. Maple

2. European Alder

3. Northern Red Oak

4. White Oak

5. Hybrid Poplar

6. Yellow Buckeye

7. Golden Maiden hair

8. Princeton American Elm

- 9. Mulberry, Fruitless
- 10. Honey Locust
- 11. Emerald Flair Elm
- 12. Emerald Sunshine Elm
- 13. Frontier Elm
- 14. Zelkova
- 15. Bur Oak
- 16. Hardy Rubber Tree
- 17. Lindon Silver
- iii. Shrubs.
- iv. Ground cover plants.
- v. Ornamental grass.
- vi. Flowers.
- e. Lighting.
 - i. All lighting shall be kept on their property and have no light trespassing onto other properties.
 - ii. Lighting shall be dark sky compliant.
- 5. Snow removal.
 - a. Snow shall be removed to an area to be kept clear for safety of pedestrians and drivers.
 - b. Snow shall not be pushed into the street and shall be kept on property, unless approved by the City.
- 6. Signage.
 - a. All signage is prohibited.
- C. Storage, vehicles. Storage means no other use but to store items.
 - 1. The parking lot shall be paved with asphalt or concrete.
 - 2. There shall be curb, gutter out lining the parking lot along with sidewalk, where standards would be require.
 - 3. All requirements from Chapter 18.42 – Supplementary Use Regulation, Section 18.42.015 shall be met.
 - 4. Landscaping.
 - a. There shall be no less than 15% of landscaping for the location. Xeriscaping will only count towards the 15% of landscaping if a plan is submitted and approved by the city council as part of the conditional use approval.
 - b. A secondary water connection is required for landscaping. The City's Culinary water shall not be used.
 - c. Landscaping shall be maintained in a healthy, neat, and orderly condition, free of weeds and litter.
 - d. Landscaping shall require 2 trees from listed below for every 1,000 ft. of landscaping along with at least 2 items for every 12,000 sq. ft. lot along with grass.
 - i. Trees for a 5 ft. park strip.
 - 1. Maple
 - 2. European Alder
 - 3. Northern Red Oak
 - 4. White Oak
 - 5. Hybrid Poplar
 - 6. Yellow Buckeye
 - 7. Golden Maiden hair

8. Princeton American Elm
 9. Mulberry, Fruitless
 10. Honey Locust
 11. Emerald Flair Elm
 12. Emerald Sunshine Elm
 13. Frontier Elm
 14. Zelkova
 - ii. Trees for larger park strip: approved by the city in advance.
 1. Maple
 2. European Alder
 3. Northern Red Oak
 4. White Oak
 5. Hybrid Poplar
 6. Yellow Buckeye
 7. Golden Maiden hair
 8. Princeton American Elm
 9. Mulberry, Fruitless
 10. Honey Locust
 11. Emerald Flair Elm
 12. Emerald Sunshine Elm
 13. Frontier Elm
 14. Zelkova
 15. Bur Oak
 16. Hardy Rubber Tree
 17. Lindon Silver
 - iii. Shrubs.
 - iv. Ground cover plants.
 - v. Ornamental grass.
 - vi. Flowers.
- e. Lighting.
 - i. All lighting shall be kept on their property and have no light trespassing onto other properties.
 - ii. Lighting shall be dark sky compliant.
5. Signage.
 - a. There shall only be one sign per location which shall be located on building.
 - i. Sign on building.
 - ii. maximum size of 24 sq. ft. total
 - b. There shall be a shared sign only if all property owners approve of the sign.
 - i. Shared sign – which all CP-1's within the area agree.
 1. Maximum size actual sign.
 - a. Height: 6 ft.
 - b. Width: 4 ft.
 2. Maximum height of base 6 ft.
 - ii. There shall not be any temporary signage.
 - iii. Balloons, banners, flags, and motion signs are prohibited.
6. Snow removal.
 - a. Snow shall be removed to an area to be kept clear for safety of pedestrians and drivers.
 - b. Snow shall not be pushed into the street and shall be kept on property, unless

approved by the City.

D. Use Car Lot.

1. Entrances.

a. There shall be no access onto 2700 N or 600 W.

b. A permit from UDOT shall be required to have an entrance onto Highway 89 along with any other requirements from UDOT.

2. Parking.

a. There shall be a maximum of one car available to be sold for every 1,200 sq. ft. minimum of the parking lot after all other parking is calculated, excluding building.

b. A standard parking stall shall be 180 sq. ft. (10' X 18').

c. The Parking standards for the business end shall be found in Section 18.31.060 of this Chapter. (The parking lot shall be considered as a "sales floor").

d. There shall not be any on-street parking of any kind including but not limited to employee parking, cars to be sold, and customer parking.

3. The parking lot shall be paved with asphalt or concrete with curb, gutter, and sidewalk from the entrance and around the lot itself.

4. Landscaping.

a. There shall be no less than 15% of landscaping for the location. Xeriscaping will only count towards the 15% of landscaping if a plan is submitted and approved by the city council as part of the conditional use approval.

b. A secondary water connection is required for landscaping. The City's Culinary water shall not be used.

c. Landscaping shall be maintained in a healthy, neat, and orderly condition, free of weeds and litter.

d. Landscaping shall include a minimum of 4 items for every 12,000 sq. ft. lot along with grass.

i. Shrubs.

ii. Trees.

iii. Ground cover plants.

iv. Ornamental grass.

v. Flowers.

5. Snow removal.

a. Snow shall be removed to an area to be kept clear for safety of pedestrians and drivers.

b. Snow shall not be pushed into the street and shall be kept on property, unless approved by the City.

6. Type of cars to be sold.

a. Each car shall be in working order and generally devoid of noticeable damage including but not limited to considerable body rust, broken windows, flat tires, missing bumpers, or major body damage.

b. Signage on cars shall only be limited to writing the price on windshields only, not larger than 6 inch font size.

c. Vehicles manufactured without supplemental restraint system (air bags) shall not be sold.

d. Vehicles shall be equipped with proper safety restraints (seat belts), working headlights, taillights, stop lights, and turn signals.

e. There shall be no cracks larger than 5" on any windshield.

7. Use and safety.

- a. Used Car Lot shall be the only use permitted on the parcel or lot.
- b. The flow of traffic shall preserve the residential atmosphere of the neighborhood and be approved by City staff.
- c. Test driving.
 - i. No test-drives shall occur on local residential roadways, except to get to Highway 89 or 2700 N.
- d. There shall be no outside display or sale of parts or tires.
- e. Amplified speaker/public address systems are prohibited, except for in fully enclosed buildings.
- f. Lighting.
 - i. All lighting shall be kept on their property and have no light trespassing onto other properties.
 - ii. Lighting shall be dark sky compliant.

(Ord.2020-11, dated 9/22/2020 and Ord.2020-10, dated 9/22/2020)

18.31.100 Violation. As stated in Section 18.60.070 of Chapter 18.60 of this title.
(Ord.2020-10, dated 9/22/2020)