

ORDINANCE # 2020-01

AN ORDINANCE OF PLAIN CITY, UTAH AMENDING TITLE 10 CHAPTER 19 OF THE CITY CODE REGARDING THE MIXED-USE OVERLAY ZONE; AND ESTABLISHING AN EFFECTIVE DATE

Section 1. Recitals

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all administrative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now,

NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows:

Section 2. City's Mixed-Use Overlay Zone.

The following amendments are made to Title 10 Chapter 19 of the Plain City Code:

Chapter 19 MIXED-USE OVERLAY ZONE

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10-19-1: PURPOSE AND INTENT:

The Mixed-Use Overlay Zone is established to facilitate the development of residential projects in conjunction with or adjacent to compatible commercial uses, including in the Neighborhood (C-1) and General (C-2) Commercial Zones. Residential development in mixed use zones will maintain high design and construction standards while accomplishing the following objectives:

- A. To encourage mixed use projects that combine residential with nonresidential uses in the same building or building site area as a means to create an active neighborhood and enhance the vitality of businesses;
- B. To encourage walkable places with adequate sidewalks and access to trails;
- C. To provide additional housing options for people, including but not limited to, young professionals and older people;
- D. To provide moderate income housing, as defined by Utah State Code and based on the area median income of Weber County;
- E. To ensure on-site compatibility of residential and non-residential uses; and
- F. To ensure compatibility of mixed-use projects with surrounding uses and development patterns. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

10-19-2: USE REGULATIONS:

A. Zones Allowed: Residential uses in the Neighborhood (C-1) and General (C-2) Commercial Zones are permitted when the proposed development complies with the standards outlined in section 10-19-3 of this chapter and after the review and recommendation by the Planning Commission and review and approval by the City Council.

B. Prohibited Uses: The following uses are deemed to be incompatible and are therefore prohibited in a Mixed-Use Overlay Zone:

Any vehicle use that sells, contracts to sell, offers to sell, displays for the purpose of sale, or permits the sale of any vehicle from a vacant or unimproved lot or parking lot.

Automobile repair facilities.

Automobile service stations.

Car wash facilities.

Fast food and drive-in restaurants.

Motels and hotels.

Motor vehicle dealerships.

Swap meets.

Sales, storage or repair of open-bed, travel or camping trailers.

Automotive salvage, recycling, or scrap yard.

All other uses as permitted or conditional in the C-1 and C-2 Commercial Zones will be considered. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

10-19-3: GENERAL REGULATIONS:

A. Residential dwellings in commercial buildings shall comply with the following standards:

1. Maximum Residential Use: The maximum residential use in any commercial building shall not exceed fifty percent (50%) of the total usable square footage.

2. Minimum Size: The minimum size of residential units in commercial buildings shall be as follows:

a. Studio/efficiency/bachelor: Four hundred fifty (450) square feet.

b. One bedroom: Six hundred (600) square feet.

c. Two (2) bedrooms: Eight hundred (800) square feet.

d. Three (3) or more bedrooms: One thousand one hundred (1,100) square feet.

3. Site Development Standards:

a. Minimum lot area: None.

b. Minimum yard setbacks:

(1) Front: Twenty feet (20') except for in the Town Center as referenced in the General Plan, the Future Land Use Map, and as defined in section 10-6-2 of this title.

(2) Side: None, except ten feet (10') adjacent to a residential use.

(3) Side facing street on corner lot: Twenty feet (20').

(4) Rear: None, except ten feet (10') adjacent to a residential use.

c. Building height:

(1) Minimum: One story.

(2) Maximum: Thirty-five (35') Thirty feet (30').

d. Minimum frontage: None.

e. Maximum lot coverage: Sixty percent (60%) of lot area by buildings or accessory buildings.

4. Density: The maximum residential density shall not exceed eight and a half (8.5) units per acre.

5. Off-Street Parking: Minimum two (2) parking spaces per unit in addition to required parking for commercial use per section 10-9-3 of this title. Parking for residential dwelling units in commercial buildings is encouraged to be provided in the rear of buildings as appropriate.

B. Detached single-family dwellings and attached dwelling units in commercial zones shall comply with the following standards: Separate single-family dwellings and multi-family dwelling units in a commercial development of ten (10) acres or LESS, shall comply with the following standards:

1. Noncommercial Associated Residential Development: Residential development in commercial zones that is not associated with the development of any commercial uses in the same subdivision shall be limited to a maximum of fifteen (15) acres. If greater than fifteen (15) acres, residential development in commercial zones shall be limited to thirty percent (30%) of the development. The Planning Commission and City Council will consider existing mixed-use overlay zones applied on adjacent parcels when calculating the maximum of fifteen (15) acres or thirty percent (30%), whichever applies. Maximum Residential Use: Separate single-family dwellings and multi-family dwelling units shall not exceed fifty percent (50%) of total occupiable structures. Area of residential use shall not exceed fifty percent (50%) of total occupiable square footage.

2. Garage Requirement: Dwellings shall have at least a one car garage (with minimum interior dimensions of 10 feet by 20 feet) per dwelling unit.

3. Dwellings with Common Walls: Common walls between dwellings are allowed up to a maximum of four (4) dwelling units; and not to exceed more than fifty percent (50%) of all dwelling units in a development or not to exceed an overall maximum density of eight and a half (8.5) dwelling units per acre.

4. Garage Doors: Where a garage is placed on the front building facade, the width of the garage door(s) shall not exceed fifty percent (50%) of the total width of the front building facade. All garage doors shall not exceed twelve feet (12').

5. Bonus Rooms: Bonus rooms are allowed above garages on up to thirty percent (30%) of all residential units in a development.

5. Height: All dwellings shall not exceed twenty-four feet (24') thirty feet (30'), measured from the lowest finished grade to the highest point of the roof.

7. 6. Exterior Finish: Exterior finish materials of dwellings shall be at least thirty percent (30%) masonry. At least fifty percent (50%) masonry shall be required for dwellings with common walls. For the purposes of this section, masonry shall include brick or stone or a material approved by the Planning Commission majority.

8. 7. Square Footage: The minimum square footage of each dwelling area shall be nine hundred (900) square feet and the maximum square footage of each dwelling area shall be at most one thousand seven hundred (1,700) square feet, excluding garages.

9. 8. Roof Planes: All dwellings shall have at least two (2) roof planes on the front building facade. Examples of this requirement include a hip style roof and a gable end on the front elevation with a cross gable.

10. 9. Relief Feature: All dwellings shall have at least one relief feature on the front building facade. Examples of relief items include: bay or box windows, cantilevered living areas, covered front porches and foundation projections or recesses.

11. 10. Basement and Crawl Spaces: Basements and crawl spaces shall not be permitted on residential buildings in commercial zones.

12. 11. Site Development Standards:

a. Minimum lot area: Six thousand (6,000) Eight thousand (8,000) square feet.

b. Minimum yard setbacks:

(1) Front: Twenty feet (20').

(2) Side: Eight feet (8'), Ten (10'), with combined side yard setbacks of eighteen feet (18') twenty feet (20').

(3) Side facing street on corner lot: Twenty feet (20').

(4) Rear: Thirty feet (30').

c. Building height:

(1) Maximum Minimum: One story

(2) Maximum: Twenty four feet (24') Thirty feet (30').

(3) Dwellings with common walls shall meet requirements in 10-19-3B, 3.

d. Minimum frontage: Sixty feet (60') Eighty feet (80').

13. 12. Off-Street Parking: Minimum two (2) parking spaces per dwelling unit per and shall meet the requirements of section 10-9-2 of this title.

14. 13. Landscaping: A minimum of fifteen percent (15%) landscaping shall be required of residential developments in commercial zones. Landscaped improvements include areas for grass and trees and other plants following the standards as outlined in section 10-8-15 of this title and any open space developed as a park or trail. Proposed parks and trails should be identified in the General Plan or requested specifically by the Planning Commission or City Council in consultation with the City Parks and Recreation Department. Landscaping proposed to meet the fifteen percent (15%) requirement and encumbered by easements, wetlands, or utilities may only be utilized at a rate of up to twenty five percent (25%). Open space used for stormwater retention/detention may be used to meet the fifteen percent (15%) requirement only if it is maintained and usable open space, as determined by the Planning Commission or City Council. Formations that provide State mandated stormwater detention or retention do not qualify as developed open space. All landscaping is to be maintained privately by the

owner and/or private association. The fifteen percent (15%) landscaping requirement may be reduced when an exceptional amenity or amenities of Citywide benefit are included in, or in conjunction with, the project as determined by the Planning Commission or City Council. Maintenance of public amenities in commercial zones is to be maintained solely by the property owner and/or private association unless otherwise agreed upon by the City Council.

15. 14. Pedestrian: Sidewalks shall be a minimum of five feet (5') in width. All dwellings should have clear access to sidewalks and/or trails with either a sidewalk or a marked crossing (of roads, driveways, or parking areas) to the nearest sidewalk.

16. 15. Mailboxes: Provide for mailboxes pullouts as appropriate and in consultation with USPS. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

C. Separate single-family dwellings and multi-family dwelling units in a commercial development of GREATER than ten (10) acres, shall comply with the following standards:

1. Maximum Residential Use: Separate single-family dwellings and multi-family dwelling units shall not exceed thirty percent (30%) of total occupiable structures. Area of residential use shall not exceed thirty percent (30%) of total occupiable square footage.

2. Garage Requirement: Dwellings shall have at least a one car garage (with minimum interior dimensions of 10 feet by 20 feet) per dwelling unit.

3. Dwellings With Common Walls: Common walls between dwellings are allowed up to a maximum of four (4) dwelling units and not to exceed more than fifty percent (50%) twenty-five percent (25%) of all dwelling units in a development or not to exceed an overall maximum density of eight and a half (8.5) dwelling units per acre.

4. Garage Doors: Where a garage is placed on the front building facade, the width of the garage door(s) shall not exceed fifty percent (50%) of the total width of the front building facade. All garage doors shall not exceed twelve feet (12').

5. Bonus Rooms: Bonus rooms are allowed above garages on up to thirty percent (30%) of all units in a development.

6. Height: All dwellings shall not exceed thirty feet (30'); measured from the lowest finished grade to the highest point of the roof.

7. Exterior Finish: Exterior finish materials of dwellings shall be at least thirty percent (30%) masonry. At least fifty percent (50%) masonry shall be required for dwellings with common walls. For the purposes of this section, masonry shall include brick or stone or a material approved by the Planning Commission majority.

8. Square Footage: The minimum square footage of each dwelling area shall be nine hundred (900) square feet and the maximum square footage of each dwelling area shall be at most one thousand seven hundred (1,700) square feet, excluding garages.

9. Roof Planes: All dwellings shall have at least two (2) roof planes on the front building facade. Examples of this requirement include a hip style roof and a gable end on the front elevation with a cross gable.

10. Relief Feature: All dwellings shall have at least one relief feature on the front building facade. Examples of relief items include: bay or box windows, cantilevered living areas, covered front porches and foundation projections or recesses.

11. Basement and Crawl Spaces: Basements and crawl spaces shall not be permitted on residential buildings in commercial zones.

12. Site Development Standards:

a. Minimum lot area: Eight thousand (8,000) square feet.

b. Minimum yard setbacks:

(1) Front: Twenty feet (20').

(2) Side: Ten feet (10'), with combined side yard setbacks of twenty feet (20').

(3) Side facing street on corner lot: Twenty feet (20').

(4) Rear: Thirty feet (30').

c. Building height:

(1) Maximum - Single family dwellings: One story maximum, except for bonus rooms (no more than 30 percent of all units).

(2) Maximum – Units with shared walls: Two stories maximum and shall meet requirements in 10-19-3B,3.

(3) Maximum: Thirty feet (30').

d. Minimum frontage: Eighty feet (80').

13. Off-Street Parking: Minimum two (2) parking spaces per dwelling unit per section 10-9-2 of this title.

14. Landscaping: A minimum of fifteen percent (15%) landscaping shall be required of residential developments in commercial zones. Landscaped improvements include areas for grass and trees and other plants following the standards as outlined in section 10-8-15 of this title and any open space developed as a park or trail. Proposed parks and trails should be identified in the General Plan or requested specifically by the Planning Commission or City Council in consultation with the City Parks and Recreation Department. Landscaping proposed to meet the fifteen percent (15%) requirement and encumbered by easements, wetlands, or utilities may only be utilized at a rate of up to twenty five percent (25%). Formations that provide State mandated stormwater detention or retention do not qualify as developed open space. All landscaping is to be maintained privately by the owner and/or private association. The fifteen percent (15%) landscaping requirement may be reduced when an exceptional amenity or amenities of Citywide benefit are included in, or in conjunction with, the project as determined by the Planning Commission or City Council. Maintenance of public amenities in

commercial zones is to be maintained solely by the property owner and/or private association unless otherwise agreed upon by the City Council.

15. Pedestrian: Sidewalks shall be a minimum of five feet (5') in width. All dwellings should have clear access to sidewalks and/or trails with either a sidewalk or a marked crossing (of roads, driveways, or parking areas) to the nearest sidewalk.

16. Mailboxes: Provide for mailboxes as appropriate and in consultation with USPS. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

10-19-4: SUBMISSION OF APPLICATION:

A. Required: An application for a Mixed-Use Overlay Zone shall be submitted to the Planning Commission. A concept plan including the following items shall be submitted with the application for the Mixed-Use Overlay Zone:

1. Proposed layout including streets, lots, and setbacks;
2. Development density, coverage, and open space characteristics including landscaping, fencing, screening, and parking;
3. A description of architectural elevations and floor plans demonstrating the general design, character, and exterior building materials of the proposed structures. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

10-19-5: PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION:

In considering the proposed Mixed-Use Overlay Zone, the Planning Commission and City Council shall consider:

- A. Design: The design, exterior materials, housing type and quality of buildings and their relationship to the site and their relationship to development beyond the boundaries of the development.
- B. Streets, Traffic, Parking: Which streets shall be public and which shall be private, the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
- C. Landscaping, Screening: The landscaping and screening as related to the several uses within the development as a means of its integration into its surroundings.
- D. Density: The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or Master Plan as being a desirable future residential density. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

10-19-6: PLANNING COMMISSION ACTION:

A. The Planning Commission shall hold a public hearing on the proposed Mixed-Use Overlay Zone.

A. B. The Planning Commission, subject to the requirements of this chapter and this Code, shall recommend to approve, modify with conditions, or deny the Mixed-Use Overlay Zone. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

10-19-7: CITY COUNCIL ACTION:

A. The City Council shall **may** hold a public hearing on the proposed Mixed-Use Overlay Zone. The City Council shall then approve, approve with conditions **and development agreement**, or deny the Mixed-Use Overlay Zone.

Upon approval or approval with conditions, an applicant may proceed with a subdivision application per title 11, chapter 3 of this Code, or an application for a site plan approval per section 10-8-16 of this title, whichever applies. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019)

Section 3. Prior Ordinances And Resolutions The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. Repealer Of Conflicting Enactments All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5. Savings Clause If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

Section 6. Date Of Effect This Ordinance shall be effective on the 16th day of January 2020, and after publication or posting as required by law.

DATED this 16th day of January, 2020

PLAIN CITY, a municipal corporation

MAYOR – Jon Beesley

ATTESTED AND RECORDED:

Diane Hirschi, CMC

CITY RECORDER