

**SOUTH JORDAN CITY
PLANNING COMMISSION REPORT**

Meeting Date: Aug. 26, 2014

Issue: ACCESSORY BUILDING & HOME OCCUPATION REGULATIONS
ZONE TEXT AMENDMENT

File No: ZTA-2014.03

Applicant: City of South Jordan

Submitted By: Jake Warner, Long Range Planner

Staff Recommendation (Motion Ready):

Forward a recommendation to the City Council to approve Ordinance No. 2014-16, amending regulations pertaining to accessory buildings in the Zoning Ordinance (Title 17), specifically chapters 17.24, 17.28, 17.32, 17.36, 17.40, 17.45, 17.46, 17.48, 17.98 of the Municipal Code.

BACKGROUND:

On July 15, 2014 the City Council, out of a concern for the potential impact of large residential accessory buildings on surrounding properties, approved a temporary land use regulation (Ordinance No. 2014-12), which imposed a moratorium on certain larger accessory buildings associated with single-family residential structures. The Council directed staff to draft revisions to accessory building regulations affecting height, footprint, setbacks, uses, review procedures and noticing. Staff has completed those revisions.

Proposed revisions include revisions to sections of the following chapters of the Zoning Ordinance (Title 17): 17.24 (A-5 Zone), 17.28 (A-1 Zone), 17.32 (R-1.8 Zone), 17.36 (R-2.5 Zone), 17.40 (R-3 Zone), 17.45 (R-4 Zone), 17.46 (R-5 Zone), 17.48 (R-M), 17.98 (Home Occupations). The proposed revisions, as directed by the City Council, include a requirement for certain accessory buildings to be reviewed for approval by the Planning Commission. Staff proposes that the fee to do so be equivalent to the City's fee for an Appeal to the Planning Commission, which is currently \$262.00. The proposed revisions also include additional 'housekeeping' corrections, as identified by Staff, to the affected sections of the Zoning Ordinance (Title 17). A 'first reading' report was presented to the City Council on August 19, 2014.

Revision Summary

Addressing Council Concerns:

- Accessory buildings which exceed the height of the main building or 80% of the footprint of the main building are required to be approved by the Planning Commission.
 - Notices for Planning Commission approval shall include property owners within 300' and all owners within the same subdivision plat.
 - Planning commission may approve height in excess of the house, but not over 25', and footprints over 80%, but not exceeding the footprint of the house, if it determines that the accessory building will be consistent with the character of the area (existing structures, CC&R's, screening, etc).
 - Accessory buildings in the A-5, A-1, and R-1.8 Zones would be allowed a footprint equivalent to the main building without Planning Commission approval.
- Habitable space on a second floor (over 4' from average grade) of an accessory building may not be less than 20' from the property line.

- When adjacent to a right of way, the setback is a minimum of 3' and increased by 2' for every foot in height in excess of 16'.
- Home occupation office activities may be located in an enclosed and properly permitted accessory building.

Staff Revisions:

- Accessory buildings in a side yard may be located as close as 3' from the property line if the accessory building is under 8' tall.
- All accessory structures may not be located closer than 5' from other structures.
- Permitted use changed from "Residential Accessory Buildings" to "Accessory Buildings"
- "Community Development Department" references changed to "Development Services Department."
- Home Occupations are allowed to occupy an area of not more than 35% of the floor area of the main building, and not to exceed 1,000 square feet.
- Removal of restriction against street side garages on a corner lot.
- Removal of the automatic denial for a home occupation due to a received objection.

STAFF FINDINGS, CONCLUSION & RECOMMENDATION:

Findings:

- Accessory buildings are currently reviewed and approved by Staff.
- Allowed heights of accessory buildings in affected zones:
 - A-5 & A-1: Not to exceed 35' in height except for structures not intended for human occupancy.
 - R-1.8, R-2.5, R-3, R-4, R-5: Not to exceed 25'.
- Allowed footprints of accessory buildings in affected zones:
 - A-5: (Footprint regulation not specified.)
 - A-1: Not to exceed 5,000 square feet (over 5,000 square feet may be approved with a Conditional Use Permit).
 - R-1.8, R-3, R-4, R-5, R-M: Not to exceed footprint of main dwelling.
 - R-2.5: Not to exceed 60% of the footprint of the main dwelling.
- Allowed setbacks for accessory buildings in affected zones:
 - Front: No closer than the main dwelling
 - Side (in a side yard): 10'
 - Street side (in a side yard): 30'
 - Rear and side (in a rear yard): 3' plus 1' for every foot the structure exceeds 16' in height.
 - To adjacent buildings: 6'
 - Buildings used for animals (A-5, A-1 & R-1.8): 40' to any dwelling or right of way (may be reduce to 20' with a Conditional Use Permit).
 - Containing an accessory living unit: Not less than 10'
- Habitable space is currently allowed in accessory buildings. An Accessory Living Unit permit is required if the habitable space contains all of the elements of a dwelling (living area, kitchen, & bathroom).
- The "Use Regulations" (subsection 040 in each affected zone) state that "Accessory uses include ... structures and activities which are incidental and subordinate to the principle permitted or conditional use on the premise."
- Home occupations are currently restricted to "be conducted entirely within the (main) dwelling unit and may not occupy ... any attached garage, accessory building, or lot area." (17.98.020(D))

Conclusion:

The proposed revisions reduce the potential impact of accessory buildings on adjacent property owners and right of way, increase the likelihood that accessory buildings are “incidental and subordinate” to the main structure, and provide flexibility for contextual consideration.

Recommendation:

Based on the Findings and Conclusions listed above, Staff recommends that the Planning Commission take comments at the public hearing and forward a recommendation of approval to the City Council regarding Ordinance No. 2014-16, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

FISCAL IMPACT:

A fee may be considered to process an accessory building application which would require Planning Commission review and approval.

ALTERNATIVES:

- Forward a recommendation of approval.
- Forward a recommendation of approval with changes to the proposal.
- Forward a recommendation of denial.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Ordinance No. 2014-12 (moratorium)
- Ordinance No. 2014-16 (accessory building revisions)

ORDINANCE NO. 2014 - 12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ENACTING A TEMPORARY LAND USE REGULATION AFFECTING ACCESSORY BUILDINGS IN ALL RESIDENTIAL ZONES.

WHEREAS, Utah Code § 10-9a-102 grants the City of South Jordan the authority to enact ordinances that the City Council considers necessary or appropriate for the use and development of land within South Jordan, including those governing structures, buildings, street and building orientation and with requirements in balance with the private property interests; and

WHEREAS, upon review of the established neighborhoods in South Jordan and in light of recent construction of certain accessory buildings which require building permits and are over 16 feet high as measured pursuant to SJCMC § 17.08.010, based on size, complexity, and use of such buildings as accessory living units, the City Council desires to review those ordinances related to the requirements for accessory buildings; and

WHEREAS, the City Council desires to ensure that future applications for the above described accessory buildings are consistent with the character and feel of the established residential feel and quality of the zone and neighborhood where they are proposed to be located; and

WHEREAS, the South Jordan City Council desires that citizens in residential zones that desire to construct an accessory building requiring a building permit and over 16 feet in height on their property during the period of this notice of temporary regulation have an alternative to petition the City Council directly; and

WHEREAS, the City Council finds that enacting this temporary zoning regulation will promote the health, and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:

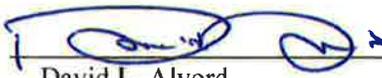
SECTION 1. Enactment. That there are hereby temporary zoning regulations placed so that accessory buildings for which a building permit is required and that are more than 16 feet high as measured pursuant to SJCMC § 17.08.010 from natural elevation are not allowed in the City's residential zones, unless an application is approved by the City Council, until six (6) months from the effective date of this Ordinance or upon passage of an ordinance ending this regulation.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH, ON THIS 15th DAY OF July, 2014 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	<u>X</u>	___	___	___
Chuck Newton	<u>X</u>	___	___	___
Donald Shelton	<u>X</u>	___	___	___
Steve Barnes	<u>X</u>	___	___	___
Christopher Rogers	<u>X</u>	___	___	___

Mayor: 
David L. Alvord

Attest: 
City Recorder

Approved as to form:


Office of the City Attorney



ORDINANCE NO. 2014 -16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING ACCESSORY BUILDING REGULATIONS IN CHAPTERS 17.24 (A-5 ZONE), 17.28 (A-1 ZONE), 17.32 (R-1.8 ZONE), 17.36 (R-2.5 ZONE), 17.40 (R-3 ZONE), 17.45 (R-4 ZONE), 17.46 (R-5 ZONE), 17.48 (R-M ZONE), AND 17.98 (HOME OCCUPATIONS) OF THE MUNICIPAL CODE.

WHEREAS, Utah Code section 10-9a-102 grants the City of the South Jordan the authority to enact ordinances that the City Council considers necessary or appropriate for the use and development of land within South Jordan; and

WHEREAS, the City Council has adopted the Zoning Ordinance of the City of South Jordan (Municipal Code Title 17), which includes the regulation of accessory buildings; and

WHEREAS, the City Council desires to enact text amendments affecting the size, use, and setbacks of accessory buildings on residential properties in order to reduce the impact of accessory buildings on adjacent parcels, to ensure that accessory buildings are consistent with the character of surrounding area, and to improve the use and enjoyment of accessory buildings by property owner; and

WHEREAS, the Planning Commission of the City of South Jordan has held a public hearing, reviewed and made recommendation concerning the subject text amendments; and

WHEREAS, the City Council has held a public hearing and reviewed the subject text amendments; and

WHEREAS, the South Jordan City Council finds that the subject text amendments will enhance the public health, safety and welfare and promote the goals of the General Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN:

SECTION 1. Amendment. Chapters 17.24, 17.28, 17.32, 17.36, 17.40, 17.45, 17.46, 17.48, and 17.98 of Title 17 (Zoning Ordinance) of the Municipal Code of the City of South Jordan are hereby amended as identified in Exhibit "A".

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY,
UTAH, ON THIS _____ DAY OF _____, 2014 BY THE FOLLOWING
VOTE:**

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	_____	_____	_____	_____
Chuck Newton	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Steve Barnes	_____	_____	_____	_____
Christopher Rogers	_____	_____	_____	_____

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

Approved as to form:

Office of the City Attorney

Exhibit "A"

Chapters 17.24, 17.28, 17.32, 17.36, 17.40, 17.45, 17.46, 17.48, and 17.98
of Title 17 (Zoning Ordinance) of the Municipal Code
of the City of South Jordan

Chapter 17.24 AGRICULTURAL A-5 ZONE

- 17.24.010: PURPOSE:**
- 17.24.020: PERMITTED USES:**
- 17.24.030: CONDITIONAL USES:**
- 17.24.040: USE REGULATIONS:**
- 17.24.050: DEVELOPMENT REVIEW:**
- 17.24.060: LOT AREA:**
- 17.24.070: LOT WIDTH AND FRONTAGE:**
- 17.24.080: PRIOR CREATED LOTS:**
- 17.24.090: DWELLING DENSITY:**
- 17.24.100: LOT COVERAGE:**
- 17.24.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**
- 17.24.120: PROJECTIONS INTO YARDS:**
- 17.24.130: FARM ANIMALS¹ (REP. BY ORD. 2011-18, 3-6-2012):**
- 17.24.140: PARKING AND ACCESS:**
- 17.24.150: FENCING, SCREENING AND CLEAR VISION:**
- 17.24.160: ARCHITECTURAL STANDARDS:**
- 17.24.170: LANDSCAPING:**
- 17.24.180: LIGHTING:**
- 17.24.190: OTHER REQUIREMENTS:**

17.24.010: PURPOSE:

The agricultural A-5 zone (minimum 5 acre lot), may be cited as the "A-5 zone" and is established to allow for the continuation of agriculture in an expanding urban community and to complement the existing rural residential environment in the city. The regulations of this chapter are intended to allow for the orderly expansion of residential and commercial developments into agricultural lands while encouraging compatibility of new growth with existing agricultural uses. (Ord. 2007-02, 1-16-2007)

17.24.020: PERMITTED USES:

The following uses may be conducted in the A-5 zone as limited herein:

~~Agricultural and residential~~ Accessory uses and buildings.

Agricultural buildings not exceeding five thousand (5,000) square feet.

Crop production, horticulture.

Farm animals as regulated in section 17.130.040 of this title.

Home occupations according to city ordinances.

Produce stand, maximum three hundred (300) square feet, maximum one per parcel or lot for selling only produce grown on the premises.

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-18, 3-6-2012)

17.24.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the A-5 zone:

Agricultural buildings exceeding five thousand (5,000) square feet in area.

Animal husbandry, unique or exotic animal specialties or other animal uses not otherwise regulated by this chapter.

Building other than single-family dwelling as a main building on the lot.

Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other commercial agricultural related structures and uses.

Cultural exhibits and activities.

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses and driving ranges.

Nature or zoological exhibits.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities. (Ord. 2012-12, 10-2-2012)

17.24.040: USE REGULATIONS:

Uses may be conducted in the A-5 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the A-5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the A-5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, barns, garages, silos, corrals, sheds, stables, paddocks, swimming pools, recreational equipment, greenhouses, windmills, wells and water storage facilities and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials, commercial goods or wrecked or neglected materials, equipment or vehicles in the A-5 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public

property within the A-5 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.

- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored in the A-5 zone, except in conjunction with temporary development or construction activities or in conjunction with an approved use which requires such vehicles. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts, or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an A-5 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the A-5 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.24.050: DEVELOPMENT REVIEW:

Uses proposed in A-5 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in A-5 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.24.060: LOT AREA:

The minimum area of any lot or parcel in the A-5 zone shall be five (5) acres. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat. (Ord. 2007-02, 1-16-2007)

17.24.070: LOT WIDTH AND FRONTAGE:

Each lot in the A-5 zone shall have a minimum width of one hundred feet (100'), measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of one hundred feet (100'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of sixty feet (60'). (Ord. 2007-02, 1-16-2007)

17.24.080: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an A-5 zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.24.090: DWELLING DENSITY:

Only one single-family dwelling may be placed upon a lot or parcel of land in the A-5 zone. (Ord. 2007-02, 1-16-2007)

17.24.100: LOT COVERAGE:

A maximum of twenty percent (20%) of the area of lots or parcels in the A-5 zone may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.24.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in A-5 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, setbacks of the proposed accessory building and other information as needed shall be submitted for review:

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').
3. Side yard, interior lots: Ten feet (10').
4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.
5. Rear yard, interior lot: Twenty five feet (25').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Accessory Buildings: Accessory buildings may not be located between a street and the front building line of a main building.
2. Side Yard Accessory Building: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary ~~and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
3. Street Side Yard Accessory Building, Corner Lot: An accessory building may be located ~~between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~

4. ~~Rear Yard Accessory Building: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and~~ no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'). except as required in subsection B56 and B7 of this section.
 5. ~~Height Considerations: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~
 5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.
 6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').
 7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.
- C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5').
- D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right of way line. (Ord. 2007-02, 1-16-2007)

17.24.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in A-5 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.24.130: FARM ANIMALS²:

(Rep. by Ord. 2011-18, 3-6-2012)

17.24.140: PARKING AND ACCESS:

Parking areas and vehicle access in A-5 zones shall meet the requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.24.150: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in A-5 zones. A permit shall be obtained from the community development department prior to construction of any fence in the A-5 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in A-5 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk, but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in A-5 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.24.160: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in A-5 zones:

- A. Each main dwelling in A-5 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage).

~~D~~ Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

B. All building materials shall be high quality, durable and low maintenance.

C. Main buildings and agricultural buildings in A-5 zones may not exceed thirty five feet (35') in height, ~~except for structures not intended for human occupancy.~~ Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed thirty-five feet (35') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.

D. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.

E. The minimum floor area, finished and unfinished, of any single-family dwelling in A-5 zones shall be two thousand four hundred (2,400) square feet.

F. The exteriors of buildings in the A-5 zone shall be properly maintained by the owners.

~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~

G. The footprint of an accessory building shall not exceed the footprint of the main building.

17.24.170: LANDSCAPING:

The following landscaping requirements shall apply in A-5 zones:

A. The front and side yards of lots shall be landscaped and properly maintained with lawn and other acceptable plant material unless otherwise approved with a conditional use permit.

B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.

C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced except as required in parking areas and in park strips, but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in A-5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in A-5 zones, the following landscaping requirements shall apply:

1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
2. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations except at building entrances.
3. All landscaped areas shall be curbed.

F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in A-5 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.24.180: LIGHTING:

The following lighting requirements shall apply in A-5 zones:

- A. A lighting plan shall be submitted with all new developments in A-5 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.24.190: OTHER REQUIREMENTS:

The following requirements shall apply in A-5 zones:

- A. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All areas of lots shall be properly maintained by the owners.
- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See section 17.130.040 of this title.

Footnote 2: See section 17.130.040 of this title.

Chapter 17.28 AGRICULTURAL A-1 ZONE

- 17.28.010: PURPOSE:**
- 17.28.020: PERMITTED USES:**
- 17.28.030: CONDITIONAL USES:**
- 17.28.040: USE REGULATIONS:**
- 17.28.050: DEVELOPMENT REVIEW:**
- 17.28.060: LOT AREA:**
- 17.28.070: LOT WIDTH AND FRONTAGE:**
- 17.28.080: PRIOR CREATED LOTS:**
- 17.28.090: DWELLING DENSITY:**
- 17.28.100: LOT COVERAGE:**
- 17.28.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**
- 17.28.120: PROJECTIONS INTO YARDS:**
- 17.28.130: FARM ANIMALS¹ (REP. BY ORD. 2011-18, 3-6-2012):**
- 17.28.140: PARKING AND ACCESS:**
- 17.28.150: FENCING, SCREENING AND CLEAR VISION:**
- 17.28.160: ARCHITECTURAL STANDARDS:**
- 17.28.170: LANDSCAPING:**
- 17.28.180: LIGHTING:**
- 17.28.190: OTHER REQUIREMENTS:**

17.28.010: PURPOSE:

The agricultural A-1 zone (minimum 1 acre lot), may be cited as the "A-1 zone" and is established to allow for the continuation of agriculture in an expanding urban community and to complement the existing rural residential environment in the city. The regulations of this chapter are intended to allow for the orderly expansion of residential and commercial developments into agricultural lands while encouraging compatibility of new growth with existing agricultural uses. (Ord. 2007-02, 1-16-2007)

17.28.020: PERMITTED USES:

The following uses may be conducted in the A-1 zone as limited herein:

Accessory ~~structures~~ ~~buildings~~ ~~not exceeding five thousand (5,000) square feet.~~

Agricultural and residential accessory uses.

Agricultural buildings not exceeding five thousand (5,000) square feet.

Crop production, horticulture.

Farm animals as regulated in section 17.130.040 of this title.

Home occupations according to city ordinances.

Produce stand, maximum three hundred (300) square feet, maximum one per parcel or lot for selling only produce grown on the premises.

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-18, 3-6-2012)

17.28.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the A-1 zone:

Agricultural buildings~~Accessory structures~~ exceeding five thousand (5,000) square feet in area.

Animal husbandry, unique or exotic animal specialties or other animal uses not otherwise regulated by this chapter.

Building other than single-family dwelling as a main building on the lot.

Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other commercial agricultural structures and uses.

Cultural exhibits and activities.

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses and driving ranges.

Nature or zoological exhibits.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities. (Ord. 2012-12, 10-2-2012)

17.28.040: USE REGULATIONS:

Uses may be conducted in the A-1 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the A-1 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the A-1 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, barns, garages, silos, corrals, sheds, stables, paddocks, swimming pools, recreational equipment, greenhouses, windmills, wells and water storage facilities and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials, commercial goods or wrecked or neglected materials, equipment or vehicles in the A-1 zone.

- D. It shall be unlawful to park, store, leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the A-1 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored in the A-1 zone except in conjunction with temporary development or construction activities or in conjunction with an approved use which requires such vehicles. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an A-1 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the A-1 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.28.050: DEVELOPMENT REVIEW:

Uses proposed in A-1 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in A-1 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.28.060: LOT AREA:

The minimum area of any lot or parcel in the A-1 zone shall be one acre. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat. (Ord. 2007-02, 1-16-2007)

17.28.070: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the A-1 zone shall have a minimum width of one hundred feet (100') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of one hundred feet (100'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of sixty feet (60'). (Ord. 2007-02, 1-16-2007)

17.28.080: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat

approval prior to the establishment of an A-1 zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.28.090: DWELLING DENSITY:

Only one single-family dwelling may be placed upon a lot or parcel of land in the A-1 zone. (Ord. 2007-02, 1-16-2007)

17.28.100: LOT COVERAGE:

A maximum of thirty percent (30%) of the area of lots or parcels in the A-1 zone may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.28.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in A-1 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or parcels. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').
3. Side yard, interior lots: Ten feet (10').
4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.
5. Rear yard, interior lot: Twenty five feet (25').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line ~~or boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
3. Street Side Building, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard ~~and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~

4. Rear Yard: An accessory building may be located in a rear yard ~~no closer than six feet (6') from the dwelling or main building and~~ no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsection B56 and B7 of this section.

~~5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~

~~6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').~~

~~7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.~~

C. All buildings shall be separated by a minimum distance of six-five feet (6'5').

D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right of way line. (Ord. 2007-02, 1-16-2007)

17.28.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in A-1 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.28.130: FARM ANIMALS²:

(Rep. by Ord. 2011-18, 3-6-2012)

17.28.140: PARKING AND ACCESS:

Parking areas and vehicle access in A-1 zones shall meet requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.28.150: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in A-1 zones. A permit shall be obtained from the community development department prior to construction of any fence in the A-1 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in A-1 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in A-1 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.28.160: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in A-1 zones:

- A. Each main dwelling in A-1 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

- B. All building materials shall be high quality, durable and low maintenance.
- C. Main B buildings and agricultural buildings in A-1 zones may not exceed thirty five feet (35') in height, ~~except for structures not intended for human occupancy.~~ Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed thirty-five feet (35') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.
- D. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- E. The minimum floor area, finished and unfinished, of any single-family dwelling in A-1 zones shall be two thousand four hundred (2,400) square feet.
- F. The exteriors of buildings in the A-1 zone shall be properly maintained by the owners.
- ~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~
- G. The footprint of an accessory building shall not exceed the footprint of the main building.

17.28.170: LANDSCAPING:

The following landscaping requirements shall apply in A-1 zones:

- A. The front and side yards of lots shall be landscaped and properly maintained with lawn and other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in A-1 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in A-1 zones, the following landscaping requirements shall apply:

1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
2. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations except at building entrances.
3. All landscaped areas shall be curbed.

F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in A-1 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.28.180: LIGHTING:

The following lighting requirements shall apply in A-1 zones:

- A. A lighting plan shall be submitted with all new developments in A-1 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.28.190: OTHER REQUIREMENTS:

The following requirements shall apply in A-1 zones:

- A. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

B. All private areas of lots or parcels shall be properly maintained by the owners.

C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See section 17.130.040 of this title.

Footnote 2: See section 17.130.040 of this title.

Chapter 17.32 RESIDENTIAL R-1.8 ZONE

- 17.32.010: PURPOSE:**
- 17.32.020: PERMITTED USES:**
- 17.32.030: CONDITIONAL USES:**
- 17.32.040: USE REGULATIONS:**
- 17.32.050: DEVELOPMENT REVIEW:**
- 17.32.060: LOT AREA:**
- 17.32.070: LOT DENSITY:**
- 17.32.080: LOT WIDTH AND FRONTAGE:**
- 17.32.090: PRIOR CREATED LOTS:**
- 17.32.100: LOT COVERAGE:**
- 17.32.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**
- 17.32.120: PROJECTIONS INTO YARDS:**
- 17.32.130: FARM ANIMALS¹ (REP. BY ORD. 2011-18, 3-6-2012):**
- 17.32.140: PARKING AND ACCESS:**
- 17.32.150: FENCING, SCREENING AND CLEAR VISION:**
- 17.32.160: ARCHITECTURAL STANDARDS:**
- 17.32.170: LANDSCAPING REQUIREMENTS:**
- 17.32.180: LIGHTING:**
- 17.32.190: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:**
- 17.32.200: OTHER REQUIREMENTS:**

17.32.010: PURPOSE:

The residential R-1.8 zone (single-family residential, 1.8 lots per acre), may be cited as the "R-1.8 zone" and is established to provide areas where residential uses may be harmoniously integrated with incidental agricultural pursuits. Limited farm animal and horticultural uses may be combined to provide a transition between higher density residential areas and agricultural areas and to maintain a rural component of the city. (Ord. 2007-02, 1-16-2007)

17.32.020: PERMITTED USES:

The following uses may be conducted in the R-1.8 zone as limited herein:

Agricultural and residential accessory uses.

Farm animals as regulated in section 17.130.040 of this title.

Home occupations according to city ordinances.

~~Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.~~

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-18, 3-6-2012)

17.32.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-1.8 zone:

Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other agricultural related structures and uses.

Cultural exhibits and activities.

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses.

Nature or zoological exhibits.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Single-family dwelling planned unit development (PUD) or condominium projects. (Ord. 2012-12, 10-2-2012)

17.32.040: USE REGULATIONS:

Uses may be conducted in the R-1.8 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-1.8 zone. A conditional use permit must be obtained prior to the establishment of a conditional use. (Ord. 2007-02, 1-16-2007)
- B. Accessory uses may be conducted in the R-1.8 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, farm animals as regulated in section 17.130.040 of this title, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises. (Ord. 2011-18, 3-6-2012)
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-1.8 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-1.8 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored in the R-1.8 zone, except in conjunction with temporary development

or construction activities or in conjunction with an approved use which requires such vehicles. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.

- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-1.8 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the R-1.8 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.32.050: DEVELOPMENT REVIEW:

Uses proposed in R-1.8 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in R-1.8 zones. All uses shall be conducted according to the approved plan, map or plat and any conditions of approval. Plans, maps or plats may not be altered without prior approval of the city except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.32.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (unit in which building dimensions are not recorded) in R-1.8 zones shall be fourteen thousand five hundred twenty (14,520) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case the minimum lot or unit size shall be twelve thousand (12,000) square feet. Lots in subdivisions or units in condominium projects thirty two thousand six hundred seventy (32,670) square feet or larger in area shall be clustered and appropriately buffered from smaller lots or units. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2011-18, 3-6-2012)

17.32.070: LOT DENSITY:

The maximum gross density in any residential development in R-1.8 zones shall be 1.8 lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.32.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-1.8 zone shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel, except in condominium projects and PUDs where private streets are permitted, shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). (Ord. 2007-02, 1-16-2007)

17.32.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-1.8 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.32.100: LOT COVERAGE:

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-1.8 zones may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.32.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-1.8 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominium projects. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').
3. Side yard, interior lots: Ten feet (10').
4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.
5. Rear yard, interior lot: Twenty five feet (25').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.
2. Side Yard Accessory Building: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line ~~or boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
3. Street Side Yard Accessory Building, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side ~~yard and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~

4. Rear Yard Accessory Building: An accessory building may be located in a rear yard ~~no closer than six feet (6') from the dwelling or main building and~~ no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.

~~5. Height Consideration: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~

~~5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.~~

~~6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').~~

~~7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.~~

C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5').

D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right of way line. (Ord. 2007-02, 1-16-2007)

17.32.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-1.8 zones:

A. Fences and walls in conformance with city ordinances.

B. Agricultural crops and landscape elements, including trees, shrubs and other plants.

C. Utility or irrigation equipment or facilities.

D. Decks not more than two feet (2') in height.

E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.

- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.32.130: FARM ANIMALS²:

(Rep. by Ord. 2011-18, 3-6-2012)

17.32.140: PARKING AND ACCESS:

Parking areas and vehicle access in R-1.8 zones shall meet requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.32.150: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-1.8 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-1.8 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-1.8 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-1.8 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.32.160: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-1.8 zones:

- A. Each main dwelling in R-1.8 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage).
DMain dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling (except in PUDs) in R-1.8 zones shall be two thousand four hundred (2,400) square feet.
- E. Main buildings in R-1.8 zones may not exceed thirty five feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty five feet (25') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.
- F. The exteriors of buildings in the R-1.8 zone shall be properly maintained by the owners.
- ~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~
- G. The footprint of an accessory building shall not exceed the footprint of the main building.

17.32.170: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-1.8 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of PUD, condominium projects and nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.

C. In PUD, condominium projects and nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in R-1.8 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in R-1.8 zones, the following landscaping requirements shall apply:

1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
2. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations, except at building entrances.
3. All landscaped areas shall be curbed.

F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in R-1.8 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.32.180: LIGHTING:

The following lighting requirements shall apply in R-1.8 zones:

A. A lighting plan shall be submitted with all new developments in R-1.8 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.

B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.

C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.32.190: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-1.8 zone which meets the requirements of this section as well as other pertinent provisions of this title. (Ord. 2007-02, 1-16-2007)

A. A PUD may be allowed only with a conditional use permit in the R-1.8 zone. Uses allowed in a PUD shall be the same as those allowed in the R-1.8 zone. (Ord. 2011-18, 3-6-2012)

B. Each PUD or condominium shall contain a minimum of ten (10) acres.

C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space, recreation and/or pasture by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.
2. Each dwelling shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
4. All dwellings shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).
5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in subsection 16.04.180A of this code.
6. For private streets, setbacks shall be measured from the back of the curb.

7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

E. The minimum yard, width and frontage requirements of lots and units in the R-1.8 zones may be altered in a PUD or condominium project. (Ord. 2007-02, 1-16-2007)

17.32.200: OTHER REQUIREMENTS:

The following requirements shall apply in R-1.8 zones:

- A. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium project or PUD meets requirements of state law, and record the covenants with the condominium or PUD plat for the project.
- B. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city.
- C. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- D. All private areas of lots or parcels shall be properly maintained by the owners.
- E. A project phasing plan shall be submitted for at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1; See section 17.130.040 of this title.

Footnote 2; See section 17.130.040 of this title.

Chapter 17.36 RESIDENTIAL R-2.5 ZONE

17.36.010: PURPOSE:

17.36.020: PERMITTED USES:

17.36.030: CONDITIONAL USES:

17.36.040: USE REGULATIONS:

17.36.050: DEVELOPMENT REVIEW:

17.36.060: LOT AREA:

17.36.070: LOT DENSITY:

17.36.080: LOT WIDTH AND FRONTAGE:

17.36.090: PRIOR CREATED LOTS:

17.36.100: LOT COVERAGE:

17.36.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.36.120: PROJECTIONS INTO YARDS:

17.36.130: PARKING AND ACCESS:

17.36.140: FENCING, SCREENING AND CLEAR VISION:

17.36.150: ARCHITECTURAL STANDARDS:

17.36.160: LANDSCAPING REQUIREMENTS:

17.36.170: LIGHTING:

17.36.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

17.36.190: OTHER REQUIREMENTS:

17.36.010: PURPOSE:

The residential R-2.5 zone (single-family residential, 2.5 lots per acre), may be cited as the "R-2.5 zone" and is established to provide areas for low density single-family housing without farm animal uses. This zone is intended to represent the standard for residential development in the city. (Ord. 2007-02, 1-16-2007)

17.36.020: PERMITTED USES:

The following uses may be conducted in the R-2.5 zone as limited herein:

Home occupations according to city ordinances.

~~Residential-a~~ Accessory buildings, ~~the footprints of which do not exceed sixty percent (60%) of the footprint area of the dwelling.~~

~~Residential-a~~ Accessory uses.

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.36.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-2.5 zone:

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Single-family dwelling planned unit development (PUD) or condominium project. (Ord. 2012-12, 10-2-2012)

17.36.040: USE REGULATIONS:

Uses may be conducted in the R-2.5 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-2.5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-2.5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-2.5 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-2.5 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-2.5 zone except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-2.5 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8')

from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the R-2.5 zone except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.36.050: DEVELOPMENT REVIEW:

Uses proposed in R-2.5 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in R-2.5 zones. All uses shall be conducted according to the approved plan, map or plat and any conditions of approval. Plans, maps or plats may not be altered without prior approval of the city except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.36.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (unit in which building dimensions are not recorded) in R-2.5 zones shall be fourteen thousand five hundred twenty (14,520) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case the minimum lot or unit size shall be ten thousand (10,000) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.36.070: LOT DENSITY:

The maximum gross density in any residential development in R-2.5 zones shall be 2.5 lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.36.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-2.5 zone shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel, except in condominium projects and PUDs, shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). (Ord. 2007-02, 1-16-2007)

17.36.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-2.5 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.36.100: LOT COVERAGE:

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-2.5 zones may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.36.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-2.5 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the

boundaries of private ownership areas in condominium projects. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building, and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').
3. Side yard, interior lots: Ten feet (10').
4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot; thirty feet (30') on the side adjoining the street.
5. Rear yard, interior lot: Twenty five feet (25').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or ~~boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard ~~and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
4. Rear Yard: An accessory building may be located in a rear yard ~~no closer than six feet (6') from the dwelling or main building and~~ no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.
- ~~5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~
5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.

6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').
7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.
- C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5'). (Ord. 2007-02, 1-16-2007)

17.36.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-2.5 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.36.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-2.5 zones shall meet requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.36.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-2.5 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-2.5 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-2.5 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-2.5 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.36.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-2.5 zones:

- A. Each **main** dwelling in R-2.5 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). **D** **Main** dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-2.5 zones shall be two thousand four hundred (2,400) square feet.
- E. Main buildings in R-2.5 zones may not exceed thirty-five feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty five-feet (25') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.

F. The exteriors of buildings in the R-2.5 zone shall be properly maintained by the owners.

~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~

G. The footprint of an accessory building shall not exceed 80% of the footprint of the main building, except where the Planning Commission determines that a larger footprint is consistent with the character of the surrounding area, taking into consideration the footprint of other structures, applicable CC&R's, overall massing, etc. In no case shall an accessory structure exceed the footprint of the main building. Written notice of a petition to the Planning Commission shall be provided to all property owners within 300' and within the subdivision plat of the subject property.

17.36.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-2.5 zones:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of PUD, condominium project and nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In PUD, condominium project and nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in R-2.5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- E. In nonresidential developments in R-2.5 zones, the following landscaping requirements shall apply:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
 - 2. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.

3. All landscaped areas shall be curbed.

- F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-2.5 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.36.170: LIGHTING:

The following lighting requirements shall apply in R-2.5 zones:

- A. A lighting plan shall be submitted with all new developments in R-2.5 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.36.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-2.5 zone which meets the requirements of this section as well as other pertinent provisions of this title.

- A. A PUD or condominium project may be allowed only with a conditional use permit in the R-2.5 zone. Uses allowed in a PUD or condominium project shall be the same as those allowed in the R-2.5 zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas

may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.
2. Each dwelling shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
4. All dwellings shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).
5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in subsection 16.04.180A of this code.
6. For private streets, setbacks shall be measured from the back of the curb.
7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

E. The minimum yard, width and frontage requirements of lots and units in the R-2.5 zones may be altered in a PUD or condominium project.

F. Before final plat approval, all PUD or condominium projects shall have approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title. (Ord. 2007-02, 1-16-2007)

17.36.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-2.5 zones:

- A. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium or PUD meets requirements of state law, and record the covenants with the condominium or PUD plat for the project.
- B. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city.
- C. All development shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- D. All private areas of lots or parcels shall be properly maintained by the owners.=
- E. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

Chapter 17.40 RESIDENTIAL R-3 ZONE

- 17.40.010: PURPOSE:**
- 17.40.020: PERMITTED USES:**
- 17.40.030: CONDITIONAL USES:**
- 17.40.040: USE REGULATIONS:**
- 17.40.050: DEVELOPMENT REVIEW:**
- 17.40.060: LOT AREA:**
- 17.40.070: LOT DENSITY:**
- 17.40.080: LOT WIDTH AND FRONTAGE:**
- 17.40.090: PRIOR CREATED LOTS:**
- 17.40.100: LOT COVERAGE:**
- 17.40.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**
- 17.40.120: PROJECTIONS INTO YARDS:**
- 17.40.130: PARKING AND ACCESS:**
- 17.40.140: FENCING, SCREENING AND CLEAR VISION:**
- 17.40.150: ARCHITECTURAL STANDARDS:**
- 17.40.160: LANDSCAPING REQUIREMENTS:**
- 17.40.170: LIGHTING:**
- 17.40.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:**
- 17.40.190: OTHER REQUIREMENTS:**

17.40.010: PURPOSE:

The residential R-3 zone (single-family residential, 3 lots per acre), may be cited as the "R-3 zone" and is established to provide areas for medium density single-family housing in the city. (Ord. 2007-02, 1-16-2007)

17.40.020: PERMITTED USES:

The following uses may be conducted in the R-3 zone as limited herein:

Home occupations according to city ordinances.

~~Residential-a~~ Accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

~~Residential-a~~ Accessory uses.

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.40.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-3 zone:

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Single-family dwelling planned unit developments (PUD) or condominium projects. (Ord. 2012-12, 10-2-2012)

17.40.040: USE REGULATIONS:

Uses may be conducted in the R-3 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-3 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-3 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-3 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-3 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-3 zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-3 zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living

quarters in the R-3 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.40.050: DEVELOPMENT REVIEW:

Uses proposed in R-3 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in R-3 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.40.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-3 zones shall be ten thousand (10,000) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be eight thousand (8,000) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.40.070: LOT DENSITY:

The maximum gross density in any residential development R-3 zones shall be three (3) lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.40.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-3 zone shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.40.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-3 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.40.100: LOT COVERAGE:

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-3 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.40.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-3 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A land use permit shall be obtained

prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').
3. Side yard, interior lots: Ten feet (10').
4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.
5. Rear yard, interior lot: Twenty five feet (25').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front ~~or-side~~ building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary ~~and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard ~~and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
4. Rear Yard: An accessory building may be located in a rear yard ~~no closer than six feet (6') from the dwelling or main building and~~ no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.
- ~~6. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~
5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.

6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').

7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.

C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5'). (Ord. 2007-02, 1-16-2007)

17.40.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-3 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.40.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-3 zones shall meet the requirements of chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.40.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-3 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-3 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-3 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes, and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-3 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.40.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-3 zones:

- A. Each main dwelling in R-3 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage).
~~D~~Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-3 zones shall be two thousand four hundred (2,400) square feet.
- E. Main buildings in R-3 zones may not exceed thirty five feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty-five feet (25') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.
- F. The exteriors of buildings in the R-3 zone shall be properly maintained by the owners.

~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~

~~G. The footprint of an accessory building shall not exceed 80% of the footprint of the main building, except where the Planning Commission determines that a larger footprint is consistent with the character of the surrounding area, taking into consideration the footprint of other structures, applicable CC&R's, overall massing, etc. In no case shall an accessory structure exceed the footprint of the main building. Written notice of a petition to the Planning Commission shall be provided to all property owners within 300' and within the subdivision plat of the subject property.~~

17.40.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-3 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in R-3 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- E. In nonresidential developments in R-3 zones, the following landscaping requirements shall apply:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
 - 2. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.
 - 3. All landscaped areas shall be curbed.
- F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be

counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-3 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.40.170: LIGHTING:

The following lighting requirements shall apply in R-3 zones:

- A. A lighting plan shall be submitted with all new developments in R-3 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.40.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-3 zone which meets the requirements of this section as well as other pertinent provisions of this title.

- A. A PUD may be allowed only with a conditional use permit in the R-3 zone. Uses allowed in a PUD shall be the same as those allowed in the R-3 zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.
2. Each dwelling unit shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
4. All dwellings shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).
5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in subsection 16.04.180A of this code.
6. For private streets, setbacks shall be measured from the back of the curb.
7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

E. The minimum yard, width and frontage requirements of lots and units in the R-3 zones may be altered in a PUD or condominium project.

F. Before final plat approval, all PUD or condominium projects shall have approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title. (Ord. 2007-02, 1-16-2007)

17.40.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-3 zones:

- A. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All private areas of lots or parcels shall be properly maintained by the owners.

- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.

- D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. (Ord. 2007-02, 1-16-2007)

Chapter 17.45 RESIDENTIAL R-4 ZONE

- 17.45.010: PURPOSE:**
- 17.45.020: PERMITTED USES:**
- 17.45.030: CONDITIONAL USES:**
- 17.45.040: USE REGULATIONS:**
- 17.45.050: DEVELOPMENT REVIEW:**
- 17.45.060: LOT AREA:**
- 17.45.070: LOT DENSITY:**
- 17.45.080: LOT WIDTH AND FRONTAGE:**
- 17.45.090: PRIOR CREATED LOTS:**
- 17.45.100: LOT COVERAGE:**
- 17.45.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**
- 17.45.120: PROJECTIONS INTO YARDS:**
- 17.45.130: PARKING AND ACCESS:**
- 17.45.140: FENCING, SCREENING AND CLEAR VISION:**
- 17.45.150: ARCHITECTURAL STANDARDS:**
- 17.45.160: LANDSCAPING REQUIREMENTS:**
- 17.45.170: LIGHTING:**
- 17.45.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:**
- 17.45.190: OTHER REQUIREMENTS:**

17.45.010: PURPOSE:

The residential R-4 zone (single-family residential, 4 lots per acre), may be cited as the "R-4 zone" and is established to provide areas for medium density single-family housing in the city. (Ord. 2007-02, 1-16-2007)

17.45.020: PERMITTED USES:

The following uses may be conducted in the R-4 zone as limited herein:

Home occupations according to city ordinances.

~~Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.~~

~~Residential accessory uses.~~

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.45.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-4 zone:

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Single-family dwelling planned unit developments (PUD) or condominium projects. (Ord. 2012-12, 10-2-2012)

17.45.040: USE REGULATIONS:

Uses may be conducted in the R-4 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-4 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-4 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-4 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-4 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-4 zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-4 zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living

quarters in the R-4 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.45.050: DEVELOPMENT REVIEW:

Uses proposed in R-4 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in R-4 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.45.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-4 zones shall be nine thousand (9,000) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be seven thousand five hundred (7,500) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.45.070: LOT DENSITY:

The maximum gross density in any residential development in an R-4 zone shall be four (4) lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.45.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-4 zone shall have a minimum width of eighty feet (80') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of eighty feet (80'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.45.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-4 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.45.100: LOT COVERAGE:

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-4 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.45.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-4 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A land use permit shall be obtained

prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Twenty five feet (25') to the dwelling and thirty feet (30') to the front of the garage.
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25') to the dwelling and thirty feet (30') to the front of the garage.
3. Side yard, interior lots: Eight feet (8').
4. Side yard, corner lots: Eight feet (8') on the side adjoining another lot, twenty five feet (25') on the side adjoining the street.
5. Rear yard, interior lot: Twenty feet (20').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the ~~front or side~~ building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than eight feet (8') ~~from the side property line or boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard ~~and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
4. Rear Yard: An accessory building may be located in a rear yard ~~no closer than six feet (6') from the dwelling or main building and~~ no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.
5. ~~Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~ 5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.

6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').

7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.

C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~five feet (5'). (Ord. 2007-02, 1-16-2007)

17.45.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-4 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.45.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-4 zones shall meet the requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.45.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-4 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-4 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-4 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-4 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.45.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-4 zones:

- A. Each main dwelling in R-4 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). D Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approved approximate equivalent area).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-4 zones shall be two thousand four hundred (2,400) square feet.
- E. Main buildings in R-4 zones may not exceed thirty-five feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty-five feet (25') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.
- F. The exteriors of buildings in the R-4 zone shall be properly maintained by the owners.

~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~

G. The footprint of an accessory building shall not exceed 80% of the footprint of the main building, except where the Planning Commission determines that a larger footprint is consistent with the character of the surrounding area, taking into consideration the footprint of other structures, applicable CC&R's, overall massing, etc. In no case shall an accessory structure exceed the footprint of the main building. Written notice of a petition to the Planning Commission shall be provided to all property owners within 300' and within the subdivision plat of the subject property.

17.45.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-4 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in R-4 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- E. In nonresidential developments in R-4 zones, the following landscaping requirements shall apply:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
 - 2. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.
 - 3. All landscaped areas shall be curbed.

- F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-4 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.45.170: LIGHTING:

The following lighting requirements shall apply in R-4 zones:

- A. A lighting plan shall be submitted with all new developments in R-4 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.45.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-4 zone which meets the requirements of this section as well as other pertinent provisions of this title.

- A. A PUD may be allowed only with a conditional use permit in the R-4 zone. Uses allowed in a PUD shall be the same as those allowed in the R-4 zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational

amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. Consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.
2. Each dwelling unit shall contain a total of at least three thousand (3,000) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approved approximate equivalent).
3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
4. All dwelling units shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).

E. The minimum yard, width and frontage requirements of lots and units in the R-4 zones may be altered in a PUD or condominium project.

F. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium project or PUD meets requirements of state law, and record the covenants with the condominium or PUD plat for the project. (Ord. 2007-02, 1-16-2007)

17.45.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-4 zones:

- A. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All private areas of lots or parcels shall be properly maintained by the owners.
- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.
- D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. (Ord. 2007-02, 1-16-2007)

Chapter 17.46 RESIDENTIAL R-5 ZONE

17.46.010: PURPOSE:

17.46.020: PERMITTED USES:

17.46.030: CONDITIONAL USES:

17.46.040: USE REGULATIONS:

17.46.050: DEVELOPMENT REVIEW:

17.46.060: LOT AREA:

17.46.070: LOT DENSITY:

17.46.080: LOT WIDTH AND FRONTAGE:

17.46.090: PRIOR CREATED LOTS:

17.46.100: LOT COVERAGE:

17.46.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.46.120: PROJECTIONS INTO YARDS:

17.46.130: PARKING AND ACCESS:

17.46.140: FENCING, SCREENING AND CLEAR VISION:

17.46.150: ARCHITECTURAL STANDARDS:

17.46.160: LANDSCAPING REQUIREMENTS:

17.46.170: LIGHTING:

17.46.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

17.46.190: OTHER REQUIREMENTS:

17.46.010: PURPOSE:

The residential R-5 zone (single-family residential, 5 lots per acre), may be cited as the "R-5 zone" and is established to provide areas for medium density single-family housing in the city. (Ord. 2007-02, 1-16-2007)

17.46.020: PERMITTED USES:

The following uses may be conducted in the R-5 zone as limited herein:

Home occupations according to city ordinances.

~~Residential-a~~ Accessory buildings, ~~the footprints of which do not exceed the footprint area of the dwelling.~~

~~Residential-a~~ Accessory uses.

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.46.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-5 zone:

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Single-family dwelling planned unit developments (PUD) or condominium projects. (Ord. 2012-12, 10-2-2012)

17.46.040: USE REGULATIONS:

Uses may be conducted in the R-5 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-5 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-5 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-5 zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-5 zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living

quarters in the R-5 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.46.050: DEVELOPMENT REVIEW:

Uses proposed in R-5 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in R-5 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.46.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-5 zones shall be seven thousand five hundred (7,500) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be six thousand five hundred (6,500) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.46.070: LOT DENSITY:

The maximum gross density in any residential development in an R-5 zone shall be five (5) lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.46.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-5 zone shall have a minimum width of seventy feet (70') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of sixty five feet (65'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.46.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-5 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.46.100: LOT COVERAGE:

A maximum of fifty percent (50%) of the area of lots or private ownership areas in R-5 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.46.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-5 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A land use permit shall be obtained

prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Twenty five feet (25') to the dwelling and thirty feet (30') to the front of the garage.
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25') to the dwelling and thirty feet (30') to the front of the garage.
3. Side yard, interior lots: Eight feet (8').
4. Side yard, corner lots: Eight feet (8') on the side adjoining another lot, twenty five feet (25') on the side adjoining the street.
5. Rear yard, interior lot: Twenty feet (20').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front or side building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than eight feet (8') from the side property line or ~~boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard ~~and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
4. Rear Yard: An accessory building may be located in a rear yard ~~no closer than six feet (6') from the dwelling or main building and~~ no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.
- ~~5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~
5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.

6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').

7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.

C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5'). (Ord. 2007-02, 1-16-2007)

17.46.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-5 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.46.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-5 zones shall meet the requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.46.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-5 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-5 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-5 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-5 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.46.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-5 zones:

- A. Each main dwelling in R-5 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage).
D Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approved approximate equivalent area).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-5 zones shall be two thousand two hundred (2,200) square feet.
- E. Main buildings in R-5 zones may not exceed thirty five-feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty five-feet (25') in height.
- F. The exteriors of buildings in the R-5 zone shall be properly maintained by the owners.

~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~

G. The footprint of an accessory building shall not exceed 80% of the footprint of the main building, except where the Planning Commission determines that a larger footprint is consistent with the character of the surrounding area, taking into consideration the footprint of other structures, applicable CC&R's, overall massing, etc. In no case shall an accessory structure exceed the footprint of the main building. Written notice of a petition to the Planning Commission shall be provided to all property owners within 300' and within the subdivision plat of the subject property.

17.46.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-5 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in R-5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- E. In nonresidential developments in R-5 zones, the following landscaping requirements shall apply:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
 - 2. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.
 - 3. All landscaped areas shall be curbed.
- F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be

counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-5 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.46.170: LIGHTING:

The following lighting requirements shall apply in R-5 zones:

- A. A lighting plan shall be submitted with all new developments in R-5 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.46.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-5 zone which meets the requirements of this section as well as other pertinent provisions of this title.

- A. A PUD may be allowed only with a conditional use permit in the R-5 zone. Uses allowed in a PUD shall be the same as those allowed in the R-5 zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. Consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.
2. Each dwelling unit shall contain a total of at least three thousand (3,000) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
4. All dwelling units shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).

E. The minimum yard, width and frontage requirements of lots and units in the R-5 zones may be altered in a PUD or condominium project.

F. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium project or PUD meets requirements of state law, and record the covenants with the condominium or PUD plat for the project. (Ord. 2007-02, 1-16-2007)

17.46.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-5 zones:

- A. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All private areas of lots or parcels shall be properly maintained by the owners.
- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.
- D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. (Ord. 2007-02, 1-16-2007)

Chapter 17.48 RESIDENTIAL R-M ZONE

17.48.010: PURPOSE:

17.48.020: PERMITTED USES:

17.48.030: CONDITIONAL USES:

17.48.040: USE REGULATIONS:

17.48.050: DEVELOPMENT REVIEW:

17.48.060: DENSITY, LOT AREA, LOT FRONTAGE, AND SETBACKS:

17.48.070: PRIOR CREATED LOTS:

17.48.080: LOT COVERAGE:

17.48.090: YARD REQUIREMENTS FOR ACCESSORY BUILDINGS:

17.48.100: PROJECTIONS INTO YARDS:

17.48.110: STREETS, ACCESS AND PARKING:

17.48.120: FENCING, SCREENING AND CLEAR VISION:

17.48.130: ARCHITECTURAL STANDARDS:

17.48.140: LANDSCAPING AND OPEN SPACE:

17.48.150: LIGHTING:

17.48.160: MULTI-FAMILY RESIDENTIAL:

17.48.170: OTHER REQUIREMENTS:

17.48.010: PURPOSE:

The residential R-M zone (residential multiple-family), may be cited as the "R-M zone" and is established to provide for higher density residential developments such as, small lot single-family and multi-family infill developments. The dwelling density of each R-M zone is indicated on the official zoning map with a numerical suffix as described in section 17.48.060 of this chapter. (Ord. 2014-06, 3-4-2014)

17.48.020: PERMITTED USES:

The following uses may be conducted in the R-M zone as limited herein:

Agriculture without livestock or poultry.

Assisted living centers and care centers, maximum two (2) stories with planning commission review and approval.

Golf courses, with planning commission review and approval.

Home occupations according to city ordinances.

Integrated multi-family residential with "village" style design, building height, architecture and connectivity, minimum one acre projects with planning commission review and approval.

Parks and recreational activities, with planning commission review and approval.

~~Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.~~

| Residential ~~a~~Accessory uses.

Single-family residential, detached, maximum one per lot or parcel. (Ord. 2014-06, 3-4-2014)

17.48.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-M zone:

Daycare center facility on minimum one acre lot.

Educational facilities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Retail or office uses on main building level with upper level residential. (Ord. 2014-06, 3-4-2014)

17.48.040: USE REGULATIONS:

Uses may be conducted in the R-M zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-M zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-M zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-M zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-M zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-M zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.

F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-M zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the R-M zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2014-06, 3-4-2014)

17.48.050: DEVELOPMENT REVIEW:

Uses proposed in R-M zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this regarding development review in the preparation and review of development proposals in R-M zones. Each residential rezone area or development plan project shall contain a minimum of one acre. Depending upon size, scale, and the characteristics of a proposed development, an acceptable conceptual development plan, formulated in consultation with staff and adjacent property owners, may be required concurrently with an application to rezone property to the R-M zone. A development agreement may also be required with said application.

All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2014-06, 3-4-2014)

17.48.060: DENSITY, LOT AREA, LOT FRONTAGE, AND SETBACKS:

The maximum gross density (dwelling units per acre before street dedication) in R-M zones and the minimum area of any single-family lot in R-M zones shall be as shown in the table below. Every portion of a parcel being subdivided or recorded as a condominium shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium.

Zone	Maximum DUs/Acre	Single-Family Residential Minimum Lot Size/Average Lot Size	Single-Family Residential Minimum Lot Frontage	Single-Family Residential Minimum Building Setbacks
R-M 5	5	6,000 sq . ft. 7,000 sq . ft.	65 ft .	Front: 20 ft., Garage: 25 ft., Side: 8 ft., Side corner: 10 ft., Rear: 25 ft.,

				Rear corner lot: 10 ft.
R-M 6	6	5,500 sq . ft. 6,500 sq . ft.	60 ft .	Front: 20 ft., Garage: 25 ft., Side: 8 ft., Side corner: 10 ft., Rear: 25 ft., Rear corner lot: 10 ft.
R-M 7	7	5,000 sq . ft. 6,000 sq . ft.	55 ft .	Front: 15 ft., Garage: 20 ft., Side: 6 ft., Side corner: 10 ft., Rear: 20 ft., Rear corner lot: 10 ft.

Except for approved "green court" single-family dwellings, and applicable portions of multi-family residential developments, each project area in R-M zones shall abut the right of way line of a public street. Unless otherwise approved as a PUD, minimum yard areas are measured from the corresponding front, side and rear property lines of lots. (Ord. 2014-06, 3-4-2014)

17.48.070: PRIOR CREATED LOTS:

Lots or parcels of land, which legally existed or were created by a recorded plat prior to the establishment of an R-M zone, shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2014-06, 3-4-2014)

17.48.080: LOT COVERAGE:

A maximum of sixty percent (60%) of the area of a lot or condominium private ownership area in R-M zones may be covered by buildings. (Ord. 2014-06, 3-4-2014)

17.48.090: YARD REQUIREMENTS FOR ACCESSORY BUILDINGS:

A. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than six feet (6') from the side property line or ~~boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard ~~and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.~~
4. Rear Yard: An accessory building may be located in a rear yard ~~no closer than six feet (6') from the dwelling or main building and~~ no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.
- ~~5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~
- ~~5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.~~
- ~~6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').~~
- ~~7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.~~
- C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5'). (Ord. 2014-06, 3-4-2014)

17.48.100: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-M zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.

- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2014-06, 3-4-2014)

17.48.110: STREETS, ACCESS AND PARKING:

- A. Private streets are discouraged and gated communities are prohibited. Accesses shall be so designed to create connectivity and to meet the appropriate level of travel and service. Cul-de-sac streets will not be approved unless it can be demonstrated that no practical way exists to make connectivity. Where private streets are approved, building setbacks shall be measured from the back of curb. Street and driveway widths and improvements shall be determined during subdivision/site plan review, as may be recommended by the city engineer and fire marshal, and approved by the planning commission.
- B. Parking areas and vehicle access in residential zones shall meet the requirements of title 16, chapter 16.26 of this code. Recreational vehicle parking in multiple-family developments shall only be provided in a screened area designated for such parking. (Ord. 2014-06, 3-4-2014)

17.48.120: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-M zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-M zones. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-M zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.

- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-M zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2014-06, 3-4-2014)

17.48.130: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-M zones:

- A. CPTED (crime prevention through environmental design). Where practically possible, CPTED principles shall be used in the design and layout of buildings, streets, accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, proper management and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of two feet (2') to three feet (3') and trees with a proper ground clearance of six feet (6') to eight feet (8') above walkways and sidewalks and eight feet (8') to ten feet (10') above vehicular travel and parking lanes.
- B. The treatment of buildings, materials and exterior appurtenances shall create an aesthetically pleasing site that is compatible with structures in the immediate area. Requirements applicable to all building structures are stated below:
 - 1. All sides of dwellings shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties.
 - 2. Basic building materials for dwellings, including garages, shall include brick, stone, or cement fiber products (i.e., hardiboard) in combinations that create aesthetically pleasing architecture. Stucco products, if used, shall clearly be used in minimal amounts and as a contrast or accent to other building materials, i.e., gables.
 - 3. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, open space, parking areas.
- C. Except for flat or shed style roof structures approved by the planning commission, a minimum six to twelve (6:12) roof pitch shall be required and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent) for each single-family dwelling unit.
- D. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- E. The minimum total floor area, above grade, of any single-family dwelling in R-M zones shall be one thousand two hundred (1,200) square feet. The minimum total floor area,

above grade, of each unit in a multi-family dwelling shall be one thousand (1,000) square feet.

- F. Main buildings in R-M zones may not exceed thirty-five feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty-five feet (25') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.
- G. ~~Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2014-06, 3-4-2014)~~
- G. The footprint of an accessory building shall not exceed 80% of the footprint of the main building, except where the Planning Commission determines that a larger footprint is consistent with the character of the surrounding area, taking into consideration the footprint of other structures, applicable CC&R's, overall massing, etc. In no case shall an accessory structure exceed the footprint of the main building. Written notice of a petition to the Planning Commission shall be provided to all property owners within 300' and within the subdivision plat of the subject property.

17.48.140: LANDSCAPING AND OPEN SPACE:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. The minimum gross land area of a multi-family residential development to be preserved as open space in R-M zones shall be as follows:

<u>Zone</u>	<u>Required Open Space</u>
R-M 5	12 percent
R-M 6	14 percent
R-M 7	16 percent

The open space, if not dedicated to the city, will be labeled and recorded as a lot or lots in a subdivision, as common area in a condominium or as a perpetual open space easement to be jointly owned and properly maintained as open space and/or recreation by an owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. The city may determine the location of open space in consideration of topography, drainage or other land features. Open space shall include recreational improvements such as play courts,

swimming pools, tot lots, picnic areas and walking paths. Open space may also include community gardens and other natural open space. The city may determine the acceptability of proposed amenities before a site plan, plat or condominium is approved. The city may require a cash bond to guarantee installation of the open space improvements. All open spaces shall be preserved and properly maintained by the owners.

- C. All areas of developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material or xeriscape as approved in conjunction with a site plan or plat for the development.
- D. In multi-family and nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped common areas, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as may be required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- E. All collector street and other public and private park strips in R-M zones shall be improved with ground covers and street trees, and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- F. Required trees may not be topped nor may any required landscape material be modified or removed in R-M zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.
- G. In multi-family and nonresidential developments in R-M zones, the following landscaping requirements shall apply:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Said planters shall be at least five feet (5') wide.
 - 2. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations, except at building entrances.
 - 3. All landscaped areas shall be curbed.
- H. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

- I. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- J. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners. (Ord. 2014-06, 3-4-2014)

17.48.150: LIGHTING:

The following lighting requirements shall apply in R-M zones:

- A. A lighting plan shall be submitted with all new developments in R-M zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2014-06, 3-4-2014)

17.48.160: MULTI-FAMILY RESIDENTIAL:

As used in this chapter, "multi-family residential" shall mean any residential development in the R-M zone approved by the city in compliance with the following additional requirements:

- A. Uses allowed in a multi-family residential project shall be the same as those allowed in the R-M zone.
- B. The maximum gross residential density in a multi-family project shall be as provided in section 17.48.060 of this chapter. Depending upon size and scale, multi-family projects may be required to have mix of housing types and building heights.
- C. The minimum area, yard, width, frontage and other dimensional requirements of the R-M zone may be modified in a multi-family residential project as recommended by staff and approved by the planning commission.
- D. The entrances of all dwellings shall front onto public streets, fire accessible private driveways, or green courts, with entrance sidewalks accessing the street sidewalk. Entrances shall also have direct sidewalk access to public/private sidewalks. Building orientation away from a collector street may be required.
- E. Direct driveways onto a collector street may be prohibited or restricted by using shared or rear loaded driveways. On site turnaround access may be required to avoid having vehicles backing onto a collector street. Rear loaded garages are encouraged for garage access to townhomes, row houses, and twin homes. Approved front loaded garages shall be subservient, making the porch and/or living space the dominant feature of the dwelling.
- F. The design of pedestrianways may be a standard sidewalk, a solitary meandering pathway or trail, or other possible designs that may be approved by the planning commission. Choice of appropriate pedestrian access will be made based upon the type

and scale of the project being proposed. Crosswalks and pedestrian access to trail systems or nearby activity centers may be required.

- G. Parking spaces shall be provided for all dwelling units within a multi-family residential project and per section 16.26.040 of this code. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.
- H. Before building permits are issued, all multi-family residential projects shall have been approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association (depending on the size and scale of the project), maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title.
- I. Developers of multi-family residential projects shall submit a proposed declaration of covenants to the city attorney for review, including, if requested by the city attorney, an opinion of legal counsel licensed to practice law in the state, that the multi-family project meets requirements of state law, and record the covenants with the plat for the project. (Ord. 2014-06, 3-4-2014)

17.48.170: OTHER REQUIREMENTS:

The following requirements shall apply in R-M zones:

- A. All improvements, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the owners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city.
- B. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. All private areas of lots or parcels shall be properly maintained by the owners.
- D. Development projects shall give due consideration to the development of adjoining parcels in regards to access, utilities, buffering, and landscaping. A project phasing plan may be required for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2014-06, 3-4-2014)

Chapter 17.98 HOME OCCUPATIONS

17.98.010: DEFINITION AND PURPOSE:

17.98.020: RESTRICTIONS:

17.98.030: PRESCHOOLS:

17.98.040: APPLICATION:

17.98.050: APPLICATION REVIEW PROCEDURE:

17.98.060: APPLICATION APPEAL PROCEDURE:

17.98.070: REVOCATION:

17.98.010: DEFINITION AND PURPOSE:

A home occupation is any business or income producing activity conducted from a residential property. The home occupation provisions are intended to provide opportunities for minor in home businesses which do not require the facilities of or have the impacts of larger concerns. Many types of businesses are allowed; provided, that they meet all of the provisions of this chapter. Home occupations do not include occasional babysitting at the dwelling which would not be classified as a daycare or preschool operation. Home occupations are considered accessory uses in residential and agricultural zones. Garage or yard sales are not considered home occupations but may be held no more than four (4) calendar days per year. Sales of night crawlers gathered from the subject property, lemonade stands and similar occasional activities related to the subject premises are not considered home occupations. Temporary signage may be used to advertise yard sales, night crawlers, lemonade stands and similar occasional sales activities, provided it does not create a nuisance, is not placed on the public right of way and provided it is removed by seven o'clock (7:00) P.M. each day and upon conclusion of the activity. Home occupations will have no significant impact on the neighborhoods in which they are located and are considered to be secondary and incidental to and compatible with residential use. (Ord. 2007-02, 1-16-2007)

17.98.020: RESTRICTIONS:

The following restrictions shall apply to any home occupation:

- A. All home occupations are required to obtain and maintain a current city business license and meet all requirements of title 5 of this code.
- B. All home occupations shall comply with federal, state and local laws and ordinances.
- C. Home occupations shall not involve the unauthorized use of hazardous or annoying substances or processes nor shall they create any hazardous or offensive odors, noises, fumes, gases, dust, radiation, glare, electrical interference, vibrations, heat, wastes, pathogens or any other harmful substances or effects.
- D. Home occupations shall be conducted entirely within the dwelling unit and may not occupy, with either goods, materials, equipment or activities, any attached garage, accessory building or lot area, except that office activities of a home occupation may occur in a fully enclosed and properly permitted accessory building associated with a single-family residential dwelling. Training activities such as swimming, tennis and

horseback riding or daycare or preschool activities may be conducted outdoors; provided, that no nuisance is created. ~~The home occupation-~~ Home occupations may not occupy more than ~~eight hundred (800) square feet~~ thirty-five percent (35%) of the floor area of the ~~dwelling main building or one thousand (1,000) square feet, whichever is less.~~

- E. Home occupations shall not receive or generate more than a total of six (6) customers, visitors, vehicle round trips and/or deliveries per day except for approved preschools. Tractor/trailer rigs may not be brought to the residence.
- F. No more than one vehicle used with the home occupation and complying with provisions for vehicle storage of the zone in which the home occupation is located may be stored at the residence. Said vehicle shall be stored in a garage or at least six feet (6') behind the front or street side building lines of the dwelling.
- G. Home occupations shall not cause excessive demands on city services.
- H. Employees of home occupations shall consist only of members of the family residing in the dwelling or other individuals whose activities are conducted away from the residence.
- I. No display of merchandise or advertising shall be visible from the street or neighboring properties, except as permitted in section 16.36.050 of this code.
- J. The exteriors of dwellings may not be altered from a residential character as a result of or to enhance a home occupation.
- K. Home occupations involving pedestrian or vehicle traffic shall be conducted only between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.
- L. More than one home occupation may be conducted ~~in a dwelling on a property;~~ provided, that these regulations are followed as though there were only one occupation ~~in the dwelling on the property.~~
- M. Retail sales may not be conducted as a home occupation, except if incidental to another service performed by the operator. Otherwise, goods may not be distributed or disbursed at the residence.
- N. Meetings held for the purpose of marketing, taking orders or training may be held at the residence; provided, that no violations of this chapter occur.
- O. The city may place additional restrictions on a home occupation relating to hours of operation, parking, traffic or other matters as it deems necessary to mitigate impacts on the neighborhood and the city in general. (Ord. 2007-02, 1-16-2007)

17.98.030: PRESCHOOLS:

Preschools for up to six (6) students may be conducted as home occupations in accordance with provisions of this chapter without a conditional use permit. Preschools for seven (7) to a maximum of twelve (12) students may be conducted as home occupations with approval of a conditional use permit/concept plan with the following and other conditions as determined by the city council:

- A. Maximum two (2) sessions per day and maximum four (4) sessions per week. Sessions shall be a maximum three (3) hours in length.
- B. Students' ages shall be three (3), four (4) or five (5) years old.
- C. Days and hours of operation shall be provided for review.
- D. All life safety and building codes shall be met and a building permit, if necessary, shall be obtained for remodeling.
- E. All state licensing requirements will be met.
- F. All other requirements of this chapter and other local, state and federal laws shall be met. (Ord. 2007-02, 1-16-2007)

17.98.040: APPLICATION:

The following items shall be submitted to the city business licensing office in applying for a home occupation business license:

- A. Application forms as provided by the city and the associated fee as determined by the city council.
- B. Description of the nature of the home occupation and information as requested in the application.
- C. Sketch of the site plan of the property and the floor plan of the dwelling and the area to be devoted to the home occupation with dimensions and area calculations.
- D. List of materials and equipment to be used.
- E. Hours of operation and the number of customers, vehicle trips and deliveries to be made each day.
- F. Other government approvals required for conducting the home occupation.
- G. Proposed remodeling needed to conduct the home occupation and whether a city building permit will be required.
- H. Signed affidavit by the applicant that all requirements and conditions of the city will be followed.
- I. Mailing labels and postage for owners of properties within three hundred feet (300') of the lot or parcel on which the home occupation is proposed. (Ord. 2007-02, 1-16-2007)

17.98.050: APPLICATION REVIEW PROCEDURE:

The city business licensing office shall mail a written notice in accordance with provisions of this title, with the exception that a public hearing will not initially be required, informing ~~the neighboring~~ property owners within 300' of the proposed home occupation and within the same subdivision plat. The applicant is required to provide a second mailing only if a hearing is necessary. The ~~community development d~~ Development Services Department and other

city departments will review the home occupation business license application and may approve the application if all requirements are met and if no objections have been filed within fourteen (14) days of the mailing. (Ord. 2007-02, 1-16-2007)

17.98.060: APPLICATION APPEAL PROCEDURE:

If city staff finds that certain conditions cannot be met, that the proposed home occupation is not appropriate or is inconsistent with the definition and purpose of this chapter ~~or if objections are filed~~, the application shall be denied.

The applicant, or an affected neighbor may appeal staff's decision for a public hearing before the planning commission within fourteen (14) days of the decision rendered by staff. The decision of the planning commission may be appealed to the city council within fourteen (14) days of the planning commission decision. Costs of notification for the planning commission and/or city council meetings shall be borne by the appellant. The planning commission or city council may place conditions on the approval of the home occupation business license application pertaining to the conduct of the business, subject to chapter 17.84 of this title. (Ord. 2007-02, 1-16-2007)

17.98.070: REVOCATION:

A home occupation may be commenced only upon completion of all plan improvements as stipulated in the accompanying approval. The home occupation will be conducted in conformance with approved plans and conditions. Application to amend a home occupation license may be requested by following the application procedures in this chapter. A home occupation license may be revoked by the city council, after a public hearing, if requested by the property owner or if it is shown that one or more of the following conditions exist:

- A. The use is conducted prior to completion of all required improvements and conditions.
- B. The use is established or conducted contrary to any of the approved plans or conditions.
- C. The use is conducted contrary to local, state, or federal laws.
- D. The use is creating a nuisance or hazard. (Ord. 2007-02, 1-16-2007)

**SOUTH JORDAN CITY
CITY COUNCIL REPORT****Council Meeting Date: August 19, 2014**

**Issue: FIRST READING - ZONE TEXT AMENDMENT, ORDINANCE NO. 2014-16
AMENDING REGULATIONS AFFECTING ACCESSORY BUILDINGS****Submitted By: Jake Warner, Long Range Planner
Department: Development Services**

BACKGROUND:

On July 15, 2014 the City Council approved a temporary land use regulation (Ordinance 2014-12), which imposed a moratorium on certain accessory buildings associated with single-family residential structures. The Council directed staff to draft revisions to accessory building regulations affecting height, footprint, setbacks, uses, review and noticing. Staff has completed those revisions. Proposed revisions include revisions to sections of the following chapters of the Zoning Ordinance: 17.24 (A-5 Zone), 17.28 (A-1 Zone), 17.32 (R-1.8 Zone), 17.36 (R-2.5 Zone), 17.40 (R-3 Zone), 17.45 (R-4 Zone), 17.46 (R-5 Zone), 17.48 (R-M), 17.98 (Home Occupations). The proposed revisions also include additional corrections, as identified by Staff, to the affected sections of the Zoning Ordinance (Title 17). Staff intends to present the revisions to the Planning Commission on August 26, 2014 for a recommendation and the City Council on September 16, 2014 for approval.

Revision Summary

Addressing Council concerns:

- Accessory buildings which exceed the height of the main building or 80% of the footprint of the main building are required to be approved by the Planning Commission.
 - Notices for Planning Commission approval shall include property owners within 300' and all owners within the same subdivision plat.
 - Planning commission may approve height in excess of the house, but not over 25', and footprints over 80%, but not exceeding the footprint of the house, if it determines that the accessory building will be consistent with the character of the area as determined by existing structures, CC&R's, screening, etc.
 - Accessory buildings in the A-5, A-1, and R-1.8 Zones would be allowed a footprint equivalent to the main building without Planning Commission approval.
- Habitable space on a second floor (over 4' from average grade) of an accessory building may not be less than 20' from the property line.
- When adjacent to a right of way, the setback is a minimum of 3' and increased by 2' for every foot in height in excess of 16'.
- Home occupation office activities may be located in an enclosed and properly permitted accessory building.

Staff corrections:

- Accessory buildings in a side yard may be located as close as 3' from the property line and 3' from the house if the accessory building is under 8' tall.
- All accessory structures may not be located closer than 5' from other structures.
- Permitted use changed from "Residential Accessory Buildings" to "Accessory Buildings"
- "Community Development Department" references changed to "Development Services Department."
- Home Occupations are allowed to occupy an area of not more than 35% of the floor area of the main building, and not to exceed 1,000 square feet.
- Removal of the automatic denial for a home occupation due to a received objection.
- Removal of restriction against street side garages on a corner lot.

FINDINGS, CONCLUSIONS & RECOMMENDATION:

FINDINGS:

- Accessory buildings are currently reviewed and approved by Staff.
- Allowed heights of accessory buildings in affected zones:
 - A-5 & A-1: Not to exceed 35' in height except for structures not intended for human occupancy.
 - R-1.8, R-2.5, R-3, R-4, R-5: Not to exceed 25'.
- Allowed footprints of accessory buildings in affected zones:
 - A-5 & A-1: Not exceed 5,000 square feet (may exceed 5,000 square feet with a Conditional Use Permit).
 - R-1.8, R-3, R-4, R-5, R-M: Not to exceed footprint of main dwelling.
 - R-2.5: Not to exceed 60% of the footprint of the main dwelling.
- Allowed setbacks for accessory building in affected zones:
 - Front: No closer than the main dwelling
 - Side (in a side yard): 10'
 - Street side (in a side yard): 30'
 - Rear and side (in a rear yard): 3' plus 1' for every foot the structure exceeds 16' in height.
 - To adjacent buildings: 6'
 - Buildings used for animals (A-5, A-1 & R-1.8): 40' to any dwelling or right of way (may be reduce to 20' with a Conditional Use Permit).
 - Containing an accessory living unit: Not less than 10'
- Habitable space is currently allowed in accessory buildings.
- An Accessory Living Unit permit is required if the habitable space contains all of the elements of a dwelling (living area, kitchen, & bathroom).
- The "Use Regulations" (subsection 040 in each affected zone) state that "Accessory uses include ... structures and activities which are incidental and subordinate to the principle permitted or conditional use on the premise."
- Home occupations are currently restricted to "be conducted entirely within the (main) dwelling unit and may not occupy ... any attached garage, accessory building, or lot area." (17.98.020(D))

CONCLUSIONS:

The proposed revisions reduce the potential impact of accessory buildings on adjacent property owners and right of way, increase the likelihood that accessory buildings are “incidental and subordinate” to the main structure, and provide flexibility for contextual consideration.

RECOMMENDATION:

Staff recommends that the City Council review the proposed revisions and provide feedback to Staff.

FISCAL IMPACT:

A fee may be considered to process an accessory building application which would require Planning Commission review and approval.

ALTERNATIVES:

(No formal action requested.)

SUPPORT MATERIALS:

- Ordinance No. 2014-16

City Council Action Requested: *Greg Schudler* *For Brülke* *8-13-14*
Department Head Date

ORDINANCE NO. 2014 -16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING ACCESSORY BUILDING REGULATIONS IN CHAPTERS 17.24 (A-5 ZONE), 17.28 (A-1 ZONE), 17.32 (R-1.8 ZONE), 17.36 (R-2.5 ZONE), 17.40 (R-3 ZONE), 17.45 (R-4 ZONE), 17.46 (R-5 ZONE), 17.48 (R-M ZONE), AND 17.98 (HOME OCCUPATIONS) OF THE MUNICIPAL CODE.

WHEREAS, Utah Code section 10-9a-102 grants the City of the South Jordan the authority to enact ordinances that the City Council considers necessary or appropriate for the use and development of land within South Jordan; and

WHEREAS, the City Council has adopted the Zoning Ordinance of the City of South Jordan (Municipal Code Title 17), which includes the regulation of accessory buildings; and

WHEREAS, the City Council desires to enact text amendments affecting the size, use, and setbacks of accessory buildings on residential properties in order to reduce the impact of accessory buildings on adjacent parcels, to ensure that accessory buildings are consistent with the character of surrounding area, and to improve the use and enjoyment of accessory buildings by property owner; and

WHEREAS, the Planning Commission of the City of South Jordan has held a public hearing, reviewed and made recommendation concerning the subject text amendments; and

WHEREAS, the City Council has held a public hearing and reviewed the subject text amendments; and

WHEREAS, the South Jordan City Council finds that the subject text amendments will enhance the public health, safety and welfare and promote the goals of the General Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN:

SECTION 1. Amendment. Chapters 17.24, 17.28, 17.32, 17.36, 17.40, 17.45, 17.46, 17.48, and 17.98 of Title 17 (Zoning Ordinance) of the Municipal Code of the City of South Jordan is hereby amended as identified in Exhibit "A".

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY,
UTAH, ON THIS _____ DAY OF _____, 2014 BY THE FOLLOWING
VOTE:**

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	_____	_____	_____	_____
Chuck Newton	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Steve Barnes	_____	_____	_____	_____
Christopher Rogers	_____	_____	_____	_____

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

Approved as to form:

Office of the City Attorney

Exhibit "A"

Revised sections of
Chapters 17.24, 17.28, 17.32, 17.36, 17.40, 17.45, 17.46, 17.48, and 17.98
of Title 17 (Zoning Ordinance) of the Municipal Code
of the City of South Jordan

Chapter 17.24 AGRICULTURAL A-5 ZONE

- 17.24.010: PURPOSE:**
- 17.24.020: PERMITTED USES:**
- 17.24.030: CONDITIONAL USES:**
- 17.24.040: USE REGULATIONS:**
- 17.24.050: DEVELOPMENT REVIEW:**
- 17.24.060: LOT AREA:**
- 17.24.070: LOT WIDTH AND FRONTAGE:**
- 17.24.080: PRIOR CREATED LOTS:**
- 17.24.090: DWELLING DENSITY:**
- 17.24.100: LOT COVERAGE:**
- 17.24.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**
- 17.24.120: PROJECTIONS INTO YARDS:**
- 17.24.130: FARM ANIMALS¹ (REP. BY ORD. 2011-18, 3-6-2012):**
- 17.24.140: PARKING AND ACCESS:**
- 17.24.150: FENCING, SCREENING AND CLEAR VISION:**
- 17.24.160: ARCHITECTURAL STANDARDS:**
- 17.24.170: LANDSCAPING:**
- 17.24.180: LIGHTING:**
- 17.24.190: OTHER REQUIREMENTS:**

17.24.010: PURPOSE:

The agricultural A-5 zone (minimum 5 acre lot), may be cited as the "A-5 zone" and is established to allow for the continuation of agriculture in an expanding urban community and to complement the existing rural residential environment in the city. The regulations of this chapter are intended to allow for the orderly expansion of residential and commercial developments into agricultural lands while encouraging compatibility of new growth with existing agricultural uses. (Ord. 2007-02, 1-16-2007)

17.24.020: PERMITTED USES:

The following uses may be conducted in the A-5 zone as limited herein:

~~Agricultural and residential~~ Accessory uses and buildings.

Agricultural buildings not exceeding five thousand (5,000) square feet.

Crop production, horticulture.

Farm animals as regulated in section 17.130.040 of this title.

Home occupations according to city ordinances.

Produce stand, maximum three hundred (300) square feet, maximum one per parcel or lot for selling only produce grown on the premises.

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-18, 3-6-2012)

17.24.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the A-5 zone:

Agricultural buildings exceeding five thousand (5,000) square feet in area.

Animal husbandry, unique or exotic animal specialties or other animal uses not otherwise regulated by this chapter.

Building other than single-family dwelling as a main building on the lot.

Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other commercial agricultural related structures and uses.

Cultural exhibits and activities.

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses and driving ranges.

Nature or zoological exhibits.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities. (Ord. 2012-12, 10-2-2012)

17.24.040: USE REGULATIONS:

Uses may be conducted in the A-5 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the A-5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the A-5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, barns, garages, silos, corrals, sheds, stables, paddocks, swimming pools, recreational equipment, greenhouses, windmills, wells and water storage facilities and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials, commercial goods or wrecked or neglected materials, equipment or vehicles in the A-5 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public

property within the A-5 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.

- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored in the A-5 zone, except in conjunction with temporary development or construction activities or in conjunction with an approved use which requires such vehicles. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts, or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an A-5 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the A-5 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.24.050: DEVELOPMENT REVIEW:

Uses proposed in A-5 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in A-5 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.24.060: LOT AREA:

The minimum area of any lot or parcel in the A-5 zone shall be five (5) acres. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat. (Ord. 2007-02, 1-16-2007)

17.24.070: LOT WIDTH AND FRONTAGE:

Each lot in the A-5 zone shall have a minimum width of one hundred feet (100'), measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of one hundred feet (100'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of sixty feet (60'). (Ord. 2007-02, 1-16-2007)

17.24.080: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an A-5 zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.24.090: DWELLING DENSITY:

Only one single-family dwelling may be placed upon a lot or parcel of land in the A-5 zone. (Ord. 2007-02, 1-16-2007)

17.24.100: LOT COVERAGE:

A maximum of twenty percent (20%) of the area of lots or parcels in the A-5 zone may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.24.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in A-5 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements, setbacks of the proposed accessory building and other information as needed shall be submitted for review:

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').
3. Side yard, interior lots: Ten feet (10').
4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.
5. Rear yard, interior lot: Twenty five feet (25').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Accessory Buildings: Accessory buildings may not be located between a street and the front building line of a main building.
2. Side Yard Accessory Building: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary ~~and no closer than six feet (6')~~ from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
3. Street Side Yard Accessory Building, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard ~~and no closer than six feet (6')~~ from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.

4. Rear Yard Accessory Building: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsection B56 and B7 of this section.
5. Height Considerations: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').
5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.
6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').
7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.

C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5').

D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right of way line. (Ord. 2007-02, 1-16-2007)

17.24.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in A-5 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.24.130: FARM ANIMALS²:

(Rep. by Ord. 2011-18, 3-6-2012)

17.24.140: PARKING AND ACCESS:

Parking areas and vehicle access in A-5 zones shall meet the requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.24.150: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in A-5 zones. A permit shall be obtained from the community development department prior to construction of any fence in the A-5 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in A-5 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk, but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in A-5 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.24.160: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in A-5 zones:

- A. Each main dwelling in A-5 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage).

⊖ Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

B. All building materials shall be high quality, durable and low maintenance.

C. Main Bbuildings and agricultural buildings in A-5 zones may not exceed thirty five feet (35') in height, except for structures not intended for human occupancy. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed thirty-five feet (35') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.

D. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.

E. The minimum floor area, finished and unfinished, of any single-family dwelling in A-5 zones shall be two thousand four hundred (2,400) square feet.

F. The exteriors of buildings in the A-5 zone shall be properly maintained by the owners.

~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~

G. The footprint of an accessory building shall not exceed the footprint of the main building.

17.24.170: LANDSCAPING:

The following landscaping requirements shall apply in A-5 zones:

A. The front and side yards of lots shall be landscaped and properly maintained with lawn and other acceptable plant material unless otherwise approved with a conditional use permit.

B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.

C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced except as required in parking areas and in park strips, but shall be distributed throughout the required yard areas on the site.

D. All collector street and other public and private park strips in A-5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in A-5 zones, the following landscaping requirements shall apply:

1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
2. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations except at building entrances.
3. All landscaped areas shall be curbed.

F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in A-5 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.24.180: LIGHTING:

The following lighting requirements shall apply in A-5 zones:

- A. A lighting plan shall be submitted with all new developments in A-5 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.24.190: OTHER REQUIREMENTS:

The following requirements shall apply in A-5 zones:

- A. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All areas of lots shall be properly maintained by the owners.
- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See section 17.130.040 of this title.

Footnote 2: See section 17.130.040 of this title.

Chapter 17.28

AGRICULTURAL A-1 ZONE

17.28.010: PURPOSE:

17.28.020: PERMITTED USES:

17.28.030: CONDITIONAL USES:

17.28.040: USE REGULATIONS:

17.28.050: DEVELOPMENT REVIEW:

17.28.060: LOT AREA:

17.28.070: LOT WIDTH AND FRONTAGE:

17.28.080: PRIOR CREATED LOTS:

17.28.090: DWELLING DENSITY:

17.28.100: LOT COVERAGE:

17.28.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.28.120: PROJECTIONS INTO YARDS:

17.28.130: FARM ANIMALS¹ (REP. BY ORD. 2011-18, 3-6-2012):

17.28.140: PARKING AND ACCESS:

17.28.150: FENCING, SCREENING AND CLEAR VISION:

17.28.160: ARCHITECTURAL STANDARDS:

17.28.170: LANDSCAPING:

17.28.180: LIGHTING:

17.28.190: OTHER REQUIREMENTS:

17.28.010: PURPOSE:

The agricultural A-1 zone (minimum 1 acre lot), may be cited as the "A-1 zone" and is established to allow for the continuation of agriculture in an expanding urban community and to complement the existing rural residential environment in the city. The regulations of this chapter are intended to allow for the orderly expansion of residential and commercial developments into agricultural lands while encouraging compatibility of new growth with existing agricultural uses. (Ord. 2007-02, 1-16-2007)

17.28.020: PERMITTED USES:

The following uses may be conducted in the A-1 zone as limited herein:

Accessory structures ~~buildings~~ not exceeding five thousand (5,000) square feet.

Agricultural and residential accessory uses.

Agricultural buildings not exceeding five thousand (5,000) square feet.

Crop production, horticulture.

Farm animals as regulated in section 17.130.040 of this title.

Home occupations according to city ordinances.

Produce stand, maximum three hundred (300) square feet, maximum one per parcel or lot for selling only produce grown on the premises.

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-18, 3-6-2012)

17.28.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the A-1 zone:

Agricultural buildings~~Accessory structures~~ exceeding five thousand (5,000) square feet in area.

Animal husbandry, unique or exotic animal specialties or other animal uses not otherwise regulated by this chapter.

Building other than single-family dwelling as a main building on the lot.

Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other commercial agricultural structures and uses.

Cultural exhibits and activities.

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses and driving ranges.

Nature or zoological exhibits.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities. (Ord. 2012-12, 10-2-2012)

17.28.040: USE REGULATIONS:

Uses may be conducted in the A-1 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the A-1 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the A-1 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, barns, garages, silos, corrals, sheds, stables, paddocks, swimming pools, recreational equipment, greenhouses, windmills, wells and water storage facilities and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials, commercial goods or wrecked or neglected materials, equipment or vehicles in the A-1 zone.

- D. It shall be unlawful to park, store, leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the A-1 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored in the A-1 zone except in conjunction with temporary development or construction activities or in conjunction with an approved use which requires such vehicles. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an A-1 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the A-1 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.28.050: DEVELOPMENT REVIEW:

Uses proposed in A-1 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in A-1 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.28.060: LOT AREA:

The minimum area of any lot or parcel in the A-1 zone shall be one acre. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat. (Ord. 2007-02, 1-16-2007)

17.28.070: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the A-1 zone shall have a minimum width of one hundred feet (100') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of one hundred feet (100'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of sixty feet (60'). (Ord. 2007-02, 1-16-2007)

17.28.080: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat

approval prior to the establishment of an A-1 zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.28.090: DWELLING DENSITY:

Only one single-family dwelling may be placed upon a lot or parcel of land in the A-1 zone. (Ord. 2007-02, 1-16-2007)

17.28.100: LOT COVERAGE:

A maximum of thirty percent (30%) of the area of lots or parcels in the A-1 zone may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.28.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in A-1 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or parcels. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').
3. Side yard, interior lots: Ten feet (10').
4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.
5. Rear yard, interior lot: Twenty five feet (25').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
3. Street Side Building, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.

4. ~~Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsection B56 and B7 of this section.~~
5. ~~Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~
6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').
7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.
- C. All buildings shall be separated by a minimum distance of ~~six-five~~ six feet (6'5).
- D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right of way line. (Ord. 2007-02, 1-16-2007)

17.28.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in A-1 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.28.130: FARM ANIMALS²:

(Rep. by Ord. 2011-18, 3-6-2012)

17.28.140: PARKING AND ACCESS:

Parking areas and vehicle access in A-1 zones shall meet requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.28.150: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in A-1 zones. A permit shall be obtained from the community development department prior to construction of any fence in the A-1 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in A-1 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in A-1 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.28.160: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in A-1 zones:

- A. Each main dwelling in A-1 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage).
Ø Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).

B. All building materials shall be high quality, durable and low maintenance.

C. Main Buildings and agricultural buildings in A-1 zones may not exceed thirty five feet (35') in height, except for structures not intended for human occupancy. . Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed thirty-five feet (35') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.

D. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.

E. The minimum floor area, finished and unfinished, of any single-family dwelling in A-1 zones shall be two thousand four hundred (2,400) square feet.

F. The exteriors of buildings in the A-1 zone shall be properly maintained by the owners.

~~G. Attached garages on single family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~

G. The footprint of an accessory building shall not exceed the footprint of the main building.

17.28.170: LANDSCAPING:

The following landscaping requirements shall apply in A-1 zones:

- A. The front and side yards of lots shall be landscaped and properly maintained with lawn and other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in A-1 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.

E. In nonresidential developments in A-1 zones, the following landscaping requirements shall apply:

1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
2. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations except at building entrances.
3. All landscaped areas shall be curbed.

F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.

H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.

I. Required trees may not be topped nor may any required landscape material be removed in A-1 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.28.180: LIGHTING:

The following lighting requirements shall apply in A-1 zones:

- A. A lighting plan shall be submitted with all new developments in A-1 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.28.190: OTHER REQUIREMENTS:

The following requirements shall apply in A-1 zones:

- A. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.

B. All private areas of lots or parcels shall be properly maintained by the owners.

C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See section 17.130.040 of this title.

Footnote 2: See section 17.130.040 of this title.

Chapter 17.32 RESIDENTIAL R-1.8 ZONE

- 17.32.010: PURPOSE:**
- 17.32.020: PERMITTED USES:**
- 17.32.030: CONDITIONAL USES:**
- 17.32.040: USE REGULATIONS:**
- 17.32.050: DEVELOPMENT REVIEW:**
- 17.32.060: LOT AREA:**
- 17.32.070: LOT DENSITY:**
- 17.32.080: LOT WIDTH AND FRONTAGE:**
- 17.32.090: PRIOR CREATED LOTS:**
- 17.32.100: LOT COVERAGE:**
- 17.32.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:**
- 17.32.120: PROJECTIONS INTO YARDS:**
- 17.32.130: FARM ANIMALS¹ (REP. BY ORD. 2011-18, 3-6-2012):**
- 17.32.140: PARKING AND ACCESS:**
- 17.32.150: FENCING, SCREENING AND CLEAR VISION:**
- 17.32.160: ARCHITECTURAL STANDARDS:**
- 17.32.170: LANDSCAPING REQUIREMENTS:**
- 17.32.180: LIGHTING:**
- 17.32.190: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:**
- 17.32.200: OTHER REQUIREMENTS:**

17.32.010: PURPOSE:

The residential R-1.8 zone (single-family residential, 1.8 lots per acre), may be cited as the "R-1.8 zone" and is established to provide areas where residential uses may be harmoniously integrated with incidental agricultural pursuits. Limited farm animal and horticultural uses may be combined to provide a transition between higher density residential areas and agricultural areas and to maintain a rural component of the city. (Ord. 2007-02, 1-16-2007)

17.32.020: PERMITTED USES:

The following uses may be conducted in the R-1.8 zone as limited herein:

Agricultural and residential accessory uses.

Farm animals as regulated in section 17.130.040 of this title.

Home occupations according to city ordinances.

Residential-a Accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-18, 3-6-2012)

17.32.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-1.8 zone:

Commercial or public corrals, arenas, stables, silos, barns, equestrian or rodeo facilities and other agricultural related structures and uses.

Cultural exhibits and activities.

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses.

Nature or zoological exhibits.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Single-family dwelling planned unit development (PUD) or condominium projects. (Ord. 2012-12, 10-2-2012)

17.32.040: USE REGULATIONS:

Uses may be conducted in the R-1.8 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-1.8 zone. A conditional use permit must be obtained prior to the establishment of a conditional use. (Ord. 2007-02, 1-16-2007)
- B. Accessory uses may be conducted in the R-1.8 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, farm animals as regulated in section 17.130.040 of this title, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises. (Ord. 2011-18, 3-6-2012)
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-1.8 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-1.8 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored in the R-1.8 zone, except in conjunction with temporary development

or construction activities or in conjunction with an approved use which requires such vehicles. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.

- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-1.8 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the R-1.8 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.32.050: DEVELOPMENT REVIEW:

Uses proposed in R-1.8 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in R-1.8 zones. All uses shall be conducted according to the approved plan, map or plat and any conditions of approval. Plans, maps or plats may not be altered without prior approval of the city except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.32.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (unit in which building dimensions are not recorded) in R-1.8 zones shall be fourteen thousand five hundred twenty (14,520) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case the minimum lot or unit size shall be twelve thousand (12,000) square feet. Lots in subdivisions or units in condominium projects thirty two thousand six hundred seventy (32,670) square feet or larger in area shall be clustered and appropriately buffered from smaller lots or units. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2011-18, 3-6-2012)

17.32.070: LOT DENSITY:

The maximum gross density in any residential development in R-1.8 zones shall be 1.8 lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.32.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-1.8 zone shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel, except in condominium projects and PUDs where private streets are permitted, shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). (Ord. 2007-02, 1-16-2007)

17.32.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-1.8 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.32.100: LOT COVERAGE:

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-1.8 zones may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.32.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-1.8 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominium projects. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').
3. Side yard, interior lots: Ten feet (10').
4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.
5. Rear yard, interior lot: Twenty five feet (25').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.
2. Side Yard Accessory Building: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
3. Street Side Yard Accessory Building, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.

4. ~~Rear Yard Accessory Building: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.~~

5. ~~Height Consideration: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~

5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.

6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').

7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.

C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~five feet (5').

D. Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right of way line and, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right of way line. (Ord. 2007-02, 1-16-2007)

17.32.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-1.8 zones:

A. Fences and walls in conformance with city ordinances.

B. Agricultural crops and landscape elements, including trees, shrubs and other plants.

C. Utility or irrigation equipment or facilities.

D. Decks not more than two feet (2') in height.

E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.

- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.32.130: FARM ANIMALS²:

(Rep. by Ord. 2011-18, 3-6-2012)

17.32.140: PARKING AND ACCESS:

Parking areas and vehicle access in R-1.8 zones shall meet requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.32.150: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-1.8 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-1.8 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-1.8 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-1.8 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.32.160: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-1.8 zones:

- A. Each main dwelling in R-1.8 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage).
~~D~~Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling (except in PUDs) in R-1.8 zones shall be two thousand four hundred (2,400) square feet.
- E. Main buildings in R-1.8 zones may not exceed thirty five feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty five feet (25') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.
- F. The exteriors of buildings in the R-1.8 zone shall be properly maintained by the owners.
- ~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~
- G. The footprint of an accessory building shall not exceed the footprint of the main building.

17.32.170: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-1.8 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of PUD, condominium projects and nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.

- C. In PUD, condominium projects and nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in R-1.8 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- E. In nonresidential developments in R-1.8 zones, the following landscaping requirements shall apply:
1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
 2. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations, except at building entrances.
 3. All landscaped areas shall be curbed.
- F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-1.8 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.32.180: LIGHTING:

The following lighting requirements shall apply in R-1.8 zones:

- A. A lighting plan shall be submitted with all new developments in R-1.8 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.

B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.

C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.32.190: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-1.8 zone which meets the requirements of this section as well as other pertinent provisions of this title. (Ord. 2007-02, 1-16-2007)

A. A PUD may be allowed only with a conditional use permit in the R-1.8 zone. Uses allowed in a PUD shall be the same as those allowed in the R-1.8 zone. (Ord. 2011-18, 3-6-2012)

B. Each PUD or condominium shall contain a minimum of ten (10) acres.

C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space, recreation and/or pasture by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.
2. Each dwelling shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
4. All dwellings shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).
5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in subsection 16.04.180A of this code.
6. For private streets, setbacks shall be measured from the back of the curb.

7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

E. The minimum yard, width and frontage requirements of lots and units in the R-1.8 zones may be altered in a PUD or condominium project. (Ord. 2007-02, 1-16-2007)

17.32.200: OTHER REQUIREMENTS:

The following requirements shall apply in R-1.8 zones:

- A. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium project or PUD meets requirements of state law, and record the covenants with the condominium or PUD plat for the project.
- B. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city.
- C. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- D. All private areas of lots or parcels shall be properly maintained by the owners.
- E. A project phasing plan shall be submitted for at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See section 17.130.040 of this title.

Footnote 2: See section 17.130.040 of this title.

Chapter 17.36

RESIDENTIAL R-2.5 ZONE

17.36.010: PURPOSE:

17.36.020: PERMITTED USES:

17.36.030: CONDITIONAL USES:

17.36.040: USE REGULATIONS:

17.36.050: DEVELOPMENT REVIEW:

17.36.060: LOT AREA:

17.36.070: LOT DENSITY:

17.36.080: LOT WIDTH AND FRONTAGE:

17.36.090: PRIOR CREATED LOTS:

17.36.100: LOT COVERAGE:

17.36.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.36.120: PROJECTIONS INTO YARDS:

17.36.130: PARKING AND ACCESS:

17.36.140: FENCING, SCREENING AND CLEAR VISION:

17.36.150: ARCHITECTURAL STANDARDS:

17.36.160: LANDSCAPING REQUIREMENTS:

17.36.170: LIGHTING:

17.36.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

17.36.190: OTHER REQUIREMENTS:

17.36.010: PURPOSE:

The residential R-2.5 zone (single-family residential, 2.5 lots per acre), may be cited as the "R-2.5 zone" and is established to provide areas for low density single-family housing without farm animal uses. This zone is intended to represent the standard for residential development in the city. (Ord. 2007-02, 1-16-2007)

17.36.020: PERMITTED USES:

The following uses may be conducted in the R-2.5 zone as limited herein:

Home occupations according to city ordinances.

~~Residential aAccessory buildings, the footprints of which do not exceed sixty percent (60%) of the footprint area of the dwelling.~~

~~Residential aAccessory uses.~~

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.36.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-2.5 zone:

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Single-family dwelling planned unit development (PUD) or condominium project. (Ord. 2012-12, 10-2-2012)

17.36.040: USE REGULATIONS:

Uses may be conducted in the R-2.5 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-2.5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-2.5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-2.5 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-2.5 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-2.5 zone except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-2.5 zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8')

from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the R-2.5 zone except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.36.050: DEVELOPMENT REVIEW:

Uses proposed in R-2.5 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in R-2.5 zones. All uses shall be conducted according to the approved plan, map or plat and any conditions of approval. Plans, maps or plats may not be altered without prior approval of the city except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.36.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (unit in which building dimensions are not recorded) in R-2.5 zones shall be fourteen thousand five hundred twenty (14,520) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case the minimum lot or unit size shall be ten thousand (10,000) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.36.070: LOT DENSITY:

The maximum gross density in any residential development in R-2.5 zones shall be 2.5 lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.36.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-2.5 zone shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel, except in condominium projects and PUDs, shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). (Ord. 2007-02, 1-16-2007)

17.36.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-2.5 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.36.100: LOT COVERAGE:

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-2.5 zones may be covered by buildings. (Ord. 2007-02, 1-16-2007)

17.36.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-2.5 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the

boundaries of private ownership areas in condominium projects. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building, and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').
3. Side yard, interior lots: Ten feet (10').
4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot; thirty feet (30') on the side adjoining the street.
5. Rear yard, interior lot: Twenty five feet (25').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
4. Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.
- ~~5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~
5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.

6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').

7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.

C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5'). (Ord. 2007-02, 1-16-2007)

17.36.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-2.5 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.36.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-2.5 zones shall meet requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.36.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-2.5 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-2.5 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-2.5 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-2.5 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.36.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-2.5 zones:

- A. Each main dwelling in R-2.5 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-2.5 zones shall be two thousand four hundred (2,400) square feet.
- E. Main buildings in R-2.5 zones may not exceed thirty-five feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty five-feet (25') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.

F. The exteriors of buildings in the R-2.5 zone shall be properly maintained by the owners.

~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~

G. The footprint of an accessory building shall not exceed 80% of the footprint of the main building, except where the Planning Commission determines that a larger footprint is consistent with the character of the surrounding area, taking into consideration the footprint of other structures, applicable CC&R's, overall massing, etc. In no case shall an accessory structure exceed the footprint of the main building. Written notice of a petition to the Planning Commission shall be provided to all property owners within 300' and within the subdivision plat of the subject property.

17.36.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-2.5 zones:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of PUD, condominium project and nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In PUD, condominium project and nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in R-2.5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- E. In nonresidential developments in R-2.5 zones, the following landscaping requirements shall apply:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
 - 2. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.

3. All landscaped areas shall be curbed.

- F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-2.5 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.36.170: LIGHTING:

The following lighting requirements shall apply in R-2.5 zones:

- A. A lighting plan shall be submitted with all new developments in R-2.5 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.36.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-2.5 zone which meets the requirements of this section as well as other pertinent provisions of this title.

- A. A PUD or condominium project may be allowed only with a conditional use permit in the R-2.5 zone. Uses allowed in a PUD or condominium project shall be the same as those allowed in the R-2.5 zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas

may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.
2. Each dwelling shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
4. All dwellings shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).
5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in subsection 16.04.180A of this code.
6. For private streets, setbacks shall be measured from the back of the curb.
7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

E. The minimum yard, width and frontage requirements of lots and units in the R-2.5 zones may be altered in a PUD or condominium project.

F. Before final plat approval, all PUD or condominium projects shall have approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title. (Ord. 2007-02, 1-16-2007)

17.36.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-2.5 zones:

- A. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium or PUD meets requirements of state law, and record the covenants with the condominium or PUD plat for the project.
- B. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city.
- C. All development shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- D. All private areas of lots or parcels shall be properly maintained by the owners.=
- E. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

Chapter 17.40

RESIDENTIAL R-3 ZONE

17.40.010: PURPOSE:

17.40.020: PERMITTED USES:

17.40.030: CONDITIONAL USES:

17.40.040: USE REGULATIONS:

17.40.050: DEVELOPMENT REVIEW:

17.40.060: LOT AREA:

17.40.070: LOT DENSITY:

17.40.080: LOT WIDTH AND FRONTAGE:

17.40.090: PRIOR CREATED LOTS:

17.40.100: LOT COVERAGE:

17.40.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.40.120: PROJECTIONS INTO YARDS:

17.40.130: PARKING AND ACCESS:

17.40.140: FENCING, SCREENING AND CLEAR VISION:

17.40.150: ARCHITECTURAL STANDARDS:

17.40.160: LANDSCAPING REQUIREMENTS:

17.40.170: LIGHTING:

17.40.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

17.40.190: OTHER REQUIREMENTS:

17.40.010: PURPOSE:

The residential R-3 zone (single-family residential, 3 lots per acre), may be cited as the "R-3 zone" and is established to provide areas for medium density single-family housing in the city. (Ord. 2007-02, 1-16-2007)

17.40.020: PERMITTED USES:

The following uses may be conducted in the R-3 zone as limited herein:

Home occupations according to city ordinances.

~~Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.~~

~~Residential accessory uses.~~

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.40.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-3 zone:

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Single-family dwelling planned unit developments (PUD) or condominium projects. (Ord. 2012-12, 10-2-2012)

17.40.040: USE REGULATIONS:

Uses may be conducted in the R-3 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-3 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-3 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-3 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-3 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-3 zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-3 zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living

quarters in the R-3 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.40.050: DEVELOPMENT REVIEW:

Uses proposed in R-3 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in R-3 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.40.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-3 zones shall be ten thousand (10,000) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be eight thousand (8,000) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.40.070: LOT DENSITY:

The maximum gross density in any residential development R-3 zones shall be three (3) lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.40.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-3 zone shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.40.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-3 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.40.100: LOT COVERAGE:

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-3 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.40.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-3 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A land use permit shall be obtained

prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Thirty feet (30').
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25').
3. Side yard, interior lots: Ten feet (10').
4. Side yard, corner lots: Ten feet (10') on the side adjoining another lot, thirty feet (30') on the side adjoining the street.
5. Rear yard, interior lot: Twenty five feet (25').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front or side building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than ten feet (10') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
4. Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.
5. ~~Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~
5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.

6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').
7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.
- C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5'). (Ord. 2007-02, 1-16-2007)

17.40.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-3 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.40.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-3 zones shall meet the requirements of chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.40.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-3 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-3 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-3 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes, and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-3 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.40.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-3 zones:

- A. Each main dwelling in R-3 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-3 zones shall be two thousand four hundred (2,400) square feet.
- E. Main buildings in R-3 zones may not exceed thirty five feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty-five feet (25') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.
- F. The exteriors of buildings in the R-3 zone shall be properly maintained by the owners.

~~G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)~~

G. The footprint of an accessory building shall not exceed 80% of the footprint of the main building, except where the Planning Commission determines that a larger footprint is consistent with the character of the surrounding area, taking into consideration the footprint of other structures, applicable CC&R's, overall massing, etc. In no case shall an accessory structure exceed the footprint of the main building. Written notice of a petition to the Planning Commission shall be provided to all property owners within 300' and within the subdivision plat of the subject property.

17.40.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-3 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in R-3 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- E. In nonresidential developments in R-3 zones, the following landscaping requirements shall apply:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
 - 2. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.
 - 3. All landscaped areas shall be curbed.
- F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be

counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-3 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.40.170: LIGHTING:

The following lighting requirements shall apply in R-3 zones:

- A. A lighting plan shall be submitted with all new developments in R-3 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.40.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-3 zone which meets the requirements of this section as well as other pertinent provisions of this title.

- A. A PUD may be allowed only with a conditional use permit in the R-3 zone. Uses allowed in a PUD shall be the same as those allowed in the R-3 zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. A consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.
2. Each dwelling unit shall contain a total of at least three thousand six hundred (3,600) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
4. All dwellings shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).
5. Public and private street construction improvements in PUDs and condominium projects shall be constructed according to public street construction widths, cross section, and construction standards. Street widths, curbs, and pavement/subbase shall be designed and built as required in subsection 16.04.180A of this code.
6. For private streets, setbacks shall be measured from the back of the curb.
7. Two (2) parking spaces minimum, per unit shall be provided for all dwelling units within the PUD or condominium project. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.

E. The minimum yard, width and frontage requirements of lots and units in the R-3 zones may be altered in a PUD or condominium project.

F. Before final plat approval, all PUD or condominium projects shall have approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title. (Ord. 2007-02, 1-16-2007)

17.40.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-3 zones:

- A. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All private areas of lots or parcels shall be properly maintained by the owners.

- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.
- D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. (Ord. 2007-02, 1-16-2007)

Chapter 17.45

RESIDENTIAL R-4 ZONE

17.45.010: PURPOSE:

17.45.020: PERMITTED USES:

17.45.030: CONDITIONAL USES:

17.45.040: USE REGULATIONS:

17.45.050: DEVELOPMENT REVIEW:

17.45.060: LOT AREA:

17.45.070: LOT DENSITY:

17.45.080: LOT WIDTH AND FRONTAGE:

17.45.090: PRIOR CREATED LOTS:

17.45.100: LOT COVERAGE:

17.45.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.45.120: PROJECTIONS INTO YARDS:

17.45.130: PARKING AND ACCESS:

17.45.140: FENCING, SCREENING AND CLEAR VISION:

17.45.150: ARCHITECTURAL STANDARDS:

17.45.160: LANDSCAPING REQUIREMENTS:

17.45.170: LIGHTING:

17.45.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

17.45.190: OTHER REQUIREMENTS:

17.45.010: PURPOSE:

The residential R-4 zone (single-family residential, 4 lots per acre), may be cited as the "R-4 zone" and is established to provide areas for medium density single-family housing in the city. (Ord. 2007-02, 1-16-2007)

17.45.020: PERMITTED USES:

The following uses may be conducted in the R-4 zone as limited herein:

Home occupations according to city ordinances.

~~Residential aAccessory buildings, the footprints of which do not exceed the footprint area of the dwelling.~~

~~Residential aAccessory uses.~~

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.45.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-4 zone:

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Single-family dwelling planned unit developments (PUD) or condominium projects. (Ord. 2012-12, 10-2-2012)

17.45.040: USE REGULATIONS:

Uses may be conducted in the R-4 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-4 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-4 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-4 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-4 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-4 zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-4 zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living

quarters in the R-4 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.45.050: DEVELOPMENT REVIEW:

Uses proposed in R-4 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in R-4 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.45.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-4 zones shall be nine thousand (9,000) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be seven thousand five hundred (7,500) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.45.070: LOT DENSITY:

The maximum gross density in any residential development in an R-4 zone shall be four (4) lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.45.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-4 zone shall have a minimum width of eighty feet (80') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of eighty feet (80'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.45.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-4 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.45.100: LOT COVERAGE:

A maximum of forty percent (40%) of the area of lots or private ownership areas in R-4 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.45.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-4 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A land use permit shall be obtained

prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Twenty five feet (25') to the dwelling and thirty feet (30') to the front of the garage.
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25') to the dwelling and thirty feet (30') to the front of the garage.
3. Side yard, interior lots: Eight feet (8').
4. Side yard, corner lots: Eight feet (8') on the side adjoining another lot, twenty five feet (25') on the side adjoining the street.
5. Rear yard, interior lot: Twenty feet (20').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front-or-side building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than eight feet (8') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
4. Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B5 and B7 of this section.
5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'). 5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.

6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right or way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').

7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.

C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5'). (Ord. 2007-02, 1-16-2007)

17.45.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-4 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.45.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-4 zones shall meet the requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.45.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-4 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-4 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-4 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-4 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.45.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-4 zones:

- A. Each main dwelling in R-4 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). Main dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approved approximate equivalent area).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-4 zones shall be two thousand four hundred (2,400) square feet.
- E. Main buildings in R-4 zones may not exceed thirty-five feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty-five feet (25') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.
- F. The exteriors of buildings in the R-4 zone shall be properly maintained by the owners.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)

G. The footprint of an accessory building shall not exceed 80% of the footprint of the main building, except where the Planning Commission determines that a larger footprint is consistent with the character of the surrounding area, taking into consideration the footprint of other structures, applicable CC&R's, overall massing, etc. In no case shall an accessory structure exceed the footprint of the main building. Written notice of a petition to the Planning Commission shall be provided to all property owners within 300' and within the subdivision plat of the subject property.

17.45.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-4 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in R-4 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- E. In nonresidential developments in R-4 zones, the following landscaping requirements shall apply:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
 - 2. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.
 - 3. All landscaped areas shall be curbed.

- F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.
- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-4 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.45.170: LIGHTING:

The following lighting requirements shall apply in R-4 zones:

- A. A lighting plan shall be submitted with all new developments in R-4 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.45.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-4 zone which meets the requirements of this section as well as other pertinent provisions of this title.

- A. A PUD may be allowed only with a conditional use permit in the R-4 zone. Uses allowed in a PUD shall be the same as those allowed in the R-4 zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational

amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. Consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.
2. Each dwelling unit shall contain a total of at least three thousand (3,000) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approved approximate equivalent).
3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
4. All dwelling units shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).

E. The minimum yard, width and frontage requirements of lots and units in the R-4 zones may be altered in a PUD or condominium project.

F. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium project or PUD meets requirements of state law, and record the covenants with the condominium or PUD plat for the project. (Ord. 2007-02, 1-16-2007)

17.45.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-4 zones:

- A. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All private areas of lots or parcels shall be properly maintained by the owners.
- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.
- D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. (Ord. 2007-02, 1-16-2007)

Chapter 17.46

RESIDENTIAL R-5 ZONE

17.46.010: PURPOSE:

17.46.020: PERMITTED USES:

17.46.030: CONDITIONAL USES:

17.46.040: USE REGULATIONS:

17.46.050: DEVELOPMENT REVIEW:

17.46.060: LOT AREA:

17.46.070: LOT DENSITY:

17.46.080: LOT WIDTH AND FRONTAGE:

17.46.090: PRIOR CREATED LOTS:

17.46.100: LOT COVERAGE:

17.46.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

17.46.120: PROJECTIONS INTO YARDS:

17.46.130: PARKING AND ACCESS:

17.46.140: FENCING, SCREENING AND CLEAR VISION:

17.46.150: ARCHITECTURAL STANDARDS:

17.46.160: LANDSCAPING REQUIREMENTS:

17.46.170: LIGHTING:

17.46.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

17.46.190: OTHER REQUIREMENTS:

17.46.010: PURPOSE:

The residential R-5 zone (single-family residential, 5 lots per acre), may be cited as the "R-5 zone" and is established to provide areas for medium density single-family housing in the city. (Ord. 2007-02, 1-16-2007)

17.46.020: PERMITTED USES:

The following uses may be conducted in the R-5 zone as limited herein:

Home occupations according to city ordinances.

~~Residential-a~~ Accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

~~Residential-a~~ Accessory uses.

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2011-01, 2-1-2011)

17.46.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-5 zone:

Daycare center facility on minimum one acre lot.

Educational facilities that have direct access to a collector street.

Golf courses.

Parks and recreational activities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Single-family dwelling planned unit developments (PUD) or condominium projects. (Ord. 2012-12, 10-2-2012)

17.46.040: USE REGULATIONS:

Uses may be conducted in the R-5 zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-5 zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-5 zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-5 zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-5 zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-5 zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-5 zone except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living

quarters in the R-5 zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2007-02, 1-16-2007)

17.46.050: DEVELOPMENT REVIEW:

Uses proposed in R-5 zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in R-5 zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2007-02, 1-16-2007)

17.46.060: LOT AREA:

The minimum area of any lot or condominium private ownership space (in which building dimensions are not recorded) in R-5 zones shall be seven thousand five hundred (7,500) square feet, except where smaller lots or units are allowed in a PUD or condominium project, in which case, the minimum lot or unit size shall be six thousand five hundred (6,500) square feet. Every portion of a parcel being subdivided or recorded as a condominium project shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium project. (Ord. 2007-02, 1-16-2007)

17.46.070: LOT DENSITY:

The maximum gross density in any residential development in an R-5 zone shall be five (5) lots or dwelling units per acre. (Ord. 2007-02, 1-16-2007)

17.46.080: LOT WIDTH AND FRONTAGE:

Each lot or parcel in the R-5 zone shall have a minimum width of seventy feet (70') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance of sixty five feet (65'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right of way a minimum distance of fifty feet (50'). Minimum lot width and frontage may be reduced or waived in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.46.090: PRIOR CREATED LOTS:

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of an R-5 zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2007-02, 1-16-2007)

17.46.100: LOT COVERAGE:

A maximum of fifty percent (50%) of the area of lots or private ownership areas in R-5 zones may be covered by buildings. Maximum lot coverage will be increased to sixty percent (60%) in PUDs and condominium projects. (Ord. 2007-02, 1-16-2007)

17.46.110: YARD REQUIREMENTS; MAIN AND ACCESSORY BUILDINGS:

The following yard requirements shall apply in R-5 zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas in condominiums. A land use permit shall be obtained

prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

A. Minimum yard requirements for main buildings are as follows:

1. Front yard, interior and corner lots: Twenty five feet (25') to the dwelling and thirty feet (30') to the front of the garage.
2. Front yard, cul-de-sac lot adjacent to turnaround: Twenty five feet (25') to the dwelling and thirty feet (30') to the front of the garage.
3. Side yard, interior lots: Eight feet (8').
4. Side yard, corner lots: Eight feet (8') on the side adjoining another lot, twenty five feet (25') on the side adjoining the street.
5. Rear yard, interior lot: Twenty feet (20').
6. Rear yard, corner lot: Ten feet (10').

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front or side building line of a main building.
2. Side Yard: An accessory building may be located in a side yard no closer than eight feet (8') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
4. Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.
5. Minimum Setback: ~~The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~
5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.

6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right or way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').

7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.

C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5'). (Ord. 2007-02, 1-16-2007)

17.46.120: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-5 zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.
- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

17.46.130: PARKING AND ACCESS:

Parking areas and vehicle access in R-5 zones shall meet the requirements of title 16, chapter 16.26 of this code. (Ord. 2007-02, 1-16-2007)

17.46.140: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-5 zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-5 zone. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-5 zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.

- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.
- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-5 zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2009-12, 3-16-2009)

17.46.150: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-5 zones:

- A. Each main dwelling in R-5 zones shall be constructed with brick or stone in the minimum amount of two feet (2') times (x) the perimeter of the foundation (including garage). ~~Main~~ dwellings shall be constructed with minimum five to twelve (5:12) roof pitch and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approved approximate equivalent area).
- B. All building materials shall be high quality, durable and low maintenance.
- C. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- D. The minimum total floor area, finished and unfinished, of any single-family dwelling in R-5 zones shall be two thousand two hundred (2,200) square feet.
- E. Main buildings in R-5 zones may not exceed thirty five-feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty five-feet (25') in height.
- F. The exteriors of buildings in the R-5 zone shall be properly maintained by the owners.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2007-02, 1-16-2007)

G. The footprint of an accessory building shall not exceed 80% of the footprint of the main building, except where the Planning Commission determines that a larger footprint is consistent with the character of the surrounding area, taking into consideration the footprint of other structures, applicable CC&R's, overall massing, etc. In no case shall an accessory structure exceed the footprint of the main building. Written notice of a petition to the Planning Commission shall be provided to all property owners within 300' and within the subdivision plat of the subject property.

17.46.160: LANDSCAPING REQUIREMENTS:

The following landscaping requirements shall apply in the R-5 zone:

- A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.
- B. All areas of nonresidential developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
- C. In nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped area, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- D. All collector street and other public and private park strips in R-5 zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- E. In nonresidential developments in R-5 zones, the following landscaping requirements shall apply:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
 - 2. Minimum five foot (5') wide landscaped planters shall be provided along street sides of building foundations, except at building entrances.
 - 3. All landscaped areas shall be curbed.
- F. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be

counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

- G. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- H. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners.
- I. Required trees may not be topped nor may any required landscape material be removed in R-5 zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval. (Ord. 2007-02, 1-16-2007)

17.46.170: LIGHTING:

The following lighting requirements shall apply in R-5 zones:

- A. A lighting plan shall be submitted with all new developments in R-5 zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2007-02, 1-16-2007)

17.46.180: PLANNED UNIT DEVELOPMENT OR CONDOMINIUM PROJECT:

As used in this chapter, "planned unit development (PUD) or condominium project" shall mean a single-family residential development in the R-5 zone which meets the requirements of this section as well as other pertinent provisions of this title.

- A. A PUD may be allowed only with a conditional use permit in the R-5 zone. Uses allowed in a PUD shall be the same as those allowed in the R-5 zone.
- B. Each PUD or condominium project shall contain a minimum of five (5) acres.
- C. Any open space provided within a PUD or condominium project shall be labeled and recorded as common area to be jointly owned and maintained as permanent common farmland, landscaped open space and/or recreation by the owners. Private yard areas may not be counted as open space. The city may determine the location of open space in the PUD or condominium project in consideration of topography, drainage or other land features. The city may also determine the acceptability of proposed recreational amenities. The city may require a cash bond or a letter of credit to guarantee installation of the open space improvements.

D. The following standards shall apply in PUDs and condominium projects:

1. Consistent architectural theme for all buildings, landscaping, streetscape, signs, street furniture, lighting, fencing and other design components shall be provided for review and applied throughout the PUD or condominium project.
2. Each dwelling unit shall contain a total of at least three thousand (3,000) square feet of floor area and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent).
3. All buildings shall be constructed with minimum six to twelve (6:12) roof pitches.
4. All dwelling units shall be constructed of brick or stone in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage).

E. The minimum yard, width and frontage requirements of lots and units in the R-5 zones may be altered in a PUD or condominium project.

F. Developers of condominium or PUD projects shall submit a proposed declaration of covenants to the city attorney for review, including an opinion of legal counsel licensed to practice law in the state that the condominium project or PUD meets requirements of state law, and record the covenants with the condominium or PUD plat for the project. (Ord. 2007-02, 1-16-2007)

17.46.190: OTHER REQUIREMENTS:

The following requirements shall apply in R-5 zones:

- A. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- B. All private areas of lots or parcels shall be properly maintained by the owners.
- C. A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.
- D. All improvements in PUDs and other developments, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the homeowners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. (Ord. 2007-02, 1-16-2007)

Chapter 17.48

RESIDENTIAL R-M ZONE

17.48.010: PURPOSE:

17.48.020: PERMITTED USES:

17.48.030: CONDITIONAL USES:

17.48.040: USE REGULATIONS:

17.48.050: DEVELOPMENT REVIEW:

17.48.060: DENSITY, LOT AREA, LOT FRONTAGE, AND SETBACKS:

17.48.070: PRIOR CREATED LOTS:

17.48.080: LOT COVERAGE:

17.48.090: YARD REQUIREMENTS FOR ACCESSORY BUILDINGS:

17.48.100: PROJECTIONS INTO YARDS:

17.48.110: STREETS, ACCESS AND PARKING:

17.48.120: FENCING, SCREENING AND CLEAR VISION:

17.48.130: ARCHITECTURAL STANDARDS:

17.48.140: LANDSCAPING AND OPEN SPACE:

17.48.150: LIGHTING:

17.48.160: MULTI-FAMILY RESIDENTIAL:

17.48.170: OTHER REQUIREMENTS:

17.48.010: PURPOSE:

The residential R-M zone (residential multiple-family), may be cited as the "R-M zone" and is established to provide for higher density residential developments such as, small lot single-family and multi-family infill developments. The dwelling density of each R-M zone is indicated on the official zoning map with a numerical suffix as described in section 17.48.060 of this chapter. (Ord. 2014-06, 3-4-2014)

17.48.020: PERMITTED USES:

The following uses may be conducted in the R-M zone as limited herein:

Agriculture without livestock or poultry.

Assisted living centers and care centers, maximum two (2) stories with planning commission review and approval.

Golf courses, with planning commission review and approval.

Home occupations according to city ordinances.

Integrated multi-family residential with "village" style design, building height, architecture and connectivity, minimum one acre projects with planning commission review and approval.

Parks and recreational activities, with planning commission review and approval.

~~Residential-a~~ Accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

| Residential ~~a~~Accessory uses.

Single-family residential, detached, maximum one per lot or parcel. (Ord. 2014-06, 3-4-2014)

17.48.030: CONDITIONAL USES:

A conditional use permit may be issued for the following uses in the R-M zone:

Daycare center facility on minimum one acre lot.

Educational facilities.

Preschool center facility on minimum one acre lot.

Public facilities.

Religious activities.

Retail or office uses on main building level with upper level residential. (Ord. 2014-06, 3-4-2014)

17.48.040: USE REGULATIONS:

Uses may be conducted in the R-M zone only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the R-M zone. A conditional use permit must be obtained prior to the establishment of a conditional use.
- B. Accessory uses may be conducted in the R-M zone only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, caretakers, nurses, nannies, maids, garages, sheds, swimming pools, recreational equipment, gardens, greenhouses and other structures and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- C. There shall be no open storage of trash, debris, used materials or commercial goods or wrecked or neglected materials, equipment or vehicles in the R-M zone.
- D. It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property within the R-M zone for longer than seventy two (72) hours, except that up to two (2) such vehicles or parts thereof may be stored completely within an enclosed building or within an opaque fence enclosure which is completely screened from view of public streets and neighboring properties.
- E. No commercial vehicle or commercial earthmoving or material handling equipment shall be parked or stored on any lot or parcel in the R-M zone, except in conjunction with temporary development or construction activities on the lot. Commercial vehicles shall include semitrucks and trailers, trucks and trailers equaling or exceeding eight thousand (8,000) pounds' curb weight, delivery vehicles, dump trucks, backhoes, graders, loaders, farm implements, cement trucks, bulldozers, belly dumps and scrapers, forklifts or any similar vehicle or apparatus.

F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an R-M zone, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in the R-M zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year. (Ord. 2014-06, 3-4-2014)

17.48.050: DEVELOPMENT REVIEW:

Uses proposed in R-M zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this regarding development review in the preparation and review of development proposals in R-M zones. Each residential rezone area or development plan project shall contain a minimum of one acre. Depending upon size, scale, and the characteristics of a proposed development, an acceptable conceptual development plan, formulated in consultation with staff and adjacent property owners, may be required concurrently with an application to rezone property to the R-M zone. A development agreement may also be required with said application.

All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. (Ord. 2014-06, 3-4-2014)

17.48.060: DENSITY, LOT AREA, LOT FRONTAGE, AND SETBACKS:

The maximum gross density (dwelling units per acre before street dedication) in R-M zones and the minimum area of any single-family lot in R-M zones shall be as shown in the table below. Every portion of a parcel being subdivided or recorded as a condominium shall be included as a lot or lots in the proposed subdivision plat or as common, limited common or private ownership area in a condominium.

Zone	Maximum DUs/Acre	Single-Family Residential Minimum Lot Size/Average Lot Size	Single-Family Residential Minimum Lot Frontage	Single-Family Residential Minimum Building Setbacks
R-M 5	5	6,000 sq . ft. 7,000 sq . ft.	65 ft .	Front: 20 ft., Garage: 25 ft., Side: 8 ft., Side corner: 10 ft., Rear: 25 ft.,

				Rear corner lot: 10 ft.
R-M 6	6	5,500 sq . ft. 6,500 sq . ft.	60 ft .	Front: 20 ft., Garage: 25 ft., Side: 8 ft., Side corner: 10 ft., Rear: 25 ft., Rear corner lot: 10 ft.
R-M 7	7	5,000 sq . ft. 6,000 sq . ft.	55 ft .	Front: 15 ft., Garage: 20 ft., Side: 6 ft., Side corner: 10 ft., Rear: 20 ft., Rear corner lot: 10 ft.

Except for approved "green court" single-family dwellings, and applicable portions of multi-family residential developments, each project area in R-M zones shall abut the right of way line of a public street. Unless otherwise approved as a PUD, minimum yard areas are measured from the corresponding front, side and rear property lines of lots. (Ord. 2014-06, 3-4-2014)

17.48.070: PRIOR CREATED LOTS:

Lots or parcels of land, which legally existed or were created by a recorded plat prior to the establishment of an R-M zone, shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter. (Ord. 2014-06, 3-4-2014)

17.48.080: LOT COVERAGE:

A maximum of sixty percent (60%) of the area of a lot or condominium private ownership area in R-M zones may be covered by buildings. (Ord. 2014-06, 3-4-2014)

17.48.090: YARD REQUIREMENTS FOR ACCESSORY BUILDINGS:

A. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.

B. Minimum yard requirements for accessory buildings are as follows:

1. Location: Accessory buildings may not be located between a street and the front building line of a main building.
 2. Side Yard: An accessory building may be located in a side yard no closer than six feet (6') from the side property line or boundary and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
 3. Street Side Yard, Corner Lot: An accessory building may be located between a street and the side of the dwelling or main building on a corner lot but not within the required minimum main building side yard and no closer than six feet (6') from the dwelling or main building, except as allowed in subsection B5 and required in subsection B7 of this section.
 4. Rear Yard: An accessory building may be located in a rear yard no closer than six feet (6') from the dwelling or main building and no closer than three feet (3') from the side or rear property line or boundary, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except as required in subsections B56 and B7 of this section.
 - ~~5. Minimum Setback: The minimum setback from property lines or boundaries for accessory buildings or structures exceeding sixteen feet (16') in height shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').~~
 - ~~5. Not Exceeding Eight Feet (8') in Height: Accessory buildings not exceeding eight feet (8') in height and not containing habitable space may be located no closer than three feet (3') from the side property line and/or boundary, except that an accessory building in a street side yard must be within an area enclosed by an approved fence.~~
 - ~~6. Adjacent to Public or Private Right of Way: The minimum setback from a side or rear property line adjacent to a public or private right of way to an accessory building located in a rear yard shall be increased by two feet (2') for each foot of building height in excess of sixteen feet (16').~~
 - ~~7. Habitable Space: The minimum setback shall not be less than twenty feet (20') from the side or rear property line to habitable space (office, living, cooking, recreation/entertainment, etc.) on a floor within an accessory building which exceeds four feet (4') in height from the average grade.~~
- C. All buildings shall be separated by a minimum distance of ~~six feet (6')~~ five feet (5'). (Ord. 2014-06, 3-4-2014)

17.48.100: PROJECTIONS INTO YARDS:

The following may be erected on or projected into any required yard space in R-M zones:

- A. Fences and walls in conformance with city ordinances.
- B. Agricultural crops and landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Decks not more than two feet (2') in height.

- E. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2014-06, 3-4-2014)

17.48.110: STREETS, ACCESS AND PARKING:

- A. Private streets are discouraged and gated communities are prohibited. Accesses shall be so designed to create connectivity and to meet the appropriate level of travel and service. Cul-de-sac streets will not be approved unless it can be demonstrated that no practical way exists to make connectivity. Where private streets are approved, building setbacks shall be measured from the back of curb. Street and driveway widths and improvements shall be determined during subdivision/site plan review, as may be recommended by the city engineer and fire marshal, and approved by the planning commission.
- B. Parking areas and vehicle access in residential zones shall meet the requirements of title 16, chapter 16.26 of this code. Recreational vehicle parking in multiple-family developments shall only be provided in a screened area designated for such parking. (Ord. 2014-06, 3-4-2014)

17.48.120: FENCING, SCREENING AND CLEAR VISION:

The following fencing, screening and clear vision requirements shall apply in R-M zones. A permit shall be obtained from the community development department prior to construction of any fence in the R-M zones. An application form and the location, height and description of the proposed fence shall be submitted for review.

- A. Utility Screening: In nonsingle-family residential developments requiring conditional use approval in R-M zones, all mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view with architectural features or walls consistent with materials used in the associated buildings.
- B. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as determined with development approval.
- C. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
- D. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or vinyl fence may be constructed along a side lot line to the right of way line or sidewalk of a neighborhood street, except as regulated in clear vision areas. A masonry or solid vinyl fence or hedge may also be used along side lot lines to the right of way or sidewalk but may not exceed three feet (3') in height. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the four foot (4') fence panel.

- E. Clear Vision: Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed three feet (3') in height within a ten foot (10') triangular area formed by the edge of a driveway and the street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. Lesser clear vision triangular areas may be approved by the city engineer based upon traffic speeds, flow, volumes and other traffic related variables.
- F. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right of way in R-M zones shall be constructed according to standards found in section 16.04.200 of this code. (Ord. 2014-06, 3-4-2014)

17.48.130: ARCHITECTURAL STANDARDS:

The following exterior materials and architectural standards are required in R-M zones:

- A. CPTED (crime prevention through environmental design). Where practically possible, CPTED principles shall be used in the design and layout of buildings, streets, accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, proper management and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of two feet (2') to three feet (3') and trees with a proper ground clearance of six feet (6') to eight feet (8') above walkways and sidewalks and eight feet (8') to ten feet (10') above vehicular travel and parking lanes.
- B. The treatment of buildings, materials and exterior appurtenances shall create an aesthetically pleasing site that is compatible with structures in the immediate area. Requirements applicable to all building structures are stated below:
 - 1. All sides of dwellings shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties.
 - 2. Basic building materials for dwellings, including garages, shall include brick, stone, or cement fiber products (i.e., hardiboard) in combinations that create aesthetically pleasing architecture. Stucco products, if used, shall clearly be used in minimal amounts and as a contrast or accent to other building materials, i.e., gables.
 - 3. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, open space, parking areas.
- C. Except for flat or shed style roof structures approved by the planning commission, a minimum six to twelve (6:12) roof pitch shall be required and a minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent) for each single-family dwelling unit.
- D. Signs shall meet requirements of title 16, chapter 16.36 of this code and shall be constructed of materials which are consistent with the buildings which they identify.
- E. The minimum total floor area, above grade, of any single-family dwelling in R-M zones shall be one thousand two hundred (1,200) square feet. The minimum total floor area,

above grade, of each unit in a multi-family dwelling shall be one thousand (1,000) square feet.

F. Main buildings in R-M zones may not exceed thirty-five feet (35') in height. Accessory buildings may not exceed the height of the main building, except where the Planning Commission determines that a taller structure is consistent with the character of the surrounding area, taking into consideration the height of other structures, applicable CC&R's, adequate screening, etc. In no case shall an accessory building exceed twenty-five feet (25') in height. Written notice of a petition to the Planning Commission shall be provided to all property owners within three hundred feet (300') and within the subdivision plat of the subject property.

G. Attached garages on single-family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street. (Ord. 2014-06, 3-4-2014)

G. The footprint of an accessory building shall not exceed 80% of the footprint of the main building, except where the Planning Commission determines that a larger footprint is consistent with the character of the surrounding area, taking into consideration the footprint of other structures, applicable CC&R's, overall massing, etc. In no case shall an accessory structure exceed the footprint of the main building. Written notice of a petition to the Planning Commission shall be provided to all property owners within 300' and within the subdivision plat of the subject property.

17.48.140: LANDSCAPING AND OPEN SPACE:

A. The front and street side yards of single-family lots shall be landscaped and properly maintained with lawn or other acceptable plant material unless otherwise approved with a conditional use permit.

B. The minimum gross land area of a multi-family residential development to be preserved as open space in R-M zones shall be as follows:

<u>Zone</u>	<u>Required Open Space</u>
R-M 5	12 percent
R-M 6	14 percent
R-M 7	16 percent

The open space, if not dedicated to the city, will be labeled and recorded as a lot or lots in a subdivision, as common area in a condominium or as a perpetual open space easement to be jointly owned and properly maintained as open space and/or recreation by an owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city. The city may determine the location of open space in consideration of topography, drainage or other land features. Open space shall include recreational improvements such as play courts,

swimming pools, tot lots, picnic areas and walking paths. Open space may also include community gardens and other natural open space. The city may determine the acceptability of proposed amenities before a site plan, plat or condominium is approved. The city may require a cash bond to guarantee installation of the open space improvements. All open spaces shall be preserved and properly maintained by the owners.

- C. All areas of developments not approved for parking, buildings, recreation facilities, access or other hard surfacing or otherwise exempted with development approval, shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material or xeriscape as approved in conjunction with a site plan or plat for the development.
- D. In multi-family and nonresidential developments, a minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped common areas, excluding landscaped sports or play areas, is required. A minimum of thirty percent (30%) of required trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as may be required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
- E. All collector street and other public and private park strips in R-M zones shall be improved with ground covers and street trees, and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval.
- F. Required trees may not be topped nor may any required landscape material be modified or removed in R-M zones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.
- G. In multi-family and nonresidential developments in R-M zones, the following landscaping requirements shall apply:
 - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Said planters shall be at least five feet (5') wide.
 - 2. Minimum five foot (5') landscaped planters shall be provided along street sides of building foundations, except at building entrances.
 - 3. All landscaped areas shall be curbed.
- H. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required open space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without approval of any entity or agency having jurisdiction over said waterways.

- I. All required landscaping in yard areas and open spaces shall be installed (or escrowed on a case by case basis) prior to occupancy.
- J. All landscaped areas, including adjoining public right of way areas not maintained by the city, shall be properly irrigated and maintained by the owners. (Ord. 2014-06, 3-4-2014)

17.48.150: LIGHTING:

The following lighting requirements shall apply in R-M zones:

- A. A lighting plan shall be submitted with all new developments in R-M zones. Where required by the city, lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight type, approved by the city council and city engineer, will be used on the same street. (Ord. 2014-06, 3-4-2014)

17.48.160: MULTI-FAMILY RESIDENTIAL:

As used in this chapter, "multi-family residential" shall mean any residential development in the R-M zone approved by the city in compliance with the following additional requirements:

- A. Uses allowed in a multi-family residential project shall be the same as those allowed in the R-M zone.
- B. The maximum gross residential density in a multi-family project shall be as provided in section 17.48.060 of this chapter. Depending upon size and scale, multi-family projects may be required to have mix of housing types and building heights.
- C. The minimum area, yard, width, frontage and other dimensional requirements of the R-M zone may be modified in a multi-family residential project as recommended by staff and approved by the planning commission.
- D. The entrances of all dwellings shall front onto public streets, fire accessible private driveways, or green courts, with entrance sidewalks accessing the street sidewalk. Entrances shall also have direct sidewalk access to public/private sidewalks. Building orientation away from a collector street may be required.
- E. Direct driveways onto a collector street may be prohibited or restricted by using shared or rear loaded driveways. On site turnaround access may be required to avoid having vehicles backing onto a collector street. Rear loaded garages are encouraged for garage access to townhomes, row houses, and twin homes. Approved front loaded garages shall be subservient, making the porch and/or living space the dominant feature of the dwelling.
- F. The design of pedestrianways may be a standard sidewalk, a solitary meandering pathway or trail, or other possible designs that may be approved by the planning commission. Choice of appropriate pedestrian access will be made based upon the type

and scale of the project being proposed. Crosswalks and pedestrian access to trail systems or nearby activity centers may be required.

- G. Parking spaces shall be provided for all dwelling units within a multi-family residential project and per section 16.26.040 of this code. At least one space per unit shall be covered. One space per every four (4) dwelling units shall be provided for guest parking. Parking spaces shall be scattered throughout the project, so as to minimize the walking distance to the dwelling units. This requirement may be waived by the planning commission if the applicant can show that the design of the project makes this requirement unnecessary.
- H. Before building permits are issued, all multi-family residential projects shall have been approved by the staff of the city of South Jordan and recorded with the Salt Lake County recorder's office, a declaration of restrictive covenants containing, at a minimum, provisions for a homeowners' association (depending on the size and scale of the project), maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to city conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by city staff and approved by the planning commission. Said restrictive covenants shall also comply with section 17.04.300 of this title.
- I. Developers of multi-family residential projects shall submit a proposed declaration of covenants to the city attorney for review, including, if requested by the city attorney, an opinion of legal counsel licensed to practice law in the state, that the multi-family project meets requirements of state law, and record the covenants with the plat for the project. (Ord. 2014-06, 3-4-2014)

17.48.170: OTHER REQUIREMENTS:

The following requirements shall apply in R-M zones:

- A. All improvements, including buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the city or accepted for ownership or maintenance by the city shall be perpetually owned by the owners and maintained by the owners or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the city.
- B. All developments shall be graded according to the city engineering and building requirements to provide adequate drainage. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. All private areas of lots or parcels shall be properly maintained by the owners.
- D. Development projects shall give due consideration to the development of adjoining parcels in regards to access, utilities, buffering, and landscaping. A project phasing plan may be required for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2014-06, 3-4-2014)

Chapter 17.98 HOME OCCUPATIONS

17.98.010: DEFINITION AND PURPOSE:

17.98.020: RESTRICTIONS:

17.98.030: PRESCHOOLS:

17.98.040: APPLICATION:

17.98.050: APPLICATION REVIEW PROCEDURE:

17.98.060: APPLICATION APPEAL PROCEDURE:

17.98.070: REVOCATION:

17.98.010: DEFINITION AND PURPOSE:

A home occupation is any business or income producing activity conducted from a residential property. The home occupation provisions are intended to provide opportunities for minor in home businesses which do not require the facilities of or have the impacts of larger concerns. Many types of businesses are allowed; provided, that they meet all of the provisions of this chapter. Home occupations do not include occasional babysitting at the dwelling which would not be classified as a daycare or preschool operation. Home occupations are considered accessory uses in residential and agricultural zones. Garage or yard sales are not considered home occupations but may be held no more than four (4) calendar days per year. Sales of night crawlers gathered from the subject property, lemonade stands and similar occasional activities related to the subject premises are not considered home occupations. Temporary signage may be used to advertise yard sales, night crawlers, lemonade stands and similar occasional sales activities, provided it does not create a nuisance, is not placed on the public right of way and provided it is removed by seven o'clock (7:00) P.M. each day and upon conclusion of the activity. Home occupations will have no significant impact on the neighborhoods in which they are located and are considered to be secondary and incidental to and compatible with residential use. (Ord. 2007-02, 1-16-2007)

17.98.020: RESTRICTIONS:

The following restrictions shall apply to any home occupation:

- A. All home occupations are required to obtain and maintain a current city business license and meet all requirements of title 5 of this code.
- B. All home occupations shall comply with federal, state and local laws and ordinances.
- C. Home occupations shall not involve the unauthorized use of hazardous or annoying substances or processes nor shall they create any hazardous or offensive odors, noises, fumes, gases, dust, radiation, glare, electrical interference, vibrations, heat, wastes, pathogens or any other harmful substances or effects.
- D. Home occupations shall be conducted entirely within the dwelling unit and may not occupy, with either goods, materials, equipment or activities, any attached garage, accessory building or lot area, except that office activities of a home occupation may occur in a fully enclosed and properly permitted accessory building associated with a single-family residential dwelling. Training activities such as swimming, tennis and

horseback riding or daycare or preschool activities may be conducted outdoors; provided, that no nuisance is created. ~~The home occupation~~ Home occupations may not occupy more than ~~eight hundred (800) square feet~~ thirty-five percent (35%) of the floor area of the ~~dwelling main building~~ or one thousand (1,000) square feet, whichever is less.

- E. Home occupations shall not receive or generate more than a total of six (6) customers, visitors, vehicle round trips and/or deliveries per day except for approved preschools. Tractor/trailer rigs may not be brought to the residence.
- F. No more than one vehicle used with the home occupation and complying with provisions for vehicle storage of the zone in which the home occupation is located may be stored at the residence. Said vehicle shall be stored in a garage or at least six feet (6') behind the front or street side building lines of the dwelling.
- G. Home occupations shall not cause excessive demands on city services.
- H. Employees of home occupations shall consist only of members of the family residing in the dwelling or other individuals whose activities are conducted away from the residence.
- I. No display of merchandise or advertising shall be visible from the street or neighboring properties, except as permitted in section 16.36.050 of this code.
- J. The exteriors of dwellings may not be altered from a residential character as a result of or to enhance a home occupation.
- K. Home occupations involving pedestrian or vehicle traffic shall be conducted only between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.
- L. ~~More than one home occupation may be conducted in a dwelling on a property;~~ provided, that these regulations are followed as though there were only one occupation ~~in the dwelling on the property.~~
- M. Retail sales may not be conducted as a home occupation, except if incidental to another service performed by the operator. Otherwise, goods may not be distributed or disbursed at the residence.
- N. Meetings held for the purpose of marketing, taking orders or training may be held at the residence; provided, that no violations of this chapter occur.
- O. The city may place additional restrictions on a home occupation relating to hours of operation, parking, traffic or other matters as it deems necessary to mitigate impacts on the neighborhood and the city in general. (Ord. 2007-02, 1-16-2007)

17.98.030: PRESCHOOLS:

Preschools for up to six (6) students may be conducted as home occupations in accordance with provisions of this chapter without a conditional use permit. Preschools for seven (7) to a maximum of twelve (12) students may be conducted as home occupations with approval of a conditional use permit/concept plan with the following and other conditions as determined by the city council:

- A. Maximum two (2) sessions per day and maximum four (4) sessions per week. Sessions shall be a maximum three (3) hours in length.
- B. Students' ages shall be three (3), four (4) or five (5) years old.
- C. Days and hours of operation shall be provided for review.
- D. All life safety and building codes shall be met and a building permit, if necessary, shall be obtained for remodeling.
- E. All state licensing requirements will be met.
- F. All other requirements of this chapter and other local, state and federal laws shall be met. (Ord. 2007-02, 1-16-2007)

17.98.040: APPLICATION:

The following items shall be submitted to the city business licensing office in applying for a home occupation business license:

- A. Application forms as provided by the city and the associated fee as determined by the city council.
- B. Description of the nature of the home occupation and information as requested in the application.
- C. Sketch of the site plan of the property and the floor plan of the dwelling and the area to be devoted to the home occupation with dimensions and area calculations.
- D. List of materials and equipment to be used.
- E. Hours of operation and the number of customers, vehicle trips and deliveries to be made each day.
- F. Other government approvals required for conducting the home occupation.
- G. Proposed remodeling needed to conduct the home occupation and whether a city building permit will be required.
- H. Signed affidavit by the applicant that all requirements and conditions of the city will be followed.
- I. Mailing labels and postage for owners of properties within three hundred feet (300') of the lot or parcel on which the home occupation is proposed. (Ord. 2007-02, 1-16-2007)

17.98.050: APPLICATION REVIEW PROCEDURE:

The city business licensing office shall mail a written notice in accordance with provisions of this title, with the exception that a public hearing will not initially be required, informing ~~the neighboring property owners~~ within 300' of the proposed home occupation and within the same subdivision plat. The applicant is required to provide a second mailing only if a hearing is necessary. ~~The community development & Development Services Department~~ and other

city departments will review the home occupation business license application and may approve the application if all requirements are met and if no objections have been filed within fourteen (14) days of the mailing. (Ord. 2007-02, 1-16-2007)

17.98.060: APPLICATION APPEAL PROCEDURE:

If city staff finds that certain conditions cannot be met, that the proposed home occupation is not appropriate or is inconsistent with the definition and purpose of this chapter ~~or if~~ objections are filed, the application shall be denied.

The applicant, or an affected neighbor may appeal staff's decision for a public hearing before the planning commission within fourteen (14) days of the decision rendered by staff. The decision of the planning commission may be appealed to the city council within fourteen (14) days of the planning commission decision. Costs of notification for the planning commission and/or city council meetings shall be borne by the appellant. The planning commission or city council may place conditions on the approval of the home occupation business license application pertaining to the conduct of the business, subject to chapter 17.84 of this title. (Ord. 2007-02, 1-16-2007)

17.98.070: REVOCATION:

A home occupation may be commenced only upon completion of all plan improvements as stipulated in the accompanying approval. The home occupation will be conducted in conformance with approved plans and conditions. Application to amend a home occupation license may be requested by following the application procedures in this chapter. A home occupation license may be revoked by the city council, after a public hearing, if requested by the property owner or if it is shown that one or more of the following conditions exist:

- A. The use is conducted prior to completion of all required improvements and conditions.
- B. The use is established or conducted contrary to any of the approved plans or conditions.
- C. The use is conducted contrary to local, state, or federal laws.
- D. The use is creating a nuisance or hazard. (Ord. 2007-02, 1-16-2007)

**SOUTH JORDAN CITY
CITY COUNCIL REPORT**

Council Meeting Date: July 15, 2014

Issue: Enactment of a Temporary Land Use Regulation for accessory buildings in residential zones which require a building permit and are over 16 feet in height as measured pursuant to SJCMC§17.08.010.

Submitted By: Ryan Loose

Department: Office of the City Attorney

First Reading Report Date: July 1, 2014

Staff Recommendation (Motion Ready): Approve Ordinance 2014-12 enacting a temporary land use regulation affecting accessory buildings in all residential zones.

BACKGROUND: Due to concerns regarding the height, bulk and use of certain accessory buildings, Staff was directed to draft an ordinance enacting a temporary land use regulation for accessory buildings for discussion during the July 1, 2014 City Council Meeting. During the meeting, Staff was directed to bring the ordinance back for a vote with more specific criteria which allow accessory buildings which do not cause a concern.

TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

FINDINGS:

- The current regulations of accessory buildings allow buildings up to 25' in height and are reviewed by Staff without any notice to the neighbor or public hearings.
- The majority of applications for accessory buildings are for structures which do not require building permits and are less than 16' in height.

CONCLUSIONS:

- Enacting a temporary zoning regulation which would prohibit the construction of accessory buildings which require a building permit and are over 16' as measured pursuant to SJCMC§17.08.010 which, for up to 6 months, will allow the City Council and Staff time to properly address the concerns.

RECOMMENDATIONS:

- Based on the Findings and Conclusions listed above, Staff recommends that the City Council take comments at the public hearing and consider enacting the temporary land use regulation.

FISCAL IMPACT:

- None identified.

ALTERNATIVES:

- Approve Ordinance 2014-12 enacting the temporary land use regulation.
- Schedule consideration of Ordinance 2014-12 to a future date.
- Make no motion or move to deny Ordinance 2014-12.

SUPPORT MATERIALS:

- Ordinance 2014-12.
- Staff recommended revisions to standard residential accessory building regulations dated 7/7/14.

City Council Action Requested by Councilman Seethaler.

ORDINANCE NO. 2014 - 12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ENACTING A TEMPORARY LAND USE REGULATION AFFECTING ACCESSORY BUILDINGS IN ALL RESIDENTIAL ZONES.

WHEREAS, Utah Code § 10-9a-102 grants the City of South Jordan the authority to enact ordinances that the City Council considers necessary or appropriate for the use and development of land within South Jordan, including those governing structures, buildings, street and building orientation and with requirements in balance with the private property interests; and

WHEREAS, upon review of the established neighborhoods in South Jordan and in light of recent construction of certain accessory buildings which require building permits and are over 16 feet high as measured pursuant to SJCMC § 17.08.010, based on size, complexity, and use of such buildings as accessory living units, the City Council desires to review those ordinances related to the requirements for accessory buildings; and

WHEREAS, the City Council desires to ensure that future applications for the above described accessory buildings are consistent with the character and feel of the established residential feel and quality of the zone and neighborhood where they are proposed to be located; and

WHEREAS, the South Jordan City Council desires that citizens in residential zones that desire to construct an accessory building requiring a building permit and over 16 feet in height on their property during the period of this notice of temporary regulation have an alternative to petition the City Council directly; and

WHEREAS, the City Council finds that enacting this temporary zoning regulation will promote the health, and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:

SECTION 1. Enactment. That there are hereby temporary zoning regulations placed so that accessory buildings for which a building permit is required and that are more than 16 feet high as measured pursuant to SJCMC § 17.08.010 from natural elevation are not allowed in the City's residential zones, unless an application is approved by the City Council, until six (6) months from the effective date of this Ordinance or upon passage of an ordinance ending this regulation.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH, ON THIS _____ DAY OF _____, 2014 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	_____	_____	_____	_____
Chuck Newton	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Steve Barnes	_____	_____	_____	_____
Christopher Rogers	_____	_____	_____	_____

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

Approved as to form:


Office of the City Attorney

7/7/14

Staff recommended revisions to standard residential accessory building regulations.

Building Height

Current

- May not exceed twenty five feet in height.

Proposed

- Not to exceed the height of the primary dwelling, unless otherwise determined by the Planning Commission to be consistent with the character of the area and the overall size of the accessory structure will be incidental and subordinate to the primary structure. In no case shall an accessory structure exceed 25' in height.

Building Footprint

Current

- Shall not exceed the footprint of the dwelling.
(The R-2.5 limits building footprint to 60% of the dwelling.)

Proposed

- Footprint not to exceed 80% of the footprint of the primary dwelling, unless otherwise determined by the Planning Commission to be consistent with the character of the area and the overall size of the accessory structure will be incidental and subordinate to the primary structure. In no case shall the accessory structure exceed the footprint of the structure.
(The R-1.8 Zone separately allows agricultural related structures as a conditional use.)

Setbacks

Current

- In a side yard: 10' from the property line and 6' from the house.
- In a rear yard: 3' from the side or rear property line, and increased by 1' for each foot in building height in excess of 16'.

Proposed

- In a side yard or rear yard: The setback to an adjacent right of way shall be two times the standard setback requirement for an accessory building, unless otherwise determined by the Planning Commission to be consistent with the character of the area. In no case shall the accessory structure be closer to a property line than the standard setback requirement for an accessory building.
- In a side yard or rear yard: The setback to any portion of an accessory structure containing living space (of any kind) shall be two times the standard setback requirement for an accessory building.
- Side yard: Accessory structures no more than 8' in height may be a minimum of 3' from the property line and a minimum of 3' from the dwelling.

Occupiable Space (guesthouse or otherwise)

Current

- Allowed within a compliant accessory building.
- A full dwelling unit requires Planning Commission approval following a public hearing for a guesthouse under the ALU Floating Zone and a minimum 10' setback.

Proposed

- (see the second Proposed bullet point under Setbacks)

CC&R Review

Current

- CC&R's are not required to be review or considered.

Proposed

- (Options are being researched by the City Attorney's office.)

Noticing

Current

- All accessory buildings, except when involving a guesthouse, are approved by staff. No noticing required.

Proposed

- Where Planning Commission approval is required (see above recommendations), noticing shall include all property owners within 300' of the subject property of the subject property and all property owners within the same subdivision, where a subdivision exists.

David L. Alvord, *Mayor*
Mark Seethaler, *Councilman*
Chuck Newton, *Councilman*
Donald J. Shelton, *Councilman*
Steve Barnes, *Councilman*
Christopher J. Rogers, *Councilman*



PH: 801.254.3742 EMAIL: info@sjc.utah.gov FAX: 801.254.3393

October 16, 2014

NOTICE OF PUBLIC HEARING

Notice is hereby given that South Jordan City will hold public hearings before the Planning Commission on Tuesday, Oct. 28, 2014 at 6:30 p.m. and the City Council on Tuesday, Nov. 18, 2014 at 6:00 p.m. to receive public comment regarding proposed modifications to the Zoning Ordinance (Title 17) of the Municipal Code which would affect accessory buildings in residential zones. The hearings will be held at South Jordan City Hall, 1600 W. Towne Center Drive (10610 S.). The City will provide reasonable accommodations for special needs, including necessary interpretation, for all timely requests. The hearing impaired may call 7-1-1 to contact TDD Utah Relay. For inquiries, contact South Jordan City Offices at 801-254-3742.

A handwritten signature in black ink, appearing to read "Jake Warner", is written over a light blue horizontal line.

Jake Warner
Long Range Planner

Order Confirmation for Ad #0000989480-01

Client	SOUTH JORDAN CITY	Payor Customer	SOUTH JORDAN CITY
Client Phone	801-254-3742	Payor Phone	801-254-3742
Account#	9001350317	Payor Account	9001350317
Address	1600 TOWN CENTER DR SOUTH JORDAN UT 84095-8697 USA	Payor Address	1600 TOWN CENTER DR SOUTH JORDAN UT 84095-8697
Fax		Ordered By	Acct. Exec
EMail	scarter@sjc.utah.gov	Jake	mfultz

Total Amount	\$57.08			
Payment Amt	\$0.00			
Amount Due	\$57.08	Tear Sheets	Proofs	Affidavits
		1	0	1
Payment Method		PO Number	PH 10/28	

Confirmation Notes:

Text: Jake

Ad Type	Ad Size	Color
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<u>Product</u>	<u>Placement</u>	<u>Position</u>
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<u>Product</u>	<u>Placement</u>	<u>Position</u>
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Scheduled Date(s):	10/18/2014	

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**CITY OF SOUTH JORDAN
NOTICE OF PUBLIC HEARING**

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989480 UPAKLP

Attention: Mark Fultz
For publication: Saturday, October 18, 2014

South Jordan City
Phone: 801 254-3742

CITY OF SOUTH JORDAN

NOTICE OF PUBLIC HEARING

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WEST VALLEY CITY, UTAH 84170
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8012543742	0000976932 /
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Start 08/16/2014	End 08/16/2014
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CITY OF SOUTH JORDAN NOTICE OF PUBLIC HEARING Notice is hereby given that South	
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**CITY OF SOUTH JORDAN
NOTICE OF PUBLIC HEARING**

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976932 UPAXLP

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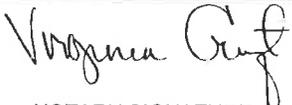
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF CITY OF SOUTH JORDAN NOTICE OF PUBLIC HEARING Notice is hereby given that South Jordan City will hold public hearings before the Planning Commission on Tuesday FOR SOUTH JORDAN CITY, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

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DATE 8/18/2014




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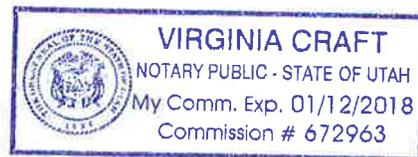
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Client Phone 801-254-3742

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SOUTH JORDAN UT 84095-8697 USA

Fax
EMail scarter@sjc.utah.gov

Payor Customer SOUTH JORDAN CITY
Payor Phone 801-254-3742

Payor Account 9001350317
Payor Address 1600 TOWN CENTER DR
SOUTH JORDAN UT 84095-8697

Ordered By Acct. Exec
Jake kstowe

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976932 UPAXLP

Total Amount \$57.08
Payment Amt \$0.00

Amount Due \$57.08

Tear Sheets	Proofs	Affidavits
1	0	1

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Confirmation Notes:

Text: Jake

Ad Type	Ad Size	Color
Legal Liner	1.0 X 31 Li	<NONE>

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Scheduled Date(s):	8/16/2014	
Product	Placement	Position
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utahlegals.com::	utahlegals.com	utahlegals.com
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David L. Alvord, *Mayor*
Mark Seethaler, *Councilman*
Chuck Newton, *Councilman*
Donald J. Shelton, *Councilman*
Steve Barnes, *Councilman*
Christopher J. Rogers, *Councilman*



PH: 801.254.3742 EMAIL: info@sjc.utah.gov FAX: 801.254.3393

August, 14, 2014

NOTICE OF PUBLIC HEARING

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Jake Warner, AICP
Long Range Planner

Attention: Mark Fultz
For publication: Saturday, August 16, 2014

South Jordan City
Phone: 801 254-3742

CITY OF SOUTH JORDAN

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WASATCH FRONT REGION COUNCIL
295 NORTH JIMMY DOOLITTLE RD.
SALT LAKE CITY UT 84116

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SALT LAKE CITY UT 84116

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PO Box 951022
SOUTH JORDAN UT 84095

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PO Box 951022
SOUTH JORDAN UT 84095

CITY OF DRAPER
PLANNING DEPARTMENT
1020 E. PIONEER ROAD
DRAPER UT 84020

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1020 E. PIONEER ROAD
DRAPER UT 84020

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DRAPER UT 84020

RULON DUTSON
KENNECOTT LAND
4700 W. DAYBREAK PARKWAY
SOUTH JORDAN UT 84095

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KENNECOTT LAND
4700 W. DAYBREAK PARKWAY
SOUTH JORDAN UT 84095

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10102 S REDWOOD ROAD
SOUTH JORDAN UT 84095

CITY OF WEST JORDAN
PLANNING DEPARTMENT
8000 S. REDWOOD ROAD
WEST JORDAN UT 84088

CITY OF RIVERTON
PLANNING DEPARTMENT
12830 S. REDWOOD ROAD
RIVERTON UT 84065

SANDY CITY
PLANNING DEPARTMENT
10000 CENTENNIAL PARKWAY
SANDY UT 84070

CITY OF HERRIMAN
PLANNING DEPARTMENT
13011 S. PIONEER STREET
HERRIMAN UT 84065

UDOT REGION TWO
PO Box 148420
SALT LAKE CITY UT 84114-8420

SOUTH VALLEY SEWER DISTRICT No. 1
874 E. 12400 SOUTH
DRAPER UT 84020-9320

LUANN LEAVITT
PLANNING & STUDENT SERVICES
7387 S. CAMPUS VIEW DRIVE
WEST JORDAN, UTAH 84084-5500

JVWCD
8215 S 1300 WEST
WEST JORDAN UT 84088-9422

SALT LAKE COUNTY
PLANNING DEPARTMENT
2001 S. STATE STREET, N3600
SALT LAKE CITY UT 84190

TRANS-JORDAN CITIES
PO Box 95610
SOUTH JORDAN UT 84095-0610

LISA ROMNEY
ROCKY MOUNTAIN POWER
1569 W. NORTH TEMPLE
SALT LAKE CITY UT 84106

QWEST COMMUNICATIONS
1425 W. 3100 SOUTH
WEST VALLEY CITY UT 84119

QUESTAR GAS PRECON DNR 130
ATTN: DEANNA HOPKINS
PO Box 43560
SALT LAKE CITY UT 84145-9925

COMCAST
1350 E. MILLER AVENUE
SALT LAKE CITY UT 84108

UTAH TRANSIT AUTHORITY
PLANNING DEPARTMENT
669 W. 200 SOUTH BLDG. 1
SALT LAKE CITY UT 84101-1015

CITY OF WEST JORDAN
PLANNING DEPARTMENT
8000 S. REDWOOD ROAD
WEST JORDAN UT 84088

CITY OF RIVERTON
PLANNING DEPARTMENT
12830 S. REDWOOD ROAD
RIVERTON UT 84065

SANDY CITY
PLANNING DEPARTMENT
10000 CENTENNIAL PARKWAY
SANDY UT 84070

CITY OF HERRIMAN
PLANNING DEPARTMENT
13011 S. PIONEER STREET
HERRIMAN UT 84065

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SALT LAKE CITY UT 84114-8420

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669 W. 200 SOUTH BLDG. 1
SALT LAKE CITY UT 84101-1015

Order Confirmation for Ad #0000972390-01

Client	SOUTH JORDAN CITY	Payor Customer	SOUTH JORDAN CITY
Client Phone	801-254-3742	Payor Phone	801-254-3742
Account#	9001350317	Payor Account	9001350317
Address	1600 TOWN CENTER DR SOUTH JORDAN UT 84095-8697 USA	Payor Address	1600 TOWN CENTER DR SOUTH JORDAN UT 84095-8697
Fax		Ordered By	Acct. Exec
E-Mail	scarter@sjc.utah.gov	Jake	kstowe

Ad Content Proof Actual Size

**CITY OF SOUTH JORDAN
NOTICE OF PUBLIC HEARING**

Notice is hereby given that South Jordan City Council will hold a public hearing on Tuesday, August 5, 2014 at 6:00 p.m. to receive public comment regarding the City Council's decision to enact a temporary land use regulation ordinance affecting accessory buildings in residential zones. The hearing will be held at South Jordan City Hall, 1600 W. Towne Center Drive (10610 S.). The City will provide reasonable accommodations, including necessary interpretation, for all timely requests. The hearing impaired may call 7-1-1 to contact TDD Utah Relay. For inquiries, contact South Jordan City Offices at 801-254-3742.
972390 UPAXLP

Total Amount	\$50.36			
Payment Amt	\$0.00			
Amount Due	\$50.36	Tear Sheets	Proofs	Affidavits
		1	0	1
Payment Method		PO Number	City Council PH 8/5	

Confirmation Notes:
Text: Jake

Ad Type	Ad Size	Color
Legal Liner	1.0 X 27 Li	<NONE>

Product	Placement	Position
Salt Lake Tribune::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
Scheduled Date(s):	7/26/2014	
Product	Placement	Position
Deseret News::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
Scheduled Date(s):	7/26/2014	
Product	Placement	Position
utahlegals.com::	utahlegals.com	utahlegals.com
Scheduled Date(s):	7/26/2014	

David L. Alvord, *Mayor*
Mark Seethaler, *Councilman*
Chuck Newton, *Councilman*
Donald J. Shelton, *Councilman*
Steve Barnes, *Councilman*
Christopher J. Rogers, *Councilman*



PH: 801.254.3742 EMAIL: info@sjc.utah.gov FAX: 801.254.3393

CITY OF SOUTH JORDAN

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Jake Warner
Long Range Planner

Jake Warner

From: Mark Seethaler
Sent: Tuesday, July 15, 2014 9:26 AM
To: Gary Whatcott; Brad Klavano; Ty Montalvo; Don Tingey; Ryan Loose; Jake Warner; Greg Schindler
Cc: CITY_COUNCIL_EMAIL
Subject: FW: Lawrence Circle Building Review

Follow Up Flag: Follow up
Flag Status: Flagged

Gentlemen -

Thank you for your research and report on the many allegations concerning this building permitting, construction, inspection, and code compliance. I visited with Gavin Wenzel on the phone last evening and effectively agreed that he would move off the warpath relative to turning in neighbors for their various and sundry misdeeds and that I would advise that our city disregard the few inches of height has a technical violation that would not be pursued. Of course, I do not make the rules for the city that feel that this sort of gentlemen's agreement not to stir the pot and create a code or in this neighborhood is the best policy for the city as we all discussed in our meeting yesterday.

I meant to send this to you last evening that simply forgot. So here you be.

Thanks to all for your integrity, hard work, and willingness to bring the facts forward as always.

Sincerely,
Mark Seethaler

From: Mark Seethaler [mailto:mark4sjc@gmail.com]
Sent: Tuesday, July 15, 2014 12:55 AM
To: mark4sjc@gmail.com
Subject: Lawrence Circle Building Review

Dear Lawrence Circle-area Neighbors –

I met with our city manager, engineer, planner, building inspector, and assistant attorney until after 6:00pm this evening reviewing each of the allegations that surfaced surrounding the construction of a garage and accessory living unit at 2084 Lawrence Circle.

- **Bottom Line:** Our city professionals have reviewed each claim and concluded that there is no legal basis to cause Mr. Wenzel to remove or significantly modify his building.
- **Further:** There appears to be many technical violations of code within the general neighborhood.
- **Observation:** The neighborhood CC&Rs have not been applied to building up and down the street making neighborhood interpretation and enforcement in any one particular case problematic.
- **Practice** – City elected and professional leadership prefers less government over more government; less intrusion into individual lives; and less disruption of ‘peaceful enjoyment’ otherwise resulting from aggressive code enforcement. Other than issues that affect welfare, safety and health of our residents, the city has no desire to go door to door to ensure that all construction requiring a permit was properly permitted, that every out building meets current code, etc. This would only trigger an environment of hostility between city and neighborhoods, and between neighboring homeowners. Besides: it is a real challenge to review work performed years ago, under a different set of rules, and sometimes having been performed by earlier homeowners.

Which brings us to the current and to the future.

First the current, by way of allegations:

- The structure is too large. By code, the garage structure is permitted to be 25' high, and not to exceed the footprint of the primary dwelling. The garage measures 30X50 (1,500 square feet) and the principal residence is 1,560 (plus garage, totaling about 1,950). In addition, the accessory living unit is permitted to be up to 35% of the principal dwelling unit. 35% of 3,080 would be 1,080 square feet, while the 2nd floor guesthouse measures 957 square feet.
- Similar look and style. Not regarding your heretofore unenforced CC&Rs, the city Planning Commission applied their discretion to the rule of 'compatible with the exterior of the primary dwelling'. Color changes were required and the homeowner intends to match the brick on the house for a wainscot on the building.
- False statement of compliance with neighborhood CC&Rs. The homeowner signed a statement indicating that the building 'complies with all ordinances' further representing that his attorney had given him the legal advice regarding compliance with the CC&Rs. Ultimately, the only final determination of this issue is through the judgment of a court.
- Improper sewer hookup. It is permitted to hook an outbuilding to the main home lateral sewer line. Hook-up fees to the sewer district are on an escalating scale. In the event there is more than a sink and toilet on this line.
- Built on top of a 4" pressurized water line. The homeowner's building is 12-feet from the north property line and the water line is 4' from the north property line (within the 10-foot drainage and utility easement). However, an aerial view of the neighborhood indicates that many other property owner structures are, in fact resting over this pressurized water line.
- Illegal renters. City code permits only one accessory rental unit per single-family home. This structure's approval as such is conditioned on permanently removing the door to the basement of his current home – thus disqualifying it as an accessory apartment. However, renting itself is governed by more than accessory living unit designations.
- Roof pitch is not in compliance. The roof pitch of 5X12 is consistent with the requirement of the primary structure.
- Improper finish with rooms being framed on the main level. A city planning manager visited this site today and the only main-floor framing was the stairway enclosure and a utility room. Certainly the city ordinance for accessory living units permits "periodic inspections may be required to determine compliance, as may be deemed appropriate by city staff."
- Inspections have been lax and the building has not been constructed per code. To date 15 inspections are logged by the city – more than would typically be required by such a structure. City records reflect compliance and/or correction to compliance. The engineering specifications did not call for straps between floors, and the structure is being built according to those accepted plans and specifications.
- Technical violation. The structure has been determined to be a few inches above height requirements. However, those requirements specify a measurement 'from grade' which does not always lend itself to precision. So, the city could technically require the homeowner to replace his roof trusses with a style that removes the peak in favor of a flat surface in the top-most area to lower the peak by a few inches. While this does not seem to be a solution that would enrich the lives of all neighboring residents, if we want 'justice and fairness' that requirement could be pursued by the city. As this would be the first volley in what will certainly rise to the level of a neighborhood code war (with no real winners), my view is to live and let live – or accuse and be accused.

The future –

I am sponsoring Ordinance 2014-12 during tomorrow evening's City Council meeting which will temporarily restrict accessory buildings in all residential zones. During this (maximum 6 month) restriction, buildings higher than 16-feet and requiring a building permit will be unable to be passed through the Planning Commission without a review and public hearing by the City Council. In addition, code changes will be considered, and noticing practices will be revised. That's what we can do and what we will do to improve the situation where the 'normal' application of existing code results in a legal but out-of-place structure.

If you have read to this point, I thank you and encourage you efforts to reestablish the neighborliness that has contributed to your years of enjoyment.

Sincerely,

Mark Seethaler, CPA
City of South Jordan
City Council | District 1
www.mark4sjc.com



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Jake Warner

To: Brad Klavano
Subject: RE: Lawrence Circle Allegations Re: Wenzel ancillary Housing Unit

Jake Warner, AICP | Long Range Planner | City of South Jordan

1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.254-3742

From: Brad Klavano
Sent: Tuesday, July 08, 2014 6:57 PM
To: Jake Warner; Shane Greenwood
Subject: Fwd: Lawrence Circle Allegations Re: Wenzel ancillary Housing Unit

Can the two of you answer the non legal questions tomorrow?

Thanks

Sent from my iPhone

Begin forwarded message:

From: Mark Seethaler <MSeethaler@sjc.utah.gov>
Date: July 8, 2014 at 6:49:01 PM MDT
To: Brad Klavano <BKlavano@sjc.utah.gov>, Ryan Loose <RLoose@sjc.utah.gov>
Cc: Gary Whatcott <GWhatcott@sjc.utah.gov>, Rob Wall <RWall@sjc.utah.gov>, CITY_COUNCIL_EMAIL <CITY_COUNCIL_EMAIL@sjc.utah.gov>
Subject: Lawrence Circle Allegations Re: Wenzel ancillary Housing Unit

Brad and Ryan –

I met with residents of Lawrence circle and cannon Park last evening. In concert with being highly upset about the construction of the garage and ancillary living unit by Mr. Gavin Wenzel at 2084 West Lawrence Cir., these residents raised some interesting points which do require our due diligence. In the event that we discover irregularities in approval, inspection, or other actions by the city, I ask that we understand what authority the city has two require compliance or correction.

In no particular order, here are the legal and technical concerns and allegations of the residence last evening.

- The building is too high, built higher than the code and license permits. (Staff is aware that the structure may be higher than allowed, and staff is working with the owner to resolve.)

- The structure is too large. Considering the 1560 square foot main floor of the principal residence, and it's Rambler style, residents are concerned about "the math" of how such a large building was permitted and the portion of space that is allocated to the residential, ancillary living unit. (The structure itself is allowed to be 25' high and the footprint not to exceed the primary dwelling. The guesthouse portion is allowed to be 35% of the living area of the primary dwelling. County records show the primary dwelling as 3,086 sf., 35% would be 1080.1 sf. I calculate the guesthouse to be 956.8. The remainder of the upper floor is designated as storage, accessible from a common landing at the top of the stairs.)
- Residents were led to believe that such ancillary living units were required by the city to be built of a similar look and style as principal residence in order to better blend in with existing single-family neighborhoods. Clearly this building (see attached photo) is dissimilar to the principal residence and out of place with respect to the surrounding neighborhood residential properties. Is it a requirement or simply a suggestion that ancillary living units that are constructed be of a similar style and finish as the principal residential properties? (The ALU ordinance requires the structure to be "compatible with the exterior of the primary dwelling." The Planning Commission required that the exterior colors be consistent with the primary dwelling.)
- CCR noncompliance is touched on below with respect to future looking recommendations. However in the case present, it was reported to me that Mr. Wenzel intentionally fabricated on or near November 11, 2012 a document stating compliance or exception to neighborhood CC&R requirements. Clearly, if this is the case, the legal recourse available to the city (and therefore relief to residents) must be understood.
- Nearby residents indicated that the homeowner skirted a proper sewer system hook up and simply tied the new construction sewer into the existing residential sewer system. Can we determine if this is, in fact, the case, and if so, what is the concern and or remedy?
- The garage/home is alleged to be built on top of a four-inch pressurized water line serving the secondary water needs of the Lawrence water Association. Is this true, and if so is it in violation? (The recorded subdivision plat shows a 10' utility and drainage easement along the north property line and a 7' utility and drainage easement along the west property line. The structure is 12' from both property lines.)
- There is a legal question regarding renters as this resident currently has renters in his principal residence basement. If, in fact, at a future day the property owner rented both in his principal residence basement as well as the apartment at the top of the newly constructed garage – would that be a violation of city code or not? This clarification is important since effectively a single family neighborhood might (in similar circumstances and might become a multi-family, higher density neighborhood area which residents never anticipated when building their homes. (It is my recollection that this was brought up by a resident in response to the original public notice. The ALU ordinance allows only one accessory apartment per property. It is my understanding that the basement does contain all of the components of a separate apartment. This was addressed by the Planning Commission. They required that the door between the upper floor and the basement be permanently removed completion of the guesthouse.)
- There's some question about the roof pitch which is 5 x 12 versus a more standard 4 x 12. I do not understand the building code in this particular, but clarification of the allowable roof pitch has been requested. (The zoning ordinance requires that the primary dwelling have a roof pitch of 5/12. There is no such requirement specific to accessory structures, and it has not traditionally been applied to accessory structures.)
- Neighboring residents are alleging that Mr. Wenzel is finishing out this structure to be a second home as opposed to a garage. They cite the fact that there is a drain on the main floor, a bathroom on the main floor as well as a bathroom upstairs, the opportunity for Mr. Wenzel to punch out the upstairs and build the master bedroom after the occupancy permit has been granted, and the fact that the main floor is already being subdivided into individual rooms. If

these allegations are true, my question is: what can the city do about this at this point in time, and what is the city prepared to do about this at a future point in time if these concerns become realized with a full second residential unit having been built on this property? (The ALU ordinance states that "periodic inspections may be required to determine compliance, as may be deemed appropriate by city staff.")

- Under what circumstances can inspections and or occupancy permits be held up by the city pending resolution of these technical and legal questions?
- Residents stated concerns about lax inspections and procedures including the fact that no survey was performed, no lath inspection took place, there are no second-story straps to tie the top floor to the lower floor, and that the inspector has historically passed off on issues without rechecking or validating that open concerns were addressed. So, the question of adequate and complete inspection is a difficult issue for residents since they believe this project is being rammed through in record time with insufficient oversight. (While not able to speak to the inspections performed by the Building Department, planning staff will have been on site twice prior to completion of the 4-way inspection. This is more than is typical.)
- Is a building like this subject to an architectural review committee review? I participate on that committee as time permits and I have only seen commercial projects come through that process. So, just clarification, is there any architectural review required for these kind of buildings? (No)

There were issues raised which pertain more particularly to how the city might improve its procedures and code so that this sort of structure is not permitted in other similar circumstances. They include –

- Noticing should be more explicit and, if feasible, visual. Based on the notice these residents received they had no idea that there would be a two story towering building built near the back fence line which is, of course, outside the front door of residents who live along cannon Park.
- As we had discussed, CC&R regulations were not reviewed by the city at the time of application. I know that one of our considerations now is to stipulate some review of CC and are documents with such building permit requests. I anticipate that we will refine the language on that as we revise the code.
- Residents were massed that (for example) cannon Park residents were unable to build two story homes, so each of their homes is a beautiful brick Rambler style. Now, the city permitted a box structure which is simply a stucco garage which towers above the builders principal residence as well as the neighboring homes. While legally these no doubt represent to separate circumstances, logically we must be more considerate of surrounding neighbors when such permits are issued. I anticipate that we will cover this in our revised code.
- Residents indicated that one of our planners said "this is a test case" referring to the construction of this two-story stucco building in an all Rambler brick neighborhood. Of course, this sort of implication by city personnel has just added fuel to their concerns and allegations that somehow the city is in on this deal and not leveling with the residents.

Certainly we are all astonished at the prospects of this and other like buildings being constructed to the clear detriment of otherwise single-family households. And certainly we will be addressing this during the moratorium. In order to redirect the intent and legal permissions for these type of structures.

In the meantime, I would appreciate a breakdown of the legal, planning, and construction permitting and oversight regarding each question in the top section.. Of course I am empathetic to this situation, given the fact that none of us would want to have this structure in such close proximity to our own homes – and with the prospect that other like buildings might begin to populate neighborhoods where oversize lots of ½ acre or so currently support single-family homes.

I appreciate your many demanding responsibilities and ask that you consider the most crucial issues here of legality and code compliance – in the event that their actions that should be taken which will only become more difficult as the home approaches completed construction.

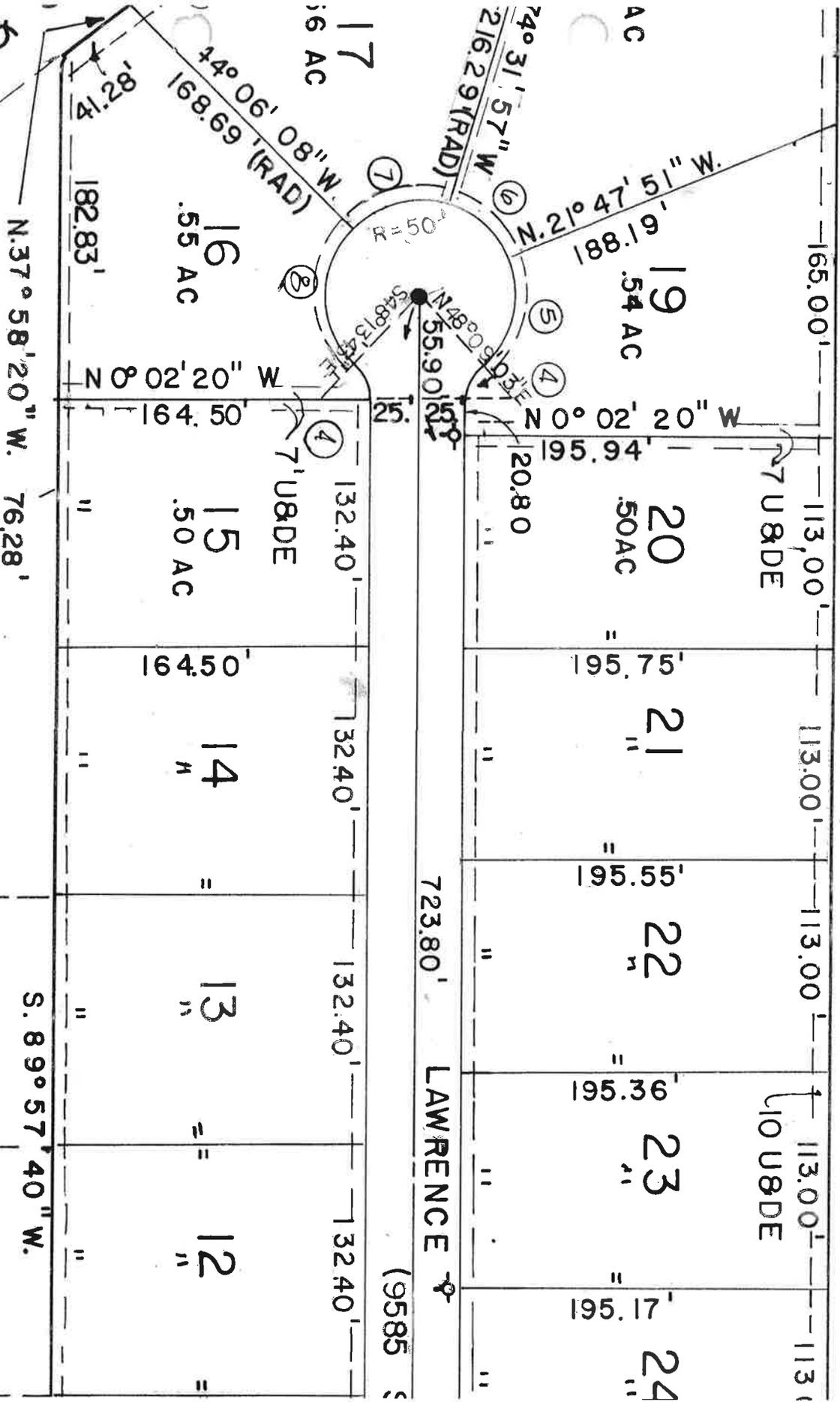
Thank you so much for your research and responses that will allow me to effectively share the insights I received from you with the residents of this area.

Sincerely,

Mark Seethaler

South Jordan City Council

UTAH



S. 89° 56' 28" E.

LAWRENCE

(9585

N. 37° 58' 20" W.

S. 89° 57' 40" W.

207

208

209

210

211

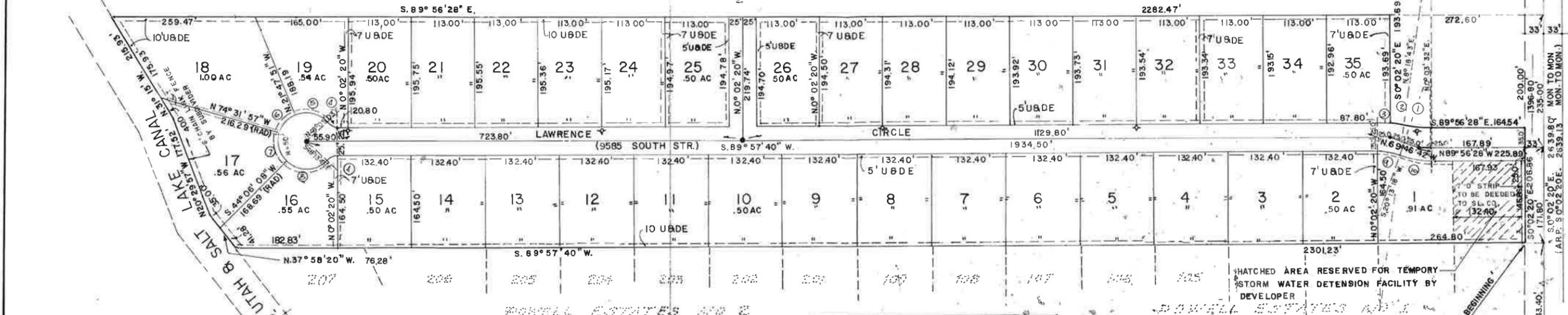
212

NORTH 1/4 COR. SEC. 10
T.3S., R.1W. SLB.B.M.



197C WEST STREET

1700 WEST STREET



HATCHED AREA RESERVED FOR TEMPORARY
STORM WATER DETENTION FACILITY BY
DEVELOPER

POINT OF BEGINNING

CENTER OF SECTION 10
T.3S. R.1W. SLB.B.M.

CURVE	RADIUS	Δ	L	T	LC
1	349.29	8° 15' 11"	50.31	25.20	50.27
2	345.19	4° 09' 51"	25.08	12.55	25.08
3	345.19	4° 11' 12"	25.22	12.62	25.22
4	25.0	48° 11' 23"	21.03	11.18	20.41
5	50.00	69° 56' 54"	61.04	34.98	57.32
6	50.00	52° 44' 06"	46.02	24.78	44.41
7	50.00	61° 21' 55"	53.55	29.67	51.03
8	50.00	92° 19' 51"	80.57	52.08	72.13
9	114.92	20° 15' 38"	40.64	20.53	40.43
10	165.61	20° 09' 46"	58.28	29.44	57.98

LEGEND

- DENOTES MONUMENTS TO BE SET
- ⊙ DENOTES FIRE HYDRANTS
- U&DE DENOTES UTILITY & DRAINAGE EASEMENT

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF SALT LAKE }
ON THIS 11th DAY OF October A.D. 1978, PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, Scott F. McNeil, who AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT Valley Bank Trust Co. A CORPORATION THAT Richard J. Manton SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME. MY COMMISSION EXPIRES June 1982.
NOTARY PUBLIC RESIDING IN SALT LAKE COUNTY.

STATE OF UTAH } S.S.
COUNTY OF SALT LAKE }
ON THIS THE 11th DAY OF October A.D. 1978, PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, Richard J. Manton WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT Valley Bank Trust Co. A CORPORATION THAT Richard J. Manton SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME. MY COMMISSION EXPIRES June 1982.
NOTARY PUBLIC RESIDING IN SALT LAKE COUNTY.

SURVEYOR'S CERTIFICATE

I, SCOTT F. McNEIL, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4099 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS:

LAWRENCE ESTATES

AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BOUNDARY DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF LOT 101 POWELL ESTATES NO. 1, A SUBDIVISION ON RECORD WITH THE OFFICE OF S.L.C.O. RECORDER, SAID POINT OF BEGINNING BEING S.0° 02' 20" E. 1396.80' AND S.89° 57' 40" W. 33.0' FROM THE NORTH 1/4 CORNER SECTION 10 T.3S., R.1W., SLB.B.M. AND RUNNING THENCE ALONG THE NORTH BOUNDARY LINE OF SAID POWELL ESTATES SUBDIVISION TO THE EAST LINE OF A 66.0' CANAL RIGHT-OF-WAY; THENCE ALONG SAID EAST LINE THE FOLLOWING:

N.37° 58' 20" W. 76.28' FT. AND
N.20° 29' 57" W. 177.52' FT. THENCE
N.3° 15' 00" W. 215.93' FT. THENCE
S.89° 56' 28" E. 2282.47' FT. TO A POINT ON A 345.19' FT. RAD. CURVE TO THE RIGHT (CENTER BEARS S.4° 08' 52" W.); THENCE ALONG SAID CURVE 25.09' FT. TO A POINT OF REVERSE CURVATURE OF A 349.29' FT. RAD. CURVE TO THE LEFT (CENTER BEARS N.8° 18' 43" E.); THENCE EASTERLY ALONG SAID CURVE
FT. TO THE POINT OF TANG.; THENCE FT. TO THE WEST BOUNDARY LINE 1700 WEST STREET; THENCE ALONG SAID WEST BDRY FT. TO THE POINT OF BEGINNING

July 9, 1978
DATE Scott F. McNeil
SCOTT F. McNEIL

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE

LAWRENCE ESTATES

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET

THIS 11th DAY OF October A.D. 1978
Valley Bank Trust Co.
By Richard J. Manton
ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF }
ON THE 11th DAY OF October A.D. 1978 PERSONALLY APPEARED BEFORE ME GOLDEN R. MUIR & JANICE J. MUIR, HIS WIFE THE SIGNERS OF THE FOREGOING INSTRUMENT, WHO DULY ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME.

June 9, 1982
MY COMMISSION EXPIRES ADDRESS
Richard J. Manton
NOTARY PUBLIC

Richard J. Manton
NOTARY PUBLIC

BOARD OF HEALTH
APPROVED THIS 7 DAY
OF August A.D. 1978
Richard A. Hartman
DIRECTOR BOARD OF HEALTH

APPROVAL AS TO FORM
APPROVAL AS TO FORM THIS
11th DAY OF October A.D. 1978
Nicholas J. Manton
SOUTH JORDAN CITY ATTORNEY

PLANNING COMMISSION
APPROVED THIS 2 DAY
OF August A.D. 1978 BY THE
SOUTH JORDAN CITY PLANNING
COMMISSION
David L. Clifford
CHAIRMAN SOUTH JORDAN PLANNING

CITY COUNCIL
PRESENTED TO THE SOUTH JORDAN CITY COUNCIL COMMRS.
THIS 11th DAY OF October A.D. 1978 AT WHICH TIME
THIS SUBDIVISION WAS APPROVED AND ACCEPTED
Richard A. Hartman
ATTEST SOUTH JORDAN CLERK

FLOOD CONTROL DEPT.
APPROVED THIS 11 DAY OF
August A.D. 1978
Richard A. Hartman
FLOOD CONTROL COORDINATOR

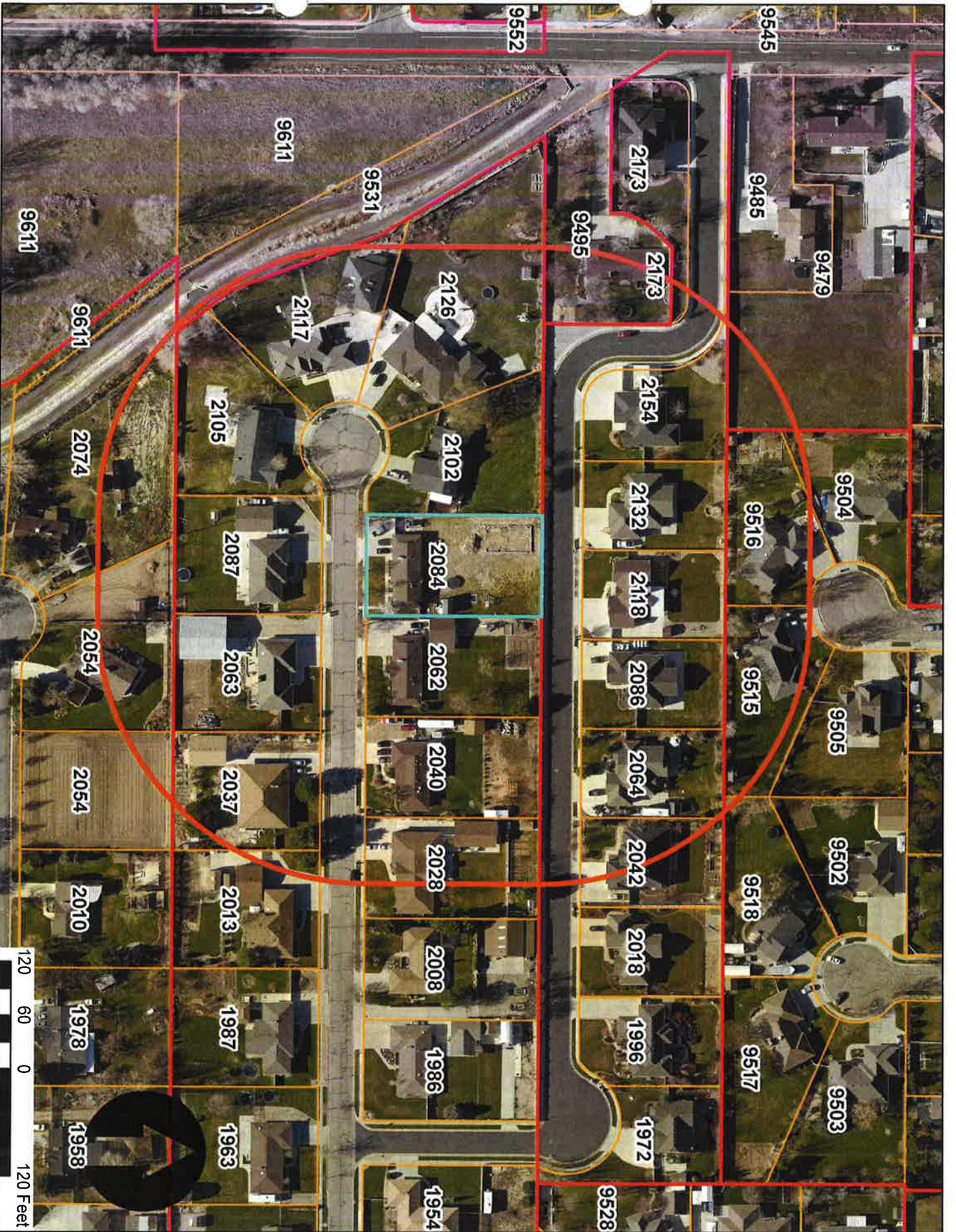
CITY ENGINEER'S CERTIFICATE
I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE
DATE 10/24/78
Richard A. Hartman
SOUTH JORDAN CITY ENGINEER

LAWRENCE ESTATES

LOCATED IN THE NORTHWEST QUARTER OF SECTION 10
TOWNSHIP 3 SOUTH RANGE 1 WEST SALT LAKE BASE
AND MERIDIAN

RECORDED # 3196982
STATE OF UTAH COUNTY OF SALT LAKE RECORDED AND FILED AT THE REQUEST OF GOLDEN R. MUIR
DATE Nov. 14, 1978 TIME 12:42 BOOK 78-11 PAGE 314
FEE \$2.50
SALT LAKE COUNTY RECORDER

78-11-314



7/7/14

Staff recommended revisions to standard residential accessory building regulations.

Building Height

Current

- May not exceed twenty five feet in height.

Proposed

- Not to exceed the height of the primary dwelling, unless otherwise determined by the Planning Commission to be consistent with the character of the area and the overall size of the accessory structure will be incidental and subordinate to the primary structure. In no case shall an accessory structure exceed 25' in height.

Building Footprint

Current

- Shall not exceed the footprint of the dwelling.
(The R-2.5 limits building footprint to 60% of the dwelling.)

Proposed

- Footprint not to exceed 80% of the footprint of the primary dwelling, unless otherwise determined by the Planning Commission to be consistent with the character of the area and the overall size of the accessory structure will be incidental and subordinate to the primary structure. In no case shall the accessory structure exceed the footprint of the structure.
(The R-1.8 Zone separately allows agricultural related structures as a conditional use.)

Setbacks

Current

- In a side yard: 10' from the property line and 6' from the house.
- In a rear yard: 3' from the side or rear property line, and increased by 1' for each foot in building height in excess of 16'.

Proposed

- In a side yard or rear yard: The setback to an adjacent right of way shall be two times the standard setback requirement for an accessory building, unless otherwise determined by the Planning Commission to be consistent with the character of the area. In no case shall the accessory structure be closer to a property line than the standard setback requirement for an accessory building.
- In a side yard or rear yard: The setback to any portion of an accessory structure containing living space (of any kind) shall be two times the standard setback requirement for an accessory building.
- Side yard: Accessory structures no more than 8' in height may be a minimum of 3' from the property line and a minimum of 3' from the dwelling.

Occupiable Space (guesthouse or otherwise)

Current

- Allowed within a compliant accessory building.
- A full dwelling unit requires Planning Commission approval following a public hearing for a guesthouse under the ALU Floating Zone and a minimum 10' setback.

Proposed

- (see the second Proposed bullet point under Setbacks)

CC&R Review

Current

- CC&R's are not required to be review or considered.

Proposed

- (The Legal Department is analyzing in order to prepare a recommendation.)

Noticing

Current

- All accessory buildings, except when involving a guesthouse, are approved by staff. No noticing required.

Proposed

- Where Planning Commission approval is required (see above recommendations), noticing shall include all property owners within 300' of the subject property of the subject property and all property owners within the same subdivision, where a subdivision exists.

apartment. This was addressed by the Planning Commission. They required that the door between the upper floor and the basement be permanently removed upon completion of the guesthouse.)

- There's some question about the roof pitch which is 5 x 12 versus a more standard 4 x 12. I do not understand the building code in this particular, but clarification of the allowable roof pitch has been requested. (The zoning ordinance requires that the primary dwelling have a roof pitch of 5/12. There is no such requirement specific to accessory structures, and it has not traditionally been applied to accessory structures.)
- Neighboring residents are alleging that Mr. Wenzel is finishing out this structure to be a second home as opposed to a garage. They cite the fact that there is a drain on the main floor, a bathroom on the main floor as well as a bathroom upstairs, the opportunity for Mr. Wenzel to punch out the upstairs and build the master bedroom after the occupancy permit has been granted, and the fact that the main floor is already being subdivided into individual rooms. If these allegations are true, my question is: what can the city do about this at this point in time, and what is the city prepared to do about this at a future point in time if these concerns become realized with a full second residential unit having been built on this property? (I can't speak to what Mr. Wenzel intends to do. I was in the structure today (7/9/14), and the only framing within the garage area that I noticed is the stairway enclosure and a utility room. The ALU ordinance states that "periodic inspections may be required to determine compliance, as may be deemed appropriate by city staff.")
- Under what circumstances can inspections and or occupancy permits be held up by the city pending resolution of these technical and legal questions?
- Residents stated concerns about lax inspections and procedures including the fact that no survey was performed, no lath inspection took place, there are no second-story straps to tie the top floor to the lower floor, and that the inspector has historically passed off on issues without rechecking or validating that open concerns were addressed. So, the question of adequate and complete inspection is a difficult issue for residents since they believe this project is being rammed through in record time with insufficient oversight. (Planning staff has inspected the site twice since construction began, which is more than is typical for an accessory structure.)
- Is a building like this subject to an architectural review committee review? I participate on that committee as time permits and I have only seen commercial projects come through that process. So, just clarification, is there any architectural review required for these kind of buildings? (Not currently.)

There were issues raised which pertain more particularly to how the city might improve its procedures and code so that this sort of structure is not permitted in other similar circumstances. They include –

- Noticing should be more explicit and, if feasible, visual. Based on the notice these residents received they had no idea that there would be a two story towering building built near the back fence line which is, of course, outside the front door of residents who live along Cannon Park.
- As we had discussed, CC&R regulations were not reviewed by the city at the time of application. I know that one of our considerations now is to stipulate some review of CC and are documents with such building permit requests. I anticipate that we will refine the language on that as we revise the code.
- Residents were massed that (for example) Cannon Park residents were unable to build two story homes, so each of their homes is a beautiful brick Rambler style. Now, the city permitted a box structure which is simply a stucco garage which towers above the builders principal residence as well as the neighboring homes. While legally these no doubt represent to separate

circumstances, logically we must be more considerate of surrounding neighbors when such permits are issued. I anticipate that we will cover this in our revised code.

- Residents indicated that one of our planners said "this is a test case" referring to the construction of this two-story stucco building in an all Rambler brick neighborhood. Of course, this sort of implication by city personnel has just added fuel to their concerns and allegations that somehow the city is in on this deal and not leveling with the residents.

Certainly we are all astonished at the prospects of this and other like buildings being constructed to the clear detriment of otherwise single-family households. And certainly we will be addressing this during the moratorium. In order to redirect the intent and legal permissions for these type of structures.

In the meantime, I would appreciate a breakdown of the legal, planning, and construction permitting and oversight regarding each question in the top section.. Of course I am empathetic to this situation, given the fact that none of us would want to have this structure in such close proximity to our own homes – and with the prospect that other like buildings might begin to populate neighborhoods where oversize lots of ½ acre or so currently support single-family homes.

I appreciate your many demanding responsibilities and ask that you consider the most crucial issues here of legality and code compliance – in the event that their actions that should be taken which will only become more difficult as the home approaches completed construction.

Thank you so much for your research and responses that will allow me to effectively share the insights I received from you with the residents of this area.

Sincerely,

Mark Seethaler

South Jordan City Council

Jake Warner

From: Jake Warner
Sent: Wednesday, July 09, 2014 5:01 PM
To: Ryan Loose; Ty Montalvo
Subject: RE: Lawrence Circle Allegations Re: Wenzel ancillary Housing Unit

Ryan and Ty,

Please add information to the questions that pertain to you. I will then draft a letter in response.

Thanks,

Jake Warner, AICP | Long Range Planner | City of South Jordan

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.254-3742

From: Brad Klavano
Sent: Tuesday, July 08, 2014 6:57 PM
To: Jake Warner; Shane Greenwood
Subject: Fwd: Lawrence Circle Allegations Re: Wenzel ancillary Housing Unit

Can the two of you answer the non legal questions tomorrow?

Thanks

Sent from my iPhone

Begin forwarded message:

From: Mark Seethaler <MSeethaler@sjc.utah.gov>
Date: July 8, 2014 at 6:49:01 PM MDT
To: Brad Klavano <BKlavano@sjc.utah.gov>, Ryan Loose <RLoose@sjc.utah.gov>
Cc: Gary Whatcott <GWhatcott@sjc.utah.gov>, Rob Wall <RWall@sjc.utah.gov>, CITY_COUNCIL_EMAIL <CITY_COUNCIL_EMAIL@sjc.utah.gov>
Subject: Lawrence Circle Allegations Re: Wenzel ancillary Housing Unit

Brad and Ryan –

I met with residents of Lawrence circle and cannon Park last evening. In concert with being highly upset about the construction of the garage and ancillary living unit by Mr. Gavin Wenzel at 2084 West Lawrence Cir., these residents raised some interesting points which do require our due diligence. In the event that we discover irregularities in approval, inspection, or other actions by the city, I ask that we understand what authority the city has two require compliance or correction.

In no particular order, here are the legal and technical concerns and allegations of the residence last evening.

- The building is too high, built higher than the code and license permits. (Staff has determined that the structure is 7" too tall, and staff is working with the owner to resolve. The owner has already contacted the truss company to obtain an engineered fix to remove 7" from the peak of the structure.)
- The structure is too large. Considering the 1560 square foot main floor of the principal residence, and it's Rambler style, residents are concerned about "the math" of how such a large building was permitted and the portion of space that is allocated to the residential, ancillary living unit. (The structure itself is allowed to be 25' high and the footprint not to exceed the primary dwelling. The guesthouse portion is allowed to be 35% of the living area of the primary dwelling. County records show the primary dwelling as 3,086 sf., 35% would be 1080 sf. I calculate the guesthouse to be 957 sf. The remainder of the upper floor is designated as storage, accessible from a common landing at the top of the stairs. Homeowner is aware that "periodic inspections" may be performed to ensure that the storage space is not used as living space for the guesthouse.)
- Residents were led to believe that such ancillary living units were required by the city to be built of a similar look and style as principal residence in order to better blend in with existing single-family neighborhoods. Clearly this building (see attached photo) is dissimilar to the principal resident and out of place with respect to the surrounding neighborhood residential properties. Is it a requirement or simply a suggestion that ancillary living units that are constructed be of a similar style and finish as the principal residential properties? (The ALU ordinance requires the structure to be "compatible with the exterior of the primary dwelling." The Planning Commission required that the exterior colors be consistent with the primary dwelling. The fascia and stucco colors are fairly neutral colors that the homeowner claims are taken from colors in the brick. The homeowner intends to match to brick on the house for the wainscot on the building, which has not yet been installed.)
- CCR noncompliance is touched on below with respect to future looking recommendations. However in the case present, it was reported to me that Mr. Wenzel intentionally fabricated on or near November 11, 2012 a document stating compliance or exception to neighborhood CC&R requirements. Clearly, if this is the case, the legal recourse available to the city (and therefore relief to residents) must be understood.
- Nearby residents indicated that the homeowner skirted a proper sewer system hook up and simply tied the new construction sewer into the existing residential sewer system. Can we determine if this is, in fact, the case, and if so, what is the concern and or remedy?
- The garage/home is alleged to be built on top of a four-inch pressurized water line serving the secondary water needs of the Lawrence water Association. Is this true, and if so is it in violation? (The recorded subdivision plat shows a 10' utility and drainage easement along the north property line and a 7' utility and drainage easement along the west property line. The structure is 12' from both property lines. The Engineering Department estimates that the secondary water line is 4' from the north property line, within the easement.)
- There is a legal question regarding renters as this resident currently has renters in his principal resident basement. If, in fact, at a future day the property owner rented both in his principal resident basement as well as the apartment at the top of the newly constructed garage – would that be a violation of city code or not? This clarification is important since effectively a single family neighborhood might (in similar circumstances and print become a multi-family, higher density neighborhood area which residents never anticipated when building their homes. (It is my recollection that this was brought up by a resident in response to the original public notice. The ALU ordinance allows only one accessory apartment per property. It is my understanding that the basement does contain all of the components of a separate

Footprint of structure 1500

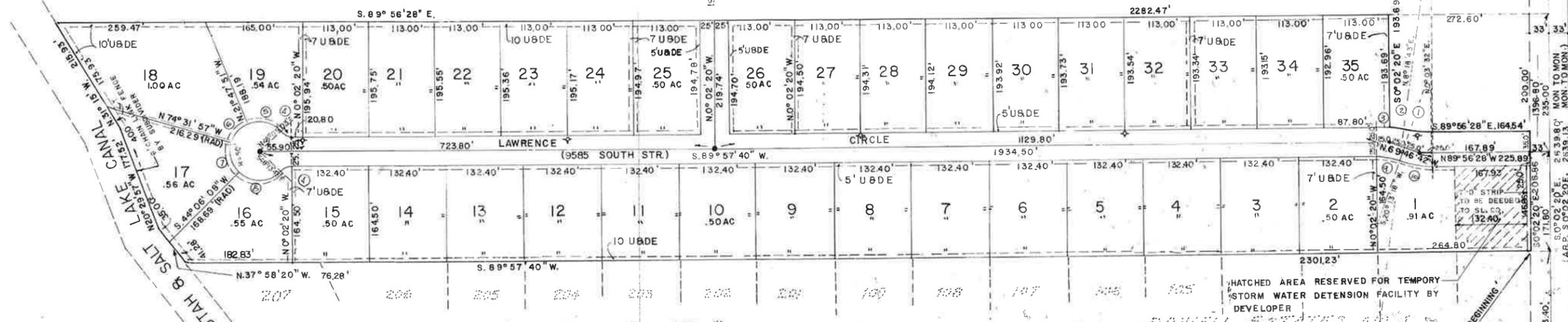
NORTH 1/4 COR. SEC. 10
T.3.S., R.1.W. SLB&M.



SCALE 1" = 100'

1700 WEST STREET

1700 WEST STREET



HATCHED AREA RESERVED FOR TEMPORARY
STORM WATER DETENTION FACILITY BY
DEVELOPER

CURVE	RADIUS	Δ	L	T	LC
1	349.29	8° 15' 11"	50.31	25.20	50.27
2	345.19	4° 09' 51"	25.08	12.55	25.08
3	345.19	4° 11' 12"	26.22	12.62	25.22
4	25.0	48° 11' 23"	21.03	11.18	20.41
5	50.00	69° 56' 54"	61.04	34.98	57.32
6	50.00	52° 44' 06"	46.02	24.78	44.41
7	50.00	61° 21' 55"	53.55	29.67	51.03
8	50.00	92° 19' 51"	80.57	52.08	72.13
9	114.92	20° 15' 38"	40.64	20.53	40.43
10	165.61	20° 09' 46"	59.25	29.44	57.98

SURVEYOR'S CERTIFICATE

I, SCOTT F. McNEIL, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4099 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS:

LAWRENCE ESTATES

AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BOUNDARY DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF LOT 101 POWELL ESTATES NO. 1, A SUBDIVISION ON RECORD WITH THE OFFICE OF S.L.C.O. RECORDER, SAID POINT OF BEGINNING BEING S.0° 02' 20" E. 1396.80' AND S.89° 57' 40" W. 33.0' FROM THE NORTH 1/4 CORNER SECTION 10 T.3.S., R.1.W., SLB&M. AND RUNNING THENCE S89°57'40"W. 2301.23' FT. ALONG THE NORTH BOUNDARY LINE OF SAID POWELL ESTATES SUBDIVISION TO THE EAST LINE OF A 66.0' CANAL RIGHT-OF-WAY; THENCE ALONG SAID EAST LINE THE FOLLOWING:
N.37° 58' 20" W. 76.28' FT. AND
N.20° 29' 57" W. 177.52' FT. AND
N.3° 15' 00" W. 215.93' FT. THENCE
S.89° 56' 28" E. 2282.47' FT. THENCE
FT. TO A POINT ON A 345.19' FT. RAD. CURVE TO THE RIGHT (CENTER BEARS S.4° 08' 52" W.) THENCE ALONG SAID CURVE 25.09' FT. TO A POINT OF REVERSE CURVATURE OF A 349.29' FT. RAD. CURVE TO THE LEFT (CENTER BEARS N.8° 16' 43" E.) THENCE EASTERLY ALONG SAID CURVE
50.31' FT. TO THE POINT OF TANG.; THENCE
S.89° 56' 28" E. 164.54' FT. TO THE WEST BOUNDARY LINE 1700 WEST STREET; THENCE ALONG SAID WEST BORY
S.0° 02' 20" E. 206.86' FT. TO THE POINT OF BEGINNING

DATE: July 9, 1978
SCOTT F. McNEIL

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE

LAWRENCE ESTATES

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET

THIS 11th DAY OF October A.D. 1978
Valley Bank Trust Co.
By Ed. Thompson, Daniel J. Munn

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF }
ON THE 11th DAY OF OCTOBER A.D. 1978 PERSONALLY APPEARED BEFORE ME GOLDEN R. MUIR & JANICE J. MUIR, HIS WIFE THE SIGNERS OF THE FOREGOING INSTRUMENT, WHO DULY ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME.
June 27, 1978
Richard J. Munn
NOTARY PUBLIC

Richard J. Munn
NOTARY PUBLIC

LEGEND

- DENOTES MONUMENTS TO BE SET
- ⊕ DENOTES FIRE HYDRANTS
- U&DE DENOTES UTILITY & DRAINAGE EASEMENT

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF SALT LAKE }
ON THIS 11th DAY OF October A.D. 1978, PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, [Signature] WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT [Signature] CORPORATION THAT [Signature] SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.
MY COMMISSION EXPIRES [Date]
NOTARY PUBLIC RESIDING IN SALT LAKE COUNTY.

BOARD OF HEALTH
APPROVED THIS 7 DAY
OF August A.D. 1978
Richard A. [Signature]
DIRECTOR, BOARD OF HEALTH

APPROVAL AS TO FORM
APPROVAL AS TO FORM THIS
11th DAY OF October A.D. 1978
Richard J. Munn
SOUTH JORDAN CITY ATTORNEY

CITY COUNCIL
PRESENTED TO THE SOUTH JORDAN CITY COUNCIL COMM'R'S.
THIS [Date] DAY OF [Month] A.D. 1978 AT WHICH TIME
THIS SUBDIVISION WAS APPROVED AND ACCEPTED
[Signature] MAYOR

PLANNING COMMISSION
APPROVED THIS 2 DAY
OF August A.D. 1978 BY THE
SOUTH JORDAN CITY PLANNING
COMMISSION
[Signature]
CHAIRMAN SOUTH JORDAN PLANNING

FLOOD CONTROL DEPT
APPROVED THIS 28 DAY OF
August A.D. 1978
[Signature]
FLOOD CONTROL COORDINATOR

CITY ENGINEER'S CERTIFICATE
I HEREBY CERTIFY THAT THIS OFFICE
HAS EXAMINED THIS PLAT AND IT IS
CORRECT IN ACCORDANCE WITH
INFORMATION ON FILE IN THIS OFFICE
DATE 10/24/78 [Signature]
SOUTH JORDAN CITY ENGINEER

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF SALT LAKE }
ON THIS THE 11th DAY OF October A.D. 1978, PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, [Signature] WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT [Signature] CORPORATION THAT [Signature] SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSE THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.
MY COMMISSION EXPIRES [Date]
NOTARY PUBLIC RESIDING IN SALT COUNTY.

LAWRENCE ESTATES

LOCATED IN THE NORTHWEST QUARTER OF SECTION 10
TOWNSHIP 3 SOUTH RANGE 1 WEST SALT LAKE BASE
AND MERIDIAN

RECORDED # 3196982
STATE OF UTAH COUNTY OF SALT LAKE RECORDED AND FILED AT
THE REQUEST OF GOLDEN MUIR
DATE Nov. 14, 1978 TIME 12:42 PM BOOK 78-11 PAGE 314
FEE \$27.00
SALT LAKE COUNTY RECORDER
2750 NW 10, 35114

78-11-314

**LAWRENCE CIRCLE
ACCESSORY BUILDING**



**LAWRENCE CIRCLE
ACCESSORY BUILDING**



PROPOSED REVISIONS HEIGHT

Current Requirement

- Staff review
- A-5, A-1: 35'
- All other zones: 25'

Proposed Revisions

- Planning Commission approval required height exceeds house.
- Notice to include 300' and all owners in subdivision.
- In no case shall height exceed 25'.

PROPOSED REVISIONS FOOTPRINT

Current Requirement

- Staff review
- Allowed Footprint:
 - A-5: not specified
 - A-1: 5,000 s.f. (over 5,000 s.f with CUP)
 - R-1.8, R-3, R-4, R-5, R-M: not to exceed house
 - R-2.5: not to exceed 60% of house

Proposed Revisions

- Planning Commission approval required when footprint exceeds 80% of house
- Notice to include 300' and all owners in subdivision.
- Exception: footprint in A-5, A-1, & R-1.8 allowed to match house.
- In no case shall footprint exceed house

PROPOSED REVISIONS SETBACKS

Current Requirement

- Side yard: same as house (10')
- Rear yard: 3' to property line, additional 1' for every foot the structure exceeds 16' tall

Proposed Revisions

- 20' to habitable space above the ground floor
- When adjacent to right of way: 3' to property line, additional 2' for every foot the structure exceeds 16' tall

PROPOSED REVISIONS HOME OCCUPATION

Current Requirement

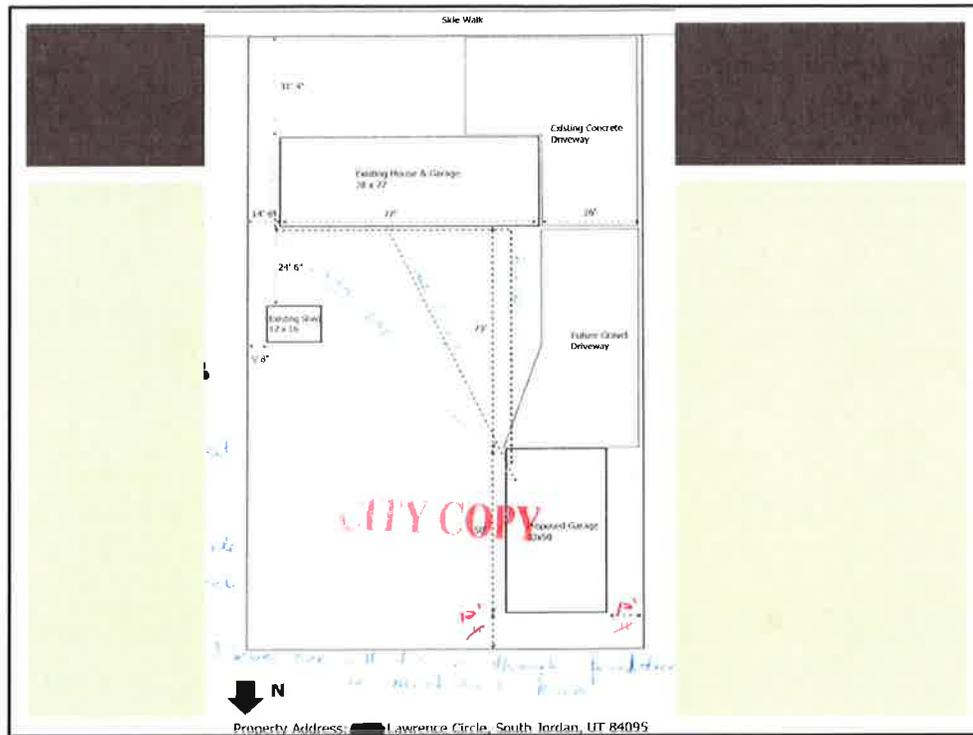
- Not allowed

Proposed Revisions

- Home occupation office activities may be located in an enclosed and properly permitted accessory building

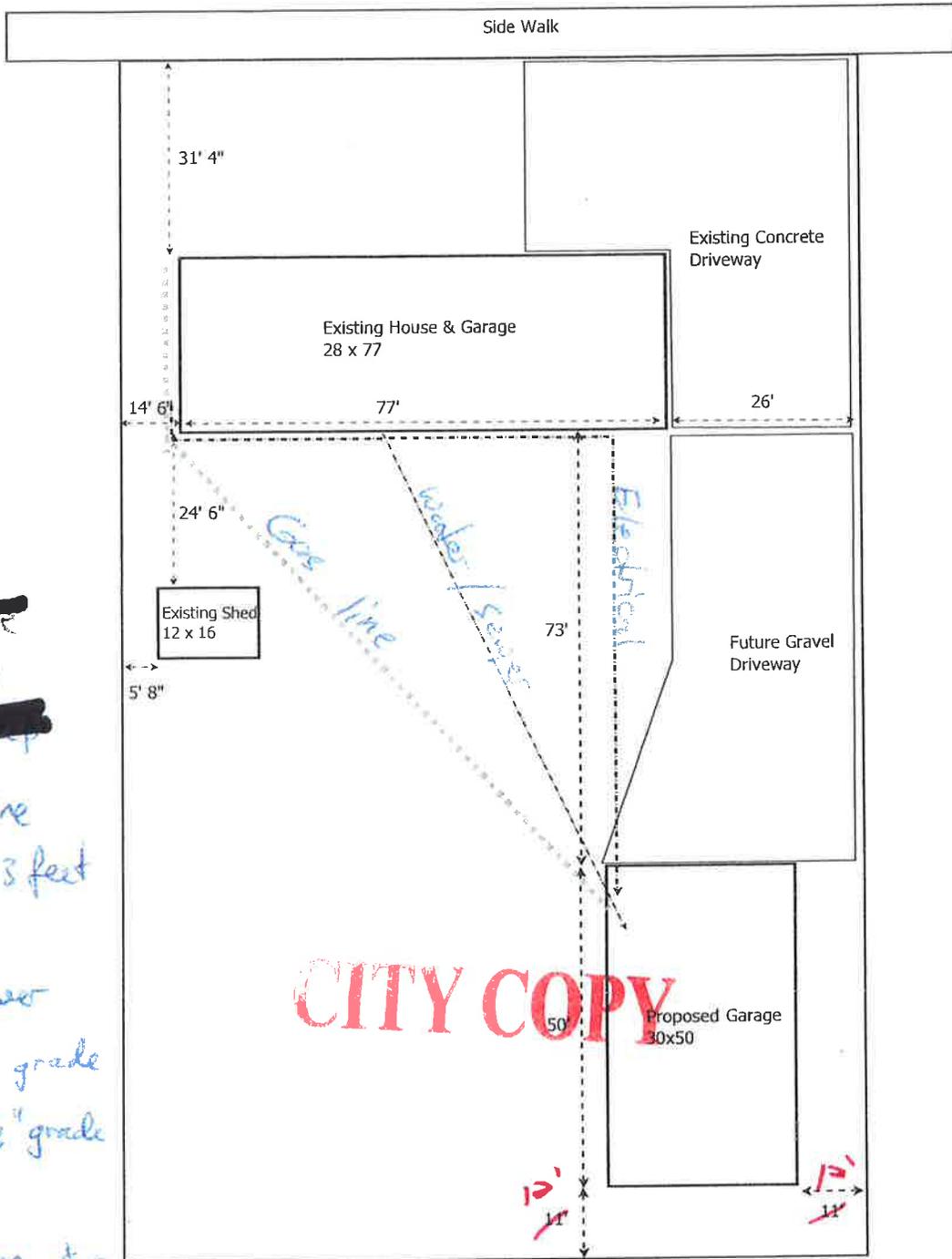
PROPOSED REVISIONS MISCELLANEOUS STAFF PROPOSALS

- **Under 8' tall in a side yard: allowed to be 3' from property line.**
- **Distance between structures: 5' rather than 6'.**
- **Permitted use changed from "Residential Accessory Buildings" to "Accessory Buildings".**
- **"Community Development Department" references changed to "Development Services Department."**
- **Home Occupations allowed to occupy an area of not more than 35% of the floor area of the main building, and not to exceed 1,000 s.f. Currently restricted to 800 s.f.**
- **Removal of restriction against street side garages on a corner lot.**
- **Removal of the automatic denial for a home occupation due to a received objection.**



Applicable Revisions

- Height would have to be approved by Planning Commission.
- Side setback would be 20' (habitable space on second floor).
- Rear setback would be 21' (adjact to right of way: 3' plus 18' due to height)



~~_____~~
~~_____~~
~~_____~~

2. Water line
 1" poly 3 feet deep

3. Drain/sewer
 3" @ 1/4" grade
 or 4" @ 1/8" grade

Water line & sewer line will tie in through foundation in Mechanical Room



Property Address: _____ Lawrence Circle, South Jordan, UT 84095