COPY

SOUTH JORDAN CITY
CITY COUNCIL REPORT **Council Meeting Date: September 16, 2014**

Issue: ZONE TEXT AMENDMENT, ORDINANCE NO. 2014-16, AFFECTING ACCESSORY BUILDING REGULATIONS.

Submitted By: Jake Warner, Long Range Planner Department: Development Services
First Reading Date: August 19, 2014

Staff Recommendation (Motion Ready):
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 and 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. Staff's recommendations were presented to the Planning Commission on August 26, 2014. With one minor revision, the Planning Commission forwarded a recommendation of 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 (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 businesses may be located in an enclosed and properly permitted accessory building.

Staff Proposals:

- 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 Conclusion listed above, Staff recommends that the City Council take comments at a public hearing an approve 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:
Associated fees would be collected for a building permit and/or home occupation business license. An additional fee may be considered when Planning Commission review and approval is required for an accessory building per the proposed revisions.

ALTERNATIVES:
- Approve.
- Approve with changes to the proposal.
- Deny.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:
- Ordinance No. 2014-16 (accessory building revisions)
- Ordinance No. 2014-12 (moratorium)
- Planning Commission minutes (August 26, 2014)

City Council Action Requested: Brad Klavas 9/10/14

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 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 a~~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 B~~5~~6 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 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').

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 ANIMALS[2]:

(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 ~~B~~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:
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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 B~~5~~6 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 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~~ 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 ANIMALS[2]:

(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). ~~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 ~~B~~buildings and agricultural buildings in A-1 zones may not exceed thirty five feet (35') in height~~, except for structuresnot 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

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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 B~~5~~6 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 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').

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 ANIMALS[2]:

(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:
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17.36.160: LANDSCAPING REQUIREMENTS:
17.36.170: LIGHTING:
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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 B~~5~~6 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)

17.36.120: 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 foorprint 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 B~~5~~6 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)

17.40.120: 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 foorprint 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 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)

17.45.030: 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 B~~5~~6 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). ~~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 foorprint 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

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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 B~~5~~6 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). ~~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 foorprint 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

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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 B~~5~~6 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. 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 foorprint 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:

Zone	Required Open Space
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 primary dwelling unit and may not occupy, with either goods, materials, equipment or activities, ~~any attached~~ garage area, ~~accessory building~~ or lot area, except that home occupation activities which could occur in the primary dwelling may occur in habitable space of 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)

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	X			
Chuck Newton	X			
Donald Shelton	X			
Steve Barnes	X			
Christopher Rogers	X			

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

City of South Jordan CORPORATE Seal State of Utah

Approved as to form:

_____
Office of the City Attorney

Chairman Haymore said my thoughts are that this was a very well done study and very insightful. It affirms to me what I think I already knew before-hand. South Jordan is growing into the City that I hoped they would. I think using this study as part of our general plan is wise idea and has my support.

Commissioner Feist said I like it as a guiding principle, and like what other have said: "let's not change too much" because what we are doing is working well.

D.2. Potential Action Item – (See V.D.1)

Commissioner Evans motioned to forward a recommendation to the City Council to approve Resolution No. R2014-73, amending the 2010 General Plan by approving an updated housing plan and replacing the current housing plan. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

E.1. Issue: **ACCESSORY BUILDING & HOME OCCUPATION REGULATIONS**

ZONE TEXT AMENDMENT

File No: ZTA-2014.03
Applicant: City of South Jordan

Planner Jake Warner reviewed background information on this item.

Commissioner Haymore said what are the reasons for increasing the setbacks when the building becomes occupied?

Planner Jake Warner said it changes the use in that area. When you have a 6'fence and a neighbor that has traditionally had privacy in their backyard and you put occuiable able space on a second floor of a structure, it impacts the privacy that the neighbor will have in the backyard.

Chairman Naylor opened the Public Hearing to comments. There was no public present to comment. He closed the Public Hearing.

Commissioner Haymore said are there other buildings besides this one that have caused some concern, or is this single building the catalyst for all of this change?

Assistant Attorney Ryan Loose said staff has had concern about big buildings in the past, this is the second or third one since I have been with the City, but there are numerous other ones that staff is concerned about.

Planner Jake Warner said often times when a larger building like this gets built staff will get calls from concerned neighbors. There have been times when maybe not intentionally someone has built a structure that is too tall, or haven't gotten a building permit, so residents do have some concerns when these larger buildings are built. This structure could be built under the proposed revisions, but the setbacks would be greater and it would require additional review by the Planning Commission.

Commissioner Haymore said my other question is about the Home Occupation Business License changes. Frankly I am really glad to see that one being updated, so regarding the justification for

limiting businesses to "only office uses in accessory buildings" could you talk me through why we are saying "office only" because inside the home it doesn't have to be an "office only business."

Planner Jake Warner said staff is a little nervous to open this up because it traditionally hasn't been allowed. We are concerned about the impact of a potential home occupation like an accessory living unit because it changes the nature of the use in the backyard of the home. This may be a first step, but there was some concern on how we would regulate what would go in there, and what would be ok to go in there.

Commissioner Morrissey said what were staff's thought in the first place regarding opening that up?

Planner Jake Warner said it was largely directed by the City Council to consider it. When we considered the potential impact on the neighbors and office activities that most home offices usually have, there is potential that any home occupation could use an accessory building for their office activities. I think staff was somewhat concerned about the bounds of opening this up, and how to regulate what types of activities could, and could not, be done in an accessory structure.

Commissioner Haymore said if you were to have a home business in the home that we are going to allow, how does it change the nature of the neighborhood if that same business were to move out to an attached building in the backyard?

City Planner Greg Schindler said it will depend on what the business is. If it is a woodworking business and they are doing work in their home until the family goes to seep and then moves it out to an outside building, we don't know what kind of impact that will have on the neighbors, but we have determined that an office use would not have much of an impact on neighboring properties. If we start allowing retail uses it could impact the neighbors. In the past a business had to be in the home. You could not even use the garage, you could store things in the garage, but we have not allowed them to convert their garage to a place of business.

Commissioner Haymore said my preference would be that if we are concerned about the noise, or worried about the hours of operation, you can easily regulate those things. If I wanted to have a yoga class in my home, I could do that in my living room, but if I wanted to do it in an accessory building I couldn't do it. When I read statutes and laws, I like to see the issues regulated and not the symptoms created by the issues. I would really like to see this opened up a little bit with a little more flexibility, or maybe look at it case by case. If we are going to amend this I would really like some flexibility built in to it so that some of these things can be done in the house can be done in the backyard.

City Planner Greg Schindler said that might be good as a conditional use because we can identify any detrimental effects before-hand, and then the Planning Commission would have the opportunity to review them and determine any detrimental effects.

Planner Jake Warner said I forgot to mention that we are also addressing the home occupation regulations. Currently under our ordinance we send out notices to the neighbors by ordinance and if anyone objects for any reason the City is required to deny that Home Occupation and it will need to go through the appeal process. We are also proposing that it not be an automatic denial, it would be something that staff would consider and if it is a valid concern it would go through the review process.

Assistant Attorney Ryan Loose said I love conditional uses because they sound like they have so much power, but remember with a conditional use you need to find a detrimental effect. When we look at these and say we have control because it is conditional, you don't have that much control. You are required to show proof that there is a detrimental effect, and even then you can't just deny it. You have to show that there is nothing you can do to mitigate the detrimental effect. If you want to deny something that you don't think fits, I would not make it a conditional use.

Commissioner Feist said I was thinking with the actual use within the facility, not the setbacks or anything like that.

Assistant Attorney Ryan Loose said it goes to the use also. You need to think like what is most ludicrous thing a person could do in that building, because someone will think it up to do.

Commissioner Haymore said in my opinion, if we as the Planning Commission cannot find a detrimental effect to the neighborhood, why are we regulating it.

Assistant Attorney Ryan Loose said an example on the uses is the gunsmith business. They don't have customers in the house shopping, but they do sell their guns by mail order, and things of that nature. We have seen a lot of those applications come before the Planning Commission. The neighbors always have concerns about the neighbors carrying guns, or the safety of their children. As we all know Utah is an open carry State and I could walk outside with my gun in my hand and as long as I am not threatening anyone I can carry it openly. They want you as the Commission to start regulating it, and that is why I am saying that you need to be very careful with the uses. This is a very conservative approach to start with, you can broaden it, but you are going to get more people objecting.

Commissioner Morrissey said just recently we reviewed an application and there was a concern about the parking and we approved it with an exception to the requirement. Can we do something like that without making it a conditional use?

Chairman Naylor said personally I am comfortable with the Conditional Use standard.

Commissioner Morrissey said that is why I brought up the incident about the parking, because it seemed like we had a lot more control by making an exception, that particular application did not meet the requirements of the code so it was up to our review, and it was our choice whether to make that exception or not.

Assistant Attorney Ryan Loose said I would start by looking at the uses that are allowed.

Chairman Naylor said do we have a list of uses?

Planner Jake Warner said we are starting to review our uses in a little more detail defining and regulating a little bit differently, and we will be coming back to you with some of that. That is part of staffs concern as well. Right now we don't have a lot of control on what a use is. It is not really defined in the code. It is one of a package of things we are working on and are hoping to have it to you by the end of the year.

Commissioner Morrissey said I think we are all in agreement that we would approve everything that is recommended, it's just whether we want to add an the exception that Commissioner Haymore presented.

Commissioner Haymore said I live in a neighborhood that almost every house has one of these large accessory buildings. I have a big accessory building at my home. What they call these in my neighborhood are "RV Garages" and they park their RV and boats in there. It is a heck of a lot better than them parking them in the driveway or the side of the road. I just like the fact that the Planning Commission has some discretion in these cases. I would like it on the records that I think the Planning Commission should liberally consider, and carefully consider that because the alternative is for these big toys to be parked in the driveway or on the street. They look a lot better in a building.

E.2. Potential Action Item – (See IV.E.1)

Commissioner Haymore motioned to 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 with the exception that we remove the restriction of (office use only) to say (any use that is allowed in the home by ordinance, be allowed in the accessory building). Commissioner Jolley seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

VI. OTHER BUSINESS – NOT PUBLIC HEARINGS

PRESENTATION ON STAFF RECOMMENDATIONS REGARDING REPEALED ZONES
VILLAGE MIXED USE, VILLAGE MIXED RESIDENTIAL, AND RESIDENTIAL MULTI-FAMILY 8

Planner Jake Warner passed out a copy of the (Repealed Zones Presentation) VMU, VMR R-M-8 to the Planning Commissioners, staff, and the Deputy Recorder.

Commissioner Evans motioned to take a 5 minute recess.

Commissioners returned to meeting.

Planner Jake Warner gave a presentation on (Repealed Zones VMU, VMR, R-M-8)

Commissioner Morrissey said can you explain why the recommended amount of units is (8) per acre.

Planner Jake Warner said (8) gives us the full range that is allowed in the Land Use designation. There may be most areas in the City are medium density, but they may not appropriate for the R-M-8 zone, so the City Council has the discretion to approve any sub-district they feel is appropriate. It gives the City full range of medium density at this time.

Commissioner Morrissey said is that range not being met at this time in some instances?

Planner Jake Warner said it is probably not being met at all, especially if you go with a small lot single family, but because of the lot size requirements, you can't meet the minimum lot size requirements and

SOUTH JORDAN CITY
PLANNING COMMISSION REPORT

Meeting Date: Oct. 28, 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 completed those revisions, which were presented to the Planning Commission on Aug. 26, 2014 and the City Council on Sept. 16, 2014. The City Council directed staff to adjust the proposed revisions, which were reviewed by the City Council on October 21, 2014. The item was scheduled for the Oct. 28, 2014 Planning Commission meeting to review the additional revisions. The item is also scheduled for City Council on Nov. 18, 2014.

Summary of Additional Revisions:

- Accessory buildings which exceed the height of the house or exceed 60% of the footprint of the house shall be approved by the Planning Commission as a conditional use permit.
- An accessory use must be 5' from a public right of way, instead of 3', and an additional 1' for every foot the structure exceeds 16'.
- Portions of accessory buildings within 20' of a property line must comply with the following requirements, unless approved by the Planning Commission as a conditional use permit:
  - No exterior openings (windows or doors) where the floor exceeds 4' above grade.
  - Average wall height shall not exceed 16'.
- Majority of the roof structure shall have a 4:12 roof pitch.
- Sheds under 10' are allowed to be 5' from a property line, as opposed to the standard 10' setback.
- Fee for a Planning Commission appeal regarding a home occupation business license to be reduced to $50.

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 separate dwelling unit (living area, kitchen, & bathroom).
- The "Use Regulations" (subsection 040 in each affected zone) states 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))
- Home occupation business license applications are automatically denied if any objections are received. (17.98.050, 17.98.060)

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.
- The proposed revisions allow, with an approved business license, home occupations in residential accessory buildings.

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:

No significant fiscal impact is expected if Ordinance No. 2014-16 is approved.

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:

- Planning Commission minutes (8/26/14)
- City Council minutes (9/16/14)
- Ordinance No. 2014-12 (moratorium)
- Ordinance No. 2014-16 (accessory building and home occupation revisions)

Chairman Haymore said my thoughts are that this was a very well done study and very insightful. It affirms to me what I think I already knew before-hand. South Jordan is growing into the City that I hoped they would. I think using this study as part of our general plan is wise idea and has my support.

Commissioner Feist said I like it as a guiding principle, and like what other have said: "let's not change too much" because what we are doing is working well.

D.2. Potential Action Item – (See V.D.1)

Commissioner Evans motioned to forward a recommendation to the City Council to approve Resolution No. R2014-73, amending the 2010 General Plan by approving an updated housing plan and replacing the current housing plan. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

E.1. Issue: **ACCESSORY BUILDING & HOME OCCUPATION REGULATIONS**

ZONE TEXT AMENDMENT

File No: ZTA-2014.03
Applicant: City of South Jordan

Planner Jake Warner reviewed background information on this item.

Commissioner Haymore said what are the reasons for increasing the setbacks when the building becomes occupied?

Planner Jake Warner said it changes the use in that area. When you have a 6'fence and a neighbor that has traditionally had privacy in their backyard and you put occuiable able space on a second floor of a structure, it impacts the privacy that the neighbor will have in the backyard.

Chairman Naylor opened the Public Hearing to comments. There was no public present to comment. He closed the Public Hearing.

Commissioner Haymore said are there other buildings besides this one that have caused some concern, or is this single building the catalyst for all of this change?

Assistant Attorney Ryan Loose said staff has had concern about big buildings in the past, this is the second or third one since I have been with the City, but there are numerous other ones that staff is concerned about.

Planner Jake Warner said often times when a larger building like this gets built staff will get calls from concerned neighbors. There have been times when maybe not intentionally someone has built a structure that is too tall, or haven't gotten a building permit, so residents do have some concerns when these larger buildings are built. This structure could be built under the proposed revisions, but the setbacks would be greater and it would require additional review by the Planning Commission.

Commissioner Haymore said my other question is about the Home Occupation Business License changes. Frankly I am really glad to see that one being updated, so regarding the justification for

limiting businesses to "only office uses in accessory buildings" could you talk me through why we are saying "office only" because inside the home it doesn't have to be an "office only business."

Planner Jake Warner said staff is a little nervous to open this up because it traditionally hasn't been allowed. We are concerned about the impact of a potential home occupation like an accessory living unit because it changes the nature of the use in the backyard of the home. This may be a first step, but there was some concern on how we would regulate what would go in there, and what would be ok to go in there.

Commissioner Morrissey said what were staff's thought in the first place regarding opening that up?

Planner Jake Warner said it was largely directed by the City Council to consider it. When we considered the potential impact on the neighbors and office activities that most home offices usually have, there is potential that any home occupation could use an accessory building for their office activities. I think staff was somewhat concerned about the bounds of opening this up, and how to regulate what types of activities could, and could not, be done in an accessory structure.

Commissioner Haymore said if you were to have a home business in the home that we are going to allow, how does it change the nature of the neighborhood if that same business were to move out to an attached building in the backyard?

City Planner Greg Schindler said it will depend on what the business is. If it is a woodworking business and they are doing work in their home until the family goes to seep and then moves it out to an outside building, we don't know what kind of impact that will have on the neighbors, but we have determined that an office use would not have much of an impact on neighboring properties. If we start allowing retail uses it could impact the neighbors. In the past a business had to be in the home. You could not even use the garage, you could store things in the garage, but we have not allowed them to convert their garage to a place of business.

Commissioner Haymore said my preference would be that if we are concerned about the noise, or worried about the hours of operation, you can easily regulate those things. If I wanted to have a yoga class in my home, I could do that in my living room, but if I wanted to do it in an accessory building I couldn't do it. When I read statutes and laws, I like to see the issues regulated and not the symptoms created by the issues. I would really like to see this opened up a little bit with a little more flexibility, or maybe look at it case by case. If we are going to amend this I would really like some flexibility built in to it so that some of these things can be done in the house can be done in the backyard.

City Planner Greg Schindler said that might be good as a conditional use because we can identify any detrimental effects before-hand, and then the Planning Commission would have the opportunity to review them and determine any detrimental effects.

Planner Jake Warner said I forgot to mention that we are also addressing the home occupation regulations. Currently under our ordinance we send out notices to the neighbors by ordinance and if anyone objects for any reason the City is required to deny that Home Occupation and it will need to go through the appeal process. We are also proposing that it not be an automatic denial, it would be something that staff would consider and if it is a valid concern it would go through the review process.

Assistant Attorney Ryan Loose said I love conditional uses because they sound like they have so much power, but remember with a conditional use you need to find a detrimental effect. When we look at these and say we have control because it is conditional, you don't have that much control. You are required to show proof that there is a detrimental effect, and even then you can't just deny it. You have to show that there is nothing you can do to mitigate the detrimental effect. If you want to deny something that you don't think fits, I would not make it a conditional use.

Commissioner Feist said I was thinking with the actual use within the facility, not the setbacks or anything like that.

Assistant Attorney Ryan Loose said it goes to the use also. You need to think like what is most ludicrous thing a person could do in that building, because someone will think it up to do.

Commissioner Haymore said in my opinion, if we as the Planning Commission cannot find a detrimental effect to the neighborhood, why are we regulating it.

Assistant Attorney Ryan Loose said an example on the uses is the gunsmith business. They don't have customers in the house shopping, but they do sell their guns by mail order, and things of that nature. We have seen a lot of those applications come before the Planning Commission. The neighbors always have concerns about the neighbors carrying guns, or the safety of their children. As we all know Utah is an open carry State and I could walk outside with my gun in my hand and as long as I am not threatening anyone I can carry it openly. They want you as the Commission to start regulating it, and that is why I am saying that you need to be very careful with the uses. This is a very conservative approach to start with, you can broaden it, but you are going to get more people objecting.

Commissioner Morrissey said just recently we reviewed an application and there was a concern about the parking and we approved it with an exception to the requirement. Can we do something like that without making it a conditional use?

Chairman Naylor said personally I am comfortable with the Conditional Use standard.

Commissioner Morrissey said that is why I brought up the incident about the parking, because it seemed like we had a lot more control by making an exception, that particular application did not meet the requirements of the code so it was up to our review, and it was our choice whether to make that exception or not.

Assistant Attorney Ryan Loose said I would start by looking at the uses that are allowed.

Chairman Naylor said do we have a list of uses?

Planner Jake Warner said we are starting to review our uses in a little more detail defining and regulating a little bit differently, and we will be coming back to you with some of that. That is part of staffs concern as well. Right now we don't have a lot of control on what a use is. It is not really defined in the code. It is one of a package of things we are working on and are hoping to have it to you by the end of the year.

Commissioner Morrissey said I think we are all in agreement that we would approve everything that is recommended, it's just whether we want to add an the exception that Commissioner Haymore presented.

Commissioner Haymore said I live in a neighborhood that almost every house has one of these large accessory buildings. I have a big accessory building at my home. What they call these in my neighborhood are "RV Garages" and they park their RV and boats in there. It is a heck of a lot better than them parking them in the driveway or the side of the road. I just like the fact that the Planning Commission has some discretion in these cases. I would like it on the records that I think the Planning Commission should liberally consider, and carefully consider that because the alternative is for these big toys to be parked in the driveway or on the street. They look a lot better in a building.

E.2. Potential Action Item – (See IV.E.1)

Commissioner Haymore motioned to 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 with the exception that we remove the restriction of (office use only) to say (any use that is allowed in the home by ordinance, be allowed in the accessory building). Commissioner Jolley seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

VI. OTHER BUSINESS – NOT PUBLIC HEARINGS

PRESENTATION ON STAFF RECOMMENDATIONS REGARDING REPEALED ZONES
VILLAGE MIXED USE, VILLAGE MIXED RESIDENTIAL, AND RESIDENTIAL MULTI-FAMILY 8

Planner Jake Warner passed out a copy of the (Repealed Zones Presentation) VMU, VMR R-M-8 to the Planning Commissioners, staff, and the Deputy Recorder.

Commissioner Evans motioned to take a 5 minute recess.

Commissioners returned to meeting.

Planner Jake Warner gave a presentation on (Repealed Zones VMU, VMR, R-M-8)

Commissioner Morrissey said can you explain why the recommended amount of units is (8) per acre.

Planner Jake Warner said (8) gives us the full range that is allowed in the Land Use designation. There may be most areas in the City are medium density, but they may not appropriate for the R-M-8 zone, so the City Council has the discretion to approve any sub-district they feel is appropriate. It gives the City full range of medium density at this time.

Commissioner Morrissey said is that range not being met at this time in some instances?

Planner Jake Warner said it is probably not being met at all, especially if you go with a small lot single family, but because of the lot size requirements, you can't meet the minimum lot size requirements and

Councilman Shelton asked how they expected that the Road Home would serve 13 people from South Jordan, but it actually served 23 people. Mr. Warner said the Road Home tracks that and reports it quarterly. Mr. Shelton noted an error in the calculation for people served in the assist home repair category. Mr. Warner said that was automatically calculated on the HUD website. There are other miscalculations. He has expressed his concern to HUD.

Mr. Warner said people will be applying for a new grant in Spring 2015. Funding requests start January 1st, and they are due to HUD on April 15th.

Councilman Newton made a motion to approve Resolution R2014-74. Councilman Shelton seconded the motion. Roll call vote. The vote was 4-0 in favor. Councilman Seethaler was absent.

The City Council took a brief recess.

K. **Public Hearing – Ordinance 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, and 17.98 of the Municipal Code. *(By Long Range Planner, Jake Warner)*

Planner Warner reviewed the presentation on the zone text amendment for accessory building regulations (Attachment D). The Planning Commission made the recommendation to allow home occupations to be conducted in an enclosed and properly permitted accessory building.

Mayor Alvord opened the public hearing.

Darrin Loertscher, said he has a 2 acre piece of property with plenty of room and big trees that will hide much of his accessory building. He said his proposed building will not work with the proposed Ordinance. He said there is not one rule that fits the situation on every lot.

Valerie Bandmann, said she lives in Springville and she is trying to buy a home in South Jordan. In Springville, they have a catering kitchen that they run out of their 2 car garage. She said in calling the city, she was told that she would not be allowed to have a catering kitchen in the garage. She said they need this home because it meets their needs in caring for her handicapped father. She asked if the laws could be changed so they can do what they are wanting for their home business?

Sharon Lloyd, said they just moved into 9661 S. Iron Gate Rd. She said they were drawn here because people take care of their yards. She said she prefers to let people have a garage so all of their stuff is not stored in the yard.

Robert Lloyd, said they were drawn to South Jordan because of the allowance of larger accessory buildings. He asked if this Ordinance is a knee jerk reaction to an undesirable 2-story outbuilding built in the city? He said the regulations for the size of accessory buildings have

changed over the years in South Jordan. What can they do to make a provision so when the regulation changes, they can add onto their building so it will store what they need.

Mayor Alvord closed the public hearing.

Councilman Rogers asked why the 80 percent threshold for the footprint? It seems like 50 percent of a footprint could be significant. He said they might consider decreasing the amount so the Planning Commission would have to review buildings in the 50-60 percent threshold. Mr. Warner said that decision had to do with staff and Planning Commission work load.

The accessory building that created this question would have exceeded the height in this Ordinance, but not the footprint.

Councilman Rogers said regarding the concern with the home occupation catering business that was brought up, wouldn't that be allowed under this Ordinance? Mr. Warner said the concern is having the home occupation entirely in the dwelling unit so it does not impact the neighboring property owners. There is also concern about allowing the garages because that could include auto repair shops. Councilman Rogers said he agrees with not allowing auto repair shops, but he feels that is different than having a catering business in the garage.

Mr. Warner said if there is a 3rd car garage for the proposed catering businesses, he does not believe it would conflict with the current Ordinance. He said he would discuss that with the Bandmann's tomorrow.

The City Council discussed the variance process. General Counsel Wall indicated that it is difficult to get a variance. You have to meet 5 criteria set by the state. One of those criteria is that the property itself has unique provisions, not the use.

Councilman Rogers said the rules for a home occupation in an accessory building should mirror the rules for the primary buildings. They should have a Planning Commission review if there are concerns expressed by the neighbors over the use of the accessory building.

Councilman Rogers asked if they can easily tweak or make changes to the home occupations, and include the Planning Commission for review. General Counsel Wall said it is doable, but not easy.

CM Whatcott said right now, they have tried to hold the integrity of the residential zone in tact, but provide leeway for those that wish to have a non-intrusive business in their home. He said currently, they receive complaints from residents if the home occupation receives UPS deliveries regularly. Councilman Rogers said that is all the more reason to have a Planning Commission hearing so the objections are on record. CM Whatcott said they can change the process, but they may not want to allow more type of home occupations in a residential zone.

CM Whatcott said he just wants to protect the integrity of the neighborhood. There is an expectation that you are living in a residential area.

Councilman Newton said the reason for the concern is because of the problem of the big outsize buildings that are almost as big and tall as the main home and they put it in the corner of the property where it is impeding the neighbors view.

Councilman Newton asked if this will impact normal sheds? Mr. Warner said sheds have the same requirements as all accessory buildings, but the smaller structures don't require a building permit.

Councilman Newton asked if this includes carports? Mr. Warner said if the carports are detached from the home, it would fall under the same requirement as the accessory building. If the carport is attached, they have to meet the same requirements as the home itself. Councilman Newton said he does not favor detached carports on the side yards. Mr. Warner said they get a lot of calls about carports when they want to cover boats or a vehicle.

Mr. Warner discussed the home occupation appeal process.

Councilman Newton made a motion to table this item to a work session agenda. Councilman Rogers seconded the motion.

Councilman Barnes asked if there is anything they can do to help the catering business owners in the meantime? Mr. Warner said he would talk to the Bandmann's tomorrow and make sure they know what the regulations are.

Councilman Newton said he feels there will still be room for people to store their boats and play toys, but they don't want a building the size of the current home.

Councilman Barnes said he would also like to consider a grandfather clause.

The vote was 4-0 in favor. Councilman Seethaler was absent.

L. **Action Item: Resolution R2014-70,** authorizing the City to enter into an agreement for a temporary staging area for debris in the event of an emergency with Trans-Jordan Landfill and authorizing the Mayor to sign said agreement. *(By Public Works Director, Jason Rasmussen)*

Public Works Director Rasmussen reviewed the background information on this item. This will allow them to keep their parks clear if they have a need to store debris temporarily. They would be liable to repair any damage to the space, and they indemnify TransJordan for anything the city does while they are on the land.

Councilman Rogers made a motion to approve Resolution R2014-70. Councilman Barnes seconded the motion. Roll call vote. The vote was 4-0 in favor. Councilman Seethaler was absent.

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	X			
Chuck Newton	X			
Donald Shelton	X			
Steve Barnes	X			
Christopher Rogers	X			

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

City of South Jordan CORPORATE Seal State of Utah

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, architecture and setback regulations of accessory buildings on residential properties in order to reduce the impact of accessory buildings on adjacent parcels and right-of-way, to improve the use and enjoyment of accessory buildings by property owners, and to facilitate an appeal of City staff decisions regarding home occupation business licenses; 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. Fee Adjustment. The fee for an appeal to the Planning Commission of a City staff decision regarding a home occupation business license shall be fifty dollars ($50).

SECTION 3. 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 4. 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 a~~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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. . The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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 ANIMALS[2]:

(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. General architectural standards:

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

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

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~buildings ~~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).

2, ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch. ~~and~~

3. Single-family dwellings shall include 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. Buildings in A-5 zones may not exceed thirty five feet (35') in height, except for structures not intended for human occupancy.~~

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.~~4. 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.

5. Main buildings and agricultural buildings in A-5 zones may not exceed thirty five feet (35') in height.

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade at the property line.

b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16').

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the

surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:
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17.28.180: LIGHTING:
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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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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 ANIMALS[2]:

(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. General architectural standards:

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

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

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~buildings ~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch. ~~and a~~

3. Single-family dwellings shall include 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. Buildings in A-1 zones may not exceed thirty five feet (35') in height, except for structuresnot intended for human occupancy.~~

~~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.~~4. 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)~~

5. Main buildings may not exceed thirty five feet (35') in height.

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade at the property line.

b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16').

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:
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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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in

height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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 ANIMALS[2]:

(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. General architectural standards:

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

2. The exteriors of buildings in the R-1.8 zone shall be properly maintained by the owners.

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~building ~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch. ~~and~~

3. Single-family dwellings shall include 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.~~4. 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.~~5. Main buildings ~~in R-1.8 zones may~~shall not exceed thirty~~-~~ five feet (35') in height. ~~Accessory buildings may not exceed twenty five feet (25') in height.~~

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade at the property line.

   b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16').

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:
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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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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. General architectural standards:

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

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

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~ buildings~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch.

3. ~~and~~Single-family dwellings shall include 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~~4. 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~~5. Main buildings ~~in R-2.5 zones~~ shall~~may~~ not exceed thirty-five feet (35') in height. ~~Accessory buildings may not exceed twenty five feet (25') in height.~~

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade at the property line.

   b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16').

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:
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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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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. General architectural standards:

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

2. The exteriors of buildings in the R-3 zone shall be properly maintained by the owners.

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~buildings ~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch. ~~and~~

3.Single-family dwellings shall include 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~~4. 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~~5.. Main buildings ~~in R-3 zones may~~ shall not exceed thirty five~~-~~ feet (35') in height. ~~Accessory buildings may not exceed twenty five feet (25') in height.~~

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade at the property line.

   b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16').

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:
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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 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)

17.45.030: 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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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. General architectural standards:

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

2. The exteriors of buildings in the R-4 zone shall be properly maintained by the owners.

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~buildings ~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch.

3. ~~and~~Single-family dwellings shall include 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~~4. 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~~5. Main buildings ~~in R-4 zones may~~shall not exceed thirty ~~-~~ five feet (35') in height. ~~Accessory buildings may not exceed twenty five feet (25') in height.~~

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade at the property line.

   b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16').

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:
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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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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. General architectural standards:

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

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

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~buildings ~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch. ~~and~~

3. Single-family dwellings shall include 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~~4. 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~~5. Main buildings ~~in R-5 zones may~~shall not exceed thirty five~~-~~ feet (35') in height. ~~Accessory buildings may not 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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade at the property line.

   b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16').

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:
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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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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. General architectural standards:

1. 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~~2. 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~~3. 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~~4. 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~~5. 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.

6. 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.

B. Architectural standards for main buildings:

~~C~~1. 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~~2. 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~~3. Main buildings in R-M zones may not exceed thirty~~-~~five feet (35') in height. ~~Accessory buildings may not exceed twenty five feet (25') in height.~~

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade at the property line.

   b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16').

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:

Zone	Required Open Space

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 primary dwelling unit and may not occupy, with either goods, materials, equipment or activities, ~~any attached~~ garage area, ~~accessory building~~ or lot area, except that home occupation activities which could occur in the primary dwelling may occur in habitable space of 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 and within the same subdivision plat (if applicable) 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' and within the same subdivision plat of the proposed home occupation. ~~The applicant is required to provide a second mailing only if a~~

~~hearing is necessary.~~ The ~~community development department~~ city business licencsing office 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~~ additional information conflicting with the provisions of this chapter has 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 city business licensing office shall mail written notice of city staff's decision to the applicant and to all individuals who provided written responses to the original notice.

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)

COPY

SOUTH JORDAN CITY
CITY COUNCIL REPORT **Council Meeting Date: November 18, 2014**

Issue: ZONE TEXT AMENDMENT, ORDINANCE NO. 2014-16, AFFECTING ACCESSORY BUILDING REGULATIONS.

Submitted By: Jake Warner, Long Range Planner Department: Development Services
First Reading Date: August 19, 2014

Staff Recommendation (Motion Ready):
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 and 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 completed those revisions, which were presented to the Planning Commission on Aug. 26, 2014 and the City Council on Sept. 16, 2014. The City Council directed staff to adjust the proposed revisions, which were reviewed by the City Council on October 21, 2014. The additional revisions were presented to the Planning Commission, in a public hearing, on Oct. 28, 2014. The Planning Commission passed a motion recommending to the City Council that the ordinance be approved. The Planning Commission's motion also included a recommendation that staff conduct a comprehensive review and propose revisions to the City's Home Occupations regulations (Chapter 17.98 of the Municipal Code). Staff is not currently prepared at this time to address revisions to the Home Occupation regulations beyond those previously presented to the Planning Commission and contained in the proposed ordinance.

Summary of Additional Revisions:

- Accessory buildings which exceed the height of the house or exceed 60% of the footprint of the house shall be approved by the Planning Commission as a conditional use permit.
- An accessory use must be 5' from a public right of way, instead of 3', and an additional 1' for every foot the structure exceeds 16'.
- Portions of accessory buildings within 20' of a property line must comply with the following requirements, unless approved by the Planning Commission as a conditional use permit:
  - No exterior openings (windows or doors) where the floor exceeds 4' above grade.
  - Average wall height shall not exceed 16'.
- Majority of the roof structure shall have a 4:12 roof pitch.
- Sheds under 10' are allowed to be 5' from a property line, as opposed to the standard 10' setback.
- The fee to appeal a staff decision to the Planning Commission regarding a home occupation business license is to be reduced to $50.

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 separate dwelling unit (living area, kitchen, & bathroom).
- The "Use Regulations" (subsection 040 in each affected zone) states 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))
- Home occupation business license applications are automatically denied if any objections are received. (17.98.050, 17.98.060)

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.
- The proposed revisions allow, with an approved business license, home occupations in residential accessory buildings.
- The proposed revisions facilitate an appeal to the Planning Commission of a staff-level decision regarding home occupations.

Recommendation:
Based on the Findings and Conclusion listed above, Staff recommends that the City Council take comments at a public hearing and approve 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:
Associated fees would be collected for a building permit, home occupation business license, and appeals of home occupation business licenses.

ALTERNATIVES:
- Approve.
- Approve with changes.
- Deny.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:
- Ordinance No. 2014-16 (accessory building revisions)
- Ordinance No. 2014-12 (moratorium)
- Planning Commission minutes (10/28/2014, draft)

City Council Action Requested: Brad Klawasr _____ 11/12/14 _____
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, on July 15, 2014, the City Council enacted ordinance 2014- 12 imposing a "temporary land use regulation affecting accessory buildings in all residential zones" which, with the enactment of this Ordinance 2014-16 is no longer necessary; 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, architecture and setback regulations of accessory buildings on residential properties in order to reduce the impact of accessory buildings on adjacent parcels and right-of-way, to improve the use and enjoyment of accessory buildings by property owners, and to facilitate an appeal of City staff decisions regarding home occupation business licenses; 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. **Fee Adjustment.** The fee for an appeal to the Planning Commission of a City staff decision regarding a home occupation business license shall be fifty dollars ($50).

Section 3. **Temporary Land Use Regulation.** The temporary land use regulation affecting accessory buildings in all residential zones enacted by Ordinance 2014-12 is hereby ended.

Section 4. 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 5. 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 18 DAY OF November, 2014 BY THE FOLLOWING VOTE:

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

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

City of South Jordan CORPORATE Seal State of Utah

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

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 a~~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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. . The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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 ANIMALS[2]:

(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. General architectural standards:

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

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

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~buildings ~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch. ~~and~~

3. Single-family dwellings shall include 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. Buildings in A-5 zones may not exceed thirty five feet (35') in height, except for structures not intended for human occupancy.~~

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.~~4. 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.

5. Main buildings and agricultural buildings in A-5 zones may not exceed thirty five feet (35') in height.

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade.

b. The average wall height shall not exceed sixteen feet (16') above grade.

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written

surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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 ANIMALS[2]:

(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. General architectural standards:

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

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

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwellingbuildings 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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch. ~~and a~~

3. Single-family dwellings shall include 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. Buildings in A-1 zones may not exceed thirty five feet (35') in height, except for structuresnot intended for human occupancy.~~

~~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.~~4. 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)~~

5. Main buildings may not exceed thirty five feet (35') in height.

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade.

b. The average wall height shall not exceed sixteen feet (16') above grade.

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line~~.

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 that accessory buildings not exceeding ten feet (10') in~~

height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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 ANIMALS[2]:

(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. General architectural standards:

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

2. The exteriors of buildings in the R-1.8 zone shall be properly maintained by the owners.

3. 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.

B. Architectural standards for main buildings:

1. Each Main dwellingbuilding 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).

2. DwellingsMain buildings shall be constructed with minimum five to twelve (5:12) roof pitch. and

3. Single-family dwellings shall include 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.4. 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.5. Main buildings in R-1.8 zones mayshall not exceed thirty- five feet (35') in height. Accessory buildings may not exceed twenty five feet (25') in height.

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)

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade.

b. The average wall height shall not exceed sixteen feet (16') above grade.

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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

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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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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. General architectural standards:

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

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

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~ buildings~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch.

3. ~~and~~Single-family dwellings shall include 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~~4. 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~~5. Main buildings ~~in R-2.5 zones~~ shall~~may~~ not exceed thirty-five feet (35') in height. ~~Accessory buildings may not exceed twenty five feet (25') in height.~~

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade.

   b. The average wall height shall not exceed sixteen feet (16') above grade.

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:
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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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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. General architectural standards:

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

2. The exteriors of buildings in the R-3 zone shall be properly maintained by the owners.

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~buildings ~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch. ~~and~~

3.Single-family dwellings shall include 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~~4. 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~~5.. Main buildings ~~in R-3 zones may~~ shall not exceed thirty five~~-~~feet (35') in height. ~~Accessory buildings may not exceed twenty five feet (25') in height.~~

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade.

   b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16') above grade.

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:
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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 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)

17.45.030: 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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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. General architectural standards:

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

2. The exteriors of buildings in the R-4 zone shall be properly maintained by the owners.

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~buildings ~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch.

3. ~~and~~Single-family dwellings shall include 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~~4. 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~~5. Main buildings ~~in R-4 zones may~~shall not exceed thirty~~-~~ five feet (35') in height. ~~Accessory buildings may not exceed twenty five feet (25') in height.~~

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade.

   b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16') above grade.

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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

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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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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. General architectural standards:

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

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

3. 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.

B. Architectural standards for main buildings:

1. ~~Each~~ Main ~~dwelling~~buildings ~~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).

2. ~~Dwellings~~Main buildings shall be constructed with minimum five to twelve (5:12) roof pitch. ~~and~~

3. Single-family dwellings shall include 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~~4. 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~~5. Main buildings ~~in R-5 zones may~~shall not exceed thirty five feet (35') in height. ~~Accessory buildings may not 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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade.

   b. The average wall height shall not exceed sixteen feet (16') above grade.

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line~~.

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 that accessory buildings not exceeding ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line if located within a yard area enclosed by a permitted fence~~.

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 B5 of this section~~. The setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right of way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').

~~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').~~

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. General architectural standards:

1. 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~~2. 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~~3. 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~~4. 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~~5. 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.

6. 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.

B. Architectural standards for main buildings:

~~C~~1. 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~~2. 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~~3. Main buildings in R-M zones may not exceed thirty-five feet (35') in height. ~~Accessory buildings may not exceed twenty five feet (25') in height.~~

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade.

   b. The average wall height shall not exceed sixteen feet (16') above grade.

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

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5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:

Zone	Required Open Space

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

~~F~~3. Main buildings in R-M zones may not exceed thirty-five feet (35') in height. ~~Accessory buildings may not exceed twenty five feet (25') in height.~~

~~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)~~

C. Architectural standards for accessory buildings:

1. Accessory buildings may not exceed the height of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building exceed twenty five-feet (25') in height.

2. The footprint of an accessory building shall not exceed 60% of the footprint of the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall the accessory building exceed the footprint of the home.

3. Each side, in whole or in part, of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:

   a. No openings (windows, doors, etc.) shall be allowed in an exterior wall when the floor height exceeds four feet (4') above grade at the property line.

   b. The average wall height, measured from the grade at the property line to the roof line or eave, shall not exceed sixteen feet (16').

4. Accessory buildings with a footprint exceeding 200 square feet shall be constructed with a minimum four to twelve (4:12) roof pitch over a majority of the structure.

5. Applications for a conditional use permit regarding subsections C1, C2 and C3 of this section shall demonstrate that the requested exception is consistent with the character of the surrounding area, considering other structures and uses, applicable CC&R's, etc. Written notice shall be provided to all property owners within 300' and within the subdivision plat of the subject property no less than 10 days prior to the scheduled Planning Commission meeting.

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:

Zone	Required Open Space

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 primary dwelling unit and may not occupy, with either goods, materials, equipment or activities, ~~any attached~~ garage area, ~~accessory building~~ or lot area, except that home occupation activities which could occur in the primary dwelling may occur in habitable space of 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 and within the same subdivision plat (if applicable) 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' and within the same subdivision plat of the proposed home occupation. ~~The applicant is required to provide a second mailing only if a~~

~~hearing is necessary.~~ The ~~community development department~~ city business licencsing office 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~~ additional information conflicting with the provisions of this chapter has 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 city business licensing office shall mail written notice of city staff's decision to the applicant and to all individuals who provided written responses to the original notice.

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)

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	X			
Chuck Newton	X			
Donald Shelton	X			
Steve Barnes	X			
Christopher Rogers	X			

Mayor: _____
David L. Alvord

Attest: _____
City Recorder

City of South Jordan CORPORATE Seal State of Utah

Approved as to form:

_____
Office of the City Attorney

Applicant: Rachel Rudiger

Planner David Mann reviewed the background information on this item from the staff report.

Rachel Rudiger, 3150 Kettle Ct. SE Salem, OR (applicant), we are excited to be in your community. We are a much needed use and we feel we are an excellent transitional use for this corner property.

Chairman Naylor opened the Public Hearing.

Luane Jensen, 11186 S. 2700 W., SJC – I am not against the project. I worry about the road coming off to 2700 West as close as it will be to the intersection. From what I have been told there will be a road coming off of 11400 S. that will go north and then come back and onto 2700 W. when the homes are all developed. I worry about the road from the Alzheimer's being that close to the corner.

Chairman Naylor said this is just the site plan we are looking at tonight. I had the same thought when looking at the site plan.

Chairman Naylor closed the Public Hearing.

Chairman Naylor said part of you didn't participate in the consideration of the Mixed Use Zone. The property owners here have tried awfully hard with several different applications that received a lot of public opposition and we didn't feel like we could support. This one looks like an uncontroversial one.

Commissioner Haymore said I think 114th South should remain as residential as possible. I don't want to see it turn into a commercial district all the way down. When we rezoned this property the last time I was ok with that one little commercial corner; this expands that to two almost three times to what I had in mind when we rezoned it the last time. I realize it is a low impact building but I would like to see more residential in the area.

Commissioner Feist said I think it looks fine. I think it is a busy corner for residential.

E.2. Potential Action Item – (See V.E.1)

Commissioner Evans made a motion that the Planning Commission forwards a recommendation to the City Council to approve the following:

1. **Resolution R2014-91, amending the Land Use Designation from Village Commercial and Village Mixed Use to Office; and**
2. **Rezone Ordinance 2014-16-Z, rezoning the property from R-2.5 to P-O.**

Commissioner Feist seconded the motion. Roll Call Vote was 4-1 in favor. Commissioner Haymore was opposed.

F.1. Issue: **ACCESSORY BUILDING & HOME OCCUPATION REGULATIONS ZONE TEXT AMENDMENT**
File No: ZTA-2014.03
Applicant: City of South Jordan

UNAPPROVED

Planner Jake Warner reviewed the background information on this item from the staff report and showed an updated presentation (Attachment C). You will see in red the changes made since the last time you saw this presentation.

F.2. Potential Action Item – (See V.F.1)

Commissioner Haymore made a motion to forward a recommendation to the City Council to approve Ordinance 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, and 17.98 of the Municipal Code and adding the following three suggestions:

1. **Measure the height of the average wall size of the exterior buildings from 5 feet outside the average height, 5 feet outside of the foundation and the average grade at 5 feet from the structure.**
2. **City Council further amend the home occupation business licenses to exterior buildings to mirror in all respects the ordinance as it applies to the house.**
3. **Look at the part of the ordinance that allows outdoor activities and evaluate whether those would be acceptable in accessory buildings.**

Commissioner Evans seconded the motion. Roll Call Vote was 5-0 in favor.

VI. OTHER BUSINESS – NOT PUBLIC HEARINGS

None

ADJOURNMENT

Commissioner Evans motioned to adjourn. All Commissioners were in favor.

The October 28, 2014 Planning Commission meeting adjourned at 9:55 p.m.

Meeting Minutes were prepared by City Recorder Anna West.

UNAPPROVED

ZONE TEXT AMENDMENT: ACCESSORY BUILDING REGULATIONS

PC Hearing:
Aug. 26, 2014

CC Hearing:
Sept. 16, 2014

CC Meeting:
Oct. 21, 2014

PC Hearing:
Oct. 28, 2014

CC Hearing:
Nov. 18, 2014

PROPOSED REVISIONS: HEIGHT

Current Requirement

- Staff review
- A-5, A-1: 35'
- All other zones: 25'

Proposed Revisions

- Planning Commission approval required **as a CUP** if 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 as a CUP when footprint exceeds ~~80%~~ 60% of house.
  - Exception: footprint in A-5, A-1, & R-1.8 allowed to match house.
  - Notice to include 300' and all owners in subdivision.
  - In no case shall footprint exceed house.

PROPOSED REVISIONS: SETBACKS

Current Requirement

- In a side yard: side setback same as house (10').
- In a rear yard: 3' to rear and side property line, additional 1' for every foot the structure exceeds 16' tall .

(12' for a 25' tall building)

Proposed Revisions

- ~~20' to habitable space above the ground floor.~~
- When adjacent to right of way: ~~3'~~ 5' to property line, additional ~~2'~~ 1' for every foot the structure exceeds 16' tall.

PROPOSED REVISIONS: ARCHITECTURAL STANDARDS

Current Requirement

- N/A

Proposed Revisions

- For portions within 20' of a property line, unless approved by the Planning Commission as a CUP:
  - No exterior openings (windows or doors) permitted for habitable space when the floor height exceeds 4' above the property line.
  - Average wall height shall not exceed 16'.
  - Notice of Planning Commission meeting to include 300' and all owners in subdivision.
- Majority of roof structure to be constructed with a minimum 4/12 roof pitch for structures over 200 sq. ft.

IMPACT COMPARISON

Lawrence Cir 9580 S
12'
12'
Cannon Park Ln 9520 S
20 10 0 20 Feet

Lawrence Cir 9580 S
20'
21'
Cannon Park Ln 9520 S
20 10 0 20 Feet

- No second floor windows or doors.
- 16' maximum wall height.
- Min. 4:12 roof pitch.

PROPOSED REVISIONS: HOME OCCUPATION

Current Requirement

- Not allowed.

Proposed Revisions

- Home occupations commonly conducted in a primary dwelling may be conducted in an enclosed and properly permitted accessory building.

PROPOSED REVISIONS: MISCELLANEOUS STAFF PROPOSALS

- Under ~~8'~~ 10' tall in a side yard: allowed to be ~~3'~~ 5' from the 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. Fee reduced to $50 for home occupation appeal to Planning Commission.