

**WASHINGTON TERRACE CITY
ORDINANCE 16-03**

COMMERCIAL ZONES AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING CHAPTER 17.28 RELATING TO THE COMMERCIAL ZONES;
MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on April 28, 2016, to take public comment on this Ordinance, and subsequently gave its recommendation to _____ this Ordinance on September 29, 2016;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on October 4, 2016, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace City as follows:

Section 1: **Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: **Amendment.** Chapter 17.28 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

**Chapter 17.28
Commercial Zones**

Sections:

- 17.28.010. Purpose and Intent.**
- 17.28.020. Site Development and Standards.**
- 17.28.030. Sign Regulations.**
- 17.28.040. Special Regulations.**
- 17.28.050. Use Regulation.**
- 17.28.060. General Regulations.**

17.28.070. Review.

~~**17.28.080. Area Regulation.**~~

~~**17.28.090. Yard And Height Regulations.**~~

~~**17.28.100. Coverage Regulations.**~~

~~**17.28.110. Parking Requirements.**~~

~~**17.28.120. Protection Of Adjoining Residential Properties.**~~

17.28.010. Purpose and Intent.

1. The intent of the planned commercial zones is to permit the establishment of a well designed complex of retail commercial facilities for the community that will provide goods and services for the people to be served. The intent is to minimize traffic congestion on thoroughfares and public streets in their vicinity and which shall best fit the general environment and land use patterns of the community.
2. The purpose of the commercial zone(s) is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the city. It is also to separate uses into two zones, based upon types of activity which are compatible and complementary, as well as intensity of land utilization and accessory use needs.
3. The protective standards for site use and development contained in this chapter are intended to minimize any adverse effects of the Planned Commercial Zone itself. Submission of a market analysis is intended to serve as a guide to the Planning Commission in the evaluation of an application in terms of need or desirability to amend the City's Zoning Map in the public interest, and the amount of land included in the rezoning application which could be realistically supported in commercial uses. Such information is further intended to substantiate finding that the proposed development will promote the general welfare of the city.
4. The two (2) types of commercial zones provided for in this chapter are:
 - a. Neighborhood Commercial C-1, provides for the sale and supply of daily living needs of the people living in the neighborhood.
 - b. Community Commercial C-2, provides in addition to convenience goods a wider range of facilities for the sale of retail goods and personal services for the community.

17.28.020. Site Development and Standards.

1. Minimum lot area - None.
2. Minimum lot width - None.
3. Minimum yard setbacks:
 - a. Front – 20 feet on streets of less than 80 feet in width, 50 feet on streets and highways of 80 feet or more in width.
 - b. Side – none, except 10 feet adjacent to a residential zone.
 - c. Side – facing a street with a corner lot - 20 feet x 20 feet.
 - d. Rear – none, except 10 feet where building rears on a residential zone.
4. Building height:

- a. Minimum - one (1) story.
- b. Maximum – Forty five (45) feet, measured from back of curb.
- c. Hospital height limits shall be determined in accordance with this section and as part of the site plan and/or conditional use approval process so long as such height limits do not exceed double the maximum height allowed by this section.

17.28.030. Sign Regulations.

The height, size, and location of permitted signs in the C-1 and C-2 zones shall be in accordance with the regulations set forth in Chapter 17.56 of this Title. Permitted signs for the commercial zones are also listed in Chapter 17.56.

17.28.040. Special Regulations.

1. Generally. The following general special use regulations apply to all permitted and conditional uses in the city:
 - a. All manufacturing shall be performed within a completely enclosed building.
 - b. All uses shall be free from excessive foul odor, toxic odor, dust, smoke, and/or noise.
 - c. Conditional uses shall also comply with Chapter 17.68 entitled "Conditional Use" before such may be developed.
 - d. Any sexually oriented business shall comply with ordinance chapter 5.01 and 17.82
 - e. The use of alcohol at any commercial establishment shall conform to state and local law.
 - f. Where applicable, industry standards apply to commercial uses.
 - g. Landscaping shall comply with Chapter 17.44.200.
2. Car wash. The following special use regulations apply to car wash uses:
 - a. One bay car wash, four spaces in the approach lane.
 - b. Two bay car wash, three spaces in the approach lane for each wash bay.
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
 - d. Storm water pollution and prevents control measures to be installed and maintained in accordance with the governing state permit and applicable local regulations.
 - e. Warning devices, coin operating warning devices shall so be regulated as not to be a nuisance to neighboring properties.
 - f. Vacuum mechanical devices shall be placed or positioned as not to be a nuisance or noise violation to neighboring properties.
 - g. Lighting shall comply with Chapter 17.54.

17.28.050. Use Regulation.

1. In the following list of possible uses, those designated in any zone as “Permitted” will be a permitted use. Uses designated a “Conditional” will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 17.68 of this Zoning Ordinance. Uses designated as “None” is not allowed in that zone. Additionally, any use

or proposed used that is not identified or designated by this chapter as either Permitted or Conditional is not permitted in any commercial zone.

Use	C-1	C-2
Accessory buildings and uses customarily incidental to a permitted use.	Permitted	Permitted
Air conditioning sales and service	Permitted	Permitted
Altering, pressing, and repairing of wearing apparel	Permitted	Permitted
Ambulance base stations	Permitted	Permitted
<u>Amusement enterprises, including seasonal or transient amusement</u>	Conditional	Conditional
Animal / Vet care hospital	Permitted	Permitted
Antique, import or souvenir shop	Permitted	Permitted
Arcade	Conditional	Permitted
Archery shop and range, provided conducted within a completely enclosed building	None	Conditional
Art and artists supply store	Permitted	Permitted
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats, or motors	Permitted	Permitted
Athletic and sporting goods store, no motorized vehicles permitted	Permitted	Permitted
Athletic club or gym	Permitted	Permitted
Auction establishment	None	None
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within a completely enclosed building	None	Conditional
Automobile, new or used, sales and service	None	Conditional
Awning sales and service	Conditional	Permitted
Bakery with retail shop	Permitted	Permitted
Bank or financial Institution	Permitted	Permitted
Barber shop	Permitted	Permitted
Beauty school	Permitted	Permitted
Beauty and cosmetic business <u>or school</u>	Permitted	Permitted
Bed and breakfast inn	Conditional	<u>Permitted</u> Conditional
Beer parlor, sale of draft beer	None	None
Bicycle sales and service	Permitted	Permitted
Billiard parlor	None	None
Blue printing or Photostatting	Permitted	Permitted
Boat sales and service	None	Conditional
Book store, retail	Permitted	Permitted
Bookbinding	None	Conditional
Bottling and distribution plant	None	None
Bowling alley	None	Conditional
Building materials sales (indoor only)	None	Permitted
Cabaret	None	None

Cafe or cafeteria	Permitted	Permitted
Camera store	Permitted	Permitted
Candy manufacture	None	None
Candy store, confectionery	Permitted	Permitted
Car wash, automatic <u>or manual</u>	Conditional	Conditional
Car wash, manual	Conditional	Conditional
Carbonated <u>water beverage or non-alcoholic beverage sales</u>	Permitted	Permitted
Carpenter and cabinet shop	None	Conditional
Carpet, rug, floor covering, and linoleum sales and service	Permitted	Permitted
Cash advance establishments	None	Conditional
Cash register sales and service	Permitted	Permitted
Catering establishment	Permitted	Permitted
China, crystal and silver shop	Permitted	Permitted
Christmas tree sales	Permitted	Permitted
Church	Permitted	Permitted
Circus, carnival, fair, or other seasonal/transient amusement	Conditional	Conditional
Clinics, medical or dental	Permitted	Permitted
Clothing and accessory store	Permitted	Permitted
Coin shop	Permitted	Permitted
Communication equipment building	Permitted	Permitted
Computer service, printing, and supplies	Permitted	Permitted
Contractor shop provided work conducted within a completely enclosed building	None	None
Convenience store	Permitted	Permitted
Costume and clothing rental	Permitted	Permitted
Dairy products store	Permitted	Permitted
Data processing <u>or office machine</u> services, sales, and supplies	Permitted	Permitted
Daycare, nursery, or preschool, Montessori schools	Conditional	Conditional
Delicatessen	Permitted	Permitted
Department store	Permitted	Permitted
Detective/security agency	Permitted	Permitted
Drapery and curtain store	Permitted	Permitted
Drug store/Pharmacy	Permitted	Permitted
Dry cleaning establishment	Permitted	Permitted
Dry cleaning pickup station	Permitted	Permitted
Educational institution	Permitted	Permitted
Electrical and heating appliances, fixtures, sales, and service	Conditional	Permitted
Electronic equipment sales and service	Permitted	Permitted
Employment agency	Permitted	Permitted
Express and transfer service	None	None
Fabric and textile store	Permitted	Permitted
Farm implement or heavy equipment sales	None	Conditional
Film exchange establishment	Permitted	Permitted

Florist shop	Permitted	Permitted
Fraternal organization	Permitted	Permitted
Frozen food lockers incidental to a grocery store or food business	Permitted	Permitted
Fruit or vegetable stand	Permitted	Permitted
Fur apparel sales, storage, or repair	Permitted	Permitted
Furniture sales and repair	Permitted	Permitted
Garden supplies and plant material sales	Permitted	Permitted
Gift store	Permitted	Permitted
Glass sales and service	Permitted	Permitted
Golf course/ driving range	Permitted	Permitted
Government buildings or uses, non-industrial	Permitted	Permitted
Greenhouse and nursery, soil and lawn service	Conditional	Conditional
Grocery store	Conditional	Permitted
Grooming for cats and dogs	Permitted	Permitted
Group Home, Boarding houses	Conditional	Conditional
Gunsmith	Permitted	Permitted
Gymnasium	Permitted	Permitted
Hardware store	Permitted	Permitted
Health club	Permitted	Permitted
Health food store	Permitted	Permitted
Hobby and crafts store	Permitted	Permitted
<u>Hospital, hospital services, hospital supplies</u>	None	Permitted
Hotel	Conditional	Permitted <u>Conditional</u>
House cleaning	Permitted	Permitted
Household appliance sales and incidental service	Permitted	Permitted
Ice cream manufacture	None	None
Ice cream parlor <u>or ice sales</u>	Permitted	Permitted
Ice manufacturing and storage	None	None
Ice store or vending station	Permitted	Permitted
Insulation sales	Conditional	Conditional
Insurance agency, stock broker, or investments	Permitted	Permitted
Interior decorating and design establishment	Permitted	Permitted
Janitor service and supply	Permitted	Permitted
Jewelry store sales and services	Permitted	Permitted
 kennel	None	Conditional
Laboratory, dental or medical	Permitted	Permitted
Laundry, Laundromat-type	Permitted	Permitted
Lawn mower and small engine equipment sales and service	Conditional	Permitted
Leather goods sales and service	Permitted	Permitted
Legal office	Permitted	Permitted
Library	Permitted	Permitted
Linen store	Permitted	Permitted

Liquor store, state agency only	Permitted	Permitted
Locksmith	Permitted	Permitted
Lounge	None	None
Luggage store	Permitted	Permitted
Lumber yard <u>and building material sales</u> , retail only	None	Conditional
Machining operations, including those incidental to any other use	None	None
Manufacture of goods retailed on premises	Conditional	Conditional
Meat, fish, and seafood retail store	Permitted	Permitted
Milling of any kind	None	None
Miniature golf	Conditional	Conditional
Mobile home sales	None	Conditional
Mobile home service	None	None
Monument works and sales	Permitted	Permitted
Mortuary	None	Conditional
Motel	None	Conditional
Movie theater, indoor only	Conditional	Permitted
Museum	Permitted	Permitted
Music store	Permitted	Permitted
Needlework, embroidery, quilting, or knitting store	Permitted	Permitted
Newsstand	Permitted	Permitted
Nightclub or social club	None	None
Novelty store, except adult novelties as per definition per sexual oriented businesses	Conditional	Permitted
Office where no goods are created, exchanged, or sold	Permitted	Permitted
Office machine sales and service	Permitted	Permitted
Office supply <u>store</u>	Permitted	Permitted
Optometrist or optician office	Permitted	Permitted
Ornamental iron sales or repair	Conditional	Permitted
Paint or wallpaper store	Permitted	Permitted
Park and playground	Permitted	Permitted
Parking lot or garage for passenger automobiles, trucks, RV's	None	None
Pawnshop	None	Conditional
Pest control and extermination	None	Conditional
<u>Pet supply store, pet grooming, and/or pet boarding</u>	Conditional	Permitted
Photo studio and photo supplies	Permitted	Permitted
Physician or surgeon	Permitted	Permitted
Plumbing shop	Conditional	Permitted
Pony ring, without stables	None	None
Pool hall	None	None
Popcorn or nut shop	Permitted	Permitted
Post office	Permitted	Permitted
Private liquor club	None	None
Printing, publishing, or reproductions sales and services	Permitted	Permitted

Public Building	Permitted	Permitted
Public Cemetery	Conditional	Conditional
Public utilities substation	Conditional	Conditional
Radio and television sales and service	Permitted	Permitted
Radio <u>or</u> television broadcasting station	Conditional	Conditional
Real estate agency	Permitted	Permitted
Reception center or wedding chapel	Conditional	Conditional
Recreation center	Conditional	Conditional
Recreational vehicle storage	None	Conditional
Rental equipment	Permitted	Conditional
Restaurant, <u>no alcohol</u>	Permitted	Permitted
Restaurant liquor, with dine in service only with seating capacity of 50 patrons or more	Conditional	Conditional
Restaurant <u>wine and/or beer only, with alcohol</u>	Conditional	Conditional
Restaurant, drive-in or drive-thru	Conditional	Permitted
Roller skating or ice rink	None	Conditional
Roofing sales or shop	None	Conditional
Seed and feed store, retail	Conditional	Permitted
Service station automobile, excluding painting, body, fender, and upholstery work.	Conditional	Permitted
Service station, automobile with car wash as accessory use	Conditional	Conditional
Sewing machine sales and repair	Permitted	Permitted
Sheet metal shop	None	None
Shoe repair or shoe shine shop	Permitted	Permitted
Shoe Store	Permitted	Permitted
Shooting gallery	None	None
Sign manufacturing, painting, sales	Conditional	Conditional
Spa and massage establishment	Permitted	Permitted
Supermarket	Permitted	Permitted
Tailor shop	Permitted	Permitted
Tavern	None	None
Taxidermist	Permitted	Permitted
Telecommunication office	Permitted	Permitted
Television or satellite array store	Permitted	Permitted
Temporary building for uses incidental to construction work, such buildings shall be removed upon the completion of the construction work.	Permitted	Permitted
Thrift store	Conditional	Conditional
Tire sales and service	None	Conditional
Tobacco or <u>sales, smoke shop, or vapor shop</u>	Conditional	Conditional
Toy store, retail	Permitted	Permitted
Trailer sales and service	None	Conditional
Travel agency	Permitted	Permitted

Truck terminal/parking	None	None
Upholstery shop	Permitted	Permitted
Vehicle rental	Conditional	Permitted
Vending booth	Permitted	Permitted
Ventilating equipment sales and service	None	Conditional
Weather stripping shop	Permitted	Permitted
Welding shop	None	Conditional
Wholesale business	None	Conditional
Window washing establishment	Permitted	Permitted

1. In planned Commercial Zones C-1 and C-2, no building, structure or land shall be used and no building or structure shall be erected which is arranged, intended, or designed to be used for other than any use listed in the respective C-1 and C-2 Zones as a permitted on conditional use and as further limited by the approval of the Planning Commission. Such uses shall be indicated on the final site development plan.

17.28.060. General Regulations.

1. At the time a “C” Zone is established and before building permits are issued, deed restrictions on the property covered under the proposed zone shall be filed by the owners of the property with the City Recorder and shall provide that development take place on the property only in accordance with a final site development plan approved by the Planning Commission and City Council and on file with the City Recorder.
2. A “C” Zone may be established only upon land held in single ownership or under unified control or where the Planning Commission determines that development on separate adjoining properties should be coordinated to form a physically unified commercial facility, which will be more appropriate and compatible with the surrounding land, uses.
3. A “C” Zone shall not be establish upon a tract of land which would contain a non-conforming use after the passage of such amendment to the Zoning ordinance unless the development planned for the tract includes the elimination of the non-conforming use.
4. The location of the “C” Zone shall have an acceptable relationship to the City's Transportation Plan as determined by the Planning Commission.
5. The petitioner or developer shall be required to pay the cost of the construction and/or installation of the following facilities on the streets providing access to the commercial center that may be necessary to control traffic generated by the commercial center.
 - a. Street Widening.
 - b. Ingress and Egress.
 - c. Acceleration and Deceleration lanes.
 - d. Traffic control Devices and signs, including channelization.
6. The determination of standards required shall be made by the City Council after recommendation by the Planning Commission and City Engineer, and the Utah Department of Highways in case of “C” Zones bordering State Highways.
7. The petitioner shall submit to the Planning Commission with the rezoning petition a preliminary development plan for the commercial center showing a unified and organized

- arrangement and proposed use of buildings off street parking, internal traffic circulation and service facilities, etc.
8. If required, the applicant shall submit a market analysis acceptable to the Planning Commission and conducted and signed by a recognized and independent market analyst which shall serve as a guide to the Planning Commission for the evaluation of the application or part thereof in terms of:
 - a. The need or desirability to amend the City's Zoning Map in the public interest.
 - b. The amount of land included in the rezoning application that can be realistically supported in commercial use.
 - c. The finding that the proposed development will promote the general welfare of the public. For purposes of this section, a market analysis shall contain the following elements:
 - i. The trade area of the proposed development.
 - ii. Trade area population, present and potential.
 - iii. Effective buying power in the trading area.
 - iv. Net potential customer buying power for stores in the proposed development areas serving the trade area.
 - v. The residue of buying power to be expended in existing shopping centers or commercial areas serving the trade area.
 9. Prior to the submission of the proposed ordinance rezoning an area to a “C” Zone the developer shall submit all evidence deemed necessary by the City Council and/or Planning Commission of his/her ability to undertake the proposed project.
 10. No building or land use permits shall be issued for any use of structure in a “C” Zone until a final site development plan for the entire district or for the initial phase of the stage development plan is proposed and has been submitted to and approved by the Planning Commission as complying with the regulations and requirements of this Chapter and all other applicable provisions of this Ordinance. The final site development plan shall show in detail the proposed use, area and location of buildings, off-street parking, internal traffic circulation, landscaping, and service facilities indicated more generally on the approved preliminary development plan.
 11. No changes shall be made in the final site development plan during the course of construction pursuant thereto without first obtaining the prior approval of the Planning Commission. Copies of the approved final site development plan shall be kept on file with the city and any changes that may be approved shall be noted thereon.
 12. The Planning Commission may specify at the time of zoning approval conditions of approval of the final site development plan including the sequence and may require that initial building permits include the major facilities of a proposal.

17.28.070. Review.

1. A building permit shall be secured and construction begun in accordance with the approved final site development plan within eighteen (18) months from the effective date of site plan approval. Application may be made to the Planning Commission for one (1) six (6) month extension. Any further applications for extensions beyond these time limits

- would require a showing to the Planning Commission's satisfaction of unique conditions or situations and of imminent success in tenant leasing and construction commencement. All such applications shall include detailed documentation as to the discussion and reasons for such request as required by the Planning Commission.
2. In the event that construction is not started within the specified time limits, the Planning Commission shall review the classification of the zone and the progress which has taken place and if deemed necessary, institute proceedings to restore the zone to its prior classification or to a zone consistent with the City's General Plan.
 3. All construction authorized in the approved final site development plan shall be completed within three (3) years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the Planning Commission at the time the "C" Zone is recommended or may be approved by the Planning Commission prior to or during the course of construction of the commercial center.
 4. In the event the construction is not completed within the time limit specified herein, the Planning Commission shall review the zoning and development which has taken place and, if necessary initiate proceedings to reclassify the property or part thereof in a manner consistent with the City's General Plan.

~~17.28.080. — Area Regulation.~~
~~See site developmental standards.~~

~~17.28.090. — Yard And Height Regulations.~~

~~17.28.100. — Coverage Regulations.~~

17.28.110. Parking Requirements.

Off-street parking shall be provided by each commercial use as determined and set forth in the municipal code. Where no off-street parking requirements exist in the municipal code for the number of stalls for a commercial use, there shall be provided minimum off-street parking facilities in the ratio of not less than three (3) square feet of parking lot for each one square foot of sales floor area within the commercial use.

~~17.28.120. — Protection of Adjoining Residential Properties.~~

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this ____ day of _____, 2016.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ___ day of _____, 2016.

PUBLISHED OR POSTED this ___ day of _____, 2016.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) _____, 2) _____, and 3) _____ on the above referenced dates.

AMY RODRIGUEZ, City Recorder

DATE: _____