

COTTONWOOD HEIGHTS

ORDINANCE NO. 199

AN ORDINANCE AMENDING CHAPTER 19.35, “RO—RESIDENTIAL OFFICE ZONE,” OF THE COTTONWOOD HEIGHTS CODE CONCERNING, *INTER ALIA*, SIGNAGE

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the City; and

WHEREAS, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

WHEREAS, thereafter, the City’s planning commission (the “*Planning Commission*”) formulated proposed amendments to Code chapter 19.35 (“*Chapter 19.35*”) concerning, among other things, signage in the City’s RO (Residential Office) zone; and

WHEREAS, on 17 October 2012, a public hearing was held before the Planning Commission, where citizens were given the opportunity to provide written or oral comment concerning the proposed amendments to Chapter 19.35; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, following the public hearing, the Planning Commission recommended Chapter 19.35, as amended, to the Council for adoption; and

WHEREAS, on 22 January 2013, the Council met in regular meeting to consider, among other things, amending Chapter 19.35 as recommended by the Planning Commission; and

WHEREAS, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing, and recommendations of City staff and the City attorney, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to amend Chapter 19.35 as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. *Adoption of Amended Chapter 19.35.* The Council hereby amends Chapter 19.35 of the Code as shown on the attached exhibit, which shows deletions to current Chapter 19.35 ~~struck through~~ or otherwise shown as deletions, and additions to current Chapter 19.35 underlined or otherwise shown as additions.

Section 2. *Action of Officers.* All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this “*Ordinance*”), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

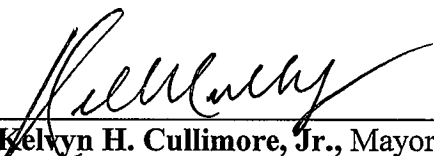
Section 3. *Severability.* It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. *Repealer.* All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.


Section 5. *Effective Date.* This Ordinance, assigned no. 199, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 22nd day of January 2013.

COTTONWOOD HEIGHTS CITY COUNCIL

By 
Kelyvn H. Cullimore, Jr., Mayor




Linda W. Dunlavy, Recorder

VOTING:

Kelvyn H. Cullimore, Jr	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 22nd day of January 2013.

POSTED this 23 day of January 2013.

591269.1

Chapter 19.35
RO – RESIDENTIAL OFFICE ZONE

- 19.35.010 Purpose.**
- 19.35.020 Permitted uses.**
- 19.35.030 Conditional uses.**
- 19.35.040 Mixed use buildings.**
- 19.35.050 Limitations on use.**
- 19.35.060 Setbacks/yard requirements.**
- 19.35.070 Minimum lot size, depth, and width.**
- 19.35.080 Maximum height of structures.**
- 19.35.090 Maximum lot coverage.**
- 19.35.100 Master development plan required.**
- 19.35.110 Lighting.**
- 19.35.120 Screening.**
- 19.35.130 Landscaping requirements.**
- 19.35.140 Architectural review.**
- 19.35.150 Signage.**

19.35.010 Purpose.

A. The RO zone is intended to provide for the conversion of existing blocks of dwellings to small offices in order to stabilize adjacent residential areas and prevent the intrusion of non-compatible commercial uses. This zone is intended to function as a transitional zone between existing residential and traditional commercial uses by preserving the residential scale, intensity of use and ultimate design of the project. The RO zone allows the conversion of existing residences to office use and the development of vacant parcels with new office buildings designed to be compatible with existing adjacent residential dwellings. Compatibility will be ensured through strict analysis of applicable relationship, adjacency, reciprocity and alignment of RO-zoned buildings in association with existing neighborhoods. The restrictions in the RO zone are intended primarily for use in the city's older developed areas.

B

____ The RO zone is restricted to those locations and uses that will not materially increase traffic through residential neighborhoods, and it incorporates performance standards designed to prevent noise, lighting, parking and signs from intruding on or otherwise disrupting adjacent residential zones. Consequently, the RO zone is intended to accommodate small professional offices that attract a limited clientele, usually on an appointment basis. If such an operation later desires to expand, however, it is intended that the operation should relocate rather than enlarge the scope of the operation beyond the limits under this chapter.

19.35.020 Permitted uses.

Permitted uses in the RO zone are as follows:

- A. Single family dwelling.

19.35.030 Conditional uses.

Conditional uses in the RO zone are as follows:

A. Medical, optical, dental offices and clinics for health professionals, with the exception of after-hours care, overnight care or traditional medical retail stores, with a maximum gross floor area of 5,000 square feet on any one floor and 10,000 gross occupiable square feet;

B. Administrative, general or professional offices containing no more than 5,000 square feet on any one floor and 10,000 gross occupiable square feet;

C. Home occupations;

D. Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter;

E. Planned unit development;

F. Church;

G. School;

H. Retail sales secondary to office uses with no exterior or storefront displays;

I. Studios for an artist, designer, writer, photographer, sculptor or musician;

J. Child or adult day care facilities, with no overnight or after-hours care;

K. Residential facilities for elderly persons;

L. Medical clinics, provided that no after-hour or overnight care shall be permitted;

M. Reception center;

N. Planned unit development;

O. Twin homes; and,

P. Bed and breakfast.

19.35.040 Mixed-use building.

A mixed-use building is a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. No exterior displays for retail establishments will be allowed in mixed use buildings in the RO zone.

19.35.050 Limitations on use.

The following conditions and limitations shall apply in the RO zone:

A. The maximum floor area of each separate use confined within enclosing walls shall be limited to 5,000 square feet on the first story. Below-grade square footage (i.e. basements) shall not be included in the maximum floor area so long as the area below grade is not occupiable space.

B. The maximum floor area for schools shall be decided on a case-by-case basis by the planning commission pursuant to chapter 19.84 (Conditional Uses) of this title.

C. All business, service, repair, processing, and storage, including refuse and garbage storage, shall be conducted wholly within enclosed buildings.

D. Items produced or wares and merchandise handled shall be limited to those sold at approved retail on the premises.

E. Applicants applying under conditional uses under subsections A, B, D-G, I and nos. 1, 2, 4-7, 9 and K-P11-16 of section 19.35.0320 shall be required to receive a certificate of design compliance pursuant to a satisfactory design review from the city's aArchitecture rReview cCommission ("ARC").

F. Reception centers shall not use amplifiers or outside speakers to enhance or transmit music, speech or other sound.

19.35.060 Setbacks/yard requirements.

The setbacks and yard requirements in the RO zone are as follows:

A. The minimum yard along a street shall equal the front yard required in the least restrictive adjacent residential zone.

B. Minimum side yards of ~~twenty-five (25)~~ feet and rear yards of ~~thirty (30)~~ feet shall be required for those portions of a structure in an RO zone abutting a residential zone. For lots adjacent to a non-residential use, the minimum setback shall be ten ~~(10)~~ feet for side yards and ~~twenty (20)~~ feet for rear yards.

C. The minimum front, rear, and side yard setbacks for two-story buildings with commercial activity occurring on the second floor shall be at least 100% of the height of the principal structure, when adjacent to a residential zone.

19.35.070 Minimum lot size.

The lot size in the RO zone shall be as follows:

A. The minimum lot area shall be 7,000 square feet.

B. The minimum lot width at the front building line shall be 70 feet.

C. The minimum lot depth shall be 100 feet.

19.35.080 Maximum height of structures.

In the RO zone, structures shall not exceed a height of two stories or 35 feet, whichever is less.

19.35.090 Maximum lot coverage.

The maximum lot coverage in the RO zone is 50%, including all structures.

19.35.100 Master development plan required.

In the RO zone, developments of over one ~~(1)~~ acre, or developments with more than one building, will be required to submit a master development plan for review and approval by the planning commission.

19.35.110 Lighting.

A. Uniformity of lighting is desirable to achieve an overall design objective of continuity, and to avoid objectionable glare to adjacent residential areas.

B. The maximum height of luminaries shall be 18 feet unless the planning commission requires a lower height as part of its approvals. The light shall be low intensity, full cut-off, shielded from uses on adjoining lots, and directed away from adjacent property in a residential zone or an adjacent residential use.

C. Pedestrian walkways shall be lighted with bollards or lights at a maximum height of ten ~~(10)~~ feet.

19.35.120 Screening.

A. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or approved screening that is a minimum of six feet high with visually obscuring painted metal gates, or shall be enclosed within a building which shall match

the overall architectural goal of the development. Any trash or refuse receptacle area shall be a minimum of 50 feet from any residential zone boundary or property containing a residential use.

B. All ground-mounted mechanical equipment (including, without limitation, heating and air conditioning units) shall be completely screened from surrounding properties by a masonry wall or approved screening that is a minimum of six feet high with visually obscuring painted metal gates, or shall be enclosed within a building.

C. The use of roof appurtenances is discouraged. If roof appurtenances (including, without limitation, air conditioning units and mechanical equipment) are used, they shall be placed within an enclosure at least as high as the roof appurtenances that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the city's building code. Such enclosures require planning commission approval, and shall minimize visibility from on-site parking areas, adjacent public streets, and adjacent residential property. Roof appurtenances shall be counted towards the overall height of the building.

D. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground.

E. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties and public streets.

19.35.130 Landscaping requirements.

A. All developments in the RO zone shall dedicate at least 10% of the gross acreage to landscaping, including, without limitation, landscape buffers, seating areas, walkways, etc. Drought resistant plants are encouraged.

B. All developments in the RO zone shall provide a landscaped buffer, not less than eight feet in width, with trees planted no less than 30 feet on center, between any commercial development and any residential use or vacant land in a residential zone. This requirement can be included within the side and rear setbacks of the RO zone.

C. Developments in the RO zone are intended to blend with the surrounding land uses. For that reason, the landscaped buffer should not be used as an obstructing barrier between land uses, but rather provide a landscaped transition between uses, with pedestrian walkways and trails.

D. Private fences along streets should help to form a coherent street transition, and should create an attractive boundary between public and private realms.

19.35.140 Architecture review.

A. The ARC shall review the design of projects in the RO zone under its purview for design compliance. The ARC shall be especially concerned with new buildings, or revitalization of older buildings, and their relationship with adjacent existing neighborhoods. -The intent of the ARC review shall be to minimize effects on adjacent neighborhoods and to provide architectural continuity to help make an attractive and coherent community. In addition, the ARC shall ensure that reciprocity between buildings is achieved where possible, and shall ensure that alignment of buildings is consistent with established patterns of construction in the area and that architectural styles and themes are consistent and identifiable as appropriate for the zone and its surroundings.

B.

Revitalization or conversion of existing buildings, regardless of the proposed use, shall not alter the established residential characteristics of the existing building. –The ARC may, at its discretion, impose requirements on the proposed use of existing buildings in the RO zone to achieve continuity in architectural design.

19.35.150 Signage.

A. Commercial uses in the RO zone are intended to blend into and compliment the surrounding residential uses and not be readily apparent as commercial uses. Signage in the RO zone shall reflect that intent. The standards for signs in this section are also designed to protect adjacent residential uses from visual clutter, glare, and unsightly, bizarre and/or out of scale signs while allowing appropriate business signage.

B. All signage in the RO zone requires prior issuance of a certificate of design compliance from the ARC and conditional use approval by the planning commission. Issuance of a building permit is conditioned on such approvals.

C. Signs in the RO zone shall:

1. Consist of the business name and logo only. The business name shall be the primary design feature on the sign, and any logos or graphics shall be subordinate to the business name.

2. Emulate the color, design and scale of the structure and be located either on the street side of the building or next to the main entrance.

3. Be fabricated of high-quality, durable, attractive materials. A preference exists for signs that are made of certain durable natural materials (e.g. wood and stone) and/or and certain durable man-made materials (e.g. brick, ceramic, brushed metal, stainless steel and wrought iron).

D. Attached/hanging signs. Only one type of the following signs is allowed to be used per building:

1. Exterior wall business signs attached to a wall, fascia, door or window, with only one side of the sign visible.

(a) Exterior wall business signs are limited to one per building with a maximum sign area of six square feet per sign.

(b) The maximum character/letter height on exterior wall business signs is ten inches.

(c) Exterior wall business signs shall be located as close as possible to the business entrance; shall be mounted below the eave or parapet; and shall be located on the building so that the signage is compatible with the architectural features of the building exterior.

2. Exterior business hanging signs (so-called “shingle signs”) that hang from a bracket or chain mounted to the wall, porch or overhang of the building, with both sides of the sign typically visible and containing identical characters.

(a) Exterior business hanging signs are limited to one per building with a maximum sign area of three square feet per sign. Sign area shall be calculated by the area of only one side of the sign.

(b) Identical copy can be placed on both sides of the sign. The maximum character/letter height is ten inches.

(c) Exterior business hanging signs shall be installed as close to the business entrance as possible; shall not project more than 30 inches from the building; shall maintain a seven-foot vertical clearance from any pedestrian walkway; and shall not project over any driveway.

E. Monument signs. Only one monument sign is allowed per building, regardless of the number of businesses occupying a building. A monument sign may be erected in addition to an attached or hanging sign under subsection D, above.

1. Monument signs shall identify the business(es) in the building and shall be placed within a landscaped setting on the property.

2. The maximum size of a monument sign is 32 square feet per side, not to exceed 64 square feet for all sides. The sign's display area (containing letters, numbers or symbols) shall not exceed 20 square feet per side, not to exceed 40 square feet for all sides.

3. A monument sign shall not exceed four feet in height, and shall be set back at least three feet from all property lines.

F. Illumination. Businesses open during hours of darkness are allowed limited exterior sign lighting to identify the business to patrons.

1. Exterior sign lighting shall be turned off each evening by 12:00 a.m. and shall not be turned on again before 6:00 a.m.

2. All sign illumination shall be external direct. All illumination shall be aimed directly toward the sign and in a downward direction, and the lighting shall be designed to be architecturally compatible with the building. Lighting shall not be designed to be part of the sign.

3. Lights shall be limited to 25 watt incandescent bulbs or 20 watt halogen bulbs or their equivalent.

4. Lighting shall be limited to one light per three square feet of sign area for attached signs; one light for each side of a hanging sign; and three lights per side of a monument sign.

G. Permit required. All signs in the RO zone require a building permit prior to installation.

H. Prohibited signs. All sign types not specifically described in this section are prohibited.

I. Additional restrictions. The signage regulations for the RO zone in this chapter are in addition to the signage regulations in chapter 19.82 and elsewhere in this title. In the event of any conflict or inconsistency between this chapter and other applicable signage regulations in this title, the more restrictive provision(s) shall apply.