

Chapter 18.31 - CP-1, CP-2 and CP-3 Zones

18.31.010 Purpose and Intent.

A. The intent of the planned commercial zones is to permit the establishment of a well designed complex of retail commercial facilities for a neighborhood, community, or region which will provide goods and services for the people to be served, minimize traffic congestion on thoroughfares and public streets in their vicinity and which shall best fit the general environment and land use pattern of the area to be served.

B. The protective standards for site use and development contained in this chapter are intended to minimize any adverse effect of the planned commercial zone itself. If required, 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 the need or desirability to change the comprehensive zoning plan in the public interest, and the amount of land included in the rezoning application which could be realistically supported in commercial use. Such information is further intended to substantiate a finding that the proposed development will promote the general welfare of the city.

C. The three types of planned commercial zones provided for in this chapter are as follows:

1. Planned Neighborhood Commercial CP-1, provides for the sale and supply of daily living needs of the people living in the neighborhood.

2. Planned Community Commercial CP-2, provides in addition to convenience goods, a wider range of facilities for the sale of retail goods and personal services for the neighborhood and community.

3. Planned Regional Commercial CP-3, provides for the sale and supply of the complete range of retail and wholesale goods and personal services for the metropolitan area and also a center for recreational entertainment and cultural activities.

(Ord. 91-1, 6/11/91)

18.31.020 General Regulations.

A. At the time a CP zone is established and before building permits are issued, deed restrictions on the property covered under the proposed new zone change shall be filed by the owners of the property with the 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.

B. A CP 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.

C. A CP zone shall not be established 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.

D. The location of the CP zone shall have an acceptable relationship to the master street plan for the city as determined by the planning commission.

E. 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 which may be necessary to control traffic generated by the commercial center.

1. Street widening.
2. Ingress and egress driveways.
3. Acceleration and deceleration lanes.
4. Traffic control devices and signs, including channelization.

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 the case of CP zones bordering state highways.

F. 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.

G. 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:

1. The need or desirability to change the comprehensive zoning plan in the public interest.
2. The amount of land included in the rezoning application which can be realistically supported in commercial use.
3. The finding that the proposed development will promote the general welfare of the public. For the purposes of this section, the market analysis shall contain the following elements:

- a. The trade area of the proposed shopping center.
- b. Trade area population, present and potential.
- c. Effective buying power in the trading area.
- d. Net potential customer buying power for stores in the proposed shopping center.
- e. The residue of buying power to be expended in existing shopping centers or commercial areas serving the trade area.

H. Prior to the submission of the proposed ordinance rezoning an area to a CP zone, the developer shall submit all evidence deemed necessary by the city engineer and/or planning commission of his ability to undertake the proposed project.

I. No building or land use permits shall be issued for any use of structure in a CP 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.

J. 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 approval final site development plan shall be kept on file in the office of the planning commission and building inspector's department and any changes which may be approved shall be noted thereon.

K. The planning commission may specify at the time of zoning approval conditions of approval of the final site development plan including the sequence of development and may require that initial building permits must include the major facilities of a proposal. (Ord. 91-1, 6/11/91)

18.31.030 Review.

A. A building permit shall be secured and construction begun in accordance with the approved final site development plan within eighteen months for non-regional centers and thirty-

six months for regional centers, from the effective date of the ordinance establishing such zone or other period of time as determined by the planning commission. Application may be made to the planning commission for extension of the time limit for commencement of construction as follows: One six month extension for non-regional centers and two six month extensions for regional centers. Any further applications for extensions beyond these time limits would require a showing to the planning commission's satisfaction of unique conditions or situation and of imminent success in tenant leasing and construction commencement. All such applications shall include detailed documentation as to the circumstances and reasons for such request as required by the planning commission.

B. 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 comprehensive zoning plan.

C. All construction authorized in the approved final site development plan shall be completed within three 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 CP zone is recommended or may be approved by the planning commission prior to or during the course of construction of the commercial center.

D. In the event the construction is not completed within the time limit specified herein or by the planning commission, 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 comprehensive zoning plan. (Ord. 91-1, 6/11/91)

18.31.040 Use Regulations.

A. In planned commercial zones CP-1, CP-2 and CP-3, 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 one or more of the uses shown in attachment #1 at the end of this chapter. (Ord. 91-1, 6/11/91)

18.31.050 Yard and Height Regulations.

A. Maximum Heights.

1. CP-1 and CP-2 - 35 Feet;
2. CP-3 - 65 feet

B. Minimum Yard Setbacks.

1. Front, twenty feet for all buildings and walls or fences over three feet in height.
2. Side, none except ten feet adjacent to residential boundary.
3. Side facing street on corner lot twenty feet.
4. Rear, none except ten feet where building rears on a residential zone.

(Ord. 91-1, 6/11/91)

5. Any yard which abuts 600 West, 1000 West or that part of 1100 West below Pleasant View Dr., requires a minimum setback of forty feet for all buildings and walls or fences over three feet in height. (Ord 96-14, 9/24/96)

18.31.060 Special Parking Requirements. There shall be provided off-street parking facilities in the ratio of not less than three square feet of parking for each one square foot of sales floor area within the development; or as determined by the planning commission and/or city council. (Ord. 91-1, 6/11/91)

18.31.070 Protection of Adjoining Residential Properties-Buffer zone. The intent of which is

to separate noisy or unsightly commercial/manufacturing functions from residential functions. This buffer zone shall be created under the direction of and with the approval of the planning commission. The buffer zone shall be adapted to both the closeness to the residential use and to the nature of the commercial function. The buffer may be by planting, fence, distance or a combination of the three. Fences or planting, if used, shall conform to the requirements as set forth by the planning commission. (Ord. 91-1, 6/11/91)

18.31.080 Site Plan Approval Required.

A. A site plan shall be submitted to the planning commission which shows the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height, bulk and character of building, the provision for off-street parking space, the provision of driveways for ingress and egress, the provision for other open space on the site and the display of signs. Each of the foregoing features shall be in accordance with the site plan (or subsequent amendment thereof) of the proposed development approved by the planning commission prior to the issuance of a building permit.

B. A site plan shall include landscaping, fences, and walls designed to further the purpose of the regulations for commercial, manufacturing zones and such features shall be provided and maintained as a condition of the establishment and the maintenance of any use to which they are appurtenant.

C. In considering any site plan, the planning commission shall endeavor to assure safety and convenience of traffic movement, both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods, and that the requirements of this ordinance have been met.

D. In approving site plans, the planning commission may act on a site plan submitted to it or it may act on its own initiative in proposing and approving a site plan, including any conditions or required designated or specified therein or in connection therewith. (Ord. 91-1, 6/11/91)

Attachment #1, 18.31.040 Use Regulation

"P" will be permitted use.
 "C" will be allowed only when authorized by a Conditional Use Permit.
 "N" will not be allowed in that zone:

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
	CP-1	CP-2	CP-3
Accessory buildings and uses customarily incidental to a permitted use	P	P	P
Air conditioning sales and service.	N	P	P
Altering, pressing, and repairing of wearing apparel	P	P	P
Ambulance Base Stations	N	C	C
Animal Grooming, small animals only and provided business is conducted within completely enclosed building	C	P	P
Animal hospital, small animals only and provided is conducted within completely enclosed building	N	C	P
Antique, import, or souvenir shop	C	P	P
Archery shop and range, provided business is conducted within completely enclosed building.	N	P	P
Art and artist's supply store	P	P	P
Athletic and sporting goods store	P	P	P
Athletic club	N	C	P
Automobile parts sales	N	P	P
Automobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work, provided business is conducted within completely enclosed building	N	P	P
Awning sales and service.	N	P	P
Baby formula service.	P	P	P
Bakery manufacture limited to goods retailed on premises.	P	P	P
Bank or financial Institution	P	P	P
Barber shop	P	P	P
Beauty shop	P	P	P
Bicycle sales and service	P	P	P
Blue printing or photostating	C	P	P
Boarding house.	C	C	C
Boat sales and service.	N	P	P
Book store, retail.	P	P	P
Bottling works.	N	C	P
Bowling alley.	N	C	C
Building materials.	N	C	C

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
	CP-1	CP-2	CP-3
Uses			
Bus terminal.	N	C	C
Cab driver/Cab service	N	C	C
Café or cafeteria	C	P	P
Camera store.	P	P	P
Candy store confectionery	P	P	P
Carbonated water sales.	N	P	P
Carpenter and cabinet shops	N	C	P
Carpet, rug, and linoleum cleaning service	N	P	P
Car wash, self service manual spray	C	P	P
Car wash, automatic	N	C	C
Catering establishment.	C	P	P
China, crystal, and silver shop	P	P	P
Christmas tree sales.	P	P	P
Church.	C	C	C
Circus, carnival, or other transient amusement	N	C	C
Clothes cleaning and dyeing establishment	C	P	P
Clinics, medical or dental.	P	P	P
Clothing and accessory stores	C	P	P
Communication equipment building.	C	P	P
Costume rental	N	P	P
Dairy products store.	P	P	P
Day care center	P	P	P
Data processing service and supplies.	C	P	P
Dance studio.	C	P	P
Delicatessen.	P	P	P
Dental office	P	P	P
Department store.	C	P	P
Diaper service including cleaning	N	P	P

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
	CP-1	CP-2	CP-3
Uses			
Drapery and curtain store	C	P	P
Drive-in refreshment stands.	C	P	P
Drug store	P	P	P
Dry cleaning pickup station.	P	P	P
Educational Institution.	N	P	P
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	P	P	P
Electrical and heating appliances and fixture sales and service.	N	P	P
Electrical equipment sales and service	C	P	P
Employment agency	N	P	P
Equipment rental and service	N	C	C
Express and transfer service	N	P	P
Fabric and textile store	C	P	P
Film exchange establishment.	C	P	P
Fix-it shop.	C	P	P
Five and ten-cent stores	P	P	P
Flooring or floor repair	C	P	P
Florist shop	P	P	P
Frozen food lockers (Incidental to a grocery store or food business).	C	P	P
Fruit store or stand	P	P	P
Furniture sales and repair	N	P	P
Fur apparel sales, storage or repair	N	P	P
Garden supplies and plant materials sales.	P	P	P
Gift shop	P	P	P
Glass sales and service.	C	P	P
Government buildings or uses, nonindustrial.	C	P	P
Greenhouse and nursery	P	P	P
Grocery store.	C	P	P
Gunsmith	C	P	P
Gymnasium.	N	P	P

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
	CP-1	CP-2	CP-3
Hardware store	C	P	P
Health club.	N	P	P
Health food store.	P	P	P
Hemstitching shop.	C	P	P
Hobby and crafts store	P	P	P
Hospital supplies.	N	P	P
House cleaning and repair.	N	P	P
House equipment display.	N	P	P
Household appliance sales and incidental services	N	P	P
Ice cream parlor	P	P	P
Ice store or vending station	C	P	P
Insulation sales	N	P	P
Insurance agency	C	P	P
Interior decorating and designing establishment.	C	P	P
Jewelry store sales and service.	P	P	P
Laboratory, dental or medical.	C	P	P
Laundry or dry cleaners, Laundromat-type	C	P	P
Laundry or dry cleaning establishment.	C	P	P
Lawn mower sales	N	P	P
Leather goods, sales and service	P	P	P
Legal office	P	P	P
Library.	P	P	P
Linen store.	C	P	P
Liquor store	N	N	N
Locksmith.	P	P	P
Lodge or social hall	N	N	C
Lodging house.	N	C	C
Lounge	N	N	N
Luggage store.	P	P	P

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
	CP-1	CP-2	CP-3
Uses			
Lumber yard.	N	C	C
Manufacture of goods retailed on premises.	N	C	C
Meat, fish, and sea food store	C	P	P
Medical office	P	P	P
Millinery.	C	P	P
Miniature golf	N	P	P
Monument works and sales	N	P	P
Mortuary	N	C	C
Motel.	N	C	P
Motorboat sales and service.	N	P	P
Motorcycle and motor scooters sales & service	N	P	P
Museum	C	P	P
Music store	C	P	P
Needlework, embroidery, or knitting store	P	P	P
Newsstand	P	P	P
Night club or social club	N	N	N
Notions store	P	P	P
Novelty store	C	P	P
Nursery school	C	P	P
Office in which goods or merchandlse are not commercially created, exchanged, or sold	C	P	P
Office supply.	P	P	P
Office machines sales and service.	C	P	P
Oil burner shop.	N	C	P
Optometrist, optician, or oculist.	P	P	P
Ornamental Iron sales or repair.	C	P	P
Paint or wallpaper store	P	P	P
Paperhanger shop	C	P	P
Park and playground.	P	P	P
Parking lot or garage for passenger autos.	C	C	C

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
	CP-1	CP-2	CP-3
Uses			
Pest control and exterminator.	N	P	P
Pet and pet supply store	C	P	P
Pharmacy	P	P	P
Photographic supplies.	P	P	P
Photo studio	P	P	P
Popcorn or nut shop.	P	P	P
Post office.	C	P	P
Printing, lithographing, publishing, or reproductions sales and services	N	P	P
Plumbing shop.	C	P	P
Professional, office	P	P	P
Public utilities substation.	C	C	C
Radio and television sales	C	P	P
Radio, television, FM broadcasting station.	N	P	P
Real estate agency	C	P	P
Reception center or wedding chapel	C	C	C
Recreation center.	C	P	P
Rental agency for home and garden equipment.	C	C	P
Restaurant	C	P	P
Restaurant drive-in.	C	P	P
Roller skating rink.	N	C	C
Roofing sales or shop.	N	P	P
Second hand store.	C	P	P
Seed and feed store.	C	P	P
Service station, automobile excluding painting, body, fender, and upholstery work.	C	P	P
Service station, self service only.	C	P	P
Sewing machines sales and service.	C	P	P
Shoe repair or shoe shine shop.	P	P	P
Shoe store	C	P	P
Sign, animated (only time & temperature animated sign in CP-2.)	C	C	C

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
	CP-1	CP-2	CP-3
Sign, business	C	P	P
Sign, construction project	C	P	P
Sign, flat	C	P	P
Sign, free standing.	C	P	P
Sign, Identification and Information	C	P	P
Sign, marquee.	C	P	P
Sign, name plate.	C	P	P
Sign, off premlse.	C	P	P
Sign, projecting	C	P	P
Sign, roof	C	P	P
Sign, temporary	C	P	P
Sign, wall	C	P	P
Storage rental units (personal)	N	C	C
Storage, contractor equipment	C	P	P
Supermarket.	C	P	P
Tailor shop.	P	P	P
Tavern	N	N	N
Taxidermist.	C	P	P
Temporary building for uses incidental to construction work. Such building shall be removed upon completion of construction work	P	P	P
Theater, Indoor.	N	P	P
Theater, outdoor	N	C	C
Tobacco shop	N	C	P
Tourist courts	N	C	C
Toy store, retail.	C	P	P
Towel and linen supply service	N	P	P
Travel agency.	P	P	P
Transfer company	N	C	C
Typewriter repair.	C	P	P
Upholstery shop.	C	P	P

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
	CP-1	CP-2	CP-3
Uses			
Used car lot	N	C	P
Variety store.	C	P	P
Vegetable store or stand	P	P	P
Ventilation equipment sales and service.	N	C	P
Warehouse storage.	N	N	P
Welding shop	N	C	C
Window washing establishment	C	P	P

(Res. 93-A(2), 5/25/93) (Ord. 93-5, 2/9/93) (Ord. 95-11, 10/24/95)