

Chapter 29.13. Commercial Districts. ¹

Sections:

- 29.13.010. Purpose.
- 29.13.020. Codes and Symbols.
- 29.13.030. Area, Width, Frontage, Yard and Coverage Regulations.
- 29.13.040. Height Regulations.
- 29.13.060. Landscaping.
- 29.13.070. Special Provisions.
- 29.13.080. Uses Not Listed.

29.13.010. Purpose.

A. General Commercial (GC) Zone: The purpose of this zone is to establish a district for a combination of commercial, office, entertainment, retail, and service businesses and activities. The zone is designed to allow a range of businesses with access from major streets. This zone is distinguished from the Central Business District by the accommodation of uses that may generate a lower level of pedestrian activity. A high level of quality is required in project design.¹

B. Central Business District (CDB) Zone: The purpose of this zone is to establish a district for retail, entertainment, service and heritage related businesses and activities that are intended to cultivate a high level of pedestrian activity, and encourage both daytime and nighttime consumer activity. This zone is also intended to protect the unique nature of the Brigham City downtown area. Regulations of this zone are designed to provide a suitable environment for those commercial and service uses which are vital to economic life, with an emphasis on retail, service, entertainment and heritage enterprises. A high degree of quality is required in project design. Compatibility of new construction with existing architecture is required.

29.13.020. Codes and Symbols.

In the following Section of this Chapter, uses of land or buildings which are allowed in the various districts are shown as "permitted uses," indicated by a "P" in the appropriate column, or as "conditional uses," indicated by a "C" in the appropriate column. If a use is not allowed in a given district, it is either not named in the use list or it is indicated in the appropriate column by an "N". No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the commercial districts except as provided in this ordinance.

	GC	CBD
1. ACCESSORY USES/BUILDINGS AND TEMPORARY BUILDINGS:		
Accessory Uses and Buildings customarily incidental to the permitted uses	P	P
Accessory Uses and Buildings customarily incidental to the conditional uses	C	C
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	C	C
2. AUTOMOBILE SALES AND SERVICES:		
Automobile Fuel or Service Station	P	N
Automobile Dealership, new or used the parcel or lot shall be a minimum of one (1) acre in size with a minimum street frontage of one-hundred (100) feet. Incidental service and repair are to be conducted within an enclosed building.	P	N

¹ Chapter significantly revised with Ordinance No. 09-03, dated 1/19/09

	GC	CBD
Automobile lube and oil center	P	N
Automobile parts, new or reconditioned stored parts and business conducted within enclosed building	P	N
Automobile Service and Repair provided all work and storage is conducted within a completely enclosed building	P	N
Car wash ² ; automatic or manual provided property not adjacent to residential dwelling property line	C	N
Parking lot incidental to a use conducted on the premises	P	P
Parking lot not incidental to a use conducted on the premises	P	P
3. DWELLINGS AND OTHER LIVING QUARTERS:		
Assisted Living Facility ³	P	N
Bed and Breakfast (see Section in this Title)	C	C
Boarding House	N	N
Dwellings existing only, no new or conversion to a greater number of residential units. Any permitted modifications shall comply with the R-M-7 Zone standards.	P	P
Homeless Shelter	N	N
Hotel; Motels	P	P
Multiple Family Dwellings, part of a commercial development dwellings may be stand alone, not connected to or part of a commercial building, as long as it is integrated into the overall project, subject to: A. Project area at least 40 acres B. Development Agreement to establish landscaping, architectural and usable recreation area standards C. A maximum of 30% residential development within project area D. R-M-30 Zone standards E. At least 50% of the residential units shall be recorded and constructed in a manner to allow for home ownership	C	C
Nursing Home	P	N
Protective Housing Facility	P	N
Residential Facility for Elderly Persons (see Chapter in this Title)	P	P
Residential Facility for Persons with a Disability (see Chapter in this Title)	P	P

²Ordinance No. 03-46, dated 10/30/03

³ Ordinance No. 01-17, dated 2/15/01

	GC	CBD
Single or Multiple Family Dwellings located in the same building and located above, behind, or beneath a principal commercial use	C	C
Transitional Housing Facility	C	N
4. PUBLIC AND QUASI-PUBLIC:		
Church; Religious Institution	P	C
College, private or public	C	C
Educational Institution	C	C
Essential Service Facilities	C	C
Parks	P	P
Golf Courses; Swimming Pools and Other Recreation Areas	P	N
Public Buildings	P	P
Public Utility Installations	P	C
School, Charter	P	C
School, Private	C	C
School, Public	P	C
School, Trade or Vocational	C	C
University, Private or Public	C	C
5. RECREATION AND ENTERTAINMENT:		
Art Gallery; Art Museum	P	P
Archery Shop and/or Range, conducted within enclosed building	P	P
Athletic Club; Health Club; Spa Fitness Center; Sports Courts	P	N
Bicycle Shop	P	P
Bowling Alley	P	N
Dance Studio	P	N
Gymnasium	P	N
Martial Arts Studio; Karate Studio	P	N
Miniature Golf Course	P	N
Recreation Center	P	P
Sexually-Oriented Business (see Chapter in this Title)	N	N
Social Club; Billiards or Pool Hall	C	C
Swimming Pool	P	N

	GC	CBD
Skating Rink	P	C
Theater, indoor	P	P
6. SALES AND RELATED SERVICES:		
Appliance and Furniture Store	P	P
Art Shop and/or Art Supply	P	P
Bakery; Candy Making; Confectionery; Nut Shop	P	P
Bookstore	P	P
Building Material/Hardware Sales conducted within enclosed building	P	N
Catering Establishment	P	P
Clothing Store	P	P
Copy Center; Printing; Publishing	P	P
Delicatessen	P	P
Department Store	P	P
Fast Food establishment with drive-in or drive-up window	P	N
Fast Food establishment without drive-in or drive-up window	P	P
Florist Shop	P	P
Greenhouse; Nursery; Plant Materials; (see Special Provisions of this Chapter)	P	N
Grocery Store; Health Food Store	P	P
Gunsmith	P	P
Home Improvement & Garden Store (see Special Provisions of this Chapter)	P	N
Mail Service; Private Postal Service	P	P
Monument Sales	P	N
Music and/or Movie Store	P	P
Office Supply; Office Machines, sales and repair	P	P
Pawn Shop shall not be located within 5,280 feet (one mile) of another pawn shop inside or outside the City jurisdictional boundaries. The distance shall be measured in a straight line, without regard to intervening structures or zoning districts, from the entry door of each shop. One (1) pawn shop shall be allowed for every ten thousand (10,000) residents living in Brigham City. The total population figures shall be based on the U.S. Census Bureau's annual estimates	P	N
Pet Shop; Pet Grooming	P	N

	GC	CBD
Pharmacy; Drugstore	P	P
Photographer or Photography Shop	P	P
Price-Point Retail Establishment shall not be located within 5,280 feet (one mile) of another price-point retail establishment inside or outside the City jurisdictional boundaries. The distance shall be measured in a straight line, without regard to intervening structures or zoning districts, from the entry door of each shop. One (1) price-point retail establishment shall be allowed for every ten thousand (10,000) residents living in Brigham City. The total population figures shall be based on the U.S. Census Bureau's annual estimates	P	N
Repair Services (e.g. appliances, heating and air conditioning, plumbing)	P	N
Restaurant; Café; Microbrewery; Eating Establishment with or without on premise alcohol consumption sales	P	P
Secondhand or Thrift Store conducted within enclosed building	P	P
Seed and/or Feed Store conducted within enclosed building, no outside bins	P	N
Shopping Center containing only permitted uses	P	N
Specialty Retail Stores (e.g. gift, hobby, craft, jewelry, interior decorating, antiques)	P	P
Sporting Goods Store	P	P
State Liquor Store	P	P
Tire Store, sales and repair conducted within an enclosed building and no outside storage	P	N
7. SERVICE ACTIVITIES:		
Animal Hospital, small animals only provided all animals are maintained and kept within enclosed building	P	N
Business or Financial Services	P	P
Clinic, Dental or Medical	P	P
Crisis Nursery	C	C
Day Care Center	C	N
Depository Institution (e.g. bank, credit union)	P	P
Hospital	P	N
Key and Lock Service	P	N
Laboratories, dental or medical	P	P
Laundry cleaning, automatic self-help	P	N

	GC	CBD
Laundry cleaning, drop off dry cleaning and/or pressing, <i>on-site or off-site</i>	P	N
Mortuary; Funeral Home	P	N
Non-Depository Institution shall not be located within 5,280 feet (one mile) of another non-depository institution inside or outside the City jurisdictional boundaries. The distance shall be measured in a straight line, without regard to intervening structures or zoning districts, from the entry door of each institution. One (1) non-depository institution shall be allowed for every ten thousand (10,000) residents living in Brigham City. The total population figures shall be based on the U.S. Census Bureau's annual estimates	P	N
Office, Business or Professional	P	P
Personal Services (e.g. barber and beauty shop, tanning salon, tailor shop, shoe repair)	P	P
Physical Therapy; Sports Therapy; Massage Therapy	P	P
Reception Center; Social Hall	P	P
Rehabilitation/Treatment Facility	C	N
Rental Shops no outside display or storage	P	P
Rental Equipment including moving equipment and vehicles, excluding truck-tractor or semi-trailer	P	N
Surgical Center	P	N
Tattoo Establishment including body art, body piercing, scarification, and branding	N	N
Taxidermist	P	P N
Travel Bureau	P	P
8. TRANSPORTATION:		
Bus Stops	P	P
Freight Transportation Service	N	N
Park and Ride Facilities	P	N
Taxi Hub	N	N
Taxi Service	P	P
Towing Service	N	N
Transfer Company	N	N
Truck Stop and Service Facilities	N	N

29.13.030. Area, Width, Frontage, Yard and Coverage Regulations.

A. The area, width, frontage, and yard standards shall be regulated by design review or by planned unit development approval, except that no commercial building shall be located closer than fifteen (15) feet

to any residential district boundary line or to any public right-of-way that continues as frontage into a residential district within the same City block, not including Main Street and West Forest Street, unless in compliance with the exception noted below through a conditional use permit.

Exception: A commercial building that meets all of the following requirements:

- Not greater than two thousand (2,000) square feet in area
- Less than twenty (20) feet in height
- Built with materials that are aesthetically compatible to a residential district
- Located adjacent to residential lots rear or side yard
- In the opinion of the Planning Commission does not adversely affect the residential district due to noise, odor or similar nuisances

B. The maximum building or structure coverage of a lot or parcel shall be fifty (50%) percent, unless otherwise permitted by planned unit development approval.

29.13.040. Height Regulations.

The maximum height for all buildings and structures shall be seventy-five (75) feet or seven (7) stories.

29.13.050. Protection of Residential Property.

A. Where a commercial development adjoins any residential zone or residential use, there shall be provided along the adjoining property line a six (6) foot solid masonry wall. A wall is not required along the adjoining property line in the required front yard setback. If a wall is installed along the property line in the required front yard setback shall comply with the height and location standards as referenced in the Regulations Governing Fences and Walls Section of this Title.

B. Where a multiple family residential development adjoins any single family residential use, there shall be provided along the adjoining property line a six (6) foot solid fence or masonry wall (chain link fencing with slats is not considered a solid fence or wall for purposes of this Section). A fence or wall is not required along the adjoining property line in the required front yard setback. If a fence or wall is installed along the property line in the required front yard setback it shall comply with the height and location standards as referenced in the Regulations Governing Fences and Walls Section of this Title.

29.13.060. Landscaping.

Landscaped areas are used to frame and soften structures, to define site functions, to enhance the quality of the environment, and to screen undesirable views. Landscaping should complement the buildings and surroundings to make a positive contribution to the aesthetics and function of both the specific site and the area. The following characteristics will need to be addressed in the design of each commercial project:

A. Landscaped areas should generally incorporate planting utilizing a three tiered system; 1) grasses and groundcover; 2) shrubs and vines; and 3) trees. Landscape design and construction should emphasize drought tolerant landscaping where possible.

B. All areas not covered by approved buildings and structures or required parking, must be completely landscaped and maintained using an automatic irrigation system. All areas not covered by an approved building, required parking, trees or shrubs shall be covered by grass or another acceptable ground cover such as bark, wood chips, or decorative rocks. Dirt, weeds and similar materials are not considered acceptable ground cover.

C. All required landscaping must be properly maintained.

D. Plant materials will be placed in a manner that avoids interference with project lighting or restriction of access to emergency apparatus such as fire hydrants or fire alarm boxes. Landscaping should preserve the clear view area defined in this Title.

E. Planting areas will be protected from vehicular and pedestrian encroachment by raised planting surfaces, bumper guards, or the use of curbs.

F. Plants in containers or planter boxes are encouraged for areas adjacent to store fronts along walkways provided that the containers or planter boxes do not obstruct pedestrian or vehicular circulation.

G. Vines and climbing plants integrated upon buildings, trellises, and perimeter walls are not only attractive, but also help discourage graffiti and are encouraged in appropriate areas.

H. Existing mature trees, riparian corridors, and view sheds should be preserved and incorporated into the project landscaping.

I. Storm drainage facilities should be incorporated into the landscape design and appear to be a part of the overall project.

J. No species of trees or large shrub should be planted under overhead lines or over underground utilities if its natural growth may interfere with the installation or maintenance of any public or private utility.

~~K. A complete landscaping plan is considered part of an application for Site Plan review and shall~~

~~include the types and sizes of all planting materials. A minimum of one evergreen tree no less than five (5) feet in height or deciduous tree with no less than two (2) inch caliper for every one thousand (1,000) square feet of land not covered by an approved building or required parking. Each plan should include a variety of planting materials and a mixture of evergreen and deciduous trees.~~

~~1. For the purposes of this Section, if a fractional number is obtained in calculating the tree requirement, the fraction will either be rounded up to a whole number if a point-five (.5) or greater or disregarded if a point-four (.4) or less.~~

~~2. The Planning Commission, upon receiving a recommendation by the City Forester may approve a modification to the number of required trees if the property owner seeking development approval presents substantial evidence demonstrating that the modification, as determined by the Planning Commission, should be approved based on one of the following reasons:~~

~~a. the strict application of the number of trees will result in an unreasonable hardship as the result of shallow lot depth, irregular lot shape, unusual topography or other similar factors including soil condition, tree spacing, or utility conflict; or~~

~~b. the proposed modification constitutes an innovative landscaping design which is superior to the landscaping that would result from application of required standards.~~

~~If the Planning Commission grants a modification under this Subsection, it shall make specific findings justifying the modification.~~

~~3. Existing trees on the said property may count toward the requirements upon the City Forester's inspection and approval. Consideration includes the size, type, location and condition of the tree(s).⁴~~

~~K. A complete landscaping plan is considered part of an application for Site Plan review and shall include the types and sizes of all planting materials. A minimum of one evergreen tree no less than five (5) feet in height or deciduous tree with no less than two (2) inch caliper for every one thousand (1,000) square feet of land not covered by an approved building or required parking. Each plan should include a variety of planting materials and a mixture of evergreen and deciduous trees.~~

~~1. For the purposes of this Section, if a fractional number is obtained in calculating the tree requirement, the fraction will either be rounded up to a whole number if at point-five (.5) or greater or disregarded if a t point-four (.4) or less.~~

~~2. The Planning Commission, upon receiving a recommendation by the City Forester, may approve a modification to the number of required trees if the property owner seeking development approval presents substantial evidence demonstrating that the modification, as determined by the Planning Commission, should be approved based on one of the following reasons:~~

~~a. the strict application of the number of trees will result in an unreasonable hardship as the result of shallow lot depth, irregular lot shape, unusual topography or other similar factors including soil condition, tree spacing, or utility conflict; or~~

~~b. the proposed modification constitutes an innovative landscaping design which is superior to the landscaping that would result from application of required standards.~~

~~If the Planning Commission grants a modification under this Subsection, ti shall make specific findings justifying the modification.~~

~~3. Existing trees on the said property m ay count toward the requirement upon the City Forester's inspection and approval. Consideration includes the size, type, location and condition of the tree(s).~~

~~L. Refer to 1100 South Corridor Design Guidelines, West Forest Street Design Guidelines and West Forest Street Corridor Overlay, and the Historic Downtown Design Guidelines for specific landscape requirements.~~

29.13.070. Special Provisions.

A. Any area outside of a building used for any activity other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from the street or from adjoining parcels (chain link fencing with slats is not considered a solid fence or wall for purposes of this Section).

B. All uses shall be conducted from enclosed buildings except automobile fuel or service stations, carwashes, automobile and recreational vehicle sales, rental or lease, off-street parking and loading, plant material nurseries, outdoor restaurants, and commercial recreation, unless otherwise permitted by planned unit development or conditional use permit.

C. All uses shall be free from objectionable noise, hazards, or nuisances.

D. Properties located within the 1100 South Corridor, West Forest Street, and Historic Downtown

⁴ Ordinance No. 09-06, dated 4/30/09

areas of the community are subject to established Design Guidelines.

29.13.080. Uses Not Listed.

The Zoning Administrator shall have the authority to identify and categorize unlisted uses within the listed permitted or conditional uses of this Chapter, based on a finding of substantial similarity of character, origin, and impact, etc., to a listed use, and when so categorized such use shall thereafter be recognized and treated the same as a listed use.