

CHAPTER 11
COMMERCIAL ZONES
ARTICLE G. DOWNTOWN MIXED USE OVERLAY (DMU)

10-11G-1: PURPOSE AND OBJECTIVES:

A. Purposes: The purpose of the Downtown Mixed Use Overlay is as follows:

1. To promote the redevelopment and beautification of properties in Historical Downtown Pleasant Grove.
2. To allow residential units to be located in the Downtown Village Commercial Sub-district Zone while maintaining the street level commercial character.
3. To allow for the creation of a new housing alternative that will provide individuals with the opportunity to live in proximity to places they work and shop by creating a more walkable community that has the potential of reducing the number of vehicular trips per person.

10-11G-2: LOCATION OF DOWNTOWN MIXED USE OVERLAY:

A. Locations: The Downtown Mixed Use Overlay zone is for application within the Downtown Commercial Sub-district Zone within the area as identified on Exhibit A.

Exhibit A.



10-11G-3: PERMITTED AND CONDITIONAL USES:

- A. Uses Listed Permitted:** Those uses or categories of uses as listed herein, and no others, are permitted in the Downtown Mixed Use Overlay (see section 10-15-2 of this title for establishment of uses permitted in the underlying zone and not specified herein).
- B. Standard Land Use Code:** All uses contained herein are listed by a four (4) digit number as designated in the standard land use code published and maintained by the community development department.
- C. Permitted with Limitations:** All such categories listed herein and all specific uses contained within them in the standard land use code will be permitted in the Downtown Mixed Use Overlay, subject to the limitations set forth.
- D. Permitted Principal Uses:** The following principal uses and structures, and no others, except as noted in sub-section E of this section, are permitted in the Downtown Mixed Use Overlay:

Use Number	Use Classification
1133	Multi-family dwellings; attached above a non-residential use
1153	Apartments (high rise), including Condominiums, attached on a non-residential parcel, without attached garages.
1300	Residential Hotels (guests stay more than 30-days)
7424	Private recreational center/facilities

- E. Conditional Uses:** The following uses and structures are permitted in the Downtown Mixed Use Overlay only after a conditional use permit has been issued, and subject to the terms and conditions thereof:

Use Number	Use Classification
1113	Single-family dwelling (attached to commercial or other nonresidential use)
1123	Two-family dwelling (attached to commercial or other nonresidential use)
6376	Storage Units (as part of a mixed-use development)
7621	Developed park land, leisure and ornamental

- F. Commercial Use of Ground Levels.** Please refer to 10-11E-15 / Item K of the underlying Sub-district Zone.
- G. Residential Uses.** Any personal residential use listed on the Permitted Land Uses list above shall be permitted on the floors above the ground level in the Downtown Mixed Use Overlay zone. The number of residential units allowed shall be limited by the number of parking stalls provided, as outlined in Section 10-11G-7J, below.

H. Condominium Ownership. Eighty percent (80%) of all residential units shall be built to be sold as individually owned condominiums. The remaining units may be either individually owned or utilized as residential hotel extended-stay rental properties.

10-11G-4: PROCESS OF APPROVAL:

A. Neighborhood Meeting. Applicants seeking approval of a mixed use project will be required to submit the results of a neighborhood meeting held with property owners within three hundred (300) feet of the property on which a mixed use project is proposed prior to or with the submission of the Site Plan application.

B. Process for Approval. Please refer to Section 10-11E-14 of the underlying Sub-district Zone.

1. Recommendation from the Downtown Advisory Board (DAB); Site Plan, Amended Site Plans and/or any subdivision plat must go before the DAB and obtain a recommendation prior to a public hearing.

2. Completion of Improvements; all public improvements shown on an approved site plan or amended site plan shall be completed within two (2) years of the date of approval or recording of the site plan or final plat, whichever is later. If the improvements are not completed within the time specified, the City shall have the option of taking action on the bond to complete the improvements or of voiding the approval. An applicant may request an extension of up to two (2) years for the completion of improvements from the Community Development Director. An extension of two (2) years may be granted only if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements. No building permits shall be issued until all improvements have been installed and accepted by the City.

3. Change of Use; an amended site plan complying with the requirements of Section 11-7-7 and this chapter shall be required whenever the owner proposes to change the use of any portion of a building from either residential to commercial or commercial to residential.

10-11G-5: DEVELOPMENT STANDARDS:

A. Development Standards:

1. Height; please refer to Section 10-11E-10 of the underlying zone.

2. Required Setbacks; please refer to Section 10-11E-8 of the underlying zone.

3. Frontage and Accessibility. All buildings shall front on a street or plaza area. In order to encourage a walk-able community, all residential units shall be accessible from the ground floor of the building façade fronting on the street or plaza. Such entrances shall be designed with compatible architectural features. Slight variations may be allowed with façade depth and color, canopies, stairs, etc. In order to encourage pedestrian traffic, building entries and lobbies (including those for residential units) shall be oriented to and shall be accessible from a street or plaza.

4. Design Layout; Since the Downtown Mixed Use Overlay Zone is intended to redevelop and improve the walk-ability of downtown and to enhance the commercial tax base of the City, any development in the Downtown Mixed Use Overlay Zone shall locate commercial space immediately fronting on a collector or arterial street. Parking areas shall be located toward the interior of the property, or underground, to the maximum extent practical. Generally, buildings that are most closely situated to the street shall not have parking areas located between the buildings and the street.

5. Architectural Style; All developments within the Downtown Mixed Use Overlay Zone, including national chain stores, restaurants and parking structures, shall follow the design theme as described in Pleasant Grove Downtown Village Design Standards and Guidelines. The City Council shall deny approval for any Site Plan that fails to conform to the requirements of the Pleasant Grove Downtown Village Design Standards and Guidelines.

6. Building Materials; All buildings shall be completed on all sides with acceptable finishing materials that are consistent with the Pleasant Grove Downtown Village Design Standards and Guidelines, which are to follow a turn of the 20th Century design as a uniform design theme.

7. Other; for all other Development Standards, please refer to Section 10-11E of the underlying zone.

8. Pedestrian and bicycle circulation; all developments in the Downtown Mixed Use Overlay Zone shall be designed to encourage pedestrian and bicycle circulation. Pedestrian and bicycle access shall be consistent with approved City trails systems master plans.

10-11G-6: PARKING:

A. Parking:

1. Residential density is based on the amount of parking provided. The base residential density shall be equal to the number of parking stalls provided for non-residential uses divided by three. For example, if two hundred (200) parking stalls were required for non-residential floor space, the base residential density would be sixty-six (66) units. Additional residential units in excess of the base residential density shall be allowed provided that two (2) parking stalls are provided for each residential unit in excess of the base residential density.

2. Four (4) parking stalls shall be provided for every one thousand (1000) square feet of gross leaseable floor area of non-residential use. The number of parking stalls required for residential units shall be determined as follows:

a. One (1) parking stall shall be required for each residential unit included within the base residential density (as defined in Chapter 10-18).

b. Two (2) parking stalls shall be required for each residential unit in excess of the base residential density.

3. Up to twenty-five (25%) percent of the parking spaces required by this section may be unassigned and eligible for shared parking, except that at least one space shall be assigned to

each dwelling unit.

4. RV parking; the storage of recreational vehicles (RVs) shall not be allowed in the Downtown Mixed Use Overlay Zone.

5. Please refer to Section 10-11E-13 of the underlying zone, for all other parking regulations not covered in this section.

6. The City Council may approve a waiver to the above parking requirements, based upon the recommendation of a professional parking study.

10-11G-7: OTHER REQUIREMENTS:

A. General Landscaping Requirements: Please refer to Section 10-11E-15/Item C of the underlying zone.

B. Guarantees and Covenants: Final approval of a Downtown Mixed Use Overlay development cannot be granted without the developer's submittal of a proper declaration of covenants, conditions, and restrictions (CC and Rs). They are to include the following:

1. CC and R's; the applicant (developer) of any Downtown Mixed Use Overlay development shall, prior to the conveyance of any unit, submit to City Staff a declaration of covenants, conditions, and restrictions (CC and Rs) relating to the project, which are to be given Final Plat approval by the City Council, and shall be recorded to run with the land. Said covenants, conditions, and restrictions shall include management policies, which shall set forth the quality of maintenance that will be performed, and who is responsible for said maintenance within the Downtown Mixed Use Overlay development. As a minimum the said document shall include the following:

a. The care and maintenance of all Common or Limited Common areas, facilities, and private streets shall be insured by the developer by establishing a private Home Owners Association.

b. A professional property management company is to be hired by the HOA to govern the responsibility for all maintenance. Maintenance of the Common/Limited Common areas, facilities, and private streets shall be managed by an established property management company where there is adequate expertise & experience in property management, to assure that said maintenance is sustained, and accomplished efficiently, and at a high standard of quality. Contact information and a copy of the governing contract for the current property management company shall be submitted to be on file with the office of the Pleasant Grove City Clerk.

2. HOA Failure; in case of failure or neglect to comply with any and all of the conditions & regulations established herein, and as specifically made applicable to a Downtown Mixed Use Overlay development, such failure or neglect to comply with the requirements and to maintain the buildings, amenities and premises in accordance with the conditions or approval thereafter, shall also be deemed to be a violation of this Chapter and the following may apply:

a. In the event the Common areas and amenities are not properly maintained, or the HOA is dissolved, the property management company is to remain in place to govern the Downtown Mixed Use Overlay development, and enforce the CC and Rs. The property management company is also to continue to follow all City ordinances, in addition to those regulations specifically assigned to the Downtown Mixed Use Overlay development in question. Responsibility for payment to the property management company shall lie jointly and severally with the property owners.

C. Soils Report: A soils report prepared by a soils engineer shall be submitted concurrent with the submittal of any site plan to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if the Soils Report recommends them.

D. Signage: Please refer to Section 10-11E-15 / Item A of the underlying zone.

E. Traffic Study: The developer shall be required to submit a comprehensive traffic impact study (CTIS) prepared by a Professional Transportation Engineer licensed to practice in the State of Utah that analyzes the impact of development of the entire property zoned Downtown Mixed Use Overlay at the time of the first site plan application. The CTIS shall evaluate the vehicle, bicycle, and pedestrian traffic both on site and in the general vicinity of the project. The CTIS shall evaluate trip generations, turning movements to and from the property, street geometrics, and traffic safety on and off the site. The CTIS shall also address relevant items including but not be limited to the following: surrounding street and intersection levels of service (LOS) before and after the project is completed, any mitigation efforts recommended to minimize project traffic impacts, proposed public and private street widths and alignments, site mobility, access management, potential traffic signal locations, street striping, signage, etc. Each site plan shall reflect and incorporate the recommendations of the CTIS and the individual traffic study and any other requirements that the City may deem necessary based upon the CTIS and/or the individual traffic study.

F. Provisions not Listed: For those provisions and regulations not listed, specified or otherwise covered within the Mixed Use Overlay, persons shall refer to the underlying Downtown Commercial Sub-district found in Section 10-11 / Article E.