MEMORANDUM

To:	Cottonwood Heights Planning Commission
From:	Glen Goins, Senior Planner
Date:	May 25, 2016
Subject:	Old Mill I CUP & Site Plan Amendment

REQUEST

The project is a request by Beckstrand and Associates to approve a conditional use and site plan amendment of a portion of the property associated with Old Mill I development, located at 6322 South 3000 East, on the southwest corner of 6200 South 3000 East.

BACKGROUND

With the early development of the Old Mill project, UDOT and Cottonwood Heights, through a development agreement, allowed Old Mill Corporate Center to temporarily utilize a portion of Phase I of the property, on the northeast corner, in order to construct the existing building. When that property was developed, UDOT and the city allowed Old Mill to temporarily utilize a portion of their property for a drive access, parking stalls and associated landscaping. The city recognized the use of the UDOT property and by means of a development agreement, allowed for temporary parking, as it is constructed today. The request is to leave the site in its current configuration, and at such time as when UDOT requires use of that property, Old Mill will remove that portion of the site, in favor of the needed use.

The project requires Planning Commission approval because of the potential future elimination of all or a portion of the UDOT property. The site, without the UDOT portion, meets the city code for landscaping and parking. Existing agreements with Old Mill allow for 100% of the required parking to be located in the adjacent parking structure. Setbacks were approved by Salt Lake County and were based on Old Mill's use of the UDOT property. Any future changes to the site may render one or more building setbacks to be legally nonoconforming.

MODEL MOTIONS

Sample Motion for Approval – "I move that we approve project CUP-16-006, a request for conditional use permit and site plan amendment."

- List any proposed additions or changes….
- List any additional findings…..

Sample Motion for Denial – "I move that we deny project CUP-16-006, a request for conditional use permit and site plan amendment."

- List findings for denial….

CUP 16-006
Old Mill I Parking

MEMORANDUM

BECKSTRAND
& ASSOCIATES

To: Brian Berndt, Glen Goin

From: Steven Hopkins

Date: April 18, 2016

Subject: Old Mill Corporate Center East Lot -- History

You asked me to recount the history of the development of the East Lot at Old Mill Corporate Center for the benefit of the Planning Commission and City Council. I will be brief here but I am happy to answer any questions that still remain open.

1. **Need for Additional Parking During Construction of Old Mill IV and Structure**

   When we began planning construction of Old Mill IV it was apparent we would need a place to park our tenants. We approached Kevin Smith of Cottonwood Heights and requested that we be allowed to park on 6200 South and 3000 East during construction. Kevin thought that UDOT would not allow it and we began trying to figure out something that might work. Kevin ultimately recommended that we build the East Lot. We were willing but very concerned about the large cost of the lot.

2. **Development Agreement and Construction**

   The City agreed to allow us to fastrack the approvals of the lot but required that we retain all storm water and meet all other engineering requirements. We were required to detain all the water coming from Old Mill I's roof and existing parking as part of the construction even though this was to be called a temporary lot. The large cost of the lot was a challenge for us given that we very well might be tearing it out later. We were assured that if we built it well, that it might never need to be removed. We proceeded on this premise and built it to the high standard of the rest of our facilities in hopes that we might never have to remove it. Of course, the Development Agreement allowed the City to demand that we remove it after construction of Old Mill IV was complete and we understood that the City needed that right. We were, however, optimistic that we could reach an understanding with the City in the event it became an issue.

3. **Operation**

   Our tenants, the Unified Fire Authority and virtually everyone who visits Old Mill I as a guest or customer of Knickerbockers Deli has enjoyed the ability to drive around the building in its entirety. The UFA has said the access improves safety dramatically and having the lot so much lower than the street makes the parking very inconspicuous from the road. So we have continued to use the East Lot. We hope that we can continue to use the East Lot until the time that UDOT needs the property for 6200 south or 3000 east.

WHEN RECORDED, MAIL TO:
James A. Arrowsmith, Esq.
6322 South 3000 East, Suite 120
Salt Lake City, UT 84121

11717574
09/03/2013 01:58 PM $40.00
Book - 10174 Pg - 5584-5597
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
LANDMARK TITLE
BY: TMW, DEPUTY - WI 14 P.

CROSS EASEMENT AND PARKING FACILITY AGREEMENT

THIS CROSS EASEMENT AND PARKING FACILITY AGREEMENT (this "Agreement") is made and entered into as of the 30th day of November, 2012, by and between OLD MILL CORPORATE CENTER I, LLC ("OM I"), a Utah limited liability company, OLD MILL BUILDING II, LLC ("OM II"), a Utah limited liability company, and OLD MILL BUILDING IV, LLC ("OM IV"), a Utah limited liability company.

RECITALS:

A. OM I owns a parcel of real property located in Salt Lake County, Utah, more particularly described on Exhibit "A" attached hereto and included herein by this reference ("Parcel A").

B. OM II owns a parcel of real property located in Salt Lake County, Utah, more particularly described on Exhibit "B" attached hereto and included herein by this reference ("Parcel B").

C. OM IV owns a parcel of real property located in Salt Lake County, Utah, more particularly described on Exhibit "C" attached hereto and included herein by this reference ("Parcel C").

D. OM IV owns a parcel of real property located in Salt Lake County, Utah, more particularly described on Exhibit "D" attached hereto and included herein by this reference ("Parcel D"), upon which is constructed a parking terrace (the "Parking Facility").

E. OM IV has granted OM I an easement to park 500 vehicles in the Parking Facility, and OM IV has granted OM II an easement to park 200 vehicles in the Parking Facility.

F. The parties believe it to be in their mutual best interests to allow tenants and invitees of all of their buildings to use the parking facilities, driveways and sidewalks belonging to all of the parties and to provide for the operation, use and maintenance of the Parking Facility.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, hereby create the easements described below, which shall, in accordance with the terms and provisions of this Agreement, apply to, bind, burden, affect and run with title to each and every Parcel.

1. Definitions. When used in this Agreement (including the portion of this Agreement titled "Recitals"), each of the following terms shall have the meaning indicated:

(a) Access Area means the area of curb cut on 3000 East Street on the boundary of Parcel A providing access to the Entire Tract.

(b) Allocation Percentage means a number calculated by dividing the number of parking spaces allocated to a party pursuant to this Agreement by the total number of parking spaces allocated to all of the parties pursuant to this Agreement.

(c) Benefitted Parties means, with respect to a Parcel, the Owner of such Parcel, a Mortgagee having a security interest in such Parcel, and the Occupants of such Parcel and their respective employees, customers, guests and invitees.

(d) Building means a building or other principal structure on a Parcel intended for use or occupancy by an Owner or Occupant of said Parcel, including, without limitation, all extensions or projections thereof, all structures or facilities accessory or integral thereto, and any garages, platforms or docks, storage tanks, canopies or overhangs, porches, enclosed malls, and similar items.

(e) Entire Tract means certain land situated in Salt Lake County, State of Utah, consisting of the parcels described on Exhibits "A", "B", "C" and "D" attached hereto and incorporated herein by this reference.

(f) Mortgage means a recorded mortgage, deed of trust or other security instrument or agreement on any Parcel or portion thereof.

(g) Mortgagee means the mortgagee under a recorded mortgage on any Parcel or portion thereof, the beneficiary under a recorded deed of trust on any Parcel or any portion thereof, and the secured party under any security instrument or agreement on any Parcel or portion thereof.

(h) Occupant means any party that, by virtue of a contract to purchase, a lease, a rental agreement or any other instrument, understanding, arrangement or transaction, is entitled to or does occupy or use all or any portion of a Parcel.

(i) Owner means the owner of record in the office of the County Recorder of Salt Lake County, Utah of a fee or an undivided fee interest in any Parcel or any improvement constructed upon a Parcel. In the event there is more than one Owner of a

Parcel at the time concerned, the liability of each such Owner for performance or compliance with the applicable provisions of this Agreement shall be joint and several. Notwithstanding any applicable theory relating to a mortgage, deed of trust or like instrument, the term Owner shall not mean or include a Mortgagee unless and until such party has acquired title pursuant to foreclosure or trustee's sale or any arrangement or proceeding in lieu thereof.

(j) Parcel means the individual tracts of real property as described on Exhibits "A" through "D".

(k) Person means a natural person or a legal entity.

(l) Right of Way Improvements means all improvements, of whatever kind or character, to a Parcel to facilitate the smooth flow of vehicles and pedestrians across the Parcels and to 3000 East Street, including, without limitation, any driveways, walkways, roadways and utility conduits or facilities.

(m) Utility Lines means wires, pipes and other conduits for electricity, gas, telephone, cable, water, sanitary and storm sewers and other services for the benefit of the Buildings and other improvements located on the Parcels.

2. Creation of Easements. The parties hereby create the following easements across or affecting each of their respective Parcels for the benefit of each of the Benefitted Parties in respect of their respective Parcels:

(a) Pedestrian Easements. Non-exclusive easements appurtenant to each of the Parcels for the benefit of the Benefitted Parties of each of the respective Parcels across each of the respective Parcels for pedestrians to walk between the respective Parcels on sidewalks or walkways located on each Parcel; provided that the foregoing right shall be limited to use for such purposes and to such extent as may be related to the use of the Parcels for retail, commercial and office purposes.

(b) Access Easements. Non-exclusive easements appurtenant to each of the Parcels for the benefit of the Benefitted Parties of each of the respective Parcels across the Access Area and the Right-of-Way Improvements on the respective Parcels for the purpose of furnishing access and the right of vehicular access across the Access Area between 3000 East Street and the parking areas on the respective Parcels; provided that the foregoing right of access shall be limited to use for such purposes and to such extent as may be related to the use of the Parcels for retail, commercial and office purposes.

(c) Parking Easements. Non-exclusive easements appurtenant to each of the Parcels for the benefit of the Benefitted Parties of each of the respective Parcels for parking vehicles in the designated parking areas on each of the Parcels; provided that the foregoing right shall be limited to use for such purposes and to such extent as may be related to the use of the Parcels for retail, commercial and office purposes. Each Owner

shall have the sole and exclusive right to designate, and from time to time in its discretion, redesignate, the parking space or spaces on its Parcel; provided, however, OM IV may not reduce the amount of parking spaces allocated to OM I and OM II. Such parking facilities shall at all times be under the exclusive control and management of the Owner of such Parcel. The Owner of each Parcel shall have the right from time to time to establish, modify and enforce rules and regulations with respect to parking facilities on such Parcel. No parking lot may be used to store vehicles or to work on vehicles; and no vehicle shall be parked in a parking lot for more than eighteen (18) consecutive hours without prior approval from the Owner of the subject Parcel. Each Owner agrees to assume responsibility for compliance by its tenants, invitees and employees with the parking provisions contained herein. Each Owner may charge fees for each day or partial day that a vehicle is parked improperly in any part of such Owner's parking lot or in a fire lane or handicapped area. Any vehicles parked in the parking lots in breach of these terms may be towed away at vehicle owner's expense.

(d) Utility Easements. Non-exclusive easements appurtenant to each of the Parcels across each of the respective Parcels to run Utility Lines to the Buildings, Parking Facility and other improvements located on each Parcel and the right to enter each Parcel affected by such Utility Lines to construct, service, maintain and reconstruct said Utility Lines; provided that such Utility Lines shall be located in the area or areas designated by the Owner of each Parcel and shall not interfere with any existing improvements thereon. Each Owner shall have the right at its cost and expense to relocate the Utility Lines on its Parcel at any time and from time to time to facilitate development. Each Owner constructing, servicing, maintaining or reconstructing Utility Lines on a Parcel belonging to another Owner shall restore the improvements on such Parcel to the same condition and appearance that existed prior to the commencement of work.

(e) Support. To accommodate the reconstruction or repair of the Parking Facility, to the extent the Parking Facility is located or reconstructed immediately adjacent to the common boundary lines of the Parcels, non-exclusive easements appurtenant to each of the Parcels across each of the respective Parcels for lateral support for the Parking Facility constructed on or near such common boundary lines, together with the right and easement to install, maintain, repair and replace footings and underground supports for such improvements in space not theretofore occupied by any then existing structure and in a manner that shall not interfere with any then existing structure. In the event a portion of the Parking Facility located on or adjacent to a Parcel is destroyed and not replaced or is removed, the common subterranean construction element shall be left in place for the benefit of the remaining portion of the Parking Facility.

(f) Storm Water. Non-exclusive easements appurtenant to each of the Parcels across each of the respective Parcels to drain storm water run-off from each such Parcel, as the same hereafter may be improved, onto and across the Parcels and into and through the storm water drainage lines and facilities from time to time located thereon, including the right to use and impound storm water within any storm water retention facilities located upon the Parcels and intended to and built so as to serve the Parking Facility , so

long as such drainage shall not cause any damage to the Parcel across which such storm water is being drained or any improvements thereon.

3. Parking Facility. The parties shall have the following rights, interests, duties and obligations with respect to the Parking Facility:

(a) OM I Parking Spaces. OM I shall have the right to use 500 parking spaces within the Parking Facility.

(b) OM II Parking Spaces. OM II shall have the right to use 200 parking spaces within the Parking Facility.

(c) OM IV Parking Spaces. OM IV shall have the right to use all remaining parking spaces within the Parking Facility.

(d) Management of Parking Facility. OM IV shall manage, operate and maintain the Parking Facility for the benefit of OM I, OM II and OM IV and shall promulgate reasonable rules and regulations regarding the Parking Facility and the use thereof. All rules and regulations for the Parking Facility (i) shall be subject to the prior approval of OM I and OM II, which approval shall not be unreasonably withheld, (ii) shall be consistent with the terms and conditions of this Agreement, and (iii) shall be consistent with all governmental rules and regulations.

(e) Cost of Maintaining the Parking Facility. All costs for the operation and maintenance of the Parking Facility shall be paid by OM I, OM II and OM IV in proportion to their Allocation Percentage. The costs for operation and maintenance of the Parking Facility shall include, but are not limited to, (i) real and personal property taxes on the Parking Facility, (ii) fees for any permits, licenses and approvals required with respect to the Parking Facility, (iii) the cost of maintaining the Parking Facility, including the cost of maintaining and replacing any surfaces, (iv) the cost of renting moveable equipment used in providing such services, (v) the verifiable salaries, wages, benefits and other compensation for personnel providing such services, with proper cost allocation to the extent such personnel provide services for facilities other than the Parking Facility, (vi) the cost of maintaining liability and property insurance with respect to the Parking Facility, (vii) payments to outside contractors and personnel providing services to the Parking Facility, and (viii) the cost of electricity and other utility services related to the operation and maintenance of the Parking Facility.

(f) Casualty to Parking Facility. In the event of any casualty to the Parking Facility, OM IV shall commence repair or restoration of the Parking Facility within a reasonable time, using the proceeds of property casualty insurance it maintains to provide the same number of parking spaces for OM I and OM II as specified in this Agreement.

(g) Eminent Domain. If all or any part of the Parking Facility is taken by any public or quasi-public authority under the power of eminent domain, or conveyed to such

authority in lieu of such condemnation, the number of parking spaces rendered unusable as a result of such condemnation shall be charged pro rata against the parties hereto. OM I and OM II shall be entitled to recover for any loss of parking spaces.

4. Owners' Reservation of Rights. Each Owner reserves the right to relocate the improvements on its Parcel at its own cost and expense, provided the free flow of vehicles and pedestrians between the Parcels and to the public streets shall not be impaired.

5. Maintenance. Each Owner shall maintain the right of way improvements and parking areas located on its Parcel in good and clean condition and repair consistent with a first-class office development in Salt Lake County, Utah.

6. Duration. This Agreement and all of the provisions of this Agreement shall be and remain in force and effect until terminated in accordance with the terms of Section 7 hereafter.

7. Amendment or Termination of Agreement. This Agreement may be amended or terminated by, but only by, an instrument filed for record in the office of the County Recorder of Salt Lake County, Utah that is executed by the Owners of all of the Parcels at the time said instrument is so filed for record.

8. Title and Mortgagee Protection.

(a) No amendments to or termination of this Agreement shall in any way affect the rights, liens or security interests of any Mortgagee interested under a Mortgage that is in effect at the time of the amendment or termination unless such Mortgagee has consented in writing to such amendment or termination.

(b) A breach of any of the covenants, provisions or requirements of this Agreement shall not result in any forfeiture or reversion of title to or of any other interest in a Parcel. A breach of any of the covenants, provisions or requirements of this Agreement shall not defeat, impair or render invalid the lien of or other rights under any Mortgage. Unless and until it enters into possession or acquires title pursuant to foreclosure or any arrangement or proceeding in lieu thereof, any Mortgagee interested under any Mortgage affecting a Parcel shall have no obligation to take any action to comply with, and may not be compelled to take any action to comply with, any of the covenants, provisions or requirements of this Agreement.

9. Covenants to Run with Land. This Agreement and all of the easements, covenants, provisions and requirements of this Agreement are intended to be and shall constitute covenants running with the land or equitable servitudes, as the case may be, and shall be binding upon and shall inure to the benefit of each Owner, any other party who acquires or comes to have any right, title or interest in any Parcel, and their respective grantees, transferees, lessees, heirs, devisees, personal representatives, successors and assigns. This Agreement and all of the easements, covenants, provisions and requirements hereof shall also inure to the benefit of each

Parcel, and each party owning any right, title or interest in or occupying any such Parcel or any portion thereof. Each Owner shall comply with, and all interests in all Parcels shall be subject to, the terms of this Agreement and the provisions of any instruments, supplements, amendments and determinations contemplated by this Agreement. By acquiring, in any way coming to have an interest in or occupying a Parcel, the party so acquiring, coming to have such interest or occupying, consents to and agrees to be bound by each and every provision of this Agreement.

10. Severability. Should any Mortgagee with a lien position superior to this Agreement foreclose its Mortgage and terminate this Agreement with respect to the Parcel secured by its Mortgage, this Agreement shall remain in effect and shall be binding upon the remaining Owners and their Mortgagees.

11. Enforcement. Each Owner and Occupant of a Parcel shall have the right to enforce, through any appropriate proceeding at law or in equity, the terms, provisions, restrictions and requirements of this Agreement. Any failure to insist upon the performance of or compliance with any of such terms, provisions, restrictions and requirements shall not result in or be construed to be an abandonment or termination of the arrangement created by this Agreement or any waiver of the right to insist upon such performance or compliance in the future. If any action is brought because of a default under, or to enforce or interpret any of the covenants, provisions or requirements of this Agreement, the party prevailing in such action shall be entitled to recover from the unsuccessful party reasonable attorneys' fees (including those incurred in connection with any appeal), the amount of which shall be fixed by the court and made a part of any judgment rendered.

12. Interpretation. The captions that precede the Sections of this Agreement are for convenience only and shall in no way affect the manner in which any provision of this Agreement is construed. Whenever the context so requires, the singular shall include the plural, the plural shall include the singular, the whole shall include any part thereof, and any gender shall include all genders. This instrument shall be governed by and construed in accordance with the laws of the State of Utah.

13. Effective Date. This Agreement shall take effect upon its being executed by all of the parties hereto.

14. Counterparts. This Agreement may be executed in counterparts, and all such counterparts shall constitute one Agreement.

15. No Public Dedication. Nothing contained in this Agreement, including the conveyance of the easements and rights-of-way provided herein, constitutes or will at any time be deemed to constitute the dedication of any portion of the Parking Facility to public use.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date set forth hereinabove.

OLD MILL CORPORATE CENTER I, LLC, a Utah limited liability company, by and through its Manager, Old Mill Corporate Center I Management Corporation

By: _____
Richard N. Beckstrand
President

OLD MILL BUILDING II, LLC, a Utah limited liability company, by and through its Manager, Old Mill Corporate Center II Management Corporation

By: _____
Richard N. Beckstrand
President

OLD MILL BUILDING IV, LLC, a Utah limited liability company,

By: _____
Richard N. Beckstrand
Manager

STATE OF UTAH)
:ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 30th day of ~~November,~~ August 2012, 13 by Richard N. Beckstrand, as President of Old Mill Corporate Center I Management Corporation, a Utah corporation, which is the manager of OLD MILL CORPORATE CENTER I, LLC, a Utah limited liability company.

JAMES A ARROWSMITH
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 668635
COMM. EXP. 07-23-2017

_____
NOTARY PUBLIC

STATE OF UTAH)
:ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 30th day of ~~November~~ August, 20~~12~~ 13, by Richard N. Beckstrand, as President of Old Mill Corporate Center II Management Corporation, a Utah corporation, which is the manager of OLD MILL BUILDING II, LLC, a Utah limited liability company.

JAMES A ARROWSMITH
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 668635
COMM. EXP. 07-23-2017

NOTARY PUBLIC

STATE OF UTAH)
:ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 30th day of ~~November~~ August, 20~~12~~ 13, by Richard N. Beckstrand, as Manager of OLD MILL BUILDING IV, LLC, a Utah limited liability company.

JAMES A ARROWSMITH
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 668635
COMM. EXP. 07-23-2017

NOTARY PUBLIC

EXHIBIT "A"
TO
CROSS EASEMENT AND PARKING FACILITY AGREEMENT

Description of Old Mill Corporate Center I, LLC Parcel

The following described real property located in Salt Lake County, Utah:

BEGINNING at a point which is located South 89°59'36" East 2501.04 feet and South 1446.38 feet from the Northwest Corner of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 77°33'15" West 89.90 feet; thence North 45°27'39" West 70.73 feet to a point of curvature; thence along the arc of a 125.00 foot radius curve to the left through a central angle of 86°48'33" a distance of 189.39 feet (chord bears North 02°03'34" West 171.79 feet); thence North 45°27'49" West 164.07 feet to the Southeasterly line of a tract of land identified as "PARCEL 1" in that certain Special Warranty Deed recorded June 30, 2004 as Entry No. 9080130, in Book 8996, at Page 7582, of the Official Records of the Salt Lake County Recorder; thence North 44°36'58" East along said Southeasterly line 14.71 feet to the Northeasterly line of said tract of land; thence North 45°27'39" West along said Northeasterly line 382.41 feet to a point on a State right-of-way and non-access line; thence North 50°35'39" East along said State right-of-way and non-access line 147.73 feet; thence North 66°38'37" East 9.09 feet to a point of curvature; thence along the arc of a 1662.95 foot radius curve to the right through a central angle of 6°34'07" a distance of 190.65 feet (chord bears South 45°27'39" East 190.55 feet) to a point tangency; thence South 42°10'36" East 6.17 feet; thence North 47°49'24" East 70.77 feet; thence South 54°05'05" East 155.15 feet; thence South 23°10'00" East 342.80 feet; thence South 12°26'45" West 240.59 feet to the point of BEGINNING.

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FOR REFERENCE PURPOSES ONLY: Tax Parcel No. 22-23-127-017

EXHIBIT "B"
TO
CROSS EASEMENT AND PARKING FACILITY AGREEMENT

Description of Old Mill Building II, LLC Parcel

The following described real property located in Salt Lake County, State of Utah:

BEGINNING at an existing state right-of-way marker and non-access line; said existing state right-of-way marker being South 89°59'36" East along the Section line 1360.44 feet and due South 1319.04 feet from the Northwest corner of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 50°35'39" East along said state right-of-way and non-access line 496.11 feet; thence South 10°16'22" East 314.95 feet; thence South 45°27'39" East 185.76 feet; thence South 02°39'31" East 340.65 feet to a point in the centerline of Big Cottonwood Creek; thence along said centerline of Big Cottonwood Creek the following seventeen (17) courses: North 25°33'20" West 21.07 feet; thence North 42°47'41" West 45.73 feet; thence North 50°26'10" West 33.93 feet; thence North 64°25'18" West 41.50 feet; thence North 76°11'32" West 56.59 feet; thence North 83°45'54" West 47.78 feet; thence North 64°52'04" West 42.14 feet; thence North 54°30'09" West 43.31 feet; thence North 42°44'40" West 40.40 feet; thence North 33°08'41" West 65.32 feet; thence North 34°43'21" West 27.29 feet; thence North 40°07'52" West 25.13 feet; thence North 39°16'22" West 44.09 feet; thence North 44°50'29" West 96.98 feet; thence North 56°56'01" West 33.87 feet; thence North 77°26'09" West 87.28 feet; thence North 69°09'36" West 65.48 feet; thence leaving said centerline and running North 48°14'05" East 33.31 feet; thence South 89°43'55" East 33.00 feet to said right-of-way marker and said non-access line and point of BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION WITHIN THE FOLLOWING: A PARCEL OF LAND CONVEYED TO HOLLADAY CITY, BEING IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING at an existing State right-of-way marker, said right-of-way marker being North 0°08'51" East 1264.21 feet along the Section line and East 1231.54 feet from the West Quarter corner of said Section 23, said point also being South 89°58'24" East 1227.98 feet along the Section line and South 1382.00 feet from the Northwest corner of said Section 23; thence North 70°40'43" East 47.20 feet; thence North 47°43'01" East 38.69 feet to the center line of Big Cottonwood Creek, which is the TRUE POINT OF BEGINNING, and running thence along the center line of said Creek the following five (5) courses and distances: (1) South 69°40'40" East 65.48 feet, (2) thence South 77°57'13" East 87.28 feet, (3) thence South 57°27'05" East 33.87 feet, (4) thence South 45°21'33" East 96.98 feet, (5) thence South 39°47'26" East 22.07 feet to a Bridge crossing said Creek; thence around said Bridge the following five (5) courses and distances: (1) North 81°52'49" East 14.85 feet, (2) thence South 40°21'04" East 13.59 feet, (3) thence South 81°52'49" West 37.04 feet, (4) thence North 40°21'04"West 13.59 feet, (5) thence North 81°52'49" East 19.84 feet; thence North 39°47'26" West 20.73 feet; thence North 45°21'33" West 96.67 feet; thence North 57°27'05" West 33.30 feet; thence North 77°57'13" West 87.06 feet;

thence North 69°40'40" West 66.67 feet; thence North 47°43'01" East 2.25 to the TRUE POINT OF BEGINNING.

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FOR REFERENCE PURPOSES ONLY: Tax parcel number 22-23-127-015

EXHIBIT "C"
TO
CROSS EASEMENT AND PARKING FACILITY AGREEMENT

Description of Old Mill Building IV, LLC Parcel

The following described real property located in Salt Lake County, Utah:

PARCEL 1:

BEGINNING at a point which is located South 89°59'36" East 2239.72 feet along the Section line and South 1090.68 feet from the Northwest corner of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 45°27'49" East 164.07 feet to a point of curvature; thence Southeasterly along the arc of a 125.00 radius curve to the right through a central angle of 86°48'33" a distance of 189.39 feet (chord bears South 02°03'34" East 171.79 feet); thence South 45°27'39" East 16.23 feet to a point on a curve; thence Southwesterly along the arc of a 325.13 foot radius curve to the right through a central angle of 82°02'16" a distance of 465.53 feet (chord bears South 85°33'29" West 426.77 feet); thence South 36°34'34" West 27.82 feet; thence North 45°27'39" West 29.49 feet; thence North 44°36'58" East 467.58 feet to the point of BEGINNING.

[FOR REFERENCE PURPOSES ONLY: Tax Parcel No. 22-23-127-016]

PARCEL 2:

BEGINNING at a point on a State right-of-way and non-access line, said point being South 89°59'36" East along the Section line 1743.78 feet and due South 1004.075 feet from the Northwest corner of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence North 50°35'39" East along said State right-of-way and non-access line 302.48 feet; thence South 45°27'39" East 382.41 feet; thence South 44°36'58" West 482.29 feet; thence North 45°27'39" West 156.27 feet; thence North 10°16'22" West 314.95 feet to the point of BEGINNING.

FOR REFERENCE PURPOSES ONLY: Tax Parcel Nos. 22-23-127-011 and 22-23-127-013

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EXHIBIT "D"
TO
CROSS EASEMENT AND PARKING FACILITY AGREEMENT

Description of Old Mill Building IV, LLC Parking Facility Parcel

The following described real property located in Salt Lake County, Utah:

PARCEL 1:

Beginning North 1517.36 feet and West 430.38 feet from the center of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 44°32'00" West 188.66 feet; thence North 45°28'16" West 261.59 feet; thence North 44°32'00" East 158.66 feet to a point of curvature; thence Northeasterly along a 30.00 foot radius curve to the right through a central angle of 89°59'44" a distance of 47.12 feet; thence South 45°28'16" East 231.60 feet to the Point of Beginning.

Contains 1.128 acres

PARCEL 2:

Beginning North 1517.36 feet and West 430.38 feet and South 44°32'00" West 188.66 feet from the center of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 44°32'00" West 126.63 feet; thence North 45°28'16" West 261.62 feet; thence North 44°32'00" East 126.63 feet; thence South 45°28'16" East 261.59 feet to the Point of Beginning.

Contains 0.760 acres

PARCEL 3:

Beginning North 1517.36 feet and West 430.38 feet from the center of Section 23, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 45°28'16" East 172.00 feet; thence South 44°32'00" West 290.66 feet; thence South 86°52'06" West 33.32 feet; thence North 45°28'16" West 149.55 feet; thence North 44°32'00" East 315.29 feet to the Point of Beginning.

Contains 1.238 acres

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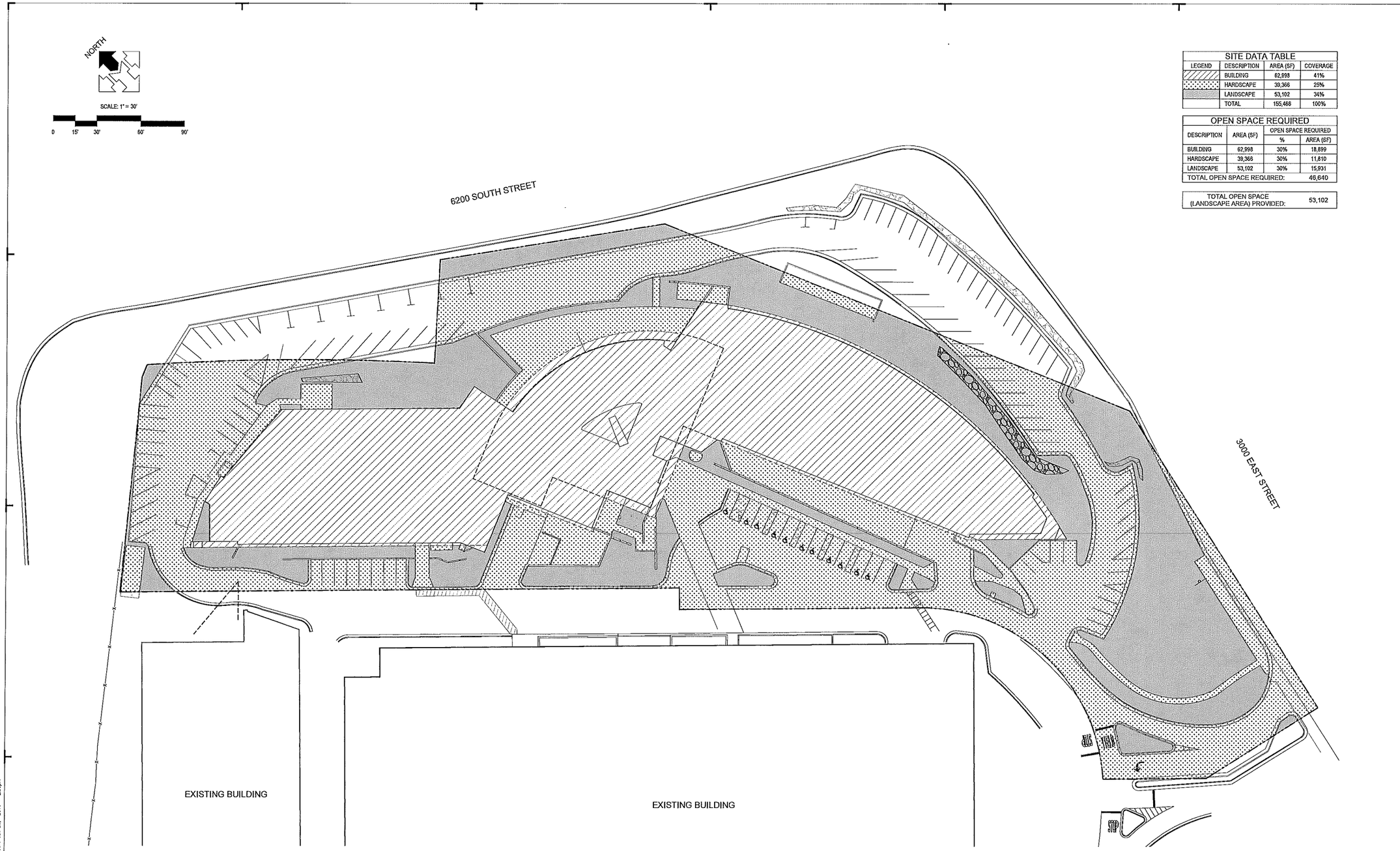
FOR REFERENCE PURPOSES ONLY: Affects Tax Parcel Numbers 22-23-127-011, 22-23-127-013 and 22-23-127-016.



SITE DATA TABLE			
LEGEND	DESCRIPTION	AREA (SF)	COVERAGE
	BUILDING	62,998	41%
	HARDSCAPE	39,366	25%
	LANDSCAPE	53,102	34%
	TOTAL	155,466	100%

OPEN SPACE REQUIRED			
DESCRIPTION	AREA (SF)	OPEN SPACE REQUIRED	
		%	AREA (SF)
BUILDING	62,998	30%	18,899
HARDSCAPE	39,366	30%	11,810
LANDSCAPE	53,102	30%	15,931
TOTAL OPEN SPACE REQUIRED:			46,640

TOTAL OPEN SPACE (LANDSCAPE AREA) PROVIDED:	53,102

AVOID CUTTING UNDERGROUND UTILITIES. IT'S COSTLY.
Call BEFORE YOU Dig
1-800-662-4111

NOTICE!
THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, PROTECTION, AND RESTORATION OF ALL BURIED OR ABOVE GROUND UTILITIES, SHOWN OR NOT SHOWN ON THE PLANS.

McNEIL ENGINEERING
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OLD MILL I

6322 SOUTH 3000 EAST # 120
COTTONWOOD HEIGHTS, UTAH
LOCATED IN THE NORTHWEST1/4 OF SECTION 23, T2S, R1E, SLB&M

REVISIONS

REV	DATE	DESCRIPTION

PROJECT NO: 16039
DRAWN BY: JHF
CHECKED BY: TJD
DATE: JAN. 20, 2016

OPEN SPACE EXHIBIT

C1.01

S:\2016Files\16039\Civil\Prod Dwg\16039 landscape.dwg Jake Jan 20, 2016 - 2:56pm

TO: COTTONWOOD HEIGHTS PLANNING COMMISSION

FROM: GLEN GOINS, SENIOR PLANNER

SUBJECT: AMENDMENT TO CHAPTER 19.04 "DEFNINITIONS"

DATE: MAY 25, 2016

Commissioners,

Staff is proposing a text amendment to chapter 19.04 (Definitions) of the city's zoning ordinance. Changes are being proposed to add and/or clarify definitions that need to be added, or require updating or correction.

It is our hope that the Commission consider the amendments proposed, provide any input or offer any discussion it finds warranted, as well as any considerations which result from the public hearing.

Thank you.

Chapter 19.04
DEFINITIONS

19.04.010 Terms, tenses, and disputes of definitions
19.04.020 Abate.
19.04.030 Accessory building (residential).
19.04.040 Accessory building (business or industry).
19.04.050 Accessory equipment.
19.04.060 Accessory use.
19.04.070 Active fault.
19.04.080 Activity.
19.04.090 Adult daycare facility.
19.04.100 Agriculture.
19.04.110 Alley.
19.04.120 Ambulance service.
19.04.130 Amusement arcade (also video arcade).
19.04.140 Amusement, commercial (indoor).
19.04.150 Amusement commercial (outdoor).
19.04.160 Antenna, microwave reflector and antenna support structure.
19.04.170 Antenna (non-commercial/amateur).
19.04.180 Antenna (commercial).
19.04.190 Antique shop.
19.04.200 Apartment.
19.04.210 Appeal
19.04.220 Architectural detail.
19.04.230 Art gallery or museum.
19.04.240 Assembly Hall.
19.04.250 Assisted living facility.
19.04.260 Auto laundry or car wash.
19.04.270 Auto finance and leasing.
19.04.280 Auto parts and accessory sales (indoors).
19.04.290 Auto rental.
19.04.300 Auto sales (new).
19.04.310 Auto sales (used).
19.04.320 Auto storage or auto auction.
19.04.330 Automobile.
19.04.340 Automobile accessory installation (minor).
19.04.350 Automobile repair garage.
19.04.360 Automobile repair, major.
19.04.370 Automobile repair, minor.
19.04.380 Automotive gasoline or motor fuel service station.
19.04.390 Avalanche.
19.04.400 Awning.
19.04.410 Bakery or confectionery (retail).
19.04.420 Bakery or confectionary (wholesale or commercial).
19.04.430 Ballroom dancing.
19.04.440 Banner.
19.04.450 Barn.
19.04.460 Basement or cellar.
19.04.470 Bed and breakfast.
19.04.480 Bedroom.
19.04.490 Billboard.
19.04.500 Block.
19.04.510 Blood Plasma Facility.
19.04.520 Boarding or rooming house.
19.04.530 Board of adjustment.
19.04.540 Books, magazines and newspapers.
19.04.550 Building.
19.04.560 Building code.
19.04.570 Building, main or primary.
19.04.580 Building materials and hardware sales (indoor or outdoor).
19.04.590 Building official.
19.04.600 Building site.
19.04.610 Bus station or terminal.
19.04.620 Canopy.
19.04.630 Caretakers' or guards' residence.

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19.04.640 Carnival, circus or tent service (temporary).
19.04.650 Carport (non-residential).
19.04.660 Carport (residential).
19.04.670 Car wash
19.04.680 Car wash – Conveyor
19.04.690 Car wash – In-bay automatic.
19.04.700 Car wash – Self-service
19.04.710 Cemetery or mausoleum.
19.04.720 Cemetery, animal.
19.04.730 Certificate of occupancy.
19.04.740 Changeable copy.
19.04.750 Church, rectory or temple.
19.04.760 City.
19.04.770 City council.
19.04.780 Civic center.
19.04.790 Cleaning plant (commercial/wholesale).
19.04.800 Cleaning shop or laundry (small shop, pickup and self-service).
19.04.810 Clothing and clothing accessories.
19.04.820 College or university.
19.04.830 Commercial amusement (indoor).
19.04.840 Commercial amusement (outdoor).
19.04.850 Commercial recreation.
19.04.860 Communications operations (non-commercial/amateur).
19.04.870 Communications operation (commercial).
19.04.880 Community center (public).
19.04.890 Completion date.
19.04.900 Computer sales and service.
19.04.910 Concrete or asphalt batching plant (permanent).
19.04.920 Concrete or asphalt batching plant (temporary).
19.04.930 Conditional use.
19.04.940 Condominium.
19.04.950 Continuing care retirement community.
19.04.960 Convenience store with (or without) gasoline sales.
19.04.970 Convert, converted, conversion.
19.04.980 Copy shop or printing.
19.04.990 Contractor's shop with outside storage yard.
19.04.1000 Country club (private).
19.04.1010 County.
19.04.1020 Court.
19.04.1030 Coverage.
19.04.1040 Critical facilities.
19.04.1050 Cultural Exhibits.
19.04.1060 Custom personal service shop.
19.04.1070 Day camp for children.
19.04.1080 Daycare,
19.04.1090 Density.
19.04.1100 Department.
19.04.1110 Department store.
19.04.1120 Depository institution.
19.04.1130 Detached.
19.04.1140 Development review committee.
19.04.1150 Director.
19.04.1160 Disability.
19.04.1170 Distribution center.
19.04.1180 Distribution system.
19.04.1190 District.
19.04.1200 Domestic staff.
19.04.1210 Drapery or furniture upholstering shop.
19.04.1220 Drugstore and sundries.
19.04.1230 Duplex
19.04.1240 Dwell time.
19.04.1250 Dwelling.
19.04.1260 Dwelling group.
19.04.1270 Dwelling, single family attached (townhouse).

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19.04.1280 Easement.
19.04.1290 Educational facilities.
19.04.1300 Electrical substation (high voltage bulk power).
19.04.1310 Electronic data processing.
19.04.1320 Elderly person.
19.04.1330 Emergency.
19.04.1340 Enclosed building.
19.04.1350 Engineering geologist.
19.04.1360 Engineering geology.
19.04.1370 Entrance of outlet.
19.04.1380 Estate lots.
19.04.1390 Façade.
19.04.1400 Façade, blank.
19.04.1410 Facility company.
19.04.1420 Fairgrounds.
19.04.1430 Family.
19.04.1440 Family home (child care in place of residence).
19.04.1450 Farm, ranch, garden, crops or orchard.
19.04.1460 Fault.
19.04.1470 Fault scarp.
19.04.1480 Fault trace.
19.04.1490 Fault zone.
19.04.1500 Fee-in-lieu.
19.04.1510 Feed and grain store.
19.04.1520 Fire department.
19.04.1530 Flood plain.
19.04.1540 Floor area.
19.04.1550 Floor area ratio (FAR).
19.04.1560 Florist shop.
19.04.1570 Food processing.
19.04.1580 Food store.
19.04.1590 Franchised private utility (not listed).
19.04.1600 Fraternal organization, lodge, civic club or union.
19.04.1610 Front yard.
19.04.1620 Funeral home or mortuary.
19.04.1630 Furniture, home furnishings or appliance store.
19.04.1640 Furniture store (new and used).
19.04.1650 Garage, private.
19.04.1660 Garage/accessory.
19.04.1670 Garden shop.
19.04.1680 Gasoline service or filling station.
19.04.1690 Gateway.
19.04.1700 General commercial plant.
19.04.1710 General manufacturing.
19.04.1720 General plan.
19.04.1730 General retail stores.
19.04.1740 Golf course.
19.04.1750 Government services.
19.04.1760 Greenhouse,
19.04.1770 Group day-care home.
19.04.1780 Gymnastic or dance studio.
19.04.1790 Hauling or storage company.
19.04.1800 Health department.
19.04.1810 Hearing officer.
19.04.1820 Heavy load vehicle.
19.04.1830 Heavy machinery sales and storage.
19.04.1840 Heliport.
19.04.1850 Helistop.
19.04.1860 Highway, freeway, expressway.
19.04.1870 Home for the aged, residence.
19.04.1880 Home daycare/preschool.
19.04.1890 Home daycare, small.
19.04.1900 Home occupation.
19.04.1910 Home office.
19.04.1920 Hospital (acute care).
19.04.1930 Hospital (chronic care).
19.04.1940 Household appliance service and repair.
19.04.1950 Household care facility.
19.04.1960 Household care institution.
19.04.1970 HVAC.
19.04.1980 Illuminance.
19.04.1990 Illumination or illuminated.
19.04.2000 Illumination, bare-bulb
19.04.2010 Illumination, external

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19.04.2020 Illumination, flashing
19.04.2030 Illumination, indirect
19.04.2040 Illumination, internal
19.04.2050 Illumination, neon tube
19.04.2060 Inoperable vehicle.
19.04.2070 Incidental or accessory retail and service uses.
19.04.2080 Industrial manufacturing.
19.04.2090 Interstate.
19.04.2100 Item of information.
19.04.2110 Kennels (indoor pens).
19.04.2120 Kennels (outdoor pens).
19.04.2130 Kennels (sportsmen)
19.04.2140 Kindergarten or nursery school (private).
19.04.2150 Kiosk.
19.04.2160 Kitchen, residential.
19.04.2170 Laboratory equipment manufacturing.
19.04.2180 Laboratory, scientific or research.
19.04.2190 Landscaping.
19.04.2200 Landslide.
19.04.2210 Lattice tower.
19.04.2220 Laundromat.
19.04.2230 Library.
19.04.2240 Light load vehicle.
19.04.2250 Light manufacturing or industrial use.
19.04.2260 Liquefaction.
19.04.2270 Liquor store.
19.04.2280 Loading space.
19.04.2290 Local utility line.
19.04.2300 Lodging house.
19.04.2310 Lot.
19.04.2320 Lot area.
19.04.2330 Lot, corner.
19.04.2340 Lot depth.
19.04.2350 Lot, double frontage.
19.04.2360 Lot, flag.
19.04.2370 Lot, interior.
19.04.2380 Lot frontage.
19.04.2390 Lot line, front.
19.04.2400 Lot, key.
19.04.2410 Lot line, rear.
19.04.2420 Lot line, side.
19.04.2430 Lot lines or property lines.
19.04.2440 Lot of record.
19.04.2450 Lot width.
19.04.2460 Lowest floor.
19.04.2470 Main building.
19.04.2480 Maintenance and utility shop.
19.04.2490 Major life activity.
19.04.2500 Manufactured home display or sale (new).
19.04.2510 Manufactured home display or sales (used).
19.04.2520 Manufactured home park or subdivision.
19.04.2530 Manufactured housing.
19.04.2540 Marquee.
19.04.2550 Masonry construction.
19.04.2560 Master Development Plan.
19.04.2570 Mausoleum.
19.04.2580 Medical facilities.
19.04.2590 Minor medical emergency clinic.
19.04.2600 Mixed use.
19.04.2610 Mobile home park.
19.04.2620 Mobile home space.
19.04.2630 Mobile home subdivision.
19.04.2640 Model home.
19.04.2650 Monopole or monopole facility.
19.04.2660 Motel or hotel.
19.04.2670 Motorcycle.
19.04.2680 Motorcycle sales and repair.
19.04.2690 Motor freight company.
19.04.2700 Motor vehicle.
19.04.2710 Multi-use building,
19.04.2720 Multiple-family dwelling.
19.04.2730 Municipal facility or use.
19.04.2740 Natural hazard.
19.04.2750 Natural hazard map.
19.04.2760 Natural hazard special study area.
19.04.2770 Noncomplying structure.
19.04.2780 Nonconforming use.

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19.04.2790 Non-depository institutions.
19.04.2800 Nonresidential treatment facility.
19.04.2810 Nuisance.
19.04.2820 Nursery.
19.04.2830 Nursing, convalescent or rest home.
19.04.2840 Occupancy.
19.04.2850 Offices, professional and general business.
19.04.2860 Office center.
19.04.2870 Office showroom.
19.04.2880 Office warehouse.
19.04.2890 Officially approved place of access.
19.04.2900 Offsite improvements.
19.04.2910 Off-street parking incidental to main use.
19.04.2920 OPEDS zone.
19.04.2930 Open space.
19.04.2940 Outside display.
19.04.2950 Outside storage.
19.04.2960 Overlay.
19.04.2970 Owner.
19.04.2980 Paint shop.
19.04.2990 Parcel.
19.04.3000 Park or playground (private).
19.04.3010 Park or playground (public).
19.04.3020 Parking lot.
19.04.3030 Parking lot or structure, commercial (auto).
19.04.3040 Parking space.
19.04.3050 Paved surface.
19.04.3060 Pawn shop.
19.04.3070 Pawn shop without weapons.
19.04.3080 Penthouse.
19.04.3090 Permitted use.
19.04.3100 Personal instruction or tutoring service.
19.04.3110 Personal service shop or custom personal services.
19.04.3120 Pet and animal grooming shop.
19.04.3130 Planned development district.
19.04.3140 Planned unit development.
19.04.3150 Planning commission.
19.04.3160 Plat.
19.04.3170 Platted lot.
19.04.3180 Playfield or stadium (public).
19.04.3190 Playfield or stadium (private).
19.04.3200 Portable building sales (outdoor display).
19.04.3210 Portable Storage Container
19.04.3220 Premises.
19.04.3230 Primary use.
19.04.3240 Principal building.
19.04.3250 Printing and publishing operations.
19.04.3260 Private club.
19.04.3270 Private recreation facility or private park.
19.04.3280 Produce stand.
19.04.3290 Professional service.
19.04.3300 Propane sales.
19.04.3310 Property.
19.04.3320 Protective housing facility.
19.04.3330 Public agency building, shop, yard or facility.
19.04.3340 Public place.
19.04.3350 Public recreation.
19.04.3360 Public view.
19.04.3370 Quasi-public use.
19.04.3380 Radio, television or microwave tower.
19.04.3390 Rear yard.
19.04.3400 Reasonable accommodation(s).
19.04.3410 Reception center.
19.04.3420 Record of impairment.
19.04.3430 Recreation center.
19.04.3440 Recreational vehicle (RV).

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19.04.3450 Recreational vehicle/camper sales and leasing.
19.04.3460 Recreational vehicle (RV) park).
19.04.3470 Recycling kiosk.
19.04.3480 Regarded as having impairment.
19.04.3490 Rehabilitation care facility (halfway house).
19.04.3500 Rehabilitation care institution.
19.04.3510 Related.
19.04.3520 Religious institution.
19.04.3530 Residence.
19.04.3540 Residence hotels.
19.04.3550 Residential district.
19.04.3560 Residential facility for elderly persons.
19.04.3570 Residential facility for persons with a disability.
19.04.3580 Responsible person.
19.04.3590 Restaurant or cafeteria (with drive-thru service).
19.04.3600 Restaurant or cafeteria (without drive thru service).
19.04.3610 Restaurant or eating place (drive-in service).
19.04.3620 Retail or service, incidental.
19.04.3630 Retail shop (for apparel, gifts, accessories and similar items).
19.04.3640 Retirement housing for the elderly (also independent living center or congregate housing).
19.04.3650 Right-of-way.
19.04.3660 Roof mounted facility.
19.04.3670 Room.
19.04.3680 Rooming house.
19.04.3690 Salvage or reclamation of products (see also "wrecking yard").
19.04.3700 Sand, gravel or stone extraction and/or storage.
19.04.3710 School.
19.04.3720 School business.
19.04.3730 School, commercial trade.
19.04.3740 School, private (primary or secondary).
19.04.3750 School, public or parochial.
19.04.3760 Scientific and industrial research laboratories.
19.04.3770 Screened.
19.04.3780 Seasonal uses.
19.04.3790 Self storage.
19.04.3800 Servants' quarters or guest house.
19.04.3810 Service drop.
19.04.3820 Setback.
19.04.3830 Sexually oriented business.
19.04.3840 Shelter for the homeless.
19.04.3850 Shopping center.
19.04.3860 Short-term rental.
19.04.3870 Short-term rental operator.
19.04.3880 Short-term rental property.
19.04.3890 Side yard.
19.04.3900 Sign.
19.04.3910 Sign, above-roof
19.04.3920 Sign, Animation or animated.
19.04.3930 Sign, civic
19.04.3940 Sign, directional.
19.04.3950 Sign, electronic display.
19.04.3960 Sign, grand opening.
19.04.3970 Sign, ground.
19.04.3980 Sign, height.
19.04.3990 Sign, inflatable.
19.04.4000 Sign, monument.
19.04.4010 Sign, movement
19.04.4020 Sign, name-plate.
19.04.4030 Sign, nonconforming.
19.04.4040 Sign, off premise.

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19.04.4050 Sign, off premise electronic display (OPEDS).
19.04.4060 Sign, pole.
19.04.4070 Sign, political.
19.04.4080 Sign, portable.
19.04.4090 Sign, projecting.
19.04.4100 Sign, property.
19.04.4110 Sign, public information.
19.04.4120 Sign, real estate.
19.04.4130 Sign, roof.
19.04.4140 Sign, size
19.04.4150 Sign, snipe.
19.04.4160 Sign, special.
19.04.4170 Sign, temporary window,
19.04.4180 Sign, time and temperature.
19.04.4190 Sign, vehicle.
19.04.4200 Sign, wall.
19.04.4210 Sign, wind.
19.04.4220 Sign, window.
19.04.4230 Signable area for projecting signs and awnings.
19.04.4240 Signable area for wall signs.
19.04.4250 Single-family dwelling attached (townhouse).
19.04.4260 Single-family dwelling, detached.
19.04.4270 Skilled nursing facility (also termed nursing home, convalescent home or long-term care facility.
19.04.4280 Small engine repair shop.
19.04.4290 Stable, commercial.
19.04.4300 Stable, private.
19.04.4310 State.
19.04.4320 Stealth Facility
19.04.4330 Storage or wholesale warehouse.
19.04.4340 Street.
19.04.4350 Street identification.
19.04.4360 Structure.
19.04.4370 Structural alterations.
19.04.4380 Studio, health/reducing/fitness.
19.04.4390 Studio, tattoo or body piercing.
19.04.4400 Studio for radio or television.
19.04.4410 Structure
19.04.4420 Structure designed for human occupancy
19.04.4430 Subdivision.
19.04.4440 Substantial completion.
19.04.4450 Supermarket/Grocery store.
19.04.4460 Swimming pool, commercial.
19.04.4470 System.
19.04.4480 Telecom towers.
19.04.4490 Telemarketing center.
19.04.4500 Telephone and exchange, switching/relay or transmitting station.
19.04.4510 Temporary.
19.04.4520 Temporary building.
19.04.4530 Temporary field office or construction yard or office.
19.04.4540 Tennis court, private.
19.04.4550 Theater or playhouse (indoor).
19.04.4560 Tire dealer, no open storage.
19.04.4570 Tire dealer, with open storage.
19.04.4580 Tool and machinery rental shop.
19.04.4590 Tract.
19.04.4600 Tractor sales.
19.04.4610 Trade and commercial schools.
19.04.4620 Trailer park or court.
19.04.4630 Trailer, hauling.
19.04.4640 Trailer home.
19.04.4650 Trailer or mobile home space.
19.04.4660 Trailer rental.
19.04.4670 Trailer, travel or camping.
19.04.4680 Transitional housing facility.
19.04.4690 Transmission system.

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19.04.4700 Transportation and utility structures/facilities.
19.04.4710 Truck.
19.04.4720 Truck and bus repair.
19.04.4730 Truck and bus leasing.
19.04.4740 Truck stop.
19.04.4750 Truck terminal.
19.04.4760 Truck sales (heavy trucks).
19.04.4770 Twin home.
19.04.4780 Twirl time.
19.04.4790 Two-family dwelling (duplex).
19.04.4800 Usable open space.
19.04.4810 Use.
19.04.4820 Utility company.
19.04.4830 Utility distribution /transmission lines.
19.04.4840 Utility stations.
19.04.4850 U.D.O.T.
19.04.4860 Variance.
19.04.4870 Vehicle.
19.04.4880 Veterinarian clinic.
19.04.4890 Wall mounted facility.
19.04.4900 Water pumping plant and reservoir.
19.04.4910 Weapon.
19.04.4920 Wireless telecommunications facility.
19.04.4930 Wrecking yard (junk-yard or auto salvage).
19.04.4940 Yard.
19.04.4950 Yard, front.
19.04.4960 Yard, rear.
19.04.4970 Yard, side.
19.04.4980 Zero-lot-line dwelling.
19.04.4990 Zoning district.
19.04.5000 Zoning map.
19.04.5010 Zoo (private).
19.04.5020 Zoo (public).

19.04.010 Terms, tenses and disputes of definitions.

For the purpose of this title, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not discretionary. For any term or use not defined herein, the APA publication entitled *Planner's Dictionary* and *Webster's Dictionary* (latest editions) shall be consulted and the definition used will be determined by the director.

19.04.020 Abate

Means to repair, replace, remove, destroy, correct or otherwise remedy a condition which constitutes a nuisance by such means, in such a manner and to such an extent as the city designated representative determines is necessary in the interest of the general health, safety and welfare of the community

19.04.030 Accessory building (residential).

In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business (i.e., the building area must be significantly less than that of the main structure). Examples include, without limitation, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, etc.

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19.04.040 Accessory building (business or industry).

In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed 50% of the floor area of the main building, and that is used for purposes accessory and incidental to the main use.

19.04.050 Accessory equipment

Means the portion of the system including equipment sites, transformers, switch gear, pedestals, terminals, meters, buildings (substations), and other similar equipment that is normally installed aboveground in accordance with accepted practices of underground systems.

19.04.060 Accessory use.

A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).

19.04.070 Active Fault

Means a fault displaying evidence of greater than four inches of displacement along one or more of its traces during Holocene time (about 11,000 years ago to the present)

19.04.080 Activity

Means an economic unit designated in the classification system given in the Standard Industrial Classification (SIC) Manual published by the U.S. Department of Commerce.

19.04.090 Adult Day Care

Means any building or structure furnishing care, supervision, and guidance for three or more adults unaccompanied by guardians for periods of less than 24 hours per day.

19.04.100 Agriculture

Farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting).

19.04.110 Alley.

A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

19.04.120 Ambulance service.

Provision of private (not operated by the city, its contract service providers, or the fire department) emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles.

19.04.130 Amusement arcade (also "**video arcade**").

Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent of the public floor area is devoted to three or more amusement devices that are operated for a profit, whether or not the same is operated in conjunction with any other business including, without limitation, such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the

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term "amusement device," as used herein, shall not include musical devices, machines that are designed exclusively for small children, or devices designed to train persons in athletic skills such as golf, tennis, baseball, archery or other similar sports.

19.04.140 Amusement, commercial (indoor) (see also "commercial recreation").

An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the abutting property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, without limitation, the following: bowling alley, ice skating rink, martial arts club, racquet-ball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.

19.04.150 Amusement, commercial (outdoor) (see also "commercial recreation").

An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

19.04.160 Antenna, microwave reflector and antenna support structure.

An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or micro-wave signals (includes microwave reflectors/antennae). A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.

19.04.170 Antenna (non-commercial/ amateur).

An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet in diameter shall also be considered as a non-commercial antenna.

19.04.180 Antenna (commercial).

An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular /wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet in diameter shall also be considered as a commercial antenna.

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19.04.190 Antique shop.

A retail establishment engaged in the selling of works of art, furniture and/or other artifacts of an earlier period, with all sales and storage occurring inside a building.

19.04.200 Apartment

A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family which is not owned in fee simple, located in a building containing two or more such rooms or suites or located in a building devoted primarily to nonresidential use.

19.04.210 Appeal

A formal resort or application to a higher authority, as for sanction, corroboration, or a decision.

19.04.220 Architectural detail (see also "signable area," "wall and roof signs")

Means any projection, relief, cornice, column, change of building material, window, or door opening on any building. "Architectural," historic," or "scenic area" means an area that contains unique architectural, historic, or scenic characteristics that require special regulations to ensure that signs displayed within the area enhance its visual character and are compatible with it.

19.04.230 Art gallery or museum.

An institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.

19.04.240 Assembly Hall

A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

19.04.250 Assisted living facility.

A congregate residence facility for ten or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social or recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).

19.04.260 Auto laundry or car wash.

Washing, waxing or cleaning of automobiles or light duty trucks.

A**.** *Attended auto laundry or car wash***.** The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.

B. *Unattended auto laundry or car wash***.** The owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-thru /rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in

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which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

19.04.270 Auto finance and leasing.

Leasing of automobiles, motor-cycles, and light load vehicles but no outside storage.

19.04.280 Auto parts and accessory sales (indoors).

The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

19.04.290 Auto rental.

Storage or renting of automobiles and light trucks.

19.04.300 Auto sales (new).

Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

19.04.310 Auto sales (used).

Retail sales, or offering for sale, used automobiles or light load vehicles.

19.04.320 Auto storage or auto auction.

The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "wrecking yard").

19.04.330 Automobile.

A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.

19.04.340 Automobile accessory installation (minor).

Minor installation of automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.

19.04.350 Automobile repair garage.

An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

19.04.360 Automobile repair, major.

General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

19.04.370 Automobile repair, minor.

Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said

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inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

19.04.380 Automotive gasoline or motor fuel service station.

Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor." Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than 48 hours.

19.04.390 Avalanche

Means a mass of snow, ice and debris in swift motion down a slope

19.04.400 Awning

Means a cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

19.04.410 Bakery or confectionery (retail).

A facility with less than 1,500 square feet for the production and/or sale of baked goods.

19.04.420 Bakery or confectionary (wholesale or commercial).

A manufacturing facility with over 1,500 square feet for the production and distribution of baked goods and confectioneries to retail outlets.

19.04.430 Ballroom dancing.

An establishment open to the general public for dancing; provided that any sales of alcoholic beverages for on-premise consumption shall be subject to requirements of applicable city ordinances pertaining to alcoholic beverages.

19.04.440 Bank, savings and loan, or credit union.

An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.

19.04.450 Banner

Means a sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.**19.04.480 Barn.**

A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock.

19.04.460 Basement or cellar.

A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

19.04.470 Bed and breakfast.

A dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations.

19.04.480 Bedroom

Means a room designated and used primarily for sleeping and rest on a bed.

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Every bedroom shall have at least one operable emergency escape and rescue opening that complies with all applicable requirements and standards set forth in the city's building code.

19.04.490 Billboard (see also "off premise sign")

Means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

19.04.500 Block.

A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the manager, or his/her designee, shall determine the outline of the block.

19.04.510 Blood plasma facility

A building and premises used for the primary function of the performance of plasmapheresis. Plasmapheresis means the procedure whereby whole blood is removed from a plasma donor by venipuncture or phlebotomy, the plasma is separated therefrom for sale or transfer, and the formed elements of the blood are returned to the donor. This does nto include blood banks in which primarily whole blood is extracted from donors and used, transferred or sold, such as blood donation centers

19.04.520 Books, Magazines and Newspapers

A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any "adult bookstore," "adult theater," "theater," or "studio theater."

19.04.530 Boarding or rooming house.

A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided.

19.04.540 Board of adjustment.

A board which is appointed by the manager with advice and consent of the city council, and which is authorized to make special exceptions to the city's zoning ordinance (i.e., variances), and to hear and decide certain appeals alleging error in an order, requirement, decision or determination as provided in this title.

19.04.550 Building.

Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

19.04.560 Building code.

The city's building code in effect at the time in question.

19.04.570 Building, main or primary.

A building in which the principal use of the lot on which it is situated is conducted. In a residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

19.04.580 Building materials and hardware sales (indoor or outdoor).

Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including

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facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center." "Outdoor" means the storage of materials and products outside of the main building.

19.04.590 Building official.

The inspector or administrative official charged with responsibility for issuing permits and enforcing the city's building code.

19.04.600 Building site.

See "lot."

19.04.610 Bus station or terminal.

Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.

19.04.620 Canopy

(See "awning")

19.04.630 Caretakers' or guards' residence.

A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).

19.04.640 Carnival, circus or tent service (temporary).

Outdoor or indoor commercial amusement provided on a temporary basis.

19.04.650 Carport.

A structure that is open on a minimum of two sides and is designed or used to shelter vehicles. A minimum length of 20 feet and a minimum width of 10 feet is required for every parking space being covered by the carport. A non-residential carport shall be subject to the same height requirements as accessory buildings. All non-residential carports shall be subject to Architectural Review Commission (ARC) approval to determine size and location.

19.04.660 Car wash.

Any area or business using self-service, in-bay automatic or conveyor equipment for cleaning and washing motor vehicles, whether as part of another business operation or as a stand-alone operation, of any type, on a commercial basis, and shall include fleet and municipal in-bay automatic and conveyor car washes.

19.04.670 Car wash – Conveyor

A car wash system where the vehicle moves through the facility by means of a conveyor belt or other mechanical means while being cleaned.

19.04.680 Car wash – In-bay automatic

A car wash system where the vehicle remains stationary while a machine moves back and forth to clean it.

19.04.690 Car wash – Self-service

A car wash system where the customer washes the vehicle using a wand or brush that dispenses water and cleanser.

19.04.700 Cemetery or mausoleum.

Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

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19.04.710 Cemetery, animal.

A cemetery only for the burial of dead animals.

19.04.720 Certificate of occupancy.

An official certificate issued by the city through the building official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

19.04.730 Changeable Copy

Means a copy that changes at intervals of more than once every 60 seconds.

19.04.740 Check cashing.

Cashing a check for consideration, extending a deferred deposit loan, and any other similar types of business licensed by the state pursuant to the Check Cashing Registration Act, UTAH CODE ANN. §7-23-101, *et seq.*, as amended.

19.04.750 Church, rectory or temple.

A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by state law).

19.04.760 City.

The city of Cottonwood Heights, Utah.

19.04.770 City council.

The city's city council or other governing body.

19.04.780 Civic center.

A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.

19.04.790 Cleaning plant (commercial/wholesale).

An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

19.04.800 Cleaning shop or laundry (small shop, pick-up and self service).

A custom cleaning shop not exceeding 2,500 square feet of floor area and may include customer self-service laundry and cleaning.

19.04.810 Clothing, Clothing Accessories

Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

19.04.820 College or university.

An academic institution of higher learning, accredited or recognized by the state and covering a program or series of programs of academic study.

19.04.830 Commercial amusement (indoor).

See "amusement, commercial (indoor)."

19.04.840 Commercial amusement (outdoor).

See "amusement, commercial (outdoor)."

19.04.850 Commercial recreation.

See "amusement commercial."

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19.04.860 Communications operations (non-commercial/amateur).

The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.

19.04.870 Communications operations (commercial).

The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.

19.04.880 Community center (public).

A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

19.04.890 Completion Date

Means the date by which the responsible person must abate a nuisance. The completion date is originally set by the city designated representative in the voluntary correction agreement or in a notice from the city. The completion date may be modified by the hearing officer.

19.04.900 Computer Sales and Service

An establishment that sells computers and related electronic accessories, and that performs on-site maintenance and/or repair of personal computers and related electronic accessories.

19.04.910 Concrete or asphalt batching plant (permanent).

A permanent manufacturing facility for the production of concrete or asphalt.

19.04.920 Concrete or asphalt batching plant (temporary).

A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

19.04.930 Conditional Use

A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the commission and granting of conditional use approval impose such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses are issue for uses of land and may be transferable from one owner of the land to another.

19.04.940 Condominium

A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property

19.04.950 Continuing care retirement community.

A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.

19.04.960 Convenience store with (or without) gasoline sales.

Retail establishment selling food for on or off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.

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19.04.970 Convert, Converted, Conversion

refers to any sign face that is changed from its existing, non-digital or non-electronic display to an electronic display sign. Any existing, non-digital or non-electronic sign that is remodeled, repaired, or maintained in such a way as to become an electronic display sign, in whole or in part, shall be considered a conversion to an electronic display sign.

19.04.980 Copy shop or printing.

An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.

19.04.990 Contractor's shop with outside storage yard.

A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

19.04.1000 Country club (private).

A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

19.04.1010 County.

Salt Lake County.

19.04.1020 Court.

An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

19.04.1030 Coverage.

The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

19.04.1040 Critical Facilities

A. Lifelines, such as major communication, utility and transportation facilities and their connection to emergency facilities; or

B. Essential facilities, such as

1. Hospitals and other medical facilities having surgery and emergency treatment areas

2. Fire and police stations

3. Tanks or other structures containing, housing, or supporting water or other fire-suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures

4. Emergency vehicle shelters and garages,

5. Structures and equipment in emergency preparedness centers

6. Standby power generating equipment for essential facilities

7. Structures and equipment in government communication centers and other facilities required for emergency response or,

C. Hazardous facilities, such as structures housing, supporting or containing sufficient quantities of toxic or explosive substance to be dangerous to the safety of the general public if released; or

D. Special occupancy structures, such as

1. Covered structure whose primary occupancy is public assembly (capacity greater than 300 person),

2. Buildings for schools through secondary or day care centers (capacity greater than 250 students)

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3. Buildings for college or adult education schools (capacity greater than 500 students),

4. Medical facilities with 50 or more resident incapacitated patients, but not included above

5. Jails and detention facilities

6. All structures with occupancy greater than 5,000 persons

7. Structures and equipment in power-generating stations and other public utility facilities not included above, and required for continued operation

19.04.1050 Cultural Exhibits

A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

19.04.1060 Custom personal service shop.

Tailor, dressmaker, shoe shop, barber shop, beauty shop or similar shop offering custom service.

19.04.1070 Day camp for children.

A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

19.04.1080 Daycare

Any facility operated for the purpose of providing care, protection and guidance to individuals. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

19.04.1090 Density.

The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.

19.04.1100 Department.

Means the city's community development department.

19.04.1110 Department Store

A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

19.04.1120 Depository institution.

A financial institution for the custody of deposits, withdrawal of funds, extension of loans, and facilitation of the transmission of funds. Depository institutions include banks, credit unions, savings banks, industrial banks, savings and loan associations, and any other institution treated as a depository institution under the Utah Financial Institutions Act.

19.04.1130 Detached.

Having no physical connection above the top of the floor line of the first floor with any other building or structure.

19.04.1140 Development review com-mittee.

A committee of city staff members that reviews proposed development projects for compliance with this code, consisting of the director and others designated from time to time by him, such as the city engineer, one or more of city's planning staff members, the city's fire inspector, a representative of the city's public works provider, the city attorney,

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and/or others designated from time to time by the director.

19.04.1150 Director.

The director of the city's community development department or his designee.

19.04.1160 Disability

a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:

A disability does not include current illegal use of, and/or resulting addiction to, any federally controlled substance as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802, or as defined under UTAH CODE ANN. Title 58, Chapter 37, as amended;

B. A physical or mental impairment includes the following: (a) Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

1. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or,
2. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, drug addiction (other than addiction caused by current, illegal use of controlled substances) and alcoholism.

19.04.1170 Distribution center.

Building or facility used for the storage and distribution of wholesale items/products.

19.04.1180 Distribution System.

The portion of the system located between: (1) the service drop transformer and the distribution substation for electric service; (2) the service drop and the receive site (headend) for cable television; or (3) the service drop and the transmission system for telephone service.

19.04.1190 District

Any section, sections or divisions of the city of which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform

19.04.1200 Domestic Staff

persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.

19.04.1210 Drapery or furniture upholstering shop.

An establishment for the production, display and sale of draperies and soft coverings for furniture.

19.04.1220 Drugstore and Sundries

An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics,

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and related supplies.

19.04.1230 Duplex

See Two Family Dwelling

19.04.1240 Dwell Time

The time that text, images and graphics on an OPEDS remains static before changing to a different text, images or graphics on a subsequent sign face.

19.04.1250 Dwelling.

Any building or portion thereof, which is designed or used as living quarters for one or more families.

19.04.1260 Dwelling, single family attached (townhouse).

See "single family dwelling (attached)."

19.04.1270 Dwelling Group

A group of two or more one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having a yard or court in common, but not including motels.

19.04.1280 Easement.

A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

19.04.1290 Educational facilities.

Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the state or its school districts; and such federally funded educational programs for preschool children such as the Head Start Program.

19.04.1300 Electrical substation (high voltage bulk power).

A subsidiary station in which electric current is transformed.

19.04.1310 Electronic Data Processing

Facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales and mailing list preparation.

19.04.1320 Elderly Person

A person who is 60 years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

19.04.1330 Emergency

A situation which, in the opinion of the city designated representative, requires immediate action to prevent or eliminate an immediate threat to the health or safety of a person or property.

19.04.1340 Enclosed building.

A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air.

19.04.1350 Engineering Geologist

A geologist who, through education, training and experience, is able to assure that geologic factors affection engineering works are recognized, adequately interpreted, and presented for use in engineering practice and for the

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protection of the public. This person should have at least a four-year degree in geology, engineering geology, or a related field from an accredited university and at least three full years of experience in a responsible position in the field of engineering geology

19.04.1360 Engineering Geology

the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are recognized and adequately interpreted in engineering practice.

19.04.1370 Entrance of outlet

any entrance into a structure or unit space for which an alcohol license is being applied for.

19.04.1380 Estate Lots

Lots larger than one half of an acre

19.04.1390 Façade (see also "signable area")

The side of a building below the eaves.

19.04.1400 Façade, blank

the side of a building below the eaves that is blank and does not have windows or architectural detail.

19.04.1410 Facility Company

A company not regulated by the public service commission that provides service including but not limited to cable television or telecommunications.

19.04.1420 Fairgrounds or exhibition area.

An area or space either outside or within a building for the display of topic-specific goods or information.

19.04.1430 Family.

One or more persons related by blood, marriage, or adoption; or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

19.04.1440 Family home (child care in place of residence).

A facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed 12 at any given time. No outside employees are allowed at the facility.

19.04.1450 Farm, ranch, garden, crops or orchard.

An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by applicable law.

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19.04.1460 Fault

A fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other (see "active fault")

19.04.1470 Fault Scarp

A steep slope of cliff formed directly by movement along a fault.

19.04.1480 Fault Trace

The intersection of a fault plane with the ground surface

19.04.1490 Fault Zone

A corridor of variable width along one or more fault traces

19.04.1500 Fee-In-Lieu

Cash payments that may be required of an owner or developer as a substitute for dedication of land or physical improvements; usually calculated in dollars per lot or square foot of land or building area.

19.04.1510 Feed and grain store.

An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

19.04.1520 Fire department.

The Unified Fire Authority or other fire or emergency services contract provider for the city.

19.04.1530 Flood plain.

An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the city.

19.04.1540 Floor area.

The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

19.04.1550 Floor area ratio (FAR).

The floor area of a main building or buildings on a lot, divided by the lot area.

19.04.1560 Florist shop.

An establishment for the display and retail sale of flowers, small plants and accessories.

19.04.1570 Food processing.

A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

19.04.1580 Food store.

A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

19.04.1590 Franchised private utility (not listed).

A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the city.

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19.04.1600 Fraternal organization, lodge, civic club or union.

An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

19.04.1610 Front yard.

See "yard, front."

19.04.1620 Funeral home or mortuary.

A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

19.04.1630 Furniture, home furnishings or appliance stores.

Retail stores selling new goods for furnishing the home including, without limitation, furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

19.04.1640 Furniture store (new and used).

Same as above except sales may include used items.

19.04.1650 Garage, private.

An enclosed (on at least three sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

19.04.1660 Garage/accessory dwelling.

A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

19.04.1670 Garden shop.

A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

19.04.1680 Gasoline service or filling station.

See "automotive gasoline or motor fuel service station."

19.04.1690 Gateway

A point along a roadway at which a motorist or pedestrian gains a sense of having entered the city or a particular part of the city. This impression can be imparted through such things as signs, monuments, landscaping, a change in development character, or a natural feature

19.04.1700 General commercial plant.

Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

19.04.1710 General manufacturing.

See "industrial, manufacturing."

19.04.1720 General plan.

Document adopted by the city that consists of graphic and textual policies which govern the future development of the city and which consists of various

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components governing specific geographic areas and functions and services of the city.

19.04.1730 General retail stores.

Retail stores which sell a number of lines of primarily new merchandise including, without limitation, dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. These stores generally are known as department stores, variety stores, general merchandise stores, general stores, etc. (See also "retail shop").

19.04.1740 Golf course.

An area of 20 acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

19.04.1750 Government Services

Places where government agencies, departments, or other branches administer or perform any of various services.

19.04.1760 Greenhouse

A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

19.04.1770 Group day-care home.

A facility that provides care for seven to 12 children under 14 years of age less than 24 hours a day.

19.04.1780 Gymnastic or dance studio.

A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

19.04.1790 Hauling or storage company.

See "motor freight company."

19.04.1800 Health department.

The Salt Lake Valley Health Department.

19.04.1810 Hearing Officer

The person(s) designated to hear appeals pursuant to this chapter. The hearing officer shall be the mayor or his designee. The designee need not be a city employee.

19.04.1820 Heavy load vehicle.

A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 12,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise. Pick-up trucks, minivans, sports utility vehicles, and other similar light duty vehicles are not included.

19.04.1830 Heavy machinery sales and storage.

A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

19.04.1840 Heliport.

An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

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19.04.1850 Helistop.

The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

19.04.1860 Highway/Freeway/ Expressway

Roadways that function very similar to Interstates. Travel lanes are usually separated by some type of physical barrier, and their access and egress points are limited to on- and off-ramp locations or a very limited number of at-grade intersections. Like Interstates, these roadways are designed and constructed to maximize their mobility function, and abutting land uses are not directly served by them.

19.04.1870 Home Daycare/Preschool

A type of home occupation which generally means the keeping for care and/or preschool instruction of twelve (12) or fewer children including the caregiver's own children aged 6 and under and not yet in full day school within an occupied dwelling, for periods of less than 12 hours per day.

19.04.1880 Home Daycare Small

A type of home occupation which generally means the keeping for care and/or preschool instruction of six (6) or fewer children including the caregiver's own children aged 6 and under and not yet in full day school within an occupied dwelling, for periods of less than 12 hours per day.

19.04.1890 Home for the aged, residence.

A home where elderly people are provided with lodging and meals without nursing care being a primary function.

19.04.1900 Home Occupation

Any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.

19.04.1910 Home Office

An accessory use of a residential dwelling unit, where business or office activities are conducted. Typically the office would be an ancillary use for a primary business or office use located elsewhere.

19.04.1920 Hospital (acute care).

An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the state.

19.04.1930 Hospital (chronic care).

An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the state.

19.04.1940 Household appliance service and repair.

The maintenance and rehabilitation of appliances that are customarily used in the home including, but not limited to, washing and drying machines,

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refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.

19.04.1950 Household care facility.

A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit.

19.04.1960 Household care institution.

A facility which provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

19.04.1970 HVAC (Heating, Ventilating, Air Conditioning)

The system is used to provide heating and cooling services to buildings

19.04.1980 Illuminance

refers to the amount of light falling on an object or the measurement of such light.

19.04.1990 Illumination or Illuminated

A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign.

19.04.2000 Illumination, bare-bulb

Means a light source that consists of light bulbs with a [20]-watt maximum wattage for each bulb.

19.04.2010 Illumination, external

Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

19.04.2020 Illumination, flashing

Illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when a sign is illuminated, including illuminated lighting.

19.04.2030 Illumination, indirect

A light source not seen directly.

19.04.2040 Illumination, internal

A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

19.04.2050 Illumination, neon tube

A source of light for externally lit signs supplied by a neon tube that is bent to form letters, symbols, or other shapes.

19.04.2060 Incidental or accessory retail and service uses.

Any use different from the primary use but which compliments and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental

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shall mean an area which constitutes not more than 15% of the main use.

19.04.2070 Industrial manufacturing.

Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

19.04.2080 Inoperable Vehicle

A vehicle not currently registered or licensed in this state or another state, or a vehicle that is or has any of the following conditions: dismantled, broken windows, flat tires, no tires, missing doors, missing windows, missing fenders, missing hood, missing trunk, will not start, or is in a condition that would result in the vehicle's failure to pass state safety inspection pursuant to the Motor Vehicle Act, UTAH CODE ANN. § 41-1a-101, et seq.

19.04.2090 Interstate

Interstates are the highest classification of Arterials and were designed and constructed with mobility and long-distance travel in mind.

19.04.2100 Item of Information

(1) A syllable of a word, an initial, logo, abbreviation, number, symbol, or geometric shape; (2) a word, logo, abbreviation, symbol, or geometric shape.

19.04.2110 Kennels (indoor pens).

An establishment with indoor pens in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

19.04.2120 Kennels (outdoor pens).

An establishment with outdoor pens in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

19.04.2130 Kennels (sportsman's)

A kennel for the keeping of three to five dogs which has a valid permit from the department of animal services and is located on a lot of at least one acre

19.04.2140 Kindergarten or nursery school (private).

An establishment where more than three children are housed for care and/or training during the day or portion thereof.

19.04.2150 Kiosk.

A small, free-standing, one-story accessory structure having a maximum floor area of 100 square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

19.04.2160 Kitchen, residential.

Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. In this title, a "kitchen" generally indicates the presence of complete cooking facilities (i.e., stove, oven, microwave oven and/or refrigerator), as differentiated from a "kitchenette," which provides very limited

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cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

19.04.2170 Laboratory equipment manufacturing.

A facility that makes or produces equipment or products used for research or testing.

19.04.2180 Laboratory, scientific or research.

An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see also "medical facilities -- medical laboratory").

19.04.2190 Landscaping.

Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

19.04.2200 Landslide

A general term for the downslope movement of a mass of soil, superficial deposits or bedrock

19.04.2210 Lattice Tower

A self-supporting multiple sides, open steel frame structure used to support telecommunication equipment.

19.04.2220 Laundromat.

A facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines that are operated by the patron.

19.04.2230 Library

A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

19.04.2240 Light load vehicle.

A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 12,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than 32 feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

19.04.2250 Light manufacturing or industrial use.

Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

19.04.2260 Liquefaction

A process by which certain water-saturated soils lose bearing strength because of ground shaking and increase of groundwater pore pressure

19.04.2270 Liquor Store

Establishments engaged in the sale of alcoholic beverages for off-premises consumption

19.04.2280 Loading space.

An off-street space or berth used for the delivery and loading/unloading of vehicles.

19.04.2290 Local utility line.

The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone

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service, including pad- and pole-mounted transformers.

19.04.2300 Lodging House

A building, other than a hotel or motel, where lodging or rooms, or both, are provided for compensation, whether directly or indirectly.

19.04.2310 Lot.

A platted parcel of land that is occupied or intended to be occupied by one main building (or a group of main buildings) and any accessory building(s), which includes such parking, landscaping and open space as are required by this title or other laws and/or ordinances, and also which has its principal frontage upon a public street.

19.04.2320 Lot area.

The total area, measured on a horizontal plane, included within lot lines.

19.04.2330 Lot, corner.

A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

19.04.2340 Lot depth.

The mean horizontal distance between the front and rear lot lines.

19.04.2350 Lot, double frontage.

A lot having frontage upon two non-intersecting streets, as distinguished from a corner lot.

19.04.2360 Lot, flag.

A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than 35 feet. Flag, or panhandle, lots are typically discouraged.

19.04.2370 Lot, interior.

A lot other than a corner lot.

19.04.2380 Lot frontage.

That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

19.04.2390 Lot line, front.

The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

19.04.2400 Lot, key.

A corner lot whose exterior side is adjacent to the front yard of another lot.

19.04.2410 Lot line, rear.

The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

19.04.2420 Lot line, side.

Any lot line not the front or rear lot line.

19.04.2430 Lot lines or property lines.

The lines bounding a lot.

19.04.2440 Lot of record.

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Salt Lake County Recorder.

19.04.2450 Lot width.

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The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line.

19.04.2460 Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title.

19.04.2470 Main building.

The building or buildings on a lot which are occupied by the primary use.

19.04.2480 Maintenance and Utility Shops

An establishment providing routine maintenance of buildings. This term include but is not limited to a window washing, building cleaning, pest extermination, or disinfecting service.

19.04.2490 Major Life Activities

Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

19.04.2500 Manufactured home display or sales (new).

The offering for sale, storage, or display of new manufactured housing units (e.g., mobile homes/trailers, moveable manufactured homes or industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

19.04.2510 Manufactured home display or sales (used).

The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

19.04.2520 Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

19.04.2530 Manufactured housing.

Prefabricated housing products which are typically manufactured /assembled at a location other than the end user's permanent site. For the purpose of this title, there are three types of manufactured homes:

A. *Mobile home*. A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living.

B. *HUD-Code manufactured home*. A movable dwelling designed to be transported on the highway (either intact or in major sections) by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after 15 June 1976.

C. *Industrialized home (also called modular prefabricated structure or*

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modular home). A structure or building module, as defined under state law, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.

19.04.2540 Marquee

A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.

19.04.2550 Masonry construction.

That form of construction comprised of brick, stone, granite, marble, concrete, hollow clay tile, concrete block or tile, brick veneer, exterior plasters (including stucco), or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.

19.04.2560 Master Development Plan

a dimensioned presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, street patterns and other similar features. Particularly site plans showing the entire on-site distribution of all of the elements for a proposed construction project normally including: architectural, engineering and landscape architectural site plans.

19.04.2570 Mausoleum.

Property used for the interring of the dead and where bodies are interred above ground in vaults.

19.04.2580 Medical facilities:

A. *Medical clinic or office*. A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

B. *Dental office or doctor's office*. Same as medical clinic.

C. *Hospital*. An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

D. *Massage establishment*. Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

E, *Public health center*. A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories,

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clinics and administrative offices operated in connection therewith.

F. *Sanitarium*. An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

G. *Surgical out-patient facility*. An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

H. *Medical laboratory*. An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

19.04.2590 Minor medical emergency clinic.

See "*medical clinic or office*."

19.04.2600 Mixed Use

The combination on a site of residential uses with commercial or industrial uses.

19.04.2610 Mobile home park (also "trailer park" or "RV park").

A parcel of land not less than five acres nor greater than 25 acres which is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers and/or recreational vehicles (including travel trailers) in designated spaces. Such a facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

19.04.2620 Mobile home space.

A plot of ground within a mobile home park, trailer park, RV park, or mobile home subdivision which is designed for the accommodation of one mobile home, trailer or RV unit.

19.04.2630 Mobile home sub-division.

A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned mobile home units or manufactured homes on platted lots which can be purchased outright by the owners of the mobile home units. Such a facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

19.04.2640 Model home.

A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

19.04.2650 Monopole Facility or Monopole

An antenna or series of individual antennas mounted on a single cylindrical pole. Also includes associated equipment. For the purposed of this chapter, if a facility does not fit the definition of a roof or wall mounted facility, it shall be considered a monopole facility.

19.04.2660 Motel or hotel.

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A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, house-keeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

19.04.2670 Motorcycle.

A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this title, motorbikes, all-terrain vehicles (ATVs), motor scooters, mopeds and similar vehicles are classified as motorcycles.

19.04.2680 Motorcycle sales and repair.

The display, sale and/or servicing, including repair work, of motorcycles.

19.04.2690 Motor freight company.

A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

19.04.2700 Motor vehicle.

Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.

19.04.2710 Multiple-family dwelling.

Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three-family units (triplex) and four-family units (quadriplex), as well as traditional apartments.

19.04.2720 Multi-Use Building

A building consisting of two or more separate commercial uses.

19.04.2730 Municipal facility or use.

Any area, land, building, structure and/or facility which is owned, used, leased or operated by the city.

19.04.2740 Natural Hazard

Liquefaction and/or surface fault rupture hazard

19.04.2750 Natural Hazard Map

The maps entitled "Avalanche Path Special Study Areas," "Liquefaction Potential Special Study Area," and "Surface Fault Rupture Special Study Areas," dated March 31, 1989, and adopted by Salt Lake County as revised

19.04.2760 Natural Hazard Special Study Area

A potentially hazardous area as shown on the natural hazards maps within which hazard investigations are generally required prior to development.

19.04.2770 Noncomplying structure.

A structure that legally existed before its current land use designation and, because of one or more subsequent land use ordinance changes, doe not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.

19.04.2780 Nonconforming use.

A use of land that legally existed before its current land use designation; has been maintained continuously since the time the land use ordinance governing the land changed; and because of one or more

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subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

19.04.2790 Non-depository institution.

A financial business, other than a depository institution, that is registered by the state of Utah pursuant to the Check Cashing Registration Act, the Title Lending Registration Act, or any successor statutes. Non-depository institutions include specifically:

A. *Check cashing business*. A person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "*Check cashing business*" excludes:

1. A state or federally chartered bank, savings association, credit union, industrial loan company or other depository institution, and

2. A retail seller engaged primarily in the business of selling goods (including consumables) to retail buyers that also cashes checks for or issues money orders to its customers, provided that such services are clearly incidental to its main purpose or business and that the fees charged for such services do not exceed 1% of the amount of the check or money order or otherwise are *de minimus*.

B. *Deferred deposit lender*. A person or business that conducts transactions where a customer presents to a check casher a check written on the customer's account or provides written or electronic authorization to a check casher to effect a debit to the customer's account, whereupon the check casher:

1. Advances the customer an amount of money that is equal to the face value of the check or debit, less any fee or interest charged for the transaction, and

2. Agrees to defer processing the check or debit until a specific future date.

C. *Payday loan business*. An establishment providing short-term loans to individuals in exchange for personal checks or assignment of wages as collateral.

D. *Title loan business*. An establishment providing short-term loans to individuals in exchange for the title of a motor vehicle, mobile home or motorboat as collateral.

19.04.2800 Non-residential Treatment Facility

A facility wherein no persons will be housed on an overnight basis, which provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenses, sexual abuse, or mental health. Associated educational services may also be provided to juvenile patients

19.04.2810 Nuisance

A. This section defines "nuisance" by providing five general definitions of what constitutes a nuisance (subsection B), and then providing specific examples of situations, conduct or activities that constitute nuisances (subsection C). The purpose of the general definitions is to allow the city to classify an offending situation, conduct or activity as a nuisance, even though the situation, conduct or activity may not be listed as a nuisance in the specific examples. The first three general definitions are taken directly from Utah state law. The purpose of listing the specific examples is to identify some of the specific

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situations, conduct and activities that the city intends to abate as nuisances.

B. General Definitions of Nuisance. Any activity that meets any one or more of the five definitions set forth below shall constitute a "nuisance" if it occurs within the city:

1. Nuisance as Defined in Utah Code Ann. § 78-38-1(1). Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

2. Nuisance as Defined in Utah Code Ann. § 76-10-801. Any item, thing, manner, or condition whatsoever that it is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.

3. Nuisance as Defined in Utah Code Ann. § 76-10-803.

(a) Unlawfully doing any act or omitting to perform any duty, which act or omission:

(i) Annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons, at separate and distinct addresses in the effected neighborhood of the city;

(ii) offends public decency;

(iii) Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or

(iv) In any way renders three or more persons, at separate and distinct addresses in the effected neighborhood of the city, insecure in life or the use of property.

(b) An act which affects three or more persons, at three separate and distinct addresses in the effected neighborhood of the city, in any of the ways specified in this subsection is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.

4. Nuisance. A condition which:

(a) Wrongfully annoys, injures, or endangers the comfort, repose, health or safety of others; or

(b) unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, street or highway, or any other public place; or

(c) in any way renders other persons insecure in life, or in the use of property, and which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.

5. Specific Nuisances Listed in Subsection C. Anything specifically listed as a nuisance in subsection (C), below.

C. Nuisances Enumerated. Every situation, conduct or activity listed below constitutes a nuisance and may be abated pursuant to this chapter. The listed examples are not exhaustive; a situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six listed nuisances are also listed as nuisances pursuant to UTAH CODE ANN. § 78- 38-9:

1. Drug Houses. Every building or premises where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor, or analog specified in Title 57, Chapter 37 (Controlled Substances Act), UTAH CODE ANN., occurs.

2. Gambling. Every building or premises where gambling is permitted to be played, conducted, or dealt upon as prohibited in Title 76, Chapter 10, Part

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11, UTAH CODE ANN. (Gambling), which creates the conditions of a nuisance as defined in UTAH CODE ANN. § 78- 38-1(2)(b).
3. Gangs. Every building or premises wherein criminal activity is committed in concert with two or more persons as provided in UTAH CODE ANN. § 76-3-203.1.
4. Party Houses. Every building or premises where parties occur frequently which create the conditions of a nuisance as defined in UTAH CODE ANN. § 78-38-1(1).
5. Prostitution. Every building or premises where prostitution or the promotion of prostitution is regularly carried on by one or more persons as provided in Title 76, Chapter 10, Part 13 (Prostitution), UTAH CODE ANN.
6. Weapons. Every building or premises where a violation of Title 76, Chapter 10, Part 5 (Weapons), UTAH CODE ANN., occurs on the premises.
7. Unsafe Condition. A condition that unreasonably or unlawfully affects the health or safety of one or more persons.
8. Fire Hazard. A fire hazard.
9. Noxious Emanations. Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
10. Noxious Weeds. Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location which constitute a fire hazard.
11. Refuse. Keeping or storing of any refuse or waste matter which interferes with the reasonable enjoyment of nearby property.
12. Stagnant Water. Polluted or stagnant water which constitutes an unhealthy or unsafe condition.
13. Improper Accumulations. Accumulation of soil, litter, debris, plant trimmings, or trash, visible from the street or an adjoining property.
14. Accumulation of Junk. Accumulation of used or damaged lumber; junk; scrap metal; machinery or machinery parts; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, boxes, barrels, bottles, cans, containers, ice boxes, refrigerators, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premises
15. Attractive Nuisances. Any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pools.
16. Vegetation. Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin or other pests.
17. Dust. Any Premises which causes excessive dust due to construction, lack of landscaping, non-maintenance or other cause.
18. Improper Storage. The keeping, storing, depositing or accumulating on the premises or in the public right-of-way for an unreasonable period of time dirt, sand, gravel, concrete, or other similar materials, or maintenance of such material on public rights-of-way. Material stored as part of an active construction project shall not be considered a nuisance.

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19. Garbage Can. The leaving of any garbage can or refuse container in the street, other than on collection day, or for more than 12 hours before or after the collection day or the use of worn-out, rusted or filthy garbage containers.
20. Construction Equipment. Construction equipment or machinery of any type or description parked or stored on property when it is readily visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property, or where the property is zoned for the storage of construction equipment and/or machinery.
21. Improper Sign. Improper maintenance of a sign; or signs which advertise a business that is no longer extant on the property.
22. Hazardous Conditions. Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property.
23. Graffiti. Graffiti which remains on the exterior of any building, fence, sign, or other structure and is visible from a public street.
24. Improper Maintenance. Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to:
(a) Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located;
(b) Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of city ordinances, or any use of land, buildings or premises in violation of city ordinances;
(c) Buildings which are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six months or longer. An "unreasonable state of partial construction" means any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable city ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction;
(d) Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair;
(e) Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass;
(f) Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or
(g) Buildings or conditions that violate any building, electrical, plumbing, fire, housing, or other code adopted by the city.
25. City Code Nuisances. Any violation of the city's code of ordinances that expressly declares a specific situation, conduct or activity to be a nuisance.
26. Alcohol. Every property or premises not licensed under applicable state law or city ordinance where any intoxicating

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liquors or alcohol are kept for unlawful use, sale or distribution.
27. Inappropriate Conduct. Every property or premises where there exists an environment which causes, encourages or allows individuals or groups of individuals to commit one or more of the following acts on the property, premises or adjacent public place, including but not limited to:
(a) Illegally consuming intoxicating liquor or alcohol, and/or drugs;
(b) Publicly urinating or defecating;
(c) By physical action, intentionally causing or attempting to cause another person to reasonably fear imminent bodily injury or the commission of a criminal act upon their person or upon property in their immediate possession;
(d) Engaging in acts of violence, including fighting amongst themselves;
(e) Discharging a firearm or explosive in violation of city ordinance or state law;
(f) Creating unreasonable noise which disturbs others;
(g) Intentionally obstructing pedestrian or vehicular traffic; or
(h) Soliciting acts of prostitution.
28. Dangerous Conditions. Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, open well, pit, basement, cellar, sidewalk, subspace, dock, or loading dock; or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the city, in any one or more of the following particulars:
(a) By reason of being a menace, threat and/or hazard to the general health and safety of the community;
(b) By reason of being a fire hazard;
(c) By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property; or
(d) By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.
29. Family. Keeping or allowing people at a premises in violation of the city's single family residence and zoning requirements.
30. Parking on Landscaping. Parking in an area required to be landscaped by city ordinance.
31. Banner and Snipe Signs. Keeping or allowing banner and/or snipe signs in violation of city ordinance.
32. Required Landscaping. Failure to install or maintain landscaping required by city ordinance.
33. Fly Control. Any premises that contains any one of the following unsanitary conditions:
(a) A privy, cesspool, sink, pit or like place that is not securely protected from flies;
(b) Garbage that is not securely protected from flies; or
(c) Vegetable waste, trash, litter, rags or refuse of any kind which flies may breed.
34. Habitat for Insects. Any condition that creates a habitat for mosquitoes or other harmful insects.
35. Weeds and Refuse. Any violation of chapter 9.60 of this code.
36. Rats. Accumulation of garbage or refuse that constitutes a health or safety

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hazard, consisting of waste, animal or vegetable matter upon which rats may feed.
37. Dead Animals. Any premises that contains any dead animals, animal parts, animal matter of any kind (except fertilizer), or any violation of section 8.32.160 of this title.
38. Nuisance Animal. Any animal that is considered to be a nuisance under title 8 of this title.

19.04.2820 Nursery.

An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

19.04.2830 Nursing, convalescent or rest home.

See "skilled nursing facility."

19.04.2840 Occupancy.

The use or intended use of the land or buildings by proprietors or tenants.

19.04.2850 Offices, professional and general business.

A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

19.04.2860 Office center.

A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.

19.04.2870 Office showroom.

An establishment with no more than 25% of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

19.04.2880 Office warehouse.

An establishment with more than 25% of the total floor area devoted to storage and warehousing, but not generally accessible to the public.

19.04.2890 Officially approved place of access.

Access to a property, other than from a dedicated street, which is approved by the city.

19.04.2900 Off-site Improvements

Improvements that are outside the limits of the area encompassed by the tract area or the parcel of record on which the activity is conducted.

19.04.2910 Off-street parking incidenttal to main use.

Off-street parking spaces provided in accordance with the requirements of this title, located on the lot or tract occupied by the main use or within 150 feet of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.

19.04.2920 OPEDS Zone

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The off premise electronic display sign overlay zone pursuant to section 19.82.123 of this chapter.

19.04.2930 Open Space

Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, or other resource identified by the city as valuable for conservation; or (4) enhance the value to the public of abutting or neighborhood parks, forests, wildlife habitat, or nature reservations; or (5) enhance recreational opportunities.

19.04.2940 Outside display.

Outside temporary display of finished goods that are specifically intended for retail sale but not displayed outside overnight.

19.04.2950 Outside storage.

The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than 24 hours. Also referred to as open storage.

19.04.2960 Overlay

An area where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.

19.04.2970 Owner

means any person who, alone or with others, has title or interest in any building or premises, with or without accompanying actual possession thereof. For the purpose of giving notice, the term "owner" also includes any person in physical possession.

19.04.2980 Paint shop.

A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "automobile repair, major").

19.04.2990 Parcel.

Any unplatted tract of land, or any portion of an unplatted tract of land (see also "tract").

19.04.3000 Park or playground (private).

See "private recreation facility."

19.04.3010 Park or playground (public).

See "public recreation."

19.04.3020 Parking lot.

An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with the city's off-street parking standards, for the short- or long-term storage of motor vehicles.

19.04.3030 Parking lot or structure, commercial (auto).

An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.

19.04.3040 Parking space.

An off-street (i.e., not on a public street or alley) area, paved in accordance with city's parking lot standards, that is

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used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.

19.04.3050 Paved Surface

An improved area, covered by asphalt, concrete, or other hard surface material, which shall be impervious. "Paved surface" specifically excludes dry gravel and similar materials as a finished product.

19.04.3060 Pawn shop.

An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, state and federal regulations.

19.04.3070 Pawn shop without weapons.

A pawn shop that does not sell, rent, loan against, or otherwise deal in weapons.

19.04.3080 Penthouse

Any specially designed apartment on an upper floor, especially the top floor, of a building.

19.04.3090 Permitted Use

Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to that district(s).

19.04.3100 Personal instruction or tutoring service

An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, academic tutoring, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, massage therapist instruction, martial arts training, and swimming clubs.

19.04.3110 Personal service shop or custom personal services.

Establishments of less than 2,000 square feet in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel and including, without limitation, barber/beauty shops, dressmaking, shoe shining and repair, dry-cleaning and laundry pick-up stations, tailor or seamstress services, and other similar types of uses. Outside storage is prohibited.

19.04.3120 Pet and animal grooming shop.

A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

19.04.3130 Planned development district.

Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.

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19.04.3140 Planned Unit Development

A large, integrated development adhering to a comprehensive plan and located on a single tract of land or on two or more tracts of land.

19.04.3150 Planning commission.

A board, appointed by the manager with advice and consent of the city council, which is authorized to recommend changes to the city's land use ordinance, its general plan and its zoning map, and to perform other planning functions as delegated by the city council or as required under applicable law.

19.04.3160 Plat.

A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the city's subdivision standards, and which is approved by the city and recorded in the plat records of the Salt Lake County Recorder.

19.04.3170 Platted lot.

See "lot" and "lot of record."

19.04.3180 Playfield or stadium (public).

An athletic field or stadium owned and operated by a public agency (e.g., the city, the Cottonwood Heights Recreation District, Canyons School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.

19.04.3190 Playfield or stadium (private).

An athletic field or stadium not owned and operated by a public agency.

19.04.3200 Portable building sales (outdoor display).

An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.

19.04.3210 Portable Storage Containers

Temporary (or portable) storage units are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property

19.04.3220 Premises.

Land together with any buildings or structures situated thereon.

19.04.3230 Primary use.

The principal or predominant use of any lot or building.

19.04.3240 Principal building.

See "main building."

19.04.3250 Printing and Publishing Operations

A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing

19.04.3260 Private club.

An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons.

19.04.3270 Private recreation facility or private park.

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A recreation facility, park or playground which is not owned by a public agency, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

19.04.3280 Produce stand.

A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site.

19.04.3290 Professional service.

Work performed which is commonly identified as a profession, and which may be licensed by the state.

19.04.3300 Propane sales.

Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

19.04.3310 Property

A building or structure, or the premises on which the building or structure is located, or undeveloped land.

19.04.3320 Protective Housing Facility

A facility either:

1. Operated, licensed, or contracted by a governmental entity, or
2. Operated by a charitable, nonprofit organization, where, for no compensation, temporary protective housing is provided to:

(a) Abused or neglected children awaiting placement of foster care;
(b) Pregnant or parenting teens;
(c) Victims of sexual abuse; or
(d) Victims of domestic abuse.

19.04.3330 Public agency building, shop, yard or facility.

Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: the state of Utah, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the city may also be defined as "*municipal facility or use*."

19.04.3340 Public Place

An area generally visible to public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets, and buildings open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

19.04.3350 Public recreation.

Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in this title.

19.04.3360 Public view.

Public view means areas that can be seen from any public street.

19.04.3370 Quasi-Public-Use

A use conducted by, or a facility or structure owned or operated by, a nonprofit, religious, or other charitable institution that provides educational,

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cultural, recreational, religious, or other similar types of public services

19.04.3380 Radio, television or microwave tower.

See "*antenna, microwave reflector and antenna support structure*."

19.04.3390 Rear yard.

See "*yard, rear*."

19.04.3400 Reasonable Accommodation

a change in any rule, policy, practice, or service necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. The following words have the following definitions:

1. "*Reasonable*" means that a requested accommodation will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
2. "*Necessary*" means that the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice
3. "*Equal opportunity*" means achieving equal results as between a person with a disability and a nondisabled person.

19.04.3410 Reception Center

A building in which members of a community or association may gather for social, educational, or cultural activities

19.04.3420 Record of Impairment

Having a record or history of having, or having been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

19.04.3430 Recreation center.

A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

19.04.3440 Recreational vehicle (RV).

A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such. (See also "*heavy load vehicle*").

19.04.3450 Recreational vehicle/ camper sales and leasing.

An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

19.04.3460 Recreational vehicle (RV) park.

An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. (See also "*mobile home park*").

19.04.3470 Recycling kiosk.

A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "*igloo*" or dumpster-type container) which provides a self-service location for the depositing of recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or attended collection centers.

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19.04.3480 Regarded as Having an Impairment

A person is regarded as having an impairment when:
1. The person has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by another person as having such a limitation;
2. The person has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others towards such an impairment; or
3. The person has none of the impairments defined in this section but is treated by another person as having such an impairment.

19.04.3490 Rehabilitation care facility (halfway house).

A dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

19.04.3500 Rehabilitation care institution.

A facility which provides residence and care to ten or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

19.04.3510 Related

Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.

19.04.3520 Religious Institution

A building which is used primarily for religious worship and related religious activities.

19.04.3530 Residence.

A dwelling; also, when used with "*district*," an area of residential regulations.

19.04.3540 Residence hotels.

A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units.

19.04.3550 Residential district.

A district where the primary purpose is residential use.

19.04.3560 Residential facility for elderly persons

A dwelling unit that is occupied on a 24 hour per day basis by eight or fewer elderly persons in a family type arrangement. The dwelling unit must be owned by one of the residents or by an immediate family member of one of the residents, or be a facility for which the title has been placed in trust for a resident. A residential facility for elderly

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persons shall not include any of the following:
1. A facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
2. A facility where persons being treated for alcoholism or drug abuse are placed;
3. A facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
4. A facility which is a healthcare facility as defined by UTAH CODE ANN. 26-21-2, as amended; or
5. A facility which is a residential facility for persons with a disability.

19.04.3570 Residential facility for persons with a disability.

A residence in which more than one person with a disability resides and which is licensed or certified by: (a) the Utah Department of Human Services under UTAH CODE ANN. Title 62A, Chapter 2, "Licensure of Programs and Facilities," or (b) the Utah Department of Health under UTAH CODE ANN. Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

19.04.3580 Responsible Person

The person(s) responsible for correcting or abating a nuisance pursuant to this chapter. The responsible person includes the property owner and any person who causes or permits a nuisance to occur or remain upon property in the city, and includes but is not limited to the owner(s), lessor(s), lessee(s), or other person(s) entitled to control, use and/or occupy property where a nuisance occurs. In cases where there are more than one responsible persons, the city may proceed against one, some or all of them.

19.04.3590 Restaurant or cafeteria (with drive-thru service).

An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-thru window(s).

19.04.3600 Restaurant or cafeteria (without drive thru service).

An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-thru window.

19.04.3610 Restaurant or eating place (drive-in service).

An eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

19.04.3620 Retail or service, incidental.

The rendering of incidental retailing or services incidental to the primary use. In the city's O-R-D zone, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than 15% of the main use.

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19.04.3630 Retail shop (for apparel, gifts, accessories and similar items).

An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (See also "general retail stores").

19.04.3640 Retirement housing for the elderly (also independent living center or congregate housing).

A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

19.04.3650 Right-of-way.

A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities.

19.04.3660 Roof Mounted Facility

An antenna or series of individual antennas mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure. Also includes associated equipment.

19.04.3670 Room.

A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

19.04.3680 Rooming house.

See "boarding house."

19.04.3690 Salvage or reclamation of products (see also "wrecking yard").

The reclamation and storage of used products or materials.

19.04.3700 Sand, gravel or stone extraction and/or storage.

The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

19.04.3710 School

an institution of learning or instruction primarily catering to minors, whether public or private, which is accredited as such a facility by the state. This definition shall include kindergartens, elementary schools, junior high schools, middle high schools, senior high schools, or any special institution of learning under the jurisdiction of the state Department of Education, but shall not include home occupations represented as schools, trade schools, charm schools, dancing schools, music schools or similar limited schools, nor public or private universities or colleges.

19.04.3720 School business.

A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.

19.04.3730 School, commercial trade.

A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.

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19.04.3740 School, private (primary or secondary).

A school under the sponsorship of a private entity (other than a public or religious agency) which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.

19.04.3750 School, public or parochial.

A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.

19.04.3760 Scientific and industrial research laboratories.

Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

19.04.3770 Screened.

Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.

19.04.3780 Seasonal uses.

Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items which are typically only available at certain times of the year.

19.04.3790 Self storage.

Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

19.04.3800 Servants' quarters or guest house.

An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.

19.04.3810 Service Drop

The portion of the system located between the distribution system and wall of the building or structure occupied or intended to be occupied by a customer.

19.04.3820 Setback

That part of a lot extending open and unobstructed from the lowest level to the sky, except for permitted obstructions, along the length of a lot line for a depth or width set forth in the bulk regulations for the district in which the lot is located. Required setbacks are also referred to as yards.

19.04.3830 Sexually oriented business.

Adult businesses, nude entertainment businesses, seminude dancing bars, outcall services, and nude and seminude dancing agencies as defined in chapter 5.82.

19.04.3840 Shelter for the homeless

Charitable lodging or sleeping rooms provided on a temporary (usually daily) basis to those members of society lacking other safe, sanitary or affordable shelter.

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A shelter for the homeless may also include kitchen and cafeteria facilities.

19.04.3850 Shopping center.

A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.

19.04.3860 Short-term Rental

The rental, letting of rooms or subleasing/renting of any structure, dwelling or portion thereof for occupancy, dwelling, lodging or sleeping purposes for at least three but not more than 30 consecutive days in duration.

19.04.3870 Short-term Rental Operator or "Operator"

"*Short-term rental operator*" or "*operator*" means the owner or a responsible party designated by the owner of a short-term rental property to act for and in behalf of the owner in managing the property. If the operator is not the owner, the actions, undertakings and certifications of the operator shall be binding on the owner. To assure prompt response to complaints and issues concerning a short-term rental property, the operator must:

(1) Maintain a call center or other complaint "hotline" that is staffed by a live person (i.e.—mere voicemail or an answering machine is non-compliant with this requirement) and fully responsive 24 hours per day, 365 days per year;

(2) Cause a responsible party with decision-making authority to be on-site at the short-term rental property within one hour after the telephonic lodging of a complaint reasonably requiring the operator's on-site presence, including, without limitation, complaints from neighbors and the city concerning the behavior of occupants or guests of the short-term rental property; and

(3) Continuously maintain on file with the city the operator's current (i) address, (ii) telephone number, and (ii)facsimile number and/or e-mail address, for the city's use in contacting the operator for purposes of this chapter and Title 5 of this code, which information shall be promptly updated on the city's records by the operator as such information changes.

19.04.3880 Short-term Rental Property

Real property licensed under this chapter for use for short-term rental purposes

19.04.3890 Side yard.

See "yard, side."

19.04.3900 Sign

A sign or special sign, as defined by this chapter. Sign also means a lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right-of-way.

19.04.3910 Sign, Above-roof

Means a sign displayed above the peak or parapet of a building

19.04.3920 Sign, animation or Animated (see also "changeable copy" and "movement")

Means the movement or the optical illusion of movement of any part of the sign structure, design, or pictorial

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segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign.

19.04.3930 Sign, civic

Means a temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

19.04.3940 Sign, directional

A sign at the exit or entrance of a premises that has two or more driveways.

19.04.3950 Sign, electronic display

Any sign, video display, projected image or similar device, or portion thereof, that displays electronic images, graphics or pictures, with or without textual information that is generated (or may be changed or altered) by electronic means. Electronic display signs include, without limitation, electronic or digital displays that are computer programmable or microprocessor controlled and signs that use light emitting diodes (LED), plasma displays, fiber optics, light bulbs or other illumination devices or technology that results in bright, high resolution text, images and graphics.

19.04.3960 Sign, grand opening

A banner displayed on a premises on which a grand opening is in progress.

19.04.3970 Sign, ground

A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.

19.04.3980 Sign, height

The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign.

19.04.3990 Sign, inflatable

Any advertising devise, which is supported by heated or forced air, or lighter-than air gases.

19.04.4000 Sign, monument

A ground sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.

19.04.4010 Sign, movement (see also ”animation”

Physical movement or revolution up or down, around, or sideways that changes at intervals of less than 60 seconds.

19.04.4020 Sign, name-plate

A sign indicating the name and address of a building; or the name of an occupant thereof, and the practice of a permitted occupation therein.

19.04.4030 Sign, nonconforming

A sign that was lawfully constructed or installed prior to the adoption or amendment of this chapter and was in compliance with all of the provisions of the governing ordinance then in effect, but which does not presently comply with this chapter.

19.04.4040 Sign, off-premise (see also “Billboard”)

A sign that directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

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19.04.4050 Sign, off-premise electronic display or "OPEDS"

Off-premise electronic display sign(s) (whether singular or plural, as the context requires).

19.04.4060 Sign, pole

A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

19.04.4070 Sign, political

A temporary sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

19.04.4080 Sign, portable

A sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

19.04.4090 Sign, projecting

A sign attached to and projecting from the wall of a building and not in the same plane as the wall.

19.04.4100 Sign, property

An on premise sign that states the rights that the owner of that property wishes to enforce, such as no dumping, or no trespassing.

19.04.4110 Sign, public information

an on premises sign that is located on land in a PF (public facilities) zone that is owned, leased or occupied by a federal, state or local governmental body (such as a city or a school district), which signage is used solely for noncommercial, public information purposes such as civic announcements, publicizing community events, occurrences or activities, or the like. A public information sign may not be used for off-premises sign or billboard purposes. All public information signs shall be constructed as monument signs as provided in section 12.82.030 below.

19.04.4120 Sign, real estate

A temporary sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on a site where the sign is located.

19.04.4130 Sign, Roof (see also "above-roof-sign)

A sign that is displayed above the eaves and under the peak of a building.

19.04.4140 Sign, size

The total area of the face used to display a sign, not including its supporting poles or structures. If a sign has two faces that are parallel (not more than two feet apart), and supported by the same poles or structures, the size of the sign is onehalf the area of the two faces.

19.04.4150 Sign, snipe

An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

19.04.4160 Sign, special

A sign, other than a ground or wall sign, regulated by this title.

19.04.4170 Sign, temporary window

A window sign displayed for a limited period of time.

19.04.4180 Sign, time and temperature

A sign devoted exclusively to the display of the current time and temperature.

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19.04.4190 Sign, vehicle
A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

19.04.4200 Sign, wall
A sign painted on or attached to a wall of a structure and in the same plane as the wall.

19.04.4210 Sign, wind
Any display or series of displays, banners, flags, balloons, or other objects designed and fashioned in such a manner as to move when subjected to wind pressure.

19.04.4220 Sign, window
A sign applied, painted or affixed to or in the window of a building. A window sign may be temporary or permanent.

19.04.4230 Signable Area for Projecting Signs and Awnings
One area enclosed by a box or outline, or within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

19.04.4240 Signable Area for wall signs
One area free of architectural details on the facade of a building or part of a building, which shall include the entire area which is: 1. Enclosed by a box or outline, or 2. Within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures. A "facade" is the side of a building below the eaves.

19.04.4250 Single-family dwelling, attached (townhouse).
A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

19.04.4260 Single-family dwelling, detached.
A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.

19.04.4270 Skilled nursing facility (also termed nursing home, convalescent home or long-term care facility).
A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.

19.04.4280 Small engine repair shop.
Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

19.04.4290 Stable, commercial.
A stable used for the rental of stall space or for the sale or rental of horses or mules.

19.04.4300 Stable, private.

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An area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.

19.04.4310 State.
The state of Utah.

19.04.4320 Stealth Facility
A facility which is either
1. Virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure; or
2. Camouflaged, through stealth design, so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surrounding in which it is located. Examples of stealth facilities include antennas which are disguised as flagpoles, as indigenous trees, as rocks, or as architectural elements such as dormers, steeples and chimneys. To qualify as "stealth" design, the item in question must match the type of item that it is mimicking in size, scale, shape, dimensions, color, materials, function and other attributes as closely as possible, as reasonably determined by the city.

19.04.4330 Storage or wholesale warehouse.
A building used primarily for the storage of goods and materials.

19.04.4340 Street.
Any dedicated public thoroughfare which affords the principal means of access to abutting property.

19.04.4350 Street identification.
Any street which joins another street at an angle, whether or not it crosses the other.

19.04.4360 Structure.
Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (see also "*Building*").

19.04.4370 Structural alterations.
Any change in the supporting members of a structure, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

19.04.4380 Studio, health/reducing/ fitness.
Includes, without limitation, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.

19.04.4390 Studio, tattoo or body piercing.
A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the

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purpose of ornamentation of the human body.

19.04.4400 Studio for radio or television.

A building or portion of a building used as a place for radio or television broadcasting.

19.04.4410 Structure

Anything built that requires a permanent location. This term includes a building.

19.04.4420 Structure designed for human occupancy

Is any residential dwelling or any other structure use or intended for supporting or sheltering any use or occupancy, which is expected to have occupancy rate of more than 2,000 person-hours per year.

19.04.4430 Subdivision

The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer, or ownership, or building or lot development. The term shall include the re-subdivision of land.

19.04.4440 Substantial completion.

The stage of the progress of work when the work or designated portion thereof is sufficiently complete in accordance with the contract documents so that the owner may occupy or utilize the work for its intended use.

19.04.4450 Supermarket/Grocery Store

A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods

19.04.4460 Swimming pool, commercial.

A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

19.04.4470 System

All poles, towers, wires, lines, cables, conduits, pipes and accessory equipment providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution system, transmission system, and accessory equipment.

19.04.4480 Telecom Tower

A structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), of either lattice or monopole construction

19.04.4490 Telemarketing center.

An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.

19.04.4500 Telephone and exchange, switching/relay or transmitting station.

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A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.

19.04.4510 Temporary.

Used or lasting for only a limited period of time; not permanent.

19.04.4520 Temporary building.

Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

19.04.4530 Temporary field office or construction yard or office.

A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one year for a specific time and location as determined may be issued by the building official and shall be subject to review and renewal for reasonable cause.

19.04.4540 Tennis court, private.

A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by this code.

19.04.4550 Theater or playhouse (indoor).

A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

19.04.4560 Tire dealer, no open storage.

A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

19.04.4570 Tire dealer, with open storage.

A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

19.04.4580 Tool and machinery rental shop.

A building or a portion of a building used for the display and rental of tools, machinery and instruments.

19.04.4590 Tract.

A single individual parcel or lot.

19.04.4600 Tractor sales.

See "heavy machinery sales and storage."

19.04.4610 Trade and commercial schools.

See "*school, commercial trade*."

19.04.4620 Trailer park or court.

See "*mobile home park*."

19.04.4630 Trailer, hauling.

A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.

19.04.4640 Trailer home.

See "manufactured housing, mobile home."

19.04.4650 Trailer or mobile home space.

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See "*mobile home space*."

19.04.4660 Trailer rental.

The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.

19.04.4670 Trailer, travel or camping.

A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.

19.04.4680 Transitional Housing Facility

A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually three to 24 months, but in no event less than 30 days) is provided to homeless persons while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for their exclusive use for more than 30 days as part of a transitional housing program shall not be considered to be a transitional housing facility.

19.04.4690 Transmission System

The portion of the system which is used to carry the service from points of generation or switching centers to distribution points such as electrical substations and equipment sites. In the case of electrical service, a transmission system is defined as carrying a voltage of 46 KV or more.

19.04.4700 Transportation and utility structures/facilities.

Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

19.04.4710 Truck.

A light or heavy load vehicle (see "light load vehicle" and "heavy load vehicle").

19.04.4720 Truck and bus repair.

An establishment providing major and minor automotive repair services to heavy load vehicles.

19.04.4730 Truck and bus leasing.

The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

19.04.4740 Truck stop.

A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

19.04.4750 Truck terminal.

An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

19.04.4760 Truck sales (heavy trucks).

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The display, sale or rental of new or used heavy load vehicles in operable condition.

19.04.4770 Twin Homes
See Two-Family Dwelling

19.04.4780 Twirl time
The time that it takes for static text, images and graphics on an OPEDS to change to a different text, images or graphics on a subsequent sign face.

19.04.4790 Two-family dwelling (duplex, twin home).
Two attached dwellings in one structure, each designed to be occupied by one family.

19.04.4800 Usable open space.
An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent, shall have no dimension of less than ten feet, and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains).

19.04.4810 Use.
The purpose for which land or buildings are or may be occupied in a zoning district.

19.04.4820 Utility Company
A company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

19.04.4830 Utility distribution/ transmission lines.
Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the city or a private utility company.

19.04.4840 Utility Stations
Any aboveground structure, except an antenna or utility pole and associated appurtenances, which a provider constructs, erects, or places on a site, and is attached or affixed to something having a permanent location on or under the ground which is used to provide its services to customers and which: (1) exceeds 32 cubic feet total volume or minimum height of four feet above grade; (2) contains any power generating equipment, regardless of size of the structure; or (3) has the potential for creating environmental impacts

19.04.4850 UDOT
Utah Department of Transportation

19.04.4860 Variance.
An adjustment in the application of the specific regulations of this title to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the board of adjustment may grant a variance.

19.04.4870 Vehicle
includes, but is not limited to, trailers, travel trailers, semi-trailers, road tractor, recreational vehicle, pick-up truck, motorboat, manufactured home, motor vehicle, motorcycle, off-highway vehicle, farm truck, farm tractor, commercial vehicle, camper, all-terrain

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type I and type II vehicles, off-highway vehicle, reconstructed vehicle, sailboat, special interest vehicle, specially constructed vehicle, all as defined in the Motor Vehicle Act, UTAH CODE ANN. § 41- 1a-101, et seq.

19.04.4880 Veterinarian clinic.

An establishment where animals and pets are admitted for examination and medical treatment (see also "kennels").

19.04.4890 Wall Mounted Facility

An antenna or series of individual antennas mounted against the vertical wall of a building or structure. Also includes associated equipment.

19.04.4900 Water Pumping Plant and Reservoir

A facility that delivers water at a designed pressure and flow rate. Includes the required pump(s), associated power unit(s), plumbing, appurtenances, and may include on-site fuel or energy source(s), and protective structures. A reservoir associated with a water pumping plant means a pond, lake, basin, or other space, either natural or created in whole or in part by engineered walls or structures, which is used for storage, regulation, and control of water for recreation, power, flood control, or drinking.

19.04.4910 Weapon.

A weapon is (a) any firearm, including, without limitation, any barreled device, of any description, from which any shot, bullet, pellet, dart, paintball or other potentially harmful missile can be discharged, any component part of or accessory to such a firearm, including accessories designed or adapted to diminish the noise or flash caused by the firing of the firearm; (b) any knife, including, without limitation, a belt buckle knife, dirk, dagger, sword, cane sword, pen knife, lipstick knife, switchblade, butterfly knife or any other knife that has a blade longer than 2.5 inches, opens automatically, or has more than one sharp edge; (c) nunchaku; (d) metal knuckles; (e) blow guns in excess of 12" in length; (f) bows and crossbows; (g) ammunition, arrows, bolts, bullets or any explosive device.

19.04.4920 Wireless Telecommunications Facility

An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

19.04.4930 Wrecking yard (junkyard or auto salvage).

Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

19.04.4940 Yard.

An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this title that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal

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distance between the lot line and the main building shall be used.

19.04.4950 Yard, front.

A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

19.04.4960 Yard, rear.

The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

19.04.4970 Yard, side.

The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

19.04.4980 Zero-lot-line dwelling.

A common lot line on which a wall of a structure may be constructed.

19.04.4990 Zoning district.

A classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development.

19.04.5000 Zoning map.

The official map upon which the boundaries of the various zoning districts in the city are drawn and which is an integral part of this title.

19.04.5010 Zoo (private).

A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

19.04.5020 Zoo (public).

A publicly owned zoo or similar facility owned and operated by the city, another public agency, or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

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