Title 19

ZONING

Chapters:

19.02 General Provisions and Administration
19.04 Definitions
19.05 Planning Commission
19.06 Zones, Maps, and Zone Boundaries
19.08 F-20-Foothill Recreation Zone
19.11 F-1-43-Foothill Residential Zone
19.14 F-1-21-Foothill Residential Zone
19.17 RR-1-43-Rural Residential Zone
19.18 RR-1-29-Rural Residential Zone
19.20 RR-1-21-Rural Residential Zone
19.23 R-1-15-Residential Single Family Zone
19.25 R-1-10-Residential Single-Family Zone
19.26 R-1-8-Residential Single Family Zone
19.29 R-1-6-Residential Single Family Zone
19.31 R-2-8-Residential Multi-Family Zone
19.34 RM-Residential Multi-Family Zone
19.35 RO-Residential Office Zone
19.36 MU-Mixed Use Zone
19.37 NC-Neighborhood Commercial Zone
19.40 CR-Regional Commercial Zone
19.43 PF-Public Facilities Zone
19.46 O-R-D-Office, Research and Development Zone
19.49 Gateway Overlay District
19.72 Sensitive Lands
19.74 Floodplain Hazard Regulations
19.75 Geological Hazard Areas
19.76 Supplementary and Qualifying Rules and Regulations
19.78 Planned Unit Development
19.79 Utility and Facility System Placement Regulations
19.80 Off-Street Parking Requirements
19.81 Highway Noise Abatement Measures
19.82 Signs
19.83 Wireless Telecommunications Facilities
19.84 Conditional Uses
19.85 Residential Facilities for Persons with Disabilities
19.86 Historic Preservation
19.87 Site Plan Review Process
19.88 Noncomplying Building and Nonconforming Uses
19.89 Short Term Rentals
19.90 Amendments and Rezoning

19.91 Sexually-Oriented Businesses
19.92 Board of Adjustment
19.94 Enforcement

Chapter 19.02
GENERAL PROVISIONS AND ADMINISTRATION

Sections:

19.02.010 Title for citation.
19.02.020 Purpose of provisions.
19.02.030 Interpretation as minimum requirements.
19.02.040 Resolution of conflicts.
19.02.050 Effect on previous ordinances and maps.
19.02.060 Licensing requirements.
19.02.070 Time computation.
19.02.080 Site plans required—Contents.
19.02.090 Building and use permits required.
19.02.100 Compliance prerequisite to permit issuance.
19.02.110 Improvements—Performance bonds.
19.02.120 Development standards.
19.02.130 Application and permit expiration.

19.02.010 Title for citation.

This title shall be known as the "Zoning Ordinance of Cottonwood Heights, Utah," and may be so cited and pleaded. This title shall also be known as Title 19, Cottonwood Heights Code of Ordinances.

19.02.020 Purpose of provisions.

This title is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, and securing economy in governmental expenditures, fostering the city's industries, and the protection of both urban and non-urban development.

19.02.030 Interpretation as minimum requirements.

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

19.02.040 Resolution of conflicts.

This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive.

19.02.050 Effect on previous ordinances and maps.

The existing ordinances of the city covering the zoning of areas and districts in the city, in their entirety and including the maps theretofore adopted and made a part of such ordinances, are hereby superseded and amended to read as set forth in this title; provided, however that this title, including the maps on file with the planning commission and by this reference made a part hereof, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this title, whether in the same or in different language; and this title shall be so interpreted upon all questions including, but not limited to, questions of construction, relating to tenure of officers and boards established by previous ordinances, and to questions of conforming or nonconforming uses, buildings or structures, and to questions as to the dates upon which such uses,

buildings or structures become conforming or nonconforming.

19.02.060 Licensing requirements.

All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permits or licenses for use, building or purpose where the same would be in conflict with the provisions of this title, and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void.

19.02.070 Time computation.

A. In computing any period of time prescribed or allowed by this title, the day of the act, event or decision after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday or a holiday. When the period of time prescribed or allowed is less than seven days, intervening Saturdays, Sundays and holidays shall be excluded in the computation. A half-holiday shall be considered as other days and not as a holiday.

B. The date of a decision or recommendation of the planning commission shall be the date of the public meeting or hearing where such decision or recommendation is made. If the decision is made by the city's community development director, the date of the decision shall be the date specified on the property owner's notice or notification letter in the application file.

19.02.080 Site plans required—Contents.

A detailed site plan, drawn to scale (scale and sheet size to be determined by the community development director) shall be filed as part of any application prior to consideration or for any building permit. The site plan shall show, where pertinent:

A. Note of scale used;

B. Direction of North point;

C. Lot lines, together with adjacent streets, roads and rights-of-way;

D. Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.);

E. Location of the proposed construction and improvements, including the location of all signs;

F. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location;

G. Necessary explanatory notes;

H. Name, address and telephone number of builder and owner; and

I. All other information that may be required, as determined by the director.

19.02.090 Building and use permits required.

Construction, alteration, repair or removal of any building or structure, or any part thereof, as provided or as restricted in this title, shall not be commenced or proceeded upon except after the issuance of a written permit for the same by the city's building official. The use of the land shall not be commenced or proceeded upon except upon the issuance of a written permit for the same by the director. No use permit shall be required for land used for agricultural purposes, as defined in this title, and/or for the keeping or raising of

animals or fowl.

19.02.100 Compliance prerequisite to permit issuance.

After the effective date of the ordinance codified in this title, no building permit may be issued without first having been approved by the director. The director or his designee shall not approve a building permit if any building, structure or use of land would be in violation of any of the provisions of this title, nor shall any other city officer grant any permit or license nor the use of any building or land if use would be in violation of this title.

19.02.110 Improvements—Performance bonds.

A. Any improvements required under this title or by the planning commission including, but not limited to, curb, gutter and sidewalk, fences, landscaping, streets, fire hydrants and parking, shall be satisfactorily installed prior to the city authorizing electrical service being provided; or, if no electrical service is required, prior to occupancy permit issuance for the land being developed. In lieu of actual completion of such improvements prior to electrical service being provided or occupancy permit, a developer may file with the city a completion bond, in form and amount specified by the city, to ensure completion of improvements within one year. Twenty-five percent of the bond amount for public improvements, such as curb, gutter, sidewalk, road surfacing and fire hydrants, shall extend for a one-year period beyond the date the improvements are completed, to guarantee replacement of such defective public improvements. Upon completion of the improvements for which a completion bond has been filed, the developer shall call for inspections of the improvements by the director or his designee.

B. If the city determines that the required improvements should be completed in a specified sequence and/or in less than a one-year period in order to protect the health, safety and welfare of the city or its residents from traffic, flood, drainage or other hazards, it may require in approving the completion bond that the improvements be installed in a specified sequence and period which may be less than one year and shall incorporate such requirements in the completion bond.

C. Such completion bonds shall be processed and released in accordance with the procedures set forth in this code.

D. When the developer is a school district, municipality, service area, special-purpose district or other political subdivision of the state, the city may waive the bond and accept a letter from the developer's governing body guaranteeing installation of the improvements. Before approving any such waiver, the city shall receive a recommendation from the director.

19.02.120 Development standards.

The planning commission may adopt development standards for use as a guide in conditional use review, site plan review, subdivision design, and for use in site plan review for single-family dwellings.

19.02.130 Application and permit expiration.

A. Applications applied for under this title shall not be considered for processing and/or approval if no new submittals are received by the city for a period of six months. Resubmitted applications related to an expired application shall conform to current zoning, subdivision and other standards

under this code at the time of resubmittal to the city.

B. Conditional use permits, grading permits, site plan permits, building permits, use permits, sign permits and any other permit issued under this title shall become null and void if the work authorized under such permit has not been commenced within one year after the date such permit was issued and substantially completed within two years following such issuance.

Chapter 19.04
DEFINITIONS

19.04.005 Terms, tenses and disputes of definitions
19.04.010 Accessory building (residential).
19.04.020 Accessory building (business or industry).
19.04.030 Accessory use.
19.04.040 Alley.
19.04.050 Ambulance service.
19.04.060 Amusement arcade (also video arcade).
19.04.070 Amusement, commercial (indoor).
19.04.080 Amusement commercial (outdoor).
19.04.090 Antenna, microwave reflector and antenna support structure.
19.04.100 Antenna (non-commercial/amateur).
19.04.110 Antenna (commercial).
19.04.120 Antique shop.
19.04.130 Art gallery or museum.
19.04.140 Assisted living facility.
19.04.150 Auto laundry or car wash.
19.04.160 Auto finance and leasing.
19.04.170 Auto parts and accessory sales (indoors).
19.04.180 Auto rental.
19.04.190 Auto sales (new).
19.04.200 Auto sales (used).
19.04.210 Auto storage or auto auction.
19.04.220 Automobile.
19.04.230 Automobile accessory installation (minor).
19.04.240 Automobile repair garage.
19.04.250 Automobile repair, major.
19.04.260 Automobile repair, minor.
19.04.270 Automotive gasoline or motor fuel service station.
19.04.280 Bakery or confectionery (retail).
19.04.290 Bakery or confectionary (wholesale or commercial).
19.04.300 Ballroom dancing.
19.04.320 Barn.
19.04.330 Basement or cellar.
19.04.340 Bed and breakfast.
19.04.350 Block.
19.04.355 Blood plasma facility
19.04.360 Boarding or rooming house.
19.04.370 Board of adjustment.
19.04.380 Building.
19.04.390 Building code.
19.04.400 Building, main or primary.
19.04.410 Building materials and hardware sales (indoor or outdoor).
19.04.420 Building official.
19.04.430 Building site.
19.04.440 Bus station or terminal.
19.04.450 Caretakers' or guards' residence.
19.04.460 Carnival, circus or tent service (temporary).
19.04.470 Carport.
19.04.474 Car wash
19.04.475 Car wash – Conveyor
19.04.476 Car wash – In-bay automatic.
19.04.477 Car wash – Self-service
19.04.480 Cemetery or mausoleum.
19.04.490 Cemetery, animal.
19.04.500 Certificate of occupancy.
19.04.520 Church, rectory or temple.
19.04.530 City.
19.04.540 City council.
19.04.550 Civic center.

19.04.560 Cleaning plant (commercial/wholesale).
19.04.570 Cleaning shop or laundry (small shop, pickup and self-service).
19.04.580 College or university.
19.04.590 Commercial amusement (indoor).
19.04.600 Commercial amusement (outdoor).
19.04.610 Commercial recreation.
19.04.620 Communications operations (non-commercial/amateur).
19.04.630 Communications operation (commercial).
19.04.640 Community center (public).
19.04.650 Concrete or asphalt batching plant (permanent).
19.04.660 Concrete or asphalt batching plant (temporary).
19.04.670 Continuing care retirement community.
19.04.680 Convenience store with (or without) gasoline sales.
19.04.690 Copy shop or printing.
19.04.700 Contractor's shop with outside storage yard.
19.04.710 Country club (private).
19.04.720 County.
19.04.730 Court.
19.04.740 Coverage.
19.04.750 Custom personal service shop.
19.04.760 Day camp for children.
19.04.770 Density.
19.04.780 Department.
19.04.785 Depository institution.
19.04.790 Detached.
19.04.800 Development review committee.
19.04.810 Director.
19.04.820 Distribution center.
19.04.830 Drapery or furniture upholstering shop.
19.04.840 Dwelling.
19.04.850 Dwelling, single family attached (townhouse).
19.04.860 Easement.
19.04.870 Educational facilities.
19.04.880 Electrical substation (high voltage bulk power).
19.04.890 Enclosed building.
19.04.900 Fairgrounds.
19.04.910 Family.
19.04.920 Family home (child care in place of residence).
19.04.930 Farm, ranch, garden, crops or orchard.
19.04.940 Feed and grain store.
19.04.950 Fire department.
19.04.960 Flood plain.
19.04.970 Floor area.
19.04.980 Floor area ratio (FAR).
19.04.990 Florist shop.
19.04.1000 Food processing.
19.04.1010 Food store.
19.04.1020 Franchised private utility (not listed).
19.04.1030 Fraternal organization, lodge, civic club or union.
19.04.1040 Front yard.
19.04.1050 Funeral home or mortuary.
19.04.1060 Furniture, home furnishings or appliance store.
19.04.1070 Furniture store (new and used).
19.04.1080 Garage, private.
19.04.1090 Garage/accessory.
19.04.1100 Garden shop.
19.04.1110 Gasoline service or filling station.
19.04.1120 General commercial plant.
19.04.1130 General manufacturing.
19.04.1140 General plan.
19.04.1150 General retail stores.
19.04.1160 Golf course.

19.04.1170 Group day-care home.
19.04.1180 Gymnastic or dance studio.
19.04.1190 Hauling or storage company.
19.04.1200 Health department.
19.04.1210 Heavy load vehicle.
19.04.1220 Heavy machinery sales and storage.
19.04.1230 Heliport.
19.04.1240 Helistop.
19.04.1250 Home for the aged, residence.
19.04.1260 Hospital (acute care).
19.04.1270 Hospital (chronic care).
19.04.1280 Household appliance service and repair.
19.04.1290 Household care facility.
19.04.1300 Household care institution.
19.04.1310 Incidental or accessory retail and service uses.
19.04.1320 Industrial manufacturing.
19.04.1330 Kennels (indoor pens).
19.04.1340 Kennels (outdoor pens).
19.04.1350 Kindergarten or nursery school (private).
19.04.1360 Kiosk.
19.04.1370 Kitchen, residential.
19.04.1380 Laboratory equipment manufacturing.
19.04.1390 Laboratory, scientific or research.
19.04.1400 Landscaping.
19.04.1410 Laundromat.
19.04.1420 Light load vehicle.
19.04.1430 Light manufacturing or industrial use.
19.04.1440 Loading space.
19.04.1450 Local utility line.
19.04.1460 Lot.
19.04.1470 Lot area.
19.04.1480 Lot, corner.
19.04.1490 Lot depth.
19.04.1500 Lot, double frontage.
19.04.1510 Lot, flag.
19.04.1520 Lot, interior.
19.04.1530 Lot frontage.
19.04.1540 Lot line, front.
19.04.1550 Lot, key.
19.04.1560 Lot line, rear.
19.04.1570 Lot line, side.
19.04.1580 Lot lines or property lines.
19.04.1590 Lot of record.
19.04.1600 Lot width.
19.04.1610 Main building.
19.04.1620 Manufactured home display or sale (new).
19.04.1630 Manufactured home display or sales (used).
19.04.1640 Manufactured housing.
19.04.1650 Masonry construction.
19.04.1660 Mausoleum.
19.04.1670 Medical facilities.
19.04.1680 Minor medical emergency clinic.
19.04.1690 Mobile home park.
19.04.1700 Mobile home space.
19.04.1710 Mobile home subdivision.
19.04.1720 Model home.
19.04.1730 Motel or hotel.
19.04.1740 Motorcycle.
19.04.1750 Motorcycle sales and repair.
19.04.1760 Motor freight company.
19.04.1770 Motor vehicle.
19.04.1780 Multiple-family dwelling.
19.04.1790 Municipal facility or use.
19.04.1800 Noncomplying structure.
19.04.1810 Nonconforming use.
19.04.1815 Non-depository institutions.
19.04.1820 Nursery.
19.04.1830 Nursing, convalescent or rest home.
19.04.1840 Occupancy.
19.04.1850 Offices, professional and general business.
19.04.1860 Office center.
19.04.1870 Office showroom.
19.04.1880 Office warehouse.

19.04.1890 Officially approved place of access.
19.04.1900 Off-street parking incidental to main use.
19.04.1910 Outside display.
19.04.1920 Outside storage.
19.04.1930 Paint shop.
19.04.1940 Parcel.
19.04.1950 Park or playground (private).
19.04.1960 Park or playground (public).
19.04.1970 Parking lot.
19.04.1980 Parking lot or structure, commercial (auto).
19.04.1990 Parking space.
19.04.2000 Pawn shop.
19.04.2002 Pawn shop without weapons.
19.04.2010 Personal service shop or custom personal services.
19.04.2020 Pet and animal grooming shop.
19.04.2030 Planned development district.
19.04.2040 Planning commission.
19.04.2050 Plat.
19.04.2060 Platted lot.
19.04.2070 Playfield or stadium (public).
19.04.2080 Playfield or stadium (private).
19.04.2090 Portable building sales (outdoor display).
19.04.2100 Premises.
19.04.2110 Primary use.
19.04.2120 Principal building.
19.04.2130 Private club.
19.04.2140 Private recreation facility or private park.
19.04.2150 Produce stand.
19.04.2160 Professional service.
19.04.2170 Propane sales.
19.04.2180 Public agency building, shop, yard or facility.
19.04.2190 Public recreation.
19.04.2200 Public view.
19.04.2210 Radio, television or microwave tower.
19.04.2220 Rear yard.
19.04.2230 Recreation center.
19.04.2240 Recreational vehicle (RV).
19.04.2250 Recreational vehicle/camper sales and leasing.
19.04.2260 Recreational vehicle (RV) park).
19.04.2270 Recycling kiosk.
19.04.2280 Rehabilitation care facility (halfway house).
19.04.2290 Rehabilitation care institution.
19.04.2300 Residence.
19.04.2310 Residence hotels.
19.04.2320 Residential district.
19.04.2330 Residential facility for persons with a disability.
19.04.2340 Restaurant or cafeteria (with drive-thru service).
19.04.2350 Restaurant or cafeteria (without drive thru service).
19.04.2360 Restaurant or eating place (drive-in service).
19.04.2370 Retail or service, incidental.
19.04.2380 Retail shop (for apparel, gifts, accessories and similar items).
19.04.2390 Retirement housing for the elderly (also independent living center or congregate housing).
19.04.2400 Right-of-way.
19.04.2410 Room.
19.04.2420 Rooming house.
19.04.2430 Salvage or reclamation of products (see also "wrecking yard").

19.04.2440 Sand, gravel or stone extraction and/or storage.
19.04.2450 School business.
19.04.2460 School, commercial trade.
19.04.2470 School, private (primary or secondary).
19.04.2480 School, public or parochial.
19.04.2490 Scientific and industrial research laboratories.
19.04.2500 Screened.
19.04.2510 Seasonal uses.
19.04.2520 Self storage.
19.04.2530 Servants' quarters or guest house.
19.04.2540 Sexually oriented business.
19.04.2550 Shopping center.
19.04.2560 Side yard.
19.04.2570 Single-family dwelling attached (townhouse).
19.04.2580 Single-family dwelling, detached.
19.04.2590 Skilled nursing facility (also termed nursing home, convalescent home or long-term care facility.
19.04.2600 Small engine repair shop.
19.04.2610 Stable, commercial.
19.04.2620 Stable, private.
19.04.2630 State.
19.04.2640 Storage or wholesale warehouse.
19.04.2650 Street.
19.04.2660 Street identification.
19.04.2670 Structure.
19.04.2680 Structural alterations.
19.04.2690 Studio, health/reducing/fitness.
19.04.2700 Studio, tattoo or body piercing.
19.04.2710 Studio for radio or television.
19.04.2720 Substantial completion.
19.04.2730 Swimming pool, commercial.
19.04.2740 Telemarketing center.
19.04.2750 Telephone and exchange, switching/relay or transmitting station.
19.04.2760 Temporary.
19.04.2770 Temporary building.
19.04.2780 Temporary field office or construction yard or office.
19.04.2790 Tennis court, private.
19.04.2800 Theater or playhouse (indoor).
19.04.2810 Tire dealer, no open storage.
19.04.2820 Tire dealer, with open storage.
19.04.2830 Tool and machinery rental shop.
19.04.2840 Tract.
19.04.2850 Tractor sales.
19.04.2860 Trade and commercial schools.
19.04.2870 Trailer park or court.
19.04.2880 Trailer, hauling.
19.04.2890 Trailer home.
19.04.2900 Trailer or mobile home space.
19.04.2910 Trailer rental.
19.04.2920 Trailer, travel or camping.
19.04.2930 Transportation and utility structures/facilities.
19.04.2940 Truck.
19.04.2950 Truck and bus repair.
19.04.2960 Truck and bus leasing.
19.04.2970 Truck stop.
19.04.2980 Truck terminal.
19.04.2990 Truck sales (heavy trucks).
19.04.3000 Two-family dwelling (duplex).
19.04.3010 Usable open space.
19.04.3020 Use.
19.04.3030 Utility distribution /transmission lines.

19.04.3040 Variance.
19.04.3050 Veterinarian clinic.
19.04.3055 Weapon.
19.04.3060 Wrecking yard (junk-yard or auto salvage).
19.04.3070 Yard.
19.04.3080 Yard, front.
19.04.3090 Yard, rear.
19.04.3100 Yard, side.
19.04.3110 Zero-lot-line dwelling.
19.04.3120 Zoning district.
19.04.3130 Zoning map.
19.04.3140 Zoo (private).
19.04.3150 Zoo (public).

19.04.005 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.

19.04.010 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.

19.04.020 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.

19.04.030 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).

19.04.040 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.

19.04.050 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.

19.04.060 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 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.

19.04.070 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.

19.04.080 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.

19.04.090 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.

19.04.100 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 (6') in diameter shall

also be considered as a non-commercial antenna.

19.04.110 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.

19.04.120 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.

19.04.130 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.

19.04.140 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 /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.).

19.04.150 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 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.

19.04.160 Auto finance and leasing.

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

19.04.170 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.

19.04.180 Auto rental.

Storage or renting of automobiles and light trucks.

19.04.190 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.

19.04.200 Auto sales (used).

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

19.04.210 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").

19.04.220 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.

19.04.230 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.

19.04.240 Automobile repair garage.

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

19.04.250 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.

19.04.260 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 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.

19.04.270 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 forty-eight (48) hours.

19.04.280 Bakery or confectionery (retail).

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

19.04.290 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.

19.04.300 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.

19.04.310 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.

19.04.320 Barn.

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

19.04.330 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.

19.04.340 Bed and breakfast.

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

19.04.350 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.

19.04.355 Blood plasma facility.

A building and premises used primarily for the performance of plasmapheresis, which is 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. "*Blood plasma facility*" does not include blood donation centers in which primarily whole blood is extracted from donors and used, transferred or sold, such as blood donation centers sponsored by the American Red Cross.

19.04.360 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.

19.04.370 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.

19.04.380 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.

19.04.390 Building code.

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

19.04.400 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.

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

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

19.04.420 Building official.

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

19.04.430 Building site.

See "lot."

19.04.440 Bus station or terminal.

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

19.04.450 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.).

19.04.460 Carnival, circus or tent service (temporary).

Outdoor or indoor commercial amusement provided on a temporary basis.

19.04.470 Carport.

A structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed 24 feet on its longest dimension. Also called "covered parking area."

19.04.474 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.

19.04.475 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.

19.04.476 Car wash – In-bay automatic

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

19.04.477 Car wash – Self-service

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

19.04.480 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.

19.04.490 Cemetery, animal.

A cemetery only for the burial of dead animals.

19.04.500 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.

19.04.510 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.

19.04.520 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).

19.04.530 City.

The city of Cottonwood Heights, Utah.

19.04.540 City council.

The city's city council or other governing body.

19.04.550 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.

19.04.560 Cleaning plant (commercial/wholesale).

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

19.04.570 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.

19.04.580 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.

19.04.590 Commercial amusement (indoor).

See "amusement, commercial (indoor)."

19.04.600 Commercial amusement (outdoor).

See "amusement, commercial (outdoor)."

19.04.610 Commercial recreation.

See "amusement commercial."

19.04.620 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.

19.04.630 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.

19.04.640 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.

19.04.650 Concrete or asphalt batching plant (permanent).

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

19.04.660 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.

19.04.670 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.

19.04.680 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.

19.04.690 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.

19.04.700 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.

19.04.710 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.

19.04.720 County.

Salt Lake County.

19.04.730 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.

19.04.740 Coverage.

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

19.04.750 Custom personal service shop.

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

19.04.760 Day camp for children.

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

19.04.770 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.

19.04.780 Department.

Means the city's community development department.

19.04.785 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.

19.04.790 Detached.

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

19.04.800 Development review committee.

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

19.04.810 Director.

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

19.04.820 Distribution center.

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

19.04.830 Drapery or furniture upholstering shop.

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

19.04.840 Dwelling.

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

19.04.850 Dwelling, single family attached (townhouse).

See "single family dwelling (attached)."

19.04.860 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.

19.04.870 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.

19.04.880 Electrical substation (high voltage bulk power).

A subsidiary station in which electric current is transformed.

19.04.890 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.

19.04.900 Fairgrounds or exhibition area.

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

19.04.910 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.

19.04.920 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.

19.04.930 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.

19.04.940 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.

19.04.950 Fire department.

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

19.04.960 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.

19.04.970 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.

19.04.980 Floor area ratio (FAR).

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

19.04.990 Florist shop.

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

19.04.1000 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.

19.04.1010 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.

19.04.1020 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.

19.04.1030 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.

19.04.1040 Front yard.

See "yard, front."

19.04.1050 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.

19.04.1060 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.

19.04.1070 Furniture store (new and used).

Same as above except sales may include used items.

19.04.1080 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."

19.04.1090 Garage/accessory dwelling.

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

19.04.1100 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.

19.04.1110 Gasoline service or filling station.

See "automotive gasoline or motor fuel service station."

19.04.1120 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.

19.04.1130 General manufacturing.

See "industrial, manufacturing."

19.04.1140 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 components governing specific geographic areas and functions and services of the city.

19.04.1150 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").

19.04.1160 Golf course.

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

19.04.1170 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.

19.04.1180 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.

19.04.1190 Hauling or storage company.

See "motor freight company."

19.04.1200 Health department.

The Salt Lake Valley Health Department.

19.04.1210 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.

19.04.1220 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.

19.04.1230 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.

19.04.1240 Helistop.

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

19.04.1250 Home for the aged, residence.

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

19.04.1260 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.

19.04.1270 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.

19.04.1280 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, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.

19.04.1290 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.

19.04.1300 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.

19.04.1310 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 shall mean an area which constitutes not more than 15% of the main use.

19.04.1320 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.

19.04.1330 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.

19.04.1340 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.

19.04.1350 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.

19.04.1360 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.

19.04.1370 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 cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

19.04.1380 Laboratory equipment manufacturing.

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

19.04.1390 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").

19.04.1400 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.

19.04.1410 Laundromat.

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

19.04.1420 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.

19.04.1430 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.

19.04.1440 Loading space.

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

19.04.1450 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 service, including pad- and pole-mounted transformers.

19.04.1460 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.

19.04.1470 Lot area.

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

19.04.1480 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.

19.04.1490 Lot depth.

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

19.04.1500 Lot, double frontage.

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

19.04.1510 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.

19.04.1520 Lot, interior.
A lot other than a corner lot.

19.04.1530 Lot frontage.
That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

19.04.1540 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.

19.04.1550 Lot, key.
A corner lot whose exterior side is adjacent to the front yard of another lot.

19.04.1560 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.

19.04.1570 Lot line, side.
Any lot line not the front or rear lot line.

19.04.1580 Lot lines or property lines.
The lines bounding a lot.

19.04.1590 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.

19.04.1600 Lot width.
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.

19.04.1610 Main building.
The building or buildings on a lot which are occupied by the primary use.

19.04.1620 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.

19.04.1630 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.

19.04.1640 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 June 15, 1976.

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

19.04.1650 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.

19.04.1660 Mausoleum.

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

19.04.1670 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, 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.

19.04.1680 Minor medical emergency clinic.

See "medical clinic or office."

19.04.1690 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.

19.04.1700 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.

19.04.1710 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.

19.04.1720 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.

19.04.1730 Motel or hotel.

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, housekeeping 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.

19.04.1740 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), motorscooters, mopeds and similar vehicles are classified as motorcycles.

19.04.1750 Motorcycle sales and repair.

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

19.04.1760 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.

19.04.1770 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.

19.04.1780 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.

19.04.1790 Municipal facility or use.

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

19.04.1800 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.

19.04.1810 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 subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

19.04.1815 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.

19.04.1820 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.

19.04.1830 Nursing, convalescent or rest home.

See "skilled nursing facility."

19.04.1840 Occupancy.

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

19.04.1850 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.

19.04.1860 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.

19.04.1870 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.

19.04.1880 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.

19.04.1890 Officially approved place of access.

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

19.04.1900 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.

19.04.1910 Outside display.

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

19.04.1920 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.

19.04.1930 Paint shop.

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

19.04.1940 Parcel.

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

19.04.1950 Park or playground (private).

See "private recreation facility."

19.04.1960 Park or playground (public).

See "public recreation."

19.04.1970 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.

19.04.1980 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.

19.04.1990 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 used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.

19.04.2000 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.

19.04.2002 Pawn shop without weapons.

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

19.04.2010 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.

19.04.2020 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.

19.04.2030 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.

19.04.2040 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.

19.04.2050 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.

19.04.2060 Platted lot.

See "lot" and "lot of record."

19.04.2070 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.

19.04.2080 Playfield or stadium (private).

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

19.04.2090 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.

19.04.2100 Premises.

Land together with any buildings or structures situated thereon.

19.04.2110 Primary use.

The principal or predominant use of any lot or building.

19.04.2120 Principal building.

See "main building."

19.04.2130 Private club.

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

19.04.2140 Private recreation facility or private park.

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.

19.04.2150 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.

19.04.2160 Professional service.

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

19.04.2170 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.

19.04.2180 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."

19.04.2190 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.

19.04.2200 Public view.

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

19.04.2210 Radio, television or microwave tower.

See “antenna, microwave reflector and antenna support structure.”

19.04.2220 Rear yard.

See "yard, rear."

19.04.2230 Recreation center.

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

19.04.2240 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").

19.04.2250 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.

19.04.2260 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").

19.04.2270 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.

19.04.2280 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.

19.04.2290 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.

19.04.2300 Residence.

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

19.04.2310 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.

19.04.2320 Residential district.

A district where the primary purpose is residential use.

19.04.2330 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.

19.04.2340 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).

19.04.2350 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.

19.04.2360 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.

19.04.2370 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.

19.04.2380 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").

19.04.2390 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.

19.04.2400 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.

19.04.2410 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.

19.04.2420 Rooming house.

See "boarding house."

19.04.2430 Salvage or reclamation of products (see also "wrecking yard").

The reclamation and storage of used products or materials.

19.04.2440 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.

19.04.2450 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.

19.04.2460 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.

19.04.2470 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.

19.04.2480 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.

19.04.2490 Scientific and industrial research laboratories.

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

19.04.2500 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.

19.04.2510 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.

19.04.2520 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.

19.04.2530 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.

19.04.2540 Sexually oriented business.

See chapter 19.91 of this title.

19.04.2550 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.

19.04.2560 Side yard.
See "yard, side."

19.04.2570 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.

19.04.2580 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.

19.04.2590 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.

19.04.2600 Small engine repair shop.
Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

19.04.2610 Stable, commercial.
A stable used for the rental of stall space or for the sale or rental of horses or mules.

19.04.2620 Stable, private.
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.

19.04.2630 State.
The state of Utah.

19.04.2640 Storage or wholesale warehouse.
A building used primarily for the storage of goods and materials.

19.04.2650 Street.
Any dedicated public thoroughfare which affords the principal means of access to abutting property.

19.04.2660 Street identification.
Any street which joins another street at an angle, whether or not it crosses the other.

19.04.2670 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").

19.04.2680 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.

19.04.2690 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.

19.04.2700 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 purpose of ornamentation of the human body.

19.04.2710 Studio for radio or television.

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

19.04.2720 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.

19.04.2730 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.

19.04.2740 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.

19.04.2750 Telephone and exchange, switching/relay or transmitting station.

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.

19.04.2760 Temporary.

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

19.04.2770 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.

19.04.2780 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.

19.04.2790 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.

19.04.2800 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.

19.04.2810 Tire dealer, no open storage.

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

19.04.2820 Tire dealer, with open storage.

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

19.04.2830 Tool and machinery rental shop.

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

19.04.2840 Tract.

A single individual parcel or lot.

19.04.2850 Tractor sales.

See "heavy machinery sales and storage."

19.04.2860 Trade and commercial schools.

See "school, commercial trade."

19.04.2870 Trailer park or court.

See "mobile home park."

19.04.2880 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.

19.04.2890 Trailer home.

See "manufactured housing, mobile home."

19.04.2900 Trailer or mobile home space.

See "mobile home space."

19.04.2910 Trailer rental.

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

19.04.2920 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.

19.04.2930 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.

19.04.2940 Truck.

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

19.04.2950 Truck and bus repair.

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

19.04.2960 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.

19.04.2970 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.

19.04.2980 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.

19.04.2990 Truck sales (heavy trucks).

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

19.04.3000 Two-family dwelling (duplex).

Two attached dwellings in one structure, each designed to be occupied by one family.

19.04.3010 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).

19.04.3020 Use.

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

19.04.3030 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.

19.04.3040 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.

19.04.3050 Veterinarian clinic.

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

19.04.3055 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.

19.04.3060 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.

19.04.3070 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 distance between the lot line and the main building shall be used.

19.04.3080 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.

19.04.3090 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.

19.04.3100 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.

19.04.3110 Zero-lot-line dwelling.

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

19.04.3120 Zoning district.

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

19.04.3130 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.

19.04.3140 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.

19.04.3150 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.

Chapter 19.05
PLANNING COMMISSION

Sections:

19.05.010 Purpose.
19.05.020 Appointment.
19.05.030 Term and term limitation.
19.05.040 Geographic representation.
19.05.050 Residency requirement.
19.05.060 Compensation.
19.05.070 Removal and vacancies.
19.05.080 Officers.
19.05.090 Quorum.
19.05.100 Procedure.
19.05.110 Powers and duties.
19.05.120 Meetings.
19.05.130 Appointments of subordinates, contract power and subcommittees.

19.05.010 Purpose.

A. A planning commission is hereby created pursuant to the terms hereof. It is the intent of the city council that the commission shall represent the concerns of diverse citizen groups, as well as the broad interests of the community as a whole; that membership of the planning commission shall represent a fair cross-section of the community and provide balanced representation in terms of geographic, professional, neighborhood and community interest; and that a wide range of expertise relating to development of a healthy and well-planned community be sought when establishing or altering the composition of the membership of the planning commission.

B. It is also the intent of this title that the activities of the planning commission and of its subcommittees, if any, be conducted to maximize the convenience and accessibility to the citizens of the city.

19.05.020 Appointment.

The planning commission shall consist of seven regular members and two alternate members, appointed by the manager with advice and consent of the city council. Terms shall commence on July 1st, and shall expire on June 30th. Three of the initial appointees to the planning commission shall serve an initial term which shall expire on June 30, 2006, and may be reappointed for only one additional term. Two of such initial appointees shall serve an initial term which shall expire on June 30, 2007, and may be reappointed for only one additional term. Two of such initial appointees shall serve an initial term which shall expire on June 30, 2008, and may be reappointed for only one additional term. The alternate members shall be appointed to serve an initial term which shall expire on June 30, 2008, and may be reappointed for only one additional term. In the event a term of a member shall expire without his/her having been reappointed or a successor having been appointed, the member shall continue to serve until a successor has been appointed and the term of the successor shall terminate on the same day as though he/she was appointed in a timely manner. Terms of at least two members, and not more than three shall expire each year.

19.05.030 Term and term limitation.

Except as provided in section 19.05.020 hereof, members of the planning commission, including the alternate members, shall serve a term of three years, and shall not serve more than two consecutive terms.

19.05.040 Geographic representation.

In order to promote geographic representation on the planning

commission, one member of the planning commission shall be appointed from each of the four city council districts in the city, and three members, plus the alternate members, shall be appointed at-large. No more than two regular members of the planning commission shall be from any one city council district, and no more than three members of any type (regular or alternate) of the planning commission shall be from any one city council district.

19.05.050 Residency requirement.

All members of the planning commission must be *bona fide* residents and qualified electors of the city.

19.05.060 Compensation.

Each member of the planning commission shall receive $25 per meeting as compensation and as reimbursement for expenses incurred in the performance of their official duties, provided, however, that such compensation and reimbursement shall not exceed $50 per month. The alternate members of the planning commission shall receive $25 per meeting as compensation as set forth above for each meeting whether or not such member is serving as a voting member at that meeting.

19.05.070 Removal and vacancies.

Members of the planning commission may be removed for cause by the manager, upon written charges and after a public hearing (if a public hearing is requested by the member being removed). Cause shall include, but not be limited to, violations of the Utah Municipal Officers and Employees Ethics Act (UTAH CODE ANN. § 10-3-130 *et seq*.) or its successor. Any vacancy occurring on the planning commission shall be promptly filled by the manager with advice and consent of the city council for the unexpired term of such member. Any vacancy occurring on the planning commission by reason of expiration of term shall be promptly filled by the manager with the advice and consent of the city council.

19.05.080 Officers.

The planning commission shall annually elect a chairman and such other officers it deems advisable from among its members and also a secretary, who need not be a member of the planning commission. The chairman and such other officers elected by the planning commission shall serve for a term of one year and shall not hold the position of chair for more than two consecutive one-year terms.

19.05.090 Quorum.

No action of the planning commission shall be official or of any effect except when a quorum of the members are present. Four members of the planning commission shall constitute a quorum.

19.05.100 Procedure.

The planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission. Such policies and procedures shall be approved by the city council before taking effect.

19.05.110 Powers and duties.

The planning commission shall have the duty to:

A. Make and recommend a general plan and amendments to the general plan to the city council;

B. Recommend land use ordinances and a zoning map, and amendments thereto, to the city council;

C. Administer provisions of the land use ordinances where specifically provided for in the land use ordinances;

D. Recommend subdivision ordinances, and amendments thereto, to the city council;

E. Recommend approval or denial of subdivision applications as provided by applicable law;

F. Advise the city council on matters as the city council directs;

G. Hear and decide any matters that the city council designates, including the approval or denial of, or recommendation to approve or deny, conditional use permits; and

H. Exercise any other powers that are necessary to enable it to perform its functions that are delegated to it by the city council, or conferred upon it by applicable law.

19.05.120 Meetings.

The planning commission shall meet at least once each month. Any member who cannot attend any meeting of the planning commission shall so notify the chair of the planning commission, who shall direct an alternate member of the planning commission to fill the vacancy at such meeting. The alternate members shall not participate as a voting member in a meeting at which all seven regular members of the planning commission are present. All meetings, including any necessary public hearings, shall be held after the regular working hours of the city. All meetings and public hearings of the planning commission shall be public meetings, and shall comply with the provisions of UTAH CODE ANN. § 52-4-1, *et seq.*, or its successor. Such meetings shall be held in a public place designated by the planning commission and shall be of sufficient size to ensure public access. The secretary of the planning commission shall keep minutes of the proceedings, and such proceedings may be sound recorded. Copies of the minutes and any sound recordings may be provided, if requested, at the expense of the requesting party.

19.05.130 Appointment of subordinates, contract power and subcommittees.

The planning commission may recommend to the manager the appointment of such employees and staff as it may deem necessary for its work, and may also recommend to the manager other consultants for such services as it requires, provided, however, that any expenditure of the planning commission shall be first approved by the manager, as being within the amount budgeted for such purposes by the city council for that year.

Chapter 19.06
ZONES, MAPS, AND ZONE BOUNDARIES

Sections:

19.06.010 Zone established.
19.06.020 Zoning maps.
19.06.030 Filing of this title and zoning maps.
19.06.040 Boundary location rules.

19.06.010 Zones established.

For the purpose of this title, the city is divided into the following classes of zones:

Foothill Recreation Zone	F-20
Foothill Residential Zone	F-1-43
Foothill Residential Zone	F-1-21
Rural Residential Zone	RR-1-43
Rural Residential Zone	RR-1-29
Rural Residential Zone	RR-1-21
Residential Single Family Zone	R-1-15
Residential Single Family Zone	R-1-10
Residential Single Family Zone	R-1-8
Residential Single Family Zone	R-1-6
Residential Multi Family Zone	R-2-8
Residential Multi Family Zone	RM
Residential Office Zone	RO
Mixed Use Zone	MU
Neighborhood Commercial Zone	NC
Regional Commercial Zone	CR
Public Facilities Zone	PF
Office, Research and Development Zone	O-R-D
Gateway Overlay District	
Sensitive Lands Overlay	
OPEDS Overlay	

19.06.020 Zoning maps.

Each of the sections of the city which are amended or zoned by this title are shown on the maps on file with the planning commission, and such maps are made by this reference, as such, a part of this title as if fully described and detailed herein.

19.06.030 Filing of this title and zoning maps.

This title and the maps shall be filed in the custody of the city recorder, and may be examined by the public subject to any reasonable regulations established by the city recorder.

19.06.040 Boundary location rules.

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

A. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley or block, or such property line, shall be construed to be the boundary of the zone;

B. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land, or any section line, then in such case the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the zone; and

C. Where the application of the above rules does not clarify the zone boundary location, the board of adjustment shall interpret the map.

Chapter 19.08
F-20 -- FORESTRY ZONE

Sections:

19.08.010 Purpose.
19.08.020 Permitted uses.
19.08.030 Conditional uses.
19.08.040 Water quality.
19.08.050 Minimum lot size.
19.08.060 Minimum lot width.
19.08.070 Set backs.
19.08.080 Maximum height of structures.
19.08.090 Maximum lot coverage.
19.08.100 Limits of disturbance.
19.08.110 Tree and vegetation protection.

19.08.010 Purpose.

The purpose of the F-20 zone is to provide recreational and residential opportunities for property owners within areas of hillside and steep slopes in the city while providing preservation of the natural landscape of hillsides.

19.08.020 Permitted Uses.

There are no permitted uses in the F-20 zone.

19.08.030 Conditional uses.

Conditional uses in the F-20 zone are as follows:

A.Single family detached dwellings;

B. Planned unit development;

C. Private parks and recreational grounds;

D. Public and quasi-public use;

E. Radio and/or television tower;

F. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

G. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; and

H. Wireless telecommunication towers, subject to stealth measures.

19.08.040 Water quality.

A. *Health department approval required*. Prior to issuance of a conditional use permit or site plan approval for all uses in the F-20 zone, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

B. *Developments of more than nine lots/units*. Developments of more than nine lots or units shall receive the written approval of the state Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the state Department of Environmental Quality relating to culinary water supply and wastewater disposal.

C. *Applicable state regulations and standards*. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

D. *Subsequent changes in site plan*. If after health department or state Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the

original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.

19.08.050 Minimum lot size.

The minimum lot size for each single-family dwelling, and any other use, in the F-20 zone is 20 acres.

19.08.060 Minimum lot width.

The minimum lot width in the F-20 zone is 350 feet.

19.08.070 Setbacks/yard requirements.

Because of the unique nature of development and general concern for preservation of hillsides, individual setbacks for each lot developed in the F-20 zone will be evaluated and determined on a case-by-case basis by the director. If the director wishes, in certain cases he may refer the matter to the planning commission for decision. All setbacks in the F-20 zone shall be subject to the provisions of chapter 19.72, "Sensitive Lands."

19.08.080 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. For accessory buildings, heights will be determined on a case by case basis, subject to the foregoing maximums.

19.08.090 Maximum lot coverage.

The maximum lot coverage for the F-20 zone is two percent, which includes all structures.

19.08.100 Limits of disturbance.

Disturbance in the F-20 zone shall be limited to 43,560 square feet of each lot. The remaining property shall be left in its natural vegetative state. In no case shall the limits of disturbance be inside a watershed boundary.

19.08.110 Tree and vegetation protection.

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in chapter 19.72, "Sensitive Lands."

Chapter 19.11
F-1-43 -- FOOTHILL RESIDENTIAL ZONE

Sections:

19.11.010 Purpose.
19.11.020 Permitted uses.
19.11.030 Conditional uses.
19.11.040 Water quality.
19.11.050 Minimum lot size.
19.11.060 Minimum lot width.
19.11.070 Setbacks/yard requirements.
19.11.080 Site development plan approval.
19.11.090 Maximum height of structures.
19.11.100 Maximum lot coverage.
19.11.110 Open space requirement.
19.11.120 Tree and vegetation protection.

19.11.010 Purpose.

The purpose of the F-1-43 zone is to provide residential development opportunities for property owners within areas of steep slopes and hillsides in the city while providing preservation of the natural landscape of hillsides.

19.11.020 Permitted uses.

Permitted uses within the F-1-43 zone are as follows:

A. Single-family detached dwellings; and

B. Accessory buildings customarily related to a permitted use.

19.11.030 Conditional uses.

Conditional uses in the F-1-43 zone are as follows:

A. Agricultural uses, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

\B. Churches;

C. Planned unit development;

D. Public and quasi-public use;

E. Radio and/or television tower;

F. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

G. Wireless telecommunication tower;

H. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; and

I. Home occupations.

19.11.040 Water quality.

A. *Health department approval required*. Prior to issuance of a conditional use permit or site plan approval for all uses in the F-1-43 zone, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

B. *Developments of more than nine lots/units*. Developments of more than nine lots or units shall receive the written approval of the state Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the state Department of Environmental Quality relating to culinary water supply and wastewater disposal.

C. *Applicable state regulations and standards*. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, as amended from time to time. The applicable state

regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

D. *Subsequent changes in site plan*. If after health department or state Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.

19.11.050 Minimum lot size.

The minimum lot size for any use in the F-1-43 zone is 43,560 square feet.

19.11.060 Minimum lot width.

The minimum lot width in the F-1-43 zone is 200 feet, measured at the front setback of the home.

19.11.070 Setbacks/yard.

Because of the unique nature of development and general concern for preservation of hillsides, individual setbacks for each lot developed in the F-1-43 zone will be evaluated and determined on a case-by-case basis by the director. If the director wishes, he may refer to the planning commission to make the determination in certain cases. All setbacks shall be subject to the provisions of chapter 19.72, "Sensitive Lands."

19.11.080 Site development plan approval.

Site development plans for all development in the F-1-43 zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in 19.72, "Sensitive Lands."

19.11.090 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. For accessory buildings, heights will be determined on a case by case basis, subject to the foregoing maximums.

19.11.100 Maximum lot coverage.

The maximum lot coverage in the F-1-43 zone is 30%, which includes all structures.

19.11.110 Open space requirement.

The minimum open space requirement for developments over five acres in the F-1-43 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

19.11.120 Tree and vegetation protection.

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in chapter 19.72, "Sensitive Lands."

Chapter 19.14
F-1-21 -- FOOTHILL RESIDENTIAL ZONE

Sections:

19.14.010 Purpose.
19.14.020 Permitted uses.
19.14.030 Conditional uses.
19.14.040 Water quality.
19.14.050 Minimum lot size.
19.14.060 Minimum lot width.
19.14.070 Setbacks/yard requirements.
19.14.080 Site development plan approval.
19.14.090 Maximum height of structures.
19.14.100 Maximum lot coverage.
19.14.110 Open space requirement.
19.14.120 Tree and vegetation protection.

19.14.010 Purpose.

The purpose of the F-1-21 zone is to provide residential development opportunities for property owners within areas of steep slopes and hillsides in the city while providing preservation of the natural landscape of hillsides.

19.14.020 Permitted uses.

Permitted uses within the F-1-21 zone are as follows:

A. Single-family detached dwellings.

19.14.030 Conditional uses.

Conditional uses in the F-1-21 zone are as follows:

A. Agricultural uses, as allowed by the applicable accessory regulations in chapter 19.76 "Supplementary and Qualifying Regulations";

B. Churches;

C. Planned unit development;

D. Public and quasi-public use;

E. Radio and/or television tower;

F. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

G. Water pumping plant and reservoir;

H. Wireless telecommunication tower;

I. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; and

J. Home occupations.

19.14.040 Water quality.

A. *Health department approval required*. Prior to issuance of a conditional use permit or site plan approval for all uses in the F-1-21 zone, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.

B. *Developments of more than nine lots/units*. Developments of more than nine lots or units shall receive the written approval of the state Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the state Department of Environmental Quality relating to culinary water supply and wastewater disposal.

C. *Applicable state regulations and standards*. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, as amended from time to time. The applicable state regulations for culinary water supply can

be found in Utah Administrative Code, as amended from time to time.

D. *Subsequent changes in site plan*. If after health department or state Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.

19.14.050 Minimum lot size.

The minimum lot size for any use in the F-1-21 zone is 21,780 square feet.

19.14.060 Minimum lot width.

The minimum lot width in the F-1-21 zone is 100 feet, measured at the front setback of the home.

19.14.070 Setbacks/yard requirements.

Because of the unique nature of development and general concern for preservation of hillsides, individual setbacks for each lot developed in the F-1-21 zone will be evaluated and determined on a case-by-case basis by the director. If the director wishes, in certain cases he may refer the matter to the planning commission for decision. All setbacks shall be subject to the provisions of chapter 19.72, "Sensitive Lands."

19.14.080 Site development plan approval.

Site development plans for all development in the F-1-21 zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in chapter 19.72, "Sensitive Lands."

19.14.090 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.14.100 Maximum lot coverage.

The maximum lot coverage in the F-1-21 zone is 30%, which includes all structures.

19.14.110 Open space requirement.

The minimum open space requirement for developments over five acres in the F-1-21 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

19.14.120 Tree and vegetation protection.

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in chapter 19.72, "Sensitive Lands."

Chapter 19.17
RR-1-43 – RURAL RESIDENTIAL ZONE

Sections

19.17.010 Purpose.
19.17.020 Permitted uses.
19.17.030 Conditional uses.
19.17.040 Lot area.
19.17.050 Lot width.
19.17.060 Front yard.
19.17.070 Side yard.
19.17.080 Rear yard.
19.17.090 Maximum height of structures.
19.17.100 Maximum lot coverage.
19.17.110 Open space requirement.

19.17.010 Purpose.

The purpose of the RR-1-43 zone is to provide areas in the city for low-density rural residential development, at a rate of one unit per acre, together with limited agricultural uses.

19.17.020 Permitted uses.

Permitted uses in the RR-1-43 zone are as follows:

1. Single-family detached dwellings;
2. Accessory uses and buildings customarily incidental to permitted uses; and
3. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations of this code.

19.17.030 Conditional uses.

Conditional uses in the RR-1-43 zone are as follows:

1. Fruit and/or vegetable stand, provided that the products are produced on the premises;
2. Nursing home;
3. Planned unit development;
4. Public and quasi-public uses;
5. Residential health care facility for up to five residents on streets less than 80 feet in width, and up to ten residents on street 80 feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the state department of health, which use shall not change the residential appearance and character of the property;
6. Sportsman's kennel for personal, non-commercial use;
7. Home occupations; and
8. Churches and private non-profit recreational grounds associated with that use.

19.17.040 Lot area.

The minimum lot size for any use in the RR-1-43 zone is 43,560 square feet. Upon the director's recommendation, the planning commission may require that certain uses, other than single-family residential, maintain a larger minimum lot size.

19.17.050 Lot width.

The minimum width of any lot in the RR-1-43 zone shall be 100 feet, measured at the front setback of the home.

19.17.060 Front yard.

In RR-1-43 zone, the minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory

buildings, other than private garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the main building.

19.17.070 Side yard.

In the RR-1-43 zone:

A. The minimum side yard for any dwelling shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.

B. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

C. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

19.17.080 Rear yard.

In the RR-1-43 zone, the minimum depth of the rear yard for any main building shall be 30 feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

19.14.090 Maximum height of structures.

In the RR-1-43 zone:

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

D. Attached garages shall conform to the rear year requirements of main buildings.

E. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

F. Accessory structures which meet the minimum side, rear and front setbacks for main buildings in the RR-1-43 zone may have an increase in maximum height to equal the maximum height of main buildings in the RR-1-43 zone.

19.17.100 Maximum lot coverage.

The maximum lot coverage in the RR-1-43 zone is 30%, which includes all structures.

19.17.110 Open space requirement.

The minimum open space requirement for developments over five acres in the RR-1-43 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

Chapter 19.18
RR-1-29 – RURAL RESIDENTIAL ZONE

Sections

19.18.010 Purpose.
19.18.020 Permitted uses.
19.18.030 Conditional uses.
19.18.040 Lot area.
19.18.050 Lot width.
19.18.060 Front yard.
19.18.070 Side yard.
19.18.080 Rear yard.
19.18.090 Maximum height of structures.
19.18.100 Maximum lot coverage.
19.18.110 Open space requirement.

19.18.010 Purpose.

The purpose of the RR-1-29 zone is to provide a zone in the city which may function as a buffer of land uses and intensities of development between the RR-1-43 zone and the RR-1-21 zone in the rural residential areas of the city. The RR-1-29 zone is intended to be consistent with the general plan designation of rural residential and provide a tool for the creative design of single-family residential developments where the context of existing neighborhoods is accounted for in design.

19.18.020 Permitted uses.

Permitted uses in the RR-1-29 zone are as follows:

1. Single-family detached dwellings;
2. Accessory uses and buildings customarily incidental to permitted uses; and
3. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations of this code.

19.18.030 Conditional uses.

Conditional uses in the RR-1-29 zone are as follows:

1. Home occupations;
2. Nursery and/or greenhouse, excluding retail sales;
3. Planned unit development;
4. Public and quasi-public uses;
5. Sportsman's kennel for personal, non-commercial use;
6. Home occupations; and
7. Churches and private non-profit recreational grounds associated with that use.

19.18.040 Lot area.

The minimum lot size for any use in the RR-1-29 zone is 29,040 square feet. To provide consistency with surrounding existing rural residential neighborhoods, new developments in the RR-1-29 zone shall, to the greatest extent reasonably possible, be organized in a manner that will allow the new development to match the physical context of the existing residential lots surrounding the new development, including, without limitation, locating the largest lots of the new development adjacent to the largest lots of the surrounding existing residential neighborhood. Upon the director's recommendation, the planning commission may require that certain uses, other than single-family residential, maintain a larger minimum lot size.

19.18.050 Lot width.

The minimum width of any lot in the RR-1-29 zone shall be 100 feet, measured at the front setback of the home.

19.18.060 Front yard.

In RR-1-29 zone, the minimum depth of the front yard for main

buildings and for private garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than private garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the main building.

19.18.070 Side yard.

In the RR-1-29 zone:

A. The minimum side yard for any dwelling shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.

B. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

C. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

19.18.080 Rear yard.

In the RR-1-29 zone, the minimum depth of the rear yard for any main building shall be 30 feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

19.18.090 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings in the RR-1-29 zone shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

D. Attached garages shall conform to the rear year requirements of main buildings.

E. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

F. Accessory structures which meet the minimum side, rear and front setbacks for main buildings in the RR-1-29 zone may have an increase in maximum height to equal the maximum height of main buildings in the RR-1-29 zone.

19.18.100 Maximum lot coverage.

The maximum lot coverage in the RR-1-29 zone is 30%, which includes all structures.

19.18.110 Open space requirement.

The minimum open space requirement for developments over five acres in the RR-1-29 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

Chapter 19.20
RR-1-21 – RURAL RESIDENTIAL ZONE

Sections:

19.20.010 Purpose.
19.20.020 Permitted uses.
19.20.030 Conditional uses.
19.20.040 Lot area.
19.20.050 Lot width.
19.20.060 Front yard.
19.20.070 Side yard.
19.20.080 Rear yard.
19.20.090 Maximum height of structures.
19.20.100 Maximum lot coverage.
19.20.110 Open space requirement.

19.20.010 Purpose.

The purpose of the RR-1-21 zone is to provide areas in the city for low-density rural residential development, together with limited agricultural uses.

19.20.020 Permitted uses.

Permitted uses in the RR-1-21 zone are as follows:

1. Single family detached dwellings;
2. Accessory buildings customarily incidental to permitted uses; and
3. Agriculture, farm, and farm animals, subject to the restriction of the accessory regulations of this code;

19.20.030 Conditional uses.

Conditional uses in the RR-1-21 zone are as follows:

1. Planned unit development;
2. Public and quasi-public uses;
3. Sportsman's kennel for personal, non-commercial use (minimum lot size 21,780 square feet);
4. Home occupations; and
5. Churches and private non-profit recreational grounds associated with that use;

19.20.040 Lot area.

The minimum lot size for any use in the RR-1-21 zone is 21,780 square feet. Upon the director's recommendation, the planning commission may require that certain uses, other than single-family residential, maintain a larger minimum lot size.

19.20.050 Lot width.

The minimum width of any lot in the RR-1-21 zone is 80 feet measured 20 feet from the front lot line.

19.20.060 Front yard.

In the RR-1-21 zone, the minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of eight feet shall be 30 feet, or the average of the existing buildings where 50% or more of the frontage is developed, provided that in no case shall the depth of the front yard be less than 20 feet, or be required to be more than 30 feet. All accessory buildings, other than private garages which have a side yard of at least eight feet, shall be located at least six feet in the rear of the main building.

19.20.070 Side yard.

In the RR-1-21 zone:

A. The minimum side yard for any dwelling shall be ten feet, and the total width of the two required side yards shall be not less than 20 feet.

B. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main

building shall maintain a minimum side yard of not less than five feet.

C. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than 20 feet, or the average of existing buildings where 50% or more of the frontage is developed, but in no case less than 15 feet.

19.20.080 Rear yard.

In the RR-1-21 zone, the minimum depth of the rear yard for any main building shall be thirty feet, and for accessory buildings five feet; provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

19.20.090 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a hillside sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings in the RR-1-21 zone shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.

2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.

3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

D. Attached garages shall conform to the rear yard requirements of main buildings.

E. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

F. Accessory structures which meet the minimum side, rear and front setbacks for main buildings in the RR-1-21 zone may have an increase in maximum height to equal the maximum height of main buildings in the RR-1-21 zone.

19.20.100 Maximum lot coverage.

The maximum lot coverage in the RR-1-21 zone is 30%, which includes all structures.

19.20.110 Open space requirement.

The minimum open space requirement for developments over five acres in the RR-1-21 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 20% per project.

Chapter 19.23
R-1-15 -- RESIDENTIAL SINGLE-FAMILY ZONE

Sections:

19.23.010 Purpose.
19.23.020 Permitted uses.
19.23.030 Conditional uses.
19.23.040 Minimum lot size.
19.23.050 Minimum lot width.
19.23.060 Setbacks/yard requirements.
19.23.070 Maximum height of structures.
19.23.080 Maximum lot coverage.
19.23.090 Open space requirement.

19.23.010 Purpose.

The purpose of the R-1-15 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

19.23.020 Permitted uses.

Permitted uses in the R-1-15 zone are as follows:

1. Single-family detached dwellings; and
2. Accessory buildings customary to single-family housing; and

19.23.030 Conditional uses.

Conditional uses in the R-1-15 zone are as follows:

1. Churches and private non-profit recreational grounds associated with that use;
2. Planned unit developments;
3. Public and quasi-public uses;
4. Wireless telecommunication towers; and
5. Home occupations.

19.23.040 Minimum lot size.

The minimum lot size in the R-1-15 zone is 15,000 square feet.

19.23.050 Minimum lot width.

The minimum lot width in the R-1-15 zone is 80 feet measured 20 feet from the front lot line.

19.23.060 Setbacks/yard requirements.

A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

1. Front: 25 feet.
2. Sides: 10 feet on interior lots, 20 feet on corner lots.
3. Rear: 20 feet.

B. Accessory buildings in the R-1-15 zone shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

C. Attached garages shall conform to the rear year requirements of main buildings.

19.23.070 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.23.080 Maximum lot coverage.

The maximum lot coverage in the R-1-15 zone is 50%, which includes all structures.

19.23.090 Open space requirement.

The minimum open space requirement for developments over five acres in the R-1-15 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

Chapter 19.25
R-1-10 -- RESIDENTIAL SINGLE-FAMILY ZONE

Sections:

19.25.010 Purpose.
19.25.020 Permitted uses.
19.25.030 Conditional uses.
19.25.040 Minimum lot size.
19.25.050 Minimum lot width.
19.25.060 Setbacks/yard requirements.
19.25.070 Maximum height of structures.
19.25.080 Maximum lot coverage.
19.25.090 Open space requirement.

19.25.010 Purpose.

The purpose of the R-1-10 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

19.25.020 Permitted uses.

Permitted uses in the R-1-10 zone are as follows:

1. Single-family detached dwellings; and
2. Accessory buildings customary to single-family housing.

19.25.030 Conditional uses.

Conditional uses in the R-1-10 zone are as follows:

1. Churches and private non-profit recreational grounds associated with that use;
2. Planned unit developments;
3. Public and quasi-public use;
4. Wireless telecommunication towers;
5. Home occupations.

19.25.040 Minimum lot size.

The minimum lot size in the R-1-10 zone is 10,000 square feet.

19.25.050 Minimum lot width.

The minimum lot width in the R-1-10 zone is 70 feet, measured 20 feet from the front lot line.

19.25.060 Setbacks/yard requirements.

A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

1. Front: 25 feet.
2. Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.
3. Rear: 20 feet.

B. Accessory buildings in the R-1-10 zone shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

C. Attached garages shall conform to the rear year requirements of main buildings.

19.25.070 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a

sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.25.080 Maximum lot coverage.

The maximum lot coverage in the R-1-10 zone is 50%, including all structures.

19.25.090 Open space requirement.

The minimum open space requirement for developments over five acres in the R-1-10 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

Chapter 19.26
R-1-8 -- RESIDENTIAL SINGLE-FAMILY ZONE

Sections:

19.26.010 Purpose.
19.26.020 Permitted uses.
19.26.030 Conditional uses.
19.26.040 Minimum lot size.
19.26.050 Minimum lot width.
19.26.060 Setbacks/yard requirements.
19.26.070 Maximum height of structures.
19.26.080 Maximum lot coverage.
19.26.090 Open space requirement.

19.26.010 Purpose.

The purpose of the R-1-8 zone is to allow for the establishment of single-family homes organized in low-density residential neighborhoods characteristic of traditional suburban residential developments.

19.26.020 Permitted uses.

Permitted uses in the R-1-8 zone are as follows:

1. Single-family detached dwellings; and
2. Accessory buildings customary to single-family housing; and

19.26.030 Conditional uses.

Conditional uses in the R-1-8 zone are as follows:

1. Churches and private non-profit recreational grounds associated with that use;
2. Planned unit developments;
3. Public and quasi-public use;
4. Wireless telecommunication towers; and
5. Home occupations.

19.26.040 Minimum lot size.

The minimum lot size in the R-1-8 zone is 8,000 square feet.

19.26.050 Minimum lot width.

The minimum lot width in the R-1-8 zone is 70 feet, measured 20 feet from the front lot line.

19.26.060 Setbacks/yard requirements.

A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

1. Front: 25 feet.
2. Sides: On interior lots, a total of at least 20 feet between the two side yards, with no side yard of less than eight feet. On corner lots, at least 20 feet per side yard.
3. Rear: 20 feet.

B. Accessory buildings in the R-1-8 zone shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

D. Attached garages shall conform to the rear year requirements of main buildings.

19.26.070 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a

sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.26.080 Maximum lot coverage.

The maximum lot coverage in the R-1-8 zone is 50%, including all structures.

19.26.090 Open space requirement.

The minimum open space requirement for developments over five acres in the R-1-6 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

Chapter 19.29
R-1-6 -- RESIDENTIAL SINGLE-FAMILY ZONE

Sections:

19.29.010 Purpose.
19.29.020 Permitted uses.
19.29.030 Conditional uses.
19.29.040 Minimum lot size.
19.29.050 Minimum lot width.
19.29.060 Setbacks/yard requirements.
19.29.070 Maximum height of structures.
19.29.080 Maximum lot coverage.
19.29.090 Open space requirement.

19.29.010 Purpose.

The purpose of the R-1-6 zone is to allow for the establishment of single-family homes organized in medium-density neighborhoods characteristic of traditional suburban residential developments.

19.26.020 Permitted uses.

Permitted uses in the R-1-6 zone are as follows:

1. Single-family detached dwellings; and
2. Accessory buildings customary to single-family housing.

19.29.030 Conditional uses.

Conditional uses in the R-1-6 zone are as follows:

1. Churches and private non-profit recreational grounds associated with that use;
2. Planned unit development;
3. Public and quasi-public uses; and
4. Wireless telecommunication towers.

19.29.040 Minimum lot size.

The minimum lot size in the R-1-6 zone is 6,000 square feet.

19.29.050 Minimum lot width.

The minimum lot width in the R-1-6 zone is 60 feet measured at the front setback.

19.29.060 Setbacks/yard requirements.

A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

1. Front: 20 feet.
2. Sides: On interior lots, a total of at least 15 feet between the two side yards, with no side yard of less than five feet. On corner lots, at least 15 feet per side yard.
3. Rear: 20 feet.

B. Accessory buildings in the R-1-6 zone shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
2. Sides: Three feet on interior lots; 20 feet on the street side of corner lots.
3. Rear: Three feet on interior lots; 20 feet on the street side of corner lots.

C. Attached garages shall conform to the rear year requirements of main buildings.

19.29.070 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a

sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.29.080 Maximum lot coverage.

The maximum lot coverage for the R-1-6 zone is 50%, including all structures.

19.29.090 Open space requirement.

The minimum open space requirement for developments over five acres in the R-1-6 zone is ten percent for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

Chapter 19.31
R-2-8 -- RESIDENTIAL MULTI-FAMILY ZONE

Sections:

19.31.010 Purpose.
19.31.020 Permitted uses.
19.31.030 Conditional uses.
19.31.040 Minimum lot size.
19.31.050 Minimum lot width.
19.31.060 Setbacks/yard requirements.
19.31.070 Maximum height of structures.
19.31.080 Maximum lot coverage.
19.31.090 Open space requirement.

19.31.010 Purpose.

The purpose of the R-2-8 zone is to allow for the establishment of single-family and two-family residential developments organized in medium-density neighborhoods characteristic of traditional suburban residential developments.

19.31.020 Permitted uses.

Permitted uses in the R-2-8 zone are as follows:

1. Single-family detached dwellings;
2. Accessory buildings customary to single-family housing;
3. Home occupations; and
4. Two-family detached dwell-ings.

19.31.030 Conditional uses.

Conditional uses in the R-2-8 zone are as follows:

1. Cemetery;
2. Bed and breakfast;
3. Churches;
4. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
5. Planned unit development;
6. Private parks and recreational grounds;
7. Public and quasi-public use;
8. Radio and/or television tower;
9. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
10. Water pumping plant and reservoir;
11. Wireless telecommunication towers; and
12. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations."

19.31.040 Minimum lot size.

The minimum lot size in the R-2-8 zone is 8,000 square feet.

19.31.050 Minimum lot width.

The minimum lot width in the R-2-8 zone is 65 feet measured at the front setback.

19.31.060 Setbacks/yard requirements.

Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 25 feet.
Sides: On interior lots, a total of at least 15 feet between the two side yards, with no side yard of less than five feet. On corner lots, at least 20 feet per side yard abutting a street.
Rear: 20 feet.

Accessory buildings in the R-2-8 zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, including detached garages, shall maintain a setback of at least six feet from the main building in the rear yard of the particular property.
Sides: Three feet, on interior lots; 20 feet on street side corner lots.
Rear: Three feet, on interior lots; 20 feet on the street side of corner lots.
Attached garages shall conform to the rear year requirements of main buildings.

19.31.070 Maximum height of structures.

1. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure heights shall be 30 feet.
2. All other properties shall maintain a maximum structure height of 35 feet.
3. Accessory Buildings.

No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.31.080 Maximum lot coverage.

The maximum lot coverage in the R-2-8 zone is 50%, including all structures.

19.31.090 Open space requirement.

The minimum open space requirement for developments over five acres in the R-2-8 zone is 10% for standard subdivisions. For PUD's, the minimum open space shall be determined by the planning commission, but shall not be less than 15%.

Chapter 19.34
RM -- RESIDENTIAL MULTI-FAMILY ZONE

Sections:

19.34.010 Purpose.
19.34.020 Permitted uses.
19.34.030 Conditional uses.
19.34.040 Minimum lot size.
19.34.050 Minimum lot width.
19.34.060 Setbacks/yard requirements.
19.34.070 Maximum height of structures.
19.34.080 Maximum lot coverage.
19.34.090 Open space requirement.
19.34.100 Master development plan required.

19.34.010 Purpose of chapter.

The purpose of the RM zone is to provide areas in the city for high-density residential development.

19.34.020 Permitted uses.

Permitted uses in the RM zone are as follows:

1. Single-family dwellings, attached or detached;
2. Accessory buildings customary to multi-family and single-family residential buildings; and
3. Home occupations.

19.34.030 Conditional uses.

Conditional uses in the RM zone are as follows:

1. Bed and breakfast;
2. Churches;
3. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
4. Dwelling group, provided that;

(a) The parcel of ground on which the dwelling group (as defined in chapter 19.04, "Definitions") is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group.

(b) The distance between principal buildings shall be equal to the total side yards required in the zone. The distance between principal buildings and the nearest perimeter lot line shall be at least 15 feet. The distance between any building and a public street shall be at least the front yard required in the zoning district, except on corner lots the side yard which faces on a public street shall be at least 20 feet.

(c) Access shall be provided by a private street or right-of-way from a public street; such private street or right-of-way shall be at least 20 feet wide for one or two rear dwelling units and at least 30 feet wide for three or more dwelling units.

(d) A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet city standards.

(e) Every dwelling structure in the dwelling group shall be within 60 feet of an access roadway or drive.

(f) The development plan shall provide a buffer landscaped area along all property lines and decorative landscaping adjacent to the buildings in appropriate locations. Solid visual fences shall be provided along all interior property lines unless the planning commission approves otherwise.

5. Golf course;
6. Hospital;
7. Hotel;
8. Lodging house;
9. Multiple unit dwellings, either apartments or condominiums;

10. Nursing home;
11. Offices, professions and general business;
12. Planned unit development;
13. Private parks and recreational grounds;
14. Public and quasi-public use;
15. Radio and/or television tower;
16. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
17. Two-family dwellings;
18. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; and
19. Public schools.

19.34.040 Minimum lot size.

The minimum lot size in the RM zone is 10,000 square feet for each single-family or two-family dwelling, with 2,000 extra square feet for each additional unit in a building with more than one unit.

19.34.050 Minimum lot width.

The minimum lot width in the RM zone is 65 feet measured 30 feet from the front lot line.

19.34.060 Setbacks/yard requirements.

A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

Front: 30 feet.
Sides: On interior lots, a total of at least 25 feet between the two side yards, with no side yard of less than ten feet. On corner lots, at least 30 feet per side yard.
Rear: 30 feet.

B. Accessory buildings in the RM zone shall maintain a minimum distance from property lines as follows:

Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.
Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots.
Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots. Attached garages shall conform to the rear year requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.
Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

19.34.070 Maximum height of structures.

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory Buildings.

No accessory building shall exceed 20 feet in height. For each foot of height over 14 feet, accessory buildings shall be set back from property lines an additional

foot from the minimum setback to allow a maximum height of 20 feet.

19.34.080 Maximum lot coverage.

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

19.34.090 Open space requirement.

The minimum open space requirement for developments over two acres in the RM zone is 15%.

19.34.100 Master development plan required.

Any development of land in the RM zone shall be subject to the requirements of a master development plan approved by the planning commission.

Chapter 19.35
RO – RESIDENTIAL OFFICE ZONE

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

19.35.010 Purpose.

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

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

19.35.020 Permitted uses.

Permitted uses in the RO zone are as follows:

1. Single family dwelling.

19.35.030 Conditional uses.

Conditional uses in the RO zone are as follows:

1. Medical, optical, dental offices and clinics for health professionals, with the exception of after-hours care, overnight care or traditional medical retail stores, with a maximum gross floor area of 5,000 square feet on any one floor and10,000 gross occupiable square feet;
2. Administrative, general or professional offices containing no more than 5,000 square feet on any one floor and10,000 gross occupiable square feet;
3. Home occupations;
4. Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter;

5. Planned unit development;
6. Church;
7. School;
8. Retail sales secondary to office uses with no exterior or storefront displays;
9. Studios for an artist, designer, writer, photographer, sculptor or musician;
10. Child or adult day care facilities, with no overnight or after-hours care;
11. Residential facilities for elderly persons;
12. Medical clinics, provided that no after-hour or overnight care shall be permitted;
13. Reception center;
14. Planned unit development;
15. Twin homes; and,
16. Bed and breakfast.

19.35.040 Mixed-use building.

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

19.35.050 Limitations on use.

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

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

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

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

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

5. Applicants applying under conditional uses under subsections A, B, D-G, I and K-P of section 19.35.030 shall be required to receive a certificate of design compliance pursuant to a satisfactory design review from the city's architecture review commission ("*ARC*").

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

19.35.060 Setbacks/yard requirements.

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

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

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

3. The minimum front, rear, and side yard setbacks for two-story buildings with commercial activity occurring on the second floor shall be at least 100% of the height of the principal

structure, when adjacent to a residential zone.

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

1. The minimum lot area shall be 7,000 square feet.
2. The minimum lot width at the front building line shall be 70 feet.
3. The minimum lot depth shall be 100 feet.

19.35.080 Maximum height of structures.

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

19.35.090 Maximum lot coverage.

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

19.35.100 Master development plan required.

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

19.35.110 Lighting.

1. Uniformity of lighting is desirable to achieve an overall design objective of continuity, and to avoid objectionable glare to adjacent residential areas.
2. The maximum height of luminaries shall be 18 feet unless the planning commission requires a lower height as part of its approvals. The light shall be low intensity, full cut-off, shielded from uses on adjoining lots, and directed away from adjacent property in a residential zone or an adjacent residential use.
3. Pedestrian walkways shall be lighted with bollards or lights at a maximum height of ten feet.

19.35.120 Screening.

1. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or approved screening that is a minimum of six feet high with visually obscuring painted metal gates, or shall be enclosed within a building which shall match the overall architectural goal of the development. Any trash or refuse receptacle area shall be a minimum of 50 feet from any residential zone boundary or property containing a residential use.
2. All ground-mounted mechanical equipment (including, without limitation, heating and air conditioning units) shall be completely screened from surrounding properties by a masonry wall or approved screening that is a minimum of six feet high with visually obscuring painted metal gates, or shall be enclosed within a building.
3. The use of roof appurtenances is discouraged. If roof appurtenances (including, without limitation, air conditioning units and mechanical equipment) are used, they shall be placed within an enclosure at least as high as the roof appurtenances that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the city's building code. Such enclosures require planning commission approval, and shall minimize visibility from on-site parking areas, adjacent public streets, and adjacent residential property. Roof appurtenances shall be counted towards the overall height of the building.

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

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

19.35.130 Landscaping requirements.

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

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

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

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

19.35.140 Architecture review.

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

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

19.35.150 Signage.

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

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

C. Signs in the RO zone shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. Illumination. Businesses open during hours of darkness are allowed

limited exterior sign lighting to identify the business to patrons.

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

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

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

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

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

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

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

Chapter 19.36
MU -- MIXED USE ZONE

Sections:

19.36.010 Purposes.
19.36.020 Permitted uses.
19.36.030 Conditional uses.
19.36.040 Mixed use building.
19.36.050 Maximum height of structures.
19.36.060 Maximum lot coverage.
19.36.070 Development standards.
19.36.080 Minimum lot size.
19.36.090 Setbacks, yards and other requirements.
19.36.100 Use of existing structures.
19.36.110 Master development plan required.
19.36.120 Lighting.
19.36.130 Screening.
19.36.140 Landscaping requirements.
19.36.150 Mixed-use self-storage.

19.36.010 Purposes.

A. The purposes of the MU zone are to provide areas in the city primarily for medium to high density residential mixed-use developments, with commercial, institutional, office and service uses apportioned on-site in a manner sensitive to the street environment and adjacent residential areas; to support an urban village where amenities are focused on a local main street; and to enhance the accessibility of the Fort Union area and the Gateway Overlay District.

B. The MU zone is intended to achieve cohabitation of uses, while ensuring that negative impacts on residents are minimized. The spaces created in the MU zone are intended to encourage a diminished need for motorized travel and shall possess characteristics (accomplished through roads, passages and sidewalks) that serve the needs of pedestrians, bicyclists and motor vehicle users while still allowing casual encounters of human beings at an intimate, or pedestrian, scale.

19.36.020 Permitted uses.

1. Mixed-use residential buildings as defined in this chapter;
2. Bed and breakfast;
3. Commercial recreation;
4. Convenience store without gasoline or convenience store/fast food combination without gasoline;
5. Community recreation services;
6. Convenience retail stores;
7. Government services;
8. Retail;
9. Public libraries and cultural exhibits;
10. Office building professional with a maximum of two stories, and a maximum of 10,000 gross square feet; and
11. Grocery store, foodstuffs, retailing, or delicatessen with a maximum gross floor area of 10,000 square feet.

Any use with an individual gross floor area greater than 10,000 square feet, or more than two stories in height, shall be considered a conditional use regardless of its possible classification here as a permitted use.

19.36.030 Conditional uses.

A. Conditional uses in the MU zone include the following:

1. Churches;
2. Home occupations;
3. Home pre-schools;
4. Child daycare/preschool;
5. Parks, playgrounds or community recreation;
6. Planned unit developments;
7. Public and private utility buildings or facilities;
8. Residential facilities for persons with disabilities;

9. Residential facilities for elderly persons;
10. Schools;
11. Hotels;
12. Class D private clubs;
13. Retail with gross square footage greater than 10,000 square feet;
14. Commercial schools;
15. Supermarkets (groceries, meats and baked goods);
16. Hardware, lawn and garden supply stores;
17. Administration or professional offices with a floor area greater than 10,000 square feet;
18. Restaurant;
19. Indoor theatre;
20. Shop for making articles sold primarily at retail on the premises;
21. Commercial recreation;
22. Banks, savings, loan, and finance offices;
23. Department stores, furniture and variety stores;
24. Open stands or markets;
25. Garages (public); and
26. Mixed-use self-storage.

B. Unlike the NC zone, which is intended for smaller mixed-use developments potentially within established communities, the MU zone does not have a maximum allowed floor area for most uses. Such deregulation is intended to encourage those proposing larger commercial and residential developments to consider creating a mixed-use development rather than a regional commercial type development.

C. Any applicant requesting an increase in height or decrease in setbacks which are standard in the MU zone, or any other variation based on permitted planning commission approval under this chapter, shall be considered a conditional use.

19.36.040 Mixed-use building.

A mixed-use building is a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. An example of a mixed-use residential building with a retail storefront on the main floor and two floors of residential living above the main floor is below (three story buildings are a conditional use):

19.36.050 Maximum height of structures.

Structures in an MU zone shall not exceed a height of two stories, or 35 feet, whichever is less. The planning commission, after receiving favorable recommendation from the DRC, may increase the maximum height of a structure in an MU zone to no more than three stories, upon a finding that such increased height will not adversely affect the public health, safety or welfare.

19.36.060 Maximum lot coverage.

In an MU zone, buildings shall not occupy more than 65 percent of the lot area.

19.36.070 Development standards.

Any development in the MU zone shall conform to the city's general plan, the standards of the city's Gateway Overlay District (established under chapter 19.49 of this title), and the standards of this chapter. The maximum density of any development in the MU zone is 12 units per acre. If a developer clearly shows that a proposed development meets, or exceeds, the guidelines, goals, objectives and standards of the city's Gateway Overlay District, and conditioned on the planning commission's receipt of a favorable recommendation of the DRC, the planning commission may authorize density of no greater than 16 residential units per acre upon a finding that such increased density will not adversely affect the public health, safety or welfare.

19.36.080 Minimum lot size.

Except as may be required to meet minimum setbacks and any requirements providing for a minimum square footage of a building or structure, there are no minimum lot size requirements, provided that the density requirements of this chapter are met.

19.36.090 Setbacks, yards and other requirements.

A. Yards and setbacks.

1. The minimum front or side yard along a street shall be 20 feet; however, the planning commission may reduce that setback if it finds that the reduction helps create a better designed development, and that the reduction will not adversely affect the public health, safety or welfare.

2. Minimum side and rear yards of 25 feet shall be required for side or rear yards of a lot in an MU zone abutting a residential zone. For lots adjacent to a non-residential zone, the minimum setback shall be ten feet for side and rear yards not on a street; however, the planning commission may reduce the setback if it finds that the reduction helps to create a better designed development, and that the reduction will not adversely affect the public health, safety or welfare.

B. Building orientation.

1. All single-family attached homes and multi-family residential complexes shall have their primary orientation to the street. Entrances to multi-family buildings may include entrances to individual units or breezeway/ courtyard entrances; or

2. All single-family attached homes and multi-family residential complexes may have their primary orientation to a side yard when a direct pedestrian walkway is provided between the main entrance and the street, with at least one entrance located not more than 20 feet from the curb line of the street.

C. Design guidelines and standards. If multi-family residential design guidelines, standards, or a review process are not indicated by a location in the Gateway Overlay District, all multi-family residential developments shall meet, and shall be reviewed and approved by the ARC under, the standards contained in the city's Gateway Design Guidelines, which shall be in addition to the development standards specified in this chapter.

D. Parking. The provisions of chapter 19.80 of this title regarding off-street parking, loading and driveway standards shall apply to all residential developments in the MU zone.

E. Landscaping. All applications for development in the MU zone shall provide landscaping in compliance with

the standards of this chapter and the Gateway Overlay District.

19.36.100 Use of existing structures.

The continued use of an existing structure in the MU zone is permitted, provided that the structure meets the requirements of this chapter and any other applicable ordinances.

19.36.110 Master development plan required.

Developments of three or more acres in the MU zone must submit a master development plan, which is subject to planning commission approval.

19.36.120 Lighting.

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

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

C. Pedestrian walkways shall be lighted.

D. All lighting next to residential uses, or where the planning commission requires, shall be full-cut-off lighting to reduce light pollution.

19.36.130 Screening.

A. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with visually obscuring painted metal gates or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of fifty feet from any residential or agricultural zone boundary or property containing a residential or agricultural use.

B. All ground-mounted mechanical equipment (including, without limitation, heating and air conditioning units) shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.

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

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

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

F. All development located in a Gateway Overlay District shall comply with the stated goals and standards of

such district.

19.36.140 Landscaping requirements.

All developments 1 acre or more in size shall dedicate 15% of the lot to landscaping, including, without limitation, landscape buffers, seating areas, natural walking paths separate from sidewalks, and so on. Drought resistant plants are encouraged. Further,

A. All developments in the MU zone shall provide a landscaped buffer between any commercial development and any adjoining residential zone. The landscaped buffer shall be at least 8 feet wide, and shall include trees planted at least every 30 feet on center. This requirement may be included within the side and rear setbacks of the MU zone.

B. Developments in the MU zone are intended to blend with the surrounding land uses, whether they are residential or non-residential. For that reason, the landscaped buffer should not be used as an obstructing barrier between land uses, but instead should provide a landscaped transition between uses and pedestrian walkways and trails.

19.36.150 Mixed-use self-storage.

In this title, "*mixed-use self-storage*" means a single building containing more than the primary land use of self-storage, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas. A mixed-use self-storage facility is intended to be used for a mix of uses between the primary use of a private non-commercial, non-industrial storage facility and general, professional office, medical or dental offices, retail or residential dwelling units uses.

A. Mixed-use self-storage shall be reviewed by the architecture review commission (the "*ARC*"). The ARC shall make a recommendation regarding the proposed mixed-use self-storage facility to the planning commission.

B. The following criteria shall be considered by the ARC and the planning commission when reviewing conditional use requests for mixed-use self-storage facilities:

1. The second (and any additional) principal use shall be distinct from, unrelated to and not an accessory of the self-storage use of the facility.

2. A minimum of 1,500 square feet or 10% of the ground floor area of the self-storage principal use of the facility, whichever is greater, shall be devoted to at least one additional principal use in each building housing a self-storage use. The additional principal use may be either general, professional office, medical or dental offices, retail or residential dwelling units uses or an appropriate mix of any or all of the above uses.

3. Detailed building elevations and color/material boards shall be submitted to and reviewed by the ARC prior to any consideration by the planning commission of an application for conditional use permit for a mixed-use self-storage facility.

4. Exterior building materials must be approved by the ARC, and shall match the quality, texture and architectural intent of surrounding buildings and the intent and regulations of the gateway overlay zone design guidelines.

5. All buildings shall have a minimum of 15% transparency on all floors, which shall consist of functioning

windows that provide visibility into a room from the public right-of-way or adjacent property and out of a room from the interior.

6. All building facades shall have the appearance of an office, residential and/or retail building through the use of doors, windows, awnings, and other appropriate building elements as approved by the ARC.

7. Buildings with more than one story shall be designed to have the appearance and function of a multi-story building through the use of windows, doors, awnings, canopies and other appropriate building elements.

8. The front façade of the building, visible from the public right of way, shall be designed to have ample bulk and massing to adequately mitigate the potential aesthetic impact of the self-storage primary use, as approved by the ARC.

9. External unit doors must be screened from neighboring land uses to an extent determined appropriate by the ARC based on the potential impact to surrounding land uses.

C. Signage. Approval of signage is subject to the applicant meeting the regulations contained herein and in other pertinent chapters of this title. Signage in mixed-use self-storage facilities shall be limited to wall, monument and projecting signs as outlined below.

1. Wall signs for mixed-use self-storage facilities are:

(a) Limited to one sign for each separate principal use for each unit, suite or other division of the building whose business facade fronts on a public street.

(b) Limited to no more than 10% of the business façade frontage for each associated principal use.

(c) No sign shall exceed six feet in overall height.

(d) Signage is limited to individual pan-channel lettering only. Cabinet signs are not permitted.

2. Monument signs for the uses in the mixed-use self-storage facilities are:

(a) Limited to one sign along an adjacent public street for each building façade which fronts that street.

(b) Limited to a total of 48 square feet of signable area.

(c) Limited to a maximum height of six feet, including the pedestal.

3. Projecting signs for mixed-use self-storage facilities may be used in lieu of wall signs and:

(a) Are limited to no more than 10% of the business façade frontage for each associated principal use.

(b) Shall maintain a vertical clearance of at least eight feet, and no more than 18 feet, from the adjacent sidewalk, drive area or other adjacent ground.

4. The ARC shall review proposed signage plans for mixed-use self-storage facilities and shall make a recommendation to the planning commission on the design compliance of the signage as it relates to:

(a) Consistency with existing signage in the district where the facility is located.

(b) Consistency with the design intent of the facility as it relates to materials, colors and placement on buildings and in landscaped areas.

D. No resident manager apartment shall be allowed in mixed-use self-storage facilities unless at least 50% of secondary uses are residential.

E. No outside storage of vehicles, boats, motor homes, RVs or any other materials or equipment shall be allowed at or around any mixed-use self-storage facility.

F. Commercial moving truck rentals shall be prohibited at mixed-use self-storage facilities. A mixed-use self-storage facility shall be allowed to have no more than two private moving trucks owned and operated by the facility and available to the renters of units within the facility only. Moving trucks meeting the above regulation shall be stored out of sight of the public way.

Chapter 19.37
NC – NEIGHBORHOOD COMMERCIAL ZONE

19.37.010 Purpose.
19.37.020 Permitted uses.
19.37.030 Conditional uses.
19.37.040 Mixed use buildings.
19.37.050 Limitations on use.
19.37.060 Setbacks/yard requirements.
19.37.070 Minimum lot size, depth, and width.
19.37.080 Maximum height of structures.
19.37.090 Maximum lot coverage.
19.37.010 Master development plan required.
19.37.110 Lighting.
19.37.120 Screening.
19.37.130 Landscaping requirements.
19.37.140 Charts and figures.

19.37.010 Purpose.

The NC zone is intended to protect and enhance neighborhood commercial areas by promoting the concentration of businesses that provide convenience goods and services used frequently by local residents. This zone provides for a scale and character of development that is consistent with pedestrian-orientation and which tends to attract and promote a walk-in clientele. Development within this zone should maximize human scale elements while providing a sensitive transition between these uses and neighboring residences, including the provision of adequate and properly-sited parking facilities. Additionally, the NC zone encourages residential mixed use to further enhance the transition between neighborhood commercial and adjacent residential uses, consistent with the goals, objectives and policies of the city's general plan.

19.37.020. Permitted uses.

There are no permitted uses in the NC zone.

19.37.030. Conditional uses.

Conditional uses in the NC zone are as follows:

1. Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter;
2. Bed and breakfast;
3. Commercial recreation;
4. Reception center;
5. Convenience store;
6. Grocery store, foodstuffs, retailing, or delicatessen with a maximum gross floor area of no more than 7,500 square feet on any one floor and15,000 gross occupiable square feet;
7. Convenience store/fast food combination without gasoline;
8. Medical, optical, dental offices and clinics for health professionals, with the exception of after-hours care, overnight care or traditional medical retail stores, with a maximum gross floor area of no more than 7,500 square feet on any one floor and15,000 gross occupiable square feet;
9. Administrative, general or professional offices containing no more than 7,500 square feet on any one floor and15,000 gross occupiable square feet;
10. Studios for an artist, designer, writer, photographer, sculptor or musician;
11. Restaurant;
12. Retail commercial
13. Churches;
14. Home occupations;
15. Home pre-schools;
16. Child day-care/preschool;
17. Parks, playgrounds or community recreation;
18. Planned unit development;

19. Public and private utility buildings or facilities;
20. Residential facilities for elderly persons;
21. Child or adult day care facilities;
22. Schools;
23. Live/work spaces;
24. Class D private clubs; and
25. Retail/small commercial.

19.37.040 Mixed-use building.

A. A mixed-use building is a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

B. An example of a mixed-use residential building with a retail storefront on the main floor and one floor of residential living above the main floor is below:

19.37.050 Limitations on use.

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

A. The maximum floor area of each separate use confined within enclosing walls shall be limited to 7,500 square feet on the first story. Below-grade square footage (i.e., basements) shall not be included in the maximum floor area so long as the area below grade is not occupiable space.

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

C. All business, service, repair, processing, and storage, including refuse and garbage storage, shall be conducted wholly within enclosed buildings except the display of plants and off-street parking and loading.

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

19.37.060 Setbacks/yard requirements.

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

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

B. Minimum side and rear yards of 25 feet shall be required for those portions of a lot in an NC zone abutting a residential zone. For lots adjacent to a non-residential use the minimum setback shall be ten feet for side and rear yards.

C. The minimum front, rear, and side yard setbacks for two-story buildings with commercial activity occurring on the second floor for property located in non-mixed use designated areas shall be at least one-half of the height of the principal structure.

D. Also see chart 19.37.050-01 for more setback information for the NC zone.

19.37.070 Minimum lot size.

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

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

B. The minimum lot width at the front building line shall be 60 feet.

C. The minimum lot depth shall be 90 feet.

19.37.080 Maximum height of structures.

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

19.37.090 Maximum lot coverage.

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

19.37.100 Master development plan required.

Developments in the NC zone will be required to comply with a master development plan approved by the planning commission.

19.37.110 Lighting.

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

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

C. Pedestrian walkways shall be lighted.

D. All lighting next to residential uses, or where the planning commission requires, shall be full-cut-off lighting to reduce light pollution.

19.37.120 Screening.

A. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with visually obscuring painted metal gates, or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of 50 feet from any residential zone boundary or property containing a residential use.

B. All ground-mounted mechanical equipment (including, without limitation, heating and air conditioning units) shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.

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

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

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

19.37.130 Landscaping requirements.

A. All developments of over one acre in size shall dedicate at least 15% of the gross acreage to landscaping, including, without limitation, landscape buffers, seating areas, walkways, etc. Drought resistant plants are encouraged.

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

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

19.37.140 Charts and figures.

Minimum Front Yard: Equal to front yard of least restricted adjacent residential zone
Minimum Side and Rear Yards: 25 feet if abutting a residential zone; ten feet otherwise
Minimum Lot Size: 7,000 square feet
Minimum Width at Building Line: 60 feet
Minimum Lot Depth: 90 feet
Maximum Lot Coverage: 50%
Maximum Building Height: Two stories or 35 feet, whichever is less

Chapter 19.40
CR – REGIONAL COMMERCIAL ZONE

Sections:

19.40.010 Purpose.
19.40.020 Permitted uses.
19.40.030 Conditional uses.
19.40.040 Businesses and uses—Conditions.
19.40.050 Lot area.
19.40.060 Lot width.
19.40.070 Front yard.
19.40.080 Side yard.
19.40.090 Rear yard.
19.40.100 Maximum height of structures.
19.40.110 Coverage restriction.
19.40.120 Master development plan required.
19.40.130 Landscaping requirement.
19.40.140 Lighting.
19.40.150 Screening.
19.40.160 Landscaped setback.

19.40.010 Purpose.

The purpose of the CR zone is to establish areas for commercial uses that serve the community, the region and the traveling public by providing for larger scaled commercial uses that are typically land intensive and are not well-suited to being located in neighborhoods, which are designed to (a) encourage pedestrian and transit access, (b) be compatible with adjacent residential neighborhoods, and (c) be consistent with road and utility capacities.

19.40.020 Permitted uses.

A. Permitted uses in the CR zone are as follows:

1. Antique store;
2. Artists' studio, art store;
3. Bakeries, confectionery stores, ice cream, soft drink and coffee shops, for consumption on premises or for takeout;
4. Barber and beauty shops;
5. Books, magazines and newspapers;
6. Clothing, clothing accessories and yard goods;
7. Computer sales and service;
8. Dry-cleaning and laundry-collection stations;
9. Gift, stationery and office supply stores;
10. Jewelry, opticians, luggage shops;
11. Print shops, post offices and packing/shipping services;
12. Shoe and shoe repair;
13. Video rental shops; and
14. Tailor and dressmaking shops.

B. Any otherwise permitted use with an individual gross floor area of more than 10,000 square feet shall be a conditional use.

19.40.030 Conditional uses.

A. Any use with an individual gross floor area of more than 10,000 square feet shall be considered a conditional use.

B. Additional conditional uses in the CR zone are as follows:

1. Supermarkets (groceries, meats and baked goods);
2. Hardware, lawn and garden supply stores;
3. Florists;
4. Offices, administration or professional;
5. Real estate or insurance office;
6. Restaurant, lunchroom;
7. Indoor theatre;
8. Motor vehicle sales agency, including service and repairs indoors, with outdoor sales, display and storage;
9. Shop for making articles sold primarily at retail on the premises;
10. Bowling alley, commercial recreation building;

11. Gasoline stations;
12. Drugstores and sundries;
13. Banks, savings, loan, and finance offices;
14. Appliance stores;
15. Nursery schools and day care centers;
16. Department stores, furniture and variety stores;
17. Liquor stores;
18. Open stands or markets;
19. Garages (public);
20. Car wash; and
21. Pawn shop without weapons.

19.40.040 Businesses and uses—Conditions.

The permitted and conditional uses in the CR zone specified above also shall be subject to the following conditions:

A. All manufacturing shall be done wholly within a completely enclosed building, and shall be incidental to and operated in connection with a use permitted in this chapter.

B. All uses shall be free from objections because of odor, dust, smoke, noise, vibration, or other causes.

19.40.050 Lot area.

The minimum lot area in the CR zone is 20,000 square feet.

19.40.060 Lot width.

The minimum width of a lot in the CR zone shall be 65 feet at a distance 25 feet back from the front lot line.

19.40.070 Front yard.

The minimum depth of the front yard in the CR zone is 20 feet.

19.40.080 Side yard.

In the CR zone, no side yard is required, except that wherever a building is located upon a lot adjacent to a residential zone, there shall be provided a side yard of not less than 15 feet on the side of the building adjacent to the zone boundary line, and on corner lots the side yard that faces on a street shall be not less than 20 feet.

19.40.090 Rear yard.

In the CR zone, no rear yard is required, except that on corner lots which rear upon another lot in a residential zone, the minimum rear yard shall be 15 feet.

19.40.100 Maximum height of structures.

No structure in the CR zone shall contain more than three stories or exceed 35 feet in height, whichever is less.

19.40.110 Coverage restriction.

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

19.40.120 Master development plan required.

A master development plan approved by the planning commission shall be required for any development in the CR zone.

19.40.130 Landscaping requirement.

All developments over one acre in size will be required to dedicate 15% of the gross acreage of the development to landscaping, including, without limitation, landscape buffers, seating areas, walkways, etc. Drought resistant plants are encouraged.

19.40.140 Lighting.

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

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

C. Pedestrian walkways shall be lighted.

D. All lighting next to residential uses, or where the planning commission requires, shall be full-cut-off lighting to reduce light pollution.

19.40.150 Screening.

A. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall or screening that is a minimum of six feet high with visually obscuring painted metal gates or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of fifty feet from any residential zone boundary or property containing a residential use.

B. All ground mounted mechanical equipment including, but not limited to, heating and air conditioning units shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.

C. The use of roof appurtenances is discouraged. If roof appurtenances including, but not limited to, air conditioning units and mechanical equipment are used, they shall be placed within an enclosure at least as high as the roof appurtenances that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the city's building code. Such enclosures require planning commission approval, and shall minimize visibility from on-site parking areas, adjacent public streets, and adjacent residential property.

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

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

F. A masonry or concrete fence seven feet high shall be constructed and maintained along any property between a development in the CR zone and residential use or vacant land in a residential zone. The fence shall be constructed and maintained by the owner of the commercial development. In all commercial zones the planning commission may approve a landscaping screen in lieu of a fence, a fence other than masonry, or a height greater than seven feet upon the following findings:

1. The proposed fence/landscape screen provides an adequate buffer for the adjoining residential use or zone.

2. The appearance of the fence/landscape screen will not detract from the residential and/or commercial use of the property.

3. The proposed fence/landscape screen will shield the residential use or zone from noise, storage, traffic, or any other characteristics of the commercial use that are not compatible with residential uses.

19.40.160 Landscaped setback.

In the CR zone, the front yard area and the side yard area which faces on a street on a corner lot (or if the side yard

abuts a residential zone) shall be landscaped and maintained with live plant material including shrubs, flowers, and trees for a minimum distance of 20 feet behind the property line for all main uses. Such area shall include a permanent sprinkler system to insure adequate maintenance, and shall comply with section 19.76.160, "Intersecting streets and clear visibility." The planning commission may modify the landscaping requirements herein for any conditional use. The required landscaped area may be reduced to 15 feet provided:

A. 50% of the landscaped area is planted with shrubs, flowers, and trees; and

B. The landscaped area includes a berm that is a minimum of two feet high as measured from the grade of the sidewalk; and

C. The following portion of the total site is landscaped:

1. 15% if the site is less than one acre; or

2. 10% if the site is equal to or greater than one acre, but less than five acres; or

3. 5% if the site is equal to or greater than five acres.

Chapter 19.43
PF – PUBLIC FACILITIES ZONE

Sections:

19.43.010 Purpose.
19.43.020 Permitted uses.
19.43.030 Conditional uses.
19.43.040 Lot width.
19.43.050 Front yard.
19.43.060 Side yard.
19.43.070 Rear yard.
19.43.080 Coverage restriction.
19.43.090 Maximum height of structures.

19.43.010 Purpose.

The purpose of the PF zone is to provide areas in the city for the development of parks, schools, libraries, municipal buildings, and other public and quasi-public buildings and land uses.

19.43.020 Permitted uses.

Permitted uses in the PF zone are as follows:

1. Public uses;
2. Quasi-public uses;
3. Agriculture; and
4. Accessory uses and buildings customarily incidental to permitted uses.

19.43.040 Lot width.

The minimum width of any lot in a PF zone shall be 65 feet, at a distance 25 feet back from the front lot line.

19.43.050 Front yard.

The minimum depth of the front yard in a PF zone shall be 25 feet.

19.43.060 Side yard.

In a PF zone, the minimum side yard shall be 20 feet unless reduced by the planning commission pursuant to chapter 19.84, "Conditional Uses." On corner lots, the side yard which faces on a street, for both main and accessory buildings, shall be not less than 20 feet.

19.43.070 Rear yard.

In PF zones, the minimum depth of the rear yard for any main building shall be 30 feet, and for accessory buildings shall be ten feet.

19.43.080 Coverage restriction.

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

19.43.090 Maximum height of structures.

No structure in a PF zone shall contain more than three stories or exceed 35 feet in height, whichever is less.

Chapter 19.46
O-R-D – OFFICE, RESEARCH AND DEVELOPMENT ZONE

Sections:

19.46.010 Purpose.
19.46.015 Design and site plan approval.
19.46.020 Permitted uses.
19.46.025 Modification of permitted uses.
19.46.030 Conditional uses.
19.46.040 Outdoor storage.
19.46.050 Master development plan required.
19.46.060 Setbacks/yard requirements.
19.46.070 Maximum height of structures.
19.46.080 Maximum lot coverage.
19.46.090 Landscaping requirement.
19.46.100 Perimeter fencing.
19.46.110 Lighting.
19.46.120 Nuisance factors and hazards.
19.46.130 Screening.
19.46.140 Access and parking.
19.46.150 General requirements.

19.46.010 Purpose of chapter.

The purpose of the O-R-D zone is to provide a wide range of nonpolluting business activities. The O-R-D zoning designation allows for light and high technological industries, such as biotechnology, nonpolluting light manufacturing, computer technology and communications equipment establishments. Land uses with any significantly adverse impacts (such as excessive noise levels, or emitting significant quantities of dirt, dust, odor, radiation, glare or other pollutants) shall be strictly prohibited. Design and development standards for business park areas will be administered to foster high quality developments.

19.46.015 Design and site plan approval.

Design and site plan approval for all development in the O-R-D zone is required. The conditional use review shall include, without limitation, architectural design and theme, building materials, lighting, signage, landscaping, parking, vehicular, bike and pedestrian access, accessory structures, nuisance factors and natural and manmade hazards.

19.46.020 Permitted uses.

Permitted uses in the O-R-D zone are as follows:

1. Office building for business and professional services, including lawyer, physician, dentist, architect, engineer, musician, teacher or other professional person, including real estate and insurance offices, banking and other financial businesses and similar endeavors in connection with such use;
2. Clinics for outpatient care, as well as outpatient medical services including, but not limited to, imaging and physical therapy;
3. Telemarketing and telephone based services;
4. Electronic data processing;
5. Private garages for the storage only of vehicles owned by the proprietor of the principal use and employees thereof and visitors thereto;
6. Maintenance and utility shops and storage facilities incidental to the principal use;
7. Non-hazardous general laboratories for testing and research;
8. Assembly halls for meetings incidental to the business of the principal use;

9. Restaurant or cafeteria for supplying meals only to employees and guests for the principal use; and newsstand, post office, branch banking facilities and similar conveniences serving primarily employees and guests of the principal use, provided that there shall be no external evidence of such use;

10. Radio and television stations, but not including transmitting facilities or accompanying antennae; provided however, that this prohibition shall not include transmitting facilities normally associated with mobile communication units;

11. Retail and commercial uses secondary to the main use of the property;

12. Municipal buildings and municipal community houses, police stations, fire houses, ambulance stations, together with such private garages and other outbuildings that are incidental hereto; and

13. Libraries, printing and publishing operations.

19.46.025 Modification of permitted uses.

Office building applications requesting an increase in height from the standard 35 feet, or a decrease is setback from the standard 50 feet, as allowed in this chapter, shall be considered a conditional use.

19.46.030 Conditional uses.

Conditional uses in the O-R-D zones are as follows:

A. Indoor and outdoor recreational facilities, provided that:

1. Such uses are incidental to a permitted use;

2. All accessory buildings and incidental uses shall be planned as an integral part of the office building development; and

3. All such facilities comply with the building and siting restrictions as set forth in this chapter;

B. In-service training schools for employees, provided that such use is incidental to a permitted use and its employees;

C. Any special uses customarily incidental to the operation of other permitted uses;

D. Quarters for a caretaker or for security;

E. Nursery schools or day care centers;

F. Private parks and recreational grounds;

G. Public and quasi-public use;

H. Radio and/or television tower;

I. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, “Supplementary and Qualifying Regulations”;

J. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, “Supplementary and Qualifying Regulations”;

K. Public schools;

L. Wireless telecommunication towers;

N. Hospitals; and

O. Blood plasma facilities, provided that:

1. All equipment, samples and products must be stored inside the building;

2. Retrieval areas must be located in the rear of the building, accessible by van, and not adjacent to a public right-of-way;

3. Facilities must provide and follow a management plan for handling litter, outdoor queuing, security and loitering;

4. Facilities must be at least 1,000 feet from the nearest residential, church and/or school property boundary line;

5. Facilities may be considered a permitted use if they are a clearly subordinate and ancillary part of a city-authorized medical clinic where a doctor is present at all times and other traditional medical services are conducted as the primary business purposes in at least 90% of the useable floor area;

6. Facilities shall comply with all applicable laws and regulations for safe disposal of blood products and human tissues, and shall provide and follow written protocols for such compliance;

7. Facilities shall provide appropriate certification of employees drawing blood, and shall assure that all such employees are, at minimum, licensed phlebotomists;

8. Facilities shall continuously comply with all applicable licensing and certification requirements, including those of the Salt Lake County Health Department; and

9. Parking shall be provided at the rate of two spaces for each collection station, plus one space for each person permitted to occupy the waiting area(s), plus one space for each employee in the largest working shift. Additional parking may be required for processing rooms/booths, staging and testing areas, etc. to be located in the proposed facility.

19.46.040 Outdoor storage.

Outdoor storage of any materials is prohibited in the O-R-D zone.

19.46.050 Master development plan required.

Any development in the O-R-D zone shall be subject to a master development plan approved by the planning commission.

19.46.060 Setbacks/yard requirements.

A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings shall maintain a minimum distance from property lines as follows:

Front: 50 feet.
Sides: 50 feet. The setback shall be increased one foot for each additional foot of building height above 35 feet.
Rear: 50 feet. The setback shall be increased one foot for each additional foot of building height above 35 feet.

B. The planning commission, upon finding that the applicant has reasonably demonstrated that a need exists to decrease the standard setback for a main building, may decrease the setback for a single side, front or rear yard of any such building to no less than 20 feet. All setbacks on the other building sides must meet the 50 foot minimum setback requirement. Any decrease in the 50 foot minimum setback must be based on a finding that no harm to the health, safety, or general welfare of the city exists, or would be created by the decrease. The DRC shall first review the request for such a decrease, study the specifics of the case in question, and make a recommendation to the planning commission. Under no circumstance may a decrease in any setback be authorized by the planning commission where a side, rear or front yard is abutted by any zone (whether or not in the city) which contains, or may contain, any attribute of residential use or where such residential use is authorized by the

permitted or conditional uses for that zone.

C. The planning commission may also increase a setback for a main building in the O-R-D zone when it finds that the increase is necessary for the public health, safety and general welfare of the city. Before the planning commission may impose such an increase in a side, rear or front yard setback in the O-R-D zone, the DRC shall first study the specifics of the case in question and make a recommendation to the planning commission.

19.46.070 Maximum height of structures.

The maximum height of structures in the O-R-D zone is 35 feet. The planning commission may allow additional height to a maximum of six stories upon finding that the additional height will not adversely affect the surrounding land uses, and subject to the requirements of the conditional use chapter of this title. The planning commission may also reduce the height below 35 feet upon finding that the reduction is necessary to reduce the adverse impact to surrounding land uses or otherwise is necessary to protect public health, safety or welfare.

19.46.080 Maximum lot coverage.

The maximum lot coverage in the O-R-D zone is 50%, including all structures.

19.46.090 Landscaping requirement.

A. The minimum landscaping requirement for developments in an O-R-D zone is 30%. The landscaping requirement is intended to provide trails, parks, sitting areas and general landscaping. The planning commission may approve preservation of natural areas or trails as part of the 30% landscaping requirement.

B. All landscaped areas shall be planted with live plant material and include a permanent automatic irrigation system, except for natural areas approved by the planning commission for preservation. Drought resistant plants are encouraged. The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

C. The required front yard setback and the required side yard setback which face a street on corner lots shall be landscaped with live plant materials including shrubs and trees except for necessary vehicular driveways and pedestrian walkways. Deciduous trees shall have a minimum caliper of two inches. A minimum of 40% of the trees shall be conifer trees having a minimum height of six feet.

D. Landscaping in on-grade hardscape parking areas shall meet the following minimum requirements:

Size of Parking Area	**Percent Landscaped**
Less than 15,000 sq. ft.	5%
15,000 to 29,999 sq. ft.	7.5%
30,000 sq. ft. and larger	10%

One tree within the on-grade hardscape parking area shall be planted for every ten parking stalls. Deciduous trees shall have a minimum caliper of two inches. A minimum of 40% of the trees shall be conifer trees having a minimum height of six feet. The distribution of the trees shall maximize shading during summer months. All landscaped areas shall be separated from the parking surface by at least a six inch high curb.

Landscaping for parking structures shall meet the following minimum requirements:

1. The parking structures must be screened with live plant material reasonably acceptable to the director that is intended to hide or obscure to the greatest extent reasonably possible the sides of the structures from public view.

2. The 30% landscaping requirement under subsection 19.46.090(a) shall be increased to 35%. However, the planning commission may require additional landscaping after taking into consideration the number and size of the parking structures.

19.46.100 Perimeter fencing.

A. The project area shall have a decorative fence, tinted concrete, or masonry wall along all rear and side yards not fronting on a public street, but which abut a residential or agricultural zone or a residential use. This requirement may be waived by the planning commission upon a finding that the wall is not necessary to buffer the adjacent use.

B. All perimeter walls shall be a minimum of six feet high unless the planning commission requires a higher wall as part of the conditional use approval.

C. The planning commission may require appropriate access to trails, creeks, or other open space amenities.

19.46.110 Lighting.

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

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

C. All parking luminaries, except those required for security, shall be extinguished one hour after the end of business hours. The exception for security lighting applies to a maximum of 25% of the total luminaries used, unless the planning commission approves a higher percentage.

D. Pedestrian walkways to mass transit facilities shall be lighted.

E. All lighting next to residential uses, or where the planning commission requires, shall be full-cut-off lighting to reduce light pollution.

19.46.120 Nuisance factors and hazards.

A. Operations shall not be conducted which emit offensive or objectionable noise, vibration, smoke, odors, dust or gases, air pollution, water pollution or generate heavy truck traffic. Precautions shall be taken in all operations against radiation, radioactivity, fire and explosion hazards.

B. Activities conducted on the premises shall comply with all local, state, and federal laws, regulations and permits.

C. The noise level emanating from any use or operation shall not exceed the limits in the health department standards adopted by the city regarding noise control. The noise level shall not in any case exceed five decibels above the ambient level of the area measured at the property line. For the purposes of compliance with health department regulations, all properties located within an O-R-D zone shall be considered residential.

D. A use shall be not permitted which creates objectionable odor in such quantity as to be readily detectable at the boundaries of the site.

19.46.130 Screening.

A. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall that is a minimum of six feet high, with visually obscuring painted metal gates, or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of fifty feet from any residential or agricultural zone boundary or property containing a residential or agricultural use.

B. All ground mounted mechanical equipment, including, without limitation, heating and air conditioning units shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.

C. The use of roof appurtenances is discouraged. If roof appurtenances (including, but not limited to, air conditioning units and mechanical equipment) are used, they shall be placed within an enclosure (at least as high as the roof appurtenances) that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the city's building code. Such enclosures require planning commission approval and shall minimize visibility from on-site parking areas, adjacent public streets, and adjacent property that is, or may be, used for residential purposes.

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

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

19.46.140 Access and parking.

A. The number of access points along public streets shall be minimized by sharing and linking parking areas with adjacent properties. Reciprocal ingress and egress, circulation and parking agreements shall be required to facilitate the ease of vehicular movement between adjoining properties. On corner sites access points shall be located as far from the corner as reasonably possible and in no case less than 60 feet from the point of intersection of the property lines. Vehicular circulation shall be designed to preclude the intrusion of traffic directly into residential or agricultural areas.

B. Parking shall be located peripherally around the buildings rather than concentrated between the building and the public streets to allow the building to be closer to mass transit facilities.

C. Parking spaces for vanpool /carpool vehicles shall be provided and have a priority location near building entrances to encourage this form of mass transit.

D. Parking shall not be located in the required front yard setback or the required side yard setback which faces on a street.

E. All developments in the O-R-D zone will be required to provide parking on-site. No on-street parking will be permitted. All developments shall feature landscape islands in parking areas compliant with chapter 19.80, "Off-Street Parking Requirements."

19.46.150 Pedestrian walkways.

A. Pedestrian walkways, a minimum of five feet wide, shall be provided to accommodate pedestrian movement between activity centers within the site to adjacent uses and from building entrances directly to mass transit facilities.

B. Public easements for walkways, jogging paths and similar uses may be required.

19.46.160 General requirements.

A. Truck loading

1. All truck loading and unloading shall take place on site. Loading and unloading areas shall be shielded from view by the main service road by a material approved by the planning commission.

B. Equipment.

1. All equipment, electrical substations, and mechanical devices shall be shielded from view from the main roadways.

C.. Utilities.

1. All electric, telephone, telecommunications, and other service lines shall be underground and comply with local codes.

D. Signage.

1. All building and on-site signage must comply with chapter 19.82, "Signage."

E. Grading.

1. The grade level of the lot and all proposed structures shall be oriented for safe pedestrian access.

Chapter 19.49
GATEWAY OVERLAY DISTRICT

Sections:

19.49.010 Purpose.
19.49.020 Architectural review commission.
19.49.030 Gateway overlay district.
19.49.040 Certificate of design compliance.
19.49.050 Alternative parking plans.

19.49.010 Purpose.

This chapter sets forth standards for development, redevelopment, and changes in land use along streets designated as Gateway Overlay Districts on the city's zoning map, to promote design compatibility for all permitted and conditional uses in the underlying districts. Unless otherwise provided, the overlay development standards in this chapter are in addition to the standards applicable to the underlying districts provided elsewhere in this title.

19.49.020 Architectural Review Commission

A. Creation, Membership, and Qualifications**.** There is created and established for the city an architectural review commission (the "ARC"). The ARC will be responsible to review and make recommendations on all development, commercial or residential, taking place in the Gateway Overlay District. The ARC will be composed of not less than five regular members and two at-large alternate members appointed by the manager with advice and consent of the city council.

B. ARC guidelines.

1. Whenever possible, the ARC shall include persons from each of the following categories having a demonstrated interest in the development of the city's gateway areas, with a maximum of two from each category:

(a) Licensed architect;

(b) Landscape architect, professional planner or urban designer;

(c) Historian or person with expertise in historic preservation;

(d) Developer, contractor or realtor; and

(e) Property owner or non-owner tenant within the Gateway Overlay District.

2. Individual members of the ARC may meet one or more of the categories above. Citizens at large with an interest in historic preservation or urban design may be appointed to the ARC to fill any remaining appointments.

3. Each member appointed to the ARC shall serve for a term of two years. Members may be appointed to consecutive terms. Appointments shall be consistent with adopted ARC bylaws approved by the city council.

C. Organization.

1. The members of the ARC shall elect a chair and vice-chair.

2. A majority of members of the ARC shall constitute a quorum.

3. Any of the at-large alternate members shall be eligible to serve on the ARC in the absence of one of the regular members.

4. The ARC shall meet at least once each month, unless there is no new business scheduled.

5. Annual training shall be mandatory for all members of the ARC. Such training may include special orientation and training sessions for those who participate in design review.

D. Powers and Duties.

The ARC shall:

1. Make recommendations to the planning commission and city council on

the designation of Gateway Overlay Districts;

2. To act and assist the planning commission in formulating design guidelines and other supplemental materials relevant to architectural preservation or design review;

3. To approve or disapprove certificates of design compliance (described below);

4. To render advice and guidance, upon request of the property owner or occupant, on new construction or the restoration, alteration or maintenance of any building within the Gateway Overlay District; and

5. To perform any other functions requested by the city council.

E. Delegation of Authority.

1. The ARC may delegate review of minor projects (as defined by majority vote of the ARC) to either:

(a) A subcommittee of the ARC composed of at least three members; or

(b) City staff as designated by the manager.

6. Any permit issued pursuant to such delegation of authority shall require the signature of the chair or vice-chair of the ARC and any denial may be appealed to the full ARC.

F. Meetings.

Meetings of the ARC shall comply with applicable open meetings laws.

G. Planning commission.

The planning commission will act as the ARC when, and if, an ARC has not been appointed or is inactive.

19.49.060 Gateway Overlay District

A. Purpose. Designation of Gateway Overlay Districts is intended to provide for the protection of the aesthetic and visual character of the affected areas. The city council may from time to time upon recommendation by the planning commission adopt specific design guidelines for each Gateway Overlay District. All development, except for ordinary maintenance and repair within the Gateway Overlay District must be approved by the ARC in accordance with the adopted design guidelines. As part of that approval process, the ARC shall review the location, character, and appearance of proposed development, renovation or redevelopment activity. The purpose of such review is to determine, in a cooperative fashion with the applicant, whether a proposed plan meets the guidelines and other standards of the Gateway Overlay District.

B. Delineation of district. Each Gateway Overlay District shall include all the land within the boundary of such district shown on the city's zoning map from time to time. Any lot or parcel of land located at least partially within a Gateway Overlay District shall follow the requirements of this chapter for the entire lot or parcel.

C. Certificate of design compliance. A certificate of design compliance issued by the ARC shall be required before proceeding with any new development or changes to existing development in a Gateway Overlay District. No alteration of the existing condition of land, structures, signs, landscaping or lighting, including, without limitation, demolition of any structure, application of new exterior siding material, creation of a new window or dormer, creation of a driveway or parking facility, construction of a deck, fence or garage, or enclosure of a porch shall be permitted within the Gateway Overlay District except as provided in this chapter.

D. General review criteria**.** The ARC must determine that the following general review criteria are met before issuing a

certificate of design compliance for a project:

1. The proposed work must comply with the applicable design guidelines for that overlay district;

2. The integrity of an individual historic structure is preserved, if applicable;

3. The design of new buildings or additions must be compatible with surrounding gateway properties; and,

4. The overall character of the Gateway Overlay District is protected.

E. Conflict with existing provisions. Where this chapter provides standards, guidelines or criteria that are different from the requirements of the underlying zoning district or other ordinances, the more restrictive provision shall apply.

F. Use regulations. Subject to review by the ARC for design compliance, all uses permitted or conditionally permitted in the underlying districts shall continue to be permitted or conditionally permitted, respectively, in the overlay district.

G. Development regulations. The development regulations of the underlying district shall apply, except where such regulations are in conflict with the adopted design guidelines for that overlay district. The following development regulations, however, control any contrary requirements of the underlying zone:

1. Height: In no case shall structure height exceed 45 feet in the Gateway Overlay District.

2. Setbacks: Building setbacks adjacent to public rights-of-way in the Gateway Overlay District shall be reviewed on a case-by-case basis in accordance with the adopted design guidelines, otherwise, underlying zoning regulations shall apply.

3. Parking: Except as approved by the ARC, the parking standards of Section 19.80, "Off-Street Parking Requirements," shall apply in the Gateway Overlay District.

4. Signs: The sign standards shall be those contained within the applicable design guidelines for that overlay district approved by the city council. If no sign standards exist, the standards in the chapter 19.82, "Signs," shall apply, and may be reasonably modified by the planning commission to more accurately reflect the express language or the intent of the applicable design guidelines in regard to signage.

19.49.080 Certificate of design compliance.

A. Certificate required.

1. It is unlawful for any person or entity to make any external alternations or external repairs of any substantial nature (such as color changes and sign erection) in any manner whatsoever to any area, site, building or structure within a Gateway Overlay District, without first obtaining a certificate of design compliance from the ARC as provided in this chapter.

2. Ordinary maintenance and repair shall be exempt from the requirement of a certificate of design compliance. The director shall be responsible for determining whether or not particular work on a project constitutes ordinary maintenance and repair. Projects determined by the director to be ordinary maintenance shall be reported periodically to the ARC.

B. Application process. Before commencing any work within the Gateway Overlay District, an application for a certificate of design compliance shall be filed with the department by the owner of the subject property, or his

designated agent, on the city's official form which shall contain at least the following information:

1. Name of applicant and property owner;

2. Mailing address of applicant and permanent address of property owner;

3. Location of subject property;

4. A detailed description of the nature of the proposed construction, external alterations or repairs to be made;

5. The intended and desired starting date and completion date of the construction, alterations or repairs to be made;

6. A drawing or sketch of the proposed external alteration, if applicable.

7. A written statement describing how the proposed construction, external alteration or repair meets the intent of the applicable design guidelines.

8. The department and the ARC have authority to require submission of product samples and other specific technical information pertinent to design review decisions.

C. Completeness determination. Upon receipt of an application for a certificate of design compliance, the department shall determine the completeness of the application.

D. Incomplete or non-compliant Applications. Incomplete applications, or applications not in compliance with city building codes, design guidelines, restrictions and ordinances, shall be returned to the applicant for completion and compliance.

E. Relationship to other development approvals. Whenever other city regulations require the approval of a detailed development plan or other approval, including platting and building permit approval, such approval shall be completed prior to, or concurrently with, review of the project for design compliance under this chapter.

F. Notice of application. If required by the city, notice of application for a certificate of design compliance shall be posted at the project site such that it is visible from the public right-of-way, including contact information and the date of any public meeting concerning such application.

G. Consideration of application by ARC.

1. Upon receipt of a completed, compliant application by the department, the item shall be placed on the agenda of the next meeting of the ARC. At that meeting, the ARC shall investigate, review (under the criteria of this chapter) and approve or deny the application by majority vote.

2. If an application is approved by the ARC with conditions, the department shall issue a final approval when all conditions of approval are met. A building permit may follow the final approval, or as outlined in the final approval letter from the department.

3. If an application is denied, a written report of the reasons for denial shall be returned promptly to the applicant.

H. Appeal of disapproval. Any applicant whose application is rejected or denied may appeal such decision to the planning commission.

I. Limits on Resubmission. No application for the same project shall be considered or re-considered within 180 days after the ARC's rejection or denial of an application for that project. Notwithstanding the foregoing, however, an applicant may at any time submit a design for an entirely new project or a revised design that substantially responds to the reasons for ARC's prior denial.

19.49.090 Alternative parking plans.

A. General.

Within any Gateway Overlay District, the ARC may approve alternatives to providing the number of off-street parking spaces required by this section.

B. Procedure.

Alternative parking plans shall be reviewed and approved by the ARC.

C. Recording of Approved Plans.

If an alternative parking plan requires use of property other than the subject property, an attested copy of an approved alternative parking plan must be recorded with the Salt Lake County Recorder on forms made available by the department. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy for the project.

D. On-Street Parking.

The ARC may approve use of on-street parking spaces to satisfy the requirements for off-street parking. Such on-street parking shall be located on public right-of-way immediately abutting the subject property and shall be reviewed and approved by the city engineer for compliance with city's standards for use of rights-of-way.

E. Off-Site Parking.

The ARC may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

1. Ineligible Activities. Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

2. Location. No off-site parking space may be located more than 600 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote parking shuttle service is provided.

F. Shared Parking.

The ARC may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with the all of following standards.

1. Location. Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.

2. Shared Parking Study. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the city that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the city and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

3. Agreement for Shared Parking. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the city for recording in a form established by the city attorney. Recording of the agreement with the Salt Lake County Recorder must take place before issuance of a building permit for any use to be served by the off-

site parking area. A shared parking agreement may be terminated only if all required off-street parking spaces will be provided.

G. Fee-In Lieu of Parking.

The ARC may approve the acceptance of a fee-in-lieu of required parking in extreme cases where none of the alternatives above, alone or in combination, provide for the requisite number of spaces. Such fee shall be based on the cost of land acquisition, construction (including landscaping and lighting) and the estimated cost of maintenance for a period of ten years. Such fee shall be placed in a dedicated fund to provide parking solutions in the affected portion of the Gateway Overlay District, or other affected project area where the project is not within the Gateway Overlay District.

H. Other Eligible Alternatives.

The ARC may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the city that the proposed plan will function equally well in protecting surrounding Neighborhoods, maintaining traffic circulation patterns and promoting quality urban design than would strict compliance with otherwise applicable off-street parking standards.

Chapter 19.72
SENSITIVE LANDS

Sections

19.72.010 Purpose.
19.72.020 Scope and application.
19.72.030 Procedure.
19.72.040 Development requirements.
19.72.050 Development standards.

19.72.010 Purpose.

The city deems it important to the peace, health, safety, and welfare of the city's inhabitants that sensitive land areas within the city be protected through their inclusion in a sensitive lands overlay zone to insure that urban development be guided in a manner that will minimize the potential for flooding, erosion, and other natural hazards and will protect their natural scenic beauty. The objectives to be achieved by designation of a Sensitive Lands Overlay Zone include, without limitation, the following:

A. The protection of the public from natural hazards of storm water runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.

B. The minimization of the threat and consequential damages of fire in hillside areas by establishing fire protection measures.

C. The preservation of geological features, wildlife habitat, and open space.

D. The preservation of public access to mountain areas and natural drainage channels.

E. The retention of natural topographic features such as drainage channels, streams, ridge lines, rock outcroppings, vistas, trees and other natural plant formations.

F. The preservation and enhancement of visual and environmental quality by use of natural vegetation and the prohibition of anything excessive and of any terracing.

G. The assurance of an adequate transportation system for the total hillside area to include consideration of the city's master street plan from time to time. This system design will consider densities and topography with minimal cuts, fills, or other visible scars.

H. The establishment of on-site and off-site traffic facilities that are designed for accessibility of fire protection, snow removal, school buses, and emergency vehicles.

I. The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and will preserve open space and natural landscapes.

J. Placement of building sites in such a manner as to permit ample room for adequate landscaping, surface drainage, parking between and around the buildings, and sewer serviceability.

K. The encouragement of a regard for the view of the hillsides as well as a view from the hillsides.

19.72.020 Scope and application.

A. *Application*.

1. The provisions of this chapter shall apply to all lands in the city which lie within any area designated as a Sensitive Lands Overlay Zone on the city's zoning map. The regulations of this chapter may apply to an area outside of a designated Sensitive Lands Overlay Zone if the director determines that the environmental conditions of the subject area qualify it as a sensitive area, and the city's zoning map shall thereafter be amended to include such area in the Sensitive Lands Overlay Zone.

2. All approved subdivision plats that lie wholly or partially within the Sensitive Lands Overlay Zone shall be

recorded with such designation shown on the affected lots.

B. *Supplemental and Conflicting Provisions*. Unless otherwise specifically provided, the overlay development standards in this chapter are in addition to the standards applicable to the underlying districts provided elsewhere in this title. In the event of conflict between the standards, guidelines and criteria of this chapter and the requirements of the underlying zoning district, the city's subdivision ordinance or any other requirements of this code, the more restrictive provision shall apply.

C. *Preliminary Activities*. The following requirements shall govern any preliminary surveying, testing, or design-related activities conducted within the Sensitive Lands Overlay Zone for the purpose of exploring, evaluating and/or establishing locations for any permanent improvements.

1. Proposals for surveying, testing or other design-related activities requiring physical entry into areas located within the Sensitive Lands Overlay Zone shall be submitted to the planning commission for review and approval. The areas of proposed disturbance shall be staked at the applicant's expense. Following staking, the city engineer shall have a reasonable opportunity to observe the staking prior to granting a permit.

2. Thereafter the planning commission and the city engineer may authorize issuance of a grading permit to allow access to, and permit testing of, the areas in which the permanent improvements are proposed to be located. The permit shall be limited to the staked area of proposed disturbance and may include conditions deemed appropriate by the city engineer to protect sensitive areas. Such conditions may include requirements for the following:

(a) Photo documentation in order to identify pre-existing types and general locations of vegetation materials which may need to be replaced

(b) Implementation of adequate erosion control measures approved by the city engineer to protect affected areas. Supplemental erosion control measures may also be required between initial disturbances and either construction of permanent improvements or restoration and re-vegetation of the disturbed area.

(c) Limitations on cuts and fills to ensure that such cuts and fills are made only where necessary to obtain access for required testing.

(d) Requirements for restoration and re-vegetation of disturbed areas where permanent improvements are not constructed within a reasonable time following the disturbance.

3. Following the completion of any preliminary surveying, testing, or design-related activities in accordance with this subsection, any permanent improvements subsequently developed or installed in the Sensitive Lands Overlay Zone shall conform to the provisions of this chapter.

19.72.030 Procedure.

Proposals for development in the Sensitive Lands Overlay Zone shall follow the procedure set forth in this section and shall be reviewed and approved by the planning commission a building permit is issued.

A. *Conceptual Approval*. Development within the Sensitive Lands Overlay Zone shall first require the submittal and approval of a development proposal which includes the following information:

1. A development map, drawn at a scale of 1"=100' or larger, which shows:

(a) One or two foot contours;

(b) Natural slopes of 30% or greater color shaded;

(c) Proposed development layout of lots, roads, schools, churches, parks, open space, fire stations, commercial, cut or fill slopes or areas of disturbance, and any other proposed land use;

(d) Any roads with grades in excess of eight percent; and

(e) Native vegetation, by type and location.

2. A report which indicates:

(a) Total development area;

(b) Number of lots or units;

(c) Proposed density;

(d) Percentage of each use, such as residential, commercial, recreational, transportation, etc.; and

(e) Statement of justification for the project design.

B. *Preliminary Approval*.

Following conceptual approval, preliminary approval shall be obtained. The information and reports required in this subsection shall be submitted as part of an application for preliminary approval and may be in addition to information required for preliminary approval for a subdivision.

1. All prepared reports shall be prepared by persons licensed to practice their specialty or expertise in the state.

2. In reviewing technical reports, calculations, and plans which may be required, the city engineer may find it necessary to obtain the advice of other experts regarding the adequacy of the reports submitted and the validity of the conclusions and recommendations reached in the reports. In such cases, the city engineer may consult with such experts, with the reasonable costs of these consultations to be borne by the developer. Payment by the developer of the costs of such consultations shall be a condition of preliminary or final plat approval.

3. A development model, at a scale determined appropriate by the director, which shows:

(a) Two foot contour intervals or as determined appropriate by the director;

(b) Natural slopes of 30% or greater color shaded;

(c) The proposed layout of lots, roads, open space, cut or fill slopes or areas of disturbance, and existing native vegetation by type and location.

C. *Soils Investigation*. A soils investigation report which contains the following information:

1. Nature, distribution and classification (Unified Soil Classification) of existing soils to the appropriate depth of influence by the proposed development, but not less than ten feet deeper than the proposed excavations or to bedrock, whichever is less;.

2. Strength of existing soils, bearing capacity of supporting soils, settlement estimates, lateral pressures and trench excavation limitations;

3. Ground water levels that may affect development and estimated elevation of high ground water levels;

4. Appropriate laboratory testing for classification, consistency, strength and consolidation conditions;

5. Slope stability;

6. Potential frost action based on material type and groundwater level;

7. Frost depth;

8. Geologic and hydrologic hazards unless described in subsections (E) and (F) below, entitled “Geotechnical and Geological Report” and “Grading and Drainage Report”;

9. A verified written statement by the persons or firm preparing the soils report describing the general suitability of the site for the developer’s intended use.

The report shall identify soil constraints to development and shall state the professional opinion of the author as to the ability of the proposed development plan to mitigate and/or eliminate said constraints in a manner as to prevent hazard to life, hazard to property, adverse affects on the safety use or stability of public way or drainage channel, and adverse impact on the natural environment. If the soil report prepared for a subdivision shows the presence of critically expansive soils, high water table, organic soils, liquefiable soils, collapsible soils, or other soil problems which, if not corrected, would lead to structural defects of the proposed building, damage to the building from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the city

D. *Vegetation Report*. A vegetation report which shows:

1. Location and identification of existing vegetation;

2. Vegetation to be removed and the method of disposal;

3. Vegetation to be planted to replace the amount and type being removed;

4. Slope stabilization measures to be installed;

5. Analysis of the environmental effects of such operations including effects on slope stability, soil erosion, water quality, wildlife, and fire hazard; and

6. Topsoil stockpile area for restoration of topsoil following completion of construction.

E. *Geotechnical and Geological Report.* A geotechnical and geological report shall be required whenever a proposed development:

(a) Lies within 1,000 feet of an identified fault;

(b) Is located above the level of the ancient Lake Bonneville;

(c) Is located at an elevation of five thousand two hundred (5,200) feet or greater;

(d) Is located on slopes greater than 25% percent; or

(e) Is determined to have potential hazards by the city engineer, Salt Lake County geologist, or state geologist.

2. The geotechnical and geological report shall include:

(a) A geologic map showing topography, surface, and subsurface geologic features and any geologic limitations to the proposed use

(b) Depth of bedrock

(c) Geologic hazards

(d) Ability to mitigate or eliminate geologic problems

(e) Subsurface investigation logs and reports

F. *Grading and Drainage Report*. A grading and drainage report which includes storm water management, erosion, and grading plans describing the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss, and hydrologic hazards will be controlled during and after construction. The plan shall include the following information:

1. The grading plan shall show present topography to include elevations, lines and grades including the location and depth of all proposed fills and cuts of the finished earth surfaces using contour interval of one or two feet;

2. The proposed area to be graded shall be clearly delineated on the plan;

3. All calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains,

culverts, and other water management or soil erosion control measures shall be shown. Drainage calculations shall determine runoff volume and peak discharge using the "Rational Method, SCS, or Curve Number Method," or appropriate equivalent. Data provided should include:

(a) Rainfall depth, duration and distribution;

(b) Watershed slope and drainage area delineation;

(c) Land condition of watershed surface;

(d) Topography of drainage area; and

(e) Description of soil conditions of watershed. Erosion calculations shall employ predictions of soil loss sheet erosion using the Universal Soil Loss Equation or appropriate equivalent. Data to be provided should include factors of:

(i) Rainfall intensity and duration;

(ii) Soil erodibility;

(iii) Land slope and length of slope or topography;

(iv) Conditions of the soil surface and land management practices in use; and

(v) Surface cover, grass, woodland, crops, pavements, etc.

G. *Final Approval*. Final approval shall require satisfactory compliance with all of the requirements of the preliminary review, and compliance with all city requirements for final plat approval.

19.72.040 Development requirements.

A. *Development in General*. Slope areas in excess of 30% may not be developed, and no more than 30% of a development's slope areas in excess of 30% may be included in the area calculation to determine density. The planning commission may modify this requirement upon finding that:

1. No significant harm will result;

2. The proposed modification will result in a more functional and improved plan; and

3. The developer/builder agrees to comply with any conditions or requirements imposed by the planning commission to mitigate any adverse effects which may result from the proposed modification.

B. *Subdivision, Single Family Lots*. The minimum lot size and yard requirements of the underlying zone shall apply, with the following exceptions:

1. Every lot shall have at least 3,500 square feet of "buildable area". A lot's "buildable area" is the area of the lot where the slope is 30% or less, which is completely contiguous and which has a minimum dimension of 50 feet.

2. Lots shall allow dwelling units to be located within 250 feet from a public street. All main and accessory buildings shall be built entirely within the buildable area.

C. *Density Limitations* The density limitations of the underlying zones shall apply except that all buildings be built within the buildable area.

D. *Maximum Impervious Surface.* The total maximum allowable coverage by impervious material within a project or portion of a project within the Sensitive Lands Overlay Zone shall not exceed 35% of the total project area. Areas of roofs and driveways will be estimated and included in the total impervious surface area.

19.72.050 Development standards.

A. *Scope*. The development standards and provisions of this section shall be required in connection with all structures and construction in the Sensitive Lands Overlay Zone.

B. *Grading, Drainage, and Erosion*. The area of the watershed shall be used to determine the amount of storm water runoff generated before and after construction.

1. A grading and drainage report shall be prepared in which the developer shall describe the methods intended to be employed to control the erosion increase while in construction.

2. The developer is responsible for interim stabilization of all disturbed areas during periods of construction to prevent erosion offsite effects, and for final stabilization once construction is completed.

3. The "SCS, Curve Number Method, or Rational Method," or other storm water computation method as approved by the city engineer, shall be used in computing runoff.

4. Lots shall be arranged so as to ensure adequate setbacks from drainage channels. The 100-year storm event shall be that basis for calculating setbacks. No structures shall be allowed in the 100-year flood plain.

5. Existing drainage channels shall remain as historically located except that roads and utilities may be installed across such channels as approved by the city engineer. Where these channel modifications are planned, the developer shall obtain applicable state Division of Water Rights and U.S. Army Corps of Engineers permits. The developer shall provide evidence of such permits to the city.

6. Facilities for the collection of storm water runoff shall be constructed on the development sites and according to the following requirements:

(a) Such facilities shall be the first improvements or facilities constructed on the development site.

(b) Such facilities shall be designed so as to detain safely and adequately the maximum expected storm water runoff for a 100-year storm event while allowing an offsite discharge not to exceed one tenth (0.1) cubic foot per second per acre.

(c) Such facilities shall be so designed so as to divert surface water away from cut faces or sloping surfaces of a fill.

(d) The existing drainage system will be utilized to the extent possible in its unimproved state.

(e) Where drainage channels are required, wide shallow swales lined with appropriate vegetation, rock, or other approved material shall be used instead of cutting narrow, deep drainage ditches. Flow retarding devices, such as detention ponds, check dams, and recharge berms, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development.

7. Construction on a development site shall be of a nature that will minimize the disturbance of vegetation cover.

8. Erosion control measures on a development site shall minimize increased suspended solids loading in runoff from such areas. A drainage design system to control storm water erosion during and after construction shall be contained in a detailed grading and drainage report submitted by the developer.

(a) No grading or stripping shall be permitted except as part of a development plan approved in advance by the planning commission.

(b) A description of any hydrologic hazards associated with the proposed development site and adjacent area shall be required. Hydrologic hazards may include high water table, surface water impoundments, gradient of the property, flood plains, etc.

C. *Cut and Fill Slopes*. Cut and fill slopes shall comply with the following unless otherwise recommended in an approved soils and geology report:

1. Cut and fill slopes shall not exceed 12 feet.

2. Cut and fill slopes shall not exceed a slope ratio of 2:1 except as follows:

(a) No slopes shall be cut steeper than the bedding plane, fracture, fault or joint in any formation where the cut slope will lie on the dip of the strike line of the fracture, bedding plane, fault or joint.

(b) No slopes shall be cut in an existing landslide, mud flow or other form of naturally unstable slope.

(c) If the material of a slope is of such composition and character as to be unstable under the anticipated maximum moisture conditions, the slope angle shall be reduced to a stable value or increased through retention using a method approved by the city engineer and certified as to its stability by a professional soils engineer.

3. Fill slopes shall not be constructed on natural slopes steeper than 2:1.

4. Roadway cut and fill slopes located outside the dedicated public right-of-way shall be within recorded easements providing for slope protection and preservation. The easements shall be in a form acceptable to the city.

D. *Earthwork*.

1. All surface areas to receive fill shall be stripped of any surface vegetation, topsoil, and organics and cleared of any trash and debris that may be present at the time of construction.

2. After the site has been cleared and stripped, the exposed subgrade soils in those areas to receive fill shall be scarified to a depth of eight inches.

3. All fill material shall be earth materials that are free from organic material, (less than 30% by volume) and other deleterious materials as well as free of metal, concrete, asphalt and other construction debris. Imported fill material should be a non-expansive (less than 2% swell) granular materials and should not contain rocks or lumps over 6-inches in greatest dimension and not more than 15% of the material larger than 2 ½-inches.

4. Surface areas disturbed by trench excavations, shall be contained within approved rights-of-way, except as may be necessary in order to comply with Occupational Safety and Health requirements as the city engineer may approve. Trench boxes shall be used whenever required to insure compliance with this requirement.

5. The following compaction criteria shall be met for filling operations based on ASTM test designation 698-78:

(a) Description Compaction Effort

Subgrade	95%
Structural Fill	98%
Trench Backfill	95%
Trench Backfill (top 12-inches beneath pavement and concrete)	98%
Basement wall backfill	90%

(b) Fill material shall be spread and compacted in uniform horizontal lifts not exceeding eight inches in uncompacted thickness. Before compaction begins, the fill shall be brought to within 2% +/- of the optimum moisture content. Each lift should be thoroughly mixed before compaction to ensure a uniform distribution of moisture.

6. All structures shall bear on well compacted fill material or firm, undisturbed natural soil. No organics,

mud, muck, frozen material or ponded water shall be allowed in the footing foundation.

7. A written summary report of the completed compaction, showing location and depth of tests, materials used, moisture-density curves, moisture contents and relative density (if appropriate), prepared by a civil engineer, geotechnical engineer, or soils engineer shall be submitted to the city engineer for review.

8. The city engineer may require additional tests or information, if, in his opinion, the conditions or materials are such that additional information is necessary.

E. *Setback*s. The setbacks and other restrictions specified by this subsection are a minimum and may be increased by the city if necessary for safety and stability, to prevent damage of adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Setbacks dealing with distances from property lines, structures or faults, and must satisfy requirements of the following paragraphs. Retaining walls may be used to reduce the required setbacks when approved by the city.

1. Setbacks from property lines shall comply with this title and the city's building code.

2. Setbacks between graded slopes (cut or fill) and structures shall comply with the city's building code and other applicable ordinances.

3. No structure shall be located over a fault. Determinations of the appropriate setback distance from the fault shall be made using data obtained in the geological report by the person or firm who prepared the geological report, but in no case shall this distance be less than ten feet.

F. *Vegetation and Revegetation*

1. All areas on development sites cleared of natural vegetation in the course of construction of offsite improvements shall be replanted with revegetation which has good erosion control characteristics.

2. The use of persons or firms having expertise in the practice of revegetation (i.e., licensed landscape architects or nurserymen) shall supervise the planning and installation of revegetation cover.

3. Vegetation shall be removed only when absolutely necessary, e.g., for the construction of buildings, roads and filled areas.

4. No vegetation shall be removed on a continuous hillside, crest (upslope or downslope) or a slope 30% or greater unless otherwise determined by the planning commission upon recommendation.

5. Approval from the city engineer for uses such as trails and open space improvements. Any revegetation of such a hillside shall be subject to the approval of the city engineer.

6. Topsoil removed during construction shall be conserved for later use on areas requiring vegetation or landscaping (i.e., cut and fill slopes).

7. All disturbed soil surfaces shall be stabilized or covered prior to November 1st. If the planned impervious surfaces (i.e., road, driveways, etc.) cannot be established prior to November 1st, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.

8. The property owner and/or developer shall be fully responsible for any destruction of native or applied vegetation identified as necessary for retention and shall be responsible for such destroyed vegetation. They shall

carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation with varieties of vegetation approved by the planning commission. The property owner shall assume co-responsibility with the developer upon purchase of the lot.

G. *Geology*.

1. No structure shall be built on or with 20 feet of any identified faults.

2. No structures or off-site improvements shall be allowed on any active landslide area.

3. Problems associated with development on or near perched ground water and shallow ground water must be mitigated in a manner as approved by the planning commission.

4. No structures shall be allowed in any rockfall zone. Off-site improvements may be allowed through special approval by the planning commission.

H. *Fire Protection*.

1. Footing and foundation permits shall not be issued until work on the water system has commenced. A full building permit shall be issued only when the water system is completed and operational to provide fire protection.

2. Each development site proposal and building permit application shall be reviewed by the fire department to assure compliance with the city's fire code. Non-compliant developments shall be disapproved.

3. Spark arresters shall be installed in every fireplace constructed indoor or outdoor. Screen openings in such arresters shall not be in excess of 1/4 inch diameter.

4. Development adjacent to public lands shall provide access for fire protection vehicles and equipment.

5. Restrictive covenants for a development in the Sensitive Lands Overlay Zone shall not require the use of wood shake shingles or wood exterior siding, regardless of whether or not such materials have been treated with fire retardant.

I. *Streets and Ways.* Streets, roadways, and private access ways shall follow as nearly as possible the natural terrain. The following additional standards shall apply:

1. At least one ingress and one egress route shall be provided for each subdivision or PUD project, unless there is a crash gate or the extension of a future stub street that will provide additional access.

2. Points of access shall be provided to all developed and undeveloped areas for emergency and fire-fighting equipment. Driveways located upon each lot extending from a public or private street shall have sufficient width and design to admit and accommodate fire-fighting equipment (complying with all city engineering standards).

3. Cul-de-sacs shall not exceed 600 feet in length and shall have a turnaround with a back of curb line radius of at least 55 feet. Stub-streets that are longer than the width or length of any adjacent single lot or 200 feet, whichever is less, shall have a temporary turnaround at the end thereof.

4. Centerline curvatures shall not be less than a 100 foot radius on any curved street pattern.

5. Variations of the street design standards developed to solve special hillside visual and functional problems may be presented to the planning commission for consideration and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications

of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.

6. Development sites which are located near canyon trails will provide access to those trails. Parking areas may be required by the planning commission at trail heads.

7. Developments adjacent to public lands shall provide for access by fire protection equipment.

8. The maximum amount of impervious surface for streets and roadways shall be 20% of the entire development site.

9. All streets or rights-of-way for vehicular traffic shall be subject to the following limitations:

(a) The maximum grade of such streets or rights-of-way shall be 12% except as hereafter provided.

(b) The provisions of this subsection shall not apply to streets or rights-of-way already constructed or which have heretofore been granted preliminary approval by the planning commission.

(c) Roads shall be designed to meet the city road base, asphalt and compaction standards.

J. *Trails Upon Hillsides*

1. Trail means a system of public recreational pathways located within the city for use by the public.

2. The sub-divider shall dedicate and improve to city standards trails necessary to provide public access to public lands and other trails shown on city or county master plans or required by the planning commission. Trails shall be located so that the route is feasible for both construction and long-term maintenance; sideslopes shall not exceed 70% and rock cliffs and other insurmountable physical obstructions shall be avoided. The specific location of the trail right-of-way shall be verified on the ground before approving the subdivision. The amount of land required for trail dedication without compensation shall not exceed five percent of the land within the subdivision excluding trails located within a standard street right-of-way.

3. A trail may be constructed to access upper/lower portions of residential property subject to the following conditions:

(a) That no cut or fill of the hillside be in excess of two feet. All cuts or fills shall be properly retained.

(b) That the trail follows a meandering course, and not use a direct line pathway to the desired location. Where possible, the trail should follow the natural contours of the hillside.

(c) That the trail be heavily landscaped with native materials.

(d) That prior to construction and/or hillside cuts, the trail plan be submitted to the director and city engineer for review and approval.

(e) The property owner may appeal any conditions placed upon the approval, or the denial of the request to the planning commission.

K. *Architectural Design*.

1. The design of buildings proposed for construction in the Sensitive Lands Overlay Zone is encouraged to be visually compatible with the natural beauty of the foothills and canyon areas and other surrounding sensitive lands..

2. The use of materials for buildings and fences shall blend harmoniously with the natural setting.

3. The planning commission may review the design and comment on the specified exterior materials and colors for all structures other than single family dwellings.

4. Exposed foundation walls shall not exceed four feet above finished grade at any point.

L. *On-Site Development.* The property owner and developer shall be fully responsible for making all improvements in accordance with the development site approval, e.g., drainage, erosion and vegetation requirements.

M. *Bond.* In addition to the provisions requiring the posting of a bond, the developer or property owner shall be required to guarantee the completion of revegetation projects, the stabilization of grading sites, cuts and fills and construction of storm water runoff facilities, and the construction of recreation space as required in the code. Such bond shall be in an amount equal to 110% of the cost of construction of such work and shall continue for 18 months after the completion date of such projects, improvements or facilities.

Chapter 19.74
FLOODPLAIN HAZARD REGULATIONS

Sections:

19.74.010 Findings.
19.74.020 Purpose of provisions.
19.74.030 Methods of reducing flood losses.
19.74.040 Areas of special flood hazard.
19.74.050 Floodways.
19.74.060 Relationship of floodplain hazard regulations to zones.
19.74.070 Conditional use permits required.
19.74.080 Construction or development — Special approval required.
19.74.090 Construction or development — Duties of the director.
19.74.100 Protective standards generally.
19.74.110 Anchoring.
19.74.120 Construction materials and methods.
19.74.130 Utilities.
19.74.140 Subdivision proposals.
19.74.150 Specific protective standards.
19.74.160 Residential construction.
19.74.170 Nonresidential construction.
19.74.180 Manufactured homes.
19.74.190 Variances and appeal procedures.
19.74.200 Warning and liability disclaimer.
19.74.210 Definitions.

19.74.010 Findings.

A. Flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. The inundation is caused by the cumulative effect of channel obstructions which increase flood heights and velocities. Uses that are inadequately flood-proofed, elevated or otherwise protected from floodwater also contribute to flood loss.

19.74.020 Purpose of provisions.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for flood-control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

19.74.030 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases of erosion, flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling, filling, grading, dredging and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will divert floodwaters or which may increase flood hazards in other areas.

19.74.040 Areas of special flood hazard.

A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Salt Lake County, Utah, Unincorporated Areas," December 18, 1985, with accompanying Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, and any revisions thereto, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the department.

B. The director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A meet the provisions of sections 19.74.050 and 19.74.150 through 19.74.180. Such other source base flood elevation data shall be more specifically provided by the developer as determined by a registered professional engineer for subdivision and other proposed developments which contain at least 50 lots or five acres (whichever is less).

19.74.050 Floodways.

Located within areas of special flood hazard established in section 19.74.040 are areas designated as "floodways." Since a floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements, placement of manufactured homes, and other developments, are prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements and placement of manufactured homes shall comply with all applicable flood-hazard reduction provisions of sections 19.74.100 through 19.74.180.

19.74.060 Relationship of floodplain hazard regulations to zones.

The floodplain hazard regulations of this chapter shall be supplemental to, and not in lieu of, the applicable zoning

provisions of the zone in which the land is located, and/or general provisions under this title, as amended. Property located within such areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. In cases of conflict between such zone classifications and the floodplain hazard regulations, the most restrictive provisions shall govern. Permitted and conditional uses permitted in the areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. All uses involving development, as defined in this chapter, shall further meet the supplemental conditions and standards set forth in this chapter.

19.74.070 Conditional use permits required.

A conditional use permit, if required by this title, shall be obtained prior to special flood hazard area approval under section 19.74.080. Prior to issuance of a conditional use permit, the planning commission shall insure that the requirements of this chapter are met.

19.74.080 Construction or development—Special approval required.

A. Approval by the department shall be obtained before construction or development begins within an area of special flood hazard established in section 19.74.040. Application for such approval shall be made on forms furnished by the department, and may include, without limitation: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

B. The following specific information is required:

1. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures except those located in Zone A where base flood elevation data was not available nor required by this chapter;

2. Elevation in relation to mean sea level to which any structure has been flood-proofed except those located in Zone A where base flood elevation data was not available nor required by this chapter;

3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in sections 19.74.150 through 19.74.180; and

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

19.74.090 Construction or development—Duties of the director.

The community development director shall be responsible to:

A. *Review Applications*.

1. Review all applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of section 19.74.050 are met,

2. Review all applications to determine that the requirements of this chapter have been satisfied,

3. Review all applications to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required;

B. *Maintain Information File*.

1. Obtain and record the actual

elevation provided by the developer (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures except those located in Zone A where base flood elevation data was not available nor required by this chapter,

2. For all new or substantially improved flood-proofed structures except those located in Zone A where base flood elevation data was not available nor required by this chapter:

a. Verify and record the actual elevation provided by the developer (in relation to mean sea level), and

b. Maintain the flood-proofing certifications required in subsection 19.74.080(B)(3), and

3. Maintain for public inspection all records pertaining to the provisions of this chapter;

C. *Verify Alteration of Water-courses. Verify that*:

1. A permit has been obtained from the Salt Lake County division of flood control for any alteration of a watercourse identified as a flood-control facility this code,

2. A permit has been obtained from the State Engineer for alteration of a natural stream channel,

3. Maintenance is provided for within the altered or relocated portion of such watercourse so the flood-carrying capacity is not diminished, and

4. Notification has been made to cities adjacent to the watercourse and to the State Division of Comprehensive Emergency Management, prior to any alteration or relocation of a watercourse, and evidence of such notification has been submitted to the Federal Emergency Management Agency.

19.74.100 Protective standards generally.

In all areas of special flood hazards, the following standards, set out in sections 19.74.110 through 19.74.140, are required.

19.74.110 Anchoring.

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, over-the-top and frame ties to ground anchors. This requirement is in addition to applicable anchoring requirements for resisting wind forces.

19.74.120 Construction materials and methods.

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing

for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

19.74.130 Utilities.

A. All new and replacement water-supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and discharge from the systems into floodwaters; and

C. On-site waste-disposal systems shall be located to avoid impairment to them or contamination from them during the flooding.

19.74.140 Subdivision proposals.

A. All subdivision proposals shall minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage; and

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

19.74.150 Specific protective standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 19.74.040, compliance with the provisions specified in sections 19.74.160 through 19.74.180 is required.

19.74.160 Residential construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.

19.74.170 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

A. Be flood-proofed so that below one foot above the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

C. Provide that where a nonresidential structure is intended to be made watertight below the base flood level:

1. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for

meeting the applicable provisions of this section, and

2. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be provided to the director of the community development department as set forth in section 19.74.090(B)(2).

19.74.180 Manufactured homes.

All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with section 19.74.110.

19.74.190 Variances and appeal procedures.

The board of adjustment shall hear and decide all appeals and requests for variances from the requirements of this chapter. The following conditions shall apply in addition to the provisions of chapter 19.92, "Board of Adjustment":

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below one foot above the base level, providing the board of adjustment has considered all technical evaluations, all relevant factors, and standards specified in other sections of this chapter, providing the following items have been considered:

1. The danger that materials may be swept onto other land to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with the existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Utah State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued

upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional and undue hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, as identified in subsection 19.74.190(A)(1), or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below one foot above the base flood elevation and that the cost of flood insurance will be commensurate with the increased flood risk resulting from the reduced lowest floor elevation.

G. The board of adjustment shall maintain the record of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

19.74.200 Warning and liability disclaimer.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

19.74.210 Definitions.

As used in this chapter:

A. "*Lowest floor*" means 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.

B. "*Manufactured home*" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities

C. "*Manufactured home park or subdivision*" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Chapter 19.75
GEOLOGICAL HAZARD AREAS

Sections:

19.75.010 Purpose of provisions.
19.75.020 Definitions.
19.75.030 Applicability.
19.75.040 Disputes—Boundaries or mapped hazard(s).
19.75.050 Studies and reports required.
19.75.060 Natural hazards report.
19.75.070 Review of reports—Approval procedure.
19.75.080 Active fault considerations.
19.75.090 Disclosure when a natural hazards report is required.
19.75.100 Disclosure when no natural hazards report is required.
19.75.110 Warning and disclaimer.
19.75.120 Change of use.
19.75.130 Conflicting regulations.

This chapter covers liquefaction and surface fault rupture hazards. Chapter 19.74, "Floodplain Hazard Regulations," covers floodplain hazards.

19.75.010 Purpose of provisions.

The purpose of this chapter is to promote the health, safety and general welfare of the citizens of the city by minimizing the potential adverse effects of natural hazards to person and property by requiring wise use of natural hazard areas.

19.75.020 Definitions.

As used in this chapter:

A. "*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).

B. "*Avalanche*" means a mass of snow, ice and debris in swift motion down a slope.

C. "*Critical facilities*" means:

1. Lifelines, such as major communication, utility and transportation facilities and their con-nection to emergency facilities; or

2. Essential facilities, such as:

(a) Hospitals and other medical facilities having surgery and emergency treatment areas,

(b) Fire and police stations,

(c) 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,

(d) Emergency vehicle shelters and garages,

(e) Structures and equipment in emergency-preparedness centers,

(f) Standby power generating equipment for essential facilities,

(g) Structures and equipment in government communication centers and other facilities required for emergency response; or

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

4. Special occupancy structures, such as:

(a) Covered structures whose primary occupancy is public assembly (capacity greater than 300 persons),

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

(c) Buildings for colleges or adult education schools (capacity greater than 500 students),

(d) Medical facilities with 50 or more resident incapacitated patients, but not

included above,

(e) Jails and detention facilities,

(f) All structures with occupancy greater than 5,000 persons,

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

D. "*Engineering geologist*" means a geologist who, through education, training and experience, is able to assure that geologic factors affecting engineering works are recognized, adequately interpreted, and presented for use in engineering practice and for the 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.

E. "*Engineering geology*" means 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.

F. "*Fault"* means 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").

G. "*Fault scarp*" means a steep slope of cliff formed directly by movement along a fault.

H. "*Fault trace*" means the intersection of a fault plane with the ground surface.

I. "*Fault zone*" means a corridor of variable width along one or more fault traces.

J. "*Landslide*" means a general term for the downslope movement of a mass of soil, superficial deposits or bedrock.

K. "*Liquefaction*" means a process by which certain water-saturated soils lose bearing strength because of ground shaking and increase of groundwater pore pressure.

L. "*Natural hazard*" means liquefaction and/or surface fault rupture hazard.

M. "*Natural hazard maps*" means 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.

N. "*Natural hazard special study area*" means a potentially hazardous area as shown on the natural hazards maps within which hazard investigations are generally required prior to development.

O. "*A structure designed for human occupancy*" is any residential dwelling or any other structure used 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.

19.75.030 Applicability.

These regulations are applicable to all lands within the natural hazard special study areas in the city, as shown on the natural hazards maps on file with the department. Such maps and all amendments thereto are made a part of this chapter as if fully described and detailed herein. Each change in the natural hazards maps shall be subject to the amendment procedures set forth in chapter 19.54.

19.75.040 Disputes—Boundaries or mapped hazard(s).

The boundary lines of the special study areas shown on the natural hazards

maps shall be determined by use of the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions, or where detailed investigations show that the mapped hazard(s) are not present within a particular area, the dispute shall be settled as follows:

A. The person disputing the natural hazard study area boundary or the mapped hazard(s) present within a particular area shall submit technical and geologic evidence to support such claim to the planning commission in the form of a site-specific natural hazards report.

B. The planning commission may request the city geologist, the Utah Geological and Mineral Survey, the U.S. Forest Service, and/or other experts to review the evidence prior to making a decision concerning the dispute.

C. The cost of the review shall be paid by the person disputing the map.

D. The planning commission may allow deviations from the mapped boundary line only if the evidence clearly and conclusively establishes that the natural hazard special study area boundary location is incorrect, or that the mapped hazard(s) is (are) not present within a particular area.

E. Any decision of the planning commission may be appealed to the board of adjustment as provided in chapter 19.92, "Board of Adjustment."

19.75.050 Studies and reports required.

Any applicant requesting development on a parcel of land within a natural hazards study area, as shown on the natural hazards maps, shall submit to the department six copies of site-specific natural hazard studies and reports upon the department's request.

19.75.060 Natural hazards report.

A. The natural hazards report shall be prepared by an engineering geologist. In the case of a snow avalanche hazard, the report shall be prepared by an experienced avalanche expert. The report shall be signed by the preparer and shall also include the qualifications of the preparer.

B. The report shall be site-specific and identify all known or suspected potential natural hazards, originating on-site or off-site, affecting the particular property.

C. The report shall include a detailed site map (scale: one inch equals 200 feet or larger), showing the location of the hazard(s) with delineation of the recommended setback distances from hazard(s) and the recommended location for structures.

D. The report shall address the potential effects of the hazard(s) on the proposed development and occupants thereof in terms of risk and potential damage.

E. The report shall contain recommendations for avoidance or mitigation of the effects of the hazard(s), consistent with the purposes set forth in section 19.75.010. The evidence on which recommendations and conclusions are based shall be clearly stated in the report. Trench logs (scale: one inch equals five feet, or larger), aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.

19.75.070 Review of reports—Approval procedure.

A. In order to fulfill the purposes of this chapter, the planning commission (for conditional uses and subdivisions), and the department (for permitted uses)

shall review any proposed development which requires preparation of a natural hazards report under this chapter to determine the possible risks to the safety of persons or property from natural hazards.

B. Prior to consideration by the planning commission or the department of any such development, the department shall submit the report to the city engineer, the Utah Geological and Mineral Survey, the U.S. Forest Service, and/or other experts for review and recommendation. Any cost the city must pay for the review shall be paid by the applicant prior to planning commission or department action. The department shall file a copy of the natural hazards report in the city natural hazards library and another copy with the Utah Geological and Mineral Survey.

C. The city geologist and other retained experts in their review of the report, and the planning commission or the director in their consideration of the development, shall determine whether the development complies with the following standard:

1. The development does not present an unreasonable risk to the safety of persons or property, (including public streets), or to the aesthetics and natural functions of the landscape (e.g., drainage, wildlife habitat, etc.) because of the presences of natural hazards.

2. At the planning commission's discretion, with advice from the city's consulting geologist, such area may be approved for development if the applicant submits substantial evidence that, using best available practices, the identified hazards can be mitigated to a level where the risk to human life and damage to property, as well as the risk to the aesthetics and natural functions of the site, are reduced to a reasonable and acceptable level in a manner which has a minimum effect on the natural environment.

D. The planning commission or the director may set requirements necessary to reduce the risks from natural hazards as a condition to the approval of any development which requires preparation of a natural hazards report.

19.75.080 Active fault considerations.

No critical facility (excluding transportation lines or utilities which by their nature may cross active faults) or structures designed for human occupancy shall be built astride an active fault. If a fault is discovered in the excavation for such a structure, a special study, as described in section 19.75.060, shall be performed to determine if the fault is active, and if the fault is determined to be active, the procedures set forth in section 19.75.070 shall be followed. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements of the city's building code. The director may increase footing setback requirements where information from a geotechnical report indicates slope conditions warrant a greater setback distance.

19.75.090 Disclosure when a natural hazards report is required.

Whenever a natural hazards report is required under this chapter, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the city prior to the approval of any development or subdivision of such parcel, which includes the following:

A. Notice that the parcel is located within a natural hazards special study area as shown on the natural hazards

map;

B. Notice of the existence and availability of the natural hazards report for public inspection in the city natural hazards library; and

C. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the planning commission or the director to minimize potential adverse effects of the natural hazard(s).

19.75.100 Disclosure when no natural hazards report is required.

Whenever the applicant for any new development for human occupancy is not required under this chapter to prepare a natural hazards report, although the parcel to be developed is located within a high or moderate liquefaction potential special study area, or surface fault rupture special study area, as shown on the natural hazards maps, notice that the parcel is located within such area(s) shall be recorded by the land owner in a form satisfactory to the city prior to the approval of any such development.

19.75.110 Warning and disclaimer.

The natural hazards ordinance codified in this chapter and natural hazards maps represent only those hazardous areas known to the city, and should not be construed to include all possible potential hazard areas. The natural hazards ordinance and the natural hazards maps may be amended as new information becomes available. The provisions of this chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of natural hazards. This chapter shall not create liability on the part of the city, any officer or employee thereof for any damages from natural hazards that result from reliance on this chapter or any administrative requirement or decision lawfully made thereunder.

19.75.120 Change of use.

No change in use which results in the conversion of a building or structure from one not used for human occupancy to one that is so used shall be permitted unless the building or structure complies with the provisions of this chapter.

19.75.130 Conflicting regulations.

In cases of conflict between the provisions of existing zoning classifications, building code, subdivision ordinance, or any other ordinance of the city and the natural hazards ordinance codified in this chapter, the most restrictive provision shall apply.

Chapter 19.76
SUPPLEMENTARY AND QUALIFYING RULES AND REGULATIONS

Sections:

19.76.010 Effect of chapter provisions.
19.76.020 Lots and lot area.
19.76.030 Structures, bulk and massing requirements.
19.76.040 Land use.
19.76.050 Miscellaneous.

19.76.010 Effect of chapter provisions.

The rules and regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title.

19.76.020 Lots and lot area.

A. *Lots in separate ownership*. The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land, provided that such lot or parcel of land is located in a zone which permits single-family dwellings, and is a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land.

B. *Separately owned lots—Reduced yards*. On any lot under a separate ownership from adjacent lots and of record at the time of passage of the ordinance codified herein, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided that, on interior lots, the smaller of the two yards shall be in no case less than five feet, or the larger less than eight feet; and for corner lots, the wide yard on the side street shall be in no case less than 15 feet or the other side yard be less than five feet.

C. *Division of a two-family dwelling*. Upon certification by the director, a legal, or legal non-conforming, existing or proposed two-family dwelling may be divided into attached single-family dwellings by dividing the lot. Each dwelling shall have a minimum lot area equal to one-half of the minimum lot area required in the zone for a two-family dwelling, which in no case shall be less than 4,000 square feet, and must meet all building, fire, health, parking and other requirements for a single-family dwelling. An application for lot division certification must be accompanied by a site plan showing buildings, landscaping, parking, and any other information deemed necessary by the director. The director may attach conditions to certification consistent with the purpose of the zoning ordinance. Any sale (prior to certification herein) dividing a lot occupied by a two-family dwelling shall be a misdemeanor.

D. *Sale of lots below minimum width and area*. No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a large parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the board of adjustment.

E. *Sale of space needed to meet requirements*. No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.

F. *Yard space for one building only*.

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. This section shall be so construed to mean only one main building may be permitted on one lot, unless otherwise provided in this title.

G. *Front yard measurement from map*. Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the city recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

19.76.030 Structures, bulk and massing requirements.

A. *Dwellings, including guest homes, on lots*.

1. Every dwelling shall be located and maintained on a lot, as defined in this title. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy a lot.

2. Guest houses shall be a permitted use in the following zones:

(a) R-1-8; R-1-10; and R-1-15

(b) RR-1-21; RR-1-29; and RR-1-43

(c) F-1-21; and F-1-43

(d) F-20

3. The guest house shall be a detached accessory use to a principal residence and shall be located in the rear yard of the principal lot.

4. The maximum allowed area of the guest house shall not exceed 25% of the area of the rear yard.

5. The floor area of the guest house and principal residence combined shall not exceed the maximum impervious surface coverage for the site.

6. The rental or lease of a guest house, or the use of a guest house as a permanent residence for a second family on the premises shall be prohibited.

7. Installation of separate utility meters for the guest house is prohibited.

8. All bulk and massing requirements for accessory buildings, as per the applicable zone, shall be applicable to the guest house.

B. *Accessory buildings—Area of coverage*. No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.

C. *Public use—reduced lot area and yards*. The minimum lot area and minimum yard requirements of this title may be reduced by the planning commission for a public use. The planning commission shall not authorize a reduction in the lot area or yard requirements if rule 19.76.030(H), "Additional height allowed when," is in use, or unless the evidence presented is such as to establish that the reduction will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

D. *Structure height — Vertical measurement*.

1. Structure height shall be measured by taking the average vertical distance measured at the four corners of the main structure. This measurement shall be taken from the original natural grade of the lot to the highest point of the roof structure. In cases where the four corners of the structure are not explicitly clear, the city's building official and the

director shall designate the four corners of the structure.

2. Structures may be stepped to accommodate the slope of the terrain provided that each step shall be at least 12 feet in horizontal dimension. The height of each stepped segment shall be measured as required in subsection (A).

3. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations such as, without limitation, grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the director using the best information available.

E. *Lot grade – measurement*. The percent grade of a lot shall be derived by determining the percent increase or decrease in elevation using the area of the proposed structure footprint and the front yard.

F. *Height limitations—Buildings less than one story*. No building shall be erected to a height less than one story above grade.

G. *Height limitations—Exceptions*. In the ORD, CR, MU, NC, RO and PF zones, penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building may be erected above the height limits prescribed in this title when approved by the planning commission, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

H. *Additional height allowed when*. Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding 40 feet if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

I. *Story, first*. The lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story. Where a floor in a building is more than four feet below grade for more than 50 percent of the total perimeter of the building, or more than eight feet below grade at any point, that floor will not qualify as a story for the purposes of measuring maximum structure height.

J. *Yard requirements*. "Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

1. Fences;

2. Canopies, not to include temporary or permanent carports.

3. Accessory buildings in a rear yard including temporary or permanent carports;

4. The ordinary projections of windows where the projection is at least 18 inches above floor level, roofs, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three feet;

5. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet; and

6. Structures less than 18 inches in height from the finished ground surface.

K. *Demolition permits*.

1. An approved site plan is required before a commercial building can be approved for demolition.

2. The following items must be submitted to obtain a demolition permit:

(a) An asbestos inspection from an approved asbestos inspector.

(b) A completed and approved "Pre-demolition Building Inspection Form" from Salt Lake Valley Health Department.

(c) Approval for demolition from the Utah Division of Air Quality.

(d) A letter or email, from all service providers to the property or structure, indicating that all utilities have been terminated.

(e) A completed city building permit application.

L. *Portable storage containers*. In all municipal, residential, commercial, office or mixed-use zone, portable storage containers are permitted only in accordance with the following:

1. As a temporary use, not to exceed 180 days, during the construction, remodeling or redevelopment of a permanent on site structure with a valid building permit.

2. In no case shall a lot contain more than one of such portable storage containers, nor shall any portable storage container be located in required landscape areas, front yard area, required open space, detention basins, drive aisles, fire lanes, required parking spaces, loading zones or any other location that may cause a threat to public safety, or create a condition detrimental to surrounding land uses and property owners.

3. For commercial, office and mixed-use zones a temporary site plan must be submitted for review by the department. Approval of more than one portable storage containers may be approved by staff if the DRC finds that the addition will not jeopardize the public health, safety or welfare or create a nuisance. In addition, the temporary use of portable storage containers shall not violate a conditional use approval.

M. *Construction mitigation plan for residential construction*. Prior to commencement of construction, a written construction mitigation plan addressing the following elements must be approved by the director or his designee. The construction mitigation plan shall address the following elements: (Please note: all elements may not apply to each individual project. There may also be additional elements, unique to the project that involve public health and safety issues).

1. Hours of operation. The hours of operation are 7:30AM to 6:00 PM, Monday thru Saturday, and 9:00AM to 6:00 PM on Sunday. Upon a clear and convincing showing by the applicant that a waiver to the hours of operation is necessary and will not jeopardize the public health, safety or welfare, the director may modify hours of operation through the building permit. Exclusively indoor construction beyond the hours of operation listed above in this subsection shall be exempt from such hours of operation unless the director determines that such extended hours will adversely impact the surrounding neighborhood.

2. Parking. Construction vehicle parking shall be restricted at construction sites so as to not block reasonable public and safety vehicle access along the street and sidewalks. Within paid and permit only areas, an approved parking plan must be obtained from the Public Works Department.

3. Deliveries. Deliveries of all materials and supplies may be regulated as to time (hours of operation) and routing.

4. Stockpiling & staging. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on site may be required.

5. Construction phasing. Due to narrow streets, topography, small lot configuration, traffic circulation, weather, construction parking and material staging problems, some projects may be required to be phased. In cases where phasing is deemed necessary, the first project to receive a building permit shall have priority, however, the building official shall have authority to phase projects as necessary to assure efficient, timely and safe construction.

6. Trash management and recycling of materials. Construction sites shall provide adequate storage and a program for trash removal. Construction material recycling bins are encouraged on sites with adequate room for separation of materials.

7. Control of dust & mud. A program for the control dust or other airborne debris shall be required. Provisions must be made to prevent the tracking of mud on streets and it will be required to remove any such mud daily. Placing gravel in the egress and ingress areas to a job site is one method to control mud and dust problems.

8. Noise. Any noise above 65 decibels violates the noise ordinance, as well as any excessive or unusually loud noise that is plainly audible beyond the property line or outside the hours of operation.

9. Grading and excavation. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of dirt shall be addressed. Any excavation six feet (1.8 m) or more in depth shall be protected from falling hazards by guardrail roofs, systems, fences, or barricades.

10. Temporary lighting. An approved temporary lighting plan must be obtained from the Planning Department if any exterior temporary lighting is necessary for construction.

11. Construction sign. A sign shall be posted in a location where the sign is readable from the street or driveway. The sign shall not exceed 12 square feet in size and six feet in height. The lettering shall not exceed four inches in height. Information on the sign shall include:

(a) Name, address and phone number of the contractor
(b) Name, address and phone number of the person responsible for the project
(c) Name and phone number of the party to call in case of an emergency

N. *Private swimming pools*.

1. Definition. In this title "private swimming pool" means any pool, tank, depression or excavation in or above ground, or other structure, which (a) causes retaining of water over a depth of 18 inches and/or having a larger plane surface of water greater than 150 square feet, (b) is designed or used for swimming, wading or immersion purposes by individuals, and (c) is used or intended to be used solely by the owner, lessee or tenant of the realty on which it is situated (and his family and by friends invited to use it) without payment of any fees.

2. Permit. It shall be unlawful for any person to construct, alter or repair a private swimming pool within the city without first having secured a permit from the building official. An

application for this permit shall be made on such forms as may be furnished by the city, and shall be accompanied by complete plans and specifications for the private swimming pool, including the type and location thereof with respect to the boundary lines of the land of the applicant. The applicant shall pay the fees established for such permit.

O. *Temporary buildings*.

1. Temporary buildings for uses incidental to construction work shall be required to obtain a permit from the CBO.

2. Temporary buildings must be removed upon completion or abandonment of the construction work.

3. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner.

P. *Residential corner lot rear setback in R-1 zones.* Corner lots in the R-1-6, R-1-8, R-1-10 and R-1-15 residential single family zones shall maintain a minimum rear setback of 15 feet for main structures; provided, however, that any portion of a main structure that is located closer than 20 feet from the rear lot line may not exceed 20 feet in height.

19.76.040 Land use.

A. *Occupancy permit*.

1. Land, buildings and premises in any zone shall hereafter be used only for the purpose listed in this title as permitted or conditional in that zone, and in accordance with the regulations established in this title in that zone.

2. The permit of occupancy shall be issued by the director to the effect that the use and/or building or premises conforms to the provisions of this title and related ordinances prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used, except for permitted agricultural uses.

3. Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use.

4. Upon written request from the owner, such a permit shall also be issued covering any lawful use of a building or premises existing on the effective date of the amendment codified herein, including nonconforming buildings and uses.

B. *Uses not listed—Compatibility standards*. It is recognized that new types of land uses may develop and various forms of land uses not anticipated may seek to locate in the city. The provisions of this section shall provide a mechanism to classify land uses not listed in this title. Determination as to the classification of uses not specifically listed in this title shall be made as follows:

1. Written request. A written request for such a determination concerning an unlisted and not codified proposed land use shall be filed with the director. The request shall include a detailed description of the proposed use and such other information as the director may require.

2. Investigation. The director thereupon shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title, and to make a determination of its classification, using the following compatibility standards:

(a) Volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;

(b) Any processing done on the premises; assembly, manufacturing,

smelting, warehousing shipping and distribution; and dangerous, hazardous, toxic or explosive materials used in processing;

(c) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored. business vehicles, work in process, inventory and merchandise, construction materials, scrap and junk, and bulk materials, ores, powders and liquids;

(d) Number and density of employees and customers, per unit area of site and buildings in relation to business hours and employment shifts;

(e) Business hours the use is in operation or open for business, ranging from seven days a week, 24 hours a day to once to several times a year, such as sports stadiums or fairgrounds;

(f) Transportation requirements, including modal split for people and freight, by volume, type and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site;

(g) Parking characteristics, turn over and generation, ration of the number of spacers required per unit area or activity, and potential for shared paring with other uses.

(h) Predilection of attracting or repelling criminal activities to, form or other premises;

(i) Amount and nature of nuisances generated on the premises noise, smoke, odor, glare, vibration radiation, and fumes; and

(j) Any special public utility requirements for serving the use water supply, waste water output, pre-treatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities.

3. Director's recommendation. The director's recommendation concerning the proposed use shall be rendered in writing to the planning commission within 30 days unless an extension is granted by the planning commission. The director's recommendation shall state the zone classification in which the proposed use should be permitted as well as the findings which established that such use is of the same character and intensity of uses permitted in that zone classification.

4. Planning commission determineation and recommendation. Upon receipt of the director's recommendation, the planning commission shall review such recommendation and either approve it as submitted, approve it with modifications, or deny it. The planning commission's decision thereupon shall be forwarded to the city council as a recommendation for or against (as appropriate) inclusion of such new use as a permitted or a conditional use in one or more zones under this title.

5. Effect of determination. A use approved by the city council for a zoning district based on the foregoing compatibility standards shall thereafter become a permitted or conditional use (as designated by the city council following recommendation by the planning commission) for that zoning district, and shall have the same status as a permitted or conditional use, as applicable, specifically named in the regulations for the zone classification in question.

C. *Special events and temporary sales*.

1. The director may issue a temporary use permit for a temporary sale, special events, or other amusement enterprise of a similar nature, transient in nature, or Christmas tree sales, providing

he shall find that the use will not conflict with the uses in the neighborhood and/or zoning of the subject property. To determine the compatibility of uses, the director may call a public hearing. Request for such permit shall be submitted in writing. Special event permits shall be limited to one per property at any one location for any one time.

2. In issuing a permit, the director may:

(a) Stipulate the length of time the permit may remain valid;

(b) Stipulate the hours of operation of the use; and

(c) Stipulate other regulations which are necessary for the public welfare.

D. *Home day care preschool, small*. "Home day care/preschool, small" means the keeping for care and/or preschool instruction of six or fewer children including the caregiver's own children under the age of six and under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool, small is exempt from the home occupation requirements of this code, but must meet all of the following standards:

1. There may be a maximum of six children on premises at any time, including the caregiver's own children under the age of six and not yet in full day school.

2. There shall be no employees that do not reside in the dwelling.

3. The home day care/preschool, small caregiver shall comply with all applicable licensing requirements under title 5 of this code.

4. The use shall comply with all applicable noise regulations.

5. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

6. The lot shall contain one available on-site parking space not required for use of the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

7. No signs shall be allowed on the dwelling or lot except a nameplate sign.

8. The use shall comply with all local, state and federal laws and regulations.

9. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool, or small caregiver, the city shall review the complaint and, if substantiated, may institute a license revocation proceeding under title 5 of this code.

10. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice concerning the licensing of a home day care/preschool, small, at such property; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such license, and no such license shall be deemed invalid or illegal because of any failure to mail any such notice.

E. *Home day care/preschool*. "Home day care/preschool" means the keeping for care and/or preschool instruction of 12 or fewer children including the caregiver's own children age six or under and not yet in full day school within an occupied dwelling and yard. A home day care/preschool may be approved by the planning commission if it meets all of the following standards:

1. There may be a maximum of 12 children on premises at any time, including the caregiver's own children under the age of six and not yet in full day school.

2. There shall be no more than one employee present at any one time who does not reside in the dwelling.

3. The home day care/preschool caregiver shall comply with all applicable licensing requirements under title 5 of this code.

4. The use shall comply with all applicable noise regulations.

5. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

6. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

7. No signs shall be allowed on the dwelling or lot except a nameplate sign.

8. The use shall comply with all local, state and federal laws and regulations.

9. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool caregiver, the city shall review the complaint and, if substantiated, may

(a) set a hearing before the planning commission to revoke any conditional use permit, and/or

(b) institute a license revocation proceeding under title 5 of this code.

10. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice of any hearing to grant or revoke any conditional use permit at least ten days prior to the date of the hearing; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such hearing, and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail any such notice.

F. *Home occupations*.

1. "Home occupation" means, (unless otherwise provided in this code) 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.

2. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.

3. The home occupation shall not involve the use of any accessory building, yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.

4. The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and

location of such additional parking spaces.

5. The director will review all home occupations for compliance with the above items. If the proposed home occupation cannot meet any one of the above items, the director shall not approve the home occupation.

G. *Residential facility for elderly persons*.

1. "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that is occupied 24 hours a day in a family-type arrangement by eight or fewer elderly persons 60 years old or older capable of living independently.

2. Such facility shall be owned by one of the residents or by an immediate family member of one of the residents or the title has been placed in trust for a resident.

3. Placement in such facility is on a voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

4. No person being treated for alcoholism or drug abuse may be placed in such a facility.

5. The structure shall be capable of use without the residential character being changed by exterior structural or landscaping alterations.

6. Each facility shall not be located within three-quarters of a mile of another residential facility for elderly persons or residential facility for handicapped persons.

7. This use is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

H. *Car wash regulations*.

1. Applicability and general purposes. Construction and operation of a car wash is subject to prior conditional use approval by the planning commission. The regulations in this section are intended to allow reasonable opportunities for car washes in the city, while:

(a) reducing noise and adverse visual impacts on abutting uses, particularly residential uses;

(b) ensuring adequate drainage;

(c) promoting safer and more efficient on-site vehicular circulation;

(d) promoting an aesthetically pleasing environment for car washes; and

(e) assuring that car washes are located so that they are not the dominant land use in the city's primary commercial or gateway corridors.

2. Location and site.

(a) The lot proposed for a car wash shall be located in a zone that specifically allows a car wash as a conditional use or a permitted use.

(b) The lot proposed for a car wash shall contain at least 10,000 square feet.

(c) The lot proposed for a car wash shall front on, and have direct access to, an arterial or collector street (as designated by the city).

(d) The ingress or egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection, as determined by the city.

(e) No car wash shall be located on a corner lot.

3. Additional requirements.

(a) General.

(i) Any trash or service area of a car wash shall be fully screened from other properties and public streets.

(ii) To the extent practicable, wash bays shall be sited parallel to the

adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or used property.

(b) Access, circulation and on-site parking.

(i) Access points and driveways shall be planned and shared between properties to the greatest extent possible.

(ii) Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the car wash. Sidewalks in front of, or directly adjacent to, a car wash shall be at least four feet wide.

(iii)The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.

(iv)The planning commission shall specify the distance between any two curb cuts used for entrances or exits to a car wash on a case-by-case basis, provided that such distance shall not be less than 35 feet.

(v) If accessory vacuuming facilities are provided, a minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.

(vi)In addition to parking requirements for employees and wash bays set forth in chapter 19.80, each wash bay of a car wash shall have the following vehicle stacking capacity for vehicles waiting to be serviced: (1) three stacking spaces for each bay in a self-service car wash; and (2) six stacking spaces for each in-bay automatic or conveyor car wash.

(c) Building and equipment setbacks.

(i) A car wash shall be set back a minimum of twenty-five (25) feet from the front property line.

(ii) Accessory equipment, such as vacuum facilities, shall be set back a minimum of twenty (20) feet from any adjacent street.

(iii)Car washes shall meet the side and rear setbacks required by the underlying zone.

(d) Architectural design.

(i) A car wash shall maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.

(ii) 360 degree architectural treatment is required. Building design must incorporate variations in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.

(iii)Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.

(iv) All car wash apparatus shall be enclosed or screened from adjacent streets and properties by means of an effective screening device of a height appropriate to its screening function. Screening may include: solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the necessary height within two (2) years of planting, or a suitable combination of the above.

(e) Site furniture. Site furniture (such as bicycle racks, trash receptacles, and benches) is required to be incorporated in the design of a car wash, as specified by the city through the conditional use process. The style of the site furniture must complement the overall design of the principal building and be of high quality.

(f) Compatibility. All structures within the development shall be designed, constructed and permanently maintained in a planned, integrated, compatible and coordinated manner using the same or substantially identical:

(i) Exterior building materials and colors;

(ii) Architectural features and style; and

(iii)Lighting and lighting fixtures.

(g) Lighting requirements. In addition to general lighting requirements specified in chapters 19.76 and 19.80 of this code, the following specific lighting requirements shall apply to car washes:

(i) Lighting of car washes shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.

(ii) Full cut-off lighting is required.

(iii)Site lighting photometric plans are required.

(iv)The following lighting is prohibited on car wash sites: (1) exposed strip lighting used to illuminate building facades or outline buildings; (2) neon tubing; and (3) blinking or flashing lights.

(h) Landscaping requirements. All landscaping shall comply with the landscaping requirements of the underlying zoning and the conditional use approval for the car wash.

4. Operational requirements. The following operational requirements apply to all car washes:

(a) Water recycling.

(i) All car washes shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than 50% of the water being used by such car wash.

(ii) Any applicant for a car wash shall submit site plan for review to the applicable water and wastewater provider(s) to insure appropriate and safe provision, use and discharge of water, and shall provide the city with evidence of its submittal to and response/approval by the applicable water and wastewater providers.

(b) Hours of operation. Car washes shall not be open for business or otherwise in operation during the nighttime and early morning hours of 10:00 p.m. and 7:00 a.m. the following day.

I. *Non-depository institutions*. Non-depository institutions are permitted as a conditional use within the Regional Commercial (CR) zone, subject to the following restrictions:

1. A non-depository institution shall not be located within one mile of any other non-depository institution inside the city's geographical boundaries. The distance shall be measured from the exterior walls of the building (or portions thereof) in which the non-depository institution is located or proposed to be located, and shall be measured as a straight and direct line distance from said point.

2. In addition to the geographical restriction under subsection 19.76.040(I)(1) above, the total number of non-depository institutions located within the city's geographical boundaries shall not exceed one non-

depository institution per ten thousand residents of the city. A portion or fraction resulting from such a calculation that does not equal a whole number shall not increase, through "rounding" or otherwise, the total number of non-depository institutions possible under this section. For example, if the city's population was 39,999, then a maximum of three non-depository institutions would be possible in the city, and a fourth non-depository institution would not be possible until the city's population was 40,000 or more. For purposes of such calculation, the city's population shall be determined by the figures provided by the United States Census Bureau's most recent annual estimate.

3. All non-depository institutions are subject to all applicable architectural, design, aesthetic and other regulations of all applicable zones, overlay zones, and other requirements of this title. In addition, all non-depository institutions are subject to the following supplemental regulations:

(a) The color of the building housing the non-depository institution shall be restricted to earth tones or shall match the city-approved design theme of the development of which it is a part.

(b) At least 25% of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level.

(c) The use of bars, chains, or similar security devices that are visible from a public street or sidewalk is prohibited.

(d) The use of neon lighting shall be prohibited on the building exterior.

(e) All signage associated with any non-depository institution shall conform to the requirements of chapter 19.82 of this title.

19.76.050 Miscellaneous.

A. *Appeal of planning commission decision*.

1. Any person adversely affected by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of adjustment, whose decision shall then be final. All appeals by persons adversely affected by a decision of the planning commission must be submitted to the board of adjustment in writing and filed with the department within 30 days after the date of the decision. The decision of the board of adjustment may be appealed by any person adversely affected by the decision to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the board of adjustment.

2. For more information regarding planning commission decisions, see chapter 19.84 of this title.

B. *Intersecting streets and clear visibility*. In all zones, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed by public or private street property lines and a line connecting them at points 30 feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

C. *Off-site improvements*.

1. Off-site improvements required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-

public uses shall provide curb, gutter, sidewalk and asphalt along the entire property line which abuts any public road or street in cases where it does not exist at city standards. Vehicular entrances to the property shall be provided as allowed in this code. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.

2. Fee-in-lieu of improvements.

(a) Where conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the planning commission may require the applicant to pay to the city a fee equal to the estimated cost of such improvements, as determined by the director. Upon payment of such fee by the developer, the city shall assume the responsibility for future installation of such improvements.

(b) The fees shall be placed in a special account, and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the department.

D. *Water and sewage facilities*. In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a sewer, as defined in the health department regulations, is not available within 300 feet of property where the building or use is proposed, and all cases where a proposed supply of piped water under pressure is not available within 300 feet of property where the building or use is proposed,, the alternative sewage disposal and the domestic water supply shall comply with requirements of the health department, and the application for a building permit shall be accompanied by a certificate of approval from the health department.

E. *Fences*.

1. No fence, wall or hedge shall be erected to a height which exceeds four feet in the required front yard and six feet in the side yards and/or rear yard. Fencing to a maximum height of eight feet may be allowed for side and/or rear yards as a conditional use upon a clear and convincing showing by the property owner:

(a) Of unique or special circumstances of a material, adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence; and

(b) That erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.

2. Chain link fences. Except in private home applications, chain link fences, which are not vinyl coated, shall not be allowed.

3. Estate lots. Where a lot is at least one acre in size and has only one primary residence, no fence, wall or hedge shall be erected to a height which exceeds six feet in the required front yard and six feet in the side yards and/or rear yard, as a permitted use. Fencing to a maximum height of eight feet may be allowed for side and/or rear yards as a conditional use upon a clear and convincing showing by the property owner:

(a) Of unique or special circumstances of a material, adverse

nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence; and

(b) That erection of such a fence is the most reasonable solution under the circumstances.

Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.

F. *Regulations regarding junk*.

1. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or other articles or materials commonly designated as junk. Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.

2. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed one year if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

3. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed one year provided:

(a) The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal;

(b) The automobile or truck shall not be visible from any public street; and

(c) The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.

4. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

Chapter 19.78
PLANNED UNIT DEVELOPMENT

19.78.010 Purpose.
19.78.020 Scope of approval.
19.78.030 Planned unit development defined.
19.78.040 Conflicts.
19.78.050 Pre-application.
19.78.060 Permit – Application process.
19.78.070 Minimum acreage required.
19.78.080 Development ownership.
19.78.090 Net density.
19.78.100 Design criteria.
19.78.110 Bulk and massing requirements.
19.78.120 Open space.
19.78.130 Pedestrian movement.
19.78.140 Effect on adjacent properties.
19.78.150 Access standards.
19.78.160 Supplementary PUD regulations.
19.78.170 Scope of planning commission action; Appeals.
19.78.180 Rules and regulations.

19.78.010 Purpose.

It is the intent of this chapter to provide for innovative residential developments having harmony of design and variety of function by providing for greater flexibility in the design of buildings, yards, courts, and circulation than would otherwise be possible through the strict application of zoning district regulations.

19.78.020 Scope of approval.

This chapter does not guaranty a property owner the right to create a planned unit development ("*PUD*"). Instead, approval of a PUD is a privilege to be earned and is not an absolute right available simply through compliance with the minimum standards established in this chapter. Because each PUD is unique, every PUD shall be evaluated relevant to the individual circumstances present at each individual location. The planning commission may impose any reasonable condition that will mitigate or eliminate detrimental impacts caused by a proposed PUD. It is not intended that the planning commission will grant the maximum exception to underlying zoning regulations in the case of every PUD application; instead, such maximum will be available only in the most meritorious situations, in order to induce or reward efforts to achieve the highest levels of positive contribution under the design, open space and other community-enhancement aspects of this chapter. All applications under this chapter shall be considered a conditional use and subject to chapter 19.84, "Conditional Uses."

19.78.030 Planned unit development defined.

A "P*lanned unit development*" means an area of land developed as a single entity or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly. A PUD shall be wholly planned as a single entity or in approved stages to provide for residential uses and common open space. A PUD shall meet the following goals:

A. *Architectural control.* Through establishment of acceptable design guidelines for each individual PUD.

B. *Patterns of development*.

1. A creative approach to the use of the land and related physical development.

2. An efficient use of land resulting in smaller networks of utilities and streets and thereby greater amounts of open land.

3. A built environment of stable character in harmony with surrounding development.

4. A more desirable environment, including increased open spaces, architectural consistency throughout the development, and character which fits in with the goals of the community, than would be possible through the strict application of other sections of this title.

C. Preservation of:

1. Trees.

2. The goals and objectives of the city's general plan.

3. Outstanding natural topography.

4. Geologic features.

D. Protection from:

1. Soil erosion.

2. Inconsistent residential development patterns.

19.78.040 Conflicts.

If a conflict exists between this chapter and other provisions of this code, the provisions of this chapter shall control; provided, however, that the provisions of this chapter shall not permit a greater density of residential units or uses different from those specified in the regulations or the zoning district under which the development is proposed.

19.78.050 Pre-application.

A. *Pre-application conference*. Prior to submittal of an application for a PUD, the intended applicant shall request a meeting with the city's development review commission ("*DRC*") through the city planning director. The purpose of the meeting will be to allow the applicant to present a general concept plan for the proposed development and to receive feedback from the DRC prior to filing of the PUD application.

B. The general concept plan shall include the following information and plans:

1. Written letters of intent from the landowner(s) showing their intent to develop the land as proposed.

2. Sketch concept plans showing the land use, design, intended densities, street and lot arrangement, proposed relationship to neighboring land uses and tentative lot sizes.

3. Traffic access and circulation proposals.

4. An architectural concept of the structures in the proposed development.

5. A landscape concept showing tentative open space areas and relativity to the development and pedestrian movement.

6. Tentative proposals regarding storm drainage, street improvements, sewage disposal and water supply.

19.78.060 Permit – Application process.

A. PUDs may be allowed by planning commission approval only in any zoning district where a planned unit development is listed as a conditional use. Approval of a PUD shall consist of two parts:

1. Preliminary approval subject to the public hearing provisions of this title; and

2. Final approval based on construction drawings and specifications in general accord with that granted preliminary approval.

B. An approved PUD shall consist of a final approval letter and a final approved site plan from the planning department, all of which shall occur subsequent to planning commission

approval of the PUD under chapter 19.84, "Conditional Uses." Notwithstanding anything to the contrary in this chapter, conditional approval of a PUD shall not be granted unless the PUD meets the use, density and other limitations of the zoning district in which it is to be located. Compliance with the regulations of this chapter does not excuse the developer from the applicable requirements of the city's subdivision ordinance under Title 12 of this code, except such modifications thereof as are specifically authorized by the planning commission as part of its conditional use approval of the PUD.

19.78.070 Minimum acreage required.

A. *Standard PUD*. The minimum area of contiguous property required for a standard PUD shall be five (5) acres.

B. *Minor PUD*.

1. The minimum area of contiguous property required for a minor PUD shall be three (3) acres.

2. Net density calculations for a minor PUD shall exclude private rights-of-way and private streets.

19.78.080 Development ownership.

A PUD shall be in single, partnership, LLC or corporate ownership, or under option to purchase by an individual or a legal entity at the time of application, or the application shall be filed jointly by all owners of the property.

19.78.090 Net density.

A. *Net density--Standard PUD*.

1. The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and private roads/lanes and associated recreational facilities within the area; the result being the number of total residential units per net residential acre of land. Net density calculations in a standard PUD shall exclude public rights-of-way and public streets.

B. *Minor PUD*.

1. The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space, as approved by the planning commission, and associated recreational facilities within the area; the result being the number of total residential units per net residential acre of land. Net density calculations for minor PUDs shall exclude both public and private rights-of-way and streets.

19.78.100 Design criteria.

In return for greater flexibility in site design requirements, PUDs shall deliver exceptional quality community designs that: (i) preserve critical environmental resources, (ii) provide high quality community amenities, (iii) incorporate creative design in the layout of buildings and circulation, and (iv) provide greater efficiency in the layout and provisions of roads, utilities and other infrastructure.

Design criteria shall be used as the principle tool in evaluating the merits of a proposed PUD. The planning commission and the city's architectural review committee ("*ARC*") shall use the following criteria, in addition to any other applicable sections or chapters of this title, to hold PUDs to higher architectural standards than standard residential developments. The burden shall be on the applicant to demonstrate

that the proposed development plans comply with each of the following criteria:

1. Conformance to the general plan and overlay zones. The proposed development plan shall conform to applicable elements of the city's general plan, any applicable overlay zones, specific area master plans and city goals and policies.

2. Compatibility with surrounding development. Proposed uses, activities, overall PUD layout and design as well as densities shall have a compatible, efficient and functional interrelationship with surrounding uses and activities, and shall not adversely affect the sustainability of the surrounding area.

3. Environmental design. Site plan, building design and open space provisions shall be designed to produce a development that is responsive and sensitive to natural features and the aesthetic quality of the community. Site planning and design shall minimize any required cut or fill to afford maximum protection of natural landforms and features. Natural features and/or geologic hazards that may affect the property on which the PUD is proposed shall be identified and mitigation measures established. Building design shall maximize preservation of vegetation and landforms, enhance drainage and minimize soil erosion. Developments must consider, where appropriate, contain designs for foot traffic and pedestrian movement in and among PUDs through sidewalks, trails, foot bridges and hiking paths.

4. Architectural standards. An architectural design plan that ensures architectural consistency in the proposed development, architectural character and preservation or improvement of the visual character of the city shall be provided and, upon approval, shall form part of the plan. Architectural character is based upon the suitability of a building for its purposes, the appropriate use of materials and upon principles of harmony and proportion of the building with other proposed buildings and surrounding land uses. Buildings or other improvements shall be compatible with the orientation, directional emphases, shape, volume, massing, proportion, rhythm, scale and materials of the contextual setting and streetscape of the site.

5. Architectural elements, designs, concepts, building styles and materials shall be subject to review by the ARC to ensure consistency with the purposes and provisions of the PUD ordinance, overlay zones, specific area master plans and the general plan.

19.78.110 Bulk and massing requirements.

The normal massing requirements for minimum setbacks, minimum offset, minimum lot size, minimum lot area per structure, maximum height of structures and lot coverage may vary from the underlying zoning regulations as authorized by the planning commission to foster a creative approach to the use of the land and related physical development. Planning commission approval is required for any variation from the normal bulk and massing standards of this title. Before the planning commission may reduce any bulk or massing requirements, the applicant must show by clear and convincing evidence that the variation will not jeopardize any significant public interest.

19.78.120 Open space.

A. Common open spaces shall be defined for the purposes of this section as the total area of land and water within the external boundary of a PUD designated and intended for use and enjoyment as open areas, and not improved with a building, structure, street/road or parking area, except for recreational structures. Common open spaces of a PUD shall not include individual lots and yards located between buildings and parking areas. Common open spaces within a PUD are subject to the following requirements:

B. *Percentage required for open space*.

1. Minimum open space requirement for any PUD is 20%.

C. The following lands may not be allowed as open space:

1. Land occupied by private structures.
2. Private or semi-private land.
3. Public streets or rights-of-way.

D. *Linear parks*.

1. With planning commission approval, linear parks may be allowed for up to 60% of the open space requirement if a public park is not located within 1/3 mile (as one walks) from the PUD.

2. With planning commission approval, linear parks may be allowed for up to 90% of the open space requirement if a public park is located within 1/3 mile (as one walks) from the PUD.

3. Linear parks shall be designed and used for recreational purposes in order to qualify for open space.

E. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:

1. Granting to a party approved by the city a permanent open space easement on or over the common open space to guarantee that such space remains perpetually in recreational use, with ownership and maintenance being the responsibility of the owner or an owner's association organized in a manner reasonably satisfactory to the city; or

2. Compliance with the provisions of the Condominium Ownership Act (UTAH CODE ANN. §57-8-101, et seq.), as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities; or

3. Dedication of the land as a public park or parkway system, provided that the city council, in its sole discretion and following recommendation by the planning commission, accepts the land as viable open space for public recreation.

19.78.130 Pedestrian movement.

A. Pedestrian movement within a PUD shall be accomplished through a consistent and well-designed pedestrian sidewalk system including enhanced intersection treatments, such as textured paving, to highlight pedestrian crossings.

B. Pedestrian systems approved by the planning commission shall be provided in all PUDs. Construction of such facilities shall be consistent with the city's standards and specifications.

19.78.140 Effect on adjacent properties.

A. The planning commission shall require arrangement of structures and open spaces within the PUD in a manner that assures that adjacent properties will not be materially, adversely affected.

B. Density of dwelling units per acre shall be no more than the number allowed in the zone in which the PUD is located.

19.78.150 Access standards.

A. All PUDs shall be served by a public street, which shall not be at or over its traffic capacity at the time the development is approved, including the traffic projections which can be attributed to the proposed development.

B. All PUDs shall be served by an internal, paved street system according to city standards, with an approved pedestrian element.

C. All PUDs shall dedicate and improve property which is reasonably anticipated to be used to expand public roads adjacent to the development.

19.78.160 Supplementary PUD regulations.

A. Upon final approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in conformity with any conditions attached by the planning commission to its approval.

B. Amendments to approved plans and specifications for a PUD shall be approved by the planning commission and a new set of approved plans will be issued by staff to address any approved amendments.

C. The city's building official or any other city department shall not issue any permit for any proposed building, structure, activity or use within the PUD which is contrary to the approved development plan.

D. The director shall issue a certificate of occupancy for any building or structure upon its completion in accordance with the approved development plan.

E. The maximum length of a cul-de-sac is 600 feet. For PUDs, this section modifies and overrides the regulation of the length of cul-de-sacs contained in section 14.12.080 of this code.

F. *Gates*. With planning commission approval, gates shall be allowed in accordance with the regulations contained in titles 12 and 14 of this code. In addition, a PUD application requesting a gated entry shall provide ample room, on private property, for turnarounds for vehicles which do not gain access through the gated entry. Section 14.12.130 of this code shall also apply to this section.

G. *Fencing*.

1. Fencing in a PUD shall be limited to back yards or side yards for corner lots/private areas of property which are not expressly open for use by the entire PUD, and for the perimeter of the PUD. Fencing, especially entryway fencing, shall be kept to a minimum or completely eliminated in order to accomplish a feeling of engagement with the public street and to prevent alienation of one residential development from another, or to provide consistency throughout the community.

2. Fences in a PUD shall not exceed a maximum height of six (6) feet unless express approval from the planning commission is obtained. In no case shall the planning commission approve any fence or wall which is inconsistent with the provisions of section 19.76.340 of this title.

H. *Monument entry sign*.

1. One monument entry sign at main entry point of the PUD may be allowed per planning commission approval.

2. Signable area. An entry monument sign shall be no greater than 6 feet in height, and shall display no more than 36 square feet of signable area, shall be for the express purpose of identifying the PUD neighborhood, and shall not display any advertisements.

3. Setback. The minimum setback for any entry monument sign shall be 36 inches from the public right-of-way, and shall not encroach into any clear view areas, as described in chapter 19.76 of this code.

I. Refuse collection. A PUD shall provide for its own refuse collection through a private provider, and shall not use public rights-of-way for refuse container storage or for trash pick up by the private disposal service.

19.78.170 Scope of planning commission action; Appeals.

A. It is the intent of this chapter that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The planning commission shall require the applicant to engage such a qualified designer or design team.

B. The planning commission may deny an application for a PUD.

C. In approving an application, the planning commission may attach such conditions as it deems necessary to secure compliance with the purposes set forth in this title and to mitigate any impacts that a PUD may impose on the surrounding people and properties.

D. The action of the planning commission may be appealed to the city's board of adjustment or other appeal authority under chapter 19.92 of this title.

19.78.180 Rules and regulations.

The planning commission may from time to time, by resolution, adopt and amend regulations and guidelines to assist the planning commission, its advisory bodies, and planning staff to accomplish the permitted purposes of this chapter.

Chapter 19.79
UTILITY AND FACILITY SYSTEM PLACEMENT REGULATIONS

Section:

19.79.010 Purpose.
19.79.020 Definitions.
19.79.030 Systems required to be underground.
19.79.040 Exemptions.
19.79.050 Notification of affected property owners.
19.79.060 Excavation permit required.

19.79.010 Purpose.

The purpose of the utility and facility system placement regulations codified in this chapter is to promote the health, safety and general welfare of the citizens of the city and to preserve and protect existing aesthetics, property values, and quality of life within residential and other areas of the city. It is the intent of this chapter to require that utility and facility systems be placed underground when new systems are installed or existing transmission systems are upgrade.

19.79.020 Definitions.

As used in this chapter, the following definitions shall apply:

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

"*Distribution system*" means 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.

"*Facility company*" means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.

"*Service drop*" means 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.

"*System*" means 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.

"*Transmission system*" means 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.

"*Utility company*" means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.

19.79.030 Systems required to be underground.

Except as provided in section 19.79.040, the following systems shall be installed underground:

A. All new systems installed after the effective date of the ordinance codified in this chapter.

B. All upgraded transmission systems which would increase the height of poles to more than 60 feet above

existing grade.

19.79.040 Exemptions.
The following systems are exempt from the provisions of section 19.79.030 of this chapter:

A. Except as provided in section 19.79.030(B), this chapter does not require the burial of any existing aboveground systems, nor does it prohibit or restrict the repair, relocation, maintenance, or replacement of any existing systems.

B. Aboveground installation of the following systems is permitted, subject to compliance with all other applicable statutes, ordinances, and regulations:

1. New service drops and/or distribution lines where service is available from existing aboveground systems;

2. Temporary systems required for construction projects not to exceed a period of 12 months;

3. Street light poles, light rail overhead catenary, wireless telecommunications towers, and accessory equipment;

C. In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist such that the installation of a system would have minimal visual, health, or safety impact on the public, variations or exceptions to the requirements of this chapter may be approved by the city council or its designee, provided, that the variations and exceptions are consistent with the purposes of this chapter.

19.79.050 Notification of affected property owners.

A. Prior to beginning a project involving the installation or upgrading of four or more poles, a utility/facility company providing electrical power for general consumption shall send written notification of the project to all adjacent property owners and the director.

B. The purpose of such notification is to allow potentially affected property owners an opportunity to discuss with the company possible methods of providing and paying for undergrounding of proposed systems and provide the city the opportunity to meet with the company to discuss the project.

C. Such notification shall be sent during the company's planning process to allow reasonable and sufficient time for such discussion to occur, but in no event less than 60 days prior to the scheduled installation.

D. Such notification shall include a full description of the project including, but not limited to:

1. The need for the project;
2. Location of the project;
3. Height, width, type and general location of poles, and
4. Amount of voltage.

E. Failure of property owners to receive notice of the project shall in no way affect the validity of action taken.

F. Failure to reach an agreement within the 60 day period shall not be grounds for the delay of the project.

G. Notification is not required for emergency projects.

19.79.060 Excavation permit required.

All underground systems to be installed in the city's right-of-way shall be made in accordance with the provisions of chapter 14.16, "Excavations."

Chapter 19.80.
OFF STREET PARKING REQUIREMENTS

19.80.010 Purpose
19.80.020 Required parking.
19.80.030 General provisions.
19.80.040 Submittal and approval of parking areas.
19.80.050 Assessing parking requirements.
19.80.060 Dimensions for parking stalls.
19.80.070 Handicapped accessible parking.
19.80.080 Landscaping in parking areas.
19.80.090 Lighting.
19.80.100 Pedestrian walkways and accesses.
19.80.110 Shared parking and curb cuts.
19.80.120 Required parking by land use.
19.80.130 Charts and graphs.

19.80.010 Purpose.

The purpose of this chapter is to reduce congestion and traffic hazards on public rights of way by requiring adequate, functional, and effective use of off-street parking areas. This chapter also establishes minimum landscaping requirements in order to reduce adverse impacts of headlight glare and lighting within the parking area; improve circulation within parking areas by channeling vehicles and pedestrians; provide climatic relief from broad expanses of pavement; and improve the appearance of the site and surrounding neighborhood.

19.80.020 Required parking.

Off-street parking shall be provided according to standards noted in this chapter for all newly constructed buildings and additional parking shall be provided for any structure or use that is expanded.

19.80.030 General provisions.

A. *Materials for Parking Areas*. Parking areas shall consist of concrete, asphalt, or other impervious materials approved in the city's adopted construction standards.

B. *Maintenance of Parking Areas*. Pavement, striping, landscaping, and lighting are required to be maintained in all parking areas. During times of snowfall, parking areas shall be cleared of snow as soon as is practically possible and otherwise in accordance with this code.

C. *Parking Area Access*. Parking areas for one or more structures may have a common access. The determination of the locations for a common access shall be based upon the geometry, road alignment, and traffic volumes of the accessed road. All structures other than residential are required to provide parking areas wherewith automobiles will not back across a sidewalk to gain access onto a public street.

D. *Lighting in Parking Areas*. Parking areas shall have adequate lighting to insure the safe circulation of automobiles and pedestrians. Such lighting shall be shielded in such a way as to not be a nuisance to, or otherwise adversely affect, adjacent properties or uses.

E. *Location of Parking Areas.* Required off-street parking areas for non-residential uses shall be placed within 600 feet of the main entrance to the building.

F. *Storm Water Runoff*. All parking areas other than single family and two family dwellings shall be reviewed and

approved by the city engineer for adequate drainage of storm water runoff.

19.80.040 Submittal and approval of parking areas.

Plans depicting the parking areas for newly constructed buildings and expanded structures or uses shall be submitted in conjunction with a site plan for all non-residential and multiple family residential development. Single and two-family dwellings may submit a plan with applications for building permits that shows driveways and other areas to be dedicated to parking. All other parking plans shall show the following: the required number of stalls and aisles scaled to the correct dimensions, the correct number of handicapped accessible parking spaces, storm water drainage capabilities, lighting, landscaping and irrigation, and pedestrian walkways.

19.80.050 Assessing parking requirements.

The following criteria shall be used in conjunction with the standards of the ITE Summary of Parking Generation Rates referred to in section 19.80.110 when determining required parking for any project:

A. When a parking requirement is based upon square footage, the assessed parking shall be based upon net square footage of the building or use.

B. When parking requirements are based upon the number of employees, parking calculations shall use the largest number of employees who work at any one shift. Where shifts changes may cause substantial over-crowding of parking facilities, additional stalls may be required.

C. When a development contains multiple uses, more than one parking requirement may be applied.

D. Where no comparative land use standard for parking is found in the publication referenced in Section19.80.110, the city's Development Review Committee or planning commission shall determine an appropriate requirement.

E. Any information provided by the developer relative to trip generation, hours or operation, shared parking, peak demands or other information relative to parking shall be considered when evaluating parking needs.

F. Parking requirements may deviate from the standards contained in section 19.80.110 when the city's Development Review Committee or planning commission determines that the deviation meets the intent of this chapter.

19.80.060 Dimensions for parking stalls.

The dimensions of parking stalls and aisles contained within the parking areas shall be dependent upon the orientation of stalls. The table titled "Dimensions for Parking Stalls and Aisles" under section 19.80.120 details these standards, and any deviation to these standards must be recommended by the city engineer and approved by the planning commission.

19.80.070 Handicapped accessible parking.

A. Handicapped parking stalls shall be provided in off-street parking areas and shall count towards fulfilling the minimum requirements for automobile parking.

B. Handicapped parking stalls shall be located as near as practical to a primary building entrance with access ramps negotiable for equipment used in assisting handicapped persons. A permanently affixed reflective sign and/or surface identification painting depicting

the standard symbol for handicapped parking shall identify each parking stall.

C. The number of handicapped parking stalls shall conform to the minimum requirements of the Americans with Disabilities Act (ADA) and the table detailed in section 19.80.120.

D. The dimensions of handicapped parking stalls shall be thirteen (13) feet by twenty (20) feet or such standard as may be required by the ADA.

19.80.080 Landscaping in parking areas.

The following requirements shall apply to all landscaping of off-street parking areas:

A. *Parking Areas Adjacent to Public Streets.* All parking areas for non-residential or multi-family residential uses, which are adjacent to public streets, shall create a landscaped strip of not less than ten feet in width placed between the sidewalk and the parking area. Trees, both deciduous and evergreen, shall be placed in the strip with spacing of no less than 30-foot intervals.

B. *Curbs*. All landscaped areas abutting any paved surface shall be curbed. Boundary landscaping around the perimeter of the parking areas shall be separated by a concrete curb six inches higher than the parking surface.

C. *Clear Sight*. At intersections of streets, driveways, and sidewalks all landscaping shall be limited to a height of not more than three feet. The grade at such intersections shall not be bermed or raised for a distance of 30 feet at intersections and 15 feet back from driveways to allow for sight distance.

D. *Components of Landscaped Areas.* All landscaped parking areas shall consist of trees, shrubs, and groundcover. Areas not occupied by structures, hard surfaces, vehicular driveways, or pedestrian walkways shall be landscaped and maintained. All landscaped areas shall have an irrigation system.

E. *Required Parking Islands*.

1. Islands on Doubled Rows of Parking. On doubled rows of parking stalls, there shall be one landscaped island measuring 36 feet by 9 feet on each end of the parking rows, plus one landscaped island measuring 36 feet by 9 feet placed at minimum of every 20 parking stalls. Each island on doubled parking rows shall include a minimum of two trees per planter.

2. Islands on Single Rows of Parking. On single rows of parking or where parking abuts a sidewalk, there shall be one landscaped island measuring 18 feet by 9 feet a minimum of every ten stalls. Islands on a single parking row shall have a minimum of one tree planter.

3. Landscaped islands at the ends of parking rows shall be placed and shaped in such a manner as to help direct traffic through the parking area. There shall be a break in parking rows at a minimum of 40 parking stalls for each double row of parking for the purpose of facilitating traffic circulation on the site.

F. *Landscaped Boundary Strips*. All landscaped boundary strips shall be a minimum of five feet in width. A landscaped screen, berming or fence may be required by the planning commission or city council around the perimeter of the parking area to mitigate intrusion of lighting from headlights and other lighting on surrounding property.

G. *Completion of Landscaping*. All landscaping improvements shall be completed in accordance with the approved site plan, landscape-planting plan, and irrigation plan and occur prior to the issuance of a certificate of occupancy for the building. Exceptions may be permitted and certificates of

occupancy issued where weather conditions prohibit the completion of required landscaping improvements. In such cases, an extension period of up to six months is permitted upon posting of a bond for not less than 110% of the value of the landscaping, which shall be held until the requirements of this chapter are met.

H. *Snow Stacking Capacity*. Every parking lot design shall plan for a snow stacking area to accommodate the stacking volume of a one foot snow base over the entire parking lot.

19.80.090 Lighting.

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

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

C. Pedestrian walkways shall be lighted.

D. All lighting next to residential uses, or where the planning commission requires, shall be full-cut-off lighting to reduce light pollution.

19.80.100 Pedestrian walkways & accesses.

Parking lots larger than 75,000 square feet shall provide raised or delineated pedestrian walkways. Walkways shall be a minimum of ten feet wide and shall be placed through the center of the parking area, or any area where pedestrian traffic will be obvious, and extend to the entrance of the building. Landscaped islands along the center walkway shall be placed at a minimum interval of every 30 feet. Landscaped islands are encouraged to be offset from one another to create a feeling of greater coverage. Covered pedestrian walkways may be substituted for tree-lined walkways. Where the developer desires to have a driveway access at the center of the parking area, a pedestrian access shall be placed on either side of the driveway.

19.80.110 Shared parking and curb cuts.

A. Up to 50% of the required parking may be shared with the other required parking areas upon approval by the planning commission. The developer must show:

1. An agreement granting shared parking or mutual access to the entire parking lot.

2. A professional traffic engineer shall provide peak demand data showing that shared parking is feasible.

B. In most cases, shared parking areas shall also share ingress and egress. This requirement may be waived when the city engineer believes that shared accesses are not feasible. In reviewing the site plan, the city engineer shall evaluate the need for limited access, appropriate number of curb cuts, shared driveways or other facilities that will result in a safer, more efficient parking and circulation pattern.

19.80.120 Required parking by land use.

The city adopts the ITE manual of parking generation rates. The city requirement shall be the average rate of parking for the most intense parking period listed in the most current edition of such publication for each land use.

19.80.130 Charts and graphs.

Dimension for Parking Stalls and Aisle

Parking Angle	Stall Width	Stall Length	Aisle Width	Aisle Width*
Parallel	9’	20’		12’
45	9’	18’	25’	14’
60	9’	18’	25’	18’
90	9’	18’	24’	24’

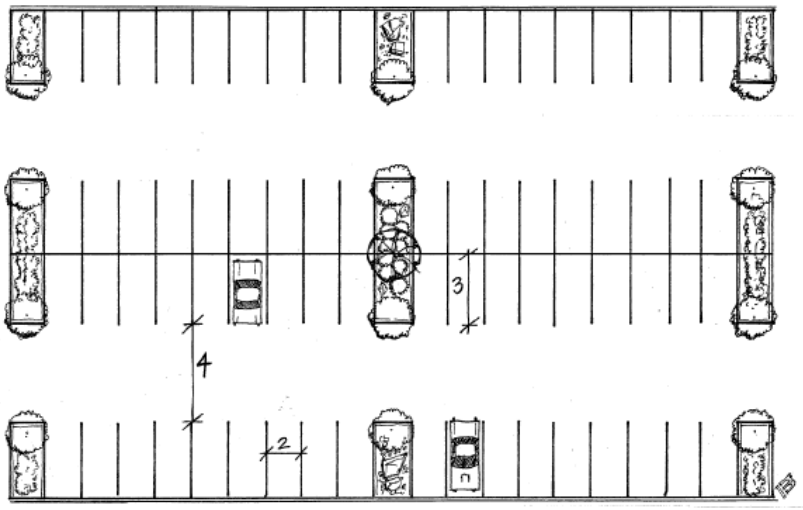
* One-way traffic only

ADA Parking Requirements

Total Parking Stalls in Lot	Minimum Handicapped Accessible Stalls
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-999	2% of Total Stalls
Over 1000	20 Stalls plus 1 stall for every 100 stalls thereof over 1000

Parking stall configuration with illustration

Stall Angle:		0°	30°	45°	60°	90°
2. Stall Width:	9’0”	18’0”	12’9”	10’5”	9’0”	
3. Stall Depth:	22’0”	17’10”	20’7”	21’10”	18’0”	
4. Driveway						
One-way:	12’0”	14’0”	14’0”	18’0”	24’0”	
Two-way:	17’0”	17’0”	17’0”	18’0”	24’0”	



Chapter 19.81
HIGHWAY NOISE ABATEMENT MEASURES

Sections:

19.81.010 Findings.
19.81.020 Purpose of provisions.
19.81.030 Development of property adjacent to certain state highways.
19.81.040 Responsibility of owner or developer.

19.81.010 Findings.

A. The Federal Highway Administration (FHWA) regulation entitled "Procedures for Abatement of Highway Traffic Noise and Construction Noise" (23 CFR 772) provides procedures for noise studies and noise abatement measures to help protect the public health and welfare, supplies noise abatement criteria, and establishes requirements for information to be given to local officials for use in the planning and design of federal-aid highways. The Utah Department of Transportation (UDOT) policy entitled "Noise Abatement" (Policy #08-111), adopted pursuant to 23 CFR 772, addresses highway noise impacts and sets forth conditions under which noise abatement projects may be approved and constructed in the state of Utah with the use of federal-aid highway participation funds.

B. In order for UDOT to obtain participation funds from FHWA for proposed federal-aid highway projects for noise abatement measures on existing highways (known as "Type II Projects"), local authorities are required to take measures "...to exercise land use control over the remaining undeveloped lands adjacent to highways in the local jurisdiction to prevent further development of incompatible activities." 23 CFR 772.19(b).

C. In an effort to prevent future traffic noise impacts on currently undeveloped lands, section 23 CFR 772.15 requires that highway agencies shall inform local officials within whose jurisdiction the highway project is located of the following:

1. The best estimation of future noise levels (for various distances from the highway improvement) for both developed and undeveloped lands or properties in the immediate vicinity of the project;

2. Information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels; and

3. Eligibility for federal-aid participation for Type II Projects as described in section 23 CFR 772.19(b.).

D. In order for city residents to benefit from the development and implementation of Type II Projects for noise abatement along eligible highways within its boundaries, it is found to be in the city's best interests to comply with federal regulation and state policy by adopting this zoning ordinance.

19.81.020 Purpose of provisions.

The ordinance codified in this chapter is enacted for the purpose of promoting the health, safety and general welfare of the citizens of the city by minimizing the potential adverse effects of highway traffic noise and by complying with state and federal requirements for highway traffic noise abatement projects.

19.81.030 Development of property adjacent to certain state highways.

Consistent with the requirements of 23 CFR 772 and UDOT's Noise Abatement Policy #08-111, no remaining undeveloped lands located in the city adjacent to Type II Projects (freeways and expressways) shall be developed for any use or activity which is incompatible with highway traffic noise levels, unless the development of such lands shall include appropriate noise abatement measures determined necessary and appropriate by the city and UDOT. A use or activity shall be deemed incompatible with highway traffic noise levels when a "traffic noise impact" occurs, as determined under the formula set forth in chart 19.81.030.

19.81.040 Responsibility of owner or developer.

The owner or developer of land to be subdivided, improved or developed adjacent to Type II Projects shall be responsible to comply with any and all requirements for noise abatement measures imposed pursuant to the provisions of this chapter. Failure to so comply shall constitute a violation of city ordinance and shall be punishable as a misdemeanor.

Chapter 19.82
SIGNS

Sections

19.82.010 Purpose.
19.82.020 Definitions.
19.82.025 Interpretation.
19.82.030 Monument signs.
19.82.040 Wall signs.
19.82.050 Projecting signs.
19.82.060 Awnings.
19.82.070 Special signs.
19.82.080 Illumination.
19.82.090 Areas of Special Character.
19.82.100 Programs for Signs.
19.82.110 Prohibited signs.
19.82.120 Exempt signs.
19.82.121 Transit facility advertising.
19.82.123 Off-premise electronic display sign overlay zone.
19.82.125 Political signs.
19.82.130 Nonconforming signs.
19.82.140 Permits.
19.82.150 Enforcement.
19.82.160 Severability.
19.82.170 Charts, figures, and graphs.

19.82.010 Purpose.

The purpose of this chapter is to create the framework for a comprehensive and balanced system of signs that will preserve the right of free speech and expression, provide easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this chapter to authorize the use of signs that are:

A. Compatible with their surrounding architecture;

B. Appropriate to the activity that displays them;

C. Expressive of the identity of individual activities and the community as a whole; and

D. Legible in the circumstances in which they are seen.

19.82.020 Definitions.

"*Above-roof sign*" means a sign displayed above the peak or parapet of a building.

"*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.

"*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 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.

"*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.

"*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.

"*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.

"*Bare-bulb illumination*" means a light source that consists of light bulbs with a [20]-watt maximum wattage for each bulb.

"*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 then the premises on which the sign is located.

"*Building*" means a structure having a roof supported by columns or walls.

"*Canopy*": (*See* "awning").

"*Changeable copy*" means a copy that changes at intervals of more than once every 60 seconds.

"*Civic sign*" 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.

"*Convert,*" "converted" and "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.

"*Directional sign*" means a sign at the exit or entrance of a premises that has two or more driveways.

"*Dwell time*" means 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.

"*Electronic display sign*" means 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 micro-processor 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.

"*External illumination*" means illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

"Façade" (s*ee also* "signable area") means the side of a building below the eaves.

"*Facade, blank*" means the side of a building below the eaves that is blank and does not have windows or architectural detail.

"*Flashing illumination*" means 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.

"*Grand opening sign*" means a banner displayed on a premises on which a grand opening is in progress.

"*Ground sign*" means 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.

"*Height*" means the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign.

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

"*Illumination*" or "*illuminated*" means 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.

"*Indirect illumination*" means a light source not seen directly.

"*Inflatable sign*" means any advertising devise, which is supported by heated or forced air, or lighter-than-air gases.

"*Internal illumination*" means a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

"*Item of information*" means (1) a syllable of a word, an initial, logo, abbreviation, number, symbol, or geometric shape; (2) a word, logo, abbreviation, symbol, or geometric shape.

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

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

"*Movement*" (*see also* "animation") means physical movement or revolution up or down, around, or sideways that changes at intervals of less than 60 seconds.

"*Multi-use building*" means a building consisting of two or more separate commercial uses.

"*Name-plate sign*" means 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.

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

"*Nonconforming sign*" means 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.

"*Off premise sign*" (*see also* "billboard") means 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.

"*Off premise electronic display sign*" or "*OPEDS*" means off-premise electronic display sign(s) (whether singular or plural, as the context requires).

"*OPEDS zone*" means the off-premise electronic display sign overlay zone pursuant to section 19.82.123 of this chapter.

"*Pole sign*" means 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.

"*Political sign*" means a temporary sign identifying and urging voter

support for a particular election issue, political party, or candidate for public office.

"*Portable sign*" means a sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

"*Premises*" means the lot or lots, plots, portions, or parcels of land considered as a unit for a single use or development, whether owned or leased, and not located in a shopping center or multi-use building.

"*Projecting sign*" means a sign attached to and projecting from the wall of a building and not in the same plane as the wall.

Projecting Sign

"*Property sign*" means an on premise sign that states the rights that the owner of that property wishes to enforce, such as no dumping, or no trespassing.

"*Public information sign*" means 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 non-commercial, 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.

"*Real estate sign*" means 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.

"*Right-of-way*" means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, alley, trail, water line, sanitary sewer, and/or other public utilities or facilities.

"*Roof sign*" (*see also* "above-roof sign") means a sign that is displayed above the eaves and under the peak of a building.

"*Shopping center*" means a commercial development under unified control consisting of four or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.

"*Sign*" means 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.

"*Signable area for projecting signs and awnings*" means 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.

"*Signable area for wall signs*" means 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.

"*Size*" means 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 one-half the area of the two faces.

"*Snipe sign*" means an off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

"*Special sign*" means a sign, other than a ground or wall sign, regulated by this title.

"*Structure*" means anything built that requires a permanent location. This term includes a building.

"*Temporary window sign*" means a window sign displayed for a limited period of time.

"*Time and temperature sign*" means a sign devoted exclusively to the display of the current time and temperature.

"*Twirl time*" means 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.

"*Vehicle sign*" means 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.

"*Wall sign*" means a sign painted on or attached to a wall of a structure and in the same plane as the wall.

"*Wind sign*" means 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.

"*Window sign*" means a sign applied, painted or affixed to or in the window of a building. A window sign may be temporary or permanent.

19.82.025 Interpretation.

A. Properties divided by public streets are not adjacent.

B. The sign requirements contained in this chapter are declared to be the maximum allowable.

C. Sign types not specifically allowed as set forth within this chapter shall be prohibited.

D. Where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.

19.82.030 Monument signs.

A. *Where permitted***.** A premises may display one monument sign on each street or highway on which it has frontage in the following zoning districts:

1. NC zone
2. CR zone
3. O-R-D zone
4. PF zone

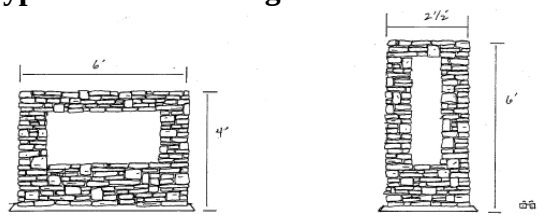
B. *Size, setback, and height regulations***.** Monument signs must

comply with the size, setback, and height regulations contained in Chart 19.82.03-01.

C. *Shopping centers*. A shopping center may display one monument sign at each exit and entrance. Occupants within a shopping center may not display monument signs individually.

D. *Public information signs*. Notwithstanding anything in this chapter to the contrary, public information signs are a conditional use in the PF zone and may be constructed to a maximum height of 18 feet. The base, or support structure, of the public information sign shall be designed to be no less than one-half (1/2) the width of the advertising portion of the sign. The maximum width of the advertising portion of any public information sign is 12 feet, and the maximum allowable area of the advertising portion of any public information sign is 90 square feet. The copy or image on any public information sign with changeable copy or moveable images (via LED lighting or other technology) shall not move more than once per minute. With the exception of lighted signs deemed necessary to protect public safety (such as Amber Alerts, speed limit LED signs, UDOT advisory traffic signs, etc.), the hours of illumination and operation of any public information sign shall be limited to 7:00 a.m. to 10:00 p.m. daily.

Typical monument signs:



E. *Multi-use buildings***.** A multi-use building may have one monument sign facing each street or highway on which the building has frontage.

F. *Landscaping***.** A landscaped area located around the base of the monument sign equal to 2.5 square feet for each square foot of monument sign area, is required for all monument signs. The landscaped area shall contain living landscape material consisting of shrubs, perennial ground cover plants, or a combination of both, placed throughout the required landscape area having a spacing of not greater than two feet on center. Where appropriate, the planting of required deciduous or evergreen trees, installed in a manner that frames or accents the monument sign structure is encouraged.

Example of adequate landscaping to frame a sign:

19.82.040 Wall signs.

A. *Where permitted*. In the following zoning districts, a premises, and each occupant of a shopping center or multiuse building, may display wall or signs on walls adjacent to each street or highway on which it has frontage:

1. NC zone
2. CR zone
3. O-R-D zone
4. PF zone

B. *Signable area designation***.** The person displaying the sign shall select one signable area on each facade of the building that has frontage on a street or

highway. As used in this subsection, a "signable area" is an 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

Signable area measured for a wall sign:

C. *Sign structure or sign display area allowed***.** The aggregate area of the wall signs displayed on a premises shall not exceed the following percentages of the signable area:

1. No signable area for any use in city shall exceed 15% of the aggregate area of the wall where a sign is to be located, and in no case shall a wall sign exceed six feet in height.

D. *How displayed***.** The sign structure or sign display area may be displayed as one or divided among two or more wall signs.

E. *Additional limitations***.** Wall signs may be attached to or pinned away from the wall, but must not project from the wall by more than 12 inches and must not interrupt architectural details. Cabinet signs are not permitted as wall signs in the city.

19.82.50 Projecting signs.

A. *Where permitted***.** A premises, and each occupant of a shopping center or multi-use building, may display one projecting sign on each street or highway frontage in the following zoning districts:

1. NC zone
2. CR zone
3. O-R-D zone
4. PF zone

B. *Size of projecting signs***.** Projecting signs must comply with the size regulations contained in Chart 19.82.05-01. Projecting and marquee signs shall not project above the roofline or 18 feet, whichever is lower.

C. *Signable area***.** Any signable area selected for display as a projecting sign shall not exceed, and shall be subtracted from, the signable area allocated to wall signs permitted for each premises.

D. *Additional limitations***.** The following additional limitations apply to projecting signs:

1. Projecting signs must clear sidewalks by at least eight feet and may project no more than four feet from a building or one-third the width of the sidewalk, whichever is less.

2. Projecting signs must be pinned away from the wall at least four inches and must project from the wall at an angle of 90 degrees.

3. Angular projection from the corner of a building is prohibited.

19.82.060 Awnings.

A. *Where permitted***.** A premises, and each occupant of a shopping center or multi-use building, may display awnings on each street or highway frontage in the following zoning districts:

1. NC zone
2. CR zone
3. O-R-D zone
4. PF zone

B. *Signable area***.** A sign may be displayed on one signable area selected for display on an awning. It shall not exceed 30% of the area of the principal face of the awning and shall be subtracted from the signable area selected for wall signs permitted for each premises and each occupancy under section 19.82.04.

C. *Height and width***.** Awnings must clear sidewalks by at least eight feet and may project no more than the width of the sidewalk.

19.82.070 Special signs

A. *Grand opening or going out of business signs***.** A premises, or an occupant of a shopping center or multi-use building, may display one grand opening or going out of business sign, not exceeding 20 square feet in area or six feet in height, for no more than 20 days during any 12 consecutive calendar months, and must be licensed to do so by the city.

B. *Window signs***.** A premises, or an occupant of a shopping center or multiuse building, may display permanent window signs not to exceed 15% of the window area of the facade of the building; and temporary window signs, not to exceed an additional 15% of the window area of the facade of the building, for no more than 30 days during any 12 consecutive calendar months.

C. *Directional signs***.** A premises, or an occupant of a multi-use building, may display one directional sign at each entrance to or exit not more than six square feet on two-lane streets or highways and on any highway with a posted travel speed less than 35 miles per hour, and not more than four square feet on multi-lane roads and on any highway with a posted travel speed greater than 35 miles per hour.

19.82.080 Illumination and movement.

A. *Flashing, illumination and movement prohibited***.** A sign may not be animated or have flashing illumination. Except for OPEDS under section 19.82.123, public information signs under subsection 19.82.030(D), and time and temperature signs, a sign may not have changeable copy.

B. *Illumination requirements***.** A permanent sign may be non-illuminated, illuminated by internal, internal indirect or external indirect illumination. Signs that are externally lit shall be illuminated only with steady, stationary, down-directed, and shielded light sources directed solely onto the sign.

C. *Glare***.** Any lighting fixture on a sign that is located within ten feet of a property line of a residential zoning district or an existing residential use, or within ten feet of a public right-of-way, except as permitted by this ordinance, shall be:

1. Aimed away from the property line, residential use, or zoning district, or public right-of-way;
2. Classified as full cut-off lighting, or;
3. Shielded on the side closest to the property line, residential use, zoning district, or public right-of-way.

19.82.090 Areas of Special Character.

A. *Designation***.** This chapter cannot adequately regulate all signs in an area as diverse as the city. The city council may therefore designate any geographical areas as Areas of Special Character.

B. *Zoning map***.** The city's zoning map shall show the boundaries of all designated Areas of Special Character.

C. *Special regulations***.** The city council shall adopt special regulations for signs in Areas of Special Character that shall be consistent with the nature of the Area of Special Character.

D. *Effect of special regulations***.** Special regulations for Areas of Special Character shall supersede and may be either more or less restrictive than the regulations for signs contained in title.

E. *Sign plan for Areas of Special Character***.** The planning commission may approve a sign plan for an Area of Special Character. The sign plan shall contain visual representations of the lettering, illumination, color, area and height of signs and may also indicate the area and buildings where they may be placed and located. The sign plan may also contain special regulations authorizing the display of signs in the Area of Special Character. The special regulations may incorporate by reference the visual representation of signs in the sign plan. The planning commission may approve a sign plan if the signs illustrated in the plan and authorized by any special regulations included in the plan are consistent with the purposes of this title and the character of the Area of Special Character. An approved sign plan shall supersede and may be either more or less restrictive than the regulations contained in this title.

F. *Programs for Signs***.** The planning commission may approve a Program for Signs in an Area of Special Character.

19.82.100 Programs for Signs.

A. *Purpose***.** A Program for Signs is a creative incentive for a unified visual statement that integrates the design of signs with the design of the building on which they will be displayed and with the surrounding area.

B. *When allowed***.** The owners of one or more adjacent premises, or one or more occupants of a shopping center or multi-use building, not located in an Area of Special Character, may submit a Program for Signs to the planning commission that need not comply with some or all of the requirements of this ordinance. The Program for Signs shall contain a visual representation of the lettering, illumination, color, size, height, placement, and location of the signs proposed for display

C. *Standards for approval***.** The planning commission may approve a Program for Signs if the signs visually represented in the program are:

1. Consistent with the purposes of this chapter; and

2. Compatible with the theme, visual quality, and overall character of the surrounding area or an Area of Special Character, if the signs included in the Program for Signs are located in such an area; and;

3. Appropriately related in size, shape, materials, lettering, color, illumination, and character to the function and architectural character of the building or premises on which they will be displayed, and are compatible with existing adjacent activities.

D. *Display of signs***.** A premises or occupancy for which a Program for Signs has been approved by the planning commission may only display signs that comply with the approved program, which shall supersede and replace the regulations for signs in this ordinance.

19.82.110 Prohibited signs.

The following signs are prohibited in the city:

A. Signs which by color, location, or design resemble or conflict with traffic control signs or signals;

B. Signs attached to light poles or standards;

C. Portable signs;

D. Above-roof signs;

E. Inflatable signs;

F. Any unlicensed temporary sign;

G. Vehicle signs;

H. Any sign (whether a monument sign, wall sign, projecting sign, or any other type of sign) which flashes, blinks, uses chaser lights or has animation, movement, changeable copy or other moveable images or lettering (via LED lighting or any other technology); provided, however, that the following signs may be permitted as conditional uses subject to compliance with the other requirements of this chapter:

1. Time and temperature signs;

2. Public information signs; and

3. OPEDS converted from existing, nonconforming off-premises signs in the OPEDS zone, as provided in section 19.82.123, below; or

I. Roof signs;

J. Snipe signs;

K. Wind signs;

L. Off premise signs, including, without limitation:

1. Billboards; and

2. Electronic display signs, except as provided in section 19.82.123, below; or

M. Pole signs;

N. Cabinet signs, except as allowed herein; and

O. Any sign in the right-of-way which has not been licensed by the city, including, without limitation, any so-called "bus bench" signs.

19.82.120 Exempt signs.

The following signs are exempt from the regulations contained in this chapter:

A. Signs required by law.

B. Any sign of information integrated into or on a coin-operated machine, vending machine, gasoline pump, or telephone booth.

C. Real estate signs, one per property. The real estate sign shall not exceed six feet in height and nine square feet.

D. Property signs.

E. Name plate signs.

F. Civic signs.

19.82.121 Transit facility advertising.

Advertising on public transit (bus) benches and shelters in the city is prohibited; provided, however, that nothing in this code shall prohibit the city from maintaining public, or public-interest, notices on any city-owned public transit facilities in the city.

19.82.123 Off-premise electronic display sign overlay zone.

A. *Establishment*. The OPEDS overlay zone is established to provide areas of the city in which existing, nonconforming off-premise signs which are located in such zone as of 20 November 2012 may be converted into OPEDS as a conditional use.

1. Billboards and other off-premise signs may not be converted into electronic display signs in any location outside the OPEDS zone.

2. Except as otherwise provided in this section for the conversion of

existing, nonconforming off-premises signs to off-premise electronic display signs in the OPEDS zone, all OPEDS are prohibited.

3. The location of the OPEDS zone is shown on Map 19.82.123.

B. *Purposes*. Purposes of this section include, without limitation:

1. Allowing for appropriate off-premise electronic signage which uses clear, attractive graphics to highlight goods and services;

2. Protecting the street views and vistas of pedestrians and motorists;

3. Protecting and shielding pedestrians and motorists from distractions of excessive motion, illumination and other safety hazards;

4. Protecting residents from glare and excessive illumination;

5. Providing clear standards for the design, installation and use of off-premise electronic display signs in the OPEDS zone; and

6. Otherwise promoting and protecting the public health, safety, welfare and convenience by regulating the off-premise electronic display signs enabled by this section.

C. *Conditional use permit required*. The owner of any off-premise sign shall be required to obtain a conditional use permit pursuant to chapter 19.84 of this title before converting that off-premise sign to an OPEDS.

D. *Standards*. Subject to any contrary provisions of applicable state or federal law, all OPEDS shall meet the following standards:

1. No OPEDS may be larger in width, height or display/signable area than the off-premise sign from which it was converted.

2. The text, images and graphics on an OPEDS shall be static and complete within themselves, without continuation in content to the next image or message or to any other sign. Serial messages that require multiple passes or multiple signs to comprehend the message are prohibited.

3. All text and images must be of a size and shape to not cause drivers to reduce speed or become unreasonably distracted in order to comprehend the message. The city's focus under this subsection D(3) shall be the method (in terms of letter size and other quantifiable physical attributes) used to convey a message on an OPEDS rather than the content of such message.

4. Each electronic display area capable of showing a separate electronic message shall be considered to be a separate OPEDS, including those sharing the same support structure.

5. OPEDS shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade in or fade out or any other imitation of movement or motion, or any other means not providing constant illumination.

6. The dwell time for each message on an OPEDS shall be at least eight seconds, such that each message shall be illuminated and static for at least eight seconds before transitioning to a new static display.

7. The transition from one static display to another must be effectively instantaneous, with a twirl time not exceeding .25 second.

8. Every OPEDS shall be equipped with a mechanism that automatically controls the sign's display period at all times as provided in this section.

9. OPEDS shall comply with the following illuminance requirements:

(a) No OPEDS shall cause illuminance in excess of three-tenths (0.3) foot candle above ambient light as measured perpendicular to the OPEDS's electronic sign face at a distance in feet calculated by taking the square root of the product of the following:

(i) the area of the OPEDS's electronic sign face measured in square feet; and

(ii) 100.

For example, if the OPEDS's electronic sign face measures 14' x 48', then the illuminance caused by such use could not exceed three-tenths (0.3) foot candle above ambient light at a perpendicular distance of 259 feet from the OPEDS's sign face.

(b) Every OPEDS shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's illuminance as provided above in direct correlation with natural ambient light conditions at all times.

10.

(a) An otherwise compliant OPEDS may not be illuminated, lit or operated between 11:00 p.m. and 6:00 a.m. if it is located within 600 feet of any property zoned or occupied for a residential use unless the owner or operator of the OPEDS establishes, in the conditional use approval process, that at least one of the following conditions will exist:

(i) The illumination caused by the OPEDS does not exceed one-tenth (0.1) foot candle onto any property zoned or occupied for a residential use; or

(ii) The illumination caused by the OPEDS does not exceed the illumination caused by the predecessor (non-OPEDS) sign as of 23 May 2012, and that the text, image and graphics of the OPEDS will remain static between 11:00 p.m. and 6:00 a.m.

(b) The conditions in subsections (a)(i) and (a)(ii), above, are not applicable to the extent that the message is an emergency public safety warning or alert, such as an "Amber Alert."

(c) Continuous compliance with the illumination limits of subpart (10)(a), above, shall be a condition of approval of any OPEDS located within 600 feet of any property zoned or occupied for a residential use.

11. OPEDS may not be located closer than 800 linear feet from any other OPEDS; subject to the following clarifications applicable to off-premise signs with two or more sign faces sharing the same support structure:

(a) Both sign faces of the same "double-sided" off-premise sign (i.e.—off-premise sign faces mounted on opposite sides of the same support structure, so that both sign faces are effectively not visible at the same time from any vantage point, as reasonably determined by the city) may be converted to OPEDS;

(b) Only one sign face of the same "layered" off-premise sign(s) (i.e.—two or more off-premise signs mounted in vertical tiers on the same support structure, so that such sign faces are effectively visible at the same time from any vantage point, as reasonably determined by the city) may be converted to an OPEDS; and

(c) Only one sign face of the same "side-by-side" off-premise sign(s) (i.e.—two or more off-premise signs mounted horizontally on the same support structure, so that such sign faces are effectively visible at the same time from any vantage point, as

reasonably determined by the city) may be converted to an OPEDS.

12. The following certifications are additional conditions of approval or continuation of any OPEDS:

(a) Within ten calendar days after an OPEDS is first placed into service, a written certification shall be submitted to the city from the owner/applicant that the sign has been tested and complies with the motion, dwell time, twirl time, illuminance and other requirements of this section.

(b) Based on complaints received, or for other reasonable cause, the city may from time to time require the owner or operator of an OPEDS to provide, within ten calendar days after receipt of the city's written request, an updated written certification that the sign has been re-tested and has been repaired or modified, as necessary, to comply with the requirements of this section.

(c) The city also may, at its option, from time to time verify an OPEDS's compliance with the requirements of this section, including by selecting and engaging qualified experts to measure the sign's illuminance. If the city reasonably determines that an OPEDS is not in compliance with such requirements, then the owner or operator of the sign shall correct the noncompliance within ten calendar days after written notice from the city, and shall reimburse all of the city's costs reasonably incurred in connection with such determination.

13. Any OPEDS not conforming to the requirements of this section is prohibited.

14. This section shall not be deemed to authorize, or allow application for, any additional billboards or other off-premise signs in the city beyond those billboard or other off-premise signs existing within city's boundaries as of its incorporation on 15 January 2005.

19.82.125 Political signs.

A. Except as otherwise specified in this code or other applicable law, neither political signs nor any other type of sign may be placed in the public right-of-way or on any other public property under the city's ownership or control.

B. Unless otherwise allowed by federal or state law, political signs shall not be located within 150 feet of any polling location.

C. Except as otherwise specified in this code or other applicable law, neither political signs nor any other type of sign shall be located so as to adversely affect "clear view" or other public safety standards.

D. Political signs, and every other type of sign, shall comply with all other legal requirements.

19.82.130 Nonconforming signs.

Subject to UTAH CODE ANN. 10-9a-511 to -513, as amended:

A. *Change and modification***.** A nonconforming sign or sign structure shall be brought into conformity with this title if it is altered, reconstructed, replaced, or relocated. A change in copy is not an alteration or replacement for purposes of this subsection.

B. *Maintenance***.** Nonconforming signs must be maintained in good condition in accordance with this chapter. Maintenance means replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state. Maintenance is not a change or

modification prohibited by subsection (A), above.

C. *Removal***.** Removal of a nonconforming sign or replacement of a nonconforming sign with a conforming sign is required when:

1. A nonconforming sign, or a substantial part of a nonconforming sign, is voluntarily taken down, altered, or removed. As used in this subsection, "substantial" means 50% or more of the entire sign structure; or

2. The condition of the nonconforming sign or nonconforming sign structure has deteriorated to a condition that is rendered reasonably unusable and is not restored or repaired within one year after written notice from the city to the property owner; or

3. The use of the nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of at least one year. An intent to abandon is not required as the basis for removal under this subsection.

D. *Sign permit***.** Any permit issued for a sign under this chapter shall require that any nonconforming sign displayed on the premises for which the permit is issued shall be modified or removed to conform to the provisions of this chapter.

E. *Development permit***.** Any building permit that authorizes the development of a premises, any building addition, an increase in gross floor area of 25% or more, or any exterior structural remodeling of a building facade on which a nonconforming sign is located, shall require all nonconforming signs on the premises for which the building permit is issued to be brought into conformity with the provisions of this title.

F. *Separation***.** No sign that is nonconforming solely because it violates a requirement for the spacing of signs shall be required to eliminate that nonconformity if compliance with the spacing regulation on the premises is not possible.

19.82.140 Permits.

A. *Permit required***.** No person shall erect, convert or display a sign unless the department has issued a permit for the sign or this section exempts the sign from the permit requirement.

B. *Application***.** A person proposing to erect, convert or display a sign shall file an application for a permit with the department. The application shall contain the following:

1. The name, address, and telephone number of sign contractor and the owner and occupant of the premises where the sign is to be erected, converted or displayed; the date on which it is to be erected, converted or displayed; the zoning district and the Area of Special Character, if any, in which it is located; and any variance that has been approved.

2. A color drawing to scale that shows:

1. All existing signs displayed on the premises;

2. The location, height, and size of any proposed signs;

3. The items of information proposed to be displayed; and

4. The percentage of the signable area covered by the proposed signs. This information is not required if a Program for Signs has been approved for the premises or occupancy on which the sign will be erected or displayed if

the approved Program for Signs is attached to the application.

3. Specifications for the construction or display of the sign and for its illumination and mechanical movement, if any, are to be provided.

C. *Review and time limits***.** The department shall promptly review the application upon the receipt of a completed permit application and upon payment of the permit fee by the applicant. The department shall grant or deny the permit promptly.

D. *Approval or denial***.** The department shall approve a permit for the sign if it complies with the building, electrical or other adopted codes of the city with:

1. The regulations for signs contained in this chapter and any variance that has been granted from these regulations;

2. Any special regulations that have been adopted for an Area of Special Character; and

3. Any Program for Signs that has been approved under this chapter. If the department does not approve a permit for the sign, the department shall state the reasons for the denial in writing, and shall mail a certified copy of the reasons for denial to the address of the applicant stated on the application.

E. *Appeals***.** Any applicant who is denied a permit for the display of a sign may file a written appeal to the director within ten days after receipt of the written copy of the denial.

F. *Fees***.** The fees for permit applications shall be as specified in the city's consolidated fee schedule.

G. *Exemptions***.** The following signs are exempt from the permit requirement:

(a) A sign specifically exempted from the provisions of this chapter.

(b) A temporary window sign.

(c) A sign that is a permanent architectural detail of a building.

H. Conditional use permits. If this chapter requires issuance of a conditional use permit in connection with the erection, conversion or display of a sign, then application, processing, approval/denial, appeal, etc. for such shall be as provided in chapter 19.84 and any applicable provisions of this chapter, as reasonably determined by the city.

19.82.150 Enforcement.

A. *Enforcement official*. The director, or his designee, shall have the authority to enforce this chapter and to make all related inspections. Appeals of decisions under this chapter shall be to the board of adjustment.

B. *Removal of signs*.

1. Authority. The director is hereby authorized to require removal of any illegal sign and to commence an action to enjoin erection of any illegal sign.

2. Notice. Before bringing action to require removal of any illegal sign, the director, or his designee, shall give written notice to the owner of the sign or the owner of the premises on which such sign is located. The notice shall state the violation charged, and the reasons and grounds for removal, specifying the deficiencies or defects and specify that the sign must be removed or made to conform with the provisions of this chapter within the notice period provided below.

3. Service of notice shall be made personally on the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit, county records, or the last known address.

4. Notice period.

(a) The notice period for permanent signs shall be ten days.

(b) The notice period for temporary signs shall be three days.

5. Re-erection of any sign or substantially similar sign on the same premises after a notice of violation has been issued shall be deemed a continuation of the original violation.

6. Prosecution. If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the director that the sign has been removed or brought into compliance with the provisions of this chapter by the end of the notice period, then the director shall certify the violations to the city prosecutor for prosecution.

7. Removal. The director may cause the removal of any illegal temporary sign which is maintained or re-erected after the expiration of the notice period, if the owner or lessee of the premises has been issued a notice of violation at least once before for the same violation involving the same or similar sign.

8. Safety hazard. Notwithstanding anything to the contrary in this chapter, the director may cause the immediate removal or repair (without notice to the owner of the sign, or the property on which it is located) of any unsafe or defective sign or signs that create an immediate hazard to persons or property.

9. Costs of removal. The costs of removal of a sign by the city shall be borne by the owner of the sign and of the property on which it is located, and the city may bring an action for recovery of any such expenditures.

C. *Liability for damages*. This chapter shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm, or corporation, which erects or owns any sign, for personal injury or property damaged caused by the sign; nor shall this chapter be construed to impose upon the city, its officers, or its employees, any responsibility or liability by reason of the approval of any sign under the provisions of this chapter.

19.82.160 Severability.

The invalidation of any section, subsection, clause, or phrase of this chapter by any court of competent jurisdiction shall not affect the validity of the remaining portions of this chapter.

19.82.170 Charts, figures, graphs and maps.

(a) Chart 19.82.03-01

Monument Signs

District	Type of Sign	Signable Area	Max. Height of Sign	Sign Setback
NC - Neighborhood Comm.	Monument	36 square feet	6 feet (including pedestal)	18 inches
CR - Regional Comm.	Group Monument	96 square feet	10 feet (including pedestal)	24 inches
PF - Public Facilities	Monument	36 square feet	6 feet (including pedestal)	18 inches
	Group Monument	48 square feet	6 feet (including pedestal)	18 inches
ORD - Office	Monument	36 square feet	6 feet (including pedestal)	18 inches
	Group Monument	48 square feet	6 feet (including pedestal)	18 inches
ORD - Office/Resarch Park	Monument	64 square feet	8 feet (including pedestal)	24 inches
	Group Monument	96 square feet	10 feet (including pedestal)	24 inches

(b) Chart 19.82.05-01

Projecting Signs

District	Type of Sign	Signable Area	Height of Sign
NC -Neighborhood Comm.	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
CR - Regional Comm.	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
PF - Public Facilities	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
ORD - Office	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
ORD - Office/Research Park	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.

(c) Map 19.82.123

(OPEDS overlay zone map is on file with City).

Chapter 19.83
WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

19.83.010 Purpose.
19.83.020 Definitions.
19.83.030 Applicability; Exceptions.
19.83.040 Site location master plan.
19.83.050 Allowable uses.
19.83.060 General provisions applicable to wireless telecommunication facilities.
19.83.070 Facility types and standards.
19.83.080 Sites in the sensitive lands overlay zones.
19.83.090 Additional conditional use requirements.
19.83.100 Accessory buildings.
19.83.110 Antennas located on utility poles.
19.83.120 Co-locations.
19.83.130 City's consultants and experts; Reimbursement by applicant.
19.83.140 Abandonment of facilities.
19.83.150 Protection of public safety.
19.83.160 Rules and regulations.
19.83.170 Severability.

19.83.010 Purpose.

The city finds that wireless telecommunications facilities may pose significant concerns to the health, safety, welfare, character and environment of the city and its inhabitants, and that the Telecommunications Act of 1996 and related authorities confirm the city's authority concerning the placement, construction (including height) and modification of such facilities. The purpose of this chapter is to establish general requirements for the sitting of wireless telecommunications facilities. The intent of this chapter is to protect the health, safety and welfare of the city and its inhabitants by:

A. Encouraging the location of such facilities in nonresidential areas;

B. Minimizing the total number of monopole facilities in the community;

C. Encouraging the joint use of new and existing wireless telecommunication sites;

D. Encouraging providers to locate wireless telecommunication facilities where the adverse impact on the community is minimal;

E. Encouraging such providers to use innovative design to minimize adverse visual impact;

F. Enhancing the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;

G. Requiring the use of stealth wireless telecommunication facilities wherever possible to prevent adverse aesthetic impacts on the city.

19.83.020 Definitions.

As used in this chapter:

"*Antenna*" means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

"*Lattice tower*" means a self-supporting multiple sides, open steel frame structure used to support telecommunications equipment.

"*Monopole facility*" or "monopole" means an antenna or series of individual antennas mounted on a single cylindrical pole. Also includes associated equipment. For the purposes 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.

"*Roof mounted facility*" means 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.

"*Stealth facility*" means 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.

"*Wall mounted facility*" means an antenna or series of individual antennas mounted against the vertical wall of a building or structure. Also includes associated equipment.

"*Wireless telecommunications facility*" means 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.

19.83.030 Applicability; Exceptions. A. *Applicability*. The requirements of this chapter apply to both commercial and private wireless telecommunications services such as "cellular" or "PCS" (personal communications services) communications and paging systems. All Facilities shall comply with the following regulations and all other ordinances of the city and any pertinent regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).

B. *Exceptions*. The following are exempt from the provisions of this chapter:

1. Emergency wireless telecommunication facilities for emergency communications by public officials.

2. Amateur (ham) radio stations licensed by the FCC.

3. Parabolic antenna less than seven (7) feet in diameter that is an accessory to the main use of the property.

4. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no increase in the height of the facility or other material change in the other dimensions or aspects of the facility.

5. An antenna that is an accessory use to a residential dwelling unit.

C. *Other types of equipment*. Antennas, communications facilities, or communications equipment not defined or regulated by this chapter are prohibited in all zones within the city.

19.83.040 Site location master plan.

A site location master plan shall be submitted by each applicant desiring placement of wireless telecommunication facilities within the city. The master plan shall be submitted to the director prior to processing any permits for permitted or conditional use locations. The master plan shall include inventory of existing and anticipated sites for the

city and within one mile of the city's boundaries, as well as the current name and address of the facility owner and an emergency telephone number for each facility. In order to facilitate expert analysis of the application by the city's experts and consultants, the master plan also shall indicate area coverage, if known, location, antenna height above existing grade, and antenna type for each site and be updated upon request from the department. Every master plan shall be considered proprietary information that constitutes protected records under the Government Records Access and Management Act, UTAH CODE ANN. 63-2-101, *et seq*.

19.83.050 Allowable uses.

The uses specified in Chart 19.83.050 are allowed, provided that they comply with all requirements of this chapter.

19.83.060 General provisions applicable to wireless telecommunication facilities.

A. *Building permit required*. No wireless telecommunications facility shall be constructed unless a building permit is obtained from the city following payment of all applicable fees.

B. *Compliance with other laws*. All communications facilities shall be built and operated so as to be in compliance with all applicable rules, regulations, standards and laws of any body or agency with jurisdiction. Specifically included in this requirement are any rules and regulations regarding lighting, security, electrical and RF emission standards.

C. *Engineering review*. Each application for a permit to construct a facility shall be accompanied by a certificate from a licensed professional engineer certifying that the design of the facility meets all applicable standards for the facility, including, but not limited to: electrical safety, material and design integrity, seismic safety, etc. For communications towers, the professional engineer shall also certify that the tower meets acceptable design criteria or standards to withstand wind and other weather damage. In all cases, the certification shall indicate whether or not the facility will interfere with any other communications service.

D. *Interference with other communications*.

1. No permit to construct a wireless telecommunications facility shall be approved if the operation of the facility will interfere with emergency or airport communications.

2. Wireless telecommunications facilities shall be located and operated in such a manner as to minimize or eliminate interference with other communications, including, without limitation, emergency, airport, commercial, private, and governmental communications.

E. *Accessory buildings*. Accessory buildings or facilities must comply with required setback, height, and landscaping requirements of the zoning district in which they are located. All power lines on the lot to the building and the communications facility shall be underground.

F. *Fencing required*. To discourage trespass on the facility and to prevent climbing on any structure by trespassers, free-standing communications facilities shall be surrounded by a fence that is at least six feet high, and constructed out of a material appropriate to the location of the facility, as approved by the director; provided, however, that the director may waive or reasonably modify the requirement for fencing around certain stealth facilities (such as flagpoles, rocks

or trees) in situations where such standard fencing is deemed unnecessary for public health and safety. Antennas that are roof or wall mounted shall be secured from access in a manner appropriate to the location.

G. *Removal of climbing pegs*. Climbing pegs shall be removed from the lower twenty (20) feet of all monopoles and other communications towers.

H. *Aircraft and airport safety*. All communications facilities shall comply with applicable laws, regulations, and approvals regarding aircraft and airport operations.

I. *FCC license required*. No application for a building permit to construct or install a facility, and no application for a conditional use permit to construct or install a facility, shall be processed by the city unless the applicant provides proof of each proposed carrier's current license from the FCC to operate as a telecommunications carrier.

J. *Business license required*. A city business license shall be required for each wireless telecommunications carrier using a wireless telecommunications facility located in the city. As a condition of issuance of such a business license, the carrier shall certify to the city each wireless telecommunications facility it is actively using in the city by type and location, and shall provide to the city such emergency contact information as the city reasonably may request for each such facility. Failure to obtain or maintain in effect such a business license for a period of six months or more shall constitute grounds for deemed abandonment of such wireless telecommunications facility.

K. *Color*. The wireless telecommunications facility shall be constructed with materials and colors that match or blend with the surrounding natural or built environment to the greatest extent practicable. Unless otherwise required, muted colors, earth tones and subdued hues shall be used. The color shall be determined on a case-by-case basis by the planning commission for conditional uses and by the department for permitted uses. On no more than one occasion within six months after the facility has been constructed, the planning commission or the department may require the color be changed if it is determined that the original color does not blend with the surroundings.

L. *Height.* Height shall be measured from the surrounding natural grade.

19.83.070 Facility types and standards.

Wireless telecommunications facilities are characterized by the type and location of the antenna structure. There are four general types of antenna structures: wall mounted; roof mounted; monopoles; and lattice towers. Standards for the installation of each type of antenna are as follows:

A. *Wall Mounted Antenna*. The following provisions apply to wall mounted antennas:

1. Stealth wall mounted antennas shall be required to the greatest extent possible based on wireless telecommunications best practices at the time of application, and shall not vary from the provisions of bulk, massing, and height requirements under this code for structures in the zone where the facility is proposed.

2. Wall mounted antennas shall not extend above the wall line of the building or structure or extend from the face of the building or structure more than two feet.

3. Non-stealth antennas, equipment

and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Non-stealth antennas and the supporting structures on buildings should be architecturally compatible with the building.

4. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures, shall be considered a wall mounted antenna.

B. *Roof Mounted Antenna*. The following provisions apply to roof mounted antennas:

1. Stealth roof mounted antennas shall be required to the greatest extent possible based on wireless telecommunications best practices at the time of application, and shall not vary from the provisions of bulk, massing, and height requirements under this code for structures in the zone where the facility is proposed, unless additional height is approved by the planning commission pursuant to section 19.76.200 of this title.

2. Roof mounted antennas shall be allowed so long as they are completely enclosed within an architecturally compatible, approved housing or they comply with the following requirements:

(a) Setback. Non-stealth antennas shall be mounted at least ten (10) feet from the closest exterior wall or parapet wall of a building or structure.

(b) Height. The height shall be measured from the top of the antenna to the roofline of the building or structure, or to the top of the closest parapet wall if a parapet wall exists. For antennas mounted between ten and 14 feet from the closest exterior wall or parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from such exterior wall or parapet wall. For antennas set back more than 14 feet from the closest exterior or parapet wall, the maximum height of the antenna shall be 14 feet.

3. Roof mounted antennas shall be constructed and/or colored to match the surroundings in which they are located.

C. Monopoles. The following provisions apply to monopoles:

1. Stealth monopole facilities shall be required to the greatest extent possible based on wireless telecommunications best practices at the time of application, and shall not vary from the provisions of bulk, massing, and height requirements under this subsection (C).

2. In order to reasonably minimize the number of monopoles in the city, all monopoles shall be available for co-location of the antenna arrays of other providers to the greatest extent practicable.

3. Except as specified in subparagraph (C)(4) of this subsection, the height limit for monopoles in all of the city's zones is 65 feet.

4. The planning commission may allow a stealth "flagpole" monopole up to 80 feet high in the city's CR, MU or O-R-D zone if it finds:

(a) The increase in height is for an extension of an existing facility;

(b) The monopole will be set back at least the greater of

(i) the minimum setback for structures in the underlying zone, or

(ii) a distance from the nearest single family residential zone boundary that is at least twice (200%) the total height of the monopole (so that, for example, an 80-foot tall monopole would be set back at least 160 feet from the nearest single family residential zone boundary); and

(c) The monopole will blend in with the surrounding structures, poles or trees

and is compatible with surrounding uses.

5. The height of a monopole shall be measured from the highest point of the structure or any component thereof (including antennas and ornamental features), to the original grade directly adjacent to the monopole.

6. All monopole facilities disguised as "stealth" flagpoles shall be tapered from bottom to top and otherwise shall be constructed (in size, scale, dimensions, shape, color and functionality) to represent as closely as possible a standard flagpole.

7. In all residential zones except the RM and R-2-8 zones, monopoles will only be allowed in conjunction with an existing public or quasi-public use. Public and quasi-public uses, as defined in sections 19.04.440 and 19.04.450, include but are not limited to churches, schools, utilities, and parks.

8. Electronic cabinetry. The electronic cabinetry and enclosure shall be the minimum size practicable under industry best practices (as reasonably determined by the city), but shall not in any event exceed twenty-five (25) feet by twenty-five (25) feet by ten (10) feet tall.

9. Screening. Monopoles and electronic cabinetry shall be located to obtain the highest amount of visual screening, such as being located behind existing structures or screened with mature trees and shrubbery. Each application for a monopole facility shall include a screening plan. If adequate screening does not exist on the site, the applicant shall provide it as a condition of approval.

10. To encourage efficient space utilization, each co-locator shall place its electronic cabinetry with one shared wall to the original electronic cabinetry enclosure. Where the location is limited, as in a commercial district, the first locator shall build housing that can adequately contain all reasonably foreseeable co-locators' electronic cabinetry. Where the site is residential in character or is not conducive to landscaping, the electronic cabinetry shall be encased in a structure simulating a small residential building as approved by the city's architectural review commission (ARC), with gabled roof and durable and exterior materials that are in character with the surrounding neighborhood.

11. A computer-generated 3D visual simulation of proposed structures, and all existing or proposed structures within a radius of 150 feet of the site, shall be required of every applicant requesting a monopole or extension of a monopole; provided, however, that (1) if the applicant determines that it is unable to obtain such a simulation itself for a cost of $1,000 or less, the applicant may tender such amount to the city with its application, in which event the city shall utilize the funds to obtain such simulation directly from city's own experts or consultants; and (2) the planning commission, upon the positive recommendation of the director in consultation with the city's development review committee ("DRC"), may waive this requirement if it determines that another representation of the proposed facility, such as a photo simulation, will adequately depict the proposed facility and its surroundings. Each simulation shall show all structures, including, without limitation, monopoles, antennas, and equipment buildings.

D. Lattice Tower. Lattice towers are not allowed in any zones in the city.

19.83.080 Sites in the sensitive lands overlay zones.

For the purpose of this chapter the "sensitive lands" means the areas within the sensitive lands overlay zones shown on the city's zoning map.

A. Any grading for telecommunication facilities, including access roads and trenching for utilities, shall comply with the city's building code and all other applicable laws and codes. Telecommunication facilities in the sensitive lands shall comply with the requirements of the sensitive lands overlay zone and the underlying zone (whichever requirements are more restrictive) for grading, natural vegetation, utilities and site development and design standards. Everything possible shall be done to minimize disturbance of the natural environment.

B. A computer-generated visual simulation of the proposed structures is required for all sites in the sensitive lands; provided, however, that (1) if the applicant determines that it is unable to obtain such a simulation itself for a cost of $1,000 or less, the applicant may tender such amount to the city with its application, in which event the city shall utilize the funds to obtain such simulation directly from city's own experts or consultants; and (2) the planning commission, upon the positive recommendation of the director in consultation with the DRC, may waive this requirement if it determines that another representation of the proposed facility, such as a photo simulation, will adequately depict the proposed facility and its surroundings. Each simulation shall show all structures, including, without limitation, monopoles, antennas, and equipment buildings.

C. Everything possible shall be done to minimize disturbance of the visual environment. Site placement and color shall be carefully considered to blend in with the surroundings.

D. Continuous outside lighting is prohibited unless required by the FAA for the monopole.

19.83.090 Additional conditional use requirements.

In addition to the conditional use standards under chapter 19.84 of this title, "Conditional Uses," the following supplementary standards shall apply to applications for conditional use permits to locate wireless telecommunication facilities:

A. The proposed facility shall be compatible with the height and mass of existing buildings and utility structures.

B. To the greatest extent practicable without significantly impacting antenna transmission or reception, the proposed facility shall be located in the same vicinity as other monopoles, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc. to enhance visual screening of the facility.

C. The facility shall be located in relation to existing vegetation, topography (including ridge lines) and buildings to obtain the best visual screening.

D. Spacing between monopoles which creates detrimental effects that cannot be mitigated through the imposition of reasonable conditions such as, for example, stealth technology or visual screening through trees or other vegetation is prohibited.

E. Installation of (without limitation) curb, gutter, sidewalk, landscaping, and fencing as per chapters 19.76, "Supplementary and Qualifying Regulations" and 19.84 "Conditional Uses" is required to the greatest extent practicable.

F. Screening, to the greatest extent practicable, by trees and other vegetation, of the wireless telecommunications facility and related equipment from view by adjacent properties is required to the greatest extent practicable. Existing vegetation and natural land forms on the site shall be preserved to the greatest extent practicable.

G. The wireless telecommunications facility shall be permitted only as necessary to comply with FAA or other applicable legal requirements; provided, however, that down-directed security lighting may be used if it is shielded to retain such light within the boundaries of the site to the greatest extent practicable.

H. The wireless telecommunications facility shall have no unreasonable adverse impact on the city's mountain viewsheds and other scenic resources. In determining the potential adverse impact of the proposed facility on such viewsheds and scenic resources, the planning commission shall consider the following factors:

1. The extent to which the proposed facility is visible above the tree line;

2. The type, number, height and proximity of existing structures, features and background features within the same line of sight as the proposed facility;

3. The amount of vegetative screening; and

4. The availability of reasonable alternatives allowing the facility to function consistently with its purpose.

I. In considering a conditional use application for a telecommunications tower, the planning commission shall not consider evidence that the electromagnetic or microwave radiation used by communication services detrimentally affects public health or the environment. The planning commission may, however, consider other valid health and safety concerns, such as structural integrity, electrical safety, etc.

19.83.100 Accessory buildings.

Accessory buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zoning district in which they are located. All utility lines on the lot leading to the accessory building and antenna structure shall be underground.

19.83.110 Antennas located on utility poles.

Antennas on utility poles and associated electrical equipment shall be allowed subject to the following standards:

A. *Antennas*.

1. The antennas shall be located either on an existing utility pole or on a replacement pole in the public right-of-way or in a rear yard utility easement.

2. On an existing pole, the antennas shall not extend more than lesser of (a) the minimum distance required by the National Electric Safety Code based on the electrical use of such pole, or (b) the maximum height for structures in the underlying zoning district.

3. If the utility pole is replaced to accommodate the antennas, the replacement pole shall not be taller than the maximum height for structures in the underlying zoning district.

4. The antennas, including the mounting structure, shall not exceed two feet in diameter and shall be tapered where technically possible.

5. Stealth shielding of the antennas shall be used to make the antennas appear as a vertical extension of the pole.

6. Antennas located in the public right-of-way shall be a permitted use and shall comply with the standards listed

above.

7. Conditional use approval is required for antennas located in a rear yard utility easement in all zoning districts.

B. *Electrical/radio equipment*.

1. Electrical/radio equipment located in the public right-of-way, front yard or side yard.

(a) Electrical/radio equipment in the public right-of-way shall either be attached directly to the utility pole or completely enclosed in an ARC-approved housing. If the electrical equipment is attached to the pole, the boxes shall not be larger than the smallest available size under industry best practices, as reasonably determined by the city, and in no event larger than 72 inches tall x 52 inches wide x 48 inches deep. No more than five such boxes shall be mounted on the utility pole to which it is attached (excluding the power meter and network interface box). The boxes shall be stacked vertically, one above the other, and shall be at least ten feet above the ground. The power meter and network interface box may be installed below the ten foot level.

(b) Electrical equipment in the required front or side yard shall be completely enclosed in an ARC-approved housing (not exceeding the smallest available size under industry best practices, as reasonably determined by the city, and in no event larger six feet in width, depth or height) which will disguise the equipment and enhance the architectural quality of accessory equipment associated with the wireless telecommunications equipment.

2. Electrical equipment in the rear yard.

(a) Electrical equipment located in the rear yard area of a lot in a residential or F zoning district shall be completely enclosed in an ARC-approved housing (not exceeding five feet in width, depth or height) which will disguise the equipment and enhance the architectural quality of accessory equipment associated with the wireless telecommunications equipment.

(b) Electrical equipment located in a rear year shall conform to the lot area, coverage and location requirements for an accessory structure in the underlying zoning district, as well as all other zoning standards for a structure in that zoning district.

C. *General provisions*.

1. The application shall include the signature of the authorized agent of the owner of the utility pole.

2. Antennas and equipment boxes on utility poles shall be painted to match the pole to which it is attached to minimize visual impacts.

3. Generators or noise-producing venting systems which can be heard outside of the boundaries of the site shall not be used.

4. Electrical and utility cables between the utility pole and electrical boxes shall be placed underground.

19.83.120 Co-locations.

Co-location of wireless telecommunications equipment and antenna arrays on existing monopoles is a permitted use under the following conditions:

A. The height limit for equipment and antenna arrays co-located on an existing monopole shall not exceed 65 feet, except that the planning commission may allow, as a conditional use, a total height limit of up to 80 feet for a co-located monopole in the CR zone, the MU zone or the O-R-D zone.

B. The planning commission also may allow, as a conditional use, the height of an existing monopole facility in the PF zone to be increased to a total

height (including all antenna arrays and other components) of 80 feet if it finds:

1. The increased height will be accomplished through extension of an existing, legally-permitted monopole facility;

2. The monopole will be set back at least the greater of (a) the minimum setback for structures in the underlying zone, or (b) a distance from the nearest single family residential zone boundary that is at least twice (200%) the total height of the monopole, as extended (so that, for example, an 80-foot tall monopole would be set back at least 160 feet from the nearest single family residential zone boundary); and

3. The monopole, as extended, will blend in with the surrounding structures, poles or trees (through stealth technology or otherwise), and is compatible with surrounding uses.

4. The location of the property where the monopole is sited is primarily on an arterial street, as determined by the director.

5. The applicant will use all reasonably-available means to make the proposed extension as short as reasonably possible, including, without limitation, custom fabrication of the antenna arrays and other components to be included in the proposed extension.

B. No equipment or antenna array shall increase the height of an existing monopole more than 20 feet.

C. The scale and color of equipment and antenna arrays co-located on the monopole is compatible with the scale and color of the existing structure.

D. Wireless telecommunications facilities which co-locate on existing monopoles and do not exceed 65 feet in height may be approved by the director under the guidelines outlined in this chapter.

19.83.130 City's consultants and experts; Reimbursement by applicant.

A. The city may hire any consultant and/or expert deemed necessary by the city to assist the city in reviewing and evaluating an application for a wireless telecommunications facility, including site/construction inspection of any approved applications.

B. If an applicant claims that it is unable to locate in a particular area or build an antenna in a particular configuration, the planning commission may, at the applicant's expense, require a study provided by a professional selected by the planning commission regarding the applicant's claim.

C. Each applicant shall deposit with the city funds sufficient to reimburse the city for all reasonable costs of consultant and expert evaluation of the application. The initial deposit shall be $2,500, and shall be utilized only for the purpose of paying invoiced costs and fees incurred by the city to its experts and consultants in connection with such application.

(1) The city may engage such experts and consultants to evaluate applications to ensure that the purpose of this chapter is met, including whether reasonable alternatives exist that would mitigate the reasonably anticipated detrimental effects of the proposed facility. Such expert review may include, without limitation, evaluation of the proposed facility to determine:

(a) the proposal's effectiveness and efficiency in delivering service from the proposed location;

(b) the service-based necessity of siting and constructing the facility as proposed;

(c) the possibility of co-location on, or other joint use of, the proposed facility;

(d) whether the proposed facility exhibits innovative design and best practices of the industry;

(e) the possibility using stealth innovations or other available technology to minimize the visual impact of the facility; and

(f) the city's alternatives concerning the application under the Federal Telecommunications Act of 1996 and other applicable law.

(2) Such deposit shall accompany the application, and shall be replenished by the applicant promptly upon the city's request. If the deposit is depleted through review costs associated with the application, before the applicant will be required to replenish the deposit the city will:

(a) attempt to meet with the applicant or responsible party to discuss the need for further review of the application;

(b) attempt to establish a mutually-agreeable timeframe for further review of the application; and

(c) attempt to review reasonable alternatives with the applicant or responsible party for wireless telecommunications opportunities which may reach the same end goal of wireless coverage for the provider.

(3) The city may defer any action or consideration of the application at any time that such deposit has not been made or replenished. Any balance of such deposit remaining after completion of the city's processing of such application shall be promptly refunded to the applicant.

D. The amount of funds utilized by the city under subsection (B) of this section may vary according to, *inter alia*, the scope and complexity of the project contemplated by the application.

19.83.140 Abandonment of facilities.

A. *Vandalism*. Vandalism and graffiti affecting a wireless telecommunications facility may be reported to such facility's owner or operator by the city or its agents. Such vandalism or graffiti shall be repaired and cleaned within 72 hours after such notice of its occurrence. Failure to effect such repair or cleaning by that deadline shall be deemed a violation of this code and also may result in immediate issuance by the planning commission of an order to show cause why such wireless telecommunications facility should not be deemed abandoned.

B. *Abandonment*.

1. Any antenna structure, monopole, antenna support, accessory structure or other component of a wireless telecommunications facility that has not been maintained as required in this code, or has not been in active use for a period of over 90 consecutive days or a total of 180 days in any 365 day period, may be deemed abandoned. In that event, the director may issue to (a) the owner of the realty in question, and (b) any operator of such facility shown on the city's current business license records, an order to show cause why such wireless telecommunications facility should not be deemed abandoned. A public hearing before the director or his designee on such order to show cause shall follow within a reasonable time, wherein the director or designee shall hear evidence and render a decision concerning whether the facility has been abandoned through failure of maintenance or through non-use. Such decision may be appealed to the board of adjustment as provided in this title.

2. A monopole or other wireless telecommunications facility that is

abandoned or otherwise vacated and no longer in use, and all associated apparatus, components, housings and structures, shall be removed from the site within 60 days after such abandonment, vacation or non-use by (a) removing all above-ground components, (b) removing at least the top three (3) feet of any associated foundation or footings, and (c) restoring the site to its original condition. The obligation to effect such removal shall be the joint and several obligation of the last known owner of the facility (as shown on the city's business license records) and the owner of fee title to the underlying realty, and may be enforced by the city against either or both. An abandoned wireless telecommunications facility also is a nuisance, which may be abated by the city as provided elsewhere in this code.

3. Any conditional use permits issued for an abandoned facility shall be automatically revoked.

4. As an additional condition of approval of an application for a wireless telecommunications facility, the applicant shall provide to the city a written agreement or other undertaking in such form as the city may require perpetually guarantying removal of such facility, and all components thereof, as provided in this section.

19.83.150 Protection of public safety.

The city reserves the right to undertake, with or without notice to the owner, any actions necessary to correct, remove, or repair communication facilities that are deemed to be an immediate danger to public safety. The owner of the site shall bear the expense of emergency actions taken pursuant to this section.

19.83.160 Rules and regulations.

The planning commission may from time to time, by resolution, adopt and amend written regulations and guidelines to assist the planning commission, its advisory bodies, and planning staff to accomplish the permitted purposes of this chapter.

19.83.170 Severability.

If any portion of this chapter, or any application thereof, is declared void, unconstitutional or invalid for any reason, then such portion or proscribed application shall be severable, and the remaining provisions of this chapter, and all other applications thereof, shall remain in full force and effect to the greatest extent permitted by applicable law

CHART 19.83.050				
P. Permitted Use	C. Conditional Use			N- Not allowed
Zones	Wall Mount	Roof Mount	Monopole	Lattice Tower
F-Zones	C1	C1	C2	N
RR Zones	C1	C1	C2	N
R-1-15	C2	C2	C2	N
R-1-10	C2	C2	C2	N
R-1-8	C2	C2	C2	N
R-1-6	C2	C2	C2	N
R-2-8	C2	C2	C	N
RM	C	C	C	N
RO	C	C	C	N
MU	C	C	C	N
NC	C	C	C	N
CR	C	C	C	N
PF	C	C	C	N
ORD	C	C	C	N
All other zones	N	N	N	N

1. Conditional use, allowable only on nonresidential buildings
2. Conditional use, allowable only in conjunction with public or quasi-public buildings

Chapter 19.84
CONDITIONAL USES

Sections

19.84.010 Definition.
19.84.020 Approval standard.
19.84.030 Site plan and permit required.
19.84.040 Fee.
19.84.050 Application.
19.84.060 Staff report.
19.84.070 Public hearing.
19.84.080 Determination.
19.84.090 Effect of approval.
19.84.100 Appeals.
19.84.110 Inspection.
19.84.120 Time limits.
19.84.130 Amendment.
19.84.140 Revocation.

19.84.010 Definition.

A "conditional use" is a land use that, because of its unique characteristics or potential impact on the city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

19.84.020 Approval standard.

A. *No Presumption of Approval*. The listing of a conditional use in any table of permitted and conditional uses as found in various chapters of this title does not constitute an assurance or presumption that any such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the zoning district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.

B. *Standard for Approval*. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

19.84.030 Site plan and permit required.

A. A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be, located, and if the use is specified as a conditional use elsewhere in this title. Failure to comply with any of the conditions imposed in the permit will result in an order to show cause for revocation. The permit may be revoked by the planning commission upon evidence that any condition has not been met.

B. A conditional use has the potential for adverse impact on the use and enjoyment of adjacent properties and uses if the proposed conditional use is located and laid out without careful planning. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review of development proposals is required for all conditional uses in all zoning districts in the city.

19.84.040 Fee.

The application for any conditional use permit shall be accompanied by the appropriate fee under this code.

19.84.050 Application.

A. The conditional use process is initiated upon submittal of a conditional use permit application to the department. The planning commission may authorize the director to grant, attach conditions to, or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.

B. All applications for a conditional use permit shall include:

1. The applicant's name, address, telephone numbers and interest in the property;

2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

3. The street address and legal description of the subject property;

4. The zoning classification, zoning district boundaries and present use of the subject property;

5. A vicinity map with North, scale and date, indicating the zoning classifications and current uses of properties within 300 feet of the boundaries of the subject property. When a conditional use permit will be considered by the planning commission, the application shall also include a current plat map showing the names and addresses of all property owners appearing on the tax rolls of the Salt Lake County Assessor within 300 feet of the boundaries of the subject property.

6. A plat or a survey of the parcel of land, lots block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land;

7. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;

8. A complete description of the proposed conditional use;

9. A plan or drawing drawn to scale of twenty feet to the inch (20' = 1 inch) or larger which includes the following information of the proposed use:

(a) actual dimensions of the subject property;

(b) exact sizes and location of all existing and proposed buildings or other structures;

(c) driveways;

(d) parking spaces;

(e) safety curbs;

(f) landscaping;

(g) location of trash receptacles;

(h) drainage features and environmental features; and

(i) a table showing all land uses and open space with square feet and percentage of total property for each use.

10. A traffic impact analysis (when deemed necessary by the department);

11. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit;

12. Envelopes, mailing labels and first class postage for all property owners located within 300 feet of the subject property when a conditional use permit will be considered by the planning commission; and

13. Such other further information or documentation as the director may deem to be necessary for a full and proper consideration and disposition of the particular application.

19.84.060 Staff report.

Once the department has deter-mined the application is complete, a staff report evaluating the conditional use application

shall be prepared and forwarded to the planning commission.

19.84.070 Public hearing.

A public hearing may be held if the chairman of the planning commission deems a hearing to be in the public interest.

19.84.080 Determination.

A. Following any public hearing, the planning commission shall consider the application in a public meeting. The staff's written recommendation shall be considered, among other factors. The planning commission may either approve the proposed conditional use; approve the proposed conditional use subject to specific modifications or conditions; postpone decision pending consideration of additional information to be submitted by the applicant; or deny the proposed conditional use.

B. In approving a conditional use, the planning commission may impose such requirements and conditions as it deems necessary for the protection of adjacent properties and the public welfare. The planning commission shall only approve with conditions, or deny a conditional use, based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in the specific zoning district. The planning commission shall not approve issuance of a conditional use permit unless the evidence presented is such as to establish the following:

1. That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;

2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;

3. That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;

4. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;

5. That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;

6. That protection of property values, the environment, and the tax base for the city will be assured;

7. That the use will comply with the city's general plan;

8. That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;

9. That the internal circulation system of the proposed development is properly designed;

10. That existing and proposed utility services will be adequate for the proposed development;

11. That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;

12. That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards;

13. That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances;

14. That the proposed use preserves historical, architectural and environmental features of the property; and

15. That operating and delivery hours will compatible with adjacent land uses.

C. The foregoing approval standards shall be subject to any contrary requirements of UTAH CODE ANN. § 10-9a-507, as amended.

19.84.090 Effect of approval.

The approval of a proposed conditional use shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the city, such as subdivision approval, a building permit, a certificate of occupancy, etc.

19.84.100 Appeals.

Any person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of adjustment, whose decision shall then be final. All appeals to the board of adjustment must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the board of adjustment may be appealed to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the board of adjustment.

19.84.110 Inspection.

Following the issuance of a final conditional use permit:

A. The department may accept an application for approval of a building permit (if applicable), and shall insure that development is undertaken and completed in compliance with the conditional use permit, the city's building code, and any other applicable laws or ordinances.

B. The director shall make periodic inspections to assure compliance with all applicable conditions of approval. An investigation report will be issued to any conditional use permittee that is out of compliance. If the discrepancy is not corrected in an allotted time of not less than ten days, then an order to show cause will be issued for action by the planning commission.

19.84.120 Time limits.

A. A conditional use permit for temporary uses may be issued for a maximum period of six months, with renewals at the discretion of the planning commission for no more than three successive periods thereafter.

B. Unless there is substantial action under a conditional use permit within a maximum period of one year after its issuance, said permit shall expire. The planning com-mission may grant one extension of up to six months, when deemed in the public interest, upon application by the permittee before expiration of the permit. The approval of a proposed conditional use permit by the planning commission shall authorize only the specific use for which it was issued.

19.84.130 Amendment.

Once granted, a conditional use permit, or a conditional use thereunder, shall not be enlarged, changed, extended, increased in intensity, or relocated unless an application is made to amend the existing permit, and approval is given by the planning commission, except as provided below:

A. The director may administratively consider, approve, or disapprove modifications or changes which are consistent with the purpose and intent of this chapter. Such administrative determinations may be made only where the following conditions exist:

1**.**. All additions, modifications or changes are determined not to have significant impact beyond the site.

2. Any decision of the director may be appealed within 30 days to the planning commission.

B. The planning commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the director determines not to make an administrative determination as provided in (a) above and where the following requirements are met:

1. The proposed modification or amendment complies with the intent and purpose of this chapter.

2. Reasonable conditions may be attached if, and to the extent that, the planning commission finds that the imposition of the conditions will directly mitigate or eliminate some aspect of the proposed amendment that violates the intent and requirements of this title. Impacts must be of the magnitude that, without the mitigation or elimination thereof, the amendment to the conditional use permit could not be granted.

3. All decisions of the planning commission regarding approval, denial the imposition of special conditions may be appealed to the board of adjustment as provided in this title.

19.84.140 Revocation.

A. The planning commission may revoke a conditional use permit if the conditions of the permit are not fully complied with. Prior to such a revocation, the chairman of the planning commission, after receiving information showing there is reason to believe that the conditions of the permit are not being followed, shall issue an order to show cause to the owner or person in control of the property or use in question. Such order shall specify the alleged conditions that are not in compliance, inform the owner or other responsible party that the subject conditional use permit may be revoked, and affording an opportunity for presentation of any relevant contrary evidence.

B. After a hearing, the planning commission may revoke the conditional use permit, allow the use to continue, or add new terms and conditions to an existing permit. Any decision of the planning commission shall include findings of fact and its ruling. Following its decision, the planning commission shall have the right of action to compel offending structures or uses to be removed at the cost of the violator or owner. Nothing in this section shall be construed to prevent the planning commission from otherwise reviewing conditional use permits or be construed to prevent persons from being prosecuted under the criminal provision of this code for failure to comply with the terms of a conditional use permit.

C. Any person or firm aggrieved by the decision of the planning commission regarding the revocation or amendment of a conditional use permit may appeal

such decision to the board of adjustment, whose decision shall be final. Any decision of the board of adjustment concerning revocation of a conditional use permit may be appealed to District Court within 30 days after the board of adjustment's decision.

Chapter 19.85
GROUP HOMES; OTHER FACILITIES

Sections:

19.85.010 Definitions.
19.85.020 Residential facilities for persons with a disability.
19.85.030 Residential facilities for elderly persons.
19.85.040 Design standards.
19.85.050 Nonresidential treatment facilities.
19.85.060 Limitations.
19.85.070 Severability.

19.85.010 Definitions.

The following definitions shall apply to all sections of this title 19, and, except as provided herein, shall supersede any other definition contained in this title:

A. "*Adult daycare facility*" 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.

B. "*Assisted living facility*" means a residential facility, licensed by the state of Utah, with a homelike setting that provides an array of coordinated support personnel and healthcare services, available 24 hours per day, to residents who have been assessed under the Utah Department of Health or the Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:

1. Specified services of intermediate nursing care;

2. Administration of medication; and

3. Support services promoting resident's independence and self-sufficiency. Such a facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

C. "*City*" means the city of Cottonwood Heights, Utah.

D. "*Director*" means the city's community development director or, if none, its manager, or the director's designee (such as the city's planning commission).

E. "*Disability*" means 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:

1. 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;

2. 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

(b) Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or

(c) 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.

F. "*Domestic staff*" means 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.

G. "*Elderly person*" means 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.

H. "*Family*" means one or more persons related by blood, marriage, adoption, or guardianship (including foster children), and may also include up to four additional unrelated individuals living with the family, such as domestic staff, living together as a single nonprofit housekeeping unit.

I. "*Major life activities*" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

J "*Nonresidential treatment facility*" means 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.

K. "*Nursing home*" means an intermediate care/nursing facility or a skilled nursing facility licensed by the state of Utah for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision 24 hours per day. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.

L. "*Protective housing facility*" means 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.

M. "*Reasonable accommodation*" means 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.

N. "*Record of impairment*" means 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.

O. "*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.

P. "*Rehabilitation/treatment facility*" means a facility licensed or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include 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 occupants.

Q. "*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.

R. "*Residential facility for elderly persons*" means 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 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.

S. "*Residential facility for persons with a disability*" means a residence in which more than one person with a disability resides and which is:

1. Licensed or certified by the Utah Department of Human Services under

UTAH CODE ANN. Title 62A, Chapter 2, as amended; or

2. Licensed or certified by the Utah Department of Health under UTAH CODE ANN Title 26, Chapter 21, as amended.

T. "*Shelter for the homeless*" means charitable lodging or sleeping rooms provided on a temporary (usually daily) basis to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.

U. "*Transitional housing facility*" means 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.

19.85.020 Residential facilities for persons with a disability.

A. *Applicability*. This section shall govern any facility, residence, or other circumstance that constitutes a residential facility for persons with a disability as defined in this chapter. The requirements of this section shall govern and control any contrary provisions of this code.

B. *Purpose*. The purposes of this section are:

1. To comply with UTAH CODE ANN 10-9a-520; and

2. To avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the federal Fair Housing Act, as amended, as interpreted by the courts having jurisdiction over the city.

C. *Permitted Use*. Subject to the provisions of this chapter, and notwithstanding any contrary provision of this title, a residential facility for persons with a disability shall be a permitted use in any zone where similar residential dwellings that are not residential facilities for persons with a disability are allowed. A residential facility for persons with a disability that would likely create a fundamental change in the character of the neighborhood may be excluded from a zoning area. A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each residential facility for persons with a disability shall conform to the following requirements:

1. The facility shall comply with all applicable building, safety and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any applicable contract with a state agency. The facility shall also comply with the city's land use ordinances applicable to single-family dwellings for the zone in which it is to be located, except as may be modified pursuant to this chapter.

2. The following site development standards and parking standards shall be applicable:

(a) Each facility shall be subject to the same minimum site development standards applicable to a dwelling unit in the zone in which the facility is located; and

(b) The minimum number of parking spaces required for the facility shall be the same as the number required for a dwelling with similar occupancy density in the same zone.

3. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:

(a) May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or

(b) Has or may engage in conduct resulting in substantial physical damage to the property of others.

4. Prior to occupancy of the facility, the person or entity licensed or certified by the Utah Department of Human Services or the Utah Department of Health to establish and operate the facility shall:

(a) Provide a certified copy of such license to the city recorder;

(b) Certify, in a sworn affidavit submitted with the application for a business license, compliance with the Americans with Disabilities Act;

(c) Certify, in a sworn affidavit submitted with the application for a business license, that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, have demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions have resulted in or may result in substantial physical damage to the property of others. Such affidavit shall be supplemented and updated not less than 150 days nor more than 190 days after the date of issuance or renewal of the business license, and at the time of the application for renewal of the business license.

5. The use permitted by this section is nontransferable and shall terminate if:

(a) A facility is devoted to or used as other than a residential facility for persons with a disability; or

(b) The license or certification issued by the Utah Department of Human Services, Utah Department of Health or any other applicable agency, terminates or is revoked; or

(c) The facility fails to comply with the conditions set forth in this section.

6. In the F-20, F-1-43, F-1-21, RR-1-43, RR-1-29, RR-1-21, R-1-15. R-1-10, R-1-8 and R-1-6 zones, no residential facility for persons with a disability shall exceed eight residents plus a maximum of two additional qualified persons acting as houseparents or guardians.

7. In an R-2-8, RM, RO and MU zones, no residential facility for persons with a disability shall exceed twelve (12) residents plus a maximum of two additional qualified persons acting as houseparents or guardians.

8. No residential facilities for persons with disabilities shall be permitted in the NC, CR, PF or O-R-D zones, or in any other zones in the city that do not allow for residential use as a permitted or conditional use.

9. Each residential facility for persons with a disability that are substance abuse facilities and are located within 500 feet of a school, shall provide, in accordance with rules established by the Utah Department of Human Services under *UTAH CODE ANN* Title 62A, Chapter 2, as amended, the following:

(a) A security plan satisfactory to local law enforcement authorities;

(b) 24-hour supervision for residents; and

© Other 24-hour security measures.

10. Each residential facility for persons with a disability shall obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zoning area to similar uses that are not residential facilities for persons with a disability.

11. No residential facility for persons with disabilities shall be located within 1,000 feet of another such facility as measured from nearest property line of the existing facility to nearest property line of the proposed facility.

D. *Reasonable accommodations*. None of the requirements of this chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability; provided, however, that an accommodation cannot be granted to waive a material zoning requirement (such as lot coverage, parking, setback or height standards), as reasonably determined by the director; to diminish the required spacing of such facilities under this section; or to increase the maximum number of occupants of such facilities above the limit specified in this section.

E. Any person or entity wanting a reasonable accommodation shall make application therefor to the director.

1. Such application shall specifically articulate, in writing, the following:

(a) The name, mailing address, and phone number of the applicant;

(b) The nature and extent of the disability;

(c) An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;

(d) The applicant's proposed reasonable accommodation;

(e) A statement detailing why such reasonable accommodation is necessary; and

(f) The physical address of the property where the applicant requests the reasonable accommodation.

2. When considering whether or not to grant a reasonable accommodation, the director shall, in consultation with the city manager and the city attorney, consider the following factors, among others deemed appropriate and applicable:

(a) The zoning ordinance applicable to the property;

(b) The anticipated parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;

(c) Whether or not the accommodation will be an undue burden or expense to the city;

(d) The extent to which the accommodation will or will not benefit the applicant;

(e) The extent to which the accommodation will or will not benefit the community;

(f) Whether or not the accommodation fundamentally alters the citywide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of a residential neighborhood;

(g) Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life or ameliorate the effects of the applicant's disability, or the lives or disabilities of those on whose behalf the applicant is applying;

(h) Whether or not, without the accommodation, similar housing is

available in the city for the applicant or group of applicants;

(i) The anticipated impact of the requested accommodation on the immediate neighborhood; and

(j) The requirements of applicable federal and state laws and regulations.

3. A written decision shall be sent to the applicant within 60 days after the application.

4. If a request for a reasonable accommodation is denied, such decision may be appealed to the city's board of adjustment within ten days after such denial.

19.85.030 Residential facilities for elderly persons.

A. *Purpose*. The purpose of this section is to comply with UTAH CODE ANN. 10-9a-516 to -519.

B. *Compliance*. Residential facilities for elderly persons shall comply with all requirements of UTAH CODE ANN. 10-9a-516 to -519, and also the following requirements:

1. The facility shall meet all applicable building codes, safety codes, zoning regulations, the Americans With Disabilities Act, and health ordinance applicable to single-family or similar dwellings; except as may be modified by the provisions of this chapter.

2. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:

(a) May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or

(b) Has or may engage in conduct resulting in substantial physical damage to the property of others.

3. Minimum site development standards shall be the same as for a dwelling unit in the zone in which the facility is located.

4. The facility shall be capable of being used as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character.

5. A use granted under this section is nontransferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with all applicable ordinances, including health, safety, zoning and building codes.

6. No residential facility for elderly persons shall be established or maintained within three-fourths ($^3/_4$) of a mile measured in a straight line between the closest property lines of the lots or parcels of similar facilities, residential facilities for persons with disabilities, protective housing facilities, transitional housing facilities, assisted living facilities, rehabilitation/treatment facilities, or a nonresidential treatment facility.

19.85.040 Design standards.

A. The design standards set forth in this section are applicable to protective housing, rehabilitation/treatment facilities (both residential and non-residential, including, without limitation, residential facilities for persons with a disability and residential facilities for elderly persons), transitional housing and assisted living facilities, when allowed as a permitted or conditional use in the city.

B. Any newly constructed or remodeled facility in a residential zone or immediately abutting a residential

zone on at least two sides shall comply with the following design standards:

1. All setbacks shall be according to the requirements of the residential zone in which the facility sits; provided that if the facility is in a non-residential zone abutting a residential zone, then the setbacks shall be those of the abutting residential zone;

2. All required or accessory parking areas shall be located either in the rear yard area of the lot or behind the main building or garage;

3. In addition to the maximum height restrictions of the individual zone, new or additional buildings shall not exceed 110% of the average height of the closest dwellings on both sides of the proposed structure;

4. In order for new construction to reflect the design and character of the existing neighborhood, the following standards also shall be met:

(a) The roof design of the proposed structure or remodel shall be a pitched roof of the same slope as the most common roof slope of the homes on the side of the block on which the building is proposed; and

(b) The type of exterior materials shall be traditional home finished materials of brick, siding, or stucco. The use of these materials shall be applied so as to blend in with the neighborhood where the building is located and not draw undue attention to the building because its materials, color and/or design is uncharacteristic of the other buildings in the neighborhood.

5. To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply. The requirements of this section are in addition to all other applicable ordinances and regulations, subject to the conflicts resolution provisions of this subsection.

19.85.050 Nonresidential treatment facilities.

A. Nonresidential treatment facilities shall not be built in the city except as specifically allowed as a permitted or conditional use by proper designation in a zone or zones in this title. Each permitted facility, or facility allowed as a conditional use, shall conform to the following requirements:

1. The facility shall comply with all building, safety, zoning and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency.

2. The following site development standards and parking standards shall be applicable to nonresidential treatment facilities:

(a) Each facility shall be subject to minimum site development standards applicable to a business in the zone in which the facility may be located; and

(b) The minimum number of parking spaces required shall be the same as the number required for an office building with similar size, occupancy, and density in the same zone.

3. Prior to occupancy of the facility, the person or entity licensed or certified by the Utah Department of Human Services or the Utah Department of Health to establish and operate the facility shall:

(a) Provide a certified copy of such license with the city recorder; and

(b) Certify, in a sworn affidavit submitted with application for a business

license, compliance with the Americans with Disabilities Act.

4. The use permitted by this section is nontransferable and shall terminate if:

(a) A facility is devoted to or used as other than a nonresidential facility; or

(b) The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked, or the facility fails to comply with the conditions set forth in this section.

5. No nonresidential treatment facility shall be established or maintained within 1,000 feet measured in a straight line between the closest property lines of the lots or parcels of the following facilities:

(a) A residential facility for persons with a disability;

(b) A residential facility for elderly persons; or

(c) Any of the following facilities: protective housing facility, transitional housing facility, assisted living facility or rehabilitation/treatment facility, a nonresidential treatment facility, and schools.

6. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:

(a) May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or

(b) Has or may engage in conduct resulting in substantial physical damage to the property of others.

7. To the extent similar requirements to any contained in this section are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply. The requirements of this section are in addition to other applicable ordinances and regulations, subject to the conflicts resolution provisions of this subsection.

19.85.060 Limitations.

Only such uses and facilities as are specifically authorized in this chapter and in this title as permitted or conditional uses shall be allowed. All other uses and facilities are prohibited.

19.85.070 Severability.

If any provision of this chapter is declared invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

Chapter 19.86
HISTORIC PRESERVATION

Sections:

19.86.010 Purpose.
19.86.020 Historic sites design-ated.
19.86.030 Conditional use permit required.
19.86.040 Noncomplying conditional uses.
19.64.045 Protective maintenance required.
19.86.050 Site modification.
19.86.060 Additional uses for historic sites.
19.86.065 Modification.
19.86.070 Interpretation of chapter.

19.86.010 Purpose.

This chapter is enacted to preserve sites, structures, landmarks or buildings with special historical, architectural or aesthetic value which are unique and irreplaceable assets. To accomplish this purpose, planning commission approval is required for all modifications to historical sites.

19.86.020 Historic sites designated.

A. *Existing Sites*. Each of the following structures and sites in the city is a historic site:

1. Granite Paper Mill, 6900 South Big Cottonwood Canyon Road, Cottonwood Heights.

2. Butler School Teachers Dormitory, 2680 East Fort Union Blvd., Cottonwood Heights.

B. *Amendments*. The city council may amend the above list of historic sites and structures, including designating additional historic sites, subject to the amendment procedures in chapter 19.90, "Amendments and Rezoning."

19.86.030 Conditional use permit required.

A. A conditional use permit is required for any modifications to a historic site or structure, including modifications to the landscaping, fencing or appearance of any lot, or demolition, construction, alteration, relocation, improvement or conversion of a historic site.

B. Applications for a conditional use permit on a historic site shall be made in the manner and subject to the procedures and requirements set forth in chapter 19.84, "Conditional Uses." To the extent that the requirements of this chapter and chapter 19.84, "Conditional Uses," are inconsistent, the requirements of this chapter shall prevail.

19.86.040 Noncomplying conditional uses.

The planning commission shall not approve a conditional use for a historic site which would be contrary to the purposes of this chapter by adversely affecting the architectural significance, the historical appearance, or the educational and historical value of the site unless all the following conditions have been met:

A. The application meets the requirements for a conditional use permit set forth in chapter 19.84, "Conditional Uses";

B. The application meets all the requirements of the base zone in which the property is located;

C. The application has been pending before the planning commission for a period of at least one year.

19.86.045 Protective maintenance required.

In addition to the requirements of the applicable building code, the owner of

any historic site shall maintain and repair the historic site in accordance with this section. An historic site shall not be destroyed by neglect of any structure that has or is incurring permanent damage, by weather, or by vandalism.

The owner shall maintain and repair the historic site to the extent that in the opinion of the city is sufficient to prevent damage to the structural components or the exterior of the structure, or to prevent the collapse of the structure, or to prevent the structure from becoming so deteriorated as to render impossible its repair and preservation.

The city can investigate the condition of any historic site. Upon finding that the historic site is dilapidated or deteriorating, the city shall notify the property owner by certified letter of the failure of meeting city codes and standards. The city shall identify specific repairs and any work necessary to comply with the conditions and requirements approved by the city. The owner shall have 120 days from written notification to complete necessary repairs and improvements that were approved by the city. All effort to work with the proper owner will be expended before written notification is mailed to the property owner. Failure to complete the necessary repairs and work within 120 days shall constitute a violation of this chapter.

19.86.050 Site modification.

The planning commission may modify all yard, parking, landscaping, height and other requirements of the zone in which the historic site is located, as necessary to fulfill the purposes of this chapter. In so doing, the nature and character of adjacent properties shall be considered to ensure that the health, safety, convenience and general welfare will not be impaired. The planning commission may establish development criteria to control impacts associated with the heaviest permitted use in the base zone, including, but not limited to, noise, glare, dust or odor.

19.86.060 Additional uses for historic sites.

A. *Residential and Foothill Zones*. The planning commission may approve any of the following uses for a historic site in addition to the permitted and conditional uses allowed in the foothill or residential zone in which the site is located:

1. Antique shop;
2. Art shop;
3. Boardinghouse;
4. Child nursery;
5. Dental office or clinic;
6. Dwelling, single, two, three, four or multiple-family;
7. Nursing home;
8. Office;
9. Private educational institution;
10. Reception centers;
11. Restaurant;
12. Other uses of similar intensity to the above.

B. *Commercial Zone*. The planning commission may approve any use listed in the commercial zone of the city zoning ordinance for a historic site located in a commercial zone.

19.86.065 Modification.

For purposes of this chapter, modification means demolition or construction where a demolition or building permit is required. Modification also includes substantial changes to landscape, fencing or appearance of an historic site. Modification does not include minor changes to landscape, fencing or appearance of an historic site such as painting the historic site

substantially the same color, changes to flower beds or trimming.

19.86.070 Interpretation of chapter.

This chapter does not guarantee the right of any person, form or corporation to any provision of this chapter.

Chapter 19.87
SITE PLAN REVIEW PROCESS

Sections:

19.87.010 Purpose.
19.87.020 Approval required.
19.87.030 Site plan development standards.
19.87.040 ARC requirements.
19.87.050 Special provisions.
19.87.060 Application, review and approval.
19.87.070 Issuance of building permit.
19.87.080 Issuance of certificate of occupancy.
19.87.090 Time limits.
19.87.100 Rules and regulations.

19.87.010 Purpose.

The purpose of this chapter is to clearly outline the requirements for submittal and subsequent review of site plans related to all permitted and conditional land uses in the city. The requirements of this chapter are mandatory for every development described herein.

19.87.020 Approval required.

Site plan approval is required for all developments which require a conditional use approval; for any other use, or reason, for which a site plan is required elsewhere in this code; and for the following other uses:

A. Any industrial use.

B. Any commercial use.

C. Any institutional use.

D. Any multiple-unit residential development.

E. Any residential developments within the city's sensitive lands overlay zone, or on any property with any slopes in excess of 30%.

F. Any governmental or quasi-governmental use.

19.87.030 Site plan development standards.

Site plans for any use, in any zone, shall conform to the following standards:

A. *Site plan standards*. The entire parcel shall be built upon, landscaped or paved in accordance with the underlying zoning district's open space and parking requirements, architectural design guidelines and standards as well as any other applicable ordinances adopted by the city or the state.

B. *Buffering / screening requirements*. Any commercial lot which abuts a residential use shall be effectively screened by a combination of wall(s), fencing, and landscaping of city-approved design. No chain-link or wood fences are permitted as buffering or screening between commercial and residential uses. Masonry and vegetative screens are suggested and, as circumstances dictate, either or both may be required. Required walls or fences shall not be less than six (6) feet in height, unless a wall or fence of a different height is required by the planning commission as part of its review of the site plan. Such wall, fence and landscaping shall be continuously maintained in good, attractive condition, with no advertising thereon.

C. *Off-street truck loading space*. Every building or structure built, remodeled or occupied after the effective date of this chapter for manufacturing, commercial trade, or other similar uses involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the building's lot adequate space for standing, loading and unloading of the vehicles in order to avoid undue interference with public use of adjoining streets or alleys. Such off-street loading

areas shall be concealed from the public's view.

D. *Utilities*. All utility lines shall be underground in designated easements. No pipe, conduit, cable or line for water, gas, sewage, drainage, steam, electrical or any other source or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation, or other purposes during construction.

1. Transformers shall be grouped with other utility meters where possible, and shall be screened with vegetation or another appropriate method as determined by the city's planning director.

2. Prior to construction, "Blue Stakes" must be contacted to identify underground utility lines.

E. *Grading and drainage*. Drainage from any lot must follow the city's current requirements for on-site retention and (generally) a maximum allowable discharge of 0.2 cubic feet per second (cfs) per acre, or such other grading and drainage requirements as the city engineer deems necessary. Drainage shall not be allowed to flow upon adjoining lots unless the owner of the lot upon which the water flows has granted an easement for such purpose and the city has approved such drainage plan.

F. *Preliminary condominium plat*. When the proposed site plan includes condominium units, it shall include a preliminary condominium plat. Said plat shall include a survey of the property, the proposed building locations and elevations, identifying each unit in the development. Approval of the proposed site plan shall constitute preliminary approval of the proposed condominium plat.

19.87.040 ARC requirements.

A. *Gateway design guidelines.* All developments within the gateway overlay zones, or those areas and developments which are specifically listed as being subject to the gateway design guidelines, shall adhere to the requirements of the gateway design guidelines and standards.

B. *Mechanical equipment*. All mechanical equipment shall be located or screened (and/or other measures taken) so as not to be visible from any public or private street. Screens shall be aesthetically incorporated into the design of the building, whether located on the ground or roof. Rooftops of buildings shall be free of any mechanical equipment unless completely screened. Screening materials shall conform to the color scheme of the primary building. Measures taken to shield mechanical equipment from view, other than screening, must be approved by the planning commission.

C. *Trash enclosures, storage areas, and external structures*. Landscaping, fencing, berms or other devices integral to overall site and building design shall screen trash enclosures, storage areas, and other external structures. Trash and storage areas shall be compatible with the proposed or existing building and surrounding structures. These areas shall be well-maintained and oriented away from public view. The consolidation of trash areas between businesses and the use of modern disposal and recycling techniques are encouraged. Chain-link fences and fencing with vinyl slats are prohibited. Acceptable gates will be painted metal.

D. *Exterior materials*. The city's architecture review commission ("*ARC*") shall ensure that all buildings are aesthetically pleasing and conform to an

overall master design theme or plan for the project or overlay area of the city. Building elevations shall be submitted that indicate all colors, styles, materials and other proposed building treatments.

E. *Landscape guidelines*. All site plans shall conform to the city's landscaping guidelines.

F. *Building lighting*. Plans for exterior building lighting shall be approved as part of the site plan approval. Building lighting shall be shielded and full cut-off so that the light source does not penetrate beyond the property where the structure is located. To prevent light pollution, to the greatest extent possible lighting shall not project above or beyond the property line.

G. *Parking lot and street lighting*. All parking lot light fixtures shall be installed to prevent light glare from adversely affecting adjacent properties. Lighting of all pedestrian pathways is required.

1. Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings.

2. Intensities shall be controlled so that glare or excessive direct light will not adversely affect neighboring areas. All streetlights and interior parking lot lights shall meet the City's lighting design standards.

19.87.050 Special provisions.

A. *Uses within buildings*. All uses established in any commercial or industrial zone shall be conducted entirely within a fully-enclosed, approved building except those uses deemed by the planning commission to be customarily and appropriately conducted in the open

B. Nuisances. All commercial uses shall be free from objectionable odors, noises, hazards or other adverse effects or nuisances.

19.87.060 Application, review and approval.

A. *Application*. The property owner or an authorized agent shall make application for site plan approval on the city's prescribed form. Applications for such approval must be complete and accurate in all respects. No application shall be processed until it has been reviewed for completeness and accepted by the city's planning division, and all fees paid. Incomplete applications will not be processed.

B. *Pre-application conference*. A pre-application conference shall be held between the applicant and the city's development review committee ("DRC") after the applicant provides the following:

1. Pre-application fees (if applicable).

2. A site analysis. A site analysis is a plan view drawing demonstrating land constraints and existing features, including natural features, man-made features, significant trees, canals or ditches, access points or public rights-of-way and all other said existing conditions within 200 feet of the property line.

3. Conceptual site plan. A conceptual site plan (which may be hand-drawn) or preliminary drawing that outlines the building footprint, the area devoted to landscaping and the general concept of storm drainage.

4. Conceptual architectural elevations. Conceptual architectural elevations consist of any architectural drawings or pictures showing the intent of the architectural theme or design

elements of the development or any individual building.

C. *Site plan and conditional use application process*. When the planning division determines that the applicant has met the requirements of the pre-application meeting, the applicant will be permitted to make application for the proposed development, land use or buildings.

D. *Accompanying maps and drawings required*. The information submitted with the application shall include nine (9) 24" x 36" copies and five (5) 11" x 17" copies of the site plan, landscaping plan, elevation, drainage plan and utility plan, and also shall include the following:

1. Vicinity map. A general location map identifying the approximate location of the subject parcel.

2. Context plan. A context plan including all existing features, manmade or otherwise, on and within 200 feet of the property line of the proposed site.

3. Property owner information. The names of property owners and addresses of the proposed site and all adjacent lots.

4. Survey. A survey prepared and stamped by a Utah registered land surveyor listing the legal description and the gross acreage within the subject parcel.

5. Site Plan. A site plan is required and shall be prepared and stamped by a licensed and/or certified architect, landscape architect, land planner, engineer, surveyor, transportation engineer, or other professional deemed necessary by the planning director. The city may require plans prepared by any or all of the above-noted professionals. A site plan shall contain the date, scale, north arrow and:

(a) Name of the proposed project.

(b) Boundaries of the subject parcel and the entire project (where the project does not occupy the entire parcel of which it is part).

(c) Full cross coordinate numbered addresses for existing and proposed streets.

(d) Existing streets, watercourses, easements and other rights-of-way, and section lines.

(e) Locations, dimensions and uses of all proposed buildings and structures, including overhangs, porches, stairwells, and balconies, and the locations of all structures on adjoining properties.

(f) Access points, provisions for vehicular and pedestrian circulation on- and off- site, interconnection to adjacent sites and dimensions of such access and circulation.

(g) Acceleration and deceleration lanes and dimensions thereof.

(h) Off-street parking and loading areas complying with the city's off-street parking requirements.

(i) Screening and buffering provisions, including types and heights of existing and proposed buffering and fencing elements, with elevations.

(j) Location and treatment of refuse collection areas, storage areas, mechanical equipment, and external structures, with elevations.

(k) Location and size of existing utilities and general location of utility access points and hook ups.

(l) Location, type and size of all business and on-site circulation signage.

(m)Tabulation of square footage devoted to various land uses, ground coverage by structures and other impervious surfaces.

(n) Location of existing and proposed curb, gutter, sidewalk, park strip and edge of asphalt, to be prepared,

signed and stamped by a registered professional engineer.

(o) Type of construction of all structures, presence or absence of fire sprinkling and location of existing and proposed fire hydrants within 600 feet.

(p) Location of all existing and proposed secondary irrigation systems, both on site and on adjacent properties, including but not limited to ditches, pipes, and culverts.

(q) A statement on the site plan that all applicable elements of the Americans with Disabilities Act Accessibility Guidelines will be followed.

(r) The piping of all existing irrigation ditches which affect the site.

(s) The names and addresses of all adjacent property owners.

6. Landscaping Plan. A landscaping plan, prepared by a landscape architect, or other qualified professional, indicating the location, spacing, types and sizes of landscaping elements, existing, and showing compliance with the city's off-street parking requirements, the city's design guidelines and policies, and the requirements of the appropriate zoning district.

7. Flood Boundaries. Flood boundaries as per FEMA and geologic hazards if the property is located within the sensitive lands overlay zone.

8. Grading and drainage plan. A grading and drainage plan which indicates the proposed grading and techniques for controlling and discharging drainage. The plan must include:

(a) Topographical plans showing existing grades and proposed grades and elevations with contours at one foot intervals.

(b) Location and elevations of all existing and proposed drainage facilities within the subject parcel and the general vicinity of the project.

(c) Detention systems with their volume, type of construction and release rate.

(d) Storm sewer piping and other appurtenances, sizes and locations.

(e) A note indicating that all storm drainage facilities will conform to the city's construction standards and policies.

9. Lighting plan. A lighting plan in conformity with the city’s lighting standards and (if applicable) gateway design guidelines and standards. The lighting plan shall indicate the illumination of all interior areas and adjacent streets, showing the location, candle power and type of lighting proposed.

10. Elevations. The elevations of all buildings, fences and other structures viewed from all sides, indicating height of structures, the average finished grade of the site at the foundation area of all structures, percentage of building materials proposed, and color of all materials.

11. Signage plan. The planning commission shall approve an overall signage plan during the site plan approval process. All information to be provided for the sign approval may be submitted concurrently with site plan application materials, but is not required.

12. Traffic impact study. A traffic impact study (completed by a certified traffic engineer) may be required if the DRC determines that a need exists to review the potential traffic impacts of the proposed development.

13. Fee. The fee specified in the consolidated fee schedule shall accompany the application for any site plan review.

E. *Action*. The planning division and the planning commission shall review and take action to approve, disapprove, or to modify any application made to it.

F. *Notification*. Upon the granting or denying of a site plan application, the planning division shall prepare and mail or deliver to the applicant a written statement of the decision, and in the case of a denial, the reasons therefor. When an approval is granted, all conditions shall be met as specified by the planning division and/or the planning commission before a final approval is granted.

G. *Development agreement*. Following planning commission approval, but before final approval is granted, a development agreement between the owner and the city incorporating conditions and special provisions imposed by the planning commission may be required. Such agreement shall be in the form required by the city attorney and may require approval of the city council.

H. *Bonding*. Bonding shall be in place prior to final approval of a development application. All bonds accepted by the city shall be completed using the proper forms and figures issued by the city.

I. *Final approval*. The planning division will prepare a final approval letter bearing the official stamp of the city's planning division, which will be accompanied by stamped and approved plans. Together these plans and approval letter will constitute the approved plans for the project. The developer will receive one copy, the DRC will receive one copy, and one copy will be retained in the city's file for the development.

19.87.070 Issuance of a building permit.

A building permit shall not be issued for any project requiring site plan approval under this chapter until final site plan approval is granted and approved plans and specifications are on file with the city.

19.87.080 Issuance of a certificate of occupancy.

A certificate of occupancy shall not be issued for any building or structure, external alterations thereto, or any sign, until the provisions of the approved site plan and written development agreement (if any) have been completed and fully performed.

19.87.090 Time limits.

Unless there is substantial action under a conditional use permit within a maximum period of one year after its issuance, said permit shall expire. The planning com-mission may grant one extension of up to six months, when deemed in the public interest, upon application by the permittee before expiration of the permit. The approval of a proposed conditional use permit by the planning commission shall authorize only the specific use for which it was issued.

19.87.100 Rules and regulations.

The planning commission may from time to time, by resolution, adopt and amend written regulations and guidelines to assist the planning commission, its advisory bodies, and planning staff to accomplish the permitted purposes of this chapter.

Chapter 19.88
NONCOMPLYING BUILDINGS AND NONCONFORMING USES

Sections:

19.88.010 Continuation of use.
19.88.020 Occupation within one year.
19.88.030 Maintenance permitted.
19.88.040 Repairs and alterations permitted.
19.88.050 Addition of parking space.
19.88.060 Expansion of use permitted.
19.88.070 Additions, enlargements, moving and reconstruction of building.
19.88.080 Nonconforming use of land.
19.88.090 Change of use.
19.88.110 Restoration of damaged building.
19.88.120 One-year vacancy.
19.88.130 Abandonment.
19.88.140 Application to have a use violation declared a nonconforming use.
19.88.150 Termination.

19.88.010 Continuation of use.

The occupancy of a noncomplying building or structure, or a building or structure by a nonconforming use, existing at the time this title became effective, may be continued by the present or a future property owner. The definitions of "noncomplying building" and "nonconforming use" shall be as provided in UTAH CODE ANN. §10-9a-103, as amended.

19.88.020 Occupation within one year.

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became nonconforming.

19.88.030 Maintenance permitted.

A noncomplying building or structure may be maintained.

19.88.040 Repairs and alterations permitted.

Repairs and structural alterations may be made to a noncomplying building or to a building housing a nonconforming use.

19.88.050 Addition of parking space.

A building or structure lacking sufficient automobile parking space for a legal use under this title may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of this title for such alteration or enlargement.

19.88.060 Expansion of use permitted.

A nonconforming use may be extended through the entire existing building in which it is conducted at the time the use became nonconforming, provided no structural alteration is proposed or made for purpose of the extension. The addition of a solar energy device is not a structural alteration under this section.

19.88.070 Additions, enlargements, moving and reconstruction of building.

A. A building occupied by a nonconforming use and a building noncomplying as to height, area or yard regulations shall not be added to or enlarged in any manner or moved to another location on the lot or reconstructed at another location on the lot except as provided by subsection B of this section unless such additions and enlargements comply with the regulations and intent of this title.

B. A building occupied by a nonconforming use or a building

noncomplying as to height, area or yard regulations may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the board of adjustment, provided that the board of adjustment, after the hearing, shall find:

1. The addition to, enlargement of, moving of, or reconstruction of the noncomplying building at a new location on the lot will be in harmony with one or more of the purposes stated in section 19.02.020, and shall be in keeping with the intent of this title;

2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or noncomplying building.

C. The board of adjustment shall have the same authority with regards to additions, enlargements and moving of noncomplying structures as with noncomplying buildings, but shall not have the authority to allow reconstruction of noncomplying structures at a new location on the lot.

19.88.080 Nonconforming use of land.

The nonconforming use of land, existing at the time this title became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any future use of such land shall be in conformity with the provision of this title.

19.88.090 Change of use.

A. A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the planning commission finds that such use would not be more intensive than the most recent existing legal noncomforming use.

B. Noncomplying buildings, or buildings housing a nonconforming use, shall not be enlarged, removed, reconstructed or otherwise changed except for interior remodeling and exterior restoration or renewal that will make the appearance of the building more nearly conform to the character of the area in which it is located.

C. The existing lot or parcel shall not be enlarged upon or modified except to create landscaping, fencing, curb, gutter and sidewalk, road widening or minimum off-street parking that will provide a safer and more compatible facility.

D. Any change of a nonconforming use to another nonconforming use shall be a conditional use and subject to chapters 19.78, “Supplementary and Qualifying Regulations,” and 19.84, “Conditional Uses,” except that the proposed nonconforming use need not conform to the city’s general plan.

E. The planning commission may approve a change of use pursuant to this title even though the nonconforming use may have been abandoned under the provisions of section 19.88.130.

19.88.110 Restoration of damaged building.

A noncomplying building or structure, or a building or structure occupied by a nonconforming use, which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such damage or

destruction may be continued or resumed, provided that:

A. The structure has not been allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months, or

B. The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

19.88.120 One-year vacancy.

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

19.88.130 Abandonment.

A nonconforming use that has been abandoned shall be deemed to be terminated. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment under the standards specified in UTAH CODE ANN. §10-9a-511, as amended.

19.88.140 Application to have a use violation declared a nonconforming use.

A. Whenever land or a structure is used in violation of this title, the owner may file an application with the planning commission to have the use declared nonconforming. The planning commission may approve such an application only when the evidence establishes all of the following:

1. The use exists on the property at the time of the application and has been in continuous violation of the zoning ordinance for a period exceeding five years;

2. No complaint has been made to the department concerning the violation for a period exceeding five consecutive years during which the violation existed;

3. Continuation of the use will not have a detrimental effect on the health, safety or welfare of persons or property in the vicinity.

B. In approving an application hereunder, the planning commission may set any conditions it deems necessary for protection of adjacent properties or the public welfare including provisions limiting the period of time the use may continue. This section shall in no way be interpreted to permit the continuation of any violation which exists on the effective date of the ordinance codified in this section. Any person shall have the right to appeal to the board of adjustment a decision rendered by the planning commission pursuant to this section.

19.88.150 Termination.

A. The city council may provide by ordinance for the termination of a nonconforming use, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment, in the nonconforming use, if any.

B. The city council may terminate the nonconforming status of a school district or charter school use or structure with the property associated with the school district or charter school use or

structure ceases to be used for school district or charter school purposes for a period of one year or longer.

Chapter 19.89
SHORT-TERM RENTALS

Sections:

19.89.010 Findings; Purpose.
19.89.020 Definitions.
19.89.030 Permit required.
19.89.040 Minimum duration.
19.89.050 Where permitted.
19.89.060 Exceptions.
19.89.070 Permit application and renewal; Approval standards.
19.89.080 Standards for operation.
19.89.090 Display of permit.
19.89.100 Exterior display of contact information.
19.89.110 Business license; Room tax.
19.89.120 Occupancy limits.
19.89.130 Parking.
19.89.140 Maintenance.
19.89.150 Binding effect.
19.89.160 Inspections.
19.89.170 (Reserved).
19.89.180 Fees.
19.89.190 Violations and penalties.
19.89.200 Appeals.

19.89.010 Findings; Purpose.

The city council finds that while short-term rental properties may provide additional lodging opportunities for visitors to the city, such use is, essentially, a commercial use that can have a significant adverse impact on the appearance, tranquility and standard of living in the surrounding neighborhoods and, therefore, merits careful regulation and enforcement. The purpose of this chapter is to regulate short-term rentals in the city in order to safeguard the peace, safety and general welfare of existing neighborhoods by reducing or eliminating detrimental effects caused by noise, vandalism, overcrowding, congestion, traffic, parking and other adverse effects that may accompany the introduction of transient populations in neighborhoods as a result of the operation of short-term rental properties.

19.89.020 Definitions.

A. "*Bedroom*" means a room designated and used primarily for sleeping and rest on a bed. 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.

B. "*Director*" means the city's director of community development, his designee, or any other designee of the city's manager.

C. "*Short-term rental*" means the rental, letting of rooms or sub-leasing/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.

D. "*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.

E. "*Short-term rental property*" means real property licensed under this chapter for use for short-term rental purposes.

19.89.030 Permit required.

All short-term rental properties shall obtain a short-term rental permit from the city prior to operation. A short-term rental permit is a conditional use permit that is in addition to, and not in substitution for, a business license for each short-term rental property required by title 5 of this code. Notwithstanding anything in this code to the contrary, a short term rental conditional use permit may be approved, approved with conditions, or denied by the director following an administrative hearing, without review or input by the city's planning commission. A short-term rental permit previously granted as provided in this chapter, and which has not been previously terminated, may be renewed annually upon application by the holder to the director. The holder's failure to annually renew a short-term rental permit as provided in this chapter is, of itself, grounds for revocation of such conditional use as provided in section 19.84.140 of this code.

19.89.040 Minimum duration.

Renting, letting of rooms or sub-leasing/renting of any structure or dwelling or portion thereof for occupancy, dwelling, lodging or sleeping purposes for less than three consecutive calendar days in duration is prohibited in any zone in the city where residential use is a permitted or conditional use unless use of such structure, etc. as a hotel, motel, bed and breakfast or similar use has been specifically authorized as a permitted or conditional use of such parcel.

19.89.050 Where permitted.

A. Short-term rental permits, and renewals thereof, may be approved by the director as conditional uses in the city's R-2-8, RM (Residential Multi-family), MU (Mixed Use), NC (Neighborhood Commercial), and RO (Residential Office) zoning districts, provided that the proposed short-term rental property in such a zoning district is part of a planned unit development or condominium project that contains at least eight (8) units and fronts on a private street.

B. Short-term rentals are prohibited in the city's R-1 (single-family), R-2 (medium density) (except as set forth in subsection A above), RR (rural residential) and F (foothill residential) zoning districts, and any other zoning districts, or portions thereof, where such use is not specifically allowed as a conditional use in subsection A of this section 19.89.050; provided, however, that renewal of a short-term rental permit existing (under UTAH CODE ANN. section 10-9a-511 or its successor) as a

legal non-conforming use in one of those zoning districts may be approved by the director.

19.89.060 Exceptions.

Rentals of more than 30 consecutive days in duration in any of the city's residential zoning districts are not required to obtain a short-term rental permit.

19.89.070 Permit application and renewal; Approval standards.

Application for, and issuance of, a short-term rental permit shall proceed as follows:

A. The applicant shall submit an application for a short-term rental permit, or annual renewal thereof, to the city on a city-approved form, paying all applicable fees and complying with all required inspections. Unless sooner revoked, issued permits initially shall expire on the first July 1st that follows issuance of the permit by at least five months, with renewal permits expiring each July 1st thereafter. The city shall provide to the operator a written renewal notice for each currently-issued short-term rental permit. Failure to renew a short-term rental permit within one month after the deadline specified in such renewal notice shall, of itself, constitute grounds for revocation of such conditional use as provided in section 19.84.140 of this code. The applicant may be the operator of the proposed short-term rental property or the operator's agent. Both the operator and the applicant (if different from the operator) shall be responsible for compliance with all provisions of this chapter and all other applicable ordinances regulating or applicable to short-term rentals, including, without limitation, the obligation to maintain in effect a business license under Title 5 of this code for the short-term rental property.

B. An initial or renewal application for a short-term rental permit shall include a declaration of compliance with all legal requirements and all other applicable laws, which shall be signed and sworn to by the operator under penalty of perjury. Material misstatements in such declaration by the operator, or elsewhere in the application, shall, of itself, constitute grounds for rejection of the application or revocation of any resulting conditional use (issued in error based on such improper application) as provided in section 19.84.140 of this code.

C. The application shall be granted unless the director makes one or more of the following findings:

1. The proposed use is not a conditional use under this chapter;

2. The permit should not be granted due to (a) uncured violations of this chapter or of any other applicable law, ordinance, rule or regulation, (b) the occurrence of three or more violations for such short-term rental property during the (typically, 12-month) term of the preceding permit (in which event the operator may not re-apply for any available short-term rental permit or business license for such property for two years from the date of denial), or (c) any other reason for which the short-term rental permit application legally could have been denied; or

3. The city is unable to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use on the surrounding residential properties and neighborhood.

19.89.080 Standards for operation.

In recognition that short-term rental uses are commercial in nature, and can have a significant adverse impact on the appearance, tranquility and standard of living in surrounding residential neighborhoods, the following special operational standards are mandatory for all short-term rental properties in order to protect the health, safety, welfare and tranquility of the surrounding residential neighborhoods:

A. Each short-term rental operator shall ensure that the occupants and guests of its short-term rental property do not create unreasonable noise or disturbances (judged against, *inter alia*, the nature of the neighborhood where the short-term rental property is located, the time of day of the noise or disturbance, and the level of noise or similar disturbances then emanating from surrounding properties), engage in disorderly conduct, or violate provisions of this code or any other applicable federal, state, county, city or other law, rule or regulation (collectively, "*applicable laws*") pertaining to noise, disorderly conduct, overcrowding, illegal consumption of alcohol, use of illegal drugs, or otherwise. An operator shall be deemed to have ensured compliance with applicable laws if it

1.) clearly advises its occupants and guests of such requirements before they take occupancy of the property;

2. promptly and appropriately responds to complaints concerning the behavior of its occupants and guests as required by this chapter;

3. promptly evicts from the short-term rental property any who have failed to comply with applicable laws on two or more occasions ("*persistent violations*") during their period of occupancy of a short-term rental property; and

4. refuses to allow any persons who have engaged in or been party to persistent violations of applicable laws in their occupancy of a short-term rental property to occupy in the future any short-term rental property under such operator's ownership or control.

B. Promptly upon notification that the occupants or guests of a short-term rental property have violated subsection 19.89.080(A) above, the operator shall use its most diligent best efforts to prevent a recurrence of such conduct by those occupants or guests and all future occupants and guests. Such response by the operator to the notification shall occur within one hour after receipt. Failure to timely or properly respond to a complaint regarding any such violation as provided in this subsection shall constitute a violation of this chapter, and shall be grounds for imposition of the penalties specified in section 19.89.190 below.

C. Each operator shall ensure that the operation of its short-term rental property complies with all other requirements of this code and all other applicable laws.

D. The planning commission and/or the director shall be authorized to prospectively impose additional reasonable conditions, applicable to all short-term rental properties in the city, as necessary to achieve the intent and objectives of this chapter. The city shall endeavor to notify all short-term rental operators of any change in the standards applicable to short-term rentals and short-term rental properties.

E. A short-term rental property shall not contain more than four (4) bedrooms. Any excess bedrooms in a proposed short-term rental property must

be converted to, and continuously used for, non-bedroom purposes for so long as such property is used for short-term rental purposes.

F. Short-term rental properties and all related or accessory structures or improvements shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the surrounding neighborhood.

G. Snow shall be removed from sidewalks and driveways as provided by this code.

H. A short-term rental property shall not have any signs visible from the exterior of the premises that advertise the use, other than as required by this chapter.

I. The use of a property in a residential neighborhood for short-term rental purposes shall not change the exterior appearance of the property so that it appears dissimilar from residential properties in the surrounding neighborhood.

J. Outdoor pools, hot tubs, saunas or spas shall not be used between the hours of 10:00 p.m. and 8:00 a.m.

K. Occupants and guests of a short-term rental property shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any other applicable federal, state, county, city or other law, rule or regulation (collectively, "*applicable laws*") pertaining to noise, disorderly conduct, overcrowding, illegal consumption of alcohol, use of illegal drugs, or otherwise.

19.89.090 Display of permit.

Each operator shall affix and maintain a copy of its short-term rental permit on the inside of the main entry door of the short-term rental property to which it applies.

19.89.100 Exterior display of contact information.

A. Short-term rental operators shall prominently display in a city-approved location on the exterior of the short-term rental property that is visible to the general public and/or the common areas of the surrounding neighborhood, the name and 24-hour per day, 365-days per year telephone number for the short-term rental operator who will take and resolve complaints regarding operation of the short-term rental property and its occupants and guests. Such display also shall include (1) a telephone number to report violations of this chapter to a city code compliance officer 24 hours per day, 365 days per year; (2) the identifying number of the city-issued business license for the property; and (3) the date of the last city inspection of the property. The city will prescribe the form of said display of contact and other information. Applicants also shall provide such information to all property owners residing within 300 feet of the short-term rental property. Operators shall provide updated contact information to all recipients, and for all purposes, specified hereunder as such information changes.

B. Operators shall respond (in person, if appropriate) to telephonic complaints within one hour after such complaint is made. Inappropriate and/or non-response to such complaints shall constitute a violation of this chapter, and shall be grounds for imposition of the

penalties specified in section 19.89.190 below.

19.89.110 Business license; Room tax.

The operator must continuously maintain in force and effect a city business license for the short-term rental property as required in Title 5 of this code, and timely shall pay all taxes and fees relating to such business, including, without limitation, the city's transient room tax.

19.89.120 Occupancy limits.

A. The city has determined that the preferred means to avoid or minimize safety concerns and the adverse impacts on the surrounding neighborhood attending a large transient population residing in one dwelling is to limit both the occupancy of each short term rental property and the bedrooms available for use at such property. Consequently, occupancy in any short-term rental property shall not exceed the lesser of:

1. Up to two adults (persons aged 18 and above) and two related children (persons under age 18) per bedroom, o

2. Total occupancy (adults and children) of no more than 12 persons in the entire short-term rental property.

B. A short-term rental property may not be artificially divided or partitioned for the purpose of increasing the available occupancy of an otherwise standard dwelling unit such as a house, a condominium unit, or an apartment.

19.89.130 Parking.

Occupants or guests of any short-term rental property shall not park more vehicles at the short-term rental property than can be legally parked in the garage or carport or on the driveway. Parking of occupant or guest vehicles on the public right-of-way adjoining the short-term rental property, or on areas of the property designated as (or intended for, based on the landscaping of the surrounding neighborhood) yard or lawn, is prohibited. Required parking areas shall be properly maintained and be available for use at all times.

19.89.140 Maintenance.

All short-term rental properties shall comply with chapter 9.05 of this code, entitled "Nuisances and Abatement."

19.89.150 Binding effect.

A. The requirements of this chapter shall be in effect throughout the time that a short-term rental permit is in effect for a property, notwithstanding that such property may be used intermittently by its owner or non-paying guests, based on the city's determinations that, *inter alia,*

1. Given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of this chapter should be based on whether the property is licensed as a short-term rental property rather than the identity of its occupants from time to time;

2. Such a property essentially exists to provide lodging for a transient population (which may include a non-resident owner or its non-resident guests) that may not honor neighborhood mores or exhibit neighborly consideration to the same extent as more permanent residents; and

3. Requiring such compliance may encourage an owner that is not actively engaged in a short-term rental business for a property to terminate the short-term rental permit for such property, thereby mitigating the adverse impact on the character of the surrounding

neighborhood posed by the potential future use of such property for short-term rental purposes.

B. A short-term rental permit may be terminated at any time by the owner of a short-term rental property upon submission to the city of the property owner's signed, notarized written notice of such termination.

19.89.160 Inspections.

A. The city has determined that the preferred method of assuring compliance with this chapter is through regular annual inspections of the short-term rental property at the time of permit application or renewal; through possible additional intermittent regular inspections upon prior notice to the operator during the term of a permit; and through special inspections immediately upon the city's reasonable determination that a violation of this chapter may have occurred. Consequently, the city shall have the right to inspect a short-term rental property for compliance with the requirements of this code. Such an inspection (a "*renewal inspection*") shall occur after application and before issuance of the short-term rental permit or any renewal thereof.

B. Additional inspections ("*intermittent inspections*") may occur during the term of an issued permit upon at least 24 hours' prior telephonic or written (via e-mail, facsimile or personal delivery) notice to the operator (measured from the time of delivery of such notice), using the operator's contact information on file with the city.

C. The city also shall have the right to immediately inspect (a "*violation inspection*") a short term rental property for compliance with this chapter upon issuance of a citation for violation of this chapter.

D. All inspections under this chapter shall comply with the requirements of section 2.10.110 (or its successor) of this code.

E. If necessary to gain entry for inspection purposes, the city may obtain an administrative search warrant.

F. Failure by an owner, operator, occupant or guest to allow inspection of a short-term rental property as provided in this section shall, of itself, constitute grounds for

1. Revocation of an issued short-term rental permit for such property as provided in section 19.84.140 of this code, in the case of an intermittent inspection or a violation inspection, or

2. Rejection of an application for renewal of a short-term rental permit, in the case of a renewal inspection.

19.89.170 (Reserved).

19.89.180 Fees.

The operator of a short-term rental property shall pay a yearly business license fee for the short-term rental property under Title 5 of this code. An applicant for a short-term rental permit also shall pay

A. A one-time application fee for conditional uses, as specified in the consolidated fee schedule; and

B. An annual permit renewal fee as specified in the consolidated fee schedule.

19.89.190 Violations and penalties.

A. Failure to comply with this chapter shall constitute a violation of this code for which a citation may be issued and penalties may be imposed by the city. Each day that a violation occurs or continues is a separate violation.

B. Operation of a property in the city for short-term rental purposes

without a permit or a business license shall be a violation of this code and shall be punishable as provided in section 1.08.020 of this code, with each day of unlicensed operation constituting a separate offense.

C. For noncompliance with this chapter of a permitted and licensed short-term rental property, the issuing officer shall issue a written citation to the operator, specifying the violation and the penalty to be imposed for such violation. Except as otherwise provided in this chapter, the penalty for violation of this chapter shall be as follows:

1. For the first violation within any 12 month period, the penalty shall be $250;

2. For a second violation within any 12 month period, the penalty shall be an additional $500; and,

3. For a third violation within any 12 month period, the penalty shall be an additional $1,000 and revocation of the short term rental permit and the business license for the subject property; provided, however, that the operator may not re-apply for any available short-term rental permit or business license for such property for two years from the date of such revocation.

19.89.200 Appeals.

An operator desiring to contest a citation must appeal the citation to the city's appeal authority in accordance with chapter 19.92 of this code.

Chapter 19.90
AMENDMENTS AND REZONING

Sections:

19.90.010 Amendment procedure.
19.90.020 Hearing—Notice.
19.90.030 Determination of city council.
19.90.040 Appeal procedure.
19.90.050 Disapproval of rezone application.
19.90.060 Conditions to zoning map amendment.
19.90.070 General plan amendment procedure.
19.90.080 Determination of city council.
19.90.090 Periodic consideration of general plan application.
19.90.100 Disapproval of general plan application.

19.90.010 Amendment procedure.

A. The city council may, from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the zoning ordinance. The city council may not make any amendment authorized by this section unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation. To become effective, zoning amendment applications which have received the positive recommendation of the planning commission must first receive the favorable vote of not less than a majority of the entire membership of the city council.

B. Zoning amendment applications which receive a recommendation of denial by the planning commission shall thereafter be considered by the city council as provided in section 19.90.030.

19.90.020 Hearing—Notice.

Before finally adopting any such amendment, the city council shall ensure that the planning commission has held a public hearing thereon preceded by all legally-required public notice.

19.90.030 Determination of city council.

The city council, after review of the recommendation of the planning commission, may affirm, reverse, alter or remand for further review and consideration any recommendation made by the planning commission.

19.90.040 Appeal procedure.

Any person adversely affected by a decision of the city council amending (a) the number, shape, boundaries or area of any zoning district; (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance, may file a petition for review of such decision in the district court within 30 days after the city council's decision is final.

19.90.050 Disapproval of rezone application.

Disapproval by the city council of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof, to the same zone classification, or, if the application is for a commercial classification, to the same or any other commercial classification, within one year after the date of the final disapproval of the application unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application

to merit consideration of a second application within the one-year time period.

19.90.060 Conditions to zoning map amendment.

A. In order to provide more specific land use designations and to ensure land development suitability; to ensure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirement for development of property, additional limitations and restrictions (called in this section "*conditions*" or "*zoning conditions*") may be attached to (and thereby made a part of) any zoning map amendment at the time of its adoption, which limit or restrict the following to a greater degree than otherwise would be applicable under the base zoning classification:

1. Conditional or permitted land uses;
2. Dwelling unit density;
3. Building square footage; and/or
4. Building structure height.

B. A zoning map amendment attaching any of the conditions set forth in subsection A of this section shall be designated "ZC" after the base zoning classification on the city's zoning map. The subject zoning conditions shall be filed with the city recorder and shall be recorded in the official records of the Salt Lake County Recorder against title to the affected real property.

C. If any zoning condition(s) imposed in connection with a rezone of property is declared invalid by a court of competent jurisdiction, the zoning map amendment incorporating such zoning condition(s) shall be void, and the zoning designation of the property in question shall revert to its zoning designation immediately prior to such voided rezone. Any proposed deletion of or change to city-approved zoning conditions shall be considered an amendment to the zoning ordinance and shall be subject to the requirements of this chapter.

D. The attachment of conditions to any zoning map amendment shall not affect the applicability of any other requirements of this title.

E. The attachment of conditions to a zoning map amendment under this section shall be permissible in any of the city's current or future base zoning classifications <u>except</u> the following base zones:

1. Chapter 19.08—F-20 (Foothill Forestry Zone);
2. Chapter 19.11—F-1-43 (Foothill Residential Zone);
3. Chapter 19.14—F-1-43 (Foothill Residential Zone);
4. Chapter 19.17—RR-1-43 (Rural Residential Zone);
5. Chapter 19.18—RR-1-29 (Rural Residential Zone);
6. Chapter 19.20—RR-1-21 (Rural Residential Zone);
7. Chapter 19.23—R-1-15 (Residential Single Family Zone);
8. Chapter 19.23—R-1-10 (Residential Single Family Zone);
9. Chapter 19.23—R-1-8 (Residential Single Family Zone);
10. Chapter 19.23—R-1-6 (Residential Single Family Zone);

1. Chapter 19.46—PF (Public Facilities Zone).

19.90.070 General plan amendment—Procedure.

The city council may amend the general plan. A proposed amendment to the general plan shall not be made or become effective unless it is first

presented to the planning commission and, before making its recommendation concerning the proposed amendment, the planning commission holds a public hearing on the proposed amendment preceded by all required public notice. The planning commission thereafter shall forward the proposed amendment and its recommendation concerning it to the city council.

19.90.080 Determination of city council.

After the planning commission review, public hearing and recommendation as provided in section 19.90.070, the city council may adopt the general plan amendment as proposed; modify the proposed amendment and adopt it or reject it as modified; or reject the proposed amendment.

19.90.090 Periodic consideration of general plan applications.

The planning commission may establish policies and procedures whereunder pending applications for amendments to the general plan not initiated by the city will be considered by the planning commission only periodically, provided that consideration by the planning commission of such pending applications occurs no more than three times annually at intervals of not less than four months. Any such policies and procedures shall be inapplicable to applications for amendments to the general plan initiated by the city, and the planning commission promptly shall consider any city-initiated proposal to amend the general plan.

19.90.100 Disapproval of general plan application.

Disapproval of an application to amend the city's general plan not initiated by the city shall preclude the filing of another application to amend the general plan text in the same or similar manner or to amend the general plan map for any parcel of property or portion thereof to the same land use designation within one year of the date of the final disapproval of the application unless the city council finds that there has been a substantial change in the circumstances or other significant reasons since the disapproval of the application to merit consideration of a second application within the one year time period.

Chapter 19.91
SEXUALLY-ORIENTED BUSINESSES

Sections:

19.91.010 Title for citation.
19.91.020 Purpose of provisions.
19.91.030 Definitions.
19.91.040 Businesses permitted—Restrictions.
19.91.050 Sign restrictions.
19.91.060 Severability.

19.91.010 Title for citation.

The ordinance codified in this chapter shall be known and may be referred to as the "Sexually-Oriented Businesses Zoning Ordinance."

19.91.020 Purpose of provisions.

It is the purpose and objective of this chapter that the city establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses or their location in areas deleterious to the city; to regulate the signage of such businesses; to control the adverse effects of such signage; and to prevent inappropriate exposure of such businesses to the community. This chapter is to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the limitations provided by provisions of the constitutions of the United States and the state of Utah.

19.91.030 Definitions.

As used in this chapter:

A. "*Public park*" means a park, playground, swimming pool, golf course or athletic field which is under the control, operation or management of the state, a state agency, the city, or a municipality.

B. "*Religious institution*" means a building which is used primarily for religious worship and related religious activities.

C. "*School*" means 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.

D. "Sexually-oriented business" means adult businesses, nude entertainment businesses, seminude dancing bars, outcall services, and nude and seminude dancing agencies as defined in chapter 5.82.

19.91.040 Business permitted—Restrictions.

A. Sexually-oriented businesses shall be permitted exclusively in the area zoned O-R-D located at approximately 6500 South 3000 East in the city and in no other O-R-D zone or other zoning district in the city, subject to the following additional restrictions:

1. Sexually-oriented businesses shall be subject to conditional use requirements.

2. No sexually-oriented business shall be located:

(a) Within 300 feet from any school, public park, religious institution, or another sexually-oriented business, except that an outcall service or a nude and seminude dancing agency may be located on the same premises as another sexually oriented business; or

(b) Within 200 feet from an the boundary of a residential zoning district.

3. The distance requirements for this section shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the school, public park, religious institution, residential zoning district, or another sexually-oriented business and to the front or main entrance of the sexually-oriented business.

19.91.050 Sign restrictions.

Notwithstanding anything contrary contained in chapter 19.82, "Signs," signs for sexually-oriented businesses shall be limited as follows:

A. No more than one exterior sign shall be allowed;

B. No sign shall be allowed to exceed 18 square feet;

C. No animation shall be permitted on or around any sign, or on the exterior walls or roof of such premises;

D. No descriptive art or designs depicting any activity related to, or inferring, the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only;

E. Only flat signs shall be permitted;

F. Painted wall advertising shall not be allowed;

G. Other than the signs specifically allowed by this chapter, the sexually-oriented business shall not construct or allow to be constructed any temporary sign, banner, light or other device designed to draw attention to the business location.

19.91.060 Severability.

If any provision or clause of this chapter or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision, clause or application hereof, and to this end the provisions and clauses of this chapter are declared to be severable.

Chapter 19.92
BOARD OF ADJUSTMENT

Sections:

19.92.010 Purpose.
19.92.020 Appointment.
19.92.030 Compensation.
19.92.040 Removal and vacancies.
19.92.050 Organization of board.
19.92.060 Meetings and voting.
19.92.070 Powers and duties of board.
19.92.080 Appeals.

19.92.010 Purpose.

The city's board of adjustment ("*board*") shall act as an appeal authority for the city as specified in this title, and may authorize in specific cases variance from the terms of this title as provided herein. The board shall provide for fair and just treatment in the administration of local zoning ordinances to insure that substantial justice is done.

19.92.020 Appointment.

The board shall consist of five members and one or more alternate members, who shall be appointed by the manager, with the advice and consent of the city council, for a term of five years, provided that the manager shall appoint members of the first board to terms so that the term of one member expires each year. No member of the board shall also serve as a member of the planning commission or city council. No member of the board shall serve more than two consecutive terms.

19.92.030 Compensation.

Each regular member of the board shall receive $25 per meeting as compensation and as reimbursement for expenses incurred in the performance of their official duties, provided, however, that such compensation and reimbursement not exceed $100 per month. An alternate member of the board shall receive $25 per meeting at which the attendance of the alternate member is requested by the chairperson of the board.

19.92.040 Removal and vacancies.

Members of the board may be removed for cause by the manager upon written charges and after public hearing (if a public hearing is requested by the member being removed). Any vacancy occurring on the board shall be promptly filled by the manager with the advice and consent of the city council for the unexpired term of the member whose office is vacant.

19.92.050 Organization of board.

The board shall organize and elect a chairperson and adopt rules that comply with any and all ordinances adopted by the city council. Such rules shall establish procedures for alternate members to serve in the absence of members of the board and shall provide that no more than two alternate members may sit at any meeting of the board.

19.92.060 Meetings and voting.

Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Any regular member who cannot attend a meeting shall so notify the chair and the chair shall request that an alternate member fill the vacancy at such meeting. The chairperson, or in his absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its

examinations and other official actions all of which shall be immediately filed in the offices of the board and shall be a public record.

The concurring vote of three members of the board is necessary to reverse any order, requirement, decision, or determination by the planning commission or any administrative official or agency or to decide in favor of any appellant.

19.92.070 Powers and duties of board.

The board shall have the following powers:

A. *Variances*. To authorize in specific cases variance from the terms of this title. The board may grant a variance only if:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;

2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and,

5. The spirit of the zoning ordinance is observed and substantial justice is done.

In determining whether enforcement of the zoning ordinance will cause unreasonable hardship, the board may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances particular to the property, not from conditions which are general to the neighborhood. In determining whether or not enforcement of the zoning ordinance would cause an unreasonable hardship, the board may not find an unreasonable hardship if the hardship is self-imposed or economic. In determining whether or not there are special circumstances attached to the property, the board may find that special circumstances exist only if special circumstances relate to the hardship complained of and deprive the property of the privileges granted to other properties in the same district. The applicant shall bear the burden of proving that all the conditions justifying a variance have been met. In granting a variance, the board may impose additional requirements on the applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified.

B. *Appeals*. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official or the planning commission in the enforcement or interpretation of this title or of any ordinance adopted pursuant thereto. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

C. *Non-conforming uses*. The board of adjustment shall be the review board for applications to amend, modify, expand, nonconforming uses pursuant to section 19.88.070.

19.92.080 Appeals.

A. If the board is authorized by this code to hear and decide appeals of planning commission decisions, then the

board shall review the record of the planning commission decision to determine whether the decision is supported by substantial evidence in the record and therefore not so unreasonable as to be arbitrary and capricious.

B. If the board is authorized by this code to hear and decide appeals of city administrative officials, then the board shall make a *de novo* review of any such issue.

C. Appeals to the board are barred unless such appeal is filed within 30 days after the date of the decision (by the administrative official or the planning commission) being appealed.

D. Any persons directly aggrieved by any decision of the board may petition the District Court for review of the decision if authorized by state statute, provided that such appeal shall be filed with the District Court within 30 days after the date of the board's decision being appealed.

Chapter 19.94
ENFORCEMENT

Sections:

19.94.010 Enforcement authority.
19.94.020 Powers and duties.
19.94.030 Unlawful use prohibited.
19.94.040 Violation—Penalties and remedies.
19.94.050 Violation—Persons liable.
19.94.060 Violation—Notice and order.
19.94.070 Civil penalties.

19.94.010 Enforcement authority.

The director or his authorized agent is designated as the officer charged with the enforcement of this title.

19.94.020 Powers and duties.

A. The director is authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair and to inspect land uses to determine compliance with the provisions of this title; provided, however that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification or repair of building or structure.

B. The director shall enforce all of the provisions of this title, employing all legal means available to do so. In the enforcement of this title, the director or his designee shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this title, provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

19.94.030 Unlawful use prohibited.

A. No land, building or structure shall be used for any purpose or use not allowed in the zone in which such land, building or structure is located.

B. Violation of any of the provisions contained in this title is prohibited. Any person who violates the provisions of this title shall be subject to the criminal and civil penalties set forth in this chapter.

19.94.040 Violation—Penalties and remedies.

A. Violation of any of the provisions of this title is punishable as a Class “C” misdemeanor upon conviction. In addition, the provisions of this title may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.

B. Any one, all, or any combination of the penalties and remedies set forth in subsection (A) of this section may be used to enforce the provisions of this title.

C. Each day that any violation continues after notification by the director or his designee that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this title.

D. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

19.94.050 Violation—Persons liable.

Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this title may be held responsible for the violation, suffer the

penalties, and be subject to the remedies provided by law.

19.94.060 Violation—Notice and order.

A. Upon inspection and discovery that any provision of this title is being violated, the director shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.

B. The written notice and order shall: (1) indicate the nature of the violation; (2) order the action necessary to correct the violation; (3) give information regarding the established warning period for the violation; and (4) state the action the director intends to take if the violation is not corrected within the warning period.

C. The written notice shall be delivered personally or mailed to the property owner, as shown on the records of the county recorder, and to any other person who may be responsible for the violation. Receipt of notice shall mean three days after the date written notice is delivered or mailed as provided herein.

D. The written notice shall serve to start any warning periods provided in this chapter, commencing upon receipt of notice. If the violation remains uncured within five days after the expiration of the warning period, a second notice of violation and order shall be delivered in the same manner as the first notice. The second notice shall serve to start the civil penalties.

E. In cases where the director determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this title, the director may seek immediate enforcement without prior written notice by instituting any appropriate remedies, other than civil penalties, authorized by section 19.94.040.

19.94.070 Civil Penalties.

A. Violations of the provisions of this title shall result in civil penalties as specified in the consolidated fee schedule.

B. *Daily violations*. Each day a violation is continued or maintained after receipt of notice shall give rise to a separate civil penalty for each day of violation.

C. *Violation appeal procedure*.

1. The city council shall appoint such hearing officers as the board deems appropriate to consider matters relating to the violation of this title.

2. Any person having received notice of such violation, or the owner of any affected property, may appear before a hearing officer and present and contest such alleged violation of this title.

3. The burden to prove any defense specified in subsection (C)(4) below shall be upon the person raising such defense.

4. If the hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the written notice of violation. Such defenses are:

(a) At the time of the receipt of the written notice of violation, compliance would have violated the criminal laws of the state.

(b) Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.

5. If the hearing officer finds that a violation of this title occurred and no applicable defense exists, the hearing officer may, in the interest of justice and on behalf of the city, enter into an agreement for the timely or periodic

payment of the applicable penalty by the violator.

6. No action by a hearing officer shall relieve the violator from complying with any of the provisions of this title.

D. *Abatement for Correction and Payment*.

1. Civil penalties shall be partially abated after the violation is cured and in the discretion of a hearing officer, considering the following guidelines and other factors:

(a) Prompt Cure. Reductions are generally appropriate for promptly curing the violation pursuant to the following schedule, but the hearing officer may grant greater or lesser abatements depending on the facts of the case:

(i) Cured within 14 days after second notice: 75% reduction;

(ii) Cured with 28 days after second notice: 50% reduction; or

iii. Cured within 56 days after second notice: 25% reduction.

(b) If strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property.

(c) If the violation and inability to cure were both caused by an event such as war, act of nature, strike, or civil disturbance.

(d) Such other mitigating circumstances as may be approved by the city attorney or designee.

(e) If a change in the actual ownership of the property was recorded in the recorder's office after the first or second notice was issued and the new owner is not related by blood, marriage or common ownership to the prior owner.

2. If the hearing officer finds that the notices violation occurred and no applicable defense applies, the hearing officer may, in the interest of justice and on behalf of the city, enter into an agreement for the delayed or periodic payment of the applicable penalty.

E. *Collection of civil penalties*.

1. If the penalty imposed pursuant to this chapter remains unsatisfied after 40 days or when the penalty amounts to $5,000 from the receipt of notice, or 10 days from such date as may have been agreed to by the hearing officer, the city may use such lawful means as are available to collect such penalty, including costs and attorney fees.

2. Commencement of any action to remove penalties shall not relieve the responsibility of any penalty to cure the violation or make payment of subsequently-accrued civil penalties, nor shall it require the city to reissue any of the notices required by this chapter.