Title 19

ZONING

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Chapter 19.02
GENERAL PROVISIONS AND ADMINISTRATION

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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the city, in their entirety and including the maps theretofore adopted and made a part of such ordinances, are hereby superseded and amended to read as set forth in this title; provided, however that this title, including the maps on file with the planning commission and by this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

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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.
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19.04.420 Building official.
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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
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19.04.480 Cemetery or mausoleum.
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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).
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19.04.620 Communications operations (non-commercial/amateur).
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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.
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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.

19.04.125 Appeals hearing officer.

An individual appointed by the manager with advice and consent of the city council, who is authorized to, *inter alia*, 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.

19.04.130 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, motorcycles, 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 ***Reserved***.

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), motor scooters, 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 incidental 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 appeals hearing officer 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 appeals hearing officer 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:

A. Single-family detached dwellings;

B. Accessory uses and buildings customarily incidental to permitted uses; and

C. 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:

A. Fruit and/or vegetable stand, provided that the products are produced on the premises;

B. Nursing home;

C. Planned unit development;

D. Public and quasi-public uses;

E. 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;

F. Sportsman's kennel for personal, non-commercial use;

G. Home occupations; and

H. 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.

19.17.090 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:

A. Single-family detached dwellings;

B. Accessory uses and buildings customarily incidental to permitted uses; and

C. 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:

A. Home occupations;

B. Nursery and/or greenhouse, excluding retail sales;

C. Planned unit development;

D. Public and quasi-public uses;

E. Sportsman's kennel for personal, non-commercial use;

F. Home occupations; and

G. 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:

A. Single family detached dwellings;

B. Accessory buildings customarily incidental to permitted uses; and

C. 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:

A. Planned unit development;

B. Public and quasi-public uses;

C. Sportsman's kennel for personal, non-commercial use (minimum lot size 21,780 square feet);

D. Home occupations; and

E. 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:

A. Single-family detached dwellings; and

B. Accessory buildings customary to single-family housing; and

19.23.030 Conditional uses.

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

A. Churches and private non-profit recreational grounds associated with that use;

B. Planned unit developments;

C. Public and quasi-public uses;

D. Wireless telecommunication towers; and

E. 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:

A. Single-family detached dwellings; and

B. Accessory buildings customary to single-family housing.

19.25.030 Conditional uses.

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

A. Churches and private non-profit recreational grounds associated with that use;

B. Planned unit developments;

C. Public and quasi-public use;

D. Wireless telecommunication towers;

E. 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:

A. Single-family detached dwellings; and

B. Accessory buildings customary to single-family housing; and

19.26.030 Conditional uses.

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

A. Churches and private non-profit recreational grounds associated with that use;

B. Planned unit developments;

C. Public and quasi-public use;

D. Wireless telecommunication towers; and

E. 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.

C. 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.

19.29.020 Permitted uses.

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

A. Single-family detached dwellings; and

B. Accessory buildings customary to single-family housing.

19.29.030 Conditional uses.

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

A. Churches and private non-profit recreational grounds associated with that use;

B. Planned unit development;

C. Public and quasi-public uses; and

D. 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:

A. Single-family detached dwellings;

B. Accessory buildings customary to single-family housing;

C. Home occupations; and

D. Two-family detached dwellings.

19.31.030 Conditional uses.

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

A. Cemetery;

B. Bed and breakfast;

C. Churches;

D. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

E. Planned unit development;

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. Water pumping plant and reservoir;

K. Wireless telecommunication towers; and

L. 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.

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 heights 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.

19.31.080 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.
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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:

A. Single-family dwellings, attached or detached;

B. Accessory buildings customary to multi-family and single-family residential buildings; and

C. Home occupations.

19.34.030 Conditional uses.

Conditional uses in the RM zone are as follows:

A. Bed and breakfast;

B. Churches;

C. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";

D. Dwelling group, provided that;

1. 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.

2. 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.

3. 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.

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

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

6. 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.

E. Golf course;

F. Hospital;

G. Hotel;

H. Lodging house;

I. Multiple unit dwellings, either apartments or condominiums;

J. Nursing home;

K. Offices, professions and general business;

L. Planned unit development;

M. Private parks and recreational grounds;

N. Public and quasi-public use;

O. Radio and/or television tower;

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

Q. Two-family dwellings;

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

S. 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:

A. Single family dwelling.

19.35.030 Conditional uses.

Conditional uses in the RO zone are as follows:

A. 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;

B. Administrative, general or professional offices containing no more than 5,000 square feet on any one floor and10,000 gross occupiable square feet;

C. Home occupations;

D. Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter;

E. Planned unit development;

F. Church;

G. School;

H. Retail sales secondary to office uses with no exterior or storefront displays;

I. Studios for an artist, designer, writer, photographer, sculptor or musician;

J. Child or adult day care facilities, with no overnight or after-hours care;

K. Residential facilities for elderly persons;

L. Medical clinics, provided that no after-hour or overnight care shall be permitted;

M. Reception center;

N. Planned unit development;

O. Twin homes; and,

P. 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:

A. 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.

B. 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.

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

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

E. 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*").

F. 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:

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

B. 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.

C. 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:

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

B. The minimum lot width at the front building line shall be 70 feet.

C. 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.

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

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, full cut-off, 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 with bollards or lights at a maximum height of ten feet.

19.35.120 Screening.

A. 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.

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 approved screening that is a minimum of six feet high with visually obscuring painted metal gates, 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. Roof appurtenances shall be counted towards the overall height of the building.

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.

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

19.35.130 Landscaping requirements.

A. 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.

B. 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.

C. 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.

D. 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 Site plan required.
19.36.120 Lighting.
19.36.130 Screening.
19.36.140 Landscaping requirements.
19.36.150 Site plans.

19.36.010 Purposes.

A. The purposes of the MU zone are to provide areas in the city for a mix of uses, including mixed-use developments with commercial, institutional, office and service uses apportioned on-site in a manner sensitive to the street environment and adjacent uses; to support an urban village where amenities are focused on a local main street; to encourage and support transit-oriented development by allowing transit supportive density, where desired; 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.

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

1. Mixed-use residential buildings as defined in this chapter;
2. Bed and breakfast;
3. Churches;
4. Commercial recreation;
5. Convenience store without gasoline or convenience store/fast food combination without gasoline;
6. Home occupations;
7. Home day care/preschool, small (see section 19.76.040[D]);
8. Retail, gross square footage less than 25,000 square feet;
9. Financial institutions;
10. Community recreation services;
11. Convenience retail stores;
12. Restaurant, under 25,000 square feet of gross floor area;
13. Shop for the manufacture of retail articles sold primarily on the premises;
14. Government services;
15. Public libraries and cultural exhibits;
16. Open food stand/market/food truck, temporary;
17. Professional office, administrative and medical buildings with a maximum of 25,000 gross square feet; and
18. Grocery store, foodstuffs, retailing, or delicatessen with a maximum of 25,000 gross square feet.

19.36.030 Conditional uses.

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

1. Home day care/preschool (see 19.76.040[E]);
2. Child daycare/preschool;
3. Convenience store with gas;
4. Parks, playgrounds or community recreation;
5. Public and private utility buildings or facilities;
6. Residential facilities for persons with disabilities;
7. Residential facilities for elderly persons;
8. Schools;
9. Grocery store, foodstuffs, retailing, or delicatessen greater than 25,000 gross square feet;
10. Hotels;
11. Class D private clubs;
12. Retail, gross square footage greater than 25,000 square feet;
13. Commercial schools;
14. Professional office, administrative and medical buildings greater than 25,000 gross square feet;
15. Restaurant, over 25,000 gross square feet;
16. Indoor theatre;
17. Garages (public); and
18. 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:

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 sixty-five percent (65%) 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 (if applicable), and the standards of this chapter. The maximum density of any development in the MU zone shall not exceed 35 units per acre.

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 or eliminate the setback if it abuts CR, MU, NC, ORD, or PF-zoned properties and finds that the reduction or elimination helps create a better designed development, and that the reduction or elimination 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*. All mixed use developments shall comply with the provisions of the city's design guidelines available through the community and economic development department and on the city website.

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 Site plan required.

Developments in the MU zone must submit a site 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 zones, or where the planning commission requires, shall be directional; shall contain hoods or other measures to hide the light source; shall be no more than 15 feet in height to reduce light pollution and light spillage to the adjacent residential zone. The city may require a photometric study to be provided by the applicant demonstrating that such unacceptable light spillage to adjacent residential zones will not result, as determined by city staff.

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 50 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. Landscaping and/or rooftop patio equipment and screening may be used to screen mechanical and other rooftop equipment, as approved as part of a site plan. The landscaped area may not be enclosed or screened in such a way so as to create permanent occupancy space.

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 that district.

19.36.140 Landscaping requirements.

All developments one acre or more in size shall dedicate at least 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 eight 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 Site plans.

In this chapter, a "*site plan*" means a plan or set of plans for a single building or series of buildings containing the primary 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. Uses in the MU zone are intended to contain a mix of uses, including general, professional office, medical or dental offices, retail and/or residential dwelling units uses.

A. Uses in the MU zone over 25,000 square feet of gross leasable area shall be reviewed for building design, scale and architectural compatibility with established design principles by the city's architecture review commission (the "*ARC*"). The ARC shall make a recommendation regarding the proposed use to the planning commission.

B. The following criteria shall be considered by the ARC and the planning commission when reviewing a site plan(s) for uses over 25,000 square feet:

1. 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 site plan approval.

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

3. All buildings shall have a minimum of 15% transparency on all floors, which shall consist of windows that provide visibility from the public right-of-way or adjacent property.

4. 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 and architectural elements.

5. The front façade of buildings, visible from the public right of way, shall be designed to have ample bulk and massing and design quality to adequately establish a prominent, pedestrian-oriented streetscape.

6. 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 uses in the MU zone 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 ten percent 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 MU zone 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 ten percent 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.

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 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 only to the renters of units within the facility. 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:

A. Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter;

B. Bed and breakfast;

C. Commercial recreation;

D. Reception center;

E. Convenience store;

F. 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;

G. Convenience store/fast food combination without gasoline;

H. 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;

I. Administrative, general or professional offices containing no more than 7,500 square feet on any one floor and15,000 gross occupiable square feet;

J. Studios for an artist, designer, writer, photographer, sculptor or musician;

K. Restaurant;

L. Retail commercial;

M. Churches;

N. Home occupations;

O. Home pre-schools;

P. Child day-care/preschool;

Q. Parks, playgrounds or community recreation;

R. Planned unit development;

S. Public and private utility buildings or facilities;

T. Residential facilities for elderly persons;

U. Child or adult day care facilities;

V. Schools;

W. Live/work spaces;

X. Class D private clubs; and

Y. 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:

A. Public uses;
B. Quasi-public uses;
C. Agriculture; and
D. 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:

A. 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;

B. Clinics for outpatient care, as well as outpatient medical services including, but not limited to, imaging and physical therapy;

C. Telemarketing and telephone based services;

D. Electronic data processing;

E. Private garages for the storage only of vehicles owned by the proprietor of the principal use and employees thereof and visitors thereto;

F. Maintenance and utility shops and storage facilities incidental to the principal use;

G. Non-hazardous general laboratories for testing and research;

H. Assembly halls for meetings incidental to the business of the principal use;

I. 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;

J. 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;

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

L. 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

M. 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.

2. 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 19.51
PLANNED DEVELOPMENT DISTRICT

Sections:

19.51.010 Purpose.
19.51.020 Goals and objectives.
19.51.030 Uses.
19.51.040 Development plan.
19.51.050 Development requirements.
19.51.060 Site development regulations.
19.51.070 Application and review procedures.
19.51.080 Reversionary clause.
19.51.090 Severability.

19.51.010 Purpose.

This chapter sets forth standards for development, redevelopment, and changes in land use and zoning designation of property located within the overlay areas designated as "Planned Development District" ("*PDD*") on Map 19.51 that is part of this chapter, as determined by the city. Although such properties are entitled to consideration by the city for rezoning to a planned development zone (a "*PD zone*") pursuant to this chapter, inclusion of a property within a PDD does not of itself rezone such property as a PD zone. Instead, until such time, if any, as rezoning of a property located in a PDD to a PD zone is accomplished as provided in this chapter, the zoning designation of such property immediately prior to its inclusion in such PDD shall continue, subject to any subsequent rezoning of such property to another zone available elsewhere in this title. Consequently, inclusion of a property within a PDD provides only the opportunity for rezoning to a PD zone, while preserving (until any future rezoning under this chapter) both the current zoning designation of such property as well as the right to seek another zoning designation for such property that is not a PD zone.

19.51.020 Goals and objectives.

A. Creation of the PDD and the possibility of a future PD zone designation are provided to encourage mixed use development or redevelopment of properties in the vicinity of the Wasatch Boulevard gravel pit (see Tier 1-Red on Map 19.51); intersection nodes along Fort Union Boulevard at 1300 East and Union Park Avenue, along Highland Drive and 2300 East, and the Old Mill site on Wasatch Boulevard (see Tier 2-Blue on Map 19.51); and certain areas along Fort Union Boulevard and Union Park Avenue (see Tier 3-Yellow on Map 19.51).

B.

1. Development within the PDD should be designed to:

(a) Promote employment and activity centers such as shopping, entertainment, cultural arts, recreational and community centers, health care facilities, and public transit;

(b) Provide for a range of employment uses at appropriate intensities and locations, support the integration of living and working uses, and support public transit services;

(c) Promoting more efficient use of land and public services, potentially allowing more concentrated projects in appropriate circumstances;

(d) Promote layout, design and construction of development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area and promote preservation of property with

unique features, such as property having historical significance;

(e) Ensure the adequacy of public facilities to accommodate population growth;

(f) Encourage quality and variety in building and landscape design to create a vibrant pedestrian environment;

(g) Encourage the planned development of parcels sufficiently large to permit comprehensive site planning and building design by using master planning as a tool to achieve the goals of the general plan, project harmony, design consistency and the purposes of this chapter;

(h) Encourage opportunities for public transit services that promote multimodal connections at local and regional levels;

(i) Encourage a mixture of uses, including complementary high density multi-family residential and loft units, retail service, office, lodging, entertainment and cultural uses, and create a vibrant pedestrian/transit oriented environment to promote pedestrian activity;

(j) Ensure that provision is made for public and private open space;

(k) Encourage creative approaches to the use of land through variation in siting of buildings and the appropriate mixing of several land uses, activities and dwelling types, including a variety of housing types;

(l) Achieve economic development goals concentrated in specific areas of the city by allowing higher intensity and higher quality developments that warrant greater financial investments which, in turn, provide an enhanced economic base for the city;

(m) Preserve the health, safety and welfare of the public; and

(n) Implement the purposes and intent of this chapter, this title and the city's general plan, as determined by the city.

2. Such goals/purposes are to be ensured through the preparation and submission of comprehensive development plans showing innovative site layout, design character and integration with the surroundings of the proposed site.

C. Rezoning of a specific site to an individually designed PD zone should more appropriately address the unique physical and locational attributes of the subject property. Uses and development standards shall be established by a unique PD zone ordinance (a "*PDZ ordinance*") adopted for a specific property by legislative action of the city council following planning commission recommendation. Each PDZ ordinance is to be designed according to a detailed plan submitted by the applicant and approved by the city council (following planning commission recommendation), whether with or without amendments or modifications, as part of the PDZ ordinance.

D. Growth through use of PD zones generally should occur in a phased and organized manner to avoid costly, premature extension of basic infrastructure and to maintain the integrity of the current and projected general plan. Application for rezoning to a PD zone will be considered where the city concludes that a proposal meets the objectives and criteria set forth in this section, and where the merit of the mix of uses, architectural design, public amenities (serving both the project and city) and pedestrian-oriented spaces combine to meet the collective vision of the planning commission and city council, creating a clearly superior

development project than would otherwise be possible through the strict application of zoning district regulations available outside this chapter.

E. The city council may approve, as a legislative action following recommendation by the planning commission, a request to rezone a site in a PDD to a PD zone if the city determines that the development achieves the following objectives:

1. An integrated mixed-use development containing two or more uses that include a pedestrian orientation as defined in Section 19.51.060(D)(1) in its design and functionality;

2. Consistency with the city's general plan ensuring a compatible and functional relationship to the area and along the major corridors;

3. Site features, uses, public amenities and aesthetic characteristics that encourage public pedestrian activity, multi-modal transportation connection points, vitality, convenience and safety in and around the development;

4. The plan coherently provides both a physical and functional integration of the site components to each other, to other properties in the PDD and to the balance of the city, including design features that will assure an appropriate transition of uses, building heights, architectural massing and spatial relationships respecting nearby areas; and

5. The site is fully served by public streets, municipal services and public utilities of adequate capacity; provided, however, that where infrastructure capacity is judged by the city to be inadequate:

(a) The city may accept the applicant's agreement in such form as the city may require under this code insuring that suitable improvements will be installed in a timely manner; and

(b) No building permit shall be issued until the city's approval and acceptance of such an agreement.

19.51.030 Uses.

A. There are no conditional uses in a PD zone.

B. Any use allowed by this title shall be permitted in a PD zone only if such use is specified permitted in the PDZ ordinance creating such PD zone. No uses that are not specifically permitted in the PDZ ordinance creating a PD zone shall be allowed in that PD zone.

C. Unless specified in the PDZ ordinance, all buildings and uses shall comply with all city development requirements. The size, location, appearance, and method of operation shall be specified to the extent necessary to insure compliance with the requirements of this title.

19.51.040 Development plan.

A. Development in a PD zone is permitted only in accordance with a development plan (a "*PDZ plan*") prepared and submitted by the applicant and approved by the city council, with or without amendments and modifications, as part of the PDZ ordinance for that site following recommendation by the planning commission.

B. The applicant shall file its proposed PDZ plan with its application on a city-approved form for creation and adoption of a PD zone for a site located in a PDD. A PDZ plan shall include:

1. The location of the proposed development;

2. The names of and contact information for the applicant(s) and the owner(s) of the property(ies);

3. A written narrative and graphic exhibits explaining and showing the nature and character of the planned development, including:

(a) The proposed project's consistency with the city's general plan and any master plans for covering part or all of the proposed site;

(b) A statement of how the goals, objectives and specific criteria of this chapter will be satisfied;

(c) Disclosure of any easements or leases necessary for the proposed project and how their long term continuity will be assured;

(d) The total acreage of the planned development, broken down into the acreage of any phases or sub-parcels;

(e) The specific land uses to be permitted in the proposed PD zone and the general location and amount of land proposed for each permitted land use, such as single family residential, multi-family residential, institutional, office, commercial, industrial, common open space/recreation, street use, etc.;

(f) The scale/intensity of each use, expressed in numbers (i.e., number of residential units, residential density, square footage of retail-commercial, square footage of office uses, etc.) and the acreage allotted to each use. For example, a table of proposed land uses including:

(i) Proposed maximum and average residential densities for each residential use;

(ii) The maximum total acreage of each residential use, including below market/affordable dwelling units, if applicable;

(iii) The maximum allowable number of each type of residential unit requested, including affordable dwelling units, if applicable; and

(iv) The maximum proposed building/lot coverage for each non-residential use;

(g) Conceptual lot lines and all dimensional and lot standards for each land use type designated;

(h) An open space/landscaping plan including the location and composition of all screening, buffering materials, trees and other vegetation;

(i) An analysis of the traffic impact of the project on existing and proposed streets, current and projected traffic counts on surrounding roads and streets, etc.;

(j) A traffic circulation plan (vehicular, bicycle and pedestrian) showing project circulation patterns; internal streets, roads and alleys; connections to city and regional transit; interior pedestrian trail connections; and a description of the vehicular transportation circulation system within the project and connecting to larger circulation networks in the city and the region;

(k) A description of facilities for public transportation, pedestrians, bicycles and other alternatives to private vehicles;

(l) Preliminary plans for parking, including parking structures, stall counts and location;

(m) A preliminary development schedule and any proposed phasing plans, including areas to be included in each phase and the location of all open space areas and affordable dwelling units to be included in each phase;

(n) Tabulations of approximate acreage allotted to public open space, common private open space, and non-common private open space, including a statement of intended uses of open space and public facilities, including a rationale for scale and location;

(o) A lighting plan showing location, lighting types, foot candle measurements, etc.

(p) Illustrative architectural elevations for each type of residential and nonresidential unit, including:

(i) Character sketches of proposed buildings or building types, typical exteriors and architectural elevations, etc. as appropriate to convey an accurate visual imagery of the proposed project; and

(ii) How the scale, massing and design of new buildings compliment and positively contribute to the setting of any buildings within or adjacent to the project and create a pleasing visual relationship with them;

(q) A preliminary utilities master plan, including the locations of any existing or proposed utility easements; the general location, size and capacity of all existing and proposed utility lines; and an analysis of the development's projected ten-year water usage and how water efficient materials may be used in the project;

(r) An infrastructure plan, including a narrative of the proposed project's impacts on public facilities and public infrastructure;

(s) A plan detailing any sensitive lands, natural hazards, historic buildings/sites, unique geological features, etc., and how the project's impact on such areas will be mitigated;

(t) If the application is to amend the PDZ ordinance for an existing PD zone and the proposed amendment would affect less area than that entire PD zone, the PDZ plan also shall include a map showing the entire existing PD zone and identifying any area to be added to or deleted from that zone, or the area to which the amended PDZ plan would apply;

(u) If the proposed PD zone includes a large area (generally over 20 acres) and development of at least 80% of the PD zone is not expected to occur within the following two years, then the city may require the PDZ plan to include additional land use planning as specified by the city's community development director or designee (the "*director*"); and

(v) Such other information as the director deems necessary or appropriate to determine whether the application complies with the standards established in this chapter, which additional information typically will be designated by the director in the pre-application phase.

C. The PDZ plan also shall include a draft PDZ ordinance to be considered by the planning commission, including all applicable text, tables, drawings, schematics and the like complying with the formatting and usage conventions of this code, as determined by the director in consultation with the city attorney. The draft PDZ ordinance shall include development requirements for the proposed PD zone such as permitted uses, densities, lot areas, lot widths and depths, building heights, building elevations, lot coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the director, the planning commission and/or the city council may deem appropriate during their review of the application.

19.51.050 Development requirements.

A. Development requirements for each PD zone shall be set forth in the PDZ ordinance creating such PD zone and shall include, without limitation, the

standards listed in the following documents:

1. This title;
2. Title 12 (Subdivisions) of this code;
3. APWA standards; and
4. Such other standards as the city council may deem appropriate following recommendation by the planning commission.

B. A PDZ ordinance also shall include:

1. A schematic map showing:

(a) Proposed land use designations;

(b) Streets and parking lots, including parking structures and details;

(c) Public open space and other public facilities, and landscaping; and

(d) Structures, natural features or other site amenities to be preserved.

2. Maps indicating the following transportation circulation systems within the project and connecting to larger circulation networks in the city and region:

(a) Vehicular, including public transit;

(b) Bicycles; and

(c) Pedestrians.

3. A preliminary development schedule and phasing diagram showing each phase of the development;

C. The PDZ ordinance may expressly delegate some, or all, of the future decisions on the development plans to the director, subject to the requirements of this chapter and the PDZ ordinance.

19.51.060 Site development regulations.

A. *Base Regulations*. The following table, designated "***Table 1: Site Development Regulations – Planned Development Districts***" ("*Table 1*"), sets forth the base site development regulations for the PDD, which are in addition to any further development regulations set forth in the PDZ ordinance for a property. Letter designations in the "Additional Regulations" column of Table 1 refer to the additional regulations that follow Table 1 in this section. The intent of these regulations is to promote vertical and horizontal mixed use development in a pedestrian–oriented environment.

Table 1: Site Development Regulations – Planned Development Districts

Standards	Tier 1	Tier 2	Tier 3	Additional Regulations
Area Requirement (in contiguous acres)	10	3	1*	(B)(1)
Lot Coverage	No Min. or Max.	65%	65%	(B)(2)
Building Height				
Minimum Bldg. Height (ft.)	25'	No Minimum	No Minimum	
Maximum Bldg. Height (ft.)	Varies from 50’-300’ from Wasatch Blvd. elevation	50'	35'*	(B)(3)

Table 1: Site Development Regulations – Planned Development Districts

Standards	Tier 1	Tier 2	Tier 3	Additional Regulations
Min Bldg. Setback (ft.)				(B)(4)
Front	0	0	0	
Side (Street)	0	0	0	
Side (Residential)	50' from adjacent residential properties outside project area	Same as adjacent residential zone	Same as adjacent residential zone	
Side (Nonresidential)	0	0	0	
Rear (Residential)	50' from adjacent residential properties outside project area	Same as adjacent residential zone	Same as adjacent residential zone	
Rear (Nonresidential)	0	0	0	
Storefronts & Access	Yes	Yes	Yes	(B)(5)
Building Transparency	Yes	Yes	Yes	(B)(6)
Open Space	25%* gross lot area	15% gross lot area	15% gross lot area	(B)(7)
Landscape				(B)(8)
Off-Street Parking and Loading	The development plan may require the provision of a minimum number of on-site parking and loading spaces.			(B)(9)
Parking setback				
Pedestrian Circulation	Yes	Yes	Yes	(B)(10)
Signage	Master sign program required			(B)(11)
Below Market Rate (BMR)/ Senior/ Disabled Housing	10% of total residential for projects with 50 or more units	10% of total residential for projects with 25 or more	10% of total residential for projects with 25 or more	(B)(12)

		units	units	
Exterior Lighting Standards	Yes	Yes	Yes	(B)(13)
Residential Density - Dwelling Units / Acre	Based on IBC/IRC Occupancy	35 dwelling units/acre	20 dwelling units/acre	

B. *Additional regulations*.

1. Area requirement. An application for a PD zone may be submitted and approved only for a site containing the specified minimum acreage; provided, however, that the area requirement in Tier 3 may be reduced on a case-by-case basis if approved by the city council following recommendation by the planning commission.

2. Lot coverage.

(a) The following areas are to be included for the purpose of computing lot coverage:

(i) All buildings, including dwellings; and

(ii) All accessory structures, including sheds, garages, pool structures, carports, decks, roof overhangs exceeding 20", platform walkways and similar structures.

(b) The following areas are to be excluded for the purpose of computing lot coverage:

(i) Existing grade level walkways and driveways; and

(ii) Retaining walls and fences.

3. Maximum building height.

(a) The maximum building height in any Tier 1 PD zone will be determined by the setback of the building from the public right of way for Wasatch Boulevard, and will be the height measurement in feet for that setback shown in the following table:

Setback from Wasatch Blvd.	**Building Height (ft.)**
0 to 20'	No Building
20' to 50'	60' Height*
50' to 100'	100' Height*
100' to 250'	120' Height*
250' to 500'	150' Height*
500' and more	300' Height*

**Measured from the average grade elevation of Wasatch Boulevard.*

(b) The maximum building height in any Tier 2 PD zone is 50 feet if the first two stories (beginning at the street level) are commercial and/or office uses. The maximum building height is reduced to 35 feet for any building that either does not have commercial/office uses on the first two stories or is located within 50 feet of a single-family zoning district.

(c) The maximum building height in any Tier 3 PD zone is 35 feet if the first story (at street level) is a commercial and/or office use. The maximum building height is reduced to 30 feet for any building that is located within 50 feet of a single-family zoning district. Notwithstanding the foregoing, however, the building height in a Tier 3 PD zone may exceed 35 feet, to a maximum of 50 feet, if so specified in the PDZ ordinance, so long as the proposed building will contain commercial/office uses on the first two stories, is adjacent

to a more intensive development, and is not located within 50 feet of a single-family zoning district.

(d) Building height shall not exceed the corresponding building height for each tier in the table measured from the grade plane as defined in the city's building code (the "*building code*"). Parapet walls, rooftop penthouses, landscaping and vegetative amenities and other similar architectural features may extend above the maximum building height provided they contribute to the overall architectural character of the building as determined by the city's architectural review commission ("*ARC*") and contain only mechanical or other apparatus necessary for the operation of the building.

4. Setbacks.

(a) Setbacks from the public right of way shall be determined by the site plan approved as part of the PDZ ordinance for a site. Typically, setbacks shall be measured from one foot behind the public sidewalk or, if no sidewalk exists, one foot behind the top of curb. Other setbacks shall be measured from the property line of the adjoining tract. There shall be no setbacks for buildings from internal lot lines within the PDD unless required by the building code or Table 1.

(b) Fifty percent (50%) of ground floor building facades shall be located at the setback line when the building fronts on an arterial or collector street. If authorized in the PDZ ordinance, permanent shade structures such as canopies and arcades may encroach up to ten feet within the setback area when abutting an arterial or collector street, so long as a vertical clearance of at least ten feet above finished grade is maintained.

(c) Outdoor dining areas adjacent to public streets shall provide a minimum of six feet of unobstructed pedestrian circulation, or such greater distance as may be specified in the PDZ ordinance.

(d) Building street facades above the street level may not encroach into the setback area more than ten feet.

5. Storefronts and access (retail and commercial areas). A minimum of 50% of the height and width of the ground floor frontage of principal buildings shall consist of windows, window displays, doors, or a combination thereof. In Tier 1 areas, this requirement will be defined in the approved site plan and project design guidelines manual.

6. Transparency (retail and commercial areas).

(a) On the ground floor, view windows, window displays, or doors shall be provided between two and eight feet above grade adjacent to the principal building frontage.

(b) A minimum of 25% of a building's upper floor (above the ground floor) elevations along streets shall have view windows with non-reflective glass.

(c) In Tier 1 areas, the transparency requirements shall be defined in the approved site plan and project design guidelines manual.

7. Open space. Open space shall be provided in the form of natural areas meriting preservation, landscaping, pedestrian plazas, atriums and other significant spaces open to the public. Vehicular circulation and parking areas shall not qualify as open space but are required to meet parking and landscaping requirements. At least 75% of required open space must be ground level in Tier 1 areas.

8. Landscaping. Prior to the use or occupancy of any premises in a PD zone, the following landscaping requirements must be met:

(a) Provide a total landscaped area equal to at least 25% of the gross land area in that PD zone. The landscaped area may be provided at the ground level or on upper level balconies, decks or roofs (such as with permanently affixed planter boxes), or any combination thereof. At least 60% of the landscaped area shall be vegetated.

(b) Provide a ground level landscaped area equal to at least 15% of the gross land area in that PD zone.

(c) For landscaped areas designed as buffers, setbacks or visual backdrops, 40% of the area shall be vegetated with a combination of groundcover, vines, shrubs, and trees. These areas must be at least eight feet wide.

(d) For large paved pedestrian spaces such as courtyards or plazas, a 12-foot tall/two inch caliper conifer, or a 15-gallon/eight-foot tall deciduous tree, shall be required for every 200 square feet of paved area. A 50% reduction in the number of trees may be permitted if at least 25% of the ground plane is vegetated with potted plants, vines, shrubs, or groundcover.

9. Parking.

(a) The minimum off-street parking requirement shall be specified in a parking plan approved as part of the PDZ ordinance using the standards of Chapter 19.80 (Off-Street Parking Requirements) of this code as a guide.

(b) The potential for shared use of on-site parking shall constitute an additional standard for possible reduction of required parking, subject to the standards of section 19.80.110 of this code and a compelling demonstration that there will be adequate parking available for all uses.

(c) In Tier 1 areas, twenty-five percent of all required parking shall be structured parking. 50% of all required parking shall be integrated within buildings behind active uses or appropriately screened from sensitive views from any public street, residential property or public pedestrian way.

(d) Parking setback shall be determined by the site plan approved by the PDZ ordinance.

(e) Street level, surface parking shall be located behind or adjacent to buildings or screened by a minimum ten foot tall landscaped berm.

(f) Minimum parking lot setbacks are as follows:

(i) Wasatch Boulevard lot lines: 20 feet or as specified in the PDZ ordinance.

(ii) Fort Union Boulevard lot lines: 30 feet.

(iii) Highland Drive lot lines: 30 feet.

(iv) Abutting land used for single family residential: 20 feet.

(v) All other property lines: 8 feet.

(g) Where a nonresidential use in a proposed PD zone cannot provide all the required parking spaces on-site, off-site parking may be approved as part of the PDZ ordinance subject to revocation of such approval if the use of the site materially changes and further subject to the following additional requirements:

(i) The off-site parking spaces shall be located within 600 feet of the use;

(ii) The off-site parking spaces shall be improved to the standards set forth in this code; and

(iii) The applicant shall provide recorded, legally effective and perpetual cross-easements for parking or evidence provided of adequate public parking.

10. Pedestrian Circulation. Each PD zone shall comply with the following pedestrian circulation regulations:

(a) Sidewalks and pedestrian walkways shall be provided in accordance with a submitted pedestrian

circulation plan approved as part of the PDZ ordinance.

(b) Minimum requirements for public sidewalks in a PD zone include:

(i) Continuous sidewalks with a minimum width of six feet shall be located along both sides of collector and arterial public streets and both sides of internal private street(s). Sidewalks along Fort Union Boulevard and Wasatch Blvd shall have a minimum width of eight feet.

(ii) Sidewalk(s) along the private street(s) shall be located within a public pedestrian easement to be shown on the final plat granting access to the public.

(c) Minimum requirements for private pedestrian walkways in a PD zone include:

(i) Hard surfaced with a minimum width of five feet or such greater width as may be required by this section;

(ii) Readily visible and free of encroachment by parked vehicles;

(iii) Paved with concrete or other masonry products differentiated from the driveway and parking areas through the use of color, texture, or materials;

(iv) Predominantly shaded with deciduous shade trees spaced at one per 30 linear feet of walkway or building canopies; and

(v) Lighted with pedestrian-scaled fixtures.

(d) A pedestrian walkway shall connect a building entrance to the private or public street sidewalk.

(e) If parking is located between the street and the building, at least one walkway shall be provided to and through its associated parking area to connect a building entrance to a public street sidewalk.

(f) In order to create a safe pedestrian environment, multifamily residential buildings shall be placed and sited so that all required internal sidewalks are in view of at least one unit's living area windows.

(g) Internal sidewalks parallel and adjacent to a street or drive aisle shall be raised or separated from the street or drive aisle by a raised curb, landscaping or other physical barrier. If a raised internal sidewalk is used, the ends of the raised portions must be equipped with curb ramps.

(h) When adjacent to perpendicular, head-in, or diagonal parking, a pedestrian walk must be increased in width to a minimum of seven feet when parking is located on one side, and a minimum of nine feet when parking is located on both sides.

(i) Minimum requirements for public plazas include:

(ii) Publicly-accessible plazas shall be located as shown on the approved site plan.

(iii) Each plaza shall include a decorative paving pattern.

(iv) Each plaza of up to 500 square feet in area shall include at least two benches, two shade trees and four bicycle parking spaces. An additional two benches, two shade trees and four bicycle parking spaces shall be provided for each additional increment of 500 square feet of plaza area, prorated for additional area of less than 500 square feet.

11. Signage.

(a) A master sign program shall be submitted as part of the application for a PD zone that details each type, material, color and location of each requested sign.

(b) Permitted signage shall be as specified in the PDZ ordinance, provided that OPEDS (as defined in chapter 19.82) are not permitted. All permitted signs shall comply with all city

development requirements in Chapter 19.82 (Signs). The size, location, appearance, and method of operation of signage in a PD zone may be specified in the PDZ ordinance to the extent necessary to insure compliance with the purpose of this chapter.

12. Below market rate/senior/ disabled housing requirement. All PD zone ordinances shall require the development to include below market rate or senior/disabled housing units (collectively, "*BMR units*") equal to at least ten percent (subject to a threshold) of the total number of dwelling units contained within the zone, as shown on Table 1. Required BMR units shall be affordable to households earning not more than 50% of the city's median income, and shall be provided in accordance with the standards, definitions and procedures contained in this code and/or the PDZ ordinance.

13. Lighting Standards.

(a) The maximum height of luminaries shall be based on the lighting plan approved by the PDZ ordinance. 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.

(b) All parking luminaries, except those required for security, shall be extinguished one hour after the end of business hours. An exception for security lighting will apply to a maximum of 25% of the total luminaries used, unless the PDZ ordinance specifies a higher percentage.

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

(d) Pedestrian walkways shall be lighted.

(e) All lighting next to residential uses, and other uses where the PDZ ordinance requires, shall be full-cut-off lighting to reduce light pollution.

C. *Existing development*.

1. Continued use of existing, legally non-conforming improvements, including buildings, landscaping, parking and other uses, may be authorized by a PDZ ordinance to facilitate the fullest attainment of the objectives of this chapter.

2. The area of the original lot supporting such non-conforming uses shall not be included in any calculations within the PD zone. Existing, legally non-conforming improvements or lots may be modified in connection with the PD zone development to achieve superior design, but shall not be expanded or extended. Any such modification shall not be deemed to render the improvements or lots more non-conforming.

D. *Site design criteria*. All development in a PD zone also shall satisfy the following site design criteria by providing a combination of the following:

1. Pedestrian oriented interface. A pedestrian oriented interface, which is defined as uses of buildings and/or design features that encourage pedestrian interaction at the street level. These include, without limitation, retail and commercial shops; space designed to be adaptable to retail uses; service businesses; establishments dealing directly with the general public; visually interesting features such as public art or building lobbies; display cases; accessible plazas; or similar landscaped open spaces and pedestrian promenades/walkways for public use and congregation.

2. Site plan promotes transit oriented development. Improvements that promote available transit-oriented development features, including pedestrian-friendly design, improvements at transportation nodes, and other similar features likely to promote public transit.

3. Environmentally sustainable design checklist. As part of the application, an environmentally sustainable design checklist shall be submitted that demonstrates the intent to design and build the proposed project in an environmentally sustainable manner. All projects in a PD zone should provide elements that comply with environmental design standards established by the Green Building Council or similar, and may incorporate xeriscaping, utilize native plants and drought-resistant vegetation, etc. Related documentation and requirements may be incorporated as part of the city's approval process in the PDZ ordinance or otherwise.

19.51.070 Application and review procedures.

A. *Overview*. The process for granting, modifying, amending, or revising a PD zone or any of the development conditions, development plans, permitted uses or other matters covered by a PDZ ordinance shall be the same as for any zoning district set forth in this title, except as modified by this chapter. As part of the application and approval process, the city may require written reports from each affected public or quasi-public entity, including the school district, utilities providers, special districts and other public and quasi-public officers and entities as deemed necessary or appropriate by the city.

B. *Specific procedures*.

1. Pre-application conference**.** Before submitting a PDZ plan, the applicant shall confer with the director to discuss the proposal and the applicable development review and approval procedures.

2. Concept plan. A concept plan shall be required for any proposed PD zone containing 50 or more dwelling units and/or five or more acres of non-residential development. The concept plan shall show all proposed streets, alleys, drives, buildings, parking areas, landscaped areas, screening, uses of building and land, building heights, topography, and other features of the proposed development. A concept plan shall be construed to be an illustration of the development concepts only and not an exact representation of the specific development proposed.

(a) PD zone applicants shall present any required concept plan to the planning commission in a work session at least once before submitting a formal application. Such presentation shall be for discussion and informal feedback purposes only, and no action shall be taken concerning the concept plan at the work session.

(b) The director or planning commission may require applicants for PD zone which are not required to submit a concept plan under (B)(2)(a), above, to nonetheless present the proposed development to the planning commission in a work session prior to submitting a formal application.

3. Community Workshop**.** After the pre-application conference and presentation of any concept plan, the applicant shall hold at least two community workshops whose purpose is to ensure early citizen participation, in an informal forum, in conjunction

with the development application and to provide an applicant with the opportunity to understand and try to mitigate any anticipated impacts of the proposed development on the surrounding community. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow citizen input at the early stages of a proposed development. The city will provide mailing address label for the developer to use to notify surrounding residents, and will require the developer to certify that such mailing timely occurred. City's planning staff shall be informed of the time and place of each such workshop, and shall be invited to attend. An accurate summary of citizen comments received at the workshops shall be provided to the city within five business days after each meeting.

4. Draft PDZ plan submittal**.** After the required pre-application conference and prior to submitting a formal application, the applicant shall submit one electronic copy and at least two paper copies of a draft of the requested PDZ plan for staff review, accompanied by the same number of copies of a PDZ checklist (available through the director) completed for the project. The director then will cause the draft PDZ plan to be reviewed to determine its compliance with this chapter and all other applicable laws, rules and regulations. Comments will then be conveyed to the applicant so that the applicant may make any desired modifications to the draft PDZ plan.

5. PD zone application**.** The applicant may submit an application for a PD zone following completion of the procedural steps described subsections (B)(1)-(4) of this section.

(a) No application for a PD zone shall be accepted as complete unless it includes the following:

(i) One completed PD zone application signed by the current property owner(s) and by any third-party developer;

(ii) One digital copy and three paper copies of the applicant's final version of the PDZ plan, including all text, charts, tables, exhibits and graphics;

(iii) The fee required by the city's consolidated fee schedule;

(iv) One legible copy of the approved and recorded plat showing the current property lines of the parcel(s) to be included in the PD zone;

(v) One copy of the current, recorded deed covering the affected property;

(vi) A current title report covering the affected property issued by a Utah-licensed title insurance company showing vesting and all recorded easements and other matters affecting the property;

(vii) An ALTA survey covering the affected property;

(viii) Documentation of the required community workshops held regarding the proposed PDZ plan application;

(ix) A current aerial of the site overlaid with the proposed plan;

(x) An analysis of the impact of the proposed development on existing public facilities and services such as streets, water, sewer, etc. as well as complete information concerning any proposed future improvements to these facilities and services to be made as part of the planned development;

(xi) A traffic study that meets the requirements of this chapter for the proposed PD zone development or development phases;

(xii) A development schedule with a generalized phasing schedule, if appropriate. Among other things, the phasing schedule shall include the number of dwelling units, total acreage of each residential use, the total gross floor area of each non-residential use, the percentage and acreage of common open space to be included in each phase, and the percentage, number and acreage of any required BMR units to be included in each phase;

(xiii) A statement of how any common open space/recreation areas will be owned and managed;

(xiv) A statement of how all roads, alleys, walkways and parking areas will be owned and maintained;

(xv) Letters of coordination from all public, quasi-public and private entities and agencies from which the applicant must either (A) obtain permits, or (B) obtain services and/or facilities;

(xvi) A statement that the proposed PD zone development is feasible based on the results of a competent market study;

(xvii) A statement of agreement to proceed with proposed development in accordance with the provisions of PD zone application and PDZ plan, this title, applicable provisions of the city's general plan, and such other requirements as may be included in the final PDZ ordinance; and

(xviii) Any other information that the director, the planning commission and/or the city council then, or thereafter, determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this chapter.

(b) All land use, concept, and detail plans shall be accurately drawn to an appropriate legible scale and shall include title, north arrow, date drawn, and necessary references to accurately locate the property. Copies in sufficient quantity and at an appropriate size for review purposed shall be submitted by the owner, applicant, or their representative.

6. Department review and report. Once an application is deemed complete by the director, the application will be scheduled for a public hearing before the planning commission, which may occur before or after discussion and analysis of the application by the planning commission in one or more public meetings. The director shall cause his staff to prepare a report reviewing the PD zone application, which shall be provided to the planning commission, the applicant, and any other interested parties.

7. Public notice**.** Public notice of the public hearing and other meetings where the PD zone application is considered by the planning commission, the city council or any other public body of the city shall be provided as required by Utah state law and this title.

8. Planning commission review and recommendation. The planning commission shall review the proposed PD zone application and proposed PDZ ordinance and, following the public hearing and such modifications to the PDZ ordinance as the planning commission may deem appropriate, recommend that the city council either approve, approve with modifications, or deny the proposed PDZ ordinance and related zoning map amendment based, *inter alia*, on the following criteria:

(a) Whether the application is complete and complies with all applicable statutes, ordinances and codes, and the city's general plan;

(b) Whether the proposed rezoning would materially, adversely impact the provision of public facilities and services;

(c) Whether the proposed rezoning would materially, adversely impact the provision of public transportation and transit services;

(d) Whether the subject land is suitable for the intended use;

(e) Whether the city and other public and quasi-public entities and agencies will be able to timely provide necessary public services, utilities, facilities and programs to serve the proposed development;

(f) Whether the proposed development would create unacceptable traffic congestion or burden the existing road network;

(g) Whether the PDZ plan provides for unified development control under a unified plan; and

(h) Whether the proposed development will contain requisite utility infrastructure in terms of quantity, dependability and quality as determined by the utility providers.

9. City council review and decision**.** After receiving the recommendation of the planning commission, the city council may seek additional public comment on the application. The city council shall take action in a public meeting to adopt or reject the PDZ ordinance and zoning map amendment either as proposed by the planning commission or after making any revisions that the city council considers appropriate. Any approval by the city council of the PDZ ordinance (and the PDZ plan incorporated by the PDZ ordinance) may impose completion deadlines for the proposed development and/or any development phases.

19.51.080 Reversionary clause.

All PDZ ordinances shall incorporate or be deemed to incorporate, and shall be subject to, the following reversionary clause:

If a building permit is not issued for the principal improvements to be constructed on the subject property, as shown on the PDZ plan approved by this ordinance, within three years after the effective date of this ordinance, this ordinance shall be deemed retroactively repealed and the property located in the PD zone created by this ordinance shall revert back to its zoning designation in effect immediately prior to the passage of this ordinance (or the equivalent of such zoning designation that is in existence on the date of such reversion). An applicant may request an extension for additional one year provided that (A) the extension is applied for prior to the third anniversary of the effective date of the PDZ ordinance; and (B) the director determines that good cause exists for the granting of such requested extension.

19.51.090 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Map 19.51--Planned Development District Areas and Tiers

Chapter 19.72
SENSITIVE LANDS EVALUATION & DEVELOPMENT STANDARDS (SLEDS)

Sections:

19.72.010 Purpose.
19.72.020 Scope and application.
19.72.030 Definitions.
19.72.040 Design standards and controls.
19.72.050 Responsibility for geologic hazards and other studies.
19.72.060 Minimum acceptable qualifications of professionals.
19.72.070 Procedure.
19.72.080 Geologic hazards study area maps.
19.72.090 Geologic hazard studies and reports required.
19.72.100 Geologic hazard reports.
19.72.110 Review of geologic hazard reports.
19.72.120 Disclosure when a geologic hazard report is required.
19.72.130 Warning and disclaimer.
19.72.140 Change of use.
19.72.150 Conflicting regulations.
Table 1 Essential facilities.

Appendices:

Appendix A Geologic Hazards Study Area Maps:
Map 1: ***Surface Fault Rupture Hazard Study Area Map.***
Map 2: ***Slope Stability Hazard Study Area Map.***
Map 3: ***Liquefaction Hazard Study Area Map.***
Map 4: ***Debris Flow Hazard Study Area Map.***
Map 5: ***Rockfall Hazard Study Area Map.***
Map 6: ***Floodplain Hazard Map and FIRM***

Supplemental Maps:
Map 7: ***1958 Aerial Photography Map***
Map 8: ***2006 Aerial Photography Map***
Map 9: ***Topographic Map***
Map 10: ***Surficial Geologic Map***
Map 11: ***Shallow Groundwater Map***
Map 12: ***Water Source Protection Zone Map***
Map 13: ***Water Conveyance Facilities Map***

Appendix B Minimum Standards for Surface Fault Rupture Hazard Studies.
Appendix C Minimum Standards for Slope Stability Hazard Studies.
Appendix D Minimum Standards for Liquefaction Hazard Studies.
Appendix E Minimum Standards for Debris Flow Hazard Studies.
Appendix F Minimum Standards for Rock Fall Hazard Studies.
Appendix G Groundwater Source Protection
Appendix H Minimum Standards for Foundation Excavation Observation Reports.
Appendix I Riparian Corridor and Watershed Protection

19.72.010 Purpose.

The city deems it appropriate that sensitive land areas in the city be protected through their inclusion in a sensitive lands district to ensure that development is regulated in a manner that will minimize the potential impact from natural and man-made hazards and will reasonably preserve natural scenic beauty and ecological integrity. To the greatest extent practicable, the objectives

to be achieved by the designation of a sensitive lands district include, without limitation, the following:

A. The protection of the public from natural hazards, such as land slide, rock fall, debris flow, earthquake ground rupture, liquefaction, shallow ground water, snow melt/storm water runoff and erosion.

B. The minimization of the threat of and consequential damage from fire in wildland interface areas.

C. The preservation of significant geological features, hydrologic features, wildlife habitat and migration corridors, and open space, including retention of natural topographic features such as drainage channels, streams, ridge lines, rock outcroppings, vistas, trees and other natural geologic and plant formations.

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

E. The consideration, preservation and enhancement of environmental quality.

F. The master planning of an adequate transportation system for the total hillside area, including consideration of the city's master plan for streets, trails, bikes and pedestrians and consideration of densities and topography, with minimal cuts, fills, or other visible scars.

G. The use of terrain-adaptive architecture to ensure compatibility with the natural terrain, to preserve natural open spaces and vistas, and to minimize impact from geologically hazardous areas.

H. The placement of building sites in such a manner as to permit ample room for landscaping compatible with the natural vegetation and surface drainage.

I. The requirement that development:

1. Pay special regard to the view of the hillsides from areas outside the development, and

2. Protect such viewsheds to the greatest extent reasonably practicable through terrain-sensitive building practices, increased ridgeline setbacks, use of the natural topography to shield man-made structures from the view of the valley, current best practices for clustering structures, and optimizing setbacks between structures to consolidate the building envelope of a property.

19.72.020 Scope and application.

A. *Application*.

1. The provisions of this chapter shall apply to all lands in the city located in any area designated as a sensitive lands district on the city's official maps contained in Appendix A of this chapter. The provisions of this chapter also shall apply to an area outside of a designated sensitive lands district if the director expressly determines in writing before issuance of a building permit, based on competent evidence complying with the requirements of this chapter, that the subject area qualifies as a sensitive area under this chapter.

2. The provisions of this chapter shall not apply to an area within a previously-designated sensitive lands district if, upon analyzing an otherwise compliant development proposal, the director expressly determines in writing, based on competent evidence, that the proposed development area does not qualify as a sensitive area under this chapter with respect to the proposed site specific development.

3. The city's official maps shall be amended from time to time by the

director to clarify to location of sensitive lands districts in the city, as reasonably deemed appropriate by the director based on competent evidence. Determinations by the director under this subsection shall be made in consultation with the DRC and such other qualified consultants as the director may deem appropriate.

4. All approved subdivision plats that lie wholly or partially in a sensitive lands district shall be recorded with such designation shown on the official plat.

B. *Supplemental and Conflicting Provisions*. Unless otherwise specifically provided, the regulations contained in this chapter are in addition to the standards applicable to the underlying zones, or overlay zones, provided elsewhere in this title or any other applicable title, code, ordinance or law. 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. *Geologic hazard studies*. Project developers and their consultants shall present the results of geologic hazard studies in compliance with this chapter and its appendices. The standards set forth in the appendices to this chapter are the city's minimum requirements, but may be made more stringent (in specific, fact-sensitive circumstances) by the DRC based on recommendations of the city engineer or city geologist if evidence becomes available that suggests more stringent requirements are appropriate. In addition, the appendices shall not supersede other more stringent requirements that may be required by other regulatory agencies or governmental entities that have jurisdiction.

D. *Appendix A*. Appendix A presents study area maps reflecting geological, hydrologic, infrastructure and other natural and man-made hazard concerns, as well as supplemental maps pertaining to development in the city's sensitive lands districts. The maps incorporate data obtained from numerous publications, previous geologic hazard studies and other expert sources such as FEMA, UGS, USGS, AGRC, etc. Updated versions of the maps will be added as they become available.

E. *Appendix B*.

1. Appendix B presents the minimum standards for surface fault rupture hazard studies conducted in the city and describes the accepted minimum requirements for planning, conducting and reporting the results of surface fault rupture hazard studies. Site-specific surface fault rupture hazard studies performed by qualified engineering geologists shall be required prior to developing projects located in the Surface Fault Rupture Hazard Study Area as delineated on Map 1 in Appendix A of this chapter. The information contained in Appendix B was compiled from numerous published and unpublished sources and presents the current standard of care for surface fault rupture hazard studies in the city.

2. The requirements of Appendix B are subject to modification at any time by the city as recommended by the DRC. If, due to additional evidence, a surface fault rupture hazard becomes known or suspected in an area subject to a development application, which hazard is not depicted on the Surface Fault Rupture Hazard Study Area Map, the DRC shall require the developer to submit applicable studies as

recommended by the city engineer and the city geologist and the process outlined in this chapter shall be followed.

F. *Appendix C*.

1. Appendix C presents the minimum standards for slope stability and landslide hazard studies conducted in the city and describes the accepted minimum requirements for planning, conducting and reporting the results of slope stability and landslide hazard studies. Site-specific slope stability and landslide hazard studies performed by qualified engineering geologists and geotechnical engineers shall be required prior to developing projects located in the Slope Stability and Landslide Hazard Study Area as delineated on Map 2 in Appendix A of this chapter. The information contained in Appendix C was compiled from numerous published and unpublished sources and presents the current standard of care for slope stability and landslide hazard studies in the city.

2. The requirements of Appendix C are subject to modification at any time by the city as recommended by the DRC. If, due to additional evidence, a slope stability and/or landslide hazard becomes known or suspected in an area subject to a development application, which hazard is not depicted on the Slope Stability and Landslide Hazard Study Area Map, the DRC shall require the developer to submit applicable studies as recommended by the city engineer and the city geologist and the process outlined in this chapter shall be followed. At a minimum, a special, site-specific slope stability analysis is required for all development in zones with moderate to very high hazard of landslides (Map 2).

G. *Appendix D*.

1. Appendix D presents the minimum standards for liquefaction hazard studies conducted in the city and describes the accepted minimum requirements for planning, conducting and reporting the results of liquefaction hazard studies. Site-specific liquefaction hazard studies performed by qualified engineering geologists and geotechnical engineers shall be required prior to developing projects located in the Liquefaction Hazard Study Area as delineated on Map 3 in Appendix A of this chapter. The information contained in Appendix D was compiled from numerous published and unpublished sources and presents the current standard of care for liquefaction hazard studies in the city.

2. The requirements of Appendix D can be modified at any time by the city as recommended by the DRC. If, due to additional evidence, a liquefaction hazard becomes known or suspected in an area subject to a development application, which hazard is not depicted on the Liquefaction Hazard Study Area Map, the DRC shall require the developer to submit applicable studies as recommended by the city engineer and the city geologist and the process outlined in this chapter shall be followed. At a minimum, a special, site-specific liquefaction hazard analysis is required for all development in zones of moderate to high liquefaction potential (Map 3) for the following International Building Code (IBC) occupancy groups: Assembly Group A, Business Group B, Factory Group F-1, Educational Group E, High-Hazard Group H, Institutional Group I, and Residential Groups R-1, R-2, and R-4.

H. *Appendix E*.

1. Appendix E presents the minimum standards for debris flow/alluvial fan flooding hazard studies conducted in the city and describes the accepted minimum requirements for planning, conducting and reporting the results of debris flow/alluvial fan flooding hazard studies. Site-specific debris flow/alluvial fan flooding hazard studies performed by qualified engineering geologists and geotechnical engineers shall be required prior to developing projects located in the Debris Flow/alluvial fan flooding Hazard Study Area as delineated on Map 4 in Appendix A of this chapter. The information contained in Appendix E was compiled from numerous published and unpublished sources and presents the current standard of care for debris flow/alluvial fan flooding hazard studies in the city.

2. The requirements of Appendix E can be modified at any time by the city as recommended by the DRC. If, due to additional evidence, a debris flow/ alluvial fan flooding hazard becomes known or suspected in an area subject to a development application, which hazard is not depicted on the Debris Flow/Alluvial Fan Flooding Hazard Study Area Map, the DRC shall require the developer to submit applicable studies as recommended by the city engineer and the city geologist and the process outlined in this chapter shall be followed. At a minimum, a special, site-specific debris flow/alluvial fan flooding hazard analysis is required for all development in zones with moderate to high debris flow/alluvial fan flooding hazard (Map 4).

I. *Appendix F*.

1. Appendix F presents the minimum standards for rockfall hazard studies conducted in the city and describes the accepted minimum requirements for planning, conducting and reporting the results of rockfall hazard studies. Site-specific rockfall hazard studies performed by qualified engineering geologists and geotechnical engineers shall be required prior to developing projects located in the Rockfall Hazard Study Area as delineated on Map 5 in Appendix A of this chapter. The information contained in Appendix F was compiled from numerous published and unpublished sources and presents the current standard of care for rockfall hazard studies in the city.

2. The requirements of Appendix F can be modified at any time by the city as recommended by the DRC. If, due to additional evidence, a rockfall hazard becomes known or suspected in an area subject to a development application, which hazard is not depicted on the Rockfall Hazard Study Area Map, the DRC shall require the developer to submit applicable studies as recommended by the city engineer and the city geologist and the process outlined in this chapter shall be followed. At a minimum, a special, site-specific rockfall hazard analysis is required for all development in zones with moderate to high rockfall hazard (Map 5).

J. *Appendix G*. Appendix G presents the source protection zones that require special regulations for the storage, handling, use or production of hazardous or toxic substances in order to protect, preserve and maintain existing and future public drinking water sources. The source protection zones are generally located upgradient of wells or near proposed points of diversion for the development of groundwater. Ground-water recharge zones are located in

permeable and/or sensitive areas that have a critical impact on the groundwater quality and quantity of supply. The protection of source protection zones and groundwater recharge areas is essential to the health, safety and welfare of city residents and visitors. At a minimum, observations of excavations will be required in the following instances:

1. Observations of excavations by qualified engineers and/or geologists for all development within active fault special study zones (Map 1), areas with moderate to very high slope stability hazard (Map 2), areas with moderate to high liquefaction potential (Map 3), and areas with groundwater at depths of less than ten feet (Map 11).

2. Observations of excavations by qualified engineers and/or geologists for all development, even outside of the zones specified above, for the following IBC occupancy groups: Assembly Group A, Educational Group E, High-Hazard Group H, Institutional Group I, and Residential Groups R-1, R-2, and R-4.

K. *Appendix H*. Appendix H presents the foundation excavation observations that are required for all new structures or additions that are built in the city. The DRC shall require the owner to submit a foundation excavation observation report, prepared in accordance with the process outlined in this chapter, prior to the construction of any structural footing or foundation for all buildings in the city.

L. *Appendix I*. Appendix I presents the riparian corridor and watershed protections adopted to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, regulate stream temperatures, reduce potential for flood damage, preserve natural aesthetic value of streams and protect the prime groundwater recharge areas of the city. These requirements are intended to provide protection for the following above-ground streams, stream corridors and recharge areas: Little Cottonwood Creek and its tributaries, Big Cottonwood Creek and its tributaries, foothill drainage basins and Ferguson Canyon. Where these streams flow through areas that are already developed, the riparian corridor and watershed protection requirements are intended to achieve a reasonable balance between natural streams and developed land uses.

19.72.030 Definitions.

As used in this chapter:

"*Acceptable and reasonable risk*" means no loss of or significant injury to occupants, no release of hazardous or toxic substances, and structural damage but no collapse of structures.

"*Accessory building*" means any structure not designed for human occupancy, which may include detached garages with no habitable space, tool or storage sheds, gazebos, and swimming pools.

"*Active fault*" means a fault displaying evidence of displacement along one or more of its traces during Holocene time, which is approximately 10,000 years ago to the present.

"*AGRC*" means the Utah State Automated Geographic Reference Center.

"*Avalanche*" means a large mass of snow, ice, soil or rock, or a mixture of these materials, falling, sliding, or flowing rapidly down a hillside or mountainside under the force of gravity.

"*Buildable area*" means that, based on an accepted engineering geology report, the portion of a site not impacted by geologic hazards, or the portion of a

site where it is concluded the identified geologic hazards can be mitigated to a level where risk to human life, property and city infrastructure is minimized and where structures may be safely sited.

"*City*" means the city of Cottonwood Heights and its public works director, city engineer, community development director, planning manager, building official, or other Cottonwood Heights officer, employee or agent, as applicable.

"*City council*" means the Cottonwood Heights city council.

"*Cluster development*" means development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining or enlarging an open space area.

"*Community development department*" means the city's community and economic development department.

"*Conservation area*" means an area that has high open space value for recreation, aesthetic and/or biological purposes. Conservation areas have the highest priority of protection from development.

"*Critical facilities*" means essential, hazardous, special occupancy facilities, and Occupancy Categories III and IV as defined in the currently adopted International Building Code, and lifelines such as major utility, transportation, and communication facilities and their connections to critical facilities.

"*Curriculum vitae*" or "*CV*" means a written account of the professional life comprising one's education, accomplishments, work experience, publications, etc.

"*Debris flow*" means a slurry of rock, soil, organic material, and water transported in an extremely fast and destructive flow down channels and onto and across alluvial fans; including a continuum of sedimentation events and processes such as debris flows, debris floods, mudflows, clear-water floods, and alluvial-fan flooding.

"*Development*" means all critical facilities, subdivisions, single- and multi-family dwellings, commercial and industrial buildings; also additions to or intensification of existing buildings, storage facilities, pipelines and utility conveyances, and other land uses.

"*Development review committee*" or "*DRC*" means 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 the director and approved by the city council, such as the city engineer, one or more of city planning staff members, the city's fire inspector, a representative of the city's public works provider, the city attorney, and/or others.

"*Director*" means the director of the city's community and economic development department.

"*Engineering geologist*" or "*geologist*" means a Utah-licensed geologist, who, through education, training, and experience, is competent in applying geologic data, geologic techniques, and geologic principles, which includes conducting field investigations, so that geologic conditions and geologic factors affecting engineered works, ground-water resources, and land-use planning are recognized, adequately interpreted, and clearly presented for use in engineering practice, land use planning, and for the protection of the public, and who utilizes specialized geologic training and experience to provide quantitative geologic information and recommendations and also works with and for land-use planners, environmental

specialists, architects, public policy makers, and property owners to provide geologic information on which decisions can be made.

"*Engineering geology*" means geologic work that is relevant to engineering and environmental concerns, and the public health, safety, and welfare. Engineering geology is the application of geological data, principles and interpretation so that geological factors affecting planning, design, construction, and maintenance of engineered works, land use planning and ground-water resources are adequately recognized and properly interpreted for use in engineering, land-use planning, and related practice.

"*Essential facility*" means buildings and other structures intended to remain operational in the event of an adverse catastrophic event, including all structures defined in Table 1.

"*Fault*" means a fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other.

"*Fault setback*" means an area on either side of a fault within which structures for human occupancy or critical facilities or their structural supports are not permitted.

"*Fault scarp*" means a steep slope or cliff formed by movement along a fault.

"*Fault trace*" means the intersection of a fault plane with the ground surface, often present as a fault scarp, or detected as a lineament on aerial photographs.

"*Fault zone*" means a corridor of variable width along one or more fault traces, within which deformation of soil and rock units has occurred due to movement of the fault trace.

"*FEMA*" means the Federal Emergency Management Agency.

"*Geologic hazard*" means a surface fault rupture, liquefaction, slope instability, landslide, debris-flow, rock-fall, or other geologic process or condition that may present a risk to life or property.

"*Geologic hazard study area*" means a potentially hazardous area as shown on the geologic hazard study area maps within which hazard investigations are required prior to development.

"*Geotechnical engineer*" means a professional, Utah-licensed engineer who, through education, training and experience, is competent in the field of geotechnical engineering.

"*Geotechnical engineering*" means the investigation and engineering evaluation of earth materials including soil, rock, and man-made materials and their interaction with earth retention systems, foundations, and other civil engineering works. The practice involves the fields of soil mechanics, rock mechanics, and earth sciences and requires knowledge of engineering laws, formulas, construction techniques, and performance evaluation of engineering.

"*Governing body*" means the city council or its designee.

"*Improvement*" means any building, structure, fence, gate, wall, landscaping, planted tree, work of art, or other man-made physical feature of real property, or any part of such feature which is not a natural feature.

"*Landslide*" means the down-slope movement of a mass of soil or bedrock, including a continuum of processes between landslides, earth-flows, debris flows and debris avalanches, and rock falls.

"*Liquefaction*" means a process by which certain water-saturated soils lose bearing strength because of earthquake-

related ground shaking and subsequent increase of groundwater pore pressure.

"*Natural drainage channel*" means naturally occurring features such as open swales, open channels, or open creek beds that help collect and convey stormwater over natural terrain to a determinate downstream point of discharge.

"*Natural feature*" means any naturally-occurring tree, plant life, habitat, or geological site or feature, but does not include improvements.

"*Non-buildable area*" means a site that has any portion thereof within a geologic special study area where a geologic hazards investigation has not been conducted, a site where known or readily apparent geologic hazards exist in an area subject to a development application, which area is not depicted on the geologic hazards study area where a geologic hazards investigation has not been conducted, or that portion of a site which a geologic hazards report has concluded may be impacted by geologic hazards that cannot be reasonably mitigated to an acceptable level, and where the siting of habitable structures, structures requiring a building permit, or critical facilities, is not permitted.

"*Open space*" means those areas of a subdivision, planned unit development, condominium or other type of land use project that are not occupied by structures, paved parking areas, paved roadways, or similar improvements. Open space is contiguous land set aside for environmental protection and/or passive or active recreation purposes, or to preserve environmentally sensitive or riparian areas. Open space may include parkland, play areas, walkways, trails, informational and interpretive centers or similar facilities for active or passive use, and may be private, communal, or a combination thereof. Open space may be formally landscaped or retained with natural vegetation.

"*Retention area*" means an area that is designed to catch runoff water.

"*Rockfall*" means a rock or mass of rock, newly detached from a cliff or other steep slope which moves down-slope by falling, rolling, toppling, or bouncing; includes rockslides, rock-fall and rock avalanches.

"*Sensitive development*" means any land use that maintains the character of the native landscape and natural or cultural resources that define the area.

"*Sensitive lands*" or "*sensitive area*" means retention areas, conservation areas, and any other land within a sensitive lands district or which qualifies for inclusion in a sensitive lands district as provided in this chapter.

"*Sensitive lands district*" or "*sensitive lands overlay*" means any designated overlay area published on an official map by the city which describes a sensitive area or special study zones. The sensitive lands district or overlay identifies properties that require additional study to determine the existence of geologic conditions that may be hazardous to public health, safety or welfare. An official sensitive lands overlay map, as shown in Appendix A, shall be approved by the city council and shall be on record with the city. Sensitive lands overlay maps may also be available on the web at the city's official website.

"*Setback*" means an area within which foundation elements that support habitable structures or critical facilities is not permitted.

"*Slope stability*" means the resistance of a natural or artificial slope or other inclined surface to failure by sliding, usually assessed under both

static and dynamic (earthquake-induced) conditions.

"*Snow avalanche*" means a mass of predominantly snow and ice, but also including a mixture of soil or rock and organic debris, falling, sliding, and/or flowing rapidly down a hillside or mountainside under the force of gravity.

"*Special study zone*" refers to an area within the vicinity of a potential or known fault zone(s) that warrant study to determine the feasibility of development in compliance with the regulations as outlined in Appendix B.

"*Standard of care*" meant that a professional such as an architect, a landscape architect, an engineer, a geologist, or a land surveyor is required to use the same degree of learning, care and skill ordinarily used by other professionals of the same type, under like circumstances, in the same or similar locality as where the subject professional services were provided.

"*Structure designed for human occupancy*" means any residential dwelling or any other structure used or intended for supporting or sheltering any use or occupancy which is expected to have an occupancy rate of at least 2,000 person hours per year.

"*SWPPP*" means a storm water pollution prevention plan, conducted in accordance with appropriate standards, as determined by the city and the Utah Pollutant Discharge Elimination System (UPDES).

"*Terrain adaptive architecture*" means a system of architectural design where buildings step down steeply sloping sites and hillsides to create the least amount of visual impact from lower lying vantage points.

"*Talus*" means rock fragments lying at the base of a cliff or a very steep rocky slope.

"*Trail*" means a system of public recreational pathways located within the city for use by the public.

"*UGS*" means the Utah Geological Survey.

"*Unpublished sources*" means maps, documents, consultant's reports or other data produced by credible scientific or professionally licensed individuals or entities that have not been published in publicly or generally available formats.

"*USGS*" means the United States Geological Survey.

"*Wet stamp*" or "*seal*" means the official hallmark of an engineer, surveyor or other licensed professional that is reproduced, via ink or embossing, on plans, plats, studies or the like prepared by such professional or under his direction, to prove its authenticity and/or to confirm its accuracy.

19.72.040 Development standards and controls.

Compliance with the development standards and controls of this chapter shall be required in connection with all structures and construction on sensitive lands; provided, however, that the development standards and controls contained in this chapter shall not circumvent or diminish the zoning controls of underlying zoning designations. Instead, the development standards and controls in this chapter are intended to, and shall, enhance the city's regulatory control regarding building and development surrounding and within sensitive lands.

A. *Slopes*. 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 residential density. The planning commission, upon analyzing a conditional use application or

other land use proposal following a recommendation of the DRC, may modify this requirement to include no more than 50% of the slope in excess of 30% toward density calculation**s** upon finding that:

1. No significant or moderate harm will result;

2. The proposed modification will result in a materially more functional and improved plan;

3. Conditions or requirements are reasonably imposed by the planning commission to mitigate any adverse effects which may result from the proposed modification; and

4. If reasonably requested by the city in compliance with applicable legal standards for, *inter alia*, development exactions, the developer agrees to dedicate as open space any portion of the project that is not developable under this title.

B. *Single Family Lots*. For developments containing 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, consisting of 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 be designed to 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*.

1. The density limitations of the underlying zoning district shall control residential density.

2. The planning commission shall not adjust other zoning controls related to bulk and massing, including increased maximum structure height.

D. *Maximum Impervious Surface*. The total maximum allowable coverage by impervious material within the sensitive lands portion of a project shall not exceed 30% of the area of those sensitive lands. Areas of roofs and private driveways will be estimated and included in the total impervious surface area.

E. *Grading, drainage, and erosion control*. 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 determining the minimum flood elevation.

5. Existing natural 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, including natural drainage channels, shall be utilized to the greatest extent practicable, as directed by the city engineer.

(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 vegetative cover.

8. Erosion control measures on a development site shall minimize increased suspended solids loading in runoff from such areas. A drainage system design to control storm water erosion during and after construction shall be contained in a detailed grading and drainage report submitted by the developer.

9. No grading or stripping shall be permitted except as part of a development plan approved in advance by the DRC pursuant to this chapter.

F. *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.

G. *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 2½ inches.

4. Surface areas disturbed by trench excavations shall be contained within the limits of the development or within approved rights-of-way, except as may be necessary in order to comply with Occupational Safety and Health Administration requirements and as approved by the city engineer. Trench boxes shall be used whenever required to ensure compliance with this requirement.

5. The following compaction criteria shall be met for filling operations based on ASTM test designation 698-78:

Description	*Compaction Effort*
Subgrade	95%
Structural fill	97%
Trench backfill	95%
Trench backfill (top 12-inches beneath pavement or concrete)	97%
Basement wall backfill	90%

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 organic material, 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 the results of his review indicate that the conditions or materials are such that additional information is necessary.

H. *Setbacks*. 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 the 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 most restrictive requirements that are applicable under this title and the city's building code.

2. Setbacks between graded slopes (cut or fill) and structures shall comply

with this title, the city's building code and all other applicable ordinances.

3. No habitable structure, essential facility or critical facility 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 20 feet.

I. *Vegetation and Re-vegetation*.

1. All areas on development sites cleared of natural vegetation in the course of construction of offsite improvements shall be replanted with drought tolerant vegetation which has good erosion control characteristics.

2. The use of persons or firms having expertise in the practice of re-vegetation (i.e., licensed landscape architects, erosion control specialists or nurserymen) shall approve the planning and installation of vegetative 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 of the DRC.

5. Any re-vegetation method of a trail, open space or hillside shall be subject to the approval of the city engineer.

6. Topsoil removed during construction shall be conserved whenever practicable 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 DRC. The property owner shall assume co-responsibility with the developer upon purchase of the property.

J. *Geology*.

1. No habitable structure or critical or essential infrastructure shall be built on or within 20 feet of any identified fault. Actual setbacks shall be determined through the process outlined in Appendix B.

2. No structures or off-site improvements shall be allowed on any active landslide area as determined by the City Engineer.

3. Problems associated with development on or near perched ground water and/or shallow ground water must be mitigated in a manner as approved by the planning commission.

K. *Fire Protection*.

1. 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 not be approved.

3. Spark arresters shall be installed in every fireplace, whether constructed indoor or outdoor. The diameter of screen openings in such arresters shall not exceed ¼ inch.

4. Development adjacent to public lands shall provide access for fire protection vehicles and equipment.

5. A development in a sensitive lands district 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.

L. *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 and must comply with all applicable city standards.

3. Cul-de-sacs shall not exceed 600 feet in length and shall have a fire-department-approved 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 public access to those trails. Public parking areas may be required by the planning commission at trail heads.

7. Developments adjacent to public lands shall provide for access to those public lands by fire protection equipment.

8. The maximum amount of impervious surface for streets and roadways shall be 20% of the entire development site, or shall follow more stringent recommendations of the city engineer and/or city geologist, reviewed on a case by case basis.

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's road base, asphalt and compaction standards.

M. *Trails upon hillsides*.

1. The subdivider or other developer 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; side slopes 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.

2. A trail may be constructed to access upper/lower portions of residential property subject to the following conditions:

(a) No un-engineered cut or fill of the hillside shall be in excess of four feet. All cuts or fills shall be properly retained.

(b) The trail shall follow 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) Where topographic conditions allow, the grade of trails generally shall not exceed 12%. Trails, and retainage of adjacent slopes, shall be designed as directed by the city engineer.

(d) New trails shall be planned to harmonize with nature, including minimizing the destruction of existing stands of vegetation.

(e) New trails shall include the installation of bridges across natural drainages with permanent or temporary flow that cannot be crossed without entering the drainage.

(f) The trail shall be appropriately landscaped with native materials.

(g) Prior to construction and/or hillside cuts, the trail plan shall be submitted to the director and city engineer for review and approval.

N. *Architectural Design*. Architectural controls are primarily regulated by underlying zoning districts; however, the architectural requirements of this chapter include the following as determined by the city's architectural review commission ("*ARC*") and planning commission:

1. The design of buildings and structures proposed for construction shall be visually compatible with the natural beauty of the foothills and canyon areas and other surrounding sensitive lands.

2. The materials used for buildings, structures 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.

4. Exposed foundation walls shall not exceed four feet above finished grade at any point.

5. The design and construction of structures within the urban interface area shall be consistent with the 2006 Utah Wildland-Urban Interface Code, as amended.

O. *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.

P. *Bond*. In addition to the requirements of this code requiring the posting of a completion bond for a development, the developer or owner shall be required to guarantee (via a cash bond, cash escrow or bank letter of credit, all in such form as city may

require) the completion of re-vegetation projects, the stabilization of grading sites, cuts and fills, construction of storm water runoff facilities, and the construction of recreation space as required in this code. Such bond shall be in an amount equal to 110% of the city's estimate of the cost of construction of such work, and shall continue for 12 months after the completion date of all such project, improvements or facilities.

Q. *FEMA*. All habitable living space for new construction shall be at least one foot above the 100-year flood plain elevation. Any addition to an existing structure that includes any additional square feet shall meet this requirement.

R. *Protection of Subsurface Infrastructure*. All new utilities or existing facilities located within a proposed subdivision and that cross a major fault or located in areas that are prone to ground shifting shall be equipped with a flexible expansion joint that is capable of withstanding the maximum anticipated offset as a result of settling or seismic displacement as required by the city. The flexible expansion joint shall be an integrated cast ball and socket type joist with expansion sleeves and have a minimum 2:1 safety factor with a 350 psi pressure rating and meet USA factory certifications, as per the city engineer.

19.72.050 Responsibility for geologic hazard and other studies.

A. All applicants wishing to develop and/or build on sensitive lands shall provide, at their own expense, all applicable geologic, geotechnical or other studies outlined in this chapter and as directed by the DRC pursuant to section 19.72.020.

B. Geologic hazard studies often require both engineering geology and geotechnical engineering expertise. Engineering geologic studies shall be performed under the direct supervision of a licensed engineering geologist qualified as provided in section 19.72.060, and geotechnical engineering studies shall be performed under the direct supervision of a licensed geotechnical engineer qualified as provided in section 19.72.060. All plans submitted to the city shall be stamped by a licensed geotechnical engineer and/or engineering geologist, as the case and standard of care may warrant, appropriately licensed and in good standing with the state of Utah.

C. When analyzing a conditional use application or other land use proposal, , the DRC, or the planning commission upon recommendation of the DRC, may, based on an initial geologic and/or geotechnical study, from time to time require that additional studies related to the sensitive lands being developed be completed to address issues that may include, without limitation, hydrology, wildlife habitat, ecology, etc. All additional studies shall be completed by a city-approved expert in the particular field of study.

19.72.060 Minimum acceptable qualifications of professionals.

A. *Minimum acceptable qualifications of the engineering geologist*. Engineering geology and the evaluation of geologic hazards is a specialized discipline within the practice of geology requiring technical expertise and knowledge of techniques not commonly used in other geologic disciplines. Therefore, geologic hazard investigations involving engineering geologic studies shall only be accepted by the city when conducted, signed and stamped by a qualified engineering geologist. The

minimum qualifications of the engineering geologist who performs geologic hazard investigations of sensitive lands in the city are:

1. An active, current Utah State Professional Geologist's license.

2. In good standing with the Division of Professional and Occupational Licensing of the Utah Department of Commerce.

3. Demonstrated competence in the specified field as evidenced by a current CV provided to the city for review and approval.

B. *Minimum acceptable qualifications of a geotechnical engineer*. Evaluation and mitigation of geologic hazards often require contributions from a qualified geotechnical engineer, particularly in the design of mitigation measures. Geotechnical engineering is a specialized discipline within the practice of civil engineering requiring technical expertise in geotechnical engineering. Therefore, geologic hazard investigations requiring contributions from a qualified geotechnical engineer will only be accepted by the city when also conducted, signed and stamped by a qualified geotechnical engineer. Minimum qualifications of a geotechnical engineer who participates in geologic hazard investigations of sensitive lands in the city are:

1. An active, current Utah State Professional Engineer's license.

2. In good standing with the Division of Professional and Occupational Licensing of the Utah Department of Commerce.

3. Demonstrated competence in the specified field as evidenced by a current CV provided to the city for review and approval.

C. *Minimum acceptable qualifications of other professionals*. From time to time the DRC, or the planning commission upon recommendation of the DRC, may require additional studies to evaluate issues that may include, but are not limited to hydrology, wildlife habitat, ecology, vegetation, etc. The DRC shall determine the adequacy of the qualifications of professionals performing additional studies based upon the following minimum standards:

1. An active, current Utah State professional license in the specified field and in good standing with the Division of Professional and Occupational Licensing of the Utah Department of Commerce; or,

2. Demonstrated competence in the specified field as evidenced by a current CV provided to the city for review and approval, showing extensive study in the specified field, experience performing the specified studies and professional competence; and

3. Professional certification obtained through a reputable national organization such as LEED, AIA, AICP, ASLA or other applicable equivalent.

19.72.070 Procedure.

Proposals for building or development on sensitive lands shall follow the procedure set forth in this section, which shall consist of four distinct parts: (1) scoping study; (2) conceptual proposal / disturbance permit request; (3) preliminary proposal; and (4) final approval. Applications for review by the city shall be filed and processed in the following order:

A. *Scoping pre-application meeting*. The developer or consultant shall schedule a scoping pre-application meeting with the DRC to evaluate the investigative approach of the engineering geologist/geotechnical engineer. At this meeting, the consultant shall present a

work plan that includes locations of anticipated geologic hazards and locations of proposed exploratory excavations, such as trenches, borings, and CPT soundings, which meet the minimum standards of practice. The investigation approach should allow for flexibility due to unexpected site conditions. Field findings may require modifications to the work plan. Upon successful completion of the scoping meeting, an application for a disturbance permit may be submitted to the city.

B. *Conceptual proposal/disturbance permit applications*.

1. Proposals for surveying, testing or other design-related activities requiring physical entry into areas located within a sensitive lands district shall be submitted to the DRC for review and modification, approval or denial. Prior to review by the DRC, the areas of proposed disturbance shall be staked at the applicant's expense. Following staking, the city engineer or city geologist shall have at least two business days to observe the staking.

2. Thereafter, the DRC, upon receiving a favorable recommendation from the city engineer and geologist, may authorize issuance of a grading permit to allow access to, and permit testing of, the approved areas.

3. The permit shall be limited to the staked area of proposed disturbance and may include conditions deemed appropriate by the DRC to protect sensitive areas. As dictated by the DRC, such conditions may include requirements for the following:

(a) Photo documentation to identify pre-existing types and general locations of vegetation which may need to be protected or replaced.

(b) The submission of a SWPPP for the implementation of adequate erosion control measures 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 they 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 one year following the disturbance.

(e) A land disturbance bond (cash bond, cash escrow or bank letter of credit, all in such form as city may require) to cover the expense of re-vegetating disturbed areas and returning graded areas to their natural state.

(f) Any other reasonable requirement to mitigate the effect of potential interruption caused by the disturbance of the area for conceptual or preliminary activities.

4. The conceptual plan shall include the following information; provided, however, that the DRC may reasonably modify the following requirements:

(a) A conceptual development map, drawn at a minimum scale of 1"=100', which shows:

(i) One or two foot contours;

(ii) Natural slopes of 30% or greater color shaded;

(iii) 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;

(iv) Labeling of any roads with grades in excess of eight percent; and

(v) Native vegetation, by type and location.

(b) A report which indicates:

(i) Total development area;

(ii) Total area with over 30% slope

(iii) Number of lots or units proposed;

(iv) Proposed density calculation;

(v) Evidence of compliance with city stormwater requirements;

(vi) Percentage of each use, such as residential, commercial, recreational, transportation, etc.; and

(vii) Statement of compliance with the design requirements of this chapter.

(c) A re-vegetation plan addressing restoration plans for areas disturbed by preliminary activities.

C. *Preliminary assessment and mitigation*. Following conceptual approval, preliminary approval of a hazard assessment plan shall be sought from the planning commission or the community development department, as applicable. The information and reports required in this subsection are outlined in the appendices to this chapter; shall be submitted as part of an application for preliminary approval; and may be in addition to information otherwise required for preliminary approval for a subdivision or PUD, or a permit for a conditional or permitted use.

D. *Final approval of assessment and mitigation measures*. Final approval of hazard assessment and mitigation measures shall be issued by the community development department if the applicant demonstrates satisfactory compliance with all of the requirements of this chapter and compliance with all city requirements for final plat approval, PUD approval and/or conditional use approval, as applicable. All bonding requirements of this code also shall be satisfied prior to the issuance of the final approval by the community development department.

E. *Reclamation plan procedure*. Any land disturbance in sensitive areas, including test pits, re-grading or alteration of vegetation shall require a reclamation plan. The reclamation plan shall include information about the existing site, the scope of the disturbance, compaction requirements, drainage, impact to native vegetation, slope stabilization, site security, erosion control measures, revegetation, long term measures to mitigate the proposed impact and any other measures that impact the ability to restore the property to a stable, long term condition. If failure to follow the reclamation plan jeopardizes the safety of the property or results in impact to another property, the city may require a bond, as determined by the DRC.

19.72.080 Geologic hazards study area maps.

A. *Geologic hazards study area maps*. Appendix A of this chapter contains the geologic hazards study area maps and other supplemental maps (the "*Appendix A maps*") applicable to identified sensitive lands in the city. The Appendix A maps are prepared using the best available scientific information, but are necessarily generalized and designed only to indicate areas where hazards may exist and where geologic hazards studies are required. Because such maps are prepared at a non-site-specific scale, hazards may exist that are not shown on the maps. The fact that a site is not shown in a geologic hazards study area for a particular hazard does not exempt the applicant from considering the hazard if evidence is found that it may exist. It is the responsibility of the applicant to consider and identify all geologic hazards on the subject site. If it is subsequently determined that the site has geologic hazards or other features

that are not shown on the Appendix A maps, the review process will be pursuant to this chapter.

B. *Geologic hazards study area boundaries*. Boundaries shown on the Appendix A maps will not be systematically adjusted as each individual site-specific study indicates whether or not an actual hazard exists. Geologic hazards study area maps and other supplemental maps are meant only to define areas within the city where scientific evidence indicates a hazard may exist. However, the Exhibit A maps may be updated and amended by the city if found to be inaccurate or erroneous, or as new methods or data are developed to better define areas of potential hazards.

C. *Modification of geologic hazards study area and supplemental maps*. Where geologic hazards study area maps are thought by an applicant to be inaccurate or erroneous and require revision, the applicant shall submit to the city technical evidence by a qualified professional supporting the claim and showing the proposed revision. The DRC will review the information and render a decision. The applicant may appeal that decision to the city's appeals hearing officer as provided in chapter 19.92 of this title.

19.72.090 Geologic hazard studies and reports required.

A. Any applicant requesting development approval on sensitive lands shall submit to the city five paper copies and one electronic copy of a site-specific geologic hazard study report for such land meeting the requirements of Appendices B-G of this chapter.

B. Applicants who are required to complete site-specific geological hazards tests shall be directed by the city regarding the scope of the required studies and tests through the conceptual proposal/disturbance permit process outlined in this chapter.

C. A foundation excavation report or observation report must be submitted to the city's building department for all new construction on sensitive lands. This report shall show that the developer or applicant has complied with all requirements and recommendations (included those in previous geotechnical reports that have been conducted for the subject property); shall show any geologic hazards found after excavation but prior to footing and foundation construction; and shall be certified by a licensed geotechnical engineer or engineering geologist as required by this chapter.

19.72.100 Geologic hazard reports.

A. Upon a determination by the DRC of the scope of geologic or other hazard studies required by an applicant, the applicant, at its expense, shall provide the city with a site-specific report consistent with the requirements of this chapter that identifies all known or suspected geologic hazards on the site, whether originating on-site or off-site, and whether previously identified or previously unrecognized, that may affect the subject property. All reports shall include the original signature and wet stamp of the qualified professional geotechnical engineer or engineering geologist. Geologic hazards reports co-prepared by professional geologists and engineers must include the original signature and wet stamp of both professionals.

B. The scope of the development and the potential for hazards to exist on a sensitive lands property, as determined by the DRC in consultation with the city engineer and city geologist, shall govern

which of the following studies must be completed in connection with a development application (the specific requirements for the performance of such studies are found in the appendices to this chapter):

1. Surface fault rupture hazard report (Appendix B). Surface fault rupture hazard reports shall contain all requirements described in Appendix B of this chapter, *Minimum Standards for Surface Fault Rupture Hazard Studies*. Surface fault rupture studies shall be conducted by a qualified engineering geologist.

2. Slope stability and landslide hazard reports (Appendix C). Slope stability and landslide hazard reports shall contain all requirements described in Appendix C of this chapter, *Minimum Standards for Slope Stability Hazard Studies*. Slope stability and landslide studies shall be conducted by a qualified engineering geologist, a qualified geotechnical engineer.

3. Liquefaction hazard reports (Appendix D). Liquefaction hazard reports shall contain all requirements described in Appendix D of this chapter, *Minimum Standards for Liquefaction Hazard Studies*. Liquefaction analyses shall be conducted by a qualified geotechnical engineer.

4. Debris flow hazard reports (Appendix E). Debris flow hazard reports shall contain all requirements described in Appendix E of this chapter, *Minimum Standards for Debris Flow Hazard Studies*. Debris flow hazard investigations shall be conducted by a qualified engineering geologist. Mitigation measures will generally require contributions from geotechnical engineers, hydrologists, or civil engineers.

5. Rockfall hazard reports (Appendix F). Rockfall hazard reports shall contain all requirements described in Appendix F of this chapter, *Minimum Standards for Rock-Fall Hazard Studies*. Rockfall studies shall be conducted by a qualified engineering geologist. Mitigation measures will generally require contributions from geotechnical and/or civil engineers.

6. Foundation excavation observation reports (Appendix H). Foundation excavation observation reports shall contain all requirements described in Appendix H of this chapter, *Minimum Standards for Foundation Excavation Observation Reports.* Foundation observation reports shall be conducted by a qualified geotechnical engineer or engineering geologist. A foundation excavation observation report is required as a condition to issuance of all building permits in sensitive lands areas.

C. In addition to the requirements of the aforementioned reports, all geologic hazards reports shall include the following:

1. A 1:24,000-scale geologic map, with references, showing the general surface geology (landslides, alluvial fans, etc), bedrock geology where exposed, bedding attitudes, faults, and other geologic structural features;

2. A detailed site map of the subject area, at a scale equal to or more detailed than one inch equals 200 feet, showing the locations of subsurface investigations and site-specific geologic mapping performed as part of the geologic investigation, including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location and boundaries of the property, geologic hazards, delineation of any recommended setback distances from hazards, and

recommended locations for structures. Buildable and non-buildable areas shall be clearly identified;

3. Trench logs, when applicable, prepared in the field and presented in the geologic hazard report at a scale equal to or more detailed than one inch equals five feet;

4. Boring logs, when applicable, prepared with standard geologic nomenclature;

5. Listing of aerial photographs used and other supporting information, as applicable;

6. Conclusions, clearly supported by adequate data included in the report, that summarize the characteristics of the geologic hazards, and that address the potential effects of the geologic conditions and geologic hazards on the proposed development and its occupants, particularly in terms of risk and potential damage;

7. Specific recommendations for additional or more detailed studies, as may be required to understand or quantify a geologic hazard;

8. An evaluation of whether or not mitigation measures are required, including an evaluation of multiple mitigation options;

9. Specific recommendations for avoidance or mitigation of the effects of the hazards, consistent with the purposes set forth in this chapter, including design or performance criteria for engineered mitigation measures and all supporting calculations, analyses, modeling or other methods, and assumptions. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified geotechnical, civil and/or structural engineer, as appropriate;

10. All data upon which recommendations and conclusions are based shall be clearly stated in the report;

11. A statement shall be provided regarding the suitability of the proposed development from a geologic hazard perspective; and

12. Identification of all utilities that serve the proposed development, including design and specifications of flexible expansion joints for utility lines that cross any fault line(s).

D. When a submitted report does not contain adequate data to support its findings, additional or more detailed studies shall be required to explain or quantify a particular geologic hazard or to describe how mitigation measures recommended in the report are appropriate and adequate.

19.72.110 Review of geologic hazard reports.

A. The city shall review any proposed land use which requires preparation of a geologic hazards report under this chapter to determine the possible risks to the safety of persons, property and city infrastructure from geologic hazards.

B. Prior to consideration of any request for rezoning, preliminary plat approval, conditional use approval and/or site plan approval of property, the required geologic hazard reports shall be submitted to the city for review.

C. The city will act diligently in reviewing each submitted geologic hazard report.

D. All direct costs associated with the review of geologic hazard reports shall be paid by the applicant through the application fee.

E. The city shall retain a copy of each geologic hazard report in the community development department's project file.

F. The city shall determine whether the report complies with all of the standards set forth in this chapter, including the following:

1. That suitable geologic hazard reports have been prepared by qualified professionals.

2. That the proposed land use does not present an unreasonable risk to the health, safety, and welfare of persons or property, including buildings, storm drains, public streets, culinary water facilities, utilities or critical facilities, whether off-site or on-site, or to the aesthetics and natural functions of the landscape, such as slopes, streams, other waterways, drainage, or wildlife habitat, whether off-site or on-site, because of the presence of geologic hazards or because of modifications to the site due to the proposed land use.

3. That the proposed land use demonstrates that, consistent with the state of the practice, the identified geologic hazards can be mitigated to a level where the risk to human life and damage to property are reduced to an acceptable and reasonable level in a manner which will not violate applicable federal, state, or local statutes, ordinances or regulations. Mitigation measures should consider, in their design, the intended aesthetic functions of other governing ordinances. The applicant must include with the geologic hazards reports a mitigation plan that defines how the identified hazards or limitations will be addressed without impacting or adversely affecting off-site areas. Implementation of mitigation measures must be reasonable and practical, especially if such measures require on-going maintenance by property owners.

G. The city may set other requirements that it deems necessary to mitigate any geologic hazards and to ensure that the purposes of this chapter are met. These other requirements may include, without limitation, the following:

1. Additional or more detailed studies to understand or quantify the hazard or determine whether mitigation measures recommended in the report are adequate;

2. Specific mitigation requirements, establishing buildable and non-buildable areas, limitations on slope grading and controls on grading, or re-vegetation;

3. Grading plans prepared by a licensed professional engineer which include the following, as required by the DRC:

(a) Maps of existing and proposed contours;

(b) Present and proposed slopes for each graded area;

(c) Existing and proposed drainage patterns;

(d) Location and depth of all proposed cuts and fills;

(e) Description of methods to be employed to achieve stabilization and compaction;

(f) Location and capacities of proposed drainage, structures, and erosion control measures based on maximum runoff for a 100-year storm;

(g) Location of existing buildings or structures on or within 100 feet of the site, or which may be affected by proposed grading and construction; and

(h) Plan for monitoring and documentation of testing, field inspections during grading, and reporting to the city.

4. Installation of monitoring equipment and seasonal monitoring of surface and subsurface geologic conditions, including ground-water levels; and

5. Other requirements such as time schedules for completion of the mitigation and phasing of development.

H. All information shall be submitted as an original signed, wet-stamped document for the city's use, such as, making additional copies as deemed necessary, distribution to the public, review by other professionals or use by other parties that have an interest in the property. All information shall also be submitted in a digital format as directed by the city for use in the city's infrastructure database, GIS, CADD archives or other digital platform for city business, or for recordation at the Salt Lake County Recorder's office.

I. As a condition of approval of any development of sensitive lands which requires a geologic hazards report, the city may also set additional requirements as it deems necessary to protect the health, safety, and welfare of its residents, protect the city's infrastructure and financial health, and minimize potential adverse effects of geologic hazards to public health, safety, and property.

J. The city may require a qualified professional to be on site, at the developer's cost, during certain phases of development and construction, particularly during grading phases and the construction of retaining walls. For any real property being developed based on a geologic or geotechnical report which has been accepted by the city, no final inspection shall be completed, certificate of occupancy issued or performance bond released until the geotechnical engineer or engineering geologist who signed and approved such report certifies in writing that the completed improvements and structures conform to the descriptions and requirements contained in such report.

K. An applicant may appeal any decision made under the provisions of this chapter only after the city has issued a written review of a report. The city's appeals hearing officer shall serve as the appeal authority for any dispute under this chapter. Any such appeal shall set forth the specific grounds or issues upon which the appeal is based. The appeal shall be submitted in writing to the city's appeals hearing officer within 30 days after the city's issuance of the written review or other decision that is the subject of such appeal.

19.72.120 Disclosure when a geologic hazard report is required.

A. Whenever a geologic hazard report is required under this chapter, the owner of the affected site shall record a signed, notarized disclosure notice, running with the land, in a form satisfactory to the city prior to the city's approval of any development or subdivision of such land. The recorded disclosure shall include the following:

1. Notice that the land is located within a geologic hazards study area as shown on the geologic hazards study area map or as otherwise defined in this chapter; and

2. Notice that a geologic hazards report was prepared and is available for public inspection in the city's files.

B. Where geologic hazards and related setbacks are delineated in a subdivision, the owner shall also place additional notification on the plat stating the above information, prior to final approval and recording of the plat.

19.72.130 Warning and disclaimer.

The city's geologic hazards study area maps represent only those potentially hazardous areas known to the city and should not be construed to

include all possible potential hazard areas. This chapter and the geologic hazards study area maps referenced herein may be amended by the city as new information becomes available pursuant to procedures set forth in this chapter. The provisions of this chapter do not in any way assure or imply that areas outside the geologic hazards study area maps boundaries are free from the possible adverse effects or risk of geologic hazards. This chapter shall not create any liability on the part of the city or any of its officers, employees, reviewers, consultants, agents or contractors for any damages from geologic hazards that result from reliance on this chapter or any administrative requirement or decision lawfully made hereunder.

19.72.140 Change of use.

No change in use which results in the conversion of a building or structure from one that is not used for human occupancy to one that is used for human occupancy shall be permitted unless the building or structure complies with the provisions of this chapter.

19.72.150 Conflicting regulations.

In cases of conflict between this chapter and the provisions of existing zoning classifications, building code, subdivision ordinance, or any other ordinance of the city or applicable law, the most restrictive provision shall apply.

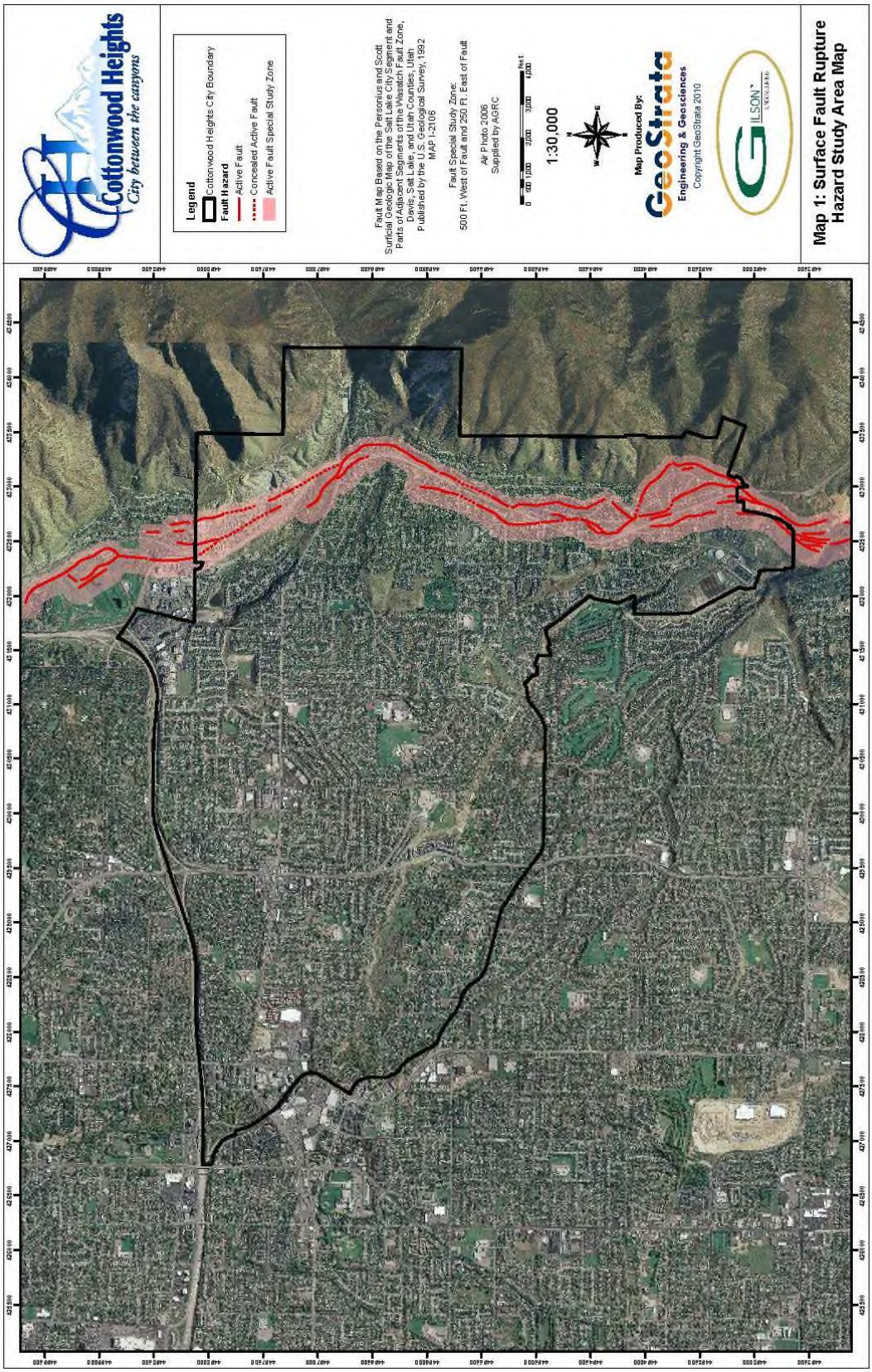
Table 1--Essential Facilities

A. In the event of failure, the following buildings and structures represent a substantial hazard to human life:

1. Buildings where more than 300 people congregate in one area;
2. Elementary schools, secondary schools, or day care facilities with an occupancy greater than 250;
3. Colleges or adult education facilities with an occupancy greater than 500;
4. Health care facilities with an occupancy greater than 50 or more resident patients but not having surgery or emergency treatment facilities;
5. Jails and detention facilities;
6. Any structure with an occupancy greater than 1,000;
7. Power generating stations, water treatment or storage for potable water, waste water treatment facilities and other public utility facilities; and
8. Buildings containing toxic or explosive substances that would be dangerous to the public if released.

B. Essential facilities include, without limitation, the following buildings and structures:

1. Hospitals and other care facilities having surgery or emergency treatment facilities;
2. Fire, rescue and police stations and emergency vehicle garages and fueling facilities;
3. Designated emergency shelters;
4. Designated emergency preparedness, communications, and operation centers and other facilities required for emergency response;
5. Power-generating stations and other public utility facilities required as emergency backup facilities for facilities and structures included in this table;
6. Structures containing highly toxic materials as defined by the most recently adopted version of the IBC;
7. Aviation control towers, air traffic centers and emergency aircraft hangars;
8. Buildings and other structures having critical national defense functions; and
9. Water treatment and storage facilities required to maintain water pressure for fire suppression.


Cottonwood Heights
City between the canyons
Legend
Cottonwood Heights City Boundary
Fault Hazard
Active Fault
Concealed Active Fault
Active Fault Special Study Zone
Fault Map Based on the Personius and Scott Surficial Geologic Map of the Salt Lake City Segment and Parts of Adjacent Segments of the Wasatch Fault Zone, Davis, Salt Lake, and Utah Counties, Utah Published by the U.S. Geological Survey, 1992 MAP I-2106
Fault Special Study Zone: 500 Ft. West of Fault and 250 Ft. East of Fault
Air Photo 2006 Supplied by AGRC
1:30,000
Map Produced By:
GeoStrata
Engineering & Geosciences
Copyright GeoStrata 2010
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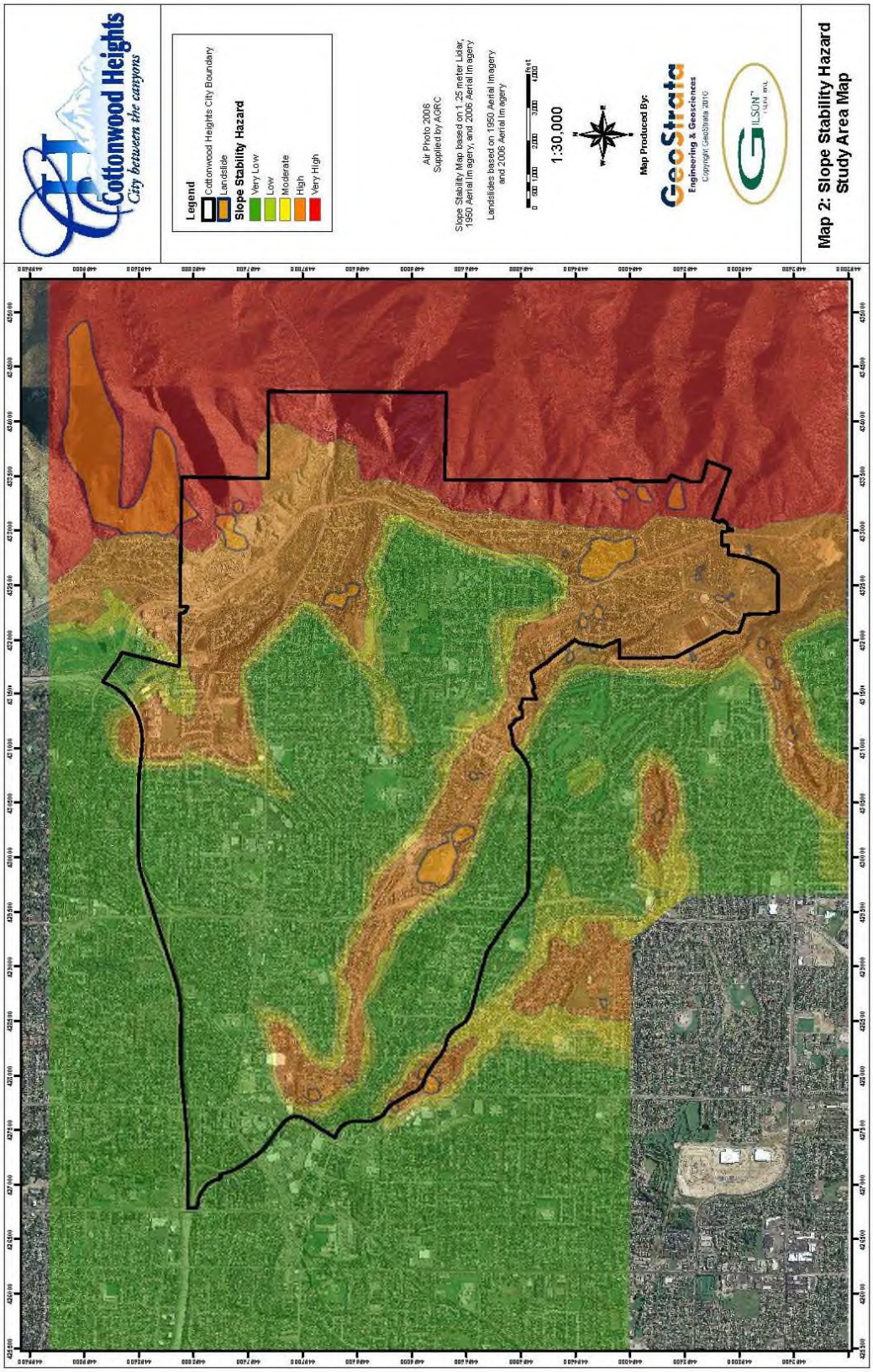
Map 1: Surface Fault Rupture Hazard Study Area Map


Cottonwood Heights
City between the canyons
Legend
Cottonwood Heights City Boundary
Landslide
Slope Stability Hazard
Very Low
Low
Moderate
High
Very High
Air Photo 2006
Supplied by AGRC
Slope Stability Map based on 1.25 meter Lidar, 1950 Aerial Imagery, and 2006 Aerial Imagery
Landslides based on 1950 Aerial Imagery and 2006 Aerial Imagery
1:30,000
Map Produced By:
GeoStrata
Engineering & Geosciences
Copyright GeoStrata 2010
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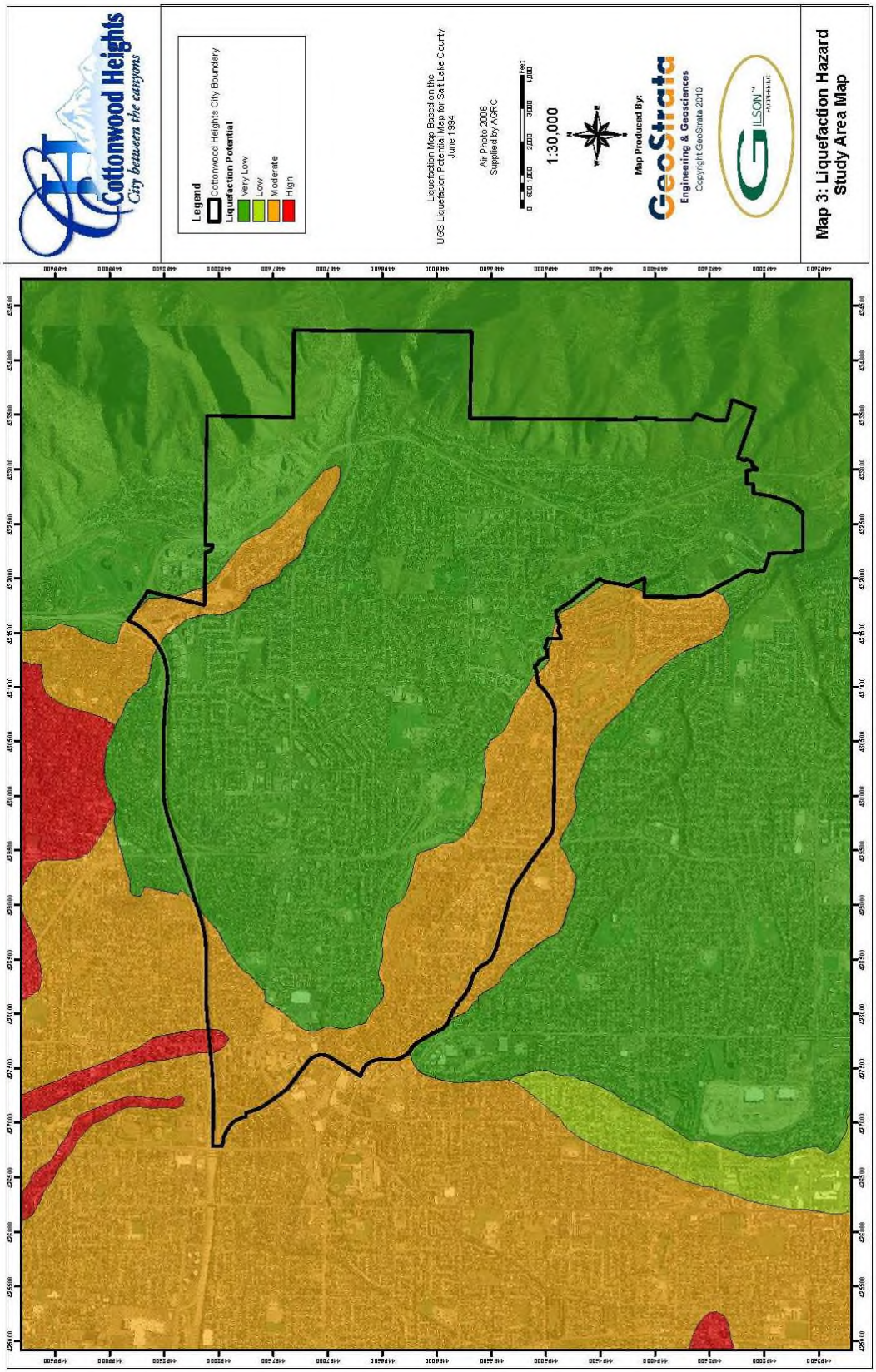
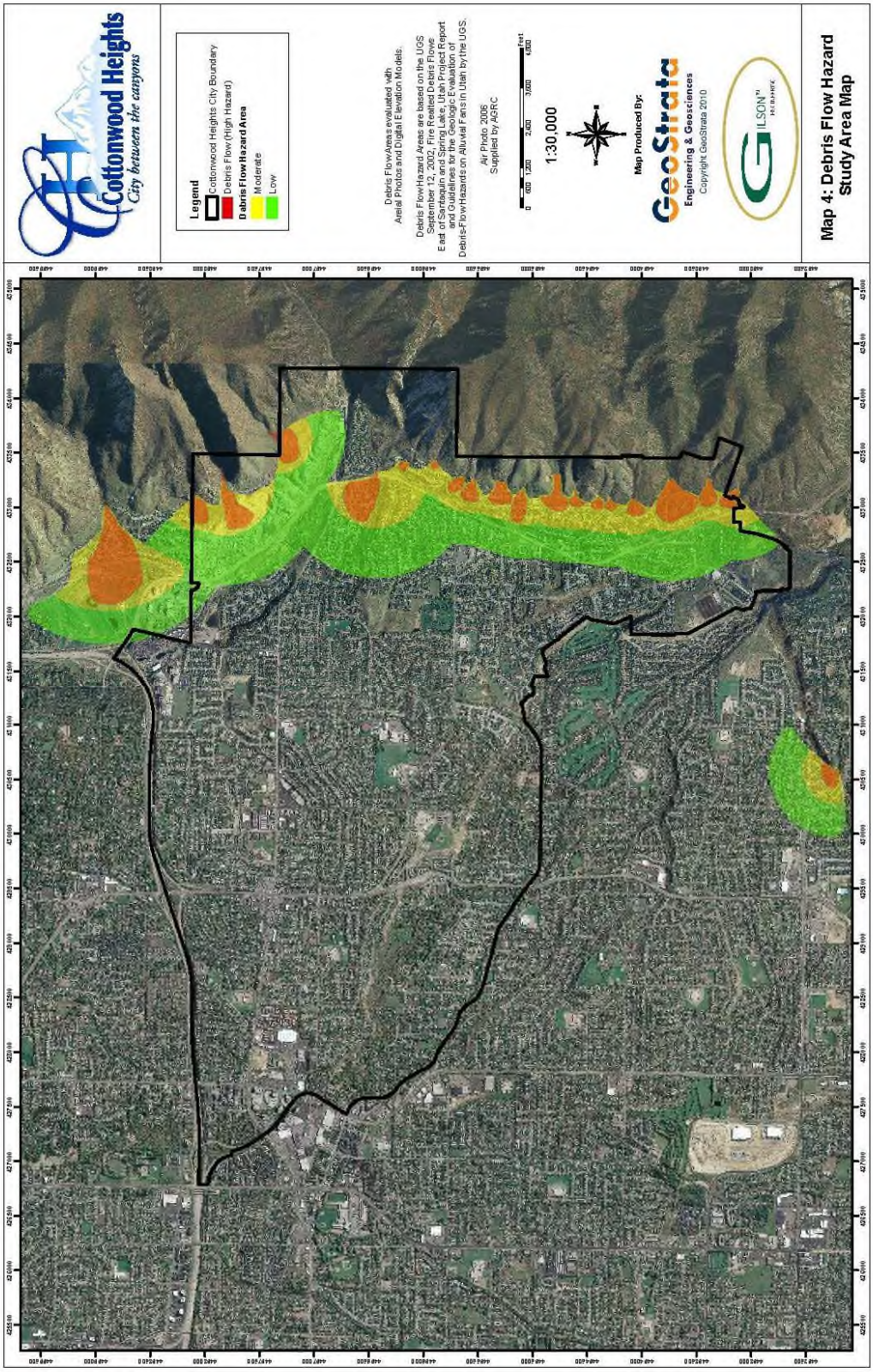
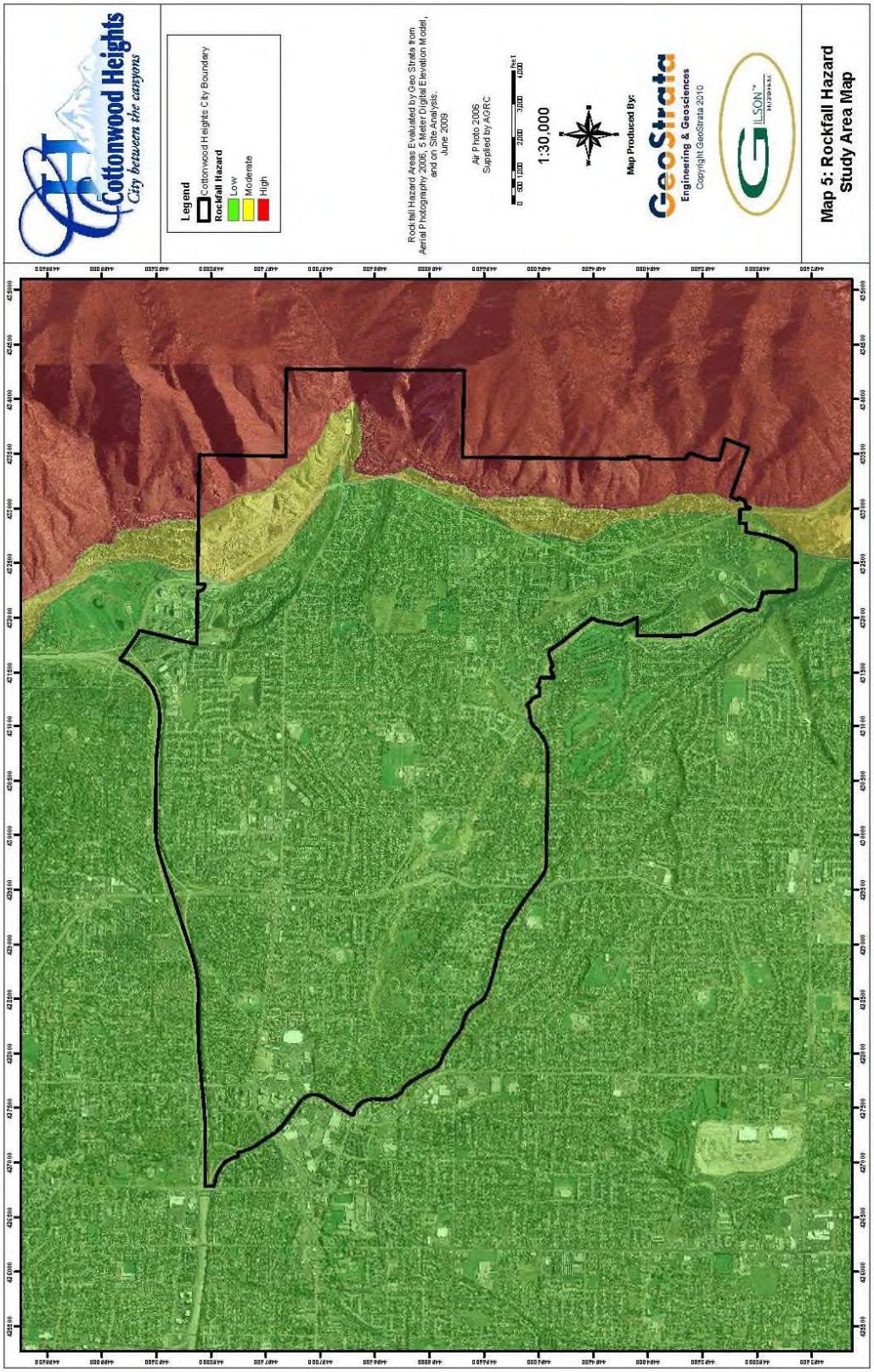
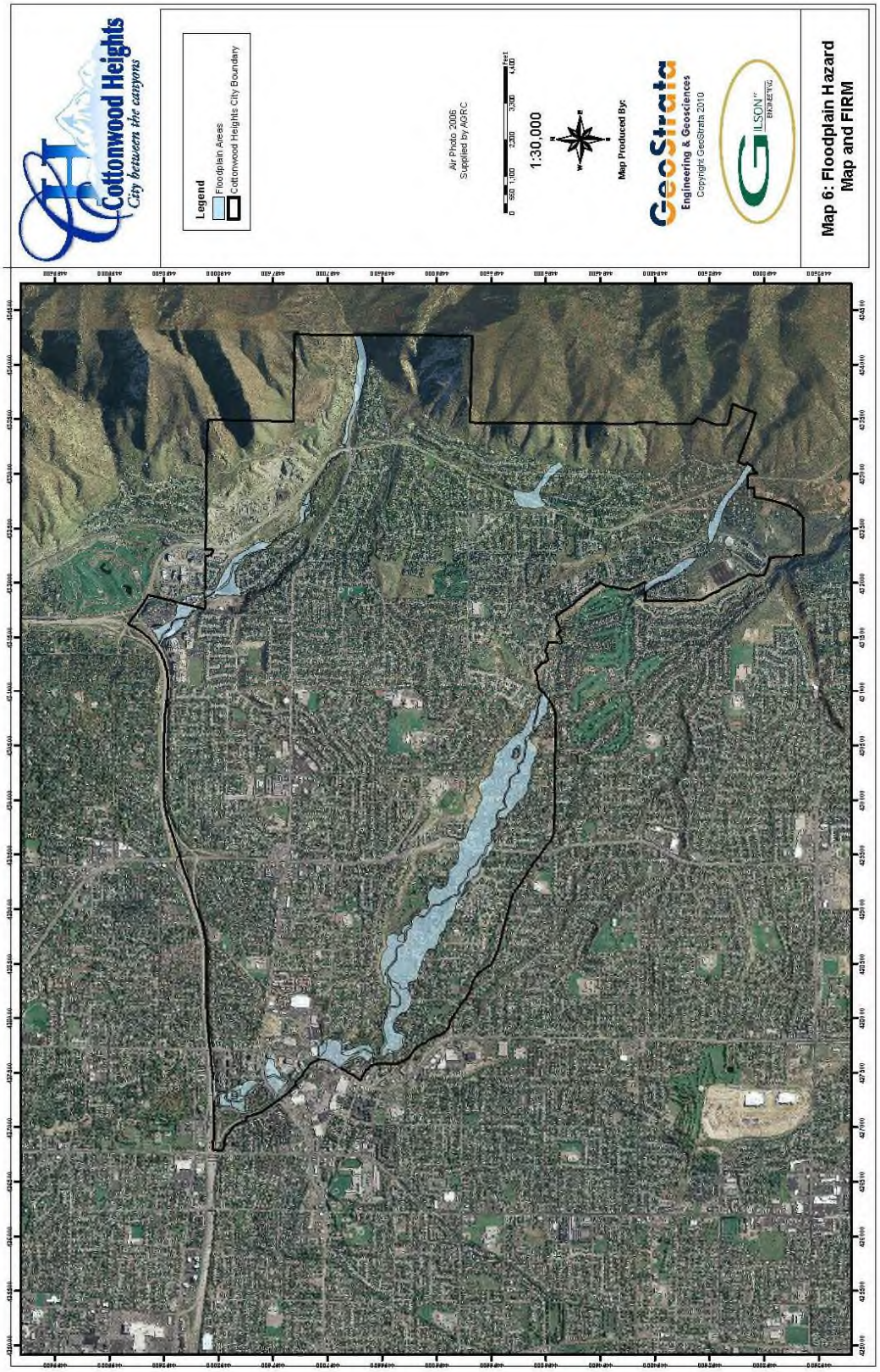
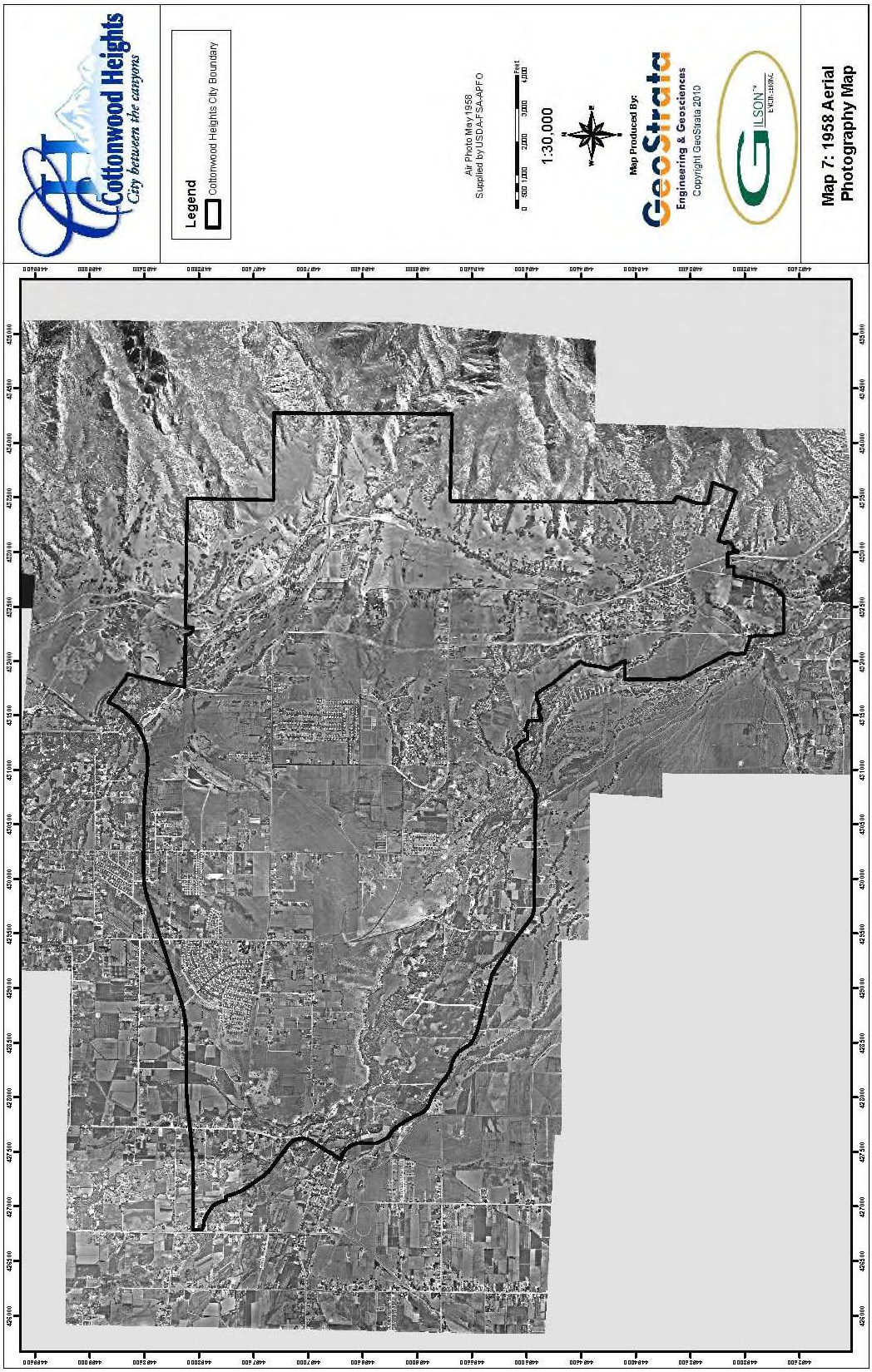
Map 2: Slope Stability Hazard Study Area Map

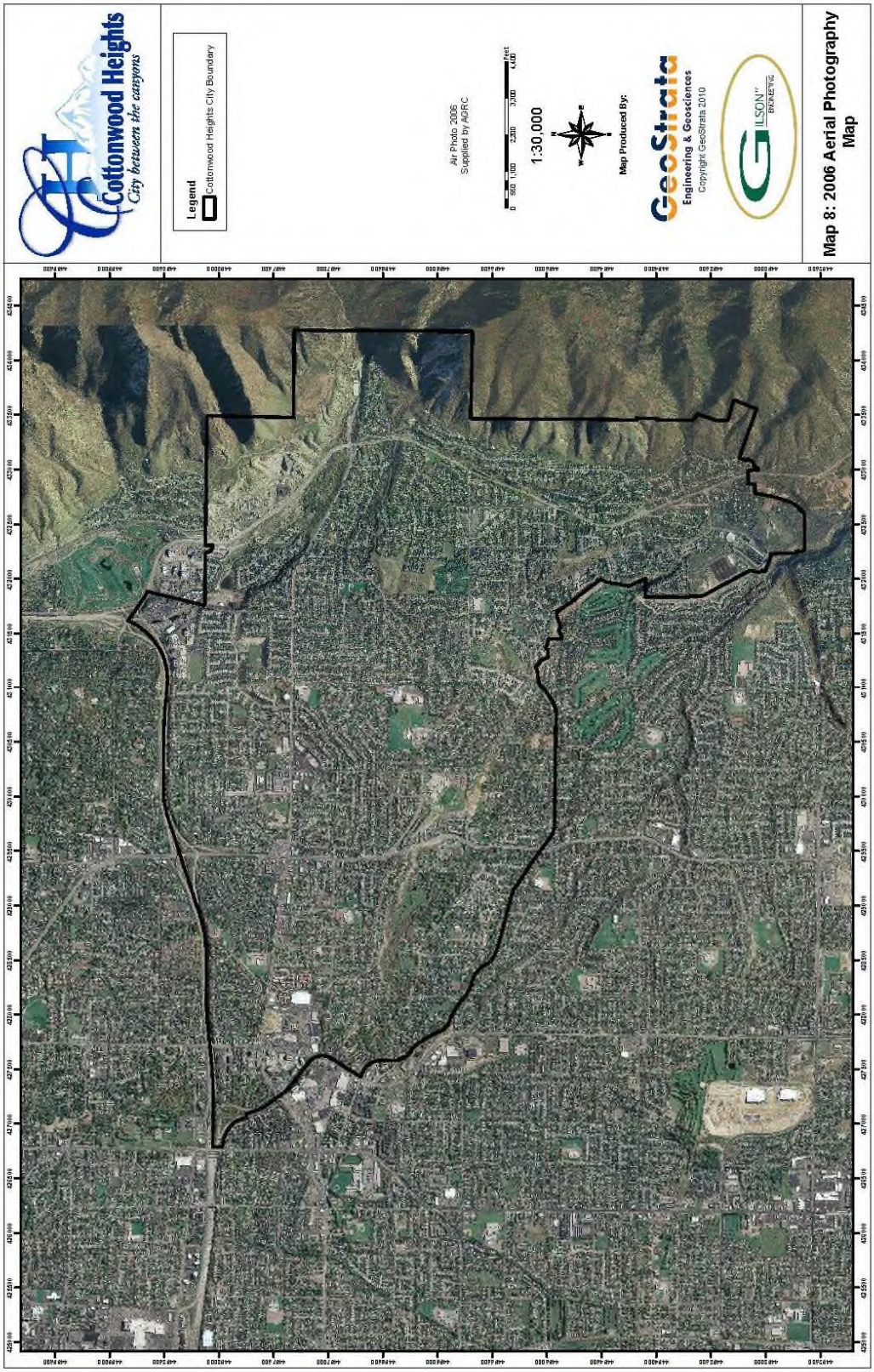

Cottonwood Heights
City between the canyons
Legend
Cottonwood Heights City Boundary
Liquefaction Potential
Very Low
Low
Moderate
High
Liquefaction Map Based on the
UGS Liquefacion Potential Map for Salt Lake County
June 1994
Air Photo 2006
Supplied by AGRC
0 500 1000 2000 3000 4000 feet
1:30,000
Map Produced By:
GeoStrata
Engineering & Geosciences
Copyright GeoStrata 2010
ILSON
Map 3: Liquefaction Hazard
Study Area Map


Cottonwood Heights
City between the canyons
Legend
Cottonwood Heights City Boundary
Debris Flow (High Hazard)
Debris Flow Hazard Area
Moderate
Low
Debris Flow Areas evaluated with
Aerial Photos and Digital Elevation Models.
Debris Flow Hazard Areas are based on the UGS
September 12, 2002, Fire Realted Debris Flows
East of Santaquin and Spring Lake, Utah Project Report
and Guidelines for the Geologic Evaluation of
Debris Flow Hazards on Alluvial Fans in Utah by the UGS.
Air Photo: 2006
Supplied by AGRC
0 600 1,200 2,400 3,600 4,800
Feet
1:30,000
Map Produced By:
GeoStrata
Engineering & Geosciences
Copyright GeoStrata 2010
GILSON™
Map 4: Debris Flow Hazard
Study Area Map

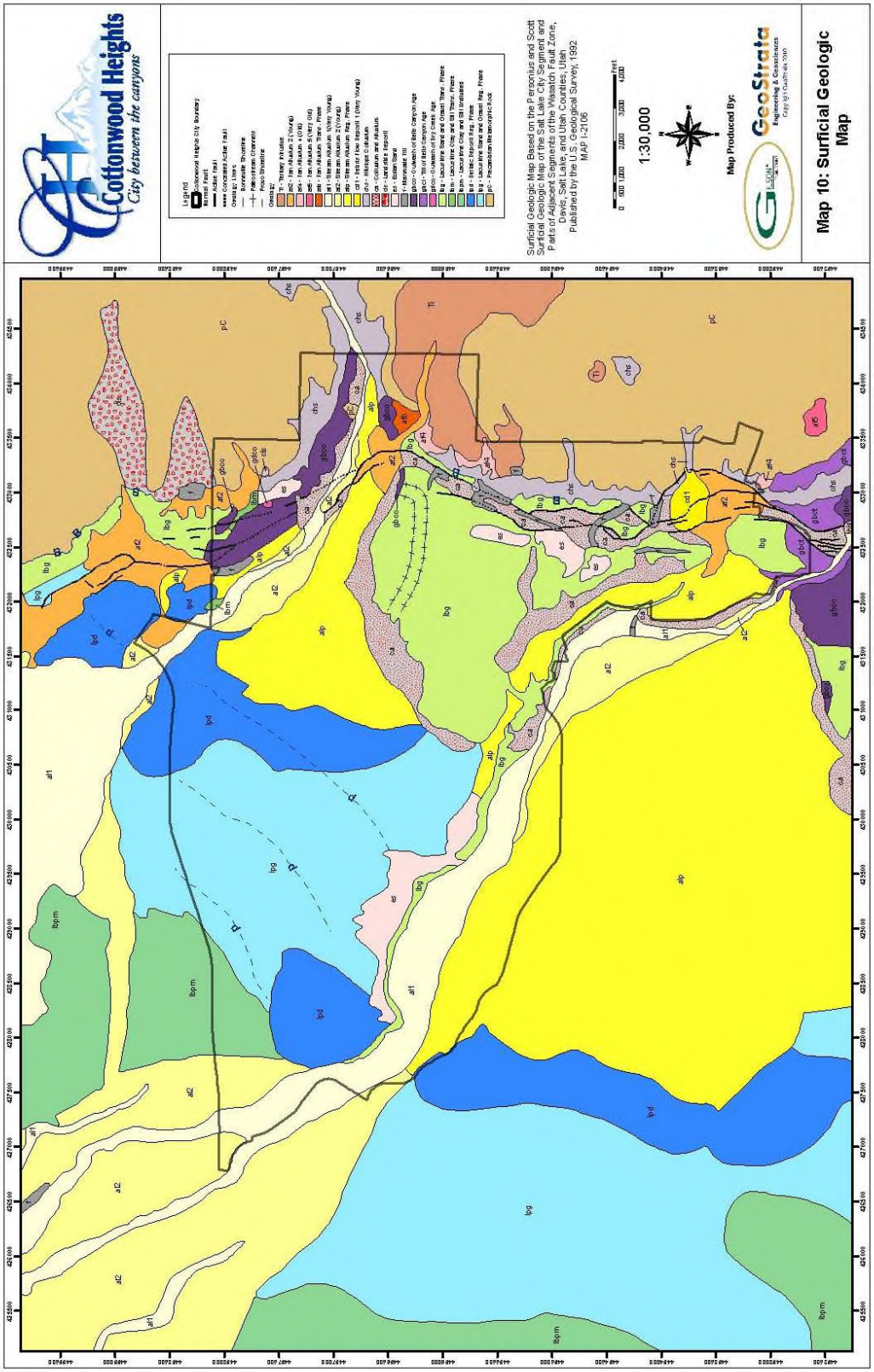

Cottonwood Heights
City between the canyons
Legend
Cottonwood Heights City Boundary
Rockfall Hazard
Low
Moderate
High
Rockfall Hazard Areas Evaluated by Geo Strata from Aerial Photography 2006, 5 Meter Digital Elevation Model, and on Site Analysis. June 2009
Air Photo 2006 Supplied by AGRC
0 500 1000 2000 3000 4000 Feet
1:30,000
Map Produced By:
GeoStrata
Engineering & Geosciences
Copyright GeoStrata 2010
GILSON
Map 5: Rockfall Hazard Study Area Map

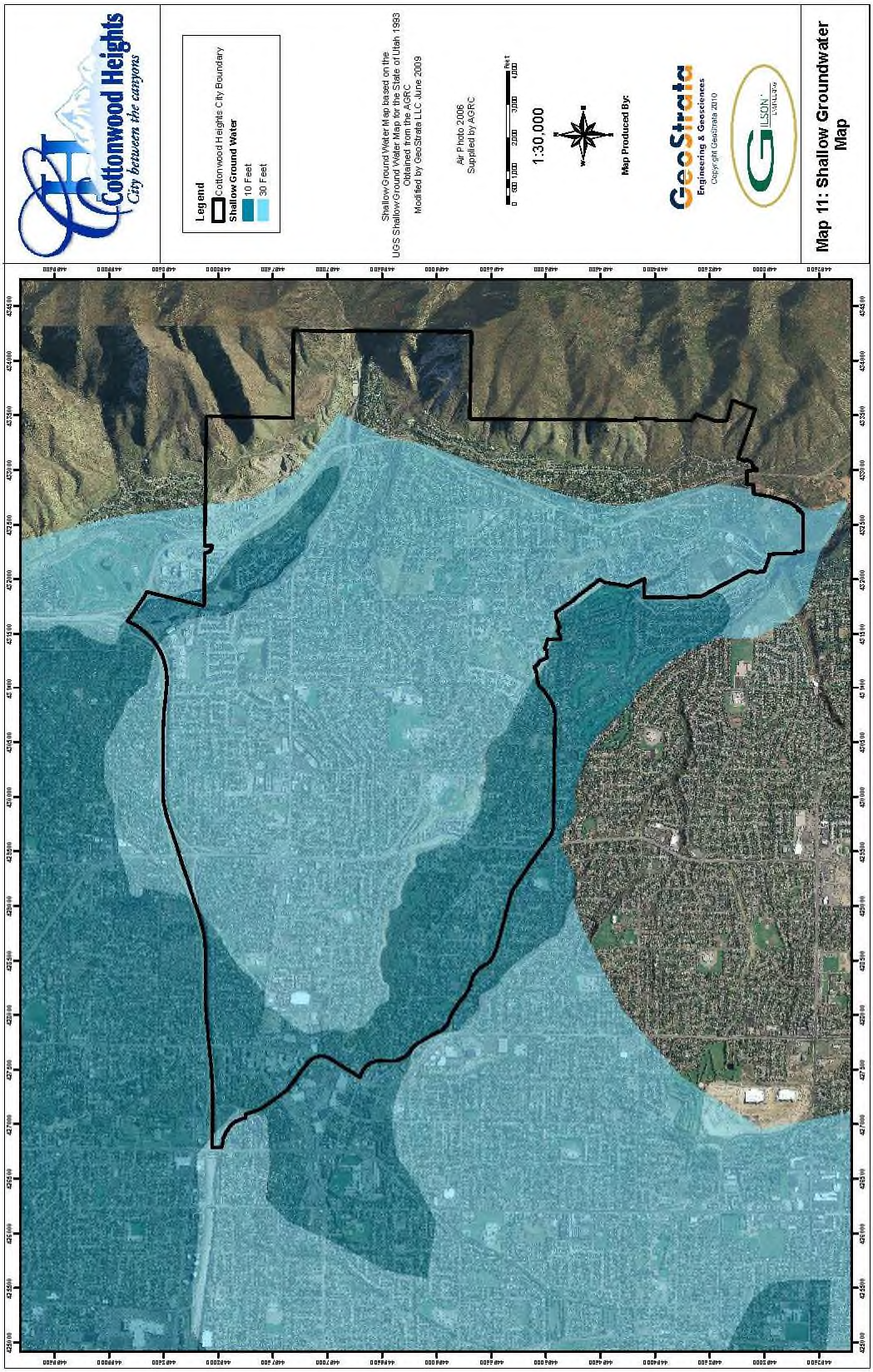

Cottonwood Heights
City between the canyons
Legend
Floodplain Areas
Cottonwood Heights City Boundary
Air Photo 2006
Supplied by AGRC
0 500 1,000 2,000 3,000 4,000 Feet
1:30,000
Map Produced By:
GeoStrata
Engineering & Geosciences
Copyright GeoStrata 2010
ILSON ENGINEERING
Map 6: Floodplain Hazard
Map and FIRM

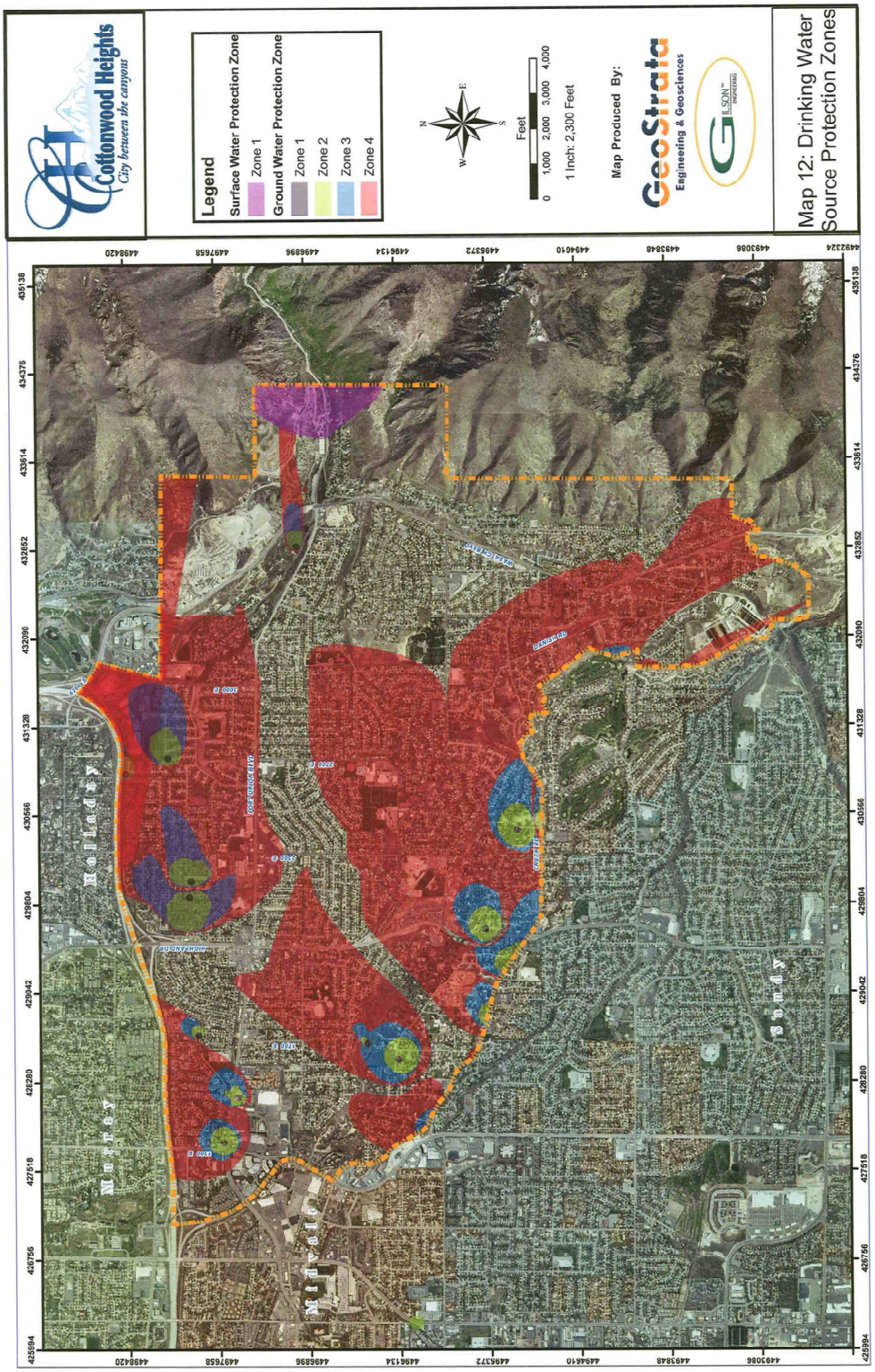

Cottonwood Heights
City between the canyons
Legend
Cottonwood Heights City Boundary
Air Photo May 1958
Supplied by USDA-FSA-APFO
0 500 1,000 2,000 3,000 4,000 Feet
1:30,000
Map Produced By:
GeoStrata
Engineering & Geosciences
Copyright GeoStrata 2010
GILSON™
ENGINEERING
Map 7: 1958 Aerial
Photography Map


Cottonwood Heights
City between the canyons
Legend
Cottonwood Heights City Boundary
Air Photo 2006
Supplied by AGRC
0 500 1,000 2,000 3,000 4,000 Feet
1:30,000
Map Produced By:
GeoStrata
Engineering & Geosciences
Copyright GeoStrata 2010
ILSON ENGINEERING
Map 8: 2006 Aerial Photography Map

Cottonwood Heights
City between the canyons
Legend
Cottonwood Heights City Boundary
Topography
20 Ft Interval
100 Ft Interval
Topography Contours Based on 5 Meter Digital Elevation Model Supplied by the AGRC
Air Photo 2006 Supplied by the AGRC
0 500 1,000 2,000 3,000 4,000 Feet
1:30,000
Map Produced By:
GeoStrata
Engineering & Geosciences
Copyright GeoStrata 2010
GILSON ENGINEERING
Map 9: Topographic Map


Cottonwood Heights
City between the canyons
Legend
Cottonwood Heights city boundary
Surficial Geologic Map Based on the Personius and Scott Surficial Geologic Map of the Salt Lake City Segment and Parts of Adjacent Segments of the Wasatch Fault Zone, Davis and Salt Lake Counties, Utah
Published by the U.S. Geological Survey, 1992
MAP I-2106
1:30,000
Map Produced By:
GeoStrata
Engineering & Consultants
Map 10: Surficial Geologic Map


Cottonwood Heights
City between the canyons
Legend
Cottonwood Heights City Boundary
Shallow Ground Water
10 Feet
30 Feet
Shallow Ground Water Map based on the
UGS Shallow Ground Water Map for the State of Utah 1993
Obtained from the AGRC
Modified by GeoStrata LLC June 2009
Air Photo 2006
Supplied by AGRC
0 500 1,000 2,000 3,000 4,000 Feet
1:30,000
Map Produced By:
GeoStrata
Engineering & Geosciences
Copyright GeoStrata 2010
GILSON CONSULTING
Map 11: Shallow Groundwater Map


Cottonwood Heights
City between the canyons
Legend
Surface Water Protection Zone
Zone 1
Ground Water Protection Zone
Zone 1
Zone 2
Zone 3
Zone 4
N
W
E
S
Feet
0 1,000 2,000 3,000 4,000
1 Inch: 2,300 Feet
Map Produced By:
GeoStrata
Engineering & Geosciences
GILSON ENGINEERING
Map 12: Drinking Water
Source Protection Zones
Holladay
Murray
Sandy
Midvale
FORT UNION BLVD
BOUNTIFUL BLVD
WASATCH BLVD
DANIELS RD
GREEN ST
435594
436756
427518
429280
429042
429804
430566
431328
432090
432852
433614
434376
435138
449232
449308
449384
449461
449537
449614
449690
449767
449843

Cottonwood Heights
City between the canyons
Legend
Canals
SLC Aqueduct
Streams
Brown-Sanford System
N
W
E
S
Feet
0
1,000
2,000
3,000
4,000
1 Inch: 2,300 Feet
Map Produced By:
GeoStrata
Engineering & Geosciences
Map 13: Major Water
Conveyance Facilities
Holladay
Murray
Sandy
Midvale
Upper Canal
Big Cottonwood Creek
Little Cottonwood Creek
Willow Creek Canal
Sandy Irrigation
Eastside Canal
Eastside Canal
Wasatch Blvd
Danish Rd
Fort Union Blvd
Highland Dr
Creek Rd
Fremont Canyon Creek
Tanner Canyon Creek
Dry Gulch Fork Creek
Mill Creek
Tanner Canyon Creek
S 900 E
3300 E
3200 E
3100 E
3000 E
2900 E
2700 E
2300 E
4493459
4494221
4494983
4495745
4496507
4497269
4498031
4498793
426882
427644
428406
429168
429930
430692
431454
432216
432978
433740
434502

APPENDIX B

Minimum Standards for Surface Fault Rupture Hazard Studies

1.0 INTRODUCTION
- **1.1 *Purposes***
- **1.2 *Properties requiring a fault investigation***
- **1.3 *References and sources***

2.0 MINIMUM STANDARDS FOR FAULT STUDIES
- **2.1 *Scoping Meeting***
- **2.2 *Fault investigation method***
  - 2.2.1 Previous studies and aerial photograph review
  - 2.2.2 Exploration methods
  - 2.2.3 Trench siting
  - 2.2.4 Location determination
  - 2.2.5 Depth of excavation
  - 2.2.6 Documenting trench exposures
  - 2.2.7 Age dating
- **2.3 *Field review***
- **2.4 *Recommendations for fault setbacks***
- **2.5 *Small displacement faults***
- **2.6 *Required outline for surface fault rapture hazard studies***
  - 2.6.1 Report
  - 2.6.2 Report references
  - 2.6.3 Support information

1.0 INTRODUCTION

The Wasatch Fault Zone is a major tectonic feature of the intermountain region in the western United States. It extends from Fayette, Utah at the south to Malad, Idaho at the north, comprising about 230 miles. Surface faulting has occurred along the Wasatch Fault Zone in northern Utah throughout late Pleistocene and Holocene time. *"Surface faulting"* is a fault-related offset or displacement of the ground surface that may occur in an earthquake.

The Wasatch Fault Zone consists of a series of normal-slip fault segments where the earth experiences relative downward movement on the west side and upward movement on the east side. Ten major fault segments are recognized along the Wasatch Fault Zone, which are believed to be independent in regard to their potential for surface faulting. These segments have distinct geomorphic expression and are clearly visible on aerial photographs.

In the Salt Lake Valley, the Wasatch Fault Zone is represented by the Salt Lake City segment, which extends about 23 miles along the eastern edge of the valley. A portion of the Salt Lake City segment of the Wasatch Fault Zone is present in the foothills of Cottonwood Heights (the "*city*") on the eastern side of city. Documentation of repeated Holocene movements suggest that at least four major earthquake events have occurred in the last 6,000 years along Wasatch Boulevard near the mouth of Little Cottonwood Canyon.

In the event of an earthquake, a fault could break the ground surface below or near a structure and cause significant property damage, injuries and loss of life. In order to reduce risk from surface-fault-rupture hazards and to protect public health and safety, the city has defined a boundary for the sensitive lands that may have a heightened potential for surface fault ruptures and is requiring study for all new development or re-development within this area. Quaternary faults located within the Surface Fault Rupture Hazard Study Area should be considered active until proven otherwise.

The city requires a site specific geologic study for all properties that may

be impacted by the Wasatch Fault Zone. The study must address the surface fault rupture potential and assess the suitability of the proposed development. In the event that a fault is discovered and deemed active (i.e., Holocene-age), appropriate building setbacks are required to minimize the potential damage during an earthquake.

The site-specific surface fault rupture hazard study requires a field investigation. This includes geologic documentation of an excavated trench or other pre-approved method of exploration and accompanying report that addresses the findings. The following information in this appendix describes the *minimum* standards required by the city for the surface fault rupture hazard study.

1.1 *Purposes*.

(a) The purposes of establishing minimum standards for surface fault rupture hazard studies are to:

(i) Protect the health, safety, welfare, and property of the public by minimizing the potential adverse effects of surface fault ruptures and related hazards.

(ii) Provide guidance for property owners and land developers in performing reasonable and adequate studies of sensitive lands in the city.

(iii) Provide consulting engineering geologists with a common basis for preparing proposals, conducting investigations, and recommending setbacks.

(iv) Provide a consistent and objective framework for review of fault study reports.

(b) The procedures in this appendix are intended to provide the developer and consulting engineering geologist with an outline of appropriate exploration methods, standardized report information, and city expectations.

(c) These standards are the minimum level of effort required in conducting surface fault rupture hazard studies within the city. Considering the complexity of evaluating surface and near-surface faults, additional effort beyond the minimum standards may be required at some sites to adequately address the surface fault rupture hazard. The information presented in this appendix does not relieve the engineering geologist from his/her duty to perform additional geologic or engineering services he/she believes are necessary to assess the surface fault rupture potential at a site. In the interest of public safety, the city may, at any time, require additional information, studies, tests or other work that is not included in this appendix.

1.2 *Properties requiring a fault investigation*.

(a) Before approval of any land use, a fault study is required for properties within the surface fault rupture special study area that is located near the Wasatch Fault Zone, or any other property within the city that observes a fault trace during excavation. Appendix A of city code chapter 19.72 ("*chapter 19.72*") contains the Surface Fault Rupture Hazard Study Area Map (Map 1) that identifies areas with known active faults in the city. Properties within this area must perform site-specific geologic investigations. Development of any parcel within the Surface Fault Rupture Hazard Study Area requires submittal and review of a site-specific fault study prior to receiving a land use or building permit from the city. It is the responsibility of the applicant to retain a *qualified* (as provided in chapter 19.72)

engineering geologist to perform the fault study.

(b) In addition, a fault study may be required if onsite or nearby fault-related features not shown on the Surface Fault Rupture Hazard Study Area Map are identified during the course of other geologic or geotechnical studies performed on or near the site or during construction.

1.3 *References and sources*.

(a) Guidelines for Evaluating Surface Fault Rupture Hazards in Utah (AEG, 1987).

(b) Guidelines to geologic and seismic reports, (CDMG, 1986a).

(c) Guidelines for preparing engineering geologic reports (CDMG, 1986b).

(d) Guidelines for Evaluating Potential Surface Fault Rupture/Land Subsidence Hazards in Nevada (Nevada Earthquake Safety Council, 1998)

(e) Fault Setback Requirements to Reduce Fault Rupture Hazards in Salt Lake County (Batatian and Nelson, 1999).

(f) Salt Lake County Geologic Hazards Ordinance (2002).

(g) Draper City Geologic Hazard Ordinance (2003).

(h) Guidelines for evaluating surface-fault-rupture hazards in Utah (Christenson and others, 2003).

2.0 MINIMUM STANDARDS FOR FAULT STUDIES

The following are the minimum standards for a comprehensive surface fault rupture study investigation.

2.1 *Scoping meeting*.

A scoping meeting with the DRC shall be scheduled by the consultant geologist. At this meeting, the developer, the city and the consultant will evaluate the fault investigation approach. The consultant should bring a site plan to the meeting that shows the following information:

(a) Proposed building locations (if known);

(b) Expected fault location(s) and orientation;

(c) Proposed trench locations, orientation, length, and depth (see Section 2.2, Fault Investigation Method);

(d) Extent of impact to vegetation and trees; and

(e) Method of controlling erosion and managing storm water.

The investigative approach should allow for flexibility due to unexpected site conditions. The field findings may require modifications to the work plan.

2.2 *Fault investigation method*. Inherent in fault study methods is the assumption that future faulting will recur along pre-existing faults and in a manner consistent with past displacement. The focus of fault studies is therefore to accurately locate existing faults. If faults are documented, the investigation shall also include (a) evaluation of the age of movement along the fault trace(s), and (b) estimation of amounts of past displacement, which is required in order to derive fault setbacks.

2.2.1 Previous studies and aerial photograph review. A fault study shall include review of available literature pertinent to the site and vicinity, including previous published and unpublished geologic/soils reports, and interpretation of available stereo-paired aerial photographs. The photographs reviewed should include more than one set and should include pre-urbanization aerial photographs, if available. Efforts must be made to accurately plot the

locations of mapped or inferred fault traces on the property as shown by previous studies in the area.

2.2.2 Exploration methods. Subsurface trenching exploration is required. The engineering geologist shall clean and document ("*log*") trench exposures as described in Section 2.3.5. Existing faults may also be identified and mapped in the field by direct observation of young, fault-related geomorphic features, and by examination of aerial photographs. If trenching is not feasible due to the presence of shallow ground water or excessive fill, supplemental methods such as closely spaced Cone Penetration Test (CPT) soundings may be employed. Such supplemental methods must be discussed with the city prior to implementation and should be clearly described in the report.

(i) In lieu of conventional trenching or the CPT method, an alternative subsurface exploration program may be acceptable, depending upon site conditions. Such a program may consist of geophysical exploration techniques or a combination of other techniques.

(ii) When an alternative exploration program is proposed, a written description of the proposed exploration program along with an exploration plan should be submitted to the city for review and approval, prior to the exploration. The plan must include, at a minimum, a map of suitable scale showing the site limits, surface geologic conditions within several thousand feet of the site boundary, the location and type of the proposed alternative subsurface exploration, and the anticipated earth materials present at depth on the site.

(iii) The actual subsurface exploration program to be used on any specific parcel will be determined on an individual basis, considering the current state of technical knowledge about the fault zone and information gained from previous exploration on adjacent or nearby parcels. At all times, consideration must be given to safety, and trenching should comply with all applicable safety regulations.

2.2.3 Trench siting.

(i) Exploratory trenches must be oriented approximately perpendicular to the anticipated trend of known fault traces. The trenches shall provide the *minimum* footage of trenching necessary to explore the portion of the property situated in the surface fault rupture study area, such that the potential for surface fault rupture may be adequately assessed. When trenching to determine if faults might affect a proposed building site, the trench should extend beyond the building footprint at least the minimum setback distance for the building type (see Table A-1).

(ii) Test pits or potholes alone are neither adequate nor acceptable. In some instances more than one trench may be required to cover the entire building area, particularly if the proposed development involves more than one building. Where feasible, trenches shall be located outside the proposed building footprint, as the trench is generally backfilled without compaction, which could lead to differential settlement beneath the footings. Supplemental trenching may be required in order to:

A. Further refine fault locations (or the absence thereof);

B. Accurately define building restriction areas, and/or;

C. Provide additional exposures for evaluating the age of movement along fault traces.

2.2.4 Location determination. All trenches and fault locations must be surveyed by a registered professional land surveyor. Fault locations should be surveyed with an accuracy of 0.1 foot or better, so that structural setbacks can be developed. The fault locations (and all other features shown in the site plans) must be tied to a minimum of two Salt Lake County section corner monuments and the coordinate data shall be in US State Plane NAD83 (US Survey Feet). Other features in the site plan shall include property lines, building footprint, geologic features, utilities, existing structures, roadway, fences, etc. The location of all features, including the fault lines, shall be wet stamped and certified by the land surveyor.

2.2.5 Depth of excavation.

(i) The depth of the trenches will ultimately depend on the trench location, occurrence of ground water, stability of subsurface deposits, and the geologic age of the subsurface geologic units. As a minimum, however, trenches shall extend substantially below the A and B soil horizons and well into distinctly bedded Pleistocene-age materials, if possible. Where possible, the trenches should extend below Holocene deposits and should expose contacts between Holocene materials and the underlying older materials.

(ii) Appropriate safety measures pertaining to trench safety for ingress, egress, and working in or in the vicinity of the trench must be implemented and maintained. It is the responsibility of the person in the field directing trench excavation to ensure that fault trenches are excavated in compliance with current Occupational Safety and Health Administration excavation safety regulations.

(iii) Trench backfilling methods and procedures should be documented in order to establish whether additional corrective excavation, backfilling, and compaction should be performed at the time of site grading.

(iv) In cases where Holocene (i.e., active) faults may be present, but pre-Holocene deposits are below the practical limit of excavation, the trenches must extend at least through sediments that are clearly older than several fault recurrence intervals. The practical limitations of the trenching must be acknowledged in the report and recommendations must reflect resulting uncertainties.

2.2.6 Documenting trench exposures. Trench walls shall be cleaned of debris and backhoe smear prior to documentation. Trench logs shall be carefully drawn in the field at a minimum scale of 1-inch equals 5-feet (1:60) following standard and accepted fault trench investigation practices. Vertical and horizontal control must be used and shown on trench logs. Trench logs must document all significant geologic information from the trench and should graphically represent the geologic units observed; see Section 2.6.3(E). The strike, dip, and net vertical displacement (or minimum displacement) of faults must be noted.

2.2.7 Age dating.

(i) The engineering geologist shall interpret the ages of geologic units exposed in the trench. When necessary, radiocarbon or other age determinations methods shall be used. If evidence of faulting is documented, efforts shall be made to date the time of latest movement to determine whether recent (Holocene) displacement has occurred by using appropriate geologic and/or soil stratigraphic dating techniques. When

necessary, obtain radiocarbon or other age determinations.

(ii) Many of the surficial deposits within Salt Lake Valley were deposited during the last pluvial lake cycle, referred to as the Bonneville lake cycle. Although late-stage Bonneville lake cycle sediments do not correspond to the Pleistocene-Holocene boundary (i.e., Bonneville lake cycle deposits are older than 10,000 years old), for purposes of evaluating fault activity, these deposits provide a useful regional datum, particularly when the entire Holocene sequence of sediments is not present.

(iii) For practical purposes, and due to documented Holocene displacement along the Salt Lake segment of the Wasatch fault, any fault which displaces late-stage Bonneville Lake Cycle deposits should be considered active unless the Bonneville deposits are overlain by clearly unfaulted *early* Holocene-age deposits. Conversely, the presence of demonstrably unbroken, undeformed, and stratigraphically continuous Bonneville sediments constitutes reasonable geologic evidence for the absence of active faulting.

2.3 *Field review*.

A field review by the city's geologist is required during exploratory trenching. The applicant must provide a minimum of two business days notice to schedule the field review with the city. The trenches should be open, safe, cleaned, and a preliminary log completed at the time of the review. The field review allows the city to observe the subsurface data such as the age, type of sediments, and presence or absence of faulting with the consultant. Discussions about questionable features or an appropriate setback distance are encouraged, but the city will not help log the trench, explain the stratigraphy, or give verbal approval of the proposed development during the field review.

2.4 *Recommendations for fault setbacks*.

(a) To address wide discrepancies in fault setback recommendations, the city has adopted the fault setback calculation methodology for normal faults of Batatian and Nelson (1999) and Christenson and others (2003). The consultant should use this method to establish the recommended fault setback for critical facilities and structures designed for human occupancy. If another fault setback method is used, the consultant must provide justification in the report for the method used. Faults and fault setbacks must be clearly identified on site plans and maps.

(b) The minimum setbacks are based on the type and occupancy of the proposed structure as shown in Table A-1. The setbacks should be calculated using the following formulas presented below, and then compared to the minimum setback established in Table A-1. The greater of the two shall be used as the setback. Minimum setbacks apply to both the hanging wall and footwall blocks.

(c) Top of slope and/or toe of slope setbacks required by the local Building Code must also be considered; again, the greater setback must be used.

Downthrown Fault Block (Hanging Wall)

The fault setback for the downthrown block will be calculated using the following formula:

$$S = U\,(2D + F/\tan\Theta)$$ where:

S = Setback within which structures for human occupancy are not permitted;

U = Criticality Factor, based on the proposed occupancy of the structure (see Table A-1)
D = Expected fault displacement per event (assumed to be equal to the net vertical displacement measured for each past event)
F = Maximum depth of footing or subgrade portion of the building
Θ = Dip of the fault (degrees)

Upthrown Fault Block (Footwall)
The dip of the fault and depth of the subgrade portion of the structure are irrelevant in calculating the setback on the upthrown fault block. Therefore, the setback for the upthrown side of the fault will be calculated as:

$$S = U \times 2D$$

The setback is measured from the portion of the building closest to the fault, whether subgrade or above grade. Minimum setbacks apply as discussed above.

2.5 *Small displacement faults*.

(a) Small-displacement faults are not categorically exempt from setback requirements. Some faults having less than 4 inches (100 mm) of displacement ("*small displacement faults*") may be exempt from setback requirements.

(b) Specific structural risk-reduction options such as foundation reinforcement may be acceptable for some small-displacement faults in lieu of setbacks. Structural options must minimize structural damage.

(c) Fault studies must still identify faults and fault displacements (both net vertical displacements and horizontal extension across the fault or fault zone), and consider the possibility that future displacement amounts may exceed past amounts. If structural risk-reduction measures are proposed for small displacement faults, the following criteria must be addressed:

(i) Reasonable geologic data indicating that future surface displacement along the particular fault will not exceed 4 inches.

(ii) Specific structural mitigation to minimize structural damage.

(iii) A structural engineer must provide appropriate designs and the city shall review the designs.

2.6 *Required outline for surface fault rupture hazard studies*.

(a) The information described herein may be presented as a separate surface fault rupture hazard report or it may be incorporated within other geology or engineering reports that may be required for the property.

(b) The report shall contain a conclusion regarding the potential risk of surface fault rupture on the subject property and a statement addressing the suitability of the proposed development from a surface fault rupture hazard perspective. If exploration determines that there is a potential for surface rupture due to faulting, or if gradational contacts or other uncertainties associated with the exploration methods preclude the determination of absence of small fault offsets, the report should provide estimates of the amplitude of fault offsets that might affect habitable structures.

(c) Surface fault rupture hazard reports submitted to the city are expected to follow the outline and address the subjects presented below. However, variations in site conditions may require that additional items be addressed, or permit some of the subjects to be omitted (except as noted).

2.6.1 Report.

(i) *Statement of the purpose and scope of work.* The report shall contain a clear and concise statement of the purpose of the study and the scope of work performed for the study.

(ii) *Site description and conditions.* The report shall include information on geologic units, graded and filled areas, vegetation, geomorphic features, existing structures, and other factors that may affect site development, choice of investigative methods, and the interpretation of data.

(iii) *Geologic and tectonic setting*. The report shall contain a clear and concise statement of the general geologic and tectonic setting of the site and surrounding vicinity. This section should include a discussion of active faults in the area, paleoseismicity of the relevant fault system(s), and should reference relevant published and unpublished geologic literature.

(iv) *Methods of investigation*.

A. Review of published and unpublished maps, literature and records concerning geologic units, faults, surface and ground water, and other factors.

B. Stereoscopic interpretation of aerial photographs to detect fault-related topography, vegetation or soil contrasts, and other lineaments of possible fault origin. Reference the photograph source, date, flightline numbers, and scale. Salt Lake County has an excellent collection of stereoscopic aerial photographs dating back to 1937 (including 1937, 1940, 1958, 1964, and 1985).

C. Observations of surface features, both on-site and offsite, including mapping of geologic and soil units; geomorphic features such as scarps, springs, and seeps (aligned or not); faceted spurs, offset ridges or drainages; and geologic structures. Locations and relative ages of other possible earthquake-induced features such as sand blows, lateral spreads, liquefaction, and ground settlement should be mapped and described. Slope failures, although they may not be conclusively tied to earthquake causes, should also be noted.

D. The report shall include a description of the program of subsurface exploration, including trench logs, purpose of trench locations, and a summary of trenching or other detailed, direct observation of continuously exposed geologic units, soils, and geologic structures. All trench logs shall be at a scale of at least 1-inch is equal to five-feet.

E. The report must describe the criteria used to evaluate the ages of the deposits encountered in the trench, and clearly evaluate the presence or absence of active (Holocene) faulting.

(v) *Conclusions*.

A. Conclusions must be supported by adequate data and shall contain, at a minimum a summary of data upon which conclusions are based.

B. Location of active faults, including orientation and geometry of faults, amount of net slip along faults, anticipated future offset, and delineation of setback areas.

C. Degree of confidence in and limitations of data and conclusions.

(vi) *Recommendations*.

Recommendations must be supported by adequate geologic data and appropriate reasoning behind each statement. Minimum recommendations shall include:

A. Recommended setback distances per Section 2.4. Supporting calculations must be included. Faults and setbacks must be shown on site maps and final recorded plat maps.

B. Other recommended building restrictions or use limitations (i.e., placement of detached garages, swimming pools, or other non-habitable structures).

C. Need for additional or future studies to confirm buildings are not sited across active faults, such as inspection of building footing or foundation excavations by the consultant.

2.6.2 Report references. Reports must include citations of literature and records used in the study, referenced aerial photographs or images interpreted (air-photo source, date and flight number, scale), and any other sources of data and information, including well logs, personal communications, etc.

2.6.3 Support information. At a *minimum*, each geologic report must include the following support information:

(i) *Location map*. A site location map depicting topographic and geographic features and other pertinent data. Generally a 1:24,000-scale USGS topographic base map will suffice.

(ii) *Geologic map*. A regional-scale map (1:24,000 to 1:50,000 scale) is generally adequate. Depending on site complexity, a site-scale geologic map (minimum 1 inch= 200 ft or more detailed) may also be necessary. The map should show Quaternary and bedrock geologic units, faults, seeps or springs, soil or bedrock slumps, and other geologic and soil features existing on and adjacent to the project site. Geologic cross-sections may be included as needed to illustrate 3-dimensional relationships.

(iii) *Site plan and fault map*. A detailed survey-grade site plan is required. The site plan shall be prepared and certified by a licensed surveyor. The site plan should be at a minimum scale of at least 1 inch = 200 feet and should clearly show site boundaries, proposed building footprints, existing structures, streets, slopes, drainages, exploratory trenches, boreholes, test pits, geophysical traverses, utilities, property lines, fences, slopes, trees, retaining walls, adjacent structures and any other appurtenant features. The site plan shall include the locations of subsurface investigations and site-specific geologic mapping performed as part of the geologic investigation, including boundaries and features related to any geologic hazards, topography, and drainage. The site map must also show the surface fault rupture hazard study area within the subject site the locations of all faults identified during the investigation conducted for the subject site including inferred location of the faults between trenches and must show all recommended setbacks from identified faults and from the ends of trenches located within the surface fault rupture hazard study area. The site map must show the location of all proposed flexible expansion joints for utilities. Both buildable and non-buildable areas shall be clearly identified. All features on the map shall be tied to a minimum of two public survey monuments tied with bearings and distances. The datum shall be submitted in US State Plane NAD83 (US Survey Feet) and wet-stamped by a licensed surveyor. The site map should include a legend describing pertinent items shown on the map.

(iv) *Exploratory trench logs*. Trench logs are required for each trench excavated as part of the study, whether faults are encountered or not. Trench logs shall accurately depict all observed geologic features and conditions. Trench logs are hand- or computer-generated maps of excavation walls that show

details of geologic units and structures. Logs must be submitted with a scale and not be generalized or diagrammatic. The minimum scale is 1 inch = 5 feet (1:60) with no vertical exaggeration. Trench logs must accurately reflect the features observed in the trench (see Section 2.3.6). Photographs shall not be used as a substitute for trench logs. However, it is recommended that a photographic log of the trench also be created.

(v) *Contents of trench logs*. Trench logs shall include orientation and indication of which trench wall was logged; trench top and bottom; stratigraphic contacts; stratigraphic unit descriptions including lithology, USCS soil classification, genesis (geologic origin), age, and contact descriptions; soil (pedogenic) horizons; marker beds; and deformation or offset of sediments, faults, and fissures. Other features of tectonic significance such as buried scarp free-faces, colluvial wedges, in-filled soil cracks, drag folds, rotated clasts, lineations, and liquefaction features including dikes, sand blows, etc. should also be shown. Interpretations of the age and origin of the deposits and any faulting or deformation must be included, based on depositional sequence. Fault orientation and geometry (strike and dip), and amount of net displacement must be measured and noted. Provide evidence for the age determination of geologic units. For suspected Holocene faults where unfaulted Holocene deposits are deeper than practical excavation depths, clearly state the study limitations

(vi) *Exploratory boreholes and CPT soundings*. If boreholes or CPT soundings are utilized as part of the investigation, reports shall include the logs of the borings/soundings. Borehole logs must include lithology descriptions, interpretations of geologic origin, USCS soil classification or other standardized engineering soil classification (include an explanation of the classification scheme), sample intervals, penetrative resistance values , static ground-water depths and dates measured, total depth of borehole, and identity of the person logging the borehole. Electronic copies of CPT data files should be provided to the city's reviewer, upon request. Since boreholes are typically multipurpose, borehole logs should contain standard geotechnical and geologic data such as lithology descriptions, soil class, sampled intervals, sample recovery, blow-count results, static ground-water depths with dates measured, total depth of boreholes, drilling and sampling methods, and identity of the person logging the borehole. In addition, borehole, geoprobe hole, and cone-penetrometer logs for fault studies should include the geologic interpretation of deposit genesis for all layers. Also include boring logs or logs from other exploration techniques, when applicable, prepared with standard geologic nomenclature.

(vii) *Geophysical data*. All geophysical data, showing stratigraphic interpretations and fault locations, must be included in the report, along with correlations to trench or borehole logs to confirm interpretations.

(viii) *Photographs*. Photographs of scarps, trench walls, or other features that enhance understanding of site conditions and fault-related conditions are not required but should be included when deemed appropriate. Composite, rectified digital photographs of trench walls may be used as background for trench logs, but features as outlined above must still be delineated.

(ix) *Type and number of buildings*. A description of the location and size of site and proposed type and number of buildings (if known) planned for the site.

(x) *Specific recommendations.* Specific recommendations consistent with the purposes set forth in chapter 19.72, including a discussion of the evidence establishing the presence or absence of faulting including ages and geologic origin of faulted and unfaulted stratigraphic units and surfaces. The discussion shall include the location of faults, including orientation and geometry of faults, maximum amounts of vertical displacement on faults, anticipated future offsets, calculation of setbacks, and delineation of setback (non-buildable) areas if applicable. Recommendations must be supported with geologic evidence and appropriate reasoning that is supported by industry standards. Other recommended building restrictions, use limitations, or risk-reduction measures such as placement of detached garages, swimming pools, or other non-habitable structures in fault zones, or use of reinforced foundations for small-displacement faults.

(xi) *Support data*. All data upon which recommendations and conclusions are based shall be clearly stated in the report. This includes a complete citations of literature and records used in the study including personal communications, published and unpublished geologic literature with emphasis on current sources that discuss Quaternary faults in the area, historical seismicity (particularly earthquakes attributed to area faults), and geodetic measurements where pertinent. A listing of aerial photographs used and other supporting information, as applicable.

(xii) *Suitability of the development*. A statement shall be provided regarding the suitability of the proposed development from a geologic hazard perspective.

(xiii) *Flexible expansion joints*. All sewer and water lines that cross any fault on the subject site shall be equipped with flexible expansion joints to prevent rupture and consequential damage in the event of an earthquake.

(xiv) *Foundation excavation inspection.* Recommended inspection of building foundation excavations during construction to confirm surface and subsurface investigations.

(xv) *Current signature and seal*. A current signature and seal of the investigating, Utah-licensed professional geologist(s). Qualifications giving education and experience in engineering geology and fault studies can be presented through a CV or resume format in the appendix of the report.

(xvi) *Conclusions*. Conclusions that are clearly supported by adequate data included in the report, that summarize the characteristics of observed surface fault rupture hazards, and that address the potential effects of all identified faults on the proposed development, particularly in terms of risk and potential damage. All other geologic hazards identified during the investigation should be discussed. A discussion regarding the degree of confidence and/or limitations of the data should also be included. Supporting data relevant to the investigation not given in the text such as cross-sections, conceptual models, fence diagrams, survey data, water-well data, and qualifications statements. Specific recommendations for additional or more detailed studies, as may be required to understand or quantify all geologic hazards identified at the subject site.

Table A-1. Setback recommendations and criticality factors (U) for IBC occupancy classes (International Code Council, 2003).

Class (IBC)	**Occupancy group**	**Criticality**	**U**	**Minimum setback**
A	Assembly	2	2.0	25 feet
B	Business	2	2.0	20 feet
E	Educational	1	3.0	50 feet
F	Factory/Industrial	2	2.0	20 feet
H	High hazard	1	3.0	50 feet
I	Institutional	1	3.0	50 feet
M	Mercantile	2	2.0	20 feet
R	Residential (R-1, R-2, R-4)	2	2.0	20 feet
R-3	Residential (R-3, includes Single Family Homes)	3	1.5	15 feet
S	Storage	-	1	0
U	Utility and misc.	-	1	0
	Table A- 2	1	3.0	50 feet

Table A-2

Additional Structures Requiring Geologic Investigation

A. Buildings and other structures that represent a substantial hazard to human life in the event of failure, but not limited to:

1. Buildings and other structures where more than 300 people congregate in one area.
2. Buildings and other structures with elementary school, secondary school or day care facilities with occupancy greater than 250.
3. Buildings and other structures with occupancy greater than 500 for colleges or adult education facilities.
4. Health care facilities with occupancy greater than 50 or more resident patients but not having surgery or emergency treatment facilities.
5. Jails and detention facilities.
6. Any other occupancy with occupancy greater than 1000.
7. Power generating stations, water treatment or storage for potable water, waste water treatment facilities and other public utility facilities.
8. Buildings and other structures containing sufficient quantities of toxic or explosive substances to be dangerous to the public if released.

B. Buildings and other structures designed as essential facilities including, but not limited to:

1. Hospitals and other care facilities having surgery or emergency treatment facilities.
2. Fire, rescue and police stations and emergency vehicle garages and fueling facilities.
3. Designated emergency shelters.
4. Designated emergency preparedness, communications, and operation centers and other facilities required for emergency response.
5. Power-generating stations and other public utility facilities required as emergency backup facilities for facilities and structures included in this table.
6. Structures containing highly toxic materials as defined by the most recently adopted version of the IBC where the quantity of the material exceeds the maximum allowable quantities defined by the most recently adopted version of the IBC.
7. Aviation control towers, air traffic centers and emergency aircraft hangars.
8. Buildings and other structures having critical national defense functions.
9. Water treatment and storage facilities required to maintain water pressure for fire suppression.

APPENDIX C

Minimum Standards for Slope Stability Analyses

1.0 **INTRODUCTION**
- 1.1 ***Purposes***
- 1.2 ***References and Sources***
- 1.3 ***Areas Requiring Slope Stability Analysis***
- 1.4 ***Roles of Engineering Geologist and Engineering***

2.0 **GENERAL REQUIREMENTS**
3.0 **SUBMITTALS**
4.0 **FACTORS OF SAFETY**
5.0 **LANDSLIDES**
6.0 **SITE INVESTIGATION AND GEOLOGIC STUDIES**
7.1 **SUBSURFACE EXPLORATION**
- 7.1 ***Trenching***
- 7.2 ***Methods for Bedded Formations***
- 7.3 ***Other Geologic Units***

8.0 **SOIL PARAMETERS**
- 8.1 ***Residual Shear Strength Parameters***
- 8.2 ***Interpretation***

9.0 **SOIL CREEP**
10.0 **GROSS STATIC STABILITY**
11.1 **SURFICIAL STABILITY OF SLOPES**
12.0 **SEISMIC SLOPE STABILITY**
- 12.1 ***Ground Motion for Pseudostatic and Seismic Deformation Analyses***
- 12.2 ***Pseudo-Static Evaluations***
- 12.3 ***Permanent Seismic Slope Deformation***

13.0 **WATER RETENTION BASINS AND FLOOD CONTROL CHANNELS**
14.0 **MITIGATION**
- 14.1 ***Full Mitigation***
- 14.2 ***Partial Mitigation for Seismic Slope Deformation***

1.0 INTRODUCTION

The procedures outlined in this appendix are intended to provide consultants with a general outline for performing quantitative slope stability analyses and to clarify the expectations of the city of Cottonwood Heights (the "*city*"). These standards constitute the minimum level of effort required in conducting quantitative slope stability analyses in the city. Considering the complexity inherent in performing slope stability analyses, additional effort beyond the minimum standards presented herein may be required at some sites to adequately address slope stability. The information presented herein does not relieve consultants of their duty to perform additional geologic or engineering analyses they believe are necessary to assess the stability of slopes at a site.

The evaluation of landslides generally requires quantitative slope stability analyses. Therefore, the standards presented herein are directly applicable to landslide investigation, and also constitute the *minimum* level of effort when performing landslide investigations. This appendix does not address debris flows (*see* Appendix E) or rock falls (*see* Appendix F).

1.1 *Purposes*. The purposes for establishing minimum standards for slope stability analyses are to:

(a) Protect the health, safety, welfare, and property of the public by minimizing the potentially adverse effects of unstable slopes and related hazards;

(b) Assist property owners and land developers in conducting reasonable and adequate slope stability studies;

(c) Provide consulting engineering geologists and geotechnical engineers with a common basis for preparing proposals, conducting investigations, and designing and implementing mitigation; and

(d) Provide an objective framework for

regulatory review of slope stability reports.

1.2 *References and Sources*. The minimum standards presented in this appendix were developed, in part, from the following sources:

(a) Guidelines for Evaluating Landslide Hazards in Utah (Hylland, 1996).

(b) Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California (Blake et al., 2002).

(c) CDMG Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California.

(d) Salt Lake County Geologic Hazards Ordinance (2002).

(e) Cottonwood Heights, Utah Code of Ordinances (2005).

(f) City of Draper, Utah, Title 9, Land Use and Development Code for Draper City, Chapter 9-19, Geologic Hazards Ordinance, December 11, 2007.

1.3 *Areas Requiring Slope Stability Analyses*.

(a) Slope stability analyses shall be performed for all sites located within the Slope Stability Study Area Map and for all slopes that may be affected by the proposed development which meet the following criteria:

(i) Cut and/or fill slopes steeper than about 2 horizontal (h) to 1 vertical (v).

(ii) Natural slopes steeper than or equal to 3 horizontal (h) to 1 vertical (v).

(iii) Natural and cut slopes with potentially adverse geologic conditions (e.g. bedding, foliation, or other structural features that are potentially adverse to the stability of the slope).

(iv) Natural and cut slopes which include a geologic hazard such as a landslide, irrespective of the slope height or slope gradient.

(v) Buttresses and stability fills.

(vi) Cut, fill, or natural slopes of water-retention basins or flood-control channels.

(b) In hillside areas, investigations shall address the potential for surficial instability, debris/mudflows (see Appendix E), rock falls (see Appendix F), and soil creep on all slopes that may affect the proposed development or be affected by the proposed development.

(c) When evaluating site conditions to determine the need for slope stability analyses, off-property conditions shall be considered (both up-slope to the top(s) of adjacent ascending slopes and down-slope to and beyond the toe(s) of adjacent descending slopes). Also, the consultant shall demonstrate that the proposed hillside development will not affect adjacent sites or limit adjacent property owners' ability to develop their sites.

1.4 *Roles of Engineering Geologist and Engineering*.

The investigation of the static and seismic stability of slopes is an interdisciplinary practice. To provide greater assurance that the hazards are properly identified, assessed, and mitigated, involvement of both an engineering geologist and geotechnical engineer is required. Analyses shall be performed only by or under the direct supervision of licensed professionals, qualified and competent in their respective area of practice. An engineering geologist shall provide appropriate input to the geotechnical engineer with respect to the potential impact of the geology, stratigraphy, and hydrologic conditions on the stability of the slope. The shear strength and other geotechnical earth material properties shall be evaluated by the geotechnical engineer. All slope stability should be performed by a qualified and licensed engineer or under the purview of a licensed engineer. Ground motion

parameters for use in seismic stability analysis may be provided by either the engineering geologist or geotechnical engineer.

2.0 GENERAL REQUIREMENTS

Except for the derivation of the input ground motion for pseudostatic and seismic deformation analyses (see Section 12), slope stability analyses and evaluations should be performed in general accordance with the latest version of Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California (Blake et al., 2002). Procedures for developing input ground motions to be used in the city are described in Section 12.1.

3.0 SUBMITTALS

(a) Submittals for review shall include boring logs; geologic cross sections; trench and test pit logs; laboratory data (particularly shear strength test results, including individual stress-deformation plots from direct shear tests); discussions pertaining to how idealized subsurface conditions and shear strength parameters used for analyses were developed; analytical results, and summaries of the slope stability analyses and conclusions regarding slope stability.

(b) Subsurface geologic and groundwater conditions must be illustrated on geologic cross sections and must be utilized by the geotechnical engineer for the slope stability analyses. If on-site sewage or storm water disposal exists or is proposed, the slope stability analyses shall include the effects of the effluent plume on slope stability.

(c) The results of any slope stability analyses must be submitted with pertinent backup documentation (i.e., calculations, computer output, etc.). Printouts of input data, output data (if requested), and graphical plots must be submitted for each computer-aided slope stability analysis.

4.0 FACTORS OF SAFETY

The minimum acceptable static factor of safety is 1.5 for both gross and surficial slope stability. The minimum acceptable factor of safety for a ***calibrated pseudostatic analysis*** is 1.0 using the method of Stewart et al. (2003) (see Section 12.2).

5.0 LANDSLIDES

The evaluation of landslides generally requires quantitative slope stability analyses. Therefore, the standards presented herein are directly applicable to landslide investigation, and also constitute the minimum level of effort when performing landslide investigations. Evaluation of landslides shall be performed in the preliminary phase of hillside developments. Where landslides are present or suspected, sufficient subsurface exploration will be required to determine the basic geometry and stability of the landslide mass and the required stabilization measures. The depth of geologic exploration shall consider the regional geologic structure, the likely failure mode of the suspected failure, and past geomorphic conditions.

6.0 SITE INVESTIGATION AND GEOLOGIC STUDIES

(a) Adequate evaluation of slope stability for a given site requires thorough and comprehensive geologic and geotechnical engineering studies. These studies are a crucial component in the evaluation of slope stability. Geologic mapping and subsurface exploration are normal parts of field investigation. Samples of earth materials are routinely obtained during subsurface exploration for geotechnical testing in the laboratory to

determine the shear strength parameters and other pertinent engineering properties.

(b) In general, geologic studies for slope stability consist of the following fundamental phases:

(i) Study and review of published and unpublished geologic information (both regional and site specific).

(ii) Review and interpretation of available stereoscopic and oblique aerial photographs, DEMs, and LiDAR data.

(iii) Geologic field mapping, including, but not necessarily limited to, measurement of bedding, foliation, fracture, and fault attitudes and other parameters.

(iv) Documentation and evaluation of subsurface groundwater conditions (including effects of seasonal and longer-term natural fluctuations as well as landscape irrigation), surface water, on-site sewage disposal, and/or storm water disposal.

(v) Subsurface exploration.

(vi) Analysis of the geologic failure mechanisms that could occur at the site (e.g., mode of failure and construction of the critical geologic cross sections).

(vii) Presentation and analysis of the data, including an evaluation of the potential impact of geologic conditions on the project.

(c) Geologic/geotechnical reports shall demonstrate that each of the phases described in subsection 6.0(b) has been adequately performed and that the information obtained has been considered and logically evaluated. Minimum criteria for the performance of each phase are described and discussed in Blake et al. (2002).

7.0 SUBSURFACE EXPLORATION

The purpose of subsurface exploration is to identify potentially significant geologic materials and structures at a site and to provide samples for detailed laboratory characterization of materials from potentially critical zones. Subsurface exploration is almost always required and may be performed by a number of widely known techniques such as bucket-auger borings, conventional small-diameter borings, cone penetration testing (CPT), test pits, trenches, and/or geophysical techniques (see section 4.2 of Blake et al., 2002). In general, subsurface explorations should extend to a minimum depth of the anticipated failure planes or 2/3 the maximum height of the slope, whichever is greater. A discussion of the applicability of some subsurface exploration techniques follows.

7.1 *Trenching*. Subsurface exploration consisting of trenching has proven, in some cases, to be necessary when uncertainty exists regarding whether or not a particular landform is a landslide. Care must be exercised with this exploration method because landslides characteristically contain relatively large blocks of intact geologic units, which in a trench exposure could give the false impression that the geologic unit is "in-place." Although limited to a depth of about 15 feet below existing grades, trenching has also proven to be a useful technique for verifying margins of landslides, although the geometry of a landslide can generally be readily determined from evaluation of stereoscopic aerial photographs. Once a landslide is identified, conventional subsurface exploration drilling techniques will be required (see Section 7.2 and 7.3). Slope stability analyses based solely on data obtained from trenches will not be accepted.

7.2 *Methods for Bedded Formations*.

(a) Conventional subsurface exploration techniques involving continuous core drilling with an oriented core barrel, test pits, and deep bucket-auger borings may be used to assess the subsurface soil and geologic

conditions, particularly for geologic units with inclined bedding that includes weak layers.

(b) Particular attention must be paid to the presence or absence of weak layers (e.g.., clay, claystone, silt, shale, or siltstone units) during the exploration. Unless adequately demonstrated (through comprehensive and detailed subsurface exploration) that weak (clay, claystone, silt, shale, or siltstone) layers (even as thin as 1/16-inch or less) are not present, a weak layer shall be assumed to possibly occur anywhere in the stratigraphic profile (i.e., ubiquitous weak clay beds).

(c) The depth of the subsurface exploration must be sufficient to assess the conditions at or below the level of the deepest potential failure surface possessing a factor of 1.5 or less. A preliminary slope stability analysis may need to be performed to assist in the planning of the subsurface exploration program.

7.3 *Other Geologic Units*. For alluvium, fill materials, or other soil units that do not contain weak interbeds, other exploration methods such as small-diameter borings (e.g., rotary wash or hollow-stem-auger) or cone penetration testing may be suitable.

8.0 SOIL PARAMETERS

Soil properties, including unit weight and shear strength parameters (cohesion and friction angle), may be based on conventional field and laboratory tests as well as on field performance. Where appropriate (i.e., for landslide slip surfaces, along bedding planes, for surficial stability analyses, etc.), laboratory tests for saturated, residual shear strengths must be performed. Estimation of the shear resistance along bedding (or landslide) planes normally requires an evaluation of saturated residual along-bedding-strength values of the weakest interbedded (or slide-plane) material encountered during the subsurface exploration, or in the absence of sufficient exploration, the weakest material that may be present, consistent with site geologic conditions. Strength parameters derived solely from CPT data may not be appropriate for slope-stability analysis in some cases, particularly for strengths along existing slip surfaces where residual strengths have developed. Additional guidance on the selection of strength parameters for slope stability analyses is contained in Blake et al. (2002).

8.1 *Residual Shear Strength Parameters*. Residual strength parameters may be determined using the direct shear or ring shear testing apparatus; however, ring shear tests are preferred. If performed properly, direct shear test results may approach ring-shear test results. The soil specimen must be subjected to a sufficient amount of deformation (e.g., a significant number of shearing cycles in the direct shear test or a significant amount of rotation in the ring shear test) to assure that residual strength has been developed. In the direct-shear and ring-shear tests, stress-deformation curves can be used to determine when a sufficient number of cycles of shearing have been performed by showing that no further significant drop in shear strength results with the addition of more cycles or more rotation. The stress-deformation curves obtained during the shear tests must be submitted with the other laboratory test results. It shall be recognized that for most clayey soils, the residual shear strength envelope is curved and passes through the origin (i.e., at zero normal stress there is zero shear strength). Any “apparent shear strength” increases resulting from a non-horizontal shear surface (i.e., ramping) or “bulldozing” in residual direct shear tests shall be discounted in the interpretation of the strength parameters.

8.2 *Interpretation*.

(a) The engineer will need to use considerable judgment in the selection of appropriate shear test methods and in the interpretation of the results to develop shear strength parameters commensurate with slope stability conditions to be evaluated. Scatter plots of shear strength data may need to be presented to allow for assessment of idealized parameters. The report shall summarize shear strength parameters used for slope stability analyses and describe the methodology used to interpret test results and estimate those parameters.

(b) Peak shear strengths may be used to represent across-bedding failure surfaces or compacted fill, in situations where strength degradations are not expected to occur (see guidelines in Blake et al., 2002). Where peak strengths cannot be relied upon, fully softened (or lower) strengths shall be used.

(c) Ultimate shear strength parameters shall be used in static slope stability analyses when there has *not* been past deformation. Residual shear strength parameters shall be used in static slope stability analyses when there has been past deformation.

(d) Averaged strength parameters may be appropriate for some across-bedding conditions, if sufficient representative samples have been carefully tested. Analyses for along-bedding or along-existing-landslide slip surfaces shall be based on lower-bound interpretations of residual shear strength parameters and comparison of those results to correlations, such as those of Stark et al. (2005).

9.0 SOIL CREEP

(a) The potential effects of soil creep shall be addressed where any proposed structure is planned in close proximity to an existing fill slope or natural slope. The potential effects on the proposed development shall be evaluated and mitigation measures proposed, including appropriate setback recommendations. Setback recommendations shall consider the potential effects of creep forces.

(b) All reports in hillside areas shall address the potential for surficial instability, debris/mudflow (Appendix E), rock falls (Appendix F), and soil creep on all slopes that may affect the proposed development or be affected by the proposed development. Stability of slopes along access roads shall be addressed.

10.0 GROSS STATIC STABILITY

Gross stability includes rotational and translational deep-seated failures of slopes or portions of slopes existing within or outside of but potentially affecting the proposed development. The following guidelines, in addition to those in Blake et al. (2002), shall be followed when evaluating slope stability:

(a) Stability shall be analyzed along cross sections depicting the most adverse conditions (e.g., highest slope, most adverse bedding planes, shallowest likely ground water table, and steepest slope). Often analyses are required for different conditions and for more than one cross section to demonstrate which condition is most adverse. When evaluating the stability of an existing landslide, analyses must also address the potential for partial reactivation. Inclinometers may be used to help determine critical failure surfaces and, along with high-resolution GPS, the state of activity of existing landslides. The critical failure surfaces on each cross-section shall be identified, evaluated, and plotted on the large-scale cross section.

(b) If the long-term, static factor of safety is less than 1.5, mitigation measures will be required to bring the factor of safety up to the required level or the project may

be redesigned to achieve a minimum factor of safety of 1.5.

(c) The temporary stability of excavations shall be evaluated and mitigation measures shall be recommended as necessary to obtain a minimum factor of safety of 1.3.

(d) Long-term stability shall be analyzed using the highest known or anticipated groundwater level based upon a groundwater assessment performed under the requirements of Section 6.0.

(e) Where back-calculation is appropriate, shear strengths utilized for design shall be no higher than the lowest strength computed using back calculation. If a consultant proposes to use shear strengths higher than the lowest back-calculated value, justification shall be required. Assumptions used in back-calculations regarding pre-sliding topography and groundwater conditions at failure must be discussed and justified.

(f) Reports shall describe how the shear strength testing methods used are appropriate in modeling field conditions and long-term performance of the subject slope. The utilized design shear strength values shall be justified with laboratory test data and geologic descriptions and history, along with past performance history, if known, of similar materials.

(g) Reports shall include shear strength test plots consisting of normal stress versus shear resistance (failure envelope). Plots of shear resistance versus displacement shall be provided for all residual and fully softened (ultimate) shear tests.

(h) The degree of saturation for all test specimens shall be reported. Direct shear tests on partially saturated samples may grossly overestimate the cohesion that can be mobilized when the material becomes saturated in the field. This potential shall be considered when selecting shear strength parameters. If the rate of shear displacement exceeds 0.005 inches per minute, the consultant shall provide data to demonstrate that the rate is sufficiently slow for drained conditions.

(i) Shear strength values higher than those obtained through site-specific laboratory tests generally will not be accepted.

(j) If direct shear or triaxial shear testing is not appropriate to model the strength of highly jointed and fractured rock masses, the design strengths shall be evaluated in a manner that considers overall rock mass quality and be consistent with rock mechanics practice.

(k) Shear strengths used in slope stability analyses shall be evaluated considering the natural variability of engineering characteristics inherent in earth materials. Multiple shear tests on each site material will typically to be required.

(l) Direct shear tests do not always provide realistic strength values (Watry and Lade, 2000). Correlations between liquid limit, percent clay fraction, and strength (fully softened and residual) with published data (e.g., Stark and McCone, 2002) shall be performed to verify tested shear strength parameters. Strength values used in analyses that exceed those obtained by the correlation must be appropriately justified.

(m) Shear strengths for proposed fill slopes shall be evaluated using samples mixed and remolded to represent anticipated field conditions. Confirming strength testing may be required during grading.

(n) Where bedding planes are laterally unsupported on slopes, potential failures along the unsupported bedding planes shall be analyzed. Similarly, stability analyses shall be performed where bedding planes form a dip-slope or near-dip-slope using composite potential failure surfaces that consist of potential slip surfaces along bedding planes in the upper portions of the slope in combination with slip surfaces

across bedding planes in the lower portions of the slope.

(o) The stability analysis shall include the effect of expected maximum moisture conditions on soil unit weight.

(p) For effective stress analyses, measured groundwater conditions adjusted to consider likely unfavorable conditions with respect to anticipated future groundwater levels, seepage, or pore pressure shall be included in the slope stability analyses.

(q) Tension crack development shall be considered in the analyses of potential failure surfaces. The height and location of the tension crack shall be determined by searching.

(r) Anticipated surcharge loads as well as external boundary pressures from water shall be included in the slope stability evaluations, as deemed appropriate.

(s) Analytical chart solutions may be used provided they were developed for conditions similar to those being analyzed. Generally though, computer-aided searching techniques shall be used, so that the potential failure surface with the lowest factor of safety can be located. Examples of typical searching techniques are illustrated on figures 9.1(a) through 9.1(f) in Blake et al. (2002). However, verification of the reasonableness of the analytical results is the responsibility of the geotechnical engineer and/or engineering geologist.

(t) The critical potential failure surface used in the analysis may be composed of circles, wedges, planes, or other shapes considered designed to yield the minimum factor of safety most appropriate for the geologic site conditions. The critical potential failure surface having the lowest factor of safety with respect to shearing resistance must be sought. Both the lowest factor of safety and the critical failure surface shall be documented.

11.0 SURFICIAL STABILITY OF SLOPES

Surficial slope stability refers to slumping and sliding of near-surface sediments and is most critical during the snowmelt and rainy season or when excessive landscape water is applied. The assessment of surficial slope stability shall be based on analysis procedures for stability of an infinite slope with seepage parallel to the slope surface or an alternate failure mode that would produce the minimum factor of safety. The minimum acceptable depth of saturation for surficial stability evaluation shall be four feet.

11.1 ***Applicability and Procedures*.**

(a) Conclusions shall be substantiated with appropriate data and analyses. Residual shear strengths comparable to actual field conditions shall be used in completing surficial stability analyses. Surficial stability analyses shall be performed under rapid draw-down conditions where appropriate (e.g., for debris and detention basins).

(b) Where 2:1 or steeper slopes have soil conditions that can result in the development of an infinite slope with parallel seepage, calculations shall be performed to demonstrate that the slope has a minimum static factor of safety of 1.5, assuming a fully saturated 4-foot thickness. If conditions will not allow the development of a slope with parallel seepage, surficial slope stability analyses may not be required (provided the geologic/geotechnical reviewer concurs).

(c) Surficial slope stability analyses shall be performed for fill, cut, and natural slopes assuming an infinite slope with seepage parallel to the slope surface or other failure mode that would yield the minimum factor of safety against failure. A suggested procedure for evaluating surficial slope stability is presented in Blake et al. (2002).

11.2 *Soil Properties*. Soil properties used in surficial stability analyses shall be determined as noted in Section 8.1. For sites with deep slip surfaces, the guidelines given by Blake et al. (2002) should be followed.

11.3 *Seepage Conditions*. The minimum acceptable vertical depth for which seepage is parallel to the slope shall be applied is four feet for cut or fill slopes. Greater depths may be necessary when analyzing natural slopes that have significant thicknesses of loose surficial material.

12.0 SEISMIC SLOPE STABILITY

In addition to static slope stability analyses, slopes shall be evaluated for seismic slope stability as well. Acceptable methods for evaluating seismic slope stability using calibrated pseudo-static limit-equilibrium procedures and simplified methods (e.g., those based on Newmark, 1965) to estimate permanent seismic slope movements are summarized in Blake et al. (2002). Nonlinear, dynamic finite element/finite difference numerical methods also may be used to evaluate slope movements resulting from seismic events as long as the procedures, input data, and results are thoroughly documented, and deemed acceptable by the city.

12.1 *Ground Motion for Pseudostatic and Seismic Deformation Analyses*.

(a) The controlling fault that would most affect the city is the Salt Lake City segment of the Wasatch fault zone (WFZ). Repeated Holocene movement has been well documented along this segment (Black et al., 2003). Studies along the Salt Lake City segment of the WFZ indicate a recurrence interval of about 1,300 years and the most recent event being about 1,300 years ago (Lund, 2005). Based on the paleoseismic record of the Salt Lake City segment and assuming a time-dependent model, McCalpin (2002) estimates a conditional probability (using a log-normal renewal model) of 16.5% in the next 100 years (8.25% in the next 50 years) for a M>7 surface-faulting earthquake. Therefore, using a time-dependent rather than Poisson or random model for earthquake recurrence, the likelihood of a large surface-faulting earthquake on the Salt Lake City segment of the WFZ is relatively high and therefore the Salt Lake City segment is considered the primary controlling fault for deterministic analyses.

(b) Regarding design ground accelerations for seismic slope-stability analyses, the city prefers a probabilistic approach to determining the likelihood that different levels of ground motion will be exceeded at a particular site within a given time period. In order to more closely represent the seismic characteristics of the WFZ and better capture this possible high likelihood of a surface-faulting earthquake on the Salt Lake City segment, design ground motion parameters for seismic slope stability analyses shall be based on the peak accelerations with a 2.0 percent probability in 50 years (2,500-year return period). Peak bedrock ground motions can be readily obtained via the internet from the United States Geological Survey (USGS) National Seismic Hazard Maps, Data and Documentation web page (USGS, 2002), which is based on Frankel et al., 2002. PGAs obtained from the USGS (2002) web page should be adjusted for effects of soil/rock (site-class) conditions in accordance with Seed et al. (2001). Site specific response analysis may also be used to develop PGA values as long as the procedures, input data, and results are thoroughly documented, and deemed acceptable by the city.

12.2 *Pseudo-Static Evaluations*.

(a) Pseudo-static methods for evaluating seismic slope stability are acceptable as long as minimum factors of safety are satisfied, and appropriate consideration is given in the selection of the seismic coefficient, kh, reduction in material shear strengths, and the factor of safety for pseudo-static conditions.

(b) Pseudo-static seismic slope stability analyses can be performed using the "screening analysis" procedure described in Blake et al. (2002). For that procedure a kh-value is selected from seismic source characteristics (modal magnitude, modal distance, and firm rock peak ground acceleration) and an acceptable level of deformation is specified. For this procedure, a factor of safety of 1.0 or greater is considered acceptable; otherwise, an analysis of permanent seismic slope deformation shall be performed.

12.3 *Permanent Seismic Slope Deformation*.

(a) For seismic slope stability analyses, estimates of permanent seismic displacement are preferred and may be performed using the procedures outlined in Blake et al. (2002). It should be noted that Bray and Rathje (1998), referenced in Blake et al. (2002), has been updated and superseded by Bray and Travasarou (2007), which is the city's currently preferred method. For these analyses, calculated seismic displacements shall be 15 cm or less, or mitigation measures shall be proposed to limit calculated displacements to 15 cm or less.

(b) For specific projects, different levels of tolerable displacement may be possible, but site-specific conditions, which shall include the following, must be considered:

(i) The extent to which the displacements are localized or broadly distributed – broadly distributed shear deformations would generally be less damaging and more displacement could be allowed.

(ii) The displacement tolerance of the foundation system – stiff, well-reinforced foundations with lateral continuity of vertical support elements would be more resistant to damage (and hence could potentially tolerate larger displacements) than typical slabs-on-grade or foundation systems with individual spread footings.

(iii)The potential of the foundation soils to experience strain softening – slopes composed of soils likely to experience strain softening should be designed for relatively low displacements if peak strengths are used in the evaluation of k_y due to the potential for progressive failure, which could involve very large displacements following strain softening.

(c) In order to consider a threshold larger than 15 cm, the project consultant shall provide prior, acceptable justification to the city and obtain the city's approval. Such justification shall demonstrate, to the city's satisfaction, that the proposed project will achieve acceptable performance.

13.0 WATER RETENTION BASINS AND FLOOD CONTROL CHANNELS

For cut, fill, or natural slopes of water-retention basins or flood-control channels, slope stability analyses shall be performed. In addition to analyzing typical static and seismic slope stability, those analyses shall consider the effects of rapid drawdown, if such a condition could develop. All proposed structures should be permitted under Utah Dam Safety rules, as applicable.

14.0 MITIGATION

(a) When slope stability hazards are determined to exist on a project, measures to mitigate impacts from those hazards shall be implemented. Some guidance regarding mitigation measures is provided in Blake et

al. (2002). Slope stability mitigation methods include:

(i) hazard avoidance,

(ii) grading to improve slope stability,

(iii) reinforcement of the slope or improvement of the soil within the slope, and

(iv) reinforcement of the structure built on the slope to tolerate anticipated slope displacements.

(b) Where mitigation measures that are intended to add stabilizing forces to the slope are to be implemented, consideration should be given to strain compatibility.

14.1 *Full Mitigation*. Full mitigation of slope stability hazards shall be performed for developments in the city. Remedial measures that produce static factors of safety in excess of 1.5 and acceptable seismic displacement estimates shall be implemented as needed.

14.2 *Partial Mitigation for Seismic Displacement Hazards*. On some projects, or portions thereof (such as small structural additions, residential "infill projects", non-habitable structures, and non-structural natural-slope areas), full mitigation of seismic slope displacements may not be possible, due to physical or economic constraints. In those cases, partial mitigation, to the extent that it prevents structural collapse, injury, and loss of life, may be possible if it can be provided consistent with IBC philosophies, and if it is approved by the city. The applicability of partial mitigations to specific projects will be evaluated on a case-by-case basis.

15.0 NOTICE OF GEOLOGIC HAZARD AND WAIVER OF LIABILITY.

For developments where full mitigation of seismic slope displacements is not implemented, a Notice of Geologic Hazard shall be recorded with the proposed development describing the displacement hazard at issue and the partial mitigation employed. The notice shall clearly state that the seismic displacement hazard at the site has been reduced by the partial mitigation, but not totally eliminated. The notice also shall provide that the owner assumes all risks, waives all claims against the city and its consultants, and indemnifies and holds the city and its consultants harmless from any and all claims arising from the partial mitigation of the seismic displacement hazard.

APPENDIX C - REFERENCES

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Stewart, J.P., Blake, T.M., and Hollingsworth, R.A. (2003), Development of a screen analysis procedure for seismic slope stability: Earthquake Spectra, 19 (3), pp. 697–712.

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APPENDIX D

Minimum Standards for Liquefaction Investigations and Evaluations

1.0 **INTRODUCTION**
- 1.1 *Purposes*
- 1.2 References and Sources
- 1.3 *Properties Requiring Liquefaction Analyses*
- 1.4 *Roles of Engineering Geology and Geotechnical Engineering*
- 1.5 *Minimum Qualifications of the Licensed Professional*

2.0 **GENERAL REQUIREMENTS**
3.0 **PRELIMINARY SCREENING FOR LIQUEFACTION**
4.0 **FIELD INVESTIGATIONS**
- 4.1 *Geologic Reconnaissance*
- 4.2 *Subsurface Explorations*

5.0 **GROUND MOTION FOR LIQUEFACTION SUSCEPTIBILITY AND GROUND DEFORMATION ANALYSES**
6.0 **REMEDIAL DESIGN**
7.0 **SUBMITTALS**

1.0 INTRODUCTION

The procedures outlined in this Appendix D are intended to provide consultants with a general outline for performing liquefaction studies and to specify the city's expectations concerning such studies. These standards constitute the ***minimum*** level of effort required in conducting liquefaction studies in the city. Considering the complexity inherent in performing liquefaction studies, additional effort beyond the minimum standards presented herein may be required at some sites to adequately address the liquefaction potential at the site. The information presented in this Appendix D does not relieve consultants of their duty to perform additional geologic or geotechnical engineering analyses that is required by the city or otherwise reasonably necessary to adequately assess the liquefaction potential at a site.

1.1 *Purposes*. The purposes of establishing minimum standards for liquefaction investigations in the city are to:

(a) Protect the health, safety, welfare, and property of the public by minimizing the potentially adverse effects of liquefaction and related hazards;

(b) Assist property owners and land developers in conducting reasonable and adequate studies;

(c) Provide consulting engineering geologists and geotechnical engineers with a common basis for preparing proposals, conducting studies, and mitigation; and

(d) Provide an objective framework for regulatory review of liquefaction study reports.

1.2 *References and Sources*. The minimum standards presented herein were developed, in part, from the following sources:

(a) CDMG Special Publication 117, Guidelines for evaluating and mitigating seismic hazards in California (1997).

(b) Recommended procedures for implementation of DMG special publication 117, guidelines for analyzing and mitigating liquefaction hazards in California (Martin and Lew, 1999).

(c) Proceedings of the NCEER Workshop on Evaluation of Liquefaction Resistance of Soils, Technical Report NCEER-97-0022 (Youd and Idriss, 1997).

(d) Liquefaction Resistance of Soils: Summary Report from the 1996 and 1998 NCEER/NSF Workshops on Evaluation of Liquefaction Resistance of Soils, Journal of Geotechnical and Environmental Engineering, (Youd et al., 2001).

(e) Salt Lake County geologic hazards ordinance (2002).

(f) Southern California Earthquake Center (1999), Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for analyzing and mitigating liquefaction in California.

1.3 *Properties Requiring Liquefaction Analyses*. The Liquefaction Hazard Study Area Map (Map 3 in Appendix A of Chapter 19.72 of this code) depicts generalized liquefaction susceptibility for the city, and shall be used to determine whether or not a site-specific liquefaction assessment is required for a particular project.

(a) The Liquefaction Hazard Study Area Map is based on a regional-scale investigation of Salt Lake County; therefore, the liquefaction potential at a specific site may be different (higher or lower) than the liquefaction potential suggested by the map. Such map may not identify all areas that have potential for liquefaction; a site located outside of an area of required study is not necessarily free from liquefaction hazard, and the study areas do not always include lateral spread run-out areas. The Liquefaction Hazard Study Area Map is available from the city's planning department.

(b) Chapter 19.72 requires a site-specific liquefaction study to be performed prior to approval of a project based on the liquefaction potential. The liquefaction potential for each individual soil layer in a CPT sounding or at the sampling frequency interval in a boring should be assessed. If the factor of safety for liquefaction is less than 1, then an estimate of the settlement for each layer should be completed. The total anticipated settlement should be defined in the analysis and report. All liquefaction analyses should be completed in accordance with DMG Special Publication 117 (1999), as amended or superceded.

1.4 *Roles of Engineering Geology and Geotechnical Engineering*.

(a) The study of liquefaction hazard is an interdisciplinary practice. The site investigation report must be prepared by a qualified engineering geologist or geotechnical engineer, who must have competence in the field of seismic hazard evaluation and mitigation, and be reviewed by a qualified geotechnical engineer, also competent in the field of seismic hazard evaluation and mitigation.

(b) Because of the differing expertise and abilities of qualified engineering geologists and geotechnical engineers, the scope of the site investigation report for the project may require that both types of professionals prepare and review the report, each practicing in the area of their expertise. Involvement of both a qualified engineering geologist and geotechnical engineer will generally provide greater assurance that the hazard is properly identified, assessed, and mitigated.

(c) Liquefaction analyses are the responsibility of the geotechnical engineer, although the engineering geologist should be involved in the application of screening criteria (section 3.0, steps 1 and 2) and general geologic site evaluation (section 4.1) to map the likely extent of liquefiable deposits and shallow groundwater. Engineering properties of earth material shall be evaluated by the geotechnical engineer. The performance of the quantitative liquefaction analysis resulting in a numerical factor of safety and quantitative assessment of settlement and liquefaction-induced permanent ground displacement shall be performed by geotechnical engineers. The geotechnical and civil engineers shall develop all mitigation and design recommendations. Ground motion parameters for use in quantitative liquefaction analyses may be provided by

either the engineering geologist or the geotechnical engineer.

1.5 *Minimum Qualifications of the Licensed Professional*. Liquefaction analyses must be performed by engineering geologists and geotechnical engineers, qualified as provided in Chapter 19.72.

2.0 GENERAL REQUIREMENTS

Except for the derivation of input ground motion (see Section 5.0, below), liquefaction studies should be performed in general accordance with the latest version of Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Liquefaction in California (Martin and Lew, 1999). Additional protocol for liquefaction studies is provided in Youd and Idriss (1997), cited above.

3.0 PRELIMINARY SCREENING FOR LIQUEFACTION

(a) The Liquefaction Hazard Study Area Map is based on broad regional studies and does not replace site-specific studies. The fact that a site is located within a Liquefaction Hazard Study Area does not mean that there is a significant liquefaction potential at the site, only that a study shall be performed to determine if such potential is present.

(b) Soil liquefaction is caused by strong seismic ground shaking where saturated, cohesionless, granular soil undergoes a significant loss in shear strength that can result in settlement and permanent ground displacement. Surface effects of liquefaction include settlement, bearing capacity failure, ground oscillations, lateral spread and flow failure. It has been well documented that soil liquefaction may occur in clean sands, silty sands, sandy silt, non-plastic silts and gravelly soils. Research shows that the following conditions must be present for liquefaction to occur:

(i) Soils *must be* submerged below the water table;

(ii) Soils *must be* loose to moderately dense;

(iii) Ground shaking *must be* relatively intense; and

(iv) The duration of ground shaking *must be* sufficient for the soils to generate seismically-induced excess pore water pressure and lose their shearing resistance.

(c) The following screening criteria may be applied to determine if further quantitative evaluation of liquefaction hazard is required:

(i) If the estimated maximum past, current, and future groundwater levels (i.e., the highest groundwater level applicable for liquefaction analyses) are determined to be deeper than 50 feet below the existing ground surface or proposed finished grade (whichever is deeper), liquefaction studies are not required. For soil materials that are located above the level of the groundwater, a quantitative assessment of seismically induced settlement is required.

(ii) If "bedrock" or similar lithified formational material underlies the site, those materials need not be considered liquefiable and no analysis of their liquefaction potential is necessary.

(iii)If the corrected standard penetration blow count, $(N1)_{60}$, is greater than or equal to 33 in all samples with a sufficient number of tests, liquefaction assessments are not required. If cone penetration test soundings are made, the corrected cone penetration test tip resistance, qc1N, should be greater than or equal to 180 tsf in all soundings in sand materials, otherwise liquefaction assessments are needed.

(d) If plastic soil (PI $\geq$ 20) materials are encountered during site exploration, those materials may be considered non-liquefiable. Additional acceptable screening

criteria regarding the effects of plasticity on liquefaction susceptibility are presented in Boulanger and Idriss (2004), Bray and Sancio (2006), and Seed and others (2003).

(e) If the screening investigation clearly demonstrates the absence of liquefaction hazards at a project site and the City concurs, the screening investigation will satisfy the site study report requirement for liquefaction hazards. If not, a quantitative evaluation is required to assess the liquefaction hazards.

(f) An important part of a liquefaction analysis is the potential for lateral spreading. Any open face and/or sloped sites should be assessed for the potential for lateral spreading. Mitigation measures should be provided in the analysis and report with respect to this hazard.

4.0 FIELD INVESTIGATIONS

Geotechnical field investigations are routinely performed for new projects as part of the normal development and design process. Geologic reconnaissance and subsurface explorations are normally performed as part of the field exploration program even when liquefaction does not need to be investigated.

4.1 ***Geologic Reconnaissance***.

(a) Geologic research and reconnaissance are important to provide information to define the extent of unconsolidated deposits that may be prone to liquefaction. Such information should be presented on geologic maps and cross sections and provide a description of the formations present at the site that includes the nature, thickness, and origin of Quaternary deposits with liquefaction potential. There also should be an analysis of groundwater conditions at the site that includes the highest recorded water level and the highest water level likely to occur under the most adverse foreseeable conditions in the future.

(b) During the field investigation, the engineering geologist should map the limits of unconsolidated deposits with liquefaction potential. Liquefaction typically occurs in cohesionless silt, sand, and fine-grained gravel deposits of Holocene to late Pleistocene age in areas where the groundwater is shallower than about 50 feet.

(c) Shallow groundwater may exist for a variety of reasons, some of which are of natural and or manmade origin. Landscape irrigation, on-site sewage disposal, and unlined manmade lakes reservoirs, and storm-water detention basins may create a shallow groundwater table in sediments that were previously unsaturated.

4.2 ***Subsurface Explorations***.

(a) Subsurface explorations shall consist of drilled-borings and/or cone penetration tests (CPTs). The exploration program shall be planned to determine the soil stratigraphy, groundwater level, and indices that could be used to evaluate the potential for liquefaction by either in situ testing or by laboratory testing of soil samples. Borings and CPT soundings must penetrate a minimum of 50 feet below final ground surface.

(b) For saturated cohesionless soils where the SPT $(N1)_{60}$ values are less than 15, or where CPT tip resistances are below 60 tsf, grain-size analyses, hydrometers tests, and Atterberg Limits tests shall be performed on these soils to further evaluate their potential for permanent ground displacement (Youd et al., 2002) and other forms of liquefaction-induced ground failure and settlement. In addition, it is also recommended that these same tests be performed on saturated cohesionless soils with SPT $(N1)_{60}$ values between 15 and 30 to further evaluate the potential for liquefaction-induced settlement.

(c) Where a structure may have subterranean construction or deep foundations (e.g., caissons or piles), the depth of investigation should extend to a depth that is a minimum of 20 feet (6 m) below the lowest expected foundation level (e.g., caisson bottom or pile tip) or 50 feet (15 m) below the existing ground surface or lowest proposed finished grade, whichever is deeper. If, during the study, the indices to evaluate liquefaction indicate that the liquefaction potential may extend below that depth, the exploration should be continued until a significant thickness (at least 10 feet or 3 m, to the extent possible) of nonliquefiable soils are encountered.

5.0 GROUND MOTION FOR LIQUEFACTION SUSCEPTIBILITY AND GROUND DEFORMATION ANALYSES

(a) The two controlling faults that would most affect the city are the Salt Lake City and Provo segments of the Wasatch Fault Zone (WFZ). Repeated Holocene movement has been well documented along both segments (Black and others, 2003). Studies along the Provo segment of the WFZ indicate a recurrence interval of about 1150 years (Olig, and others, 2006; later revised, Olig, 2007) and the most recent event being about 500 to 650 years ago (Black and others, 2003; Olig, and others, 2006). Studies along the Salt Lake City segment of the WFZ indicate a recurrence interval of about 1300 years and the most recent event being about 1300 years ago (Lund, 2005). Based on the paleoseismic record of the Salt Lake City segment and assuming a time-dependent model, McCalpin (2002) estimates a conditional probability (using a log-normal renewal model) of 16.5% in the next 100 years (8.25% in the next 50 years) for a M>7 surface-faulting earthquake. Therefore, using a time-dependent rather than Poisson or random model for earthquake recurrence, the likelihood of a large surface-faulting earthquake on the Salt Lake City segment of the WFZ is relatively high and therefore the Salt Lake City segment is considered the primary controlling fault for deterministic analyses.

(b) Concerning design ground accelerations for liquefaction analyses, the city prefers a probabilistic approach to determining the likelihood that different levels of ground motion will be exceeded at a particular site within a given time period. In order to more closely represent the seismic characteristics of the WFZ and to better capture this possible high likelihood of a surface-faulting earthquake on the Salt Lake City segment, design ground motion parameters for liquefaction analyses shall be based on the peak accelerations with a 2.0 percent probability in 50 years (2,500-year return period). Peak bedrock ground motions can be readily obtained via the internet from the United States Geological Survey (USGS) National Seismic Hazard Maps, Data and Documentation web page (USGS, 2002), which is based on Frankel and others (2002). PGAs obtained from the USGS (2002) web page should be adjusted for effects of soil/rock (site-class) conditions in accordance with Seed and others (2001) or other appropriate methods that consider the site-specific soil conditions and their potential for amplification/ deamplification of the high frequency strong motion.

6.0 REMEDIAL DESIGN

Sites, facilities, buildings, structures and utilities that are founded on or traverse liquefiable soils may require further remedial design and/or relocation to avoid liquefaction-induced damage. These should be investigated and evaluated on a site-specific basis with sufficient geologic and geotechnical evaluations to support the remedial design and/or mitigative plan. This design or plan may include changes/modifications to the soil,

foundation system, structural frame or support of the building, etc. and should be reviewed and approved by the city.

7.0 SUBMITTALS

(a) Submittals for review shall include boring logs; geologic cross-sections; laboratory data; discussions pertaining to how idealized subsurface conditions and parameters used for analyses were developed; analytical results, including computer output files (on request); and summaries of the liquefaction analyses and conclusions regarding liquefaction potential and likely types and amounts of ground failure.

(b) Subsurface geologic and groundwater conditions must be illustrated on geologic cross-sections and must be utilized by the geotechnical engineer for the liquefaction analyses. If on-site sewage or storm-water disposal exists or is proposed, the liquefaction analyses shall include the effects of the effluent plume on liquefaction potential.

(c) The results of any liquefaction analyses must be submitted with pertinent backup documentation (i.e., calculations, computer output, etc.). Printouts of input data, output data (on request), and graphical plots must be submitted for each computer-aided liquefaction analysis. In addition, input data files, recorded on diskettes, CDs, or other electronic media, may be requested to facilitate the city's review.

APPENDIX E

Minimum Standards for Debris Flow Hazard Studies

Debris-flow reports shall follow general guidance contained in "Guidelines for the geologic evaluation of debris-flow hazards on alluvial fans in Utah," Utah Geological Survey Miscellaneous Publication 05-6. Debris-flow hazard analyses and mitigation measures may require contributions from hydrologists as well as qualified engineering geologists and geotechnical engineers.

APPENDIX F

Minimum Standards for Rock Fall Hazard Studies

Useful methods to evaluate rock-fall hazards are outlined in: Evans, S.G., and Hungr, O., 1993, The assessment of rockfall hazard at the base of talus slopes: Canadian Geotechnical Journal, v. 30, p. 620-636; Jones, C.L., Higgins, J.D., and Andrew, R.D., 2000, Colorado rockfall simulation program, version 4.0: Report prepared for the Colorado Department of Transportation, 127 p.; and Wieczorek, G.F., Morrissey, M.M., Iovine, G., and Godt, J., 1998, Rock-fall hazards in the Yosemite Valley: U.S. Geological Survey Open-File Report 98-467, 7 p., 1 pl., scale 1:12,000. Rock-fall studies shall be prepared by a qualified engineering geologist and may require contributions from a qualified geotechnical engineer, particularly in the design of mitigation measures.

APPENDIX G

Groundwater Source Protection

Groundwater source protection requirements in the city are contained in Chapter 17.30, COTTONWOOD HEIGHTS CODE OF ORDINANCES. The provisions of said Chapter 17.30 are hereby incorporated by reference into this Chapter 19.72 to the same extent, and as fully, as if the provisions of said Chapter 17.30 were set forth in this Appendix G.

APPENDIX H

Foundation Excavation Observation Standards

1.0 INTRODUCTION
2.0 GENERAL REQUIREMENTS
3.0 SUBMITTALS
4.0 SITE INVESTIGATION AND SOIL INVESTIGATION STUDIES
5.0 MITIGATION
6.0 NOTICE OF GEOLOGIC HAZARD AND WAIVER OF LIABILITY

1.0 INTRODUCTION

1.1 ***Introduction***. The procedures contained in this appendix are intended to provide consultants with a general outline for performing quantitative foundation excavation observation studies and reports for the development of structures within Cottonwood Heights (the "*city*"). These standards constitute the minimum level of effort required in conducting these studies. The information presented herein does not relieve consultants of their duty to identify and perform additional geologic or engineering analyses they believe are necessary to assess the suitability of development at a site.

1.2 ***Purposes***. The purposes for establishing minimum standards for foundation excavation observation studies are to:

(a) Protect the health, safety, welfare, and property of the public by minimizing the potentially adverse effects of development on unsuitable soils and/or high groundwater;

(b) Assist property owners, contractors and land developers in conducting reasonable and adequate foundation excavation observation studies; and

(c) Ensure that the recommendations from the subdivision's geotechnical soils investigation are followed. If no report exists, ensure that a licensed engineer observes the foundation excavation and performs any necessary analyses to determine the suitability of the soils for the proposed building. The engineer shall report that the site is suitable for the proposed structure and that all recommended mitigation has been performed to render the site buildable.

1.3 ***Areas requiring foundation excavation observation reports*.** A foundation excavation observation report shall be performed for all proposed development or redevelopment within the city.

1.4 ***Roles of professionals*.** Analyses of soils that shall support a structure shall be performed only by or under the direct supervision of licensed professionals, qualified and competent in their respective area of practice.

2.0 GENERAL REQUIREMENTS

The expertise of qualified professional engineers, retained at the developer's cost, is required to verify the suitability of the soil for the construction of a proposed structure and ensure that the actual *in-situ* soil material is consistent with previous reports and ensure that the recommendations from those reports have been followed. If no previous reports have been prepared, an engineer shall make appropriate analyses of the *in-situ* material to determine the suitability of the site for construction and report that all necessary mitigation measures have been performed.

3.0 SUBMITTALS

3.1 ***Explanatory letter***. A letter that states that the site is suitable for development shall be accompanied by an appendix with all pertinent data that was used to determine the suitability of the site for development, include boring logs; geologic cross sections; trench and test pit logs; laboratory data

(Atterberg limits, plasticity, soil classification, soil bearing capacity, shear strength test results, density test results etc.); and a discussion regarding the suitability of the site for development. The appendix will contain recommendations for the footings and foundation of the structure such as backfill requirements, additional compaction, drainage, elevation, pilings, bedrock, or any other mitigation measure to meet current building codes, ensure adequate soil bearing capacity, prevent flooding or other adverse factors.

3.2 ***Subsurface conditions***. Subsurface groundwater conditions must be considered and must include an estimate of the maximum anticipated groundwater elevation. If the site contains sewage or storm water infrastructure or is proposed, the recommendations shall reflect the potential impact from a 10-year and 100-year storm event.

3.3 ***Background documentation***. The results of any foundation excavation observation study must be submitted with pertinent backup documentation such as soil logs, laboratory test data, calculations, photographs, measurements and other pertinent data.

4.0 SITE INVESTIGATION AND SOIL INVESTIGATION STUDIES

Adequate evaluation and comprehensive geotechnical engineering studies shall be used to evaluate the suitability of the soil to support the proposed building structure. As directed by the engineer, adequate soil sampling of the subsurface material may be necessary to perform geotechnical testing to determine the soil bearing capacity and other strength parameters to determine the suitability of the soil. In general, the foundation observation evaluation shall follow the following phases:

4.1 ***Review***. Review the soils report or geotechnical investigation that has been performed for the subject site. Understand all relevant geotechnical features related to the property, including groundwater, soil bearing capacity, soil type, drainage, proximity to a flood zone, and all other pertinent geologic factors.

4.2 ***Excavation*****.** Conduct a foundation excavation inspection prior to the placement of footings. Assess the potential for groundwater below the proposed footings as necessary.

4.3 ***Observation and assessment***. Observe that all of the recommendations from the previous reports have been implemented. Observe that the soil properties are consistent with the findings and assumptions in the report. Assess the groundwater potential and observe that the elevation and drainage is suitable for the proposed structure.

4.4 ***Documentation and evaluation*****.** Documentation and evaluation of subsurface groundwater conditions (including effects of seasonal and longer-term natural fluctuations as well as landscape irrigation), surface water, on-site sewage disposal, and/or storm water disposal.

4.5 *Additional suitability analysis*. If no previous geotechnical report has been performed, the licensed engineer shall perform whatever work is deemed necessary to evaluate the suitability of the site for development.

4.6 *Report*. Prepare a signed and wet stamped letter to the city that the site has been observed and has been deemed suitable for the proposed development. Once this letter has been received and accepted by the city, the placement of footings may commence.

5.0 MITIGATION

If *in-situ* soil conditions are inconsistent with previous reports and recommendations, a qualified engineer shall perform whatever tests are necessary to assess if the site is suitable for development. If the site is not suitable for development, an engineer may develop mitigation measures and shall report that these measures have been met in a signed and wet stamped letter to the city prior to the construction of footings.

6.0 NOTICE OF GEOLOGIC HAZARD AND WAIVER OF LIABILITY

For developments where full mitigation of recommended measures is not implemented, a notice of geotechnical hazard acceptable to the city shall be recorded with the proposed development describing the hazard at issue and the partial mitigation employed. The notice shall clearly state that the hazard at the site has been reduced by the partial mitigation, but not totally eliminated. In addition, the owner shall (a) be deemed to have assumed all risks and waived all claims against the city and its officers, employees, agents, contractors, consultants and other related parties consultants, and (b) indemnify and hold the city and such related parties harmless from any and all claims arising from the partial mitigation of the seismic displacement hazard.

APPENDIX I

Riparian Corridor and Watershed Protection

Riparian corridor and watershed protection requirements in the city are contained in Chapter 17.31, COTTONWOOD HEIGHTS CODE OF ORDINANCES. The provisions of said Chapter 17.31 are hereby incorporated by reference into this Chapter 19.72 to the same extent, and as fully, as if the provisions of said Chapter 17.31 were set forth in this Appendix I.

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 develop-ment — Special approval required.
19.74.090 Construction or develop-ment — Duties of the director.
19.74.100 Protective standards gener-ally.
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 appeals hearing officer 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, “Appeals Hearing Officer”:

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 appeals hearing officer 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 appeals hearing officer 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 19.76
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.
Table 1 Maximum Residential Fence/Wall Height.
Appendix A: Terraced or Tiered Retaining Wall.

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 appeals hearing officer.

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 and building area*.

1. No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.

2. Accessory buildings shall not be constructed before the principal/main building is constructed.

3. Minimum yard area requirements for accessory buildings are as follows:

(a) No accessory building shall be located in a front, side, or corner side yard area of any lot.

(b) Except as otherwise provided in this title, no accessory building shall exceed 20 feet in height. Further, for every 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.

(c) Except as otherwise provided in this title, the following setbacks from property lines shall apply, based on accessory structure height:

(i) Accessory building height up to 14 feet: Three foot setback;

(ii) Accessory building height up to 15 feet: Four foot setback;

(iii) Accessory building height up to 16 feet: Five foot setback;

(iv) Accessory building height up to 17 feet: Six foot setback;

(v) Accessory building height up to 18 feet: Seven foot setback;

(vi) Accessory building height up to 19 feet: Eight foot setback; and

(vii) Accessory building height up to 20 feet: Nine foot setback;

4. All buildings shall be separated by a

minimum distance of six feet.

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. In the case of conflicting provisions, the stricter requirement shall apply.

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 existing grade for more than 50 percent of the total perimeter of the building, or more than eight feet below existing 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 all construction*. Prior to commence-ment 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 require 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 determi-nation 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" is a type of home occupation that 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" is a type of home occupation that 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.

6. "Minor home occupation" means a home occupation which complies with the requirements of chapter 5.54 of this code and which will not otherwise have an offsite impact which, when combined with the impact of the primary residential use of the dwelling, exceeds the impact of the residential use alone. A minor home occupation is a permitted use in any zone which allows home occupations.

7. "Home occupation with clients" means a home occupation, not otherwise expressly prohibited by this code, where one or more persons visit the dwelling to conduct business on more than a very occasional, sporadic basis. A home occupation with clients requires a conditional use permit.

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 by eight or fewer persons 60 years old or older capable of living

independently.

2. 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.

3. No person being treated for alcoholism or drug abuse may be placed in such a facility.

4. The structure shall be capable of use without the residential character being changed by exterior structural or landscaping alterations.

5. 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.

6. 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. *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.

B. *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.

C. *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.

D. *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.

E. *General height and design regulations for walls, fences and retaining walls*.

1. Definitions. In this subsection (E):

(a) "Fence" means a barrier of any material or combination of materials erected to enclose, screen or separate areas.

(b) "Fence height" means that a fence or wall shall be measured from the adjacent existing natural grade at the base of the fence or wall, to the top edge of the fence or wall.

(c) "Fences atop walls" means that if a fence is atop a wall, the total height shall be measured from the base of the wall to the top of the fence.

(d) "Neighbor consent" means that all neighbors abutting the proposed wall/fence will be required to provide written consent for retaining wall/fence height above eight feet up to 12 feet.

(e) "Retaining wall" means a structure that is designed and constructed to stabilize two generally horizontal surfaces which are vertically displaced, and which shall be either a landscape retaining wall or structural retaining wall.

2. Permitted height. No fence, wall, hedge, retaining wall or vertical combination of these (hereinafter "fence") may be erected to a height which exceeds the following requirements:

(a) Front yard. Four feet. Lots that are at least one acre in size and have only one primary residence may erect a fence up to six feet in height.

(b) Side and rear yards. Six feet.

3. Conditional use. Fences in the side and rear yards may be erected to a maximum height of eight feet as a conditional use upon a clear and convincing showing by the property owner in accordance with subsections (a) and (b) below:

(a) The existence of unique or special circumstances of a natural, material and 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.

4. Neighbor consent. Side and rear yard fences may exceed eight feet in height to a maximum height of 12 feet in cases where the applicant has neighbor consent, and has received conditional use approval in accordance with subsection 19.76.050(E)(3).

5. Terracing. If a taller retaining wall is necessitated by an engineering requirement as determined by the city engineer, the retaining wall may be terraced. Terracing shall be limited to three tiers. The horizontal width of the terrace between any two wall sections above existing grade shall be at

least ten feet. Terraces created between retaining walls shall be landscaped or revegetated (see diagram).

6. Exceptions. Fences, walls, hedges, retaining walls or any vertical combination thereof may be constructed to a maximum height of 12 feet without neighbor consent and conditional use approval if the fence is adjacent to property located in a commercial zone or adjacent to a public street.

7. Chain link fences. Chain link fences which are not vinyl coated or galvanized shall not be allowed.

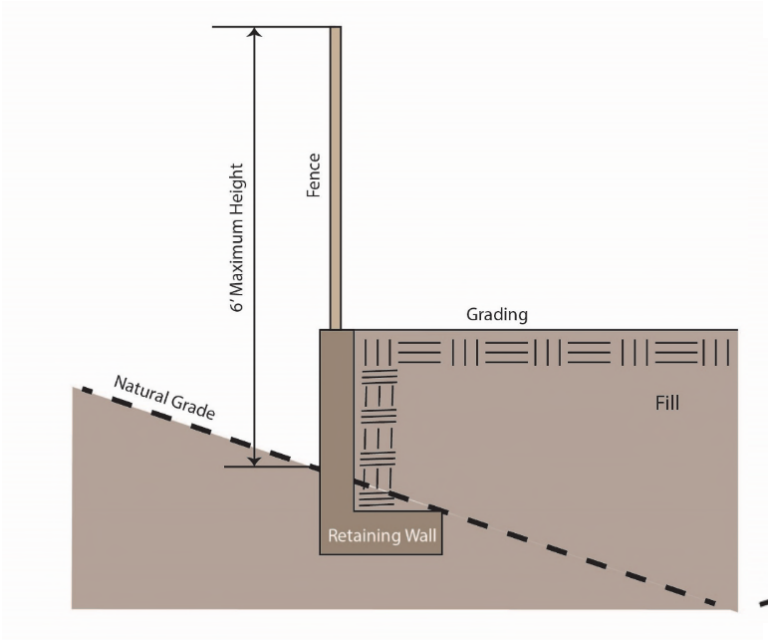
8. Fences, etc. atop retaining walls. Fences and non-retaining walls shall not be constructed on top of a retaining wall unless the fence and/or non-retaining wall is set back 18 inches for every one foot of vertical height above six feet high. In no circumstance shall the combination of the retaining wall and fence and/or non-retaining wall exceed eight feet without a separation of at least three feet.

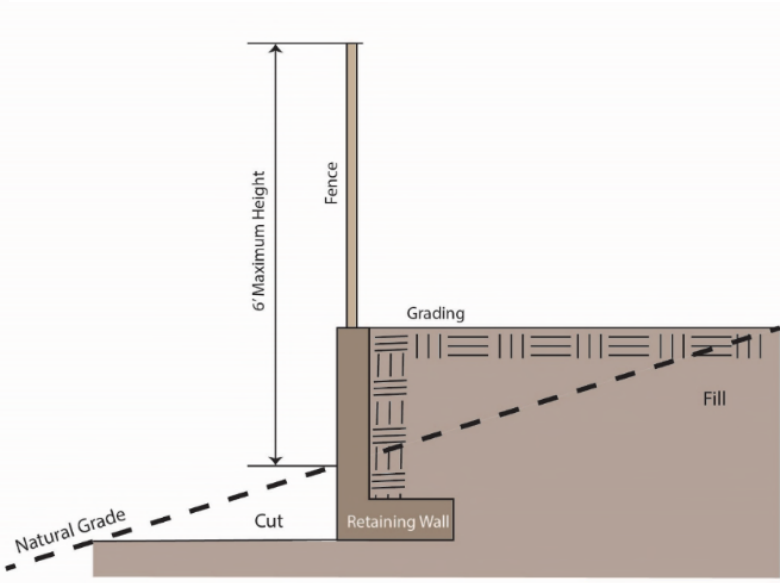
Table 1.

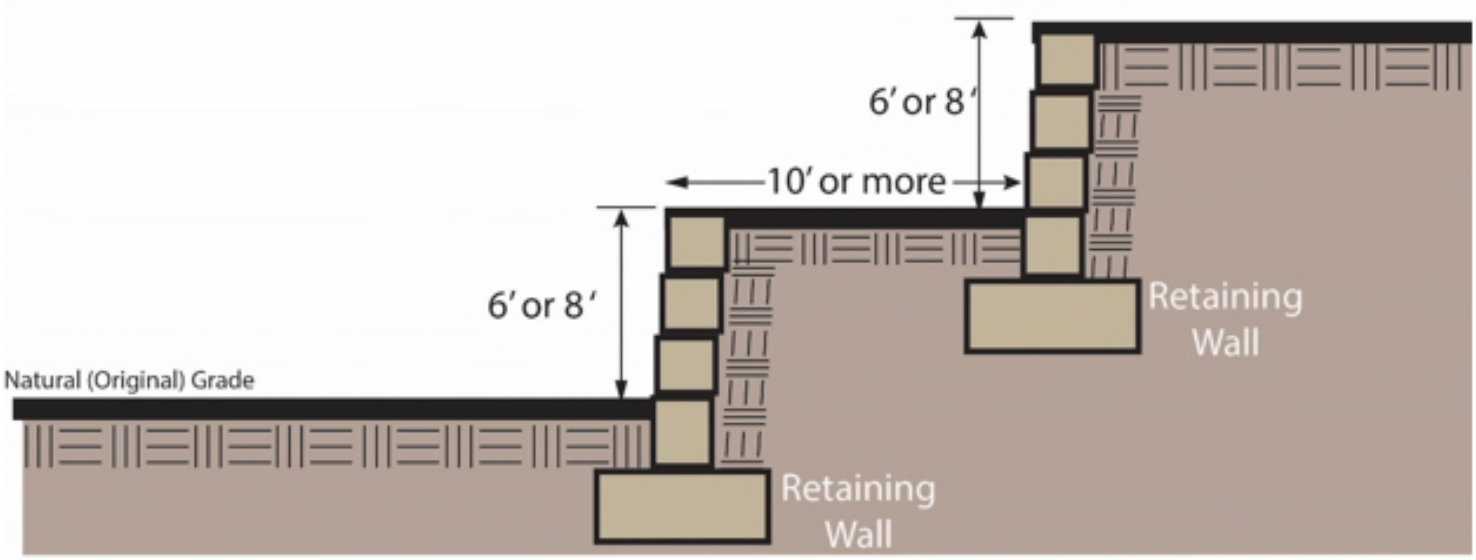
Maximum Residential Fence/Wall Height		
Height	**Location**	**Required Approval**
0-4’	All residential zones, all yards	Permitted
4-6’	Side and rear yards, front yards of estate lots	Permitted
6-8’	Side and rear yards	Conditional Use
8-12’	Side and rear yards	Conditional Use with Neighbor Consent

APPENDIX A

Terraced or Tiered Retaining Wall







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 "planned 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:

1. 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:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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 appeals hearing officer 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’

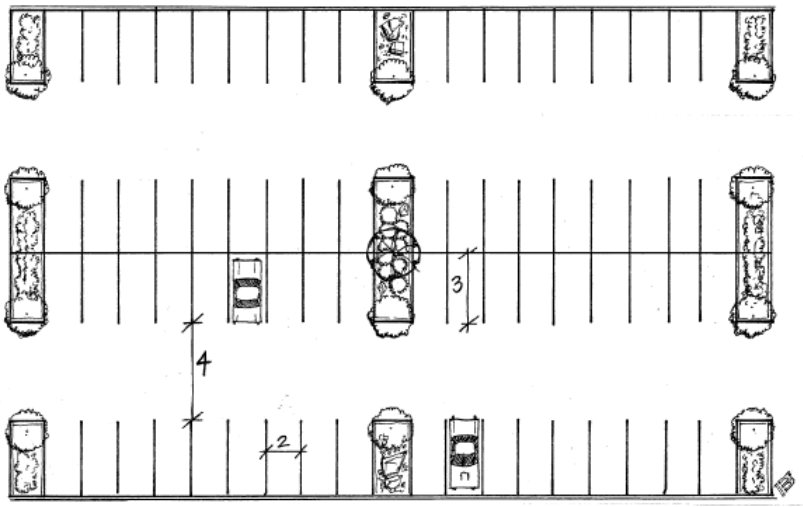
* One-way traffic only

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 Public facilities electronic display 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 Temporary signs.
19.82.130 Nonconforming signs.
19.82.140 Permits.
19.82.150 Enforcement.
19.82.160 Severability.
19.82.170 Substitution.
19.82.180 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.

"*Banne*r" 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 than the premises on which the sign is located.

"*Building*" means a structure having a roof supported by columns or walls.

"*Cabinet Sign*" means a sign that contains all the text and/or logo symbols on the display face of an enclosed cabinet.

"*Canopy*": (*See* "awning").

"*Changeable copy*" means a copy that changes at intervals of more than once every 60 seconds.

"*Civic sign*" means a non-commercial temporary sign sponsored by a non-commercial 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 placed 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.

"*Going out of business sign*" means a temporary sign displayed on a premises, or by an occupant of a shopping center or multiuse building, immediately prior to cessation of the business at that location.

"*Grand opening sign*" means a temporary sign displayed on a premises, or by an occupant of a shopping center or multi-use building, following the sale, lease, or other conveyance of the premises, shopping center or multiuse building, or any interest therein.

"*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.

"*Group monument sign*" means a monument sign located on a premises that contains a building or group of buildings with at least four different tenants or occupants.

"*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*" (s*ee 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 no larger than one square foot placed on the front of a premises, multi-use building or shopping center.

"*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.

"*Non-commercial sign*" means a sign that does not contain information

or advertising for any business, service, commodity, product, entertainment or other attraction.

"*Off premise sign*" (*see also* "billboard") means a sign that directs attention to commercial activities such as 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).

"*On premises sign*" means a sign that directs attention to commercial messages exclusively related to the premises where such sign is located or to which it is affixed.

"*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.

"*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.

"*Property sign*" means a sign displayed to enforce property rights related to the property on which the sign is displayed.

"*Public facility electronic display sign*" or "*PFEDS*" means a monument sign or wall sign with an electronic display located in a PF (Public Facilities) zone.

"*Public information sign*" means a 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 purposes. 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 19.82.030 below.

"*Real estate sign*" means a temporary sign posted on property that is under construction or actively marketed for sale.

"*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 sign*" means a sign that is not permanently anchored or secured to a structure and does not have supports or braces firmly securing it into the ground.

"*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 commercial 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
5. RO zone, subject to the provisions of Chapter 19.35
6. MU 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, subject to group monument sign requirements contained in Chart 19.82.030-01. 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 shall be constructed in accordance with monument sign standards.

E. *Multi-use buildings*. A multi-use building may have one monument sign facing each street or highway on which the building has frontage.

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
5. MU 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.

19.82.050 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
5. MU 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
5. MU 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. *Temporary signs*. A premises, or an occupant of a shopping center or multi-use building, may display one temporary 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 permitted 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 PFEDS under section 19.82.100, OPEDS under section 19.82.123, 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 may, following recommendation by the planning commission, 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 in compliance with any special regulations previously approved by the city council or, if none, this chapter. 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.

19.82.100 Public facilities electronic display signs.

The planning commission may approve, as a conditional use, a maximum of one electronic display sign on each premises located in the PF zone, subject to the spacing/disbursal requirements and other provisions of this section. Each electronic display sign approved in the PF zone is called a

PFEDS in this chapter, and shall be subject to the following requirements:

A. A PFEDS may be approved as either a monument sign or a wall sign;

B. A PFEDS shall not be larger than the maximum dimensions allowed for wall signs or monument signs in this chapter. The electronic display portion of a PFEDS monument sign shall not exceed 50% of the total constructed sign area;

C. The text, images and graphics on a PFEDS 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.

D. 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 shall be the method (in terms of letter size and other quantifiable physical attributes) used to convey a message on a PFEDS rather than the content of such message.

E. Each electronic display area capable of showing a separate electronic message shall be considered to be a separate electronic display sign, including those sharing the same support structure.

F. A PFEDS 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.

G. The dwell time for each message on a PFEDS 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.

H. The transition from one static display to another must be effectively instantaneous, with a twirl time not exceeding .25 second.

I. Each PFEDS shall be equipped with a mechanism that automatically controls the sign's display period at all times as provided in this section.

J. PFEDS shall comply with the following illuminance requirements:

1. No PFEDS shall cause illuminance in excess of three-tenths (0.3) foot candle above ambient light as measured perpendicular to the PFEDS's electronic sign face at a distance in feet calculated by taking the square root of the product of the following:

(a) the area of the PFEDS's electronic sign face measured in square feet; and

(b) 100.

For example, if the PFEDS's electronic sign face measures 6' x 8', then the illuminance caused by such use could not exceed three-tenths (0.3) foot candle above ambient light at a perpendicular distance of 69 feet from the PFEDS's sign face.

2. Every PFEDS shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's illuminance as provided in direct correlation with natural ambient light conditions at all times.

K. A PFEDS may not be illuminated, lit or operated between 11:00 p.m. and 6:00 a.m.

L. Except for a "double-sided" PFEDS monument sign (i.e., a PFEDS monument sign with 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), a PFEDS may not be located closer than 800 linear feet from any other PFEDS.

M. The following certifications are additional conditions of approval or continuation of any PFEDS:

1. Within ten calendar days after a PFEDS 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.

2. Based on complaints received, or for any other reasonable cause, the city may from time to time require the owner or operator of a PFEDS 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.

3. The city also may, at its option, from time to time verify a PFEDS'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 a PFEDS 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.

N. Any PFEDS not conforming to the requirements of this section is prohibited.

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. PFEDS; and

3. OPEDS converted from existing, nonconforming off-premises signs in the OPEDS zone, as provided in section 19.82.123, below.

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.

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 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 and shall not include any lights, flashing or changeable copy.

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.

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 14 January 2005.

19.82.125 Temporary signs.

A. Except as otherwise specified in this code or other applicable law, neither temporary 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, temporary 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 temporary signs nor any other type of sign shall be located so as to adversely affect "clear view" or other public safety standards.

D. Temporary signs, and every other type of sign, shall comply with all other legal requirements.

E. Except as otherwise specified in this code or other applicable law, a permit under 19.82.140 shall be required to display any temporary sign.

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.

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; and

2. Any special regulations that have been adopted for an Area of Special Character.

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 appeals hearing officer.

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 Substitution.

Signs containing non-commercial messages are permitted anywhere that commercial signs are permitted, subject to the same regulations applicable to such signs.

19.82.180 Charts, figures, and graphs.

(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
	PFEDS Monument	64 square feet	8 feet (including pedestal)	36 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/Research 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, in a public facilities (PF) zone, 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.

C. No equipment or antenna array shall increase the height of an existing monopole more than 20 feet.

D. 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.

E. 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 appeals hearing officer 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 19.83A

WIRELESS COMMUNICATION FACILITIES IN THE PUBLIC RIGHTS- OF- WAY

Sections:

19.83A.010 Definitions.
19.83A.020 Scope; Applicability.
19.83A.030 Purpose.
19.83A.040 Operational standards.
19.83A.050 Applications and submissions.
19.83A.060 Non-substantial modifications.
19.83A.070 Compliance with applicable law.
19.83A.080 Standards for approval.
19.83A.090 Design and implementation.
19.83A.100 Related accessory equipment.
19.83A.110 Lighting.
19.83A.120 Noise.
19.83A.130 Technical necessity exceptions.
19.83A.140 Pruning trees and shrubs.
19.83A.150 Damage to property; Notice of work; Repair and emergency work.
19.83A.160 Erection, removal and common uses of poles.
19.83A.170 Removal of unauthorized facilities; Failure to remove; Damages.
19.83A.180 Insurance.
19.83A.190 Indemnification.
19.83A.200 Assignments or transfers of permit.
19.83A.210 Violations; Revocation or termination of permit; Notice and hearing.

19.83A.010 Definitions.

As used in this chapter:

A. "*Applicant*" means the person who applies for a permit, license, or other right under this chapter.

B. "*Antenna*" means any device used to transmit and/or receive radio or electromagnetic waves such as, without limitation, panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations; and exterior apparatus designed for telephone, radio or television communications through the sending and/or receiving of wireless communications signals.

C. "*Base station*" means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined in this chapter or any equipment associated with a tower. Base station does include, without limitation:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the city, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological

configuration (including distributed antenna systems [“*DAS*”] and small-cell networks) that, at the time the relevant application is filed with the city under this chapter, has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

D. “*City*” means the city of Cottonwood Heights, Utah.

E. “*City code*” means the city's code of ordinances as amended from time to time.

F. “*Director*” means the city's director of community development.

G. “*Eligible facilities request*” means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving:

1. Co-location of new transmission equipment.

2. Removal of transmission equipment.

3. Replacement of transmission equipment.

H. “*Existing tower*” means a tower legally in existence before an eligible facilities request is filed with the city.

I. “*Hazardous materials*” means any substance:

1. That is flammable, explosive, radioactive, toxic, corrosive, infectious, carcinogenic, mutagenic or otherwise hazardous and is or becomes regulated by any governmental authority, agency, department, commission, board or instrumentality of the United States, the state of Utah or any political subdivision thereof;

2. That contains asbestos, organic compounds known as polychlorinated biphenyls, chemicals known to cause cancer or reproductive toxicity or petroleum, including crude oil or any fraction thereof;

3. That is or becomes defined as a pollutant, contaminant, hazardous waste, hazardous substance, hazardous material or toxic substance under the Resource Conservation and Recovery Act, 42 U.S.C. § § 6901-6987; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § § 9601-9657; the Hazardous Materials Transportation Act, 49 U.S.C. § § 1801-1812; the Clean Water Act, 33 U.S.C. § § 1251-1387; the Clear Air Act, 42 U.S.C. § § 7401-7642; the Toxic Substances Control Act, 15 U.S.C. § § 2601-2655; the Safe Drinking Water Act, 42 U.S.C. § § 300f-300j; the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. § § 11001-11050; under title 19, chapter 6, Utah Code Annotated, as any of the same have been or from time to time may be amended; and any similar federal, state and local laws, statutes, ordinances, codes, rules, regulations, orders or decrees relating to environmental conditions, industrial hygiene or hazardous materials on the property, including all interpretations, policies, guidelines and/or directives of the various governmental authorities responsible for administering any of the foregoing, now in effect or hereafter adopted, published and/or promulgated;

4. The presence of which on the property requires investigation or remediation under any federal, state or local statute, regulation, ordinance, order, action, policy, or common law; or

5. The presence of which on the property causes or threatens to cause a nuisance on the property or to adjacent properties or poses or threatens to pose a

hazard to the health and safety of persons on or about the property.

J. "*Owner*" means the person who owns a WCF or related accessory equipment, or the owner's authorized representative.

K. "*Related accessory equipment*" means the transmission equipment customarily used with, and incidental to wireless communication facilities antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

L. "*Right-of-way*" or "*ROW*" means the portion of a public roadway in the city dedicated to the purpose of conveying vehicle and pedestrian traffic, and other public use. This area includes, without limitation, all areas of pavement, sidewalk, and park strip between opposing property lines**.**

M. "*Significantly modify*" means a modification which is a substantial change.

N. "*Substantial change*" means a modification that substantially changes the physical dimensions of a pole, WCF, or related accessory equipment if it meets any of the following criteria:

1. For poles, it increases the height of the pole by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;

2. For any eligible support structure, it entails any excavation or deployment outside the current site;

3. For any eligible support structure, it would impair the concealment elements of the eligible support structure; or

4. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs 1, 2, and 3 of this subsection N.

5. For any eligible support structure, it does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or it does not comply with any relevant federal requirements.

6. For any WCF, if it creates a hazard to passersby, blocks traffic views in a manner which creates a hazard to users of the rights-of-way, including sidewalks, or makes a sidewalk inaccessible to disabled persons.

O. "*Telecommunications review group*" means the group comprised of the directors of the city departments of community development, public works, and the city attorney, or their designees, and others appointed from time to time by the city manager.

P. "*Tower*" means a tall structure designed to support antennas for telecommunications purposes.

Q. "*WCF/wireless communications facility*" means a facility used to provide personal wireless services as that term is defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via

licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the city code. A WCF includes an antenna or antennas, including without limitation directions, omni-directions and parabolic antennas, base stations, and support equipment poles. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the coverage of this Chapter.

R. "*Zoning ordinance*" means Title 19 of the city code.

19.83A.020 Scope; Applicability.

A. *Applicability*. This chapter and not chapter 19.83 shall apply to the construction, modification, removal and operation of WCFs installed in the ROW. All references to WCFs in this chapter shall refer only to WCFs in the ROW and not WCFs located anywhere outside of the ROW. No person shall install, construct, modify, or otherwise place any WCF within the ROW except pursuant to the provisions of this chapter.

B. *Application required*. Any person seeking to locate or modify a WCF in the ROW shall first submit an application and obtain a permit under this chapter, and shall provide to the city on an application form provided by or acceptable to the city containing information requested by the city sufficient, in the city's reasonable discretion, to enable the city to make an informed determination regarding such permit.

C. *License agreements*. Applicants who enter into lease or license agreements with the city to locate, modify or co-locate WCFs on city-owned light, sign, traffic signal or other poles shall be required in those instruments to comply with the provisions of this chapter except as otherwise specifically approved by the city council by ordinance.

D. *Compliance with chapter*. All persons subject to this chapter shall:

1. At all times comply with all applicable statutes, laws, ordinances, and policies;

2. Upon the city's written request, promptly provide written confirmation sufficient for customary land survey purposes concerning location of WCFs;

3. Upon the city's written request, promptly provide city with accurate as-built maps and plans certifying location of facilities in paper copies and GIS-layer ESRI format (shape file or geographic database) with data about the physical aspects of each WCF required by the city, including without limitation the height of the WCF and related accessory structure, range of transmission, type of transmission (cellular, voice, data, wi-fi, etc.), nature of the pole or support, owner of the pole or support, and similar information;

4. Upon the city's written request, timely make available books, records, maps and other documents maintained with respect to facilities for inspection at reasonable times and places; and

5. Pay all applicable fees required by the city.

19.83A.030 Purpose.

A. The purpose of this chapter is to establish requirements for the siting and modification of WCFs in the ROW. This chapter is intended meet the following goals:

1. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible, including, but not limited to the following method: camouflage or stealth concealment, design techniques and placing equipment underground.

2. Provide for the managed development and installation, maintenance, modification, and removal of wireless communication infrastructure in the city with the fewest number of WCFs, without unreasonably discriminating against wireless communication providers' functionally equivalent services, including all those which install, maintain, operate, and remove WCFs.

3. Encourage the deployment of smaller, less intrusive WCFs to supplement existing, larger macrocell sites.

4. Encourage the deployment of WCFs primarily along major and minor arterials, and major and minor collectors, and limit the deployment of WCFs along local streets.

5. Encourage the location of WCFs in non-residential areas, in a manner that minimizes the total number of WCF support poles needed throughout the city.

6. Encourage the location of WCFs to utilize existing right-of-way corridors, and encourage antennas to be installed at street intersections.

7. Encourage co-location of WCFs on new and existing sites.

8. Encourage owners' antenna poles and other WCFs to locate them, to the extent possible, at places and in areas where the adverse impact on the community is minimized.

9. Enhance the ability of wireless communication service providers to provide services to the community quickly, effectively, and efficiently.

10. Effectively manage WCFs in the ROW.

B. Nothing in this chapter is intended to waive or limit the city's right to enforce or condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to public health and safety.

19.83A.040 Operational standards.

A. *Federal and state requirements*. All WCFs shall meet the current standards and regulations of the United States Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal and Utah state governments with the authority to regulate WCFs. If such standards and regulations are changed, then the owners and users of the WCFs shall bring such facilities into compliance with such revised standards and regulations within the time period mandated by the controlling federal or state agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF facility at the owner's expense.

B. *Radio frequency standards*. If concerns or complaints regarding compliance with radio frequency emissions standards for a WCF have been communicated to the city, the city may require that the owner of the WCF

provide information demonstrating compliance which the owner shall promptly provide. If the city reasonably determines that such information is not sufficient to demonstrate compliance, the city may require the owner of the WCF to submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the city finds that the WCF does not meet federal standards, the city may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF at the owner's expense. Any reasonable costs incurred by the city, including reasonable costs paid to third party consultants to verify compliance with these requirements, shall be paid by the owner.

C. *Signal interference*. All WCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone, other WCFs, and other communication services utilized by nearby residential and non-residential properties. WCFs shall not interfere with any public safety communications except with the written approval or public safety agency whose communications are so effected. The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed WCFs indicates no potential interference problems. The owner of the WCF shall allow the city to monitor interference levels with public safety communications during this process. The owner of a WCF also shall notify the city at least 14 calendar days before the introduction of new wireless service or changes in existing wireless service, and shall allow the city to monitor interference levels with public safety or other communications during the testing process. The owner shall not begin new service or change service of the WCF until the city has notified the owner that the WCF is acceptable, or the expiration of the 14 days, whichever occurs first.

D. *Legal access*. With all applications for WCFs, each applicant shall provide a letter of authorization from the owner of a pole or other facility on or in which the applicant proposes to locate its WCF granting said applicant the ability to process an application for or to locate a WCF on such pole or facility. Applicants shall also provide written documentation from the pole or other facility owner affirming that an agreement has been reached with the Applicant to allow for legal access to and from the pole or facility and to the Rocky Mountain Power or other electricity provider for electricity and other providers of facilities (such as fiber-optic) needed to operate and maintain the WCF, and an agreement between the parties showing which is responsible for removal of which facilities from a pole, in-ground box, or other facility event of an abandonment, termination or removal.

E. *Operation and maintenance*. To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes, state of Utah "blue-stakes" laws, and with the city's standards for construction activities in the ROW, all as most recently promulgated. If upon inspection the city concludes that a WCF fails to comply with such codes and constitutes a danger

to persons or property, then the owner shall have 30 days from the date of written notice from the city to bring such WCF into compliance. Upon good cause shown by the owner, the city may extend such compliance period not to exceed 90 days from the date of such notice. If the owner fails to either bring such WCF into compliance or to remove the WCF within that time period, then the city may remove such WCF at the owner's expense.

F. *Abandonment and removal*. If a WCF has not been in use for a period of three months, the owner of the WCF shall notify the city of the non-use, and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is not operated for a continuous period of six months shall be considered abandoned. The city, in its sole discretion, may require that an abandoned WCF be removed. The owner of such WCF shall remove the same within 30 days of receipt of written notice from the city. If such WCF is not removed within said 30 days, the city may remove it at the owner's expense, and any approved permits for the WCF shall be deemed to have expired.

G. *Hazardous Materials*.

1. Hazardous materials shall not be used, stored, generated, released or disposed of in, on, about or from any WCFs or any property on which any WCF is located, except those necessary for the operations of the WCF and then only in accordance with all applicable laws governing such materials.

2. If an owner discovers that any spill, leak or release of any quantity of hazardous materials has occurred on, in or under any WCF, the owner shall promptly notify the city and all other appropriate governmental agencies. If such release is caused by the owner, a lessee or permittee, then unless otherwise directed by the city the responsible party shall (or shall cause others to) promptly and fully investigate, cleanup, remediate and remove all such hazardous materials as may remain and so much of any portion of the environment as shall have become contaminated, all in accordance with applicable government requirements, and shall replace any removed portion of the environment (such as soil) with uncontaminated material of the same or better character as existed prior to contamination.

19.83A.050 Applications and submissions.

No new WCF shall be constructed and no initial location, co-location, or modification to any WCF may occur except after submission of a written request from an applicant, reviewed and approved by the city in accordance with this chapter. All WCFs shall be reviewed pursuant to the following procedures:

A. *Submittal requirements*. In addition to an application form signed by an authorized official or employee of an applicant, signal interference letter, and required submittal fees, each applicant shall submit the following documents in a form acceptable to the city:

1. An accurately scaled site plan of all of applicant's facilities in paper and GIS-layer ESRI format (shape file or geographic database) with data about the physical aspects of each WCF required by the city, including but not limited to height of the WCF, range of transmission, type of transmission (cellular, voice, data, wi-fi, etc.), nature of the pole or support, owner of the pole or support, and similar information;

2. Photo simulation of all new WCFs, co-locations, and modifications of existing WCFs;

3. A scaled elevation view and other supporting accurate drawings, calculations, and other documentation of the proposed WCF;

4. Documentation showing the financial and technical ability and legal capacity of the applicant to perform the work requested and to operate and maintain the facilities for longer than one year;

5. Letters, agreements, or other documents showing permissions to locate WCFs on the poles or in facilities of other owners;

6. Letters, reports or memoranda signed by appropriate qualified professionals where reasonably required by the city, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, pole height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the director to be necessary to assess compliance with this chapter.

B. *Inventory of existing sites*.

1. Each applicant for a WCF shall provide to the director a narrative and map description of all of the applicant's existing or proposed WCFs within the city, and outside of the city within one mile of its boundaries, whether in or out of the ROW. In addition, the applicant shall inform the city generally of the areas of the city in which it believes WCFs may need to be located within the next three years. The three-year plan should identify the site name, site address, and a description of the facility (e.g., rooftop antennas and ground-mounted equipment). This three-year plan is not intended to be a requirement that the applicant submit its business plan, proprietary information, or that it make commitments regarding locations of WCFs within the city. Rather, it is an attempt to provide a mechanism for the city and all applicants for WCFs to share information, assist in the city's comprehensive planning process, and promote co-location by identifying places where WCFs might be appropriately constructed for multiple WCF owners.

2. The director may share such information with other applicants applying for administrative approvals or permits under this chapter, or other organizations seeking to locate WCFs within the city, provided that the director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

C. *Applications for new poles*. Each application to erect a new pole in the ROW shall be reviewed by the director for conformance to this chapter and zoning ordinance using the site plan review procedures set forth in section 19.83.040 of the city code. Should the director consider the proposed WCF to have a significant visual impact (e.g., due to proximity to historic or aesthetically significant structures, views, and/or community features), or otherwise be incompatible with the structure or surrounding area, or not meet the intent of these provisions, the director may refer the application to the telecommunications review group for approval. All applications for new poles shall demonstrate the necessity for the new pole and that other alternative design options such as base stations outside of the ROW or use of existing poles are not viable options in order for the applicant to effectively provide wireless services.

D. *Additional review procedures for co-locations and modifications*.

1. Application. The city shall prepare, and from time to time revise and make publicly available, an application form which shall be limited to the information necessary for the city to consider whether an application for co-location or modification is an eligible facilities request. Such information may include, without limitation, whether the project:

(a) Would result in a substantial change; and/or

(b) Violates a generally applicable law, regulations, or other rule reasonably related to public health and safety.

The application may not require the applicant to demonstrate a need or business case for the proposed modification or co-location.

2. Type of review. Upon receipt of an application for an eligible facilities request pursuant to this chapter, the director shall review such application to determine whether the application so qualifies.

3. Timeframe for review. Subject to the tolling provisions of subparagraph (4) below, within 60 days after the date on which an applicant submits an application seeking co-location or a non-substantial change approval under this chapter, the city shall approve the application unless it determines that the application is not covered by this chapter or that it is a substantial change.

4. Tolling of the timeframe for review. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the city and the applicant, or in cases where the director determines that the application is incomplete.

(a) To toll the timeframe for incompleteness, the city must provide written notice to the applicant within 30 days after receipt of the application, specifically delineating all missing documents or information required in the application;

(b) The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the city's notice of incompleteness; and

(c) Following a supplemental submission, the city will notify the applicant within ten days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subparagraph (4)(a). In the case of a second or subsequent notice of incompleteness, the city need not specify missing documents or information that were not delineated in the original notice of incompleteness.

5. Failure to act. If the city fails to act on a request seeking approval for an eligible facilities request under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

6. Interaction with Telecommunications Act Section 332(c)(7). If the city determines that the applicant's request is not an eligible facilities request as defined in this chapter, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's "shot clock" order, will begin to run from the issuance of the city's decision that the application is not

a covered request. To the extent such information is necessary, the city may request additional information from the applicant to evaluate the application under Section 332(c)(7) .

7. Decision. Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

19.83A.060 Non-substantial modifications.

A modification to existing WCFs or related accessory equipment that is not substantial shall be allowed without a permit but shall still comply with Sections 19.83A.060 and 19.83A.190 of this chapter.

19.83A.070 Compliance with applicable law.

A. *Compliance; requirements*. Notwithstanding the approval of an application for co-location or non-substantial change as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the city code, the zoning ordinance, and any other applicable regulations. In addition, all WCFs shall be operated and maintained in compliance with the following requirements:

1. Comply with any applicable permit or license issued by a local, state, or federal agency with jurisdiction over the WCF;

2. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;

3. Be maintained in good working condition and to the standards established at the time of application approval or as required by federal or state law pursuant to subsection 19.83A.040(A); and

4. Remain free from trash, debris, litter, graffiti, and other forms of waste and vandalism. Any graffiti shall be removed or painted over, and any damage shall be repaired as soon as practicable, and in no instance more than ten calendar days from the time of notification by the city or after discovery by the owner of the WCF.

B. *Compliance report*. Upon request by the city, the applicant shall provide a compliance report within 45 days after installation of a WCF, demonstrating that as installed and in operation the WCF complies with all conditions of approval, applicable city ordinances and applicable regulations.

19.83A.080 Standards for approval.

It is the intent of the city to provide for approval of WCFs administratively in cases where visual impacts are minimized, view corridors are protected, WCFs utilize appropriate stealth design techniques to avoid adverse impacts on the surrounding area, and WCFs are designed, maintained, and operated at all times to comply with the provisions of this chapter and all applicable law. Notwithstanding the approval of an application for co-location as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in the city code, the zoning ordinance, and any other applicable regulations. WCFs shall be evaluated for approval subject to the criteria set forth in this chapter. In determining an applicant's ability and

willingness to meet the requirements of this chapter, the city may also consider the following matters:

A. The applicant's record of complying with laws, ordinances, and agreements in the city and elsewhere;

B. The extent of damage to or disruption of any public or private facilities, improvements, services, travel, or landscaping, and any plans by applicant to mitigate or repair the same; and

C. The availability or unavailability of alternate poles or other sites to those proposed by the applicant.

19.83A.090 Design and implementation.

A. *Siting and design*. WCFs and related facilities shall meet the following requirements unless the applicant can clearly show with evidence and the director or the telecommunications review group finds that applicant cannot effectively implement its WCF system otherwise.

B. *Stealth implementation*.

1. Construction of WCFs and any related accessory equipment must utilize stealth implementation meeting the provisions of this chapter. A WCF employs stealth design or implementation when it:

(a) Is integrated harmoniously into an outdoor fixture such as a light pole in a manner which minimizes or eliminates visual impact, avoids notice, or is not readily apparent; or

(b) Uses design which mimics and is consistent with the nearby natural or architectural features or replaces existing facilities so that the presence of the WCF is not readily apparent.

2. Stealth implementation includes the following methods of implementation, which shall be required of all WCFs and related facilities that are placed in the ROW.

C. *Additional requirements*. All WCFs shall comply with the following requirements, subject to being overridden under Section 19.83A.130:

1. Height of the combined pole and antenna, including after a change or co-location under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 1996, as measured from the base of the pole (including any concrete or other support) will be limited to 30 feet along local streets, and will be limited to 40 feet along major and minor collector streets, and major and minor arterial streets. The 40-feet height restriction may be exceeded only with a technical necessity exception provided and paid for by the applicant. Approval of the height exception will be subject to review and approval by the telecommunications review group.

2. WCFs shall be located no closer to the nearest building than the combined height of the pole and antenna.

3. The antenna shall be no taller than eight feet in height above the top of the pole.

4. Power to the pole must come through the base of the pole.

5. WCF facilities must, to the greatest extent practicable, use existing poles and other infrastructure, including street signs, light poles, traffic lights, and other similar infrastructure. No stand-alone WCF antennas will be allowed unless it is demonstrated by competent evidence presented to the director or the telecommunications review group that no existing infrastructure can practically meet an applicant's needs in connection with applicant's network.

6. Seams, bolts/screws, antenna and shroud assembly shall be fabricated and installed in a manner so as to reduce visibility.

7. Light poles must be constructed of metal. Other new poles may be constructed of metal or a material which when painted or otherwise finished looks like metal, such as fiberglass. New wood poles will not be allowed. Existing wood poles may be required to be painted or repainted to match surrounding light pole colors. Antennas and all equipment including mounting mechanisms must be painted and repainted to match the pole. The city may require that new poles comply with standards for construction, size and appearance adopted by the city from time to time.

8. Co-location is strongly encouraged for all WCF facility sites where feasible. Where an applicant can demonstrate to the telecommunications review group that co-location is not feasible, co-location will not be required.

9. Where feasible, WCF facilities shall be located at the corner of street intersections. Other locations will be allowed if an applicant clearly demonstrates to the director or the telecommunications review group that a corner location is not feasible.

10. No portion of any WCF may extend beyond the ROW.

11. New poles and all WCFs shall be required to be designed and constructed to permit the pole or other support facility to accommodate WCFs from at least two wireless service providers on the same pole or WCF, unless the city approves an alternative design or unless the applicant clearly demonstrates that doing so is not practical or feasible. Co-location of WCFs shall be allowed by the owners of WCFs except where impracticable.

12. To the extent reasonably feasible, each WCF shall be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles on the same pole and near the proposed WCF;

13. Each WCF shall be sited to minimize the negative aesthetic impacts to the ROW;

14. Each WCF shall be designed such that antenna installations on traffic signal standards are placed in a manner so that the size, appearance, and function of the signal will not be materially altered;

15. Each WCF shall be designed such that all antennas, mast arms, equipment, and other facilities are sized and located to minimize visual clutter;

16. Equipment boxes and ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the director, and shall be installed in a flush-to-grade or underground equipment vault; and

17. No WCF or related accessory equipment shall alter vehicular circulation or parking within the ROW or impede vehicular, bicycle, or pedestrian access or visibility along the ROW. No WCF may be located or maintained in a manner that causes unreasonable interference. "*Unreasonable interference*" means any use of the ROW that disrupts or interferes with its use by the city or operation of city improvements, use by the general public, or other person authorized to use or be present upon the ROW, when there exists a reasonable alternative that would result in less disruption or interference. Unreasonable interference includes any use of the ROW that disrupts vehicular or

pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety or welfare; and

18. Wherever reasonably possible, location or relocation of WCFs and related accessory equipment shall be accomplished concurrently with other users of the ROW in order to minimize disruption. Facilities shall be installed within existing underground ducts or conduit whenever capacity permits.

19.83A.100 Related accessory equipment.

All related accessory equipment for a WCFs shall meet the following requirements:

A. All shall be placed on or inside of poles where it meets stealth requirements, or placed underground or flush mounted to ground level. Cabinets and other accessory components which cannot feasibly be placed underground shall be grouped as closely as reasonably possible and camouflaged to the extent reasonably possible unless otherwise approved by the director or the telecommunications review group;

B. The total footprint on or under the ground of the WCF shall not exceed six square feet; and

C. No related accessory equipment or accessory structure shall exceed 30 inches in height, unless placed on or inside of poles.

19.83A.110 Lighting.

Unless required by the Federal Aviation Administration or other applicable governmental authority, WCFs shall not be artificially lit except in cases in which the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the city may review the available lighting alternatives and approve the design that would cause the least disturbance to the nearby properties and surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences. No visible flashing indicator lights or similar devices will be allowed in the ROW, unless part of existing light poles where lighting is an intended use, and unless such flashing lights or similar devices are part of the normal lighting program for such facilities, unless otherwise approved by the director for good cause.

19.83A.120 Noise.

Noise generated at the site of a WCF must not exceed the levels permitted by city or Salt Lake County ordinances, except that a WCF owner may, when necessary, exceed such standards for a reasonable period of time during installation, removal and repairs, not to exceed two hours in any day without prior authorization from the city.

19.83A.130 Technical necessity exceptions.

A. *General*. If an applicant cannot meet the requirements of sections 19.83A.090 and 19.83A.100 of this chapter because of technical incapability or significant impracticability ("*technical reasons*"), an applicant may request a technical necessity exception, which may be granted by the telecommunications facilities group, provided that even where a technical necessity exception is allowed, the applicant shall meet the requirements of Sections 19.83A.090 and 19.83A.100 to the greatest extent feasible. If an applicant cannot or will not meet those

standards for reasons other than technical reasons, the use shall be denied.

B. *New poles*.

1. No new poles shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the telecommunications review group that it needs a technical necessity exception and that locating antennas or other WCFs on existing poles or co-locating with existing WCFs or related accessory facilities will not meet the applicant's reasonable communication needs. Evidence submitted to make such demonstration may consist of, without limitation, the following:

(a) Evidence clearly establishing that no existing poles with a suitable height are located within the geographic area required to meet the applicant's engineering requirements even if applicant increases the number of poles and antennas it uses;

(b) Evidence clearly establishing that existing poles do not have sufficient structural strength to support applicant's proposed WCF;

(c) Evidence clearly establishing that the applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or that the existing WCF would cause interference with the applicant's proposed WCF; and

(d) Evidence clearly establishing that there are other limiting factors that render existing poles, cabinets and other WCFs on or in which applicant might co-locate unsuitable for co-location.

2. Any poles erected anywhere other than at the intersections of streets shall be centered between trees where practicable, but shall be no closer than ten feet from any tree in the ROW.

19.83A.140 Pruning trees and shrubs.

If an owner or its contractor reasonably determines that trees and vegetation in the ROW materially interfere with the installation, maintenance, or removal of applicant's WCFs or related accessory equipment need trimming, it shall notify the city's public works department that such trimming or pruning is requested, which request shall be be done with sufficient specificity for the city's crews to assess the need to perform the work. If the trees or vegetation unreasonably interfere with the applicant's needed installation, removal or maintenance of such facilities, and has not been completed by the city within 15 days after such request, then the owner may by its own qualified employees or contractor perform the needed work, provided that it first give at least three business days' written notice to the city's public works department detailing the work it intends to do with respect to each tree or shrub, and provided that the public works department does not reply with a written objection before the end of the three-day period. The public works department may allow such trimming and pruning on less notice when the need to trim a tree or vegetation is due to an emergency, or is urgently needed in order to repair a WCF or related accessory equipment which is seriously damaged or is not operating properly. All pruning and trimming performed by or for an owner shall comply with the city ordinances and the American National Standard for Tree Care Operation (ANSI A300) and Best Management Practices: Utility Pruning of Trees, and be conducted under the direction of an arborist certified with the International Society of Arboriculture.

19.83A.150 Damage to property; Notice of work; Repair and emergency work.

A. *Damage to property*. No applicant for or owner of any WCF or related accessory or anyone acting on such person's behalf shall take any action or permit any action to take place which may impair or damage any ROW or the property of another located in, on, or adjacent thereto.

B. *Notice of work*. Unless otherwise provided in a permit, no person or anyone acting on such person's behalf shall commence any non-emergency work in or about the ROW without giving at least ten days' prior written notice to the city's public works department and owners of any adjacent private property likely to be affected by such work. The public works department may develop a procedure for dispensing with such notice in situations where the impact of the work to be performed is not material.

C. *Repair and emergency work*. In the event of an unexpected and urgently needed repair or emergency, an owner may commence repair or emergency work as reasonably required under the circumstances, provided written notice detailing the work to be performed, how it is likely to affect the city, the public using the ROW, and the adjacent or nearby owners is given to the city and affected property owners as completely and promptly as possible.

19.83A.160 Erection, removal and common uses of poles.

No poles shall be erected within the ROW without the city's prior written approval specifying the approved location, height, types, and any other pertinent aspect of such structures. The location of any approved pole shall not constitute or be a vested interest, and such poles or structures shall be removed or modified by the owner at the owner's expense whenever the city determines that the public convenience or necessity would be enhanced thereby.

19.83A.170 Removal of unauthorized facilities; Failure to remove; Damages.

A. *Removal of unauthorized facilities*. A person subject to this chapter shall at its sole expense remove any facilities from the ROW within 45 days after written notice from the city following the occurrence of any of the following events:

1. Termination or expiration of such person's permit;
2. Abandonment of a facility within the ROW;
3. The facility having been constructed or located without the prior grant of a permit, or constructed or located at a location or in a manner not so permitted; or
4. Circumstances reasonably determined by the city to be inconsistent with public health, safety, or welfare.

B. *Failure to remove or relocate*. If any person subject to this chapter who owns, controls, or maintains any unauthorized facilities within the ROW fails to remove or relocate any facilities as required in this chapter, the city may cause such removal or relocation and charge the owner for the costs incurred.

C. *Emergency removal or relocation of facilities*. The city reserves the right to cut, alter, remove, or relocate any facilities located within the ROW as necessary in the event of a public health or safety emergency.

D. *Damages to facilities by city*. The city shall not be liable for any

damage or destruction of any WCF or related accessory facility damaged by the city or its contractors or agents that was not relocated or removed by the owner within the time required by the city.

19.83A.180 Insurance.

A. Unless specifically agreed to by the city after evaluating the risk, a person subject to this chapter shall secure and maintain in force the following liability insurance policies (or evidence of self-insurance satisfactory to the city):

1. $1,000,000 dollars for personal injury or death to any one person and $3,000,000 aggregate for personal injury or death per single accident or occurrence.

2. $1,000,000 for property damage to any one person and $3,000,000 aggregate for property damage per single accident or occurrence.

3. $1,000,000 for all other types of liability including claims for damages for invasion of the right of privacy; for defamation of any person, firm, or corporation; for the violation or infringement of any copyright, trademark, trade name, service mark or patent; or for damage to any other person, firm, or corporation arising out of or alleged to arise out of failure to comply with the provisions of any statute, regulation or resolution of the United States, state of Utah, or any local agency with jurisdiction.

B. The city may at its option review all insurance coverage. If it is determined by the city risk manager that circumstances require and that it is reasonable and necessary to increase insurance coverage and liability limits to adequately cover the risks of the city, the city may require additional insurance to be acquired. The city shall provide written notice should the city exercise its right to require additional insurance. Without limiting the foregoing, the insurance coverage limits in subsection (A) of this section shall be increased from time to time promptly following written notice from the city in connection with, *inter alia*, increases in the limitation of judgments amounts under the Utah Governmental Immunity Act, UTAH CODE ANN. 63F-7-101 *et seq*.

C. Such insurance shall specifically name as additional insured the city, its officers, volunteers and employees, and shall further provide that the policy shall not be modified or canceled during the life of the permit without giving at least 30 days' written notice to the city.

D. A person subject to this chapter shall file with the city copies of all certificates of insurance showing up-to-date coverage, additional insured coverage, and evidence of payment of premiums as set forth above. Coverage shall not be changed or canceled without approval of the city, and failure to maintain required insurance may be considered a breach of this agreement.

19.83A.190 Indemnification.

A. A person subject to this chapter shall, at its sole expense, fully indemnify, defend and hold harmless the city and its officers, employees and agents from and against any and all claims, suits, actions, liability and judgments for damage or otherwise (except those arising from the sole negligence on the part of the city, its employees or agents):

1. For actual or alleged injury to persons or property, including loss of use of property due to an occurrence, whether or not such property is physically damaged or destroyed, in any

way arising out of or through or alleged to arise out of or through the acts or omissions of such person or its officers, agents, employees, or contractors or to which such person or its officers', agents', employees' or contractors' acts or omissions in any way contribute, and whether or not such acts or omissions were authorized or contemplated by the permit or applicable law;

2. Arising out of or alleged to arise out of any claim for damages for such person's invasion of the right of privacy, defamation of any person, firm or corporation, or the violation of infringement of any copyright, trademark, trade name, service mark or patent, or of any other right of any person, firm or corporation; and/or

3. Arising out of or alleged to arise out of such person's failure to comply with the provisions of any statute, regulation or applicable policy of the United States, state of Utah or any local agency applicable to such person in its business.

B. Nothing herein shall be deemed to prevent the city, its officers, or its employees from participating in the defense of any litigation by their own counsel at such parties' expense. Such participation shall not under any circumstances relieve a person subject to this chapter from its duty of defense against liability or of paying any judgment entered against the city and/or its officers, employees or agents.

19.83A.200 Assignments or transfers of permit.

The city reserves the right to require in any permit that ownership or control of a person subject to this chapter shall not, directly or indirectly, be transferred, assigned, or disposed of by sale, lease, merger, consolidation or other act of such person, by operation of law or otherwise without the prior written consent of the city, which consent the city may withhold or condition in its reasonable discretion.

A. *No transfer prior to construction*. Absent extraordinary and unforeseeable circumstances, no permit shall be assigned or transferred before construction of the facilities has been completed.

B. *Information required prior to transfer*. A permittee and the proposed assignee or transferee shall provide and certify the following to the city not less than 120 days prior to the proposed date of transfer:

1. Complete information setting forth the nature, terms and conditions of the proposed assignment or transfer;

2. All information otherwise reasonably required by the city of a permit applicant under this chapter with respect to the proposed assignee or transferee;

3. Any other information reasonably required by the city; and

4. An application fee which shall be set by the city, plus any other costs actually and reasonably incurred by the city in processing and investigating the proposed assignment or transfer.

C. *Transferee requirements*. No transfer shall be approved unless the assignee or transferee has at least the legal, technical, financial, and other requisite qualifications to carry on the activities of the permittee granted hereunder, as reasonably determined by the city.

D. *Transfer void without city approval*. Any transfer or assignment of a permit without the prior written consent of the city as set forth herein shall be void and shall result in revocation of the existing permittee.

E. *Transfers affecting control*. Any transactions which singularly or collectively result in change of 50 percent or more of the ownership or working control of the permittee, or of the ownership or control of affiliated entities which have ownership or working control of the permittee, or of control of the capacity or the facilities or substantial parts thereof of the permittee shall be considered an assignment or transfer requiring city approval. Transactions between affiliated entities are not exempt from city approval; however, a transfer by a permittee to another person or entity controlling, controlled by, or under common control with the permittee shall not require city approval, provided notice thereof is timely provided to the city. Approval shall not be required for mortgaging purposes.

19.83A.210 Violations; Revocation or termination of permit; Notice and hearing.

A. *Violation*. Any unauthorized installation prior to obtaining a permit, approval of an applicant's master plan, and other related requirements of the city may be grounds for denial of an application or other sanctions allowed by law.

B. *Revocation or termination of permit*. A permit granted hereunder may be revoked for the following reasons:

1. Construction or operation in the city without a permit or in violation of the requirements of a permit;

2. Construction or operation at an unauthorized location;

3. Unauthorized transfer of control of the person subject to this chapter;

4. Unauthorized assignment of a permit;

5. Unauthorized sale, assignment or transfer of all of a permittee's assets, or a substantial interest therein;

6. Misrepresentation or lack of candor by or on behalf of a person in any application upon which the city relies in making any decision herein;

7. Abandonment of facilities in the public ways without timely removal and restoration as required by law;

8. Failure to relocate or remove facilities as required in this chapter;

9. Failure to pay taxes, compensation, fees or costs when and as due;

10. Insolvency or bankruptcy of the permittee;

11. Violation of material provisions of this chapter; or

12. Violation of the material terms of a permit.

C. *Notice and duty to cure*. If the city reasonably believes that grounds exist for revocation of a permit, the city shall give the person subject to this chapter written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing such person a reasonable period of time not exceeding 30 days to furnish evidence:

1. That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance.

2. That rebuts the alleged violation or noncompliance.

3. That it would be in the public interest to impose some penalty or sanction less than revocation.

D. *Department action and hearing*. If a person who holds a permit fails to provide evidence reasonably satisfactory to the city that a violation has not occurred, or fails to timely cure a

violation, then the city may terminate the permit or take other reasonably necessary action based on the provisions of this chapter.

E. *Standards for revocation or lesser sanctions*. In determining whether a person subject to this chapter has violated or failed to comply with material provisions of this chapter or of a permit, the city shall determine the appropriate action to take considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:

1. Whether the misconduct was egregious;

2. Whether substantial harm resulted;

3. Whether the violation was intentional;

4. Whether there is a history of prior violations of the same or other requirements;

5. Whether there is a history of overall compliance; and

6. Whether the violation was voluntarily disclosed, admitted or cured.

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.
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19.84.090 Effect of approval.
19.84.100 Appeals.
19.84.110 Inspection.
19.84.120 Time limits.
19.84.130 Amendment.
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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 determined 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.

16. 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 appeals hearing officer, whose decision shall then be final. All appeals to the appeals hearing officer must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the appeals hearing officer 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 appeals hearing officer.

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 appeals hearing officer 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 appeals hearing officer, whose decision shall be final. Any decision of the appeals hearing officer concerning revocation of a conditional use permit may be appealed to District Court within 30 days after the appeals hearing officer'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

(c) 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.

1. Any person or entity wanting a reasonable accommodation shall make application therefor to the director. 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 appeals hearing officer 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 designated.
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 appeals hearing officer, provided that the appeals hearing officer, 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 appeals hearing officer shall have the same authority concerning 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 appeals hearing officer 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 (Foot-hill Residential Zone);
3. Chapter 19.14—F-1-43 (Foot-hill 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);
11. 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 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
APPEALS HEARING OFFICER

Sections:

19.92.010 Appeals hearing officer.
19.92.020 General procedures for hearings.
19.92.030 Variances.
19.92.040 Appeals of administrative decisions.
19.92.050 Appeal of decision.
19.92.060 Stay of decision.

19.92.010 Appeals hearing officer.

A. *Position Created*. The position of appeals hearing officer is created pursuant to authority granted by the Municipal Land Use, Development, and Management Act, UTAH CODE ANN. 10-9a-101 *et seq.* (the "*Act*"). The appeals hearing officer shall replace in all respects the previous duties of the city's board of adjustment.

B. *Powers and Duties*. The appeals hearing officer is the city's appeal authority pursuant to section 10-9a-701 of the Act, and shall have the following powers and duties:

1. 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, including conditional use decisions. Appeals may not be used to waive or modify the terms or requirements of this title.

2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in section 19.92.030. "Variances," of this chapter.

3. Hear and decide appeals from decisions made by an administrative official or the planning commission concerning subdivisions or subdivision amendments pursuant to Title 12 of this code.

4. Hear and decide applications to amend, modify, expand, nonconforming uses pursuant to section 19.88.070.

C. *Qualifications*. Each appeals hearing officer shall be appointed by the city manager with the advice and consent of the city council. The manager may appoint more than one appeals hearing officer, but only one appeals hearing officer shall consider and decide any matter properly presented for appeals hearing officer review. An appeals hearing officer may serve a maximum of three consecutive full terms of five years each. The appeals hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

D. *Conflict Of Interest*. An appeals hearing officer shall not participate in any appeal in which the appeals hearing officer has a conflict of interest under the standards set forth in the Municipal Officers' and Employees' Ethics Act, UTAH CODE ANN. 10-3-1301 *et seq.*

E. *Compensation*. Each appeals hearing officer shall be compensated for its services on a reasonable, uniform basis applicable to all the city's appeals hearing officers. The basis and rate of compensation shall be determined by the manager in consultation with the mayor and the city attorney.

E. *Removal*. An appeals hearing officer may resign at any time upon at least 60 days' prior written notice to the manager. An appeals hearing officer may be removed for cause by the manager for violation of this title or any applicable policies and procedures following receipt by the manager of a

written complaint filed against the appeals hearing officer. If requested by the appeals hearing officer, the manager shall provide the appeals hearing officer with a public hearing conducted by the manager or a qualified designee. Any vacancy shall be promptly filled by the manager with the advice and consent of the city council.

19.92.020 General procedures for hearings.

In addition to any other procedures in this title which are applicable to hearings conducted by the appeals hearing officer:

A. The appeals hearing officer may administer oaths and compel the attendance of witnesses.

B. All hearings before the appeals hearing officer shall comply with the requirements of the Open and Public Meetings Act, UTAH CODE ANN. 52-4-101 *et seq*.

C. If the appeals hearing officer is authorized by this code to hear and decide appeals of planning commission decisions, then the appeals hearing officer shall review the record of the planning commission decision to determine whether the decision is not illegal and is supported by substantial evidence in the record and therefore not so unreasonable as to be arbitrary and capricious.

D. If the appeals hearing officer is authorized by this code to hear and decide appeals of city administrative official decisions, then the appeals hearing officer shall make a *de novo* review of any such issue.

E. The appeals hearing officer shall:

1. Keep minutes and/or audio recordings of his or her proceedings; and

2. Keep records of his or her examinations and other official actions.

F. The appeals hearing officer shall file his or her records in the office of the city's community development department. All such records are subject to the Government Records Access and Management Act, UTAH CODE ANN. 63G-2-101 *et seq*.

G. Decisions of the appeals hearing officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made, such as the date of issuance of any written decision by the appeals hearing officer.

19.92.030 Variances.

A. Any person or entity desiring a waiver or modification of the requirements of this title as applied to a parcel of real property that he or she owns, leases or holds some other beneficial interest may apply to the appeals hearing officer for a variance from the terms of this title. The variance procedures in this section are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this title that create unreasonable hardships. When such hardships may be more appropriately remedied, if at all, pursuant to other provisions of this title, the variance procedure is inappropriate.

B. *Procedure*.

1. Application. An application for a variance shall be filed with the director of community development (the "*director*") and shall include the following items and information unless determined inapplicable by the director:

(a) Written Information:

(i) The property owner's name and address and the owner's signed consent to the filing of the application;

(ii) The applicant's name and address, if different than the owner, and the applicant's interest in the subject property;

(iii) The names and addresses of all professional consultants, if any, advising the applicant with respect to the application;

(iv) The address and legal description of the subject property;

(v) The Sidwell map numbers identifying the property; and

(vi) The names and addresses of the owners of all real property located within 500 feet of the subject property.

2. Graphic Information.

(a) A site plan drawn to scale identifying all property lines, structures, including primary and accessory structures, fences, right of way, and their respective distances from the property lines;

(b) An elevation drawing to scale showing all elevations of existing and proposed structures;

(c) When the variance involves building height a streetscape plan showing the height of the buildings on both sides of the street to the nearest intersection;

(d) When the variance involves grade changes, a topographical drawing prepared by a licensed surveyor shall be included. The existing topography shall be shown in dashed lines at two foot intervals and the proposed grade shall be shown in solid lines at two foot intervals. All retaining walls shall be identified and the height shall be shown on the plan relative to the proposed grades. Retaining walls shall be designed by a structural engineer licensed to practice in the state; and

(e) When a variance request involves setbacks or height or grade changes a complete landscape plan shall be provided, which shall show landscape design and identify all species and caliper of proposed plants.

3. Variance Information.

(a) The specific feature or features of the proposed use, construction or development that require a variance;

(b) The specific provision of this title from which the variance is sought and the precise variance being sought;

(c) A statement of the characteristics of the subject property that prevent compliance with the provisions of this title and result in unnecessary hardship;

(d) A statement of the minimum variation of the provisions of this title that would be necessary to permit the proposed use, construction or development;

(e) An explanation of how the application satisfies each standard set forth in subsection C of this section; and

(f) Any other information identified by the director to be pertinent to the requested variance.

4. Fees. The application shall be accompanied by the applicable fees shown on the city's consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by this title.

5. Hearing. Upon receipt of a complete application for a variance, the appeals hearing officer shall hold a hearing with notice in accordance with the requirements of this chapter.

6. Decision. Upon the close of the hearing the appeals hearing officer shall render its decision, granting, granting with conditions, or denying the variance.

C.

1. The appeal hearing officer may authorize in specific cases variance from the terms of this title only if:

(a) 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;

(b) There are special circumstances attached to the property that do not generally apply to other properties in the same district;

(c) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

(d) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

(e) The spirit of the zoning ordinance is observed and substantial justice is done.

2. In determining whether enforcement of the zoning ordinance would cause unreasonable hardship under subsection (C)(1)(a) of this section, the appeals hearing officer may not find an unreasonable hardship unless the alleged hardship:

(a) Is located on or associated with the property for which the variance is sought, and

(b) Comes from circumstances particular to the property, not from conditions which are general to the neighborhood.

3. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection (C)(1)(a) of this section, the appeals hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

4. In determining whether or not there are special circumstances attached to the property under subsection (C)(2)(b) of this section, the appeals hearing officer may find that special circumstances exist only if special circumstances:

(a) Relate to the hardship complained of; and

(b) Deprive the property of the privileges granted to other properties in the same district.

D. The applicant shall bear the burden of proving that all the conditions justifying a variance have been met.

E. Variances run with the land.

F. The appeals hearing officer shall not grant a variance that:

1. Is intended as a temporary measure only;

2. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant; or

3. Authorizes uses not allowed by law (i.e., a “use variance”).

G. In granting a variance, the appeals hearing officer may impose additional requirements on the applicant that will:

1. Mitigate any harmful effects of the variance; or

2. Serve the purpose of the standard or requirement that is waived or modified.

H. A variance less than or different than that requested may be authorized when the record supports the applicant's right to some relief but not to the relief requested.

19.92.040 Appeals of administrative decisions.

A. *Authority*. As described in section 19.92.010(B), the appeals hearing officer shall hear and decide appeals alleging an error in any decision made by a city administrative official as well as administrative decisions of the planning commission. Planning commission recommendations to the city council concerning proposed amendments to the city’s zoning ordinance, zoning map or general plan are not appealable and therefore may not be appealed to the appeals hearing officer.

B. *Parties Entitled to Appeal*. An applicant or any other person or entity

adversely affected by a decision administering or interpreting this title may appeal to the appeals hearing officer.

C. *Filing Procedures*. An appeal shall be made in writing within ten days of the administrative decision by the city administrative official or planning commission and shall be filed with the city's community development department. The appeal shall specify the decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the appellant claims the decision to be in error, including every theory of relief that can be presented in district court.

D. *Fees*. The appeal shall be accompanied by the applicable fees shown on the city's consolidated fee schedule. The appellant shall also be responsible for payment of all fees established for providing any required public notice.

E. *Stay*. An appeal to the appeals hearing officer shall stay all further proceedings concerning the matter about which the appealed order, requirement, decision, determination, or interpretation was made unless the director of the city's community development department certifies in writing to the appeals hearing officer, after the appeal has been filed, that a stay would, in the director's opinion, be against the best interest of the city.

F. *Notice*. Upon receipt of an appeal of an administrative decision, the appeals hearing officer shall schedule and hold a public hearing in accordance with the standards and procedures set forth in this chapter. Notification of the date, time and place of the hearing shall be given to the appellant, the respondent (i.e., the land use applicant) and the city at least 15 calendar days before the hearing, and notice of the hearing shall be posted on the city's website and the state public notices website at least five calendar days before the hearing.

G. *Time Limitation*. All appeals shall be heard within 180 days after the filing of the appeal. Appeals not heard within this time frame due to the appellant's failure to expeditiously pursue its appeal will be considered void and withdrawn by the appellant.

H. *Burden Of Proof*. The appellant has the burden of proving the decision appealed is incorrect.

I. *Standards of Review*. The standards of review shall be as specified in section 19.92.020. In appeals on the record of administrative decisions of the planning commission, no new evidence shall be heard or considered by the appeals hearing officer. In *de novo* appeals of decisions of administrative officials, the appeals hearing officer shall review the matter appealed anew, based upon applicable procedures and standards for approval and giving no deference to the decision below. The appeals hearing officer shall review the decision based upon applicable standards and shall determine its correctness.

J. *Decision*. The appeals hearing officer shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made. The appeals hearing officer shall render a written decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the administrative decision.

K. *Effective Date; Notification*. A decision by the appeals hearing officer shall become effective on the date the decision is rendered. Notification of the decision of the appeals hearing officer shall be sent by mail to all parties to the

appeal within ten days after the appeals hearing officer's decision.

L. *Record of Proceedings*. The proceedings of each appeal hearing shall be recorded on audio equipment. The audio recording of each appeal hearing shall be kept for a minimum of 60 days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond 60 days, as determined by the appeals hearing officer. Copies of the recordings of such hearings may be provided, if requested, at the expense of the requesting party. The appeals hearing officer may have the appeal proceedings contemporaneously transcribed by a court reporter.

M. *Policies and Procedures*. The manager may adopt policies and procedures, consistent with the provisions of this section, for processing appeals of administrative decisions, the conduct of an appeal hearing, and for any other purpose considered necessary to properly consider an appeal.

N. *Submissions*. All briefs, transcripts and other written materials desired to be submitted by the appellant, the respondent or the city in connection with an appeal shall be provided to the appeals hearing officer at least ten business days before the hearing date.

19.92.050 Appeal of decision.

If authorized by state statute, any person adversely affected by a final decision made by the appeals hearing officer may file a petition for review of the decision with the district court within 30 days after the decision is rendered.

19.92.060 Stay of decision.

The appeals hearing officer may stay the issuance of any permits or approval based on its decision for 30 days or until the decision of the district court in any appeal of the decision.

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.