PLANNING COMMISSION STAFF REPORT

Meeting Date:	October 17, 2024
Request:	A petition to the Planning Commission to forward a positive recommendation to the South Salt Lake City Council to establish uniform regulations for all auto-related uses regarding outdoor storage, increasing the minimum lot size, minimum lot frontage, and minimum interior display requirements for car dealerships, add a definition for Luxury Vehicle, and update the Land Use Matrix.
Applicant:	South Salt Lake City
Type of item:	Legislative – Code Amendment

RECOMMENDATION:
Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the ordinance amending chapters 17.01, 17.03, 17.04, and 17.07 of the South Salt Lake City Municipal Code ("Title 17") to establish uniform regulations for all auto-related uses regarding outdoor storage, increasing the minimum lot size, minimum lot frontage, and minimum interior display requirements for car dealerships, add a definition for Luxury Vehicle, and update the Land Use Matrix.

SYNOPSIS:
The South Salt Lake General Plan 2040 encourages developing and preserving neighborhood-based shops and services. The General Plan further directs support to create planning and zoning tools that encourage quality neighborhood-oriented development and revitalization. The City is working diligently to ensure that auto-related businesses adhere to life, health, and safety standards. However, the Land Use code lacks uniformity in the standards for each auto-related use. The purpose of this ordinance is to unify the standards across Auto Body Repair, Automotive Restoration, and Automotive Service and Repair.

In general, this ordinance establishes the following standards:

- Outdoor Storage, including vehicle parts, scrap metals, waste, etc., is prohibited.
- All vehicle parts or accessories must be stored indoors at all times.
- All wrecked or inoperable vehicles must be stored within the site's primary or accessory structure. Carports and fencing do not meet this requirement.
- Only operable vehicles used by the business, customers, and employees may be parked outdoors. No wrecked or inoperable vehicle may be stored for more than 72 hours.
- Vehicles shall be organized in a unified manner and inside designated, marked 9-foot by 18-foot parking stalls (no double stacking).
- All vehicles must be parked on paved, hard surfaces and never parked on gravel, dirt, or other porous/soft surfaces.
- New auto dealerships, or those expanding their business operations, must have a minimum lot size of three acres, a minimum of 6,000 square feet of internal showroom area, and a minimum lot frontage of 400 feet.

The Planning Commission is the recommending body for amendments to land use ordinances and the City Council is the land use authority for amendments to land use ordinances.

The following table provides a summary of the proposed amendments. To refer to all proposed amendments to Title 17, please see Attachment 1, which includes a full-redlined ordinance.

CODE SECTIONS	HIGHLIGHT OF CHANGES
Amending Chapter 17.01 **Definitions**	**17.01.010 Definitions** Add Definition: "Vehicle, Luxury" means a passenger vehicle that provides above-average to high-end levels of comfort, features, and equipment, is priced higher than low—and mid-market vehicles, and is more upscale in appearance. Amend Definition: "Automotive Service and Repair" means a business engaged in the repair, accessorizing, or maintenance of motor vehicles, trailers, or recreational vehicles, including automotive wraps. Automotive Service and Repair does not include Auto Body Repair or auto dismantling and salvage.
Amending Chapter 17.03 **Land Use Districts and Matrix**	**17.03.010 Land Use Matrix** Strike "Commercial Repair Services" from: • Commercial Corridor • Commercial Neighborhood • Commercial General • TOD & TOD-Core • Mixed-Use • Business Park • Downtown and Subdistricts • East Streetcar Neighborhood and Subdistricts Strike "Automotive Service Station (Non-Mechanical)" from: • Commercial General • Business Park Stike "Automotive Restoration" and "Automotive Service and Repair" from: • Commercial General Add "Commercial Repair Services" as a Permitted Use in Riverfront MPMU – Flex/Office. Strike "Medical, Dental, Health Care Office" from the Land Use Categories and Land Use Matrix. The category "Office, Medical, Dental, Health Care" is a duplicate and is consistent with the definitions as found in § 17.01.010.
Amending Chapter 17.04 **Permitted Use Review**	**17.04.030 Permitted Uses with Specific Standards** <u>Amend Auto Body Repair.</u> 1. Landscape Wall Requirements: • An eight-foot solid wall is required along property lines shared with neighboring property owners. • Approved materials include brick, ceramic tile, precast concrete panel, concrete block, or an equivalent quality material. • Chain link fencing is prohibited.

	2. Paving Requirements: • All drives, parking, storage, and maneuvering areas must be paved with concrete or asphalt. 3. Storage Area Restrictions: • Outdoor storage is prohibited. • Vehicle parts or accessories must be stored indoors. • Wrecked or inoperable vehicles must be stored within the primary or accessory structure. • Only operable vehicles (used by the business, customers, and employees) may be parked outdoors in designated parking stalls. No double-stacking and inoperable or wrecked vehicles cannot be stored outdoors for more than 72 hours. • Parking vehicle inventory in the Right-of-Way is prohibited. • Proper site grading for rapid drainage to ensure the site is free from stagnant pools of water. • The property and buildings must be kept free of insect and rodent infestation. • The use must not contaminate the soil, alter groundwater flow, increase drainage runoff, or change the topography. • An applicant must provide a drainage collection and disposal plan for vehicle fluids that meets federal, state, and local standards. <u>Amend Automotive Service and Repair.</u> 1. Landscape Requirements: • Chain link fencing is prohibited. 2. Storage Area Restrictions: • Only operable vehicles (used by the business, customers, and employees) may be parked outdoors in designated parking stalls. No double-stacking and inoperable or wrecked vehicles cannot be stored outdoors for more than 72 hours. • Parking vehicle inventory in the Right-of-Way is prohibited. <u>Amend Automotive Restoration.</u> 1. Restoration Requirements: • Allow restoration of luxury vehicles. • Hours of operation are limited when the Use is within 200 feet of a residential district, from 7:00 a.m. to 8:00 pm. • Outdoor storage is prohibited. • Chain link fencing is prohibited. • Only operable vehicles (used by the business, customers, and employees) may be parked outdoors in designated parking stalls. No double-stacking and inoperable or wrecked vehicles cannot be stored outdoors for more than 72 hours. • Parking vehicle inventory in the Right-of-Way is prohibited.
Amending Chapter 17.05 **Conditional Use Review**	**17.05.040 Conditional Uses with Specific Standards**

	<u>Amend Auto, Light Truck, RV, Boat, Trailer Dealerships (Sales, Lease, or Rent).</u> 1. Landscape Requirements: • Parking areas are not required to have trees in required parking landscape areas. All other landscaping must be the standards of Chapter 17.06. • All areas not landscaped or covered by Buildings or sidewalks must be paved with a Hard Surface, graded for drainage and, if necessary, stormwater retention. 2. Parking Requirements: • Vehicle traffic aisles and stacking lanes must be clearly identified with painted stripes. • Vehicle display areas shall be on a Hard Surface as established in the City's parking, access, and circulation requirements. • In addition to the existing parking ratio (one space for every 20 vehicles), a minimum of one Parking Stall per 1,000 square feet of interior space, excluding the showroom, must be provided. • Accessory Structures require one space per 500 square feet of floor space. • Public rights-of-way shall not be used for loading, unloading, or repair work. Such use shall be considered a public nuisance and grounds for revocation of a business license. • Parking vehicle inventory in the Right-of-Way is prohibited. 3. Buffering Requirements: • Cars cannot park in the Buffer. • When a business is adjacent to a Residential Use, they shall meet these additional requirements: (1) No vehicle drive approach is permitted on side streets within residential zoning; (2) an additional ten-foot setback for Accessory Structures with residential frontages; and (3) a solid fence along all residential frontages (no chain link fencing). 4. Outdoor Lighting Requirements: • All outdoor lighting used before 10:00 p.m. shall meet the Commercial Parking Lot design criteria. • Lighting is prohibited after 10:00 p.m. except for minimal site lighting for Crime Prevention through Environmental Design (CPTED). 5. Lot and Site Requirements: • The minimum Lot area will increase from one acre to three acres. • The minimum Lot Frontage will increase from 200 feet to 400 feet in width. • A fully enclosed showroom shall contain a minimum of 6,000 square feet. • A patio display is required to create a transition between outside and inside areas. The patio area shall be a covered exterior display area that is raised above the grade of an adjoining parking area. • The display lot shall be in the front and side yards.

	• Separate backlot service, inventory storage, and other unsightly areas shall be shielded from front and side display areas with appropriate, site-specific landscaping or other visual barriers. • An allowed Building form is required for the building design. • The Build-To Standard may increase to 120 feet to allow for more display area in the front of the Building. 6. Interior Only Dealership Requirements: • A fully enclosed Building shall contain a showroom with a minimum area of 6,000 square feet. • Showroom spaces shall be visible from the exterior of the Building through windows, storefronts, or other architectural elements, using either a Single-Story Commercial or Flexible Building Form. • Outdoor sales, display, and storage are prohibited. • Parking used in association with indoor Dealerships is only for customers and employees.
Amending Chapter 17.07 **Design Standards**	**17.07.020 Building Form by Land Use District** Strike "Flex" Building Forms from TOD, TOD-Core, and Business Park Zoning Districts.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the ordinance amending chapters 17.01, 17.03, 17.04, and 17.07 of the South Salt Lake City Municipal Code ("Title 17") to establish uniform regulations for all auto-related uses regarding outdoor storage, increasing the minimum lot size, minimum lot frontage, and minimum interior display requirements for car dealerships, add a definition for Luxury Vehicle, and update the Land Use Matrix.

PLANNING COMMISSION AUTHORITY:

17.11.010. Establishment and Duties of Planning Commission.

K. Responsibilities.

A. The Planning Commission makes recommendations to the **City Council** for:

a. The general plan and amendments to the general plan;

b. The Land Use Map, and amendments to the Land Use Map;

c. Amendments to land use ordinances;

d. Proposed Application processes and the delegation of power under the land use ordinance.

PLANNING COMMISSION REVIEW:

Utah Code Ann. § 10-9a-502. Preparation and adoption of land use regulation states:

1. A planning commission shall:

a. provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4);

b. hold a public hearing on a proposed land use regulation;

c. if applicable, consider each written objection filed in accordance with Subsection 10-9a-205(4) prior to the public hearing; and

d. i. review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and ii. forward to the legislative body all objections filed in accordance with Subsection 10-9a-205(4).

PLANNING COMMISSION OPTIONS:

Option 1: Approval

Move to forward a recommendation of approval to the City Council for the ordinance amending Sections 17.01, 17.03, 17.04, and 17.07 of the South Salt Lake City Municipal Code ("Title 17") to establish uniform regulations for all auto-related uses regarding outdoor storage, increasing the minimum lot size, minimum lot frontage, and minimum interior display requirements for car dealerships, add a definition for Luxury Vehicle, and update the Land Use Matrix.

Option 2: Recommendation of Denial

Move to forward a recommendation of denial to the City Council for the ordinance amending Sections 17.01, 17.03, 17.04, and 17.07 of the South Salt Lake City Municipal Code ("Title 17") to establish uniform regulations for all auto-related uses regarding outdoor storage, increasing the minimum lot size, minimum lot frontage, and minimum interior display requirements for car dealerships, add a definition for Luxury Vehicle, and update the Land Use Matrix.

Option 3: Continuance

Move to table the recommendation to the City Council for the ordinance amending Sections 17.01, 17.03, 17.04, and 17.07 of the South Salt Lake City Municipal Code ("Title 17") to establish uniform regulations for all auto-related uses regarding outdoor storage, increasing the minimum lot size, minimum lot frontage, and minimum interior display requirements for car dealerships, add a definition for Luxury Vehicle, and update the Land Use Matrix.

Attachments:

1. Redlined Ordinance Amendment

Chapter 17.01 DEFINITIONS

Sections:

17.01.010 Definitions.

. . .

"Automotive Service and Repair" means a business engaged in the repair, accessorizing, or maintenance of motor vehicles, trailers, or recreational vehicles, including automotive wraps. Automotive Service and Repair does not include Auto Body Repair or auto dismantling and salvage.

. . .

"Vehicle, Luxury" means a passenger vehicle that provides above-average to high-end levels of comfort, features, and equipment, is priced higher than low- and mid-market vehicles, and is more upscale in appearance.

. . .

Chapter 17.03 LAND-USE DISTRICTS AND MATRIX

Sections:

17.03.010 Land Use Matrix.

A. Any Use not specifically permitted or conditionally permitted in this Land Use Matrix is prohibited. Only the following Uses are allowed:

   1. Uses indicated by the letter "P" below are Permitted Uses only where designated.

   2. Uses indicated by the letter "C" are Conditional Uses only where designated.

B. All Permitted Uses are subject to the general and specific standards, as applicable, contained in Section 17.04, as well as the regulations of each particular zoning district where permitted.

C. All Conditional Uses are subject to the general and specific standards, as applicable, contained in Section 17.05, as well as the regulations of each particular zoning district.

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Land Use Categories	Commercial Corridor	Commercial Neighborhood	Commercial General	TOD and TOD-Core	Mixed Use	Business Park	Flex	Historic and Landmark	Jordan River	School	City Facility	Open Space	R1	Residential Multiple	Crossing MPMU - Anchor Tenant	Crossing MPMU - 2100 S/State St.	Crossing MPMU- Transit District	Riverfront MPMU - Flex/Office	Riverfront MPMU - RM1	Riverfront MPMU - School	Riverfront MPMU - R1	Granite MPMU - Townhome	Granite MPMU - Library	Granite Lofts Townhome	Tracy Aviarys Jordan River Nature Center	SSLC-PD	Downtown - Station	Downtown - Greenway	Downtown - Mixed-Use	Downtown - Retail	East Streetcar Nbhd. - State Street Gateway	East Streetcar Nbhd. - North Haven	East Streetcar Nbhd. - 500 East Gateway	Townhome Overlay
Adult Daycare	C		C	C	C																													
Alcoholic Beverage, Banquet and Catering	P	P	P	P	P		P																				P	P	P	P				
Alcoholic Beverage, Bar Establishment	C			C											C	C											C	C	C	C				
Alcoholic Beverage, Beer Recreational	P	P	P	P	P		P								P	P											P	P	P	P				
Alcoholic Beverage, Beer Wholesaler							C																											
Alcoholic Beverage, Hotel	P	P	P	P	P																							P	P	P	P			
Alcoholic Beverage, Liquor Warehouse							C																											
Alcoholic Beverage, Local Industry Representative	P	P	P	P	P	P	P	P							P	P	P	P									P	P	P	P				
Alcoholic Beverage, Manufacturer	C			C			C																				C	C	C	C				
Alcoholic Beverage, Off-Premises Beer	P	P	P	P	P		P								P	P											P	P	P	P				
Alcoholic Beverage, Package Agency	P		P	P	P		P								P	P											P	P	P	P				
Alcoholic Beverage, Reception Center																																		
Alcoholic Beverage, Restaurant (Beer Only)	P	P	P	P	P		P									P											P	P	P	P	P	P	P	
Alcoholic Beverage, Restaurant (Limited Service)	P	P	P	P	P		P									P											P	P	P	P	P	P	P	
Alcoholic Beverage, Restaurant (Full Service)	P	P	P	P	P		P									P											P	P	P	P	P	P	P	
Alcoholic Beverage, Special Use (Educational)	P			P			P																				P	P	P	P	P	P	P	
Alcoholic Beverage, Special Use (Industrial/Manufacturing)			P				P											P									P	P	P	P				
Alcoholic Beverage, Special Use (Scientific)	P		P	P			P											P									P	P	P	P				
Alcoholic Beverage, Special Use (Religious)	P	P	P	P	P	P	P	P					P	P													P	P	P	P	P	P	P	

Alcoholic Beverage, Tavern	C			C											C	C											C	C	C	C				
Alcoholic Beverage, State Liquor Store	C			C			C									C											C	C	C	C	C	C	C	
All-Terrain Vehicle (ATV), Motorcycle, Personal Watercraft (PWC), Snowmobile Sales and Service	P		P				P																						P	P				
Amusement Device																																		
Animal Hospital/Veterinary Office (Small Animal)	P		P	P	P		P									P		P									P	P	P	P				
Animal Kennel/Day Care, Commercial	C		C	C	C		C																											
Animal Kennel/Day Care, Commercial (Indoor Only)																											C	C	C	C	C	C	C	
Antenna, Lattice Tower								C		C		C																						
Antenna Mounted on City-Owned Structure	P						P		P		P	P																						
Antenna, Roof-Mounted	P						P		C		P	C	C	C																				
Antenna, Wall-Mounted	P						P		C		P	C	C	P																				
Apiary									P				P																					
Art Gallery	P	P	P	P	P		P	P			P					P		P									P	P	P	P	P	P	P	
Art Studio	P	P	P	P	P		P	P			P					P		P									P	P	P	P	P	P	P	
Assisted Living Facility	C	C		C	C									C													C	C	C	C	C	C	C	
ATM, Kiosk, Vending Machine (Self-Service, Interactive, Outdoors)	P	P	P	P	P	P	P				P					P											P	P	P	P	P	P	P	
Auction House																																		
Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent)	C		C				C																											
Auto Auction																																		
Auto Body Repair							P																											
Automotive Restoration			~~P~~				P																											
Automotive Service and Repair			~~P~~				P																											
Automotive Service Station (Non-Mechanical)			~~P~~			~~P~~	P																											
Aviary																																		
Bail Bonds																																		
Bakery, Commercial			P				P																				P	P	P	P				
Bakery Neighborhood	P	P	P	P	P											P	P										P	P	P	P	P	P	P	
BioTech/Biolife																											P	P	P	P				
Blood/Plasma Donation Center	P	P	P																															

Bowling Alley	P		P	P	P																						P	P	P	P			
Car Wash	C	C	C	C	C		C																						C				
Child Care Center	C	C	C	C	C	C						C					C										C	C	C	C	C	C	C
City Building											P															P							
City Park											P	P																					
Community Garden											P	P																					
Commercial Repair Services	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	P											~~P~~									~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Convenience Store with Fuel Pumps	C	C	C	C	C		C																						C				
Cosmetology	P	P	P	P	P											P	P										P	P	P	P	P	P	P	
Crematory/Embalming Facility							C																											
Day Spa	C															C												C	C	C			
Day Treatment Center			C																															
Drive-Up Window	P	P	P	P	P	P	P									P																		
Dry Cleaning/Laundromat	P	P	P	P	P		P									P											P	P	P	P	P	P	P	
Dwelling, Live/Work																																		P
Dwelling, Multi-Family	C			C	C									C		C	C		C								C	C	C	C	C	C	C	
Dwelling, Single-Family									P				P	P							P													
Dwelling, Townhome																C	C					P		P										P
Dwelling Unit, Internal Accessory													P	P																				
Dwelling Unit, External Accessory													P	P																				
Education, After School (Children)	C	C	C	C	C				C		C	P		C	C						C							C	C	C	C	C	C	C
Education, Elementary or Secondary										C																								
Education, Higher (Public)										C																								
Education, Preschool	C	C	C	C	C			C		C	P		C	C													C	C	C	C	C	C	C	
Education, Technical										C																								
Employment Agency/Temporary Staffing	P		P	P	P		P																				P	P	P	P	P	P	P	
Equestrian Facility									C																									
Equipment Sales, Service, and Rental (Heavy and Farm)																																		
Escort Service																																		
Farmers Market	C	C	C	C	C			P			P	C															C	C	C	C	C	C	C	
Financial Institution	P		P	P	P	P	P									P											P	P	P	P	P	P	P	
Fitness Center	P	P	P	P	P		P	P			P					P		P									P	P	P	P	P	P	P	
Food Truck/Food Trailer	P	P	P	P	P		P	P			P		P	P													P	P	P	P	P	P	P	

Food Processing (Large-Scale)							P																											
Food Processing (Small-Scale)	P	P	P	P	P	P	P																				P	P	P	P				
Food Truck Park	P	P	P	P	P	P	P	P																			P	P	P	P	P	P	P	
Funeral/Mortuary Home			C																															
Grooming Services (Pets)	P	P	P	P	P		P																				P	P	P	P	P	P	P	
Haunted House											P																							
Home Occupation, Category I	P	P	P	P	P								P	P		P	P		P		P	P		P			P	P	P	P	P	P	P	
Home Occupation, Category II	C	C		C	C								C	C		C	C		C		C	C		C			C	C	C	C	C	C	C	
Homeless Shelter									C																									
Horticulture/Produce Sales		C	C				C	C	C		P																C	C	C	C	C	C	C	
Hospital, Specialty	C			C																							C	C	C	C				
Hotel	C	C	C	C	C																						C	C	C	C	C	C	C	
Hotel, Extended-Stay																																		
Impound and Tow Lot																																		
Jail																																		
Juvenile Detention Facility																																		
Library											P												P											
Maintenance Facility, Vehicle/Transit																																		
Major Monopole exceeding mix district Height	C						C		C		C	C																						
Major Monopole not exceeding max district Height	P						P		P		P	P																						
Manufactured Home Park																																		
Manufacturing, Major																																		
Manufacturing, Minor			P				P											P																
Massage Therapy	C																																	
~~Medical, Dental, Health Care Office~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~				~~P~~					~~P~~		~~P~~									~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	
Minor Monopole exceeding max district Height	C						C		C					C	C	C	C																	
Minor Monopole not exceeding max district Height						P	P		P		P	P																						
Monopole w/ Structure >15 ft. Wide																																		
Motel																																		
Movie Studio/Sound Stage											P																							

Museum	P	P	P	P	P			P			P	C															P	P	P	P	P	P	P	
Nature Center																									P									
Non-Depository Institution																																		
Nursery, Commercial			P				P		P																									
Nursing Home		C		C	C									C													C	C	C	C	C	C	C	
Office, Medical, Dental, Health Care	P	P	P	P	P	P	P				P					P		P									P	P	P	P	P	P	P	
Office, Professional	P	P	P	P	P	P	P	P			P					P	P	P									P	P	P	P	P	P	P	
Park and Ride	C			C																							C							
Parking Structure	P	P	P	P	P		P				P			P													P	P	P	P	P	P	P	
Pawn Shop																																		
Permanent Supportive Housing																																		
Pharmacy	C	C	C	C	C		C									C											C	C	C	C	C	C	C	
Place of Worship	C	C	C	C	C	C	C	C					C	C													C	C	C	C	C	C	C	
Portable Container	P	P	P	P	P	P	P				P		P	P	P	P	P	P	P		P	P		P	P	P								
Poultry, Urban									P				P	P							P													
Precious Metal Recycling																																		
Printing, Large-Scale				P		P	P																				P	P	P	P				
Protective Housing				C																														
Public Utility Facility	C	C	C	C	C	C	C		C		C	C															C	C	C	C	C	C	C	
Recording Studio			P																															
Recreation Center	C	C	C	C	C	C	C	C			P	C				C											C	C	C	C	C	C	C	
Recycling Collection/Drop-Off Facility																																		
Rehabilitation Center																																		
Restaurant	P	P	P	P	P											P	P										P	P	P	P	P	P	P	
Retail, Accessory	P	P	P	P	P	P	P	P			P					P	P	P									P	P	P	P	P	P	P	
Retail, General	P	P	P	P	P	P	P				P				P	P		P									P	P	P	P				
Retail, Neighborhood	P	P	P	P	P	P	P	P			P					P											P	P	P	P	P	P	P	
Secondhand Merchandise Dealer	P	P		P	P																													
Sexually Oriented Business						C																												
Slaughterhouse/Animal Processing																																		
Storage Facility, Indoor climate controlled	C																										C	C	C	C				
Storage Facility, Outdoor																																		
Storage Facility, Warehouse							P				P							P																
Tattoo Shop/Parlor																																		
Temporary Use	C	C	C	C											C	C																		
Theater, Live Performance	C			C							P	P															P	P	P	P				
Theater, Movie	C																										P	P	P	P				
Tobacco Specialty Retail																																		

Transitional Care and Rehabilitation																																		
Transitional Housing																																		
Upholstery Shop/Tailoring Shop	P	P	P	P	P		P																				P	P	P	P	P	P	P	

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Chapter 17.04 PERMITTED USE REVIEW

Sections:

17.04.010 Review Process and Requirements.

A. A person seeking approval of a Permitted Use must file a Complete Application, using the forms established by the Community Development Department, and include payment of all fees. For any Application to construct a Building or other Improvement to Property for a Use that is defined by this Code as allowed in the zoning district in which the Building is proposed, the Community Development Department and the City Engineer must review the Application to determine whether the proposal:

1. Is allowed within the district where it is proposed;
2. Is proposed for Development on a legally subdivided Lot;
3. Can be adequately serviced by Dedicated roads, improved to City Standards and existing or proposed utility systems or lines;
4. Complies with all applicable Development requirements of that district, including Building Height, Setbacks, and Lot Coverage;
5. Meets the applicable Development Standards requirements;
6. Conforms to the Design Guidelines and the design review process established for that district;
7. Requires conditions of approval;
8. Complies with the Construction Codes; and
9. Pertains to land for which all tax assessments have been paid.

B. The Community Development Department staff shall notify the Applicant of any specific deficiencies in the proposal and whether the project must further be reviewed as a Conditional Use for that district.

C. No permit or license issued shall be valid if any of the criteria listed in this Section have not been met.

17.04.020 Standards Applicable to all Permitted Uses.

A. The outdoor display of goods or merchandise is prohibited unless expressly allowed elsewhere in this Title.

B. The outdoor storage of any goods or merchandise is prohibited.

17.04.030 Permitted Uses with Specific Standards.

The Uses listed below require compliance with the following standards in addition to any other applicable requirements of this Code.

A. Alcoholic Beverage Uses. All Alcoholic Beverage Uses designated as "P"—Permitted Uses—in the Title 17 Land-Use Matrix are subject to the following restrictions:

1. Alcoholic Beverage, Banquet and Catering; Alcoholic Beverage, Beer Recreational; Alcoholic Beverage, Hotel; Alcoholic Beverage, Off-Premise Beer; Alcoholic Beverage, Package Agency; Alcoholic Beverage, Restaurant (Beer Only, Limited Service, and Full Service); and Alcoholic Beverage, Special Use (Educational, Scientific, and Industrial/Manufacturing) Uses may not be located (a) any closer to a residential district than six hundred (600) feet, as measured at the closest Property Lines, (b) any closer to a community location than permitted under section 32B-1-202 of the Utah Code, as amended, (c)

nor any closer to a Homeless Shelter than two thousand six hundred forty (2,640) feet, as measured at the closest Property Lines.

2. Such Uses shall incorporate plenary operational and management practices, including the use of properly licensed, bonded, and insured security personnel, as warranted, to prevent and mitigate adverse on-premises and offsite behavioral and safety impacts.

3. Such Uses shall maintain throughout all areas of the subject premises during all business hours a minimum of one candle power light measured at a level five feet above the floor.

B. Accessory Dwelling Units (ADU). This Use shall comply with the following criteria:

1. Design Standards. Refer to 17.07 for Primary Dwelling (Single-Family Dwelling) standards.

2. A Single-Family Dwelling is the Primary Dwelling on the property.

3. A Lot or Parcel may only contain one (1) Internal ADU and one (1) External ADU.

4. The Primary Dwelling and the proposed ADU shall not be used as a Short-Term Rental.

5. The following applications and licenses, must be obtained and completed to establish and ADU in the city.

   a. Predevelopment application

   b. Evidence of Owner occupancy

   c. Building Permit application

   d. Rental Business License application

   e. Any other applicable land use application

6. Mobile Homes. No ADU or extended living area shall be constructed within a Mobile Home, Portable Container, Trailer, Carport, Canopy Structure, or similar Structure.

7. The occupants of the ADU shall not sublease any portion of the accessory dwelling to other individuals.

8. Owner Occupancy. The Primary Dwelling or the ADU shall be Owner occupied.

9. Owner Occupancy Exceptions:

   a. Owner occupancy is not required for an ADU located on a property with a principal use as, Multi-Family Dwelling.

   b. The property Owner is on active military service or is placed in a Hospital, Nursing Home, Assisted Living Facility, or other similar facility that provides regular medical care, excluding retirement living facilities or communities.

C. ATM, Kiosk, Vending Machine (Self-Service, Interactive, Outdoors). This Use shall be located in a manner that does not interfere with or cause difficulty in the safe movement of pedestrians. Machines and Kiosks shall be located:

1. Next to a Primary Building on the property; and

2. In a manner that will not:

   a. Reduce required Landscaped Areas;

   b. Cause customers to wait in vehicle Drive Aisles or Parking Areas; or

   c. Create a public nuisance or a hazard to public safety.

D. Auto Body Repair. This Use shall comply with the following criteria:

1. An eight-foot solid wall is required along all Property Lines shared with another property Owner.

a. Required construction materials for all walls shall be brick, ceramic tile, stone, precast concrete panel, concrete block, or other masonry materials of equivalent quality and durability; chain link fencing is prohibited.

2. All drives, parking, storage, and maneuvering areas shall be paved with concrete or asphalt.

3. Storage areas are restricted as follows:

a. Outdoor Storage is prohibited.

b. All vehicle parts or accessories must be stored indoors.

c. All wrecked or inoperable vehicles must be stored within the Primary or Accessory Structure.

d. Only operable vehicles used by the business, customers, and employees may be parked outdoors and shall be organized in a unified manner inside designated Parking Stalls (no double-stacking). No inoperable or wrecked vehicle may be stored outdoors for more than seventy-two (72) hours. Parking vehicle inventory in the Right-of-Way is prohibited.

e. All outside storage facilities shall be located on a properly drained site that is graded to ensure rapid drainage and to ensure that the site remains free from stagnant pools of water.

f. The Applicant shall maintain the Property and all Buildings free of insect and rodent infestation.

g. The Use shall not add to the contamination of the soil, alter ground water flow, create additional drainage runoff, or alter topography in such a way that creates hazards to the proposed site, other properties, or the City.

h. The Applicant shall provide the City with a drainage collection and disposal plan for vehicle fluids that complies with all federal, state and local standards.

~~1. All wrecked or inoperable vehicles must be stored within the Primary or Accessory Structure. Only operable vehicles used by the business, customers, and employees may be parked outdoors.~~

4. ~~2.~~ This Use may use only high-volume, low-pressure, spray guns in painting operations.

5. ~~3.~~ When this Use is within two hundred (200) feet of a residential district, the hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.

E. Automotive Restoration. This Use shall comply with the following criteria:

1. Every vehicle associated with Automotive Restoration shall be an Antique or Classic Automobile or Luxury Vehicle.

2. All vehicles and parts must be stored within the Primary or Accessory Structure. Only operable vehicles used by the business, its customers, and its employees may be parked outdoors.

3. This Use may use only high-volume, low-pressure, spray guns in painting operations.

4. When this Use within ~~one hundred fifty (150)~~ two hundred (200) feet of a residential district, the hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.

5. Outdoor storage is prohibited.

6. Parking vehicle inventory in the Right-of-Way is prohibited.

F. Automotive Service and Repair. This Use shall comply with the following criteria:

1. An eight-foot solid wall is required along all Property Lines shared with another property Owner.

a. Required construction materials for all walls shall be brick, ceramic tile, stone, precast concrete panel, concrete block, or other masonry materials of equivalent quality and durability; chain link fencing is prohibited.

2. All drives, parking, storage, and maneuvering areas shall be paved with concrete or asphalt.

3. Storage areas are restricted as follows:

   a. Outdoor Storage is prohibited.

   b. All vehicle parts or accessories must be stored indoors.

   c. All wrecked or inoperable vehicles must be stored within the Primary or Accessory Structure.

   d. ~~Only operable vehicles used by the business, customers, and employees may be parked outdoors. No vehicle may be stored outdoors for more than seventy-two (72) hours.~~ Only operable vehicles used by the business, customers, and employees may be parked outdoors and shall be organized in a unified manner inside designated Parking Stalls (no double-stacking). No inoperable or wrecked vehicle may be stored outdoors for more than seventy-two (72) hours. Parking vehicle inventory in the Right-of-Way is prohibited.

   e. All outside storage facilities shall be located on a properly drained site that is graded to ensure rapid drainage and to ensure that the site remains free from stagnant pools of water.

   f. The Applicant shall maintain the Property and all Buildings free of insect and rodent infestation.

   ~~g. Stored vehicles shall be organized in a unified manner in Parking Stalls (no double-stacking).~~

   g. ~~h.~~ The Use shall not add to the contamination of the soil, alter ground water flow, create additional drainage runoff, or alter topography in such a way that creates hazards to the proposed site, other properties, or the City.

   h. ~~i.~~ The Applicant shall provide the City with a drainage collection and disposal plan for vehicle fluids that complies with all federal, state and local standards.

G. Employment Agency and Temporary Staffing. This Use is limited to the placement of patrons in "office-only" jobs. Where the Use requires patrons to come to the location to view job opportunities and/or receive wages, the following additional requirements apply:

   1. The Use must be located at least three hundred (300) feet away from any Residential Use, as measured at the closest Property Lines.

   2. An indoor waiting area, or sufficient size to accommodate all patrons, must be provided.

H. Food Processing (Large-Scale). This Use is limited to on-site food preparation for off-premise consumption and sales. A Facility housing this Use:

   1. Must be greater than three thousand (3,000) square feet in size;

   2. Must only be used by a single food-processor/food-preparer;

   3. Must use an in-ground grease trap system meeting City Engineering requirements; and

   4. May not be used by Food Truck/Food Trailer operators or have Food Truck/Food Trailers parked on the Lot or Parcel.

I. Food Processing (Small-Scale). This Use is limited to on-site food preparation for off-premise consumption and sales.

   1. A *de minimis* onsite Retail component is allowed.

   2. A Facility housing this Use:

      a. May be shared among various food processors or food preparers; and

      b. Is limited in size to three thousand (3,000) square feet or less.

   3. Each instance of the Use must have:

      a. Designated Parking Stalls for all Food Trucks/Food Trailers located to side or rear of Building;

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b. A maximum of 15 Food Truck/Food Trailer operators working out of each location;

c. Outdoor electrical outlets (one per Food Truck/Food Trailer) located in Landscaped Area;

d. An onsite operator sign-in roster and require the use of such sign-in roster;

e. A full commercial kitchen (no exceptions); and

f. Use an in-ground grease trap system meeting City Engineering requirements.

J. Food Truck/Food Trailer.

1. Special Events. Food Trucks or Food Trailers on public property must have a City special event permit, for the Use, on file with the South Salt Lake City Recorder.

2. Licensing. Food Truck or Food Trailer Vendors must meet all applicable state and City Code licensing requirements.

3. Permitted Vehicles. All mobile food vending business shall take place in either a Food Truck or a Food Trailer.

4. Food Trucks or Food Trailers on private property as an Accessory Use.

a. Food Trucks or Food Trailers that comply with the standards outlined in this Section are allowed on private property.

b. Food Trucks or Food Trailers that are Accessory Uses shall not use parking that is required for the Primary Use during business hours;

c. Excluding private events, Food Trucks or Food Trailers within one hundred (100) feet of any Single-Family Use in the R-1, or RM districts are subject to the following conditions:

i. Hours of operation are limited to 10:00 a.m. to 10:00 p.m.;

ii. Must comply with all Salt Lake County Health Department noise regulations; and

iii. Lights attached to the Food Truck or Food Trailer or portable lights must not allow light spillover onto abutting Residential Uses.

d. For private properties without a Primary Use, such as a Parking Lot or vacant Parcel, Food Trucks or Food Trailers may be permitted by meeting the requirements of this Section.

5. Food Truck Parks on private property as a Primary Use.

a. Food Truck Parks are allowed in specific districts as outlined in Chapter 17.03 and are subject to Infrastructure Improvements being completed. Required Infrastructure Improvements include paving, parking, drainage, Landscaping, lighting, and Buffering requirements as found in Title 17.

b. All Food Trucks and Food Trailers must be separated by a minimum of ten feet (10') between vendor walk up windows

c. All Food Trucks Parks shall provide one on-site Parking Stall per Food Truck or Food Trailer for customer parking.

6. Food Trucks and Food Trailers on public property.

a. Two (2) Food Trucks or Food Trailers per City Block may operate in the Right-of-Way on the following Streets and subject to the following conditions:

i. Permitted Areas:

a) City-owned Streets abutting Downtown District, East Streetcar Neighborhood, Commercial Corridor, Commercial General, Transit Oriented Development, Mixed-Use, Flex, City Facility, Historic, and Master Planned Mixed-Use districts.

b) City-owned Streets abutting parks.

c) To be located on another agency's roads, agency consent is required prior to operation. All roads must abut Downtown District, East Streetcar Neighborhood, Commercial Corridor, Commercial General, Transit Oriented Development, Mixed-Use, Flex, City Facility, Historic, and Master Planned Mixed-Use districts.

ii. Food Trucks or Food Trailers located within one hundred (100) feet of any Single-Family Use in the R-1, or RM districts are subject to the following conditions:

a) Hours of operation are limited from 10:00 a.m. to 10:00 p.m.;

b) Must comply with all Salt Lake County Health Department noise regulations; and

c) Lights attached to the Food Truck or Food Trailer or portable lights must not allow light spillover onto abutting Residential Uses.

iii. Food Trucks or Food Trailers operating in the Right-of-Way must comply with all applicable parking and traffic regulations. No operation shall extend into vehicle travel or bicycle lanes.

iv. Food Trucks or Food Trailers operating in the Right-of-Way must orient the vending window to face away from the Right-of-Way.

v. All Food Trucks or Food Trailer must maintain liability insurance as determined by South Salt Lake City Attorney's Office.

b. All Food Trucks or Food Trailers must contain no fixed infrastructure or accessory infrastructure in the Right-of-Way. Any mobile food vending infrastructure outside of the Food Truck or Food Trailer must be located on private property.

7. Specific Requirements. All Food Trucks or Food Trailers shall meet the specifications set forth in this Subsection.

a. Mobility. All Food Trucks or Food Trailers shall be constructed in a way that they may be easily removed on a daily basis. All Food Trucks or Food Trailers must have functioning wheels.

b. Food Trucks or Food Trailers shall not be left overnight or stored on the subject property or in a Right-of-Way.

c. Design. All Food Trucks or Food Trailers shall not have a Drive-Through Window and shall be kept in good operating condition.

d. Limits by Location. To assure public safety and limit restrictions or impediments to traffic flow, Food Trucks or Food Trailers are only allowed in areas specified in this Section:

i. No Food Truck or Food Trailer shall conduct business in the Right-of-Way within fifty (50) feet of a minor arterial intersection or one hundred (100) feet of a major arterial intersection.

ii. All Food Trucks or Food Trailers must comply with Clear View Area requirements.

iii. All Food Trucks or Food Trailers shall be parked on asphalt, concrete, or an engineered dustless surface.

e. Umbrellas, Canopies and Other Coverings. Each Food Truck or Food Trailer may have one umbrella or canopy. Tents or other coverings with opaque walls are not allowed. Alternate shading systems may be proposed to the City and are subject to approval by the Community Development Department.

f. Trash Receptacles. All Food Trucks or Food Trailers shall provide at least one trash receptacle meeting Salt Lake County Health Department standards. The trash receptacle shall be removed with the Food Truck or Food Trailer on a daily basis.

g. Clean Area. All Food Trucks or Food Trailers are required to clean the area occupied by the Food Truck or Food Trailer and the surrounding 50-foot area on a daily basis.

h. Hours of Operation. All activity related to Food Trucks or Food Trailers shall be temporary. Food Truck or Food Trailer operation shall not exceed eighteen (18) hours within a twenty-four (24) hour period at any one location.

i. Provisions. The sale of any products other than food and beverages for human consumption is prohibited.

8. Prohibited Activities. Any violation of the following activities shall be subject to loss of City business license and other penalties of law.

a. Food Trucks or Food Trailers shall not include the sale or provision of alcoholic beverages of any kind.

b. Amplified music and the use of any amplified sound system is prohibited.

c. Business operations shall not create any public nuisance, including: (1) noises audible from within an enclosed vehicle or from within an enclosed Building; (2) accumulations of litter; (3) obstruction of pedestrian and vehicle access or travel areas; (4) reduction in required Parking Stalls or other similar activities; and (5) any violation of City or state regulations.

9. Review Standards. The Community Development Department shall apply the following review standards:

a. The arrangement of the Site including access, Buildings, Parking Areas, Landscaping, and other facilities.

b. Any reduction in Parking Stalls resulting in insufficient spaces for existing businesses and the Food Truck or Food Trailer's customers would result in the location being unsuitable.

c. Other Site and area-specific items as outlined in Title 17.

10. Signs and Advertising. Food Truck or Food Trailer may have one Sign that meets the requirements of Chapter 17.08. Vinyl wraps are permitted.

11. Lighting. Food Trucks or Food Trailers operating in evening hours may use battery-powered low voltage lighting systems for safety and convenience. All lighting systems shall only be for the purpose of continued operation. Moving, flashing, or other advertising-oriented lights are prohibited.

J. Home Occupation, Category I.

1. Regulations.

a. Category I Home Occupations generate no off-site impacts and have no more than *de minimis* customer or delivery traffic.

b. Category I Home Occupations must be clearly incidental and subordinate to the Primary Use of the Dwelling for residential purposes and shall not change the character of the Dwelling or the neighborhood in which it is located. If at any time it is determined that a Home Occupation has altered the character of a Dwelling or neighborhood, the Home Occupation license will be revoked, and the character of the Dwelling must be restored.

c. A Category I Home Occupation shall not occupy more than twenty (20) percent of the Dwelling's Floor Area.

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d. An Accessory Structure separate from the Dwelling may be used for a Category I Home Occupation as long as: (i) the Accessory Structure remains incidental and subordinate to the Dwelling; (ii) no more than twenty-five (25) percent of the Floor Area of the Accessory Structure is used for the Home Occupation; and (iii) the land use authority approves the use of the Accessory Structure for the Home Occupation.

e. No employee, other than one living at the Dwelling, is allowed at the Dwelling for any business purpose.

f. No business Sign is allowed.

g. Explosive or combustible materials shall not be stored in a Dwelling with a Category I Home Occupation.

h. Yard and garage sales associated with a Home Occupation are prohibited.

i. Home Occupations shall only be conducted between the hours of seven (7) a.m. and eight (8) p.m.

j. Category I Home Occupations shall comply with all pertinent City, county, and state regulations, including business license regulations. Home Occupation licenses may be revoked upon any valid unresolved complaint. Inspections by the City may occur as necessary to assure conformance with conditions and regulations.

k. Category I Home Occupations shall meet all licensing requirements of the City, county, and state.

L. Portable Container. This Use shall comply with the following standards:

1. A Portable Container shall only be Accessory to a Primary Use.

2. Portable Containers may not be Used as a Dwelling or living quarters, nor for camping, cooking, or recreational purposes for any amount of time in any district.

3. Portable Containers must be kept in good repair (capable of being moved intact, free of holes, rust, graffiti, or other damage, and free of vermin or other pest infestation, etc.), be secured against unauthorized entry, comply with health regulations, and be stored on a Hard Surface.

4. Portable Containers may not be stacked or have any materials stacked on top of them.

5. Portable Containers shall not be stored in Rights-of-Way, fire access lanes, landscaped Front Yard areas, or in an area visible from the Street along the Primary Building's Primary Façade.

6. In residential districts the following additional standards apply:

a. Only one Portable Container is permitted on a Lot or Parcel for a maximum of 90 days in any twelve-month (12) period.

b. Unless a Building Permit has been issued, Portable Containers are not permitted on vacant Lots or Parcels.

c. If a Building Permit has been issued, the Portable Container of the permitted construction must be removed within ten-days of the completion of construction or final Building inspection, whichever is sooner.

d. Portable Containers must be located on an approved driveway or behind the Primary Building's Primary Façade.

7. In non-residential districts the following additional standards apply:

a. Portable Containers shall only be used for:

1. Shipping and receiving of merchandise and goods, provided that the Portable Container is removed within 30 days;

2. Storage of merchandise or goods, provided that the Portable Container is properly located according to the requirements of this Title;

3. If a Building Permit has been issued, storage Accessory to construction or remolding of a Structure located on the same Lot, provided that the Portable Container is removed within 180 days. The Community Development Department may approve 30-day extensions when construction or remolding is ongoing, and the Building Permit remains valid; or

4. A licensed firework stand limited to the times the fireworks stand may lawfully occupy a space as described in Chapter 8.18 of this Code.

b. Portable Containers shall not be located in designated Parking Areas.

c. Portable Containers shall not be located on Lots or Parcels that abut a residential district.

M. Wireless Communications Facilities. All commercial and low power radio services and facilities, such as "cellular" or "PCS" (personal communications system) communications and paging systems shall comply with the following criteria:

1. Site Location Priorities. Except as otherwise provided in this Subsection, all wireless communication facilities shall be subject to the provisions of Table below.

a. Providers of wireless telecommunications services will first seek to locate facilities on existing City structures, such as Buildings, communication towers, water tanks and smokestacks; provided, however, that if existing structures owned by the City are not available, or do not meet the system design needs of the provider, as determined by the provider, or would impose excessive costs in comparison to other alternatives, providers will then attempt to locate their facilities on privately owned structures, such as Buildings, communication towers, water tanks or smokestacks.

b. If providers are unable to locate on existing structures, and a Monopole is necessary, providers will first seek to locate their Monopoles on City-owned property; provided, however, that if City property is unavailable, or does not meet the system design needs of the provider, as determined by the provider, or would impose excessive costs in comparison to other alternatives, providers will then seek to lease property for the Monopole from a private property Owner.

c. To encourage the location of wireless facilities on City-owned Structures and property and privately-owned existing Structures, wireless telecommunication facilities are Permitted Uses in all districts of the City if the land or existing Structures are owned or leased by the City. Except in low Density residential districts, facilities located on any existing Structure are also an allowed Use.

d. Wireless providers will agree to locate their facilities on City-owned or leased property only when the provider and government entity agree on the terms and conditions of the Site lease, including fair and reasonable compensation for the Use of the property. If no agreement can be reached, the provider will locate its facilities on privately owned property.

2. Regulations. The following shall apply to all wireless communication facilities:

a. In addition to the regulations provided in this Section, all low power radio services facilities shall comply with all other ordinances of the City, and with all applicable regulations of the Federal Communications Commission and the Federal Aviation Administration. All facilities shall be subject to design review standards of this Title.

b. Low power radio services facilities are characterized by the type or location of the Antenna structure. There are five general types of such Antenna structure: wall-mounted Antennae; Roof-Mounted Antennae; Monopoles with Antennae and Antenna support Structure less than two feet in width; Monopoles with Antennae and Antenna support Structure greater than two feet in width; and Lattice Towers. If an Antenna Structure is allowed in a designated zoning district

under the Land Use Matrix either as a Permitted or Conditional Use, the minimum standards for the installation of each type of Antenna are as follows:

i. Wall-Mounted Antenna.

a) Wall-mounted Antennae may not extend above the wall line of the Building or extend more than four (4) feet horizontally from the face of the Building.

b) Antennae, 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. Antennae and the supporting Structure on a Building shall be architecturally Compatible with the Building. Whip Antennae are not allowed on a wall-mounted Antenna Structure.

c) Antennae mounted directly on existing parapet walls, penthouses or mechanical equipment rooms are considered a wall-mounted Antenna if no portion of the Antenna extends above the roof line of the Building.

ii. Wall-Mounted Antennae.

a) Roof-Mounted Antennae shall be constructed, painted or fully screened to match as closely as possible the color and texture of the Building and wall on which it is mounted.

b) Roof-Mounted Antennae may be mounted on the top of existing penthouses or mechanical equipment rooms if the Antennae and Antenna support structures are enclosed or visually screened from view. The Screening Structures may not extend more than eight (8) feet above the existing roof line of the penthouse or mechanical equipment room.

c) Antennae not mounted on a penthouse or mechanical equipment room shall be mounted at least five (5) feet back from the exterior wall of the Building. The maximum height of an Antenna mounted between five (5) and ten (10) feet back from the exterior wall shall be directly proportional to the Setback distance and may not exceed ten (10) feet above the roof line of the Building. Antennae shall be mounted at least five (5) feet behind any parapet wall. The maximum height of an Antenna mounted between five (5) and ten (10) feet behind a parapet wall shall be directly proportional to the Setback distance and may not exceed a height of ten (10) feet above the top of the parapet wall. An Antenna may not extend more than 15 feet above the roof line of the Building itself except as allowed as a Conditional Use. Similarly, a Roof-Mounted Antenna may not extend above the roof line of a penthouse or mechanical equipment room except as allowed as a Conditional Use.

iii. Monopoles. The height of a Monopole with Antennae and Antenna support Structure/s shall not exceed the lesser of the maximum Building Height for the tallest Structure allowed in the District, up to 60' in height.

a) A Monopole within one hundred fifty (150) feet of a residential district, is a separately regulated Conditional Use.

iv. Lattice Towers. Except as provided in this Subsection, Lattice Towers may not be located within 330 feet of a residential district.

a) A Lattice Tower maybe located closer than 330 feet from a residential district if the Planning Commission finds that the tower's apparent height would not exceed the apparent height of any public utility pole, wire, cable, or similar Structure located in the same vicinity as the proposed tower, when viewed

from a height of six (6) feet at the nearest adjacent residential district boundary.

b) Lattice Towers may not exceed a height equal to 90 percent of the tower's distance from nearest adjacent residential district boundary, and in any case the height may not exceed 150 feet.

c. Location on Parcel. Monopoles and Lattice Towers shall be located only in the Rear Yard area of the affected Lot or Parcel, though a different location may be approved by the Planning Commission in compelling circumstances, but only to prevent a violation of federal law and to carry out the intent and purpose of these regulations. These Structures may not be located in a required Landscaped Area, Buffer area, or required Parking Area.

d. Area Limitations for Wall- and Roof-Mounted Antennae. A combination of both roof- and wall-mounted Antennae are allowed on a Building. Except as allowed under a Conditional Use permit, the total area for all wall- and Roof-Mounted Antennae and supporting structures combined shall not exceed the lesser of 60 square feet or five (5) percent of each exterior wall of the Building. The total area is the sum of the area of each individual Antenna face and the visible portion of the supporting Structure as viewed when looking directly at the face of the Building. The total area for a Roof-Mounted Antenna shall apply to the closest exterior wall.

e. Height Regulation—Monopoles with Antennae. The height of Monopoles with Antennae and Antenna support Structures is restricted to the maximum Building Height of the tallest permitted Structure of the District.

f. Wall- and Roof-Mounted Antennae on Noncomplying Buildings that Exceed the Maximum Building Height Limit of the Zoning District. Wall-mounted Antennae which otherwise are permitted or approved under this Chapter may be mounted on noncomplying Buildings that exceed the maximum Building Height of the zoning district in which they are located. Roof-Mounted Antennae which are mounted on a Noncomplying Structure above the maximum Building Height of the zoning district require Conditional Use approval.

Chapter 17.05 CONDITIONAL USE REVIEW

Sections:

17.05.010 Review Process and Requirements.

A. A person seeking approval of a Conditional Use must file a Complete Application, using the forms established by the Community Development Department, and include payment of all fees. For any Application to construct a Building or other improvement to property for a Use that is defined by this Code as allowed in the zoning district in which the Building is proposed, the Community Development Department and the City Engineer must review the Application to determine whether the proposal:

1. Is allowed within the district where it is proposed;

2. Is proposed for Development on a legally subdivided Lot;

3. Can be adequately serviced by Dedicated roads, improved to City Standards and existing or proposed utility systems or lines;

4. Complies with all applicable Development requirements of that district, including Building Height, Setbacks, and Lot Coverage;

5. Meets the applicable Development Standards requirements;

6. Conforms to the Design Guidelines and the design review process established for that district;

7. Requires additional conditions of approval;

8. Complies with the Construction Codes; and

9. Pertains to land for which all tax assessments have been paid.

B. The Community Development Department staff shall notify the Applicant of any specific deficiencies in the proposal.

C. No permit or license issued shall be valid if any of the criteria listed in this Section have not been met.

D. The land use authority is the Planning Commission for Conditional Use Applications.

17.05.020 General Conditional Use Standards.

In reviewing an Application for a Conditional Use Permit, the land use authority shall consider whether the Application:

A. Identifies the maximum intensity of the proposed Development and Use;

B. Complies with all provisions of the Code; and

C. Compared to Permitted Uses and Development within the district, substantially mitigates the adverse impacts that are reasonably anticipated from the magnitude and intensity of the Development and Use, as proposed, considering:

1. The size and location of the site;

2. Traffic generation, timing, and nature of traffic impacts and the existing condition and capacity of the Streets in the area;

3. Utility demand and available capacity, including storm water retention;

4. Emergency vehicle access and anticipated average and peak day demand;

5. Location and amount of off-Street parking;

6. Internal vehicular and pedestrian circulation system, including delivery vehicles, loading and unloading;

7. Fencing, Screening, and Landscaping to separate the Conditional Use from adjoining property and Uses;

8. Building mass, bulk, design, and orientation, and the location of Buildings on the site including orientation to Buildings on adjoining Lots or Parcels;

9. Usable open space;

10. Signs and lighting;

11. Physical design and Compatibility with surrounding structures in terms of mass, Scale, style, design, and architectural detailing;

12. Noise, vibration, odors, steam, or other factors that might adversely affect people and property off-site;

13. Control of delivery and service vehicles, loading and unloading zones;

14. Generation and Screening of waste;

15. Recycling program and pickup areas;

16. The potential adverse impacts arising from the conduct of patrons, guests, employees, occupants, or their affiliates;

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17. Within and adjoining the site, the impacts of the Use on public property and environmentally sensitive lands;

18. Hours of operation, delivery, and activity;

19. Special hazards arising from the Use or from its reasonably anticipated secondary effects, including its potential to attract criminal behavior; and

20. Demand for public infrastructure or services.

17.05.030 Standards Applicable to all Conditional Uses.

A. The outdoor display of goods or merchandise is prohibited unless expressly allowed elsewhere in this Title.

B. The outdoor storage of any goods or merchandise is prohibited.

17.05.040 Conditional Uses with Specific Standards.

The Conditional Uses listed below require compliance with their corresponding specific standards in addition to any other applicable requirements of this Code, including the General Conditional Use standards in Section 17.05.020 and applicable Chapter 17.04 requirements.

A. Adult Daycare. An Adult Daycare Use shall not include any overnight Residential Use and shall not be located within two thousand six hundred forty (2,640) feet of any Homeless Shelter Use. The distance shall be measured at the closest Property Lines.

B. Alcoholic Beverage Uses. All Alcoholic Beverage Uses designated as "C"—Conditional Uses—in the Title 17 Land-Use Matrix are subject to the following, additional standards:

1. Alcoholic Beverage, Bar Establishment; Alcoholic Beverage, Beer Wholesaler; Alcoholic Beverage, Liquor Warehouse; Alcoholic Beverage, Manufacturer; Alcoholic Beverage, Tavern; and Alcoholic Beverage, State Liquor Store Uses also may not be located (a) any closer to a residential district than six hundred (600) feet, as measured at the closest Property Lines, (b) any closer to a community location than permitted under section 32B-1-202 of the Utah Code, as amended, (c) nor any closer to a Homeless Shelter than two thousand six hundred forty (2,640) feet, as measured at the closest Property Lines.

2. All such Uses shall incorporate plenary operational and management practices, including the use of properly licensed, bonded, and insured security personnel, to prevent and mitigate adverse on-premises and offsite behavioral and safety impacts.

3. All such Uses shall maintain throughout all areas of the subject premises during all business hours a minimum of one candle power light measured at a level five feet above the floor.

C. Animal Kennel/Day Care, Commercial. All instances of this Use shall comply with the criteria specified in Title 6 of this Code. Additionally, all outdoor play areas shall be located a minimum of one hundred fifty feet (150') from any residential district.

D. Assisted Living Facility. All instances of this Use shall comply with and provide, as applicable, the following:

1. Proof of state licensure for Assisted Living Facility;

2. A design, residential in character and architecturally Compatible with the neighborhood, which adequately screens the Use from neighboring Lots and complies with Utah Department of Health standards;

3. An outdoor lighting plan which adequately screens lighting to mitigate its impact on surrounding Uses;

4. A Sign plan which includes no more than two (2) square feet of signage for facilities on Public Streets smaller than Collector Streets, and monument signs not to exceed thirty-two (32) square feet for facilities on Public Streets considered Collector Streets or larger; and

5. A delivery, traffic, and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which the proposed Use is located. The parking plan must propose parking appropriate for the proposed Use of the facility.

6. An Applicant for this Use acknowledges: its responsibility for each unlawful request for emergency services at the facility, under Chapter 8.34 of this Code; that it is the recipient of all emergency services under Section 2.40.060 of this Code; and shall reimburse the City for the costs of all emergency services rendered at or to residents of the facility under Section 2.40.270 of this Code.

~~E. Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent). In addition to being subject to the Design Review process, all instances of this Use (including change of a prior instance of this Use) shall comply with the following criteria:~~

~~1. Landscaping shall be required along any Street Frontage and shall be subject to the Development Standards of Chapter 17.06 of this Code.~~

~~2. Buildings must meet the minimum Setback requirements of their respective districts.~~

~~3. Designated customer parking must be provided at a ratio of one (1) space for every twenty (20) vehicles displayed, with a maximum of fifteen (15) spaces required. A minimum of three employee Parking Stalls must be provided. Off-Street customer and employee Parking Stalls must be identified.~~

~~4. All Buildings other than sales offices only must provide additional designated Parking Stalls at a ratio of one (1) space per five hundred (500) square feet of floor space.~~

~~5. All businesses adjacent to residential districts shall require design review approval from the Planning Commission.~~

~~6. Where any business is adjacent to a Residential Use, a Buffer between the Residential Use and the business shall be required. Walls, Landscaping, special Setbacks, other elements, or a combination of these items must be used, as appropriate, to mitigate the impact upon the adjacent Residential Use. The City shall consider the visual appearance of the site, the traffic flows, noise, light and the size and purpose of adjacent Streets or Alleys, the extent of the business operations, and other factors in determining the Buffer sufficiency.~~

~~7. Outside loudspeakers, lighting which intrudes into adjacent properties, deliveries before 7:00 a.m. or after 10:00 p.m., the use of Public Streets for loading and unloading, repair work outside of a Building, and any other public nuisance conduct shall be prohibited.~~

~~8. For the purposes of maintaining safe access and to promote uncluttered and attractive displays, all outdoor Auto, Light Truck, RV, Boat, and Trailer displays must be done in a manner consistent with Parking Lot requirements and such that all individual units can be relocated without the necessity of first relocating others.~~

~~9. All Auto, Light Trucks, RVs, Boats, and Trailers displayed shall meet all requirements of law at all times, shall be in operating condition, shall not have flat tires or broken windows, and shall be capable of being licensed and registered without additional repair or alteration.~~

~~10. The minimum outdoor display lot area, not including any Buildings, for any Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Use shall be one (1) acre. The one (1) acre of required display lot area shall be located in the front and side yard areas. Lot area behind a Building shall not be counted as required display lot area. All vehicle display areas shall be Hard-Surfaced as established in the City's parking, access, and circulation requirements. When a Development is larger than one (1) acre and contains more than (1) business, an Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Use may be located within that Development if all requirements of this Title are met, including:~~

~~a. Parking requirements;~~

~~b. Site and Landscaping requirements;~~

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~~c. Ingress and egress points are provided for the other businesses; and~~

~~d. The devoted outdoor display lot area is a minimum of one (1) acre in area.~~

~~11. The minimum Lot Frontage shall be two hundred (200) feet in width. The Frontage of Corner Lots shall be determined by the Street on which the property is addressed.~~

~~12. Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Uses are exempt from the minimum outdoor display lot area and Lot Frontage requirements of this Section if all inventory is stored and displayed indoors. Indoor-only Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Uses are subject to all other applicable requirements of this Section, and the following additional standards:~~

~~a. Sales of vehicles must be conducted entirely within a fully-enclosed Building consisting of a showroom with an area no smaller than three thousand (3,000) square feet.~~

~~b. Showroom spaces shall be visible from the exterior of the Building, through the use of windows, storefronts, or other Architectural Elements using either a Single-Story Commercial or Flex Building form.~~

~~c. Outdoor sales, display, and storage of Autos, Light Trucks, RVs, Boats, and Trailers is prohibited.~~

~~d. Parking associated with indoor-only Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Uses shall only be used for customers and employees.~~

E. Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent). The outdoor display of goods or merchandise is permitted in all instances of this Use (including change of a prior instance of this Use) if the Use complies with the following criteria:

1. Landscape areas in parking lots should consider the special circumstances that relate to the new and used car display areas. These parking areas are not required to have trees in landscape areas, in order to limit litter from trees and birds. All other Landscaping shall be subject to the Development Standards of Chapter 17.06 of this Code.

2. All areas not landscaped or covered by Buildings or sidewalks must be paved with a Hard Surface, graded for drainage and, if necessary, stormwater retention. Vehicle traffic aisles and stacking lanes must be clearly identified with painted stripes. All vehicle display areas shall be on a Hard Surface as established in the City's parking, access, and circulation requirements.

3. Buildings must meet the minimum Setback requirements of their respective districts.

4. Designated customer parking must be provided at a ratio of one (1) space for every twenty (20) vehicles displayed, with a maximum of fifteen (15) spaces required. Additionally, a minimum of 1 Parking Stall per 1,000 square feet of interior space, excluding the showroom, must be provided. Off-Street customer and employee Parking Stalls must be clearly identified.

5. All Accessory Structures require additional designated Parking Stalls at a ratio of one (1) space per five hundred (500) square feet of floor space.

6. All business shall meet the Buffering requirements. No cars shall be parked in the Buffer.

7. Where any business is adjacent to a Residential Use, an additional Buffer between the Residential Use and the business shall be required to meet the following criteria:

    a. No vehicle drive approach on side street Frontages within residential zoning.

    b. An additional ten-foot (10’) setback of Accessory Structures from residential Frontages.

    c. Solid fence along all residential Frontages; chain link fencing is prohibited.

8. Outside loudspeakers and lighting, which intrude into adjacent properties, and deliveries before 7:00 a.m. or after 10:00 p.m. are prohibited. All outdoor lighting before 10:00 p.m. shall meet the

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Commercial Parking Lot design criteria. The lighting after 10:00 p.m. shall be eliminated except minimal site lighting for CPTED purposes.

9. The use of Public Streets for loading and unloading, repair work outside of a Building, shall be considered a public nuisance and be grounds for revocation of business license. Parking vehicle inventory in the Right-of-Way is prohibited.

10. To maintain safe access and to promote uncluttered and attractive displays, all outdoor Auto, Light Truck, RV, Boat, and Trailer displays must be done in a manner consistent with Parking Lot design criteria, as outlined in Section 17.06.140, and such that all individual units can be relocated without the necessity of first relocating other cars, RVs, boats, trailers, etc. (no double stacking).

11. All Auto, Light Trucks, RVs, Boats, and Trailers displayed shall meet all requirements of the law at all times, shall be in operating condition, shall not have flat tires or broken windows, and shall be capable of being licensed and registered without additional repair or alteration.

12. The minimum Lot area for any Auto, Light Truck, RV, Boat, Trailer Dealership (Sale, Lease, or Rent) Use shall be three (3) acres.

13. The minimum Lot Frontage shall be four hundred (400) feet in width. The Frontage of Corner Lots shall be determined by the Street on which the property is addressed. If the property has State Street Frontage, then State Street is the default Frontage regardless of the address.

14. The display lot area shall be located in the front and side yards. Lot areas behind a Building shall not be used for a display lot.

15. Separate backlot service, inventory storage, and other unsightly areas shall be shielded from front and side display areas with appropriate, site-specific landscaping or other visual barriers.

16 The Building design shall comply with an allowed Building form in the land use district.

17. The following design standards shall also apply to the Building:

    a. The Build-To Standard may be increased to 120 feet to allow for more display area in the front of the Building.

    b. A patio display shall be required to create a transition between outside and inside areas. The patio display shall be a covered exterior display area that is raised above the grade of adjoining parking.

    c. The Building shall consist of a fully-enclosed showroom with an area no smaller than six thousand (6,000) square feet.

18. Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Uses are exempt from the minimum outdoor display lot area and Lot Frontage requirements of this Section if all inventory is stored and displayed indoors. Indoor-only Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Uses are subject to all other applicable requirements of this Section, and the following additional standards:

    a. Sales of vehicles must be conducted entirely within a fully-enclosed Building consisting of a showroom with an area no smaller than six thousand (6,000) square feet.

    b. Showroom spaces shall be visible from the exterior of the Building, through the use of windows, storefronts, or other Architectural Elements using either a Single-Story Commercial or Flex Building form.

    c. Outdoor sales, display, and storage of Autos, Light Trucks, RVs, Boats, and Trailers is prohibited.

    d. Parking associated with indoor-only Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Uses shall only be used for customers and employees.

F. Child Care Center. All instances of this Use shall comply with and provide, as applicable, the following:

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1. Proof of state licensure;
2. A design which precludes a front yard playground; and
3. A delivery, traffic, and parking plan which adequately mitigates the adverse impacts of increased traffic generation in the neighborhood where the Use proposed to be located.

G. Convenience Stores with Fuel Pumps.

1. The pump islands of the convenience store may be erected in the Front Yard area provided the pumps are set back at least twenty-four (24) feet from the Right-of-Way of any Street.
2. Hard-Surfaced driveways leading to and from a pump island and other properly located service facilities permitted on the property shall be allowed in the Front Yard area provided that the driveways shall be defined by the construction of a concrete curb on the side adjoining the sidewalk. The area between the curb and the sidewalk shall be landscaped to comply with Chapter 17.06.
3. A ten-foot distance shall be maintained between a driveway and the Property Line with which it is parallel or approximately parallel.
4. All Parking Areas on the convenience store Lot shall maintain the required landscaped Front Yard as required in Chapter 17.06 and shall be bordered by concrete curbing.

H. Day Treatment Center. All Day Treatment Center Uses shall be outpatient only with no inpatient residential component. Day Treatment Center Uses shall not be located any closer to residential districts, Parks, or Schools than six hundred (600) feet, nor within two thousand six hundred forty (2,640) feet of any Homeless Shelter Use, as measured at the closest Property Lines.

I. Funeral/Mortuary Home. This Use cannot share space or any Common Wall with another Use.

J. Homeless Shelter. Any Homeless Shelter Use shall:

1. Comply with the urban-style Multi-Family design standards;
2. Conduct all operations within an enclosed structure;
3. Serve only registered, overnight guests;
4. Provide 24-hour, on-site management and security;
5. Provide, implement and maintain a comprehensive design and management plan to prevent the deterioration of public health and public safety, the potential for loss of community, the deterioration of public assets and the devaluation of private property that Utah has recently experienced as a result of the opioid crisis, incomplete criminal justice reform, the lack of long term affordable housing, a lack of qualified and affordable long term treatment facilities and a poorly managed concentration of homeless individuals housed in overcrowded and understaffed facilities by demonstrating:
    a. Effective measures to:
        i. Minimize neighborhood disruption associated with the Use and the potential for excessive demands for City services;
        ii. Adequately and professionally staff the facility;
        iii. Prevent the spread of disease both on and off-site; and
        iv. Ensure the safety and convenience of public safety personnel;
    b. Adequate resources and commitment to promptly reimburse the City for:
        i. The disproportionate cost or consumption of City services resulting from the use;
        ii. Each unlawful request for emergency services associated with the Use of the facility, under Section 8.34.020;

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iii. The costs of all emergency services rendered at the facility as the designated "recipient" under Section 2.40.070;

iv. Implementation of specific objective, and accountable security and operations measures to prevent and eliminate:

a) Criminal activity on-site, including policies to safely store all guest weapons in a secure location, to securely store and dispense all prescribed medication, to prohibit on-site illegal drug possession or use and possession or storage of any stolen property;

b) Proliferation of crime off-site that is associated with the use;

c) Potential for the facility to support/attract/compound the adverse impacts of an off-site homeless population within a one-mile radius of the facility;

d) Best management practices to minimize the production, accumulation, disposal and transportation of solid waste;

e) Enforcement of quiet hours to protect neighboring properties;

f) A transparent and effective guest screening system to promptly refer and transfer applicable guests to off-site rehabilitation and detoxification or mental health programs;

g) Specific processes and objective commitments to regularly address ongoing operational complaints;

h) Comprehensive guest registry system that is maintained for a minimum of two years and is readily available to public safety personnel;

i) Detailed plan to transition guests from shelter within 90 days of initial registry;

j) Coordination with public safety regarding notice of any registered sex offender within the facility;

k) A reasonable code of guest conduct, including the prohibition of pan handling within the City;

l) Best practices to minimize vehicular and pedestrian traffic generation to and from facility.

K. Home Occupation, Category II.

1. Regulations.

a. Category II Home Occupations must be clearly incidental and subordinate to the Primary Use of the Dwelling for residential purposes and shall not change the character of the Dwelling or the neighborhood in which it is located. If at any time it is determined that a Home Occupation has altered the character of a Dwelling or neighborhood, the Home Occupation license will be revoked, and the character of the Dwelling must be restored.

i. A Home Occupation that changes the outside appearance of the Dwelling, architecturally or otherwise, to accommodate the Home Occupation Use on the property is prohibited.

ii. A Home Occupation may include the sale of goods produced on the premises and goods produced elsewhere as long as goods are not displayed where they may be seen from the outside of the property and as long as the sale of goods are limited to no more than two (2) customers per hour.

iii. A Home Occupation shall not occupy more than twenty (20) percent of the Dwelling's Floor Area.

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iv. Except for an enclosed outdoor play area for Child Care, a Home Occupation shall not involve the use of any yard area or activity outside a Building.

v. An Accessory Structure separate from the Dwelling may be used for a Home Occupation as long as: (i) the Accessory Structure remains incidental and subordinate to the Dwelling; (ii) no more than twenty-five (25) percent of the Floor Area of the Accessory Structure is used for the Home Occupation; and (iii) the land use authority approves the Use of the Accessory Structure for the Home Occupation. Home garden produce sales shall follow the requirements in Subsection (1)(b).

vi. No employee, other than one living at the Dwelling, is allowed at the Dwelling for any business purpose.

vii. All signs shall meet the requirements of Chapter 17.08 of this Code.

viii. Explosive or combustible materials shall not be stored for a Home Occupation.

ix. Home Occupations shall not disturb the peace and quiet of the neighborhood with noise, vehicles, odor, dust, vibrations, parking, obstructions, or other matters related to the business.

x. Yard and garage sales associated with a Home Occupation are prohibited.

xi. Home Occupations shall only be conducted between the hours of seven (7) a.m. and eight (8) p.m.

xii. Home Occupations shall comply with all pertinent City, county, and state regulations, including business license regulations. Home Occupation licenses may be revoked upon any valid unresolved complaint. Inspections by the City may occur as necessary to assure conformance with conditions and regulations.

xiii. Home Occupation shall meet all licensing requirements of the City, county, and state.

b. Category II Home Occupations shall meet the standards of this Subsection and Subsection (1)(d):

i. Home office Uses that require a customer to come to the home in order to conduct business.

ii. Home garden produce sales. Home garden produce sales must have sufficient Frontage or driveway space for the parking of vehicles. In order to avoid damage to adjacent Uses or property, all Temporary Structures shall be properly secured or anchored to the ground to prevent the Structure from being moved. The City may require additional securing or anchoring upon finding that the method of securing is inadequate.

iii. Barber Shop or Hair Salon.

iv. Home Craft Production and sales, where no machinery is used to create or construct the item produced.

v. Music, tutoring, and general education instruction limited to no more than two (2) students at a time.

vi. Dressmaker, seamstress, or tailor who has no assistants.

vii. Similar Uses as deemed appropriate by the land use authority.

c. The following Category II Home Occupation shall meet the standards and conditions listed below and in section 17.05.020(C) are met:

i. Home Craft Production and sales, where machinery is used to create or construct the item produced and does not involve reportable or regulated quantities of hazardous or flammable substances, and such operations will not generate noise, dust or odors.

ii. Dance instruction, limited to no more than two (2) students at a time or no more than twenty percent (20%) of the Dwelling's Floor Area, whichever is greater.

iii. Family Child Care, provided the care is provided only by those residing within the home, is limited to no more than eight (8) children at a time, a food prepared shall comply with all Salt Lake County Health Department standards, a Utah Food Handlers permit is required if serving non-prepackaged food, the food approved by Utah Childcare Licensing, and complies with the requirements of all regulating agencies.

iv. Pet Grooming Services, limited to two (2) animals on-site at any one time; or

v. Wholesale or Retail sales of goods, except as incidental to a permitted Home Occupation.

d. Conditions for Uses listed in Subsections (b) and (c):

i. Exception for home garden produce sales, customer traffic is by appointment only with no walk-ins.

ii. All Category II Home Occupation shall be limited to two (2) individual customers on the premises at a time.

iii. Hours of operation shall be limited from seven a.m. (7 a.m.) to eight p.m. (8 p.m.).

iv. No person, other than the Applicant/resident, shall work at the Home Occupation.

v. No more than two (2) customer vehicles may be parked on-site at any time.

vi. Category II Home Occupations may use available on-Street parking abutting the Dwelling.

vii. Required off-Street parking for the Residential Use shall not be interrupted for the Home Occupation.

viii. If a commercial vehicle is used in conjunction with a Home Occupation, it must (1) be parked off-Street on an approved Impervious Surface; (2) not exceed one ton in capacity; and (3) not be operated from the property between the hours of eight p.m. (8 p.m.) until seven a.m. (7 a.m.). Should a commercial vehicle create a nuisance regarding parking, noise, odor, hazardous substances, etc., the vehicle may be barred from the residential district by action of the Planning Commission.

e. Category II Home Occupations do not include:

i. Equestrian Facility;

ii. Commercial Animal Kennel or Commercial Animal Day Care;

iii. Real estate office other than an individual agent or broker in his own home;

iv. (Minor or Major) Manufacturing;

v. Indoor Storage Facility, Outdoor Storage Facility, or Warehouse Storage Facility;

vi. Auto-related uses;

vii. Massage Therapy; or

viii. Any Use not specifically listed as permitted in this Section.

L. Movie Theater/Live Performance Theater. Such Uses shall not be located any closer to residential districts than three hundred (300) feet, as measured at the closest Property Lines.

M. Sexually Oriented Business. All shall comply with the criteria specified in Title 5 of this Code.

N. Storage Facility, Indoor Climate Controlled. All instances of this Use shall comply with and provide, as applicable, the following:

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1. Comply with all Commercial Design Standards found in 17.07;
2. Comply with all Development Standards found in 17.06;
3. Conduct all business operations within an enclosed structure;
4. Provide on-site management and security;
5. Provide, implement and maintain a security plan to prevent the deterioration of public health and public safety;
6. Provide, implement and maintain an outdoor lighting plan that adequately screens lighting to mitigate its impact on surrounding Uses;
7. Provide, implement and maintain best management practices to minimize the production, accumulation, disposal, and transportation of solid waste;
8. Provide, implement and maintain a loading and services plan, including fire access; and
9. Provide, implement and maintain an energy efficiency plan.

O. Temporary Use.

1. Use Limitations.
   a. Temporary Uses include firework stands, Christmas tree lots, and other similar seasonal Uses.
   b. Temporary Use Permit. Temporary Uses shall obtain a separate business license and Conditional Use permit for each Use and location.
   c. Time Limitations. Use permits may be allowed for up to a six (6) month period with the following exceptions:
      i. Firework Stands. Restrictions shall follow the public sales and display limitations found in state code.
      ii. Christmas Tree Lots. Shall only be permitted from November 1 through December 31.
   d. Hours of Operation. Temporary Uses may be open from eight (8) a.m. to ten (10) p.m. unless provided otherwise under state code.
   e. Signage. Permanent signs are prohibited for Temporary Uses. All Signs shall follow the requirements of Chapter 17.08.
   f. Regulations by Other Agencies. This Section does not exempt the Applicant or operator from acquiring any other required permit for operation.
   g. Liability Insurance. The Applicant must obtain adequate liability insurance to cover all activities related to the Use for the duration of the permit, prior to issuance of the Temporary Use permit. A copy of the liability insurance policy shall be submitted to the City with the business license Application.
2. Site Improvements.
   a. Temporary Uses shall meet the following requirements:
      i. If the Temporary Use is located on an unimproved Parcel, the following shall apply:
         a) Based on the scope of the operation, the land-use authority may require the installation of a minimum road base or gravel surface for parking, to assure the safe passage of vehicles on adjacent roadways, and the safety of patrons.
         b) Sufficient off-Street parking shall be provided to meet the needs of the operation and of any existing Uses on the property.

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c) Structures, displays, and other activities must be located sufficient distance from any Street to provide for public safety and Clear View Area requirements as found in Chapter 17.07.

d) If any part of the Temporary Use becomes a nuisance or safety hazard, the land-use authority may require changes or discontinuance of the operation.

e) All activities and displays shall take place in accordance with the standards for outside business activities found elsewhere in this Title.

ii. If the Temporary Use is located on an improved Lot or Parcel, the following shall apply:

a) Sufficient off-Street parking shall be provided to meet the needs of the operation and any existing Uses on the property as determined by the land use authority.

b) Structures, displays, and other activities must be located sufficient distance from Streets to provide for public safety and Clear View requirements as found in Chapter 17.07.

c) If any part of the operation becomes a nuisance or safety hazard, the land use authority may require changes to or discontinuance of the operation.

d) In addition to the foregoing, all activities and displays shall take place in accordance with the standards for outside business activities found elsewhere in this Title.

e) Permanently located businesses that operate a Temporary Use shall meet the design standard and site improvement requirements found in Chapter 17.06 and 17.07.

3. Site Restoration. The site must be restored to its original condition upon expiration of the Temporary Use permit. The site may not be used for storage of any Temporary Use or Structures.

4. Temporary Structures. All Temporary Structures must be approved by the land-use authority. In order to avoid damage to adjacent Uses or property, all Temporary Structures shall be properly secured or anchored to the ground to prevent the Structure from being moved. The City may require additional securing or anchoring upon finding that the method of securing is inadequate.

P. Wireless Communication Facilities.

1. In addition to the existing Conditional Use standards, the following factors shall be considered by the Planning Commission:

a. Compatibility of the proposed Structure with the height and mass of existing adjacent Buildings and utility Structures;

b. Whether Collocation of the Antenna on other existing structures in the same vicinity with such Uses as other towers, Buildings, utility poles and similar Structures is possible, and practical, as demonstrated by the Applicant, without significantly affecting the Antenna transmission or reception;

c. The location of the Antenna in relation to existing vegetation, topography, and Buildings to optimize visual Screening;

d. Whether the spacing between Monopoles creates detrimental impact on adjacent properties;

e. The willingness of the Applicant to allow Collocation on its facility in the future for a reasonable compensation, as provided in sub (1)(b) of this Subsection.

2. The Planning Commission may require that the Structure be designed and engineered to reasonably allow Collocation by a subsequent provider of low power radio communication services, if Collocation

is feasible and consistent with sound engineering principles. Nothing herein shall be construed to deny the Owner of such a Structure from the right to receive reasonable compensation from that subsequent collocating provider for the Use of the structure.

3. Accessory Buildings for Antenna Structures. Accessory Buildings to Antenna Structures must comply with the required Setback, height and Landscaping requirements of the zoning district in which they are located. Monopoles shall be fenced with a six-foot chain-link fence and the climbing pegs removed from the lower 20 feet of the Monopole.

4. Abandoned Facilities. The Community Development Department is empowered to require an abandoned low power radio services Antenna be removed from the Building or premises when that Antenna has not been put into use by the Owner, the person having control, or the person receiving the benefit of the Structure within 30 calendar days after notice is given to the Owner, the person registered with the City as having control, or the person last known to the City to receive the primary benefit of the Structure. Notices required by this Section may be given by personal service, or by certified mail addressed to the person's last known address.

5. Where Allowed. A low power radio service facility, which is not otherwise classified in this Section, is a Conditional Use as outlined herein. A Conditional Use permit for a Monopole may be granted in a residential district only if the Planning Commission finds that:

    a. The Monopole Antenna otherwise meets the requirements of Subsection (D) and does not exceed 60 feet in height;

    b. The Antenna tower will be placed on a Parcel occupied by a non-Residential Use, such as a school, church, or other non-Residential Use that is a legally conforming structure in that residential district;

    c. The Antenna tower will be located no closer than 150 feet from the nearest residential structure; and

    d. The Antenna and supporting Structure will be disguised as, or otherwise integrated with, a light pole, Billboard, utility Structure or similarly Compatible and useful Structure located on the Parcel in a way that minimizes and mitigates the visual impact of the Antenna.

6. Controlling Chapter. Notwithstanding the various descriptions of land uses listed in the ordinances of the City relative to communication facilities, and the manner in which those various Uses are listed as Permitted or Conditional Uses in the respective chapters of this Title, the provisions of this Section and the Land Use Matrix shall prevail in governing the placement of wireless communication facilities, low power radio services facilities, and appurtenant facilities in the City, including the designation of Permitted and Conditional Uses in the various land-use districts.

17.05.050 Conditional Use Permit Standards.

Upon review and consideration of the criteria identified in this Chapter, as compared to the impacts of Permitted Uses in the district, the proposal must:

A. Be Compatible in intensity of Use, Scale, and design with Permitted Uses in the district;

B. Not compromise the health, safety, or welfare of:

    1. Persons employed within or using the proposed Development;

    2. Those residing or working in the vicinity of the proposed Use or Development; or

    3. Property or improvements in the vicinity of the proposed Use or Development;

C. Not impose disproportionate burdens on the citizens of the City.

17.05.060 Conditional Use Permit Determination.

A. The land use authority shall issue a Conditional Use Permit, describing the scope of the permit and all reasonable conditions of approval if the Application complies with Code and the Applicant has proposed, or the land use authority has required, conditions to substantially mitigate the reasonably anticipated detrimental effects of the proposed Use.

B. If the land use authority determines that the Application does not comply with the standards and criteria of this Chapter and the Applicant has not proposed or the land use authority cannot impose additional, reasonable conditions of approval to that would bring the proposal within the standards and criteria of this Code, the land use authority may deny the Conditional Use Permit Application.

17.05.070 Modification of Conditional Use Permit.

A. The land use authority may reasonably modify the conditions of a Conditional Use Permit if the actual detrimental effects of previously identified adverse impacts are greater than anticipated, or the proposed mitigation has been unsuccessful at mitigating those actual detrimental effects to comply with the standards of this Code.

B. Modification proceedings may be initiated by the Applicant, the City, or an injured party with standing. The party seeking the modification must pay the costs associated with the modification proceedings and file a petition for modification with the City. Modification proceedings are conducted in the same manner as an initial review.

C. The Conditional Use permit holder is a necessary party to these proceedings and shall be afforded due process.

17.05.080 Expansion or Growth of Conditional Use.

A. A Conditional Use may not be expanded without first undergoing modification proceedings, as provided in Section 17.05.060, and obtaining a Conditional Use Permit that addresses and allows the proposed expansion of the Conditional Use.

B. Expansion of a Conditional Use occurs if the square footage of a Structure on a property subject to a Conditional Use Permit or associated with a Use listed as "Conditional" in this Title's Land Use Matrix will be increased by greater than ten (10) percent of the square footage existing at the time of the initial Conditional Use Application.

C. A Conditional Use has grown if any of the following occurs:

   1. The pedestrian or vehicle traffic has increased by greater than twenty (20) percent than was anticipated at the time of the initial Conditional Use Application, and the increased traffic is a result or impact of the Use;

   2. Off-Street parking has become inadequate due to the number of customers, employees, or occupants associated with the Conditional Use; or

   3. Other detrimental effects, such as noise, odor, or light pollution, have increased beyond what was reasonably anticipated at the time of the initial Conditional Use Application.

D. The City may initiate modification proceedings if a Conditional Use has grown to the extent provided in this Section.

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17.05.090 Revocation of Conditional Use Permit.

A. A Conditional Use permit may be revoked or suspended if any of the following occur or are found to have occurred:

1. The Conditional Use Permit was obtained by fraud or misrepresentation;
2. One or more of the conditions of the Permit have not been met;
3. The holder or user of the permit has failed to comply with any local, state, or federal laws governing the conduct of the Conditional Use;
4. The holder or user of the Permit has failed to construct or maintain the site as shown on the approved plans; or
5. A Conditional Use has been expanded or grown and cannot mitigate the detrimental effects of that expansion or growth.

B. Revocation is appropriate when the Applicant has knowingly engaged in conduct that violates the Conditional Use Permit, or when the holder or user has previously had the Permit suspended. Notice shall be given of a pending revocation and the Property Owner will be given a reasonable opportunity to cure the violation in the same manner as provided for other violations of ordinances in this Title.

17.05.100 Building Permits.

The issuance of a Conditional Use Permit does not excuse an Applicant from applying for and obtaining Building Permits for the location, unless Building Permits are not required for the approved Conditional Use.

17.05.110 Conditional Use Permit Expiration.

A. Conditional Use Not Implemented. A Conditional Use Permit expires if the Permit has not been implemented within two (2) years from the date of approval. The Permit is considered implemented if the holder of the Permit engages in the Conditional Use on the site or maintains an active building permit (excluding demolition permits) on the site for which the Conditional Use Permit was granted.

B. Conditional Use Abandoned. If the approved Conditional Use or activity ceases for any reason or does not maintain an active building permit for a continuous period of two (2) years or more, the Conditional Use Permit shall automatically terminate without further notice, as having been abandoned. A person may only reinstate the Conditional Use after applying for and receiving a new Conditional Use Permit.

Chapter 17.07 DESIGN STANDARDS

Sections:

17.07.010 Applicability.

In addition to all applicable Construction Codes and the South Salt Lake Lighting Master Plan, the following design standards shall apply to:

A. All new Structures;

B. Any Change of Use, addition, expansion, remodel, or intensification of the Use of any property that increases or modifies the Floor Area of a Building or Use by 50% or more; and

C. All Noncomplying Structures that are a part of any Development identified in Subsection B.

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17.07.020 Building Form by Land Use District.

A. Building Forms. Only Building forms designated by the letter A in the following matrix are allowed in each district. All other Building forms are prohibited.

	Single-Family	Townhome	Urban-Style Multi-Family	Single-Story Commercial	Civic	Office	Large Format Commercial	Flex	Indoor Climate Controlled Storage Building	Accessory Structure to Non-Res. Building
Commercial Corridor			A	A	A	A	A		A	A
Commercial Neighborhood				A	A					A
Commercial General				A	A	A				A
TOD & TOD-Core			A	A	A	A	A	~~A~~		A
Mixed-Use			A	A	A	A	A			A
Townhome Overlay		A								
Business Park				A		A		~~A~~		A
Flex				A	A	A	A	A		A
Historic					A					A
Jordan River	A									
City Facility					A					A
Open Space										
R1	A				A					A
Residential Multiple	A		A		A					A
Riverfront Flex/Office								A		A
Riverfront R1	A									
Riverfront RM1										
Riverfront School					A					A
Crossing MPMU - Anchor Tenant							A			A

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Crossing MPMU - 2100 S/State St.			A	A						A
Crossing MPMU - Transit District				A		A	A			A
Downtown*			A	A	A	A	A		A	A
East Streetcar**			A	A	A					A
Granite Library					A					A
Granite Townhome		A								
Granite Lofts		A								

*Excludes Station District

**See East Streetcar MPMU

B. Building Form Does Not Determine Land Use. Regardless of Building form, all Uses carried on within a Building shall be limited to the Permitted Uses in the land use district in which the Building is located.

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