ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL AMENDING CHAPTERS 17.03, 17.07, AND 17.21 OF THE SOUTH SALT LAKE MUNICIPAL CODE, AMENDING DEFINITIONS AND ESTABLISHING DESIGN REVIEW STANDARDS AND HEIGHT LIMITS FOR RESIDENTIAL CONSTRUCTION.

WHEREAS: the City Council is authorized by law to enact ordinances for the protection of the health, safety and welfare; and

WHEREAS: the City is authorized by law to enact ordinances establishing regulations for land use; and

WHEREAS: the City Council finds that certain changes are desirous in order to implement the General Plan of the City; and

WHEREAS: The City Council finds that these changes implement the City's General Plan goal for regulating land uses based on compatibility with surrounding uses, residential areas, and economic feasibility; and

WHEREAS: The City Council finds that these changes implement the City's General Plan goal to maintain residential, business, and industrial areas that are vibrant and where the health and safety of all are protected; and

WHEREAS: The City Council finds that these changes implement the City's General Plan goal to promote strict development and design standards that will result in desirable, modern and attractive houses; and

WHEREAS: The City Council received a positive recommendation from the South Salt Lake Planning Commission;

BE IT ORDAINED, therefore, by the City Council of the City of South Salt Lake that Chapter 17.03 of the City of South Salt Lake Code is amended as follows:

17.03 – Definitions

For the purpose of this title certain items and words are defined. Any words not defined in this section shall be construed as defined in the latest adopted building and fire codes of the International Code Council, if defined therein; or as defined in The Latest Illustrated Book of Development Definitions:

"Abandonment" – The giving up or forsaking of any use or control dominions for influence over any personal or real property or claim thereto.

"Abut" – To physically touch or border on; or to share a common property line. Properties that are separated by a public or private right-of-way are not considered abutting properties.

"Accessory use" – A subordinate use customarily incidental to and located upon the same lot, and in the same zoning district, as the primary use or building.

"Accessory Structure" – A subordinate structure detached from but located on the same lot as a principal building. The use of the structure must be accessory and customarily incidental to the use of the principal building. Accessory structures include, but are not limited to garages, sheds, and decks.

"Acreage, Gross" - The total area of the development site, including all rights-of-way.

"ADA" – "The Americans with Disabilities Act", enacted by the U.S. Congress in 1990, which prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. The ADA also establishes requirements for telecommunications relay services.

"Addition, Major" – An extension or increase in floor area of a building or structure that increases the floor area of the structure by at least 50 percent.

"Addition, Minor" - An extension or increase in floor area of a building or structure that increases the floor area of the structure by up to 50 percent.

"Administrative Law Judge" – A person appointed by the mayor or his designee to preside over administrative hearings.

"Adult daycare" – Nonresidential care and supervision:

1. In a commercial zone care for three or more adults for at least four but less than twenty-four (24) hours a day;

2. That meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting; and

3. If in a residential zone is a conditional use with no more than six people cared for at any one time.

"Adult daycare facility" – A nonresidential facility that furnishes care, supervision and guidance for three or more adults accompanied by a guardian for periods of less than twenty-four (24) hours per day if in a commercial zone and six or fewer persons if in a residential zone.

“Affected Entity” – A county, municipality, local school district, special service district under Utah Code Annotated (UCA) Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under UCA Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility under UCA Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, a property owners association, or the Utah Department of Transportation, if:

a) The entity’s services of facilities are likely to require expansion or significant modification because of an intended use of land;

b) The entity has filed with the City a copy of the entity’s General or Long-Range Plan; or

c) The entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed under this chapter.

"Agriculture" – The tilling of the soil, the raising of crops, horticulture and gardening, breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business where more than fifty (50) percent of feed yard food is produced remote from the premises, such as animal feed yards, fur farms, animal hospitals, fruit packing plants or similar uses.

“Alcoholic Beverage Classifications” – see Title 5

“Alcoholic Beverage State Liquor Store” – A facility for the sale of package liquor on premises owned or leased by the State of Utah and operated by State employees. This term does not apply to restaurants, private clubs, or package agencies.

“All-Terrain Vehicles (ATV), Motorcycle, Wave Runners, Snow Mobile Sales & Service” – The sale or lease of any motorized off-road vehicle 50 inches or less in overall width, having a dry

weight of 800 pounds or less, or other motorized vehicles, similar in size, and not including automobiles, trucks, trailers, etc.

"Alley" – A street or thoroughfare less than twenty-five (25) feet wide.

"Alterations" – As applied to a building or structure, mean a change or rearrangement of parts or in the existing facilities or an enlargement, whether by extending on a side, by increasing the height or the moving from one location or position to another.

“Alterations, Structural” – Any change in the supporting members of a building such as a bearing wall, columns, beams or girders.

“Ancillary Use” – A use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to and customarily found in connection with such primary use.

“Animal Boarding / Raising (Farm)” – An operation for customarily raising animals for profit on a farm.

“Animal, Family Food Production” – A farming operation conducted by a person or persons, including a family farm corporation, but is not a corporate farm, and allows family members to both work and reside on the property devoted to agricultural uses. The production, keeping, or maintenance, for sale, lease or personal use, of animals including and not limited to: dairy animals, poultry, livestock, bees and apiary products.

“Animal Hospital / Veterinary Office (small animal)” – An establishment at which small or medium farm animals or household pets are treated or boarded within a completely enclosed building, and the boarding of animals is limited to short term care incidental to the animal hospital/veterinary office use.

“Animal Kennel / Day Care, Commercial” – A facility where three or more pet animals, owned by another person, are temporarily boarded for pay, trade, barter, commission, or remuneration of any sort. This does not apply to zoos or to animal hospitals operated by veterinarians duly licensed by law.

“Animal / Reptile Rescue” – A facility used to house or contain stray, homeless, abandoned, or unwanted animals and/or reptilian and that is owned, operated, or maintained by a public body, an established human society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

"Apartment court" – Any building or group of buildings which contains dwelling units and also satisfies the definition of a motel as defined in this section.

"Apartment hotel" – Any building which contains dwelling units and also satisfies the definition of a hotel as defined in this section.

"Apartment house" – A multiple-family dwelling. See "Dwelling, Multiple-Family" as defined in this section.

“Apiary” – A place where beehives are kept and maintained, where bees are raised primarily for honey.

“Appeal Authority” – A person or designated body of persons, in accordance with Title 17.07.050 of the Municipal Code, for the purpose of hearing appeals from land use authorities to ensure that the actions being appealed were supported on the basis of facts within the public record. "Arcade" – A facility which contains three or more electronic or mechanical game machines.

“Art Gallery” – An establishment engaged in the exhibition and sale of artworks. It does not include the sale of art supplies or other raw materials used in the creation of artwork.

“Art Studio” – A location where artwork is created. Examples include, but are not limited to, painting, clay sculpting and firing, engraving, and metal work. This definition is not intended to include performance art.

"Assisted living facility" – A residential facility, licensed by the state of Utah, with a home-like setting that provides an array of coordinated supportive personal, health care services, aides in daily living, social and recreational services, available twenty-four (24) hours per day, to residents who have been assessed under Utah Department of Health or Department of Human Services regulations to need any of these services. Each resident shall have a service plan based on assessment, which may include:

1. Specified services of intermittent nursing care;
2. Administration of medication; or
3. Support services promoting the resident's independence and self-sufficiency.

An assisted living facility does not include:

1. A residential facility for persons with a disability, or

Adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

“ATM, Kiosk, Vending Machine – Self Service, Interactive, Outdoors” – Any unattended self-service device that performs services upon a required payment or command by the user. Such services include, but are not limited to: banking or financial functions at a location remote from the controlling financial institution; dispensing anything of value including food, beverage, goods, wares, merchandise, or services; or posting of notices or advertisements.

“Auction House” – A structure or area within a building used for the public sale of goods, wares, merchandise, livestock or equipment to the highest bidder.

“Auto Body Repair” – Repair to passenger vehicles, light and medium trucks and other motor vehicles such as motorcycles, boats, and recreational vehicles. This type of repair may include auto body painting. Generally, the customer does not wait at the site while the service or repair is being performed.

“Auto, Light Trucks, RV, Boat and Trailer Dealership (new and used) – Sales and Service” – The use of any building, land area, or other premises or portion thereof, for the display, or sale of new or used automobiles, light trucks, recreational vehicles, boats or trailers and may include any warranty repair work and other repair service conducted as an accessory use.

“Auto, Light Trucks, RV Rental and Leasing Agencies” – A business or establishment engaged in the leasing or renting of automobiles, light trucks, vans, RVs, and motor bikes or scooters, including incidental parking and servicing of vehicles for rent or lease.

“Automotive Service & Repair” - An establishment engaged in the repair or maintenance of motor vehicles, trailers, or recreational vehicles. This does not include auto body work of any type.

“Automotive Service Station, Non-mechanical” - A facility where routine maintenance is performed on passenger vehicles while the customer generally waits on-site while the service is being performed.

“Aviary” – An enclosure specifically constructed to hold live birds in confinement.

“Bail Bonds” – A service that pays a fixed amount by a court in order to obtain the release of a defendant awaiting trial upon criminal charges from the custody of law enforcement officials. A professional bail bond agent executes a document that promises to forfeit the sum of money determined by the court to be commensurate with the gravity of the alleged offense if the defendant fails to return for the trial date.

“Bakery, Commercial” – An establishment where products such as bread, cake, and pastries are baked and/or sold. Typically, on-site retail is not available. The primary purpose of the business is large-scale distribution and wholesale.

“Bakery, Neighborhood” – An establishment where products such as bread, cake, and pastries are baked and/or sold. The retail operation is primarily serving the surrounding neighborhood of its location.

“Balcony” – A covered or uncovered platform usually projecting from a wall or an entrance to a building, sometimes being surrounded by a railing, balustrade, or parapet. A balcony is typically accessible from an upper floor doorway or window.

“Barber Shop/ Beauty Salon” – An establishment providing cosmetic treatment services for men and women. Other variations of this type of business include hair salons.

"Basement" – A story wholly or partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half or more above grade.

“Berm” – An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

“Best Management Practices (BMPs)” – A practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water, soil, and air quality goals.

“Block” - The aggregate of lots, passages, lanes, and alleys bounded on all sides by streets.

“Block Depth” - A block measurement that is the horizontal distance between the front property line on a block face and the front property line of the parallel or approximately parallel block face.

“Block Ends” - The lots located on the end of a block; these lots are often larger than the lots in the interior of the block or those at the opposite end of the block and can be located on a more intense street type. They are typically more suitable for more intensive development, such as multiple family or mixed use development.

“Block Face” - The aggregate of all the building facades on one side of a block.

“Block Length” - A block measurement that is the horizontal distance along the front property lines of the lots comprising the block.

“Blood / Plasma Donation Centers, Commercial and not Accessory to a Medical Clinic” – A walk-in facility where the donation or sale of blood and/or plasma is taken and distributed for use in medical or other similar products. Unlike blood donors, most plasma donors in the United States are paid.

“Buffer” – An open space, landscaped area, fence, wall, berm, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

“Build-to Zone” – An area of lot designated for placement of a building façade along a street frontage, located parallel to a front or corner property line. The Build-to Zone defines an area in which the locations of building fronts can vary within a specified range.

“Buildable Area” – The area of a lot remaining after the minimum yard, parking, and open space requirements of the zoning ordinance have been met. This area typically should not include wetlands, steep slopes, or easements.

"Building" – Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Front Line of. "Front line of building" – The line of that face of the building nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches, whether enclosed or unenclosed, but does not include uncovered steps protruding four feet or less into the front yard.

"Building, Temporary" - A building used for the storage of construction materials and equipment incidental and necessary to on-site construction of houses, utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

“Building, Height of” – The vertical distance from the average finished grade to the highest point of the roof.

“Building, Historic” – Any building or structure that is historically or architecturally significant that meets the requirements found is 17.13.180.

“Building, Main or Primary” – A building in which is conducted the principal use of the lot on which it is located.

"Building line" – The line circumscribing the buildable area of a lot. The building line is considered a vertical surface intersecting the ground on such line.

“Building Permit” – A permit issued by the duly designated building official authorizing the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a building or structure, which acknowledges that such use or building complies with the provisions of the municipal zoning ordinance, or an authorized variance therefrom. "Carport" – A private garage open on two or more sides.

“Building Type” - A structure defined by the combination of configuration, form, and function.

"Carport" - A roof structure open on at least two sides and subject to all regulations prescribed in the land use code.

“Car Wash” – A building used for washing and cleaning motor vehicles and other light duty equipment. A Car Wash may include accessory areas designated for vacuuming and preparations.

"Certified local inspector" – A person certified by the office, pursuant to Utah State Code Subsection 62A-2-108.3(1), to conduct an inspection described in Utah State Code Subsection 62A-2-108.3(4).

“Church, Religious or Ecclesiastical Building” – A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Related facilities may include the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the religious institution, licensed child daycare, playground.

“City Council” – The legislative body of the South Salt Lake City government. The council is established and regulated by Chapter 2.08 of the Municipal Code.

"Clinic" - a building or potion of a building containing offices and facilities for providing medical, dental, psychiatric, or counseling services for outpatients only.

“Commercial Repair Services” – Establishments primarily engaged in the provision of repair services to individuals, households and/or businesses, but excluding automotive and equipment repair types. Typical uses include the repair of appliances, shoes, watches or jewelry, musical instruments, printers, and cell phones.

"Community correctional facility" – A facility licensed by or contracted by the state of Utah to provide temporary occupancy for a previously incarcerated person(s) which assists such person(s) in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution.

“Community Development Director” – The head of the Community Development Department. The position is appointed by the Mayor of South Salt Lake, with advice and consent of the City Council.

“Comprehensive Mental Health, Abuse, Substance Abuse Treatment Center”
(Outpatient) – An operation licensed by the State of Utah as “Day Treatment” for specialized treatment for less than 24 hours a day for four or more persons who are unrelated to the owner or provider and who have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies. Day treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service.
(Inpatient) means an operation licensed by the State of Utah as “Residential Support” as a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community.

"Conditional use" – A use of land or structure for which a conditional use permit is required. Conditional Uses are divided into the following classifications:

“Category I conditional uses” means any conditional uses which are not listed as category II conditional uses.

“Category II conditional uses” means the following uses:

(1) Residential conditional land uses;

(2) Conditional uses that require design review and are within or adjacent to R1-5, R1-6, RM, Mixed or TOD zones, regardless of the size of the development; or

(3) Conditional uses which result in the development of one (1) acre of land or greater, except in the Light Industrial zone.

"Condominium" - a single unit in a multi-unit development or structure which is separately owned which may be combined with an undivided interest in the common areas and facilities of the property.

“Contributory Structure” – A structure that is built within the historic period (50 years or older), retains most of its original appearance without major changes to the structure, eligible of

National Register for architectural significance, and is deemed as contributing to the Historic and Landmark District by the Historic and Landmark Commission.

“Convenience Store” – A retail establishment selling primarily food products, small household items, newspapers, magazines, candy, beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

“Convenience Store and Car Wash” – A convenience store with an accessory car wash service located on the premises.

“Convenience Store with Fuel Pumps” – A convenience store that also includes the sale of primarily petroleum products and vehicle related products and services.

“Continuous Occupancy” – The status of a nonconforming use, structure, or other nonconformity wherein the nonconformity has not been abandoned or vacated for a period longer than twelve (12) consecutive months.

"Correctional facility" – A public or private prison, jail, adult detention facility, juvenile detention facility, or juvenile secure facility.

"Court" – A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

“Courtyard” - An outdoor area enclosed by a building on at least two sides and is open to the sky.

"Coverage" – That percentage of the plot or lot area covered by the building area. This term can also be referred to as “building coverage.”

“Coverage, Impervious Site” - The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.

“Crime Prevention Through Environmental Design (CPTED)” – Guiding design principles for creating safer built environments, incorporating natural surveillance, access control, territorial reinforcement, sense of ownership, management and maintenance.

“Craftsman Industrial” – A use wherein an individual having creative skills in manufacturing, or the arrangement of materials resulting in a finished product or commodity, such as home decorations, furniture, toys, leather goods, and other similar products. The manufacturing and production takes place in an industrial or commercial building and may include accessory retail.

“Crematory, Embalming Facility” – A building containing properly installed, certified apparatus intended for cremation and/or embalming of the dead but not including facilities for burial, internment, body viewing, or funeral services.

“Critical Root Zone” - Also referred to as drip line. The area of soil and roots within the radius beneath the tree’s canopy, within the drip line, or within a circular area of soil and roots with a radius out from the trunk a distance of 1.5 feet for every inch of the tree’s width (measured at 4.5 feet above the mean grade of the tree’s trunk, noted as diameter breast height or DBH throughout this code).

“Cultural Buildings/Uses” - Public or private establishments that document the social and religious structures and intellectual and artistic manifestations that serve and characterize a community and may include libraries, museums, art galleries, botanical and zoological gardens, and/or social events for natural, historic, educational, or cultural interest.

“Dance/Night Club” – An establishment intended primarily for dancing and entertainment within an enclosed dance floor space, using either live or electronically produced music, either open to the public or operated as a private club open to members only.

“Dance Studio” – An establishment for the instruction of the art of dance including, but not limited to, ballet, ballroom, jazz, tap, and modern. The standards applicable to the operation of such a facility are dependent upon the physical location of the school. If within a home, they must comply with the provisions of the Home Occupation Ordinance requirements; otherwise, they must comply with the requirements of the underlying zone.

“Day Care, Adult Commercial, non-residential” (See “Adult Day Care”)

“Day Care, Child Commercial” – A commercial establishment that provides care, supervision, and protection of children for less than 24 hours by individuals other than parents, guardians, or relatives by blood, marriage or adoption. The Day Care is located within a commercial zoning district.

“Day Spa” – A place or building that provides facials, relaxation amenities, exercise, and related activities with or without such equipment or apparatus. Subsequent services may include hair salons, make-up consultation and application, manicure and pedicure services, and massage therapy. A day spa includes a variety of such uses and is not limited to just one use.

“Deck” – An aboveground platform, attached to, and projecting from the wall of a building, that is supported by pillars or posts.

“Dedication” - The intentional appropriation of land by the owner to the City for public use and/or ownership.

“De minimis discharge of hazardous materials” – An incidental and insignificant discharge of a regulated hazardous material that does not pose a hazard to human health and the environment and that does not require secondary containment or other remediation. An example of a de minimis discharge is a minor and temporary fluid leak from a licensed and operable automobile. This definition shall not be construed to apply to persistent, bio accumulative and toxic chemicals as designated by the United States Environmental Protection Agency.

“Degree of Nonconformity” – The extent which the nonconforming feature/element of a structure extends beyond that point which constitutes the greatest pre-existing encroachment.

"Density" - The number of dwelling units per acre of land.

"Depository Institution" - A bank, savings and loan association, savings bank, industrial bank, credit union, or other institution that:

1. Holds or receives deposits, savings, or share accounts;

2. Issues certificates of deposit; or

3. Provides to its customers other depository accounts that are subject to withdrawal by checks, drafts, or other instruments or by electronic means to effect third party payments.

“Design Guidelines”- A set of guidelines that provide direction and preferred practices regarding the architectural appearance and design of a building and its site.

“Design Standards” – A set of defined parameters regarding the architectural appearance and design of a building and its site that govern the alteration, construction, demolition, or relocation of a building, or improvement.

“Detention Area” – A facility designed for the temporary storage of storm water runoff and to gradually release the storm water at a sufficiently slow rate to avert flooding.

"Development Review Meeting" - A pre-development meeting held by the Community Development Department and attended by the developer and departments involved in the plan review process.

“Development Site” – One or more parcels of land occupied or capable of being occupied by a building or group of buildings including accessory structure(s) and accessory use(s), together with such yards or open spaces, and setback areas as are required by this code and having frontage upon a street.

“Distribution Facilities” – A location where goods are received and/or stored for delivery to remote locations.

“Drive Aisle” – An area within a parking facility intended to provide ingress and egress to parking stalls.

"Drive-up Window" - A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

“Duplex” – A building designed as a single structure, containing two separate living units under one ownership, each of which is designed to be occupied as a separate permanent residence for one family, or no more than four unrelated persons.

“Dry Cleaning and Laundromat” – An establishment or business which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning may be done elsewhere.

“Driveway” – An unobstructed paved area providing access to an appropriate vehicle parking, loading, or maneuvering facility.

“Drive Aisle”- A vehicular lane designated between or along rows of parking stalls in a parking lot. The aisle is intended to direct vehicular traffic through a parking lot to and from a designated parking stall.

“Drive-Up Window (non-food, Banks, ATMs, Dry Cleaners, Pharmacy, etc.)” – A building opening , including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service, not pertaining to food production or delivery.

"Dwelling" – Any building or portion thereof which is designed for use as residential purposes, except hotels, mobile homes, motels and apartment complexes that has been approved for residential use by the City’s Building Official.

"Dwelling Unit" – One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family, or four (4) unrelated adults, for living or sleeping purposes.

"Dwelling, Single Family Detached" - A building containing one dwelling unit occupied by one family (See definition of “Family”), or four (4) unrelated adults and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

"Dwelling, Town House" - A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

“Dwelling, Multi-Family” – A building containing three or more independent and individual dwelling units, including units that are located one over another.

“Easement” – Authorization by a property owner granting the use of land by the public, a corporation, or persons for a specified purpose.

“Easement, Utility” – The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

“Eave” - The edge of a pitched roof; it typically overhangs beyond the side of a building.

“Education, After School Programs, Adult & Children” – Development programs that occur during or beyond the school day, includes before or after school hours or on holidays and weekends. Such programs offer a wide range of learning and enrichment activities that promote the physical, emotional, cognitive and social development of children, youth, and/or adults. For the purposes of this definition, a Preschool is included as a type of this educational program.

“Education, Higher, Public & Private” – An institution for higher learning, beyond high school, that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

“Education, Public, Private, Charter or Quasi Public School” – A public school established by a contract with a district governing board, the state board of education or the state board for charter schools pursuant to Utah State Law to provide learning that will improve pupil achievement.

“Education, Trade, Vocational, & Training” – A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility. “Employment Agency, Temporary Staffing” – A commercial organization that finds jobs for people or people for jobs. This type of use is regulated in Section 17.15.030 of the Municipal Code.

“Entrance Type” - The permitted treatment types of the ground floor Facade of a Building Type.

“Equestrian Facilities” – Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, and park stations. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above issues.

“Equipment Sales, Service, Rental, Heavy Equipment and Farm” – An establishment primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

“Escort / Outcall Agencies” – Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusement, or within any place of a public or private resort or any business or commercial establishment or any private quarters. Escort shall not be construed to include persons who provide business or personal services such as licensed private nurses, aides for the elderly or handicapped, social secretaries, or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve hours and who provides a service not principally characterized as dating or socializing. Escort shall also not be construed to include persons providing services such as singing telegrams, birthday greetings, or similar activities characterized by appearances in a public place contracted by a party other than the person for whom the service is being performed and of a duration not longer than one hour. Escorts may be commissioned or hired, for profit, by a business known as an “Outcall Agency” or “Escort Bureau” that arrange for escorts to accompany other persons for social engagements.

“Excavating” – The process of altering the natural (grade) elevation by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

“Expression Line” - An architectural feature. A decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two inches from the exterior facade or a building typically utilized to delineate floors or stories of a building.

“Façade” – That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

“Façade, Primary” – The façade facing the street from which the building derives its street address.

“Face of a Building” – See “Façade”.

"Family" means one person living alone or two or more persons related by blood, marriage or adoption, according to the laws of the state of Utah; or a group not to exceed four unrelated persons living together as a single housekeeping unit for which a lawfully located off-street parking space is provided for each such person, such group to be distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

“Farmers Market” – The sale of fresh agricultural products directly to the consumer at an open air market designated as a community activity.

"Fence" – An artificially constructed barrier with the purpose or intent to enclose, screen, or separate areas.

“Final Grading” – The last stage of grading a soil or gravel material prior to landscaping, the installation of concrete or bituminous paving, or other required final surfacing material.

“Financial Institution” – The provision of financial and banking services to consumers or clients. Examples include a bank, savings and loan, credit union, or mortgage office. This definition does not include check cashing, title loans, payday loans, pawn shops, or precious metal recycling.

“Fitness, Exercise Center” – An establishment providing space for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, martial arts classes/instruction, saunas, showers, massage rooms, and lockers.

"Floor area" – The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls. This term is also referred to as “Gross Floor Area”.

“Food Carts and Trucks, on Private Property” – The vending of food or beverages from a movable cart-type stand or vehicle which is located on the same lot as an essential or primary permitted use in a zoning district that allows for such operation.

"Foster home" means a temporary residential living environment for the care of:

1. Four or fewer foster children in the home of a licensed or certified foster parent; or
2. Four or more children in the home of a licensed or certified foster parent if the children are siblings.

"Frontage" – All property fronting on one side of the street between intercepting streets, or between a street and a right-of-way, end of dead-end street or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the

frontage on the side of the street which it intercepts. This term is also referred to as “Street Frontage”.

“Funeral / Mortuary Home, Stand-Alone Building” – An establishment for the storage of human bodies prior to autopsy, burial, cremation, or release to survivors. Other services may include the arrangement and management of funerals, and may include limited caretaker facilities.

“Garage, Attached” – A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles. The garage shares a common wall with the primary structure on the same lot, and its use is subordinate to the primary use. Where the garage is attached to a dwelling in this manner, it shall be considered a part of the dwelling and shall be subject to all yard requirements of the main building.

“Garage, Detached” – A detached structure which is accessory to a primary building and use on the same lot and to which there is legal vehicular access from a public right-of-way, used and designed for the parking and storage of vehicles.

“Garage, Front Loading” - A building structure that is used for parking which is designed for access from a street which is either attached or detached to the front, side or rear of the dwelling but meets the requirements as found in 17.21.

“Garage, Rear Loading” – A building structure that is used for parking which is designed for access from a private street, alley, or driveway, that is either attached or detached, to the rear of the dwelling.

-“Garage / Yard Sales (Residential)” – The general sale of miscellaneous items that is open to the public and conducted on premises within a residential district. The sale is for tangible personal property and is advertised to the public at large. Sales are allowed as per Section 5.04.030 of the Municipal Code.

“General Plan” – A comprehensive declaration of goals, policies, and programs for the development of the city and including, where applicable, diagrams, maps, and text setting forth objectives, principles, standards, and other features, and which has been adopted by the city council. Utah State Code 10-9a-401 requires adoption of a General Plan by all municipalities. The Plan serves as an expression of development policies used to guide present and future needs.

“Golf Course” – A tract of land laid out and designed for the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

"Grade" – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line

is more than five feet from the building, between the building and a line five feet from the building.

“Grooming Services, Small Animal” – A facility or establishment where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

“Group Home” – The residential occupancy of a structure by a group of people who exceed the maximum occupancy allowed by the base zoning district and where a caregiver is on-site for purposes of providing medical and physical assistance due to age and/or disability of the tenant(s). Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see “hotel”). "Group recreation facility" – A privately owned, nonprofit facility or improvements for the primary purpose of personal or group recreation.

“Half Pipe Ramp” – A smooth surfaced outdoor structure, designed in a U-shape or trough-shape, and used in gravity extreme sports such as snowboarding, skateboarding, freestyle BMX, or inline skating. Appearance-wise, it resembles a cross-section of a swimming pool, and in its most basic form, it consists of two concave ramps (or quarter pipes), topped by copings and decks, facing each other across a transition.

"Hard-surface" – A concrete or asphalt surface, or other material that is impenetrable by water, such as impervious concrete.

"Hard surfacing" – An area covered by impervious materials, which, when referring to driveways, parking areas or lots, and roads or access ways, shall be either concrete or asphaltic materials.

“Haunted House” – Any establishment that is represented or advertised to the public as a haunted house, or similar use, in which the public, for a fee, is directed through a building, tent, or other similar structure that contains displays, acts, exhibits, live performances, or other attractions intended to entertain or amuse patrons through the use of Halloween-related props and themes. "Historic building" – Any building listed in the National Register of Historic Places or on the Utah State Register of Historic Sites or designated by the city council.

“Historic and Landmark Commission” – A committee, designated for duties specified in the Municipal Code, Title 17.13.180.

“Home Occupation, Category I” – A use that is clearly incidental and secondary to the use of the primary dwelling for residential purposes and shall not change the character of the residential dwelling or the neighborhood in which it is located. As defined in Title 17.07.040 of

the Municipal Code, Category I conditional use permit applications are reviewed and decided upon by the Director of Community Development. For the purpose of this definition, a “home office” is the only use determined to be a Category I Home Occupation.

“Home Occupation, Category II” – A use that is clearly incidental and secondary to the use of the primary dwelling for residential purposes and shall not change the character of the residential dwelling or the neighborhood in which it is located. As defined in Title 17.07.040 of the Municipal Code, Category II conditional use permit applications are reviewed and decided upon by the Planning Commission. For the purpose of this definition, any home occupation type other than a “home office” is determined to be a Category II Home Occupation.

"Homeless shelter" – A facility providing charitable lodging or sleeping rooms, temporary housing to indigent, needy, homeless, or transient persons; may also provide ancillary services such as meals, kitchen facilities, counseling and vocational training.

“Horticulture / Produce Sales” – The use of land for the sale of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

“Horticulture, Urban” – The growing of fruits, vegetables and other plants while interacting with municipal surroundings. It is primarily concerned with the functional use of plants to maintain and improve the urban environment. These plants, in an urban setting, are grown for a number of purposes: harvest production, aesthetic, architectural, recreational, environmental, and psychological.

“Hospital” – An institution licensed by the State of Utah which provides diagnostic, therapeutic, surgical, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital. Includes both general acute and specialty hospitals and must be licensed by the Utah Department of Health pursuant to the Health Care Facility Licensing and Inspection Act.

“Hotel” – An establishment providing, for a fee, sleeping accommodations and customary lodging services including maid service, the furnishing and upkeep of furniture and bed linens, telephone and desk service. Related ancillary uses may include but not be limited to conference and meeting rooms, restaurants, lounge, and recreational facilities.

“Hotel, Residential Lease, Extended Stay” – A building designed to be used, rented, or hired out to be occupied, or which is occupied for sleeping purposes for guests and contains kitchen

facilities for food preparation including but not limited to such facilities as refrigerators, stoves, and ovens. Extended Stay hotels are not a highway-oriented facility.

“Impervious Material” – Material that is impenetrable by water.

“Impervious Surface” - Also referred to as impervious material. Any hard surface, man-made area that does not absorb water, including building roofs, sidewalks, parking, driveways, and other paved surfaces.

“Impound and Tow Lot”– A parcel of land or a building that is used for the temporary storage of motor vehicles usually awaiting insurance adjustment, transport to a repair shop, or to be claimed by titleholders or their agents, and where motor vehicles are kept. Permanent storage of vehicles is not permitted with this use.

“Industry, Heavy” – Those firms involved in processing and manufacturing of materials or products, predominantly from extracted or raw materials; or a use engaged in the storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

“Industry, Light” – Those firms involved in research and development, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, manmade, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales.

"Institutional Building" - Shall include, but not limited to: churches, schools, community centers, public and quasi-public buildings.

“Irrigation”- The artificial application of water to land, by way of manipulating the land to supply the water by means of ditches, pipes, or streams.

“Jail” – A facility established and operated by another government agency, either directly or under contract with a private provider, for confinement of persons in lawful custody.

“Juvenile Detention Facility” – A facility established and operated by the State of Utah, either directly or under contract with a private provider, for temporary detention of delinquent juveniles.

“Laboratory, Industrial” See “Research & Development Facility”

"Land Use" - A description of how land is occupied or used.

“Land Use Application” – A completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the applicable City department for development review, approval, or permitting purposes, specific to approval of a Land Use Authority.

“Land Use Authority” – The City Council, Planning Commission, or Director of Community Development, as specified in Title 17.07.040 of the Municipal Code.

“Land Use Map” – The map enacted by the City Council identifying the location of all land use districts as applied to lands within the City of South Salt Lake.

“Land Use Matrix” – A table of land use categories and land use districts, located within Title 17 of the Municipal Code. The matrix lists permitted, conditional, and prohibited uses within the established land use districts of the City. The purpose is to allow complimentary land uses that may include, but are not limited to: residential, retail, office, commercial, civic and industrial uses.

“Land Use Ordinance” – An ordinance enacted by the City Council pursuant to Utah State law that sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the comprehensive General Plan of the City, which includes a Land Use (Zoning) Map, and complies with the provisions of Utah State law.

“Landscaping” – The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements as grass, trees, shrubs, and flowers. Treatment may also include the use of rocks, water features, benches, and contouring of the earth.

“Landscape Area” - Area on a lot not dedicated to a structure, parking or loading facility, frontage buffer, side and rear buffer, or interior parking lot landscaping.

“Landscape Plan” – A plan showing the proposed location, type and size of all trees, shrubs, and ground covers to be planted on the site as well as a complete water efficient irrigation system plan, pursuant to Chapter 17.25 of the Municipal Code.

“Laundry, Industrial” – An establishment in the business of supplying laundered items such as uniforms, gowns and coats, table linens, bed linens towels, clean room apparel, and treated mops to various industries, on a rental or contract basis.

“Library” – A public, nonprofit facility for the use of literary, musical, artistic, or reference materials.

“Live/Work Unit” – An integrated dwelling unit and working space, occupied and utilized by households in the dwelling above, or behind, the working space in the structure. The structure

has been designed or structurally modified to accommodate joint residential occupancy (generally upper floor(s)) and work activity at the ground floor.

"Lot" – A parcel of land occupied or capable of being occupied by one building or a group of buildings, together with such yards, open spaces and area as are required by this title and having frontage on a dedicated street. Except for multi-family dwellings, as specifically authorized by this title, not more than one dwelling structure shall occupy any one lot.

“Lot Area” - The computed area contained within the property lines; it is typically denoted in square feet or acres.

“Lot, Corner” – A lot abutting on two intersecting or intercepting streets, serving more than two (2) lots, provided the interior angle at the intersection of such two (2) sides is less than one-hundred thirty-five degrees (135°).

“Lot Depth” - The smallest horizontal distance between the Front and Rear Property Lines measured approximately parallel to the Corner and/or Side Property Line.

“Lot, Flag” – A legally approved and platted lot that has access to a public right-of-way by means of a narrow strip of land.

“Lot Frontage” - The horizontal distance between the Side Property Lines, measured at the Front Property Lines.

“Lot, Interior” – A lot that fronts on a street other than a corner lot.

“Lot, Nonfrontage” – A lot that does not front on a dedicated street.

“Lot, Through” - Also referred to as a double frontage lot. An interior lot having frontage on two approximately parallel vehicular rights-of-way, excluding an alley.

“Maintenance Facilities, Vehicle and Transit” – Any building, premise, or land upon which a private business, service, industry or unit of government: (a) services or maintains motor vehicles or transit equipment; or (b) stores vehicles or equipment used for servicing off-site facilities or infrastructure.

“Manufacturing Fabrication, Assembly, Processing, Packaging” (See “Industry, Light”)

“Manufactured Home” – A transportable factory-built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, which: (a) in the traveling mode, is eight feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and (b) is designed to be used as a dwelling and built on a permanent

chassis and designed to be used as a dwelling with a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. Manufactured homes constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior or the home certifying the home was manufactured to HUD standards. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

"Martial Arts Studio and Training" – A facility where martial arts training and competitions take place. When a martial arts studio is used to house martial arts tournaments and events that are open to the general public, they shall be located within the Entertainment Overlay District.

"Massage Therapy" – An establishment where nonmedical and nonsurgical manipulative exercises are practiced on the muscle or tissue of the human body for other than cosmetic or beautifying purposes. Such establishments may commonly be associated with health clubs, health and/or day spa, massage studios, or massage parlors. Such establishments shall follow all rules, acts and regulations as adopted by the State of Utah.

"Medical, Dental and Health Care Offices, On-Site" – A business wherein services are performed for the diagnosis and treatment of human patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A medical office does not include overnight care facilities.

"Medical, Dental Research Facilities / Laboratory" – A workplace for the conduct of scientific research, dedicated to medical and/or dental services, which offers opportunities for observation, practice, and experimentation. "Mixed Use Development"- A development project that includes more than one of the following uses: residential, retail, service, commercial, or office; and which, vertically or horizontally, integrates critical massing of physical and functional components into a coherent plan that promotes walkability through uninterrupted pedestrian connections, and reduces traffic and parking impacts. Mixed Use Developments may have more restrictive requirements as to allowed/required uses and building design, pursuant to a specific or master plan.

"Mixed Use Development" – The development of a tract of land, building, or structure with a variety of complementary land uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, and which, vertically or horizontally integrates principles of compact urban form.

"Mixed Use, Horizontal" – Commercial, office ore residential land uses which are in close proximity to each other and designed in a "village" type manner, but not necessarily within the same building structures.

"Mixed Use, Vertical" - Commercial, office ore residential land uses which are within the same building structure.

"Mobile Home" - A transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.

"Mobile home park" – Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation, pursuant to this title.

“Model Home” – A dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development approved by the city. Model homes may also incorporate sales or rental offices for dwellings within the development, and not for general real estate sales.

"Motel" – A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of typically providing direct independent access to, and adjoining parking for, each rental unit.

“Multi-Family Complex” – A structure or development of structures that contains dwelling units that share common walls, floors and/or ceilings with one or more units excluding duplexes uses. The land underneath the structure is not divided into separate lots. A Multi-Family Complex is commonly known as apartments.

“Natural State” – The condition of land which has not been graded, disturbed, or built upon.

“Natural Surveillance” – Physical design which keeps potential intruders under the perception of continual watch, using ‘eyes on the street’ and visual permeability in architecture, lighting, and landscaping.

“Natural Vegetation” – Living plant material including, but not limited to, trees, shrubs, flowers, grasses, herbs and ground cover.

“Neighborhood Gardens” – A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

“New Construction” – Legal authorization for the erection, alteration, or extension of a structure.

"Nonconforming building or structure” – A building or structure or portion thereof, lawfully existing at the time this title became effective, which does not conform to all height, area and yard regulations prescribed in the zone in which it is located.

“Nonconforming Lot” – A lot whose width, area, or other dimension does not conform to the regulations when this Code became effective. A new building may be constructed on a legally established lot which is nonconforming as to area, frontage and/or width provided the building conforms to all other requirements of Title 17 of the Municipal Code and any other applicable codes.

"Nonconforming use" – A use of a lot or portion thereof, lawfully existing at the time this title became effective, which does not conform to the present regulations of the zone in which it is located.

“Non-Contributory Structure” – A structure that is not contributing or is ineligible for registry to the Historic and Landmark District, as deemed by the Historic and Landmark Commission, or as a result of a historic survey by a certified architectural historian. This status is due to the structure not being built during the historic period (50 years or older), having major alterations or additions, and/or it no longer retaining historic integrity.

“Non-Depository Institutions, Check Cashing, Title Loan, Deferred Deposit Loans” – A financial business, other than a depository institution such as a bank, credit union, mortgage lender or savings and loan association that is registered by the State of Utah pursuant to the Check Cashing Registration Act or the Title Lending Registration Act. Also included are:

“Check Cashing” – A person or business that for compensation engages in cashing a check for consideration or extending a deferred deposit loan. “Check Cashing Business” does not include Depository Institutions, as defined by the State of Utah. A Check Cashing Business also does not include a retail seller engaged primarily in the business of selling goods or services to retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding 1% of the check or $1 as a service fee that is incidental to its main purpose or business.

“Payday Loan Business” – An establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.

“Title Loan Business” – An establishment providing short term loans to individuals in exchange for the title of a motor vehicle, motor home, or motorboat as collateral.

“Deferred Deposit Loans” – A business that conducts transactions where a person presents to a check casher a check written on that person’s account or provides written or electronic authorization to a check casher to affect a debit from that person’s account using an electronic payment and the check casher provides the maker an amount of money that is equal to the face value of the check or the amount of the debit less any fee or interest charged for the transaction and agrees not to cash the check or process the debit until a specific date.

“Nursery or Greenhouse, Commercial” – A facility used for the growing and the wholesale or retail sale of trees, shrubs, flowers, ground covers, etc. Said use may also include sales of related products, including fertilizers, mulch, and landscape decoration.

"Nursing home, elderly care facility, convalescent home and rest home" – An intermediate care nursing facility or a skilled nursing facility, licensed by the state of Utah, for the care of individuals who due to illness, advanced age, disability, or impairment requiring assistance and/or supervision on a twenty-four (24) hour per day basis. A nursing home, elderly care facility, convalescent home or rest home does not include:

1. A residential facility for persons with a disability;
2. A residential facility for elderly persons;
3. Adult daycare provided in conjunction with a residential facility for elderly or residential facility for persons with a disability.

“Office, General / Professional” – Professional or government offices maintained for the conduct of business in categories that include, but are not limited to: architectural, engineering, planning, design, accounting, auditing, advertising, law, computer services, and other similar businesses.

“Occupied Space” - Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

“Open Space, Passive” – An area of land or water that may be used for passive or active recreation, agriculture, conservation, landscaped areas, preserves of the natural environment, scenic land, and/or other use that is of a suitable size, topography, location, and shape to permit the activities for which it is intended as determined by the Land Use Authority.

“Open Space, Usable or Common” – An area of land within a lot or parcel that is used in conjunction with a primary use designed and intended for the use or enjoyment of the primary users, residents, and their guests of the development and shall include improvements as necessary and appropriate for use as usable outdoor space. Usable outdoor space may include accessory structures that enhance its use and enjoyment. Usable outdoor space shall be generally landscaped and may include patios, decks, shade structures, play equipment, play courts, walkways, and landscaped plazas. Usable outdoor space shall not include required setbacks, parking, and/or driveways. Stormwater facilities can qualify as usable outdoor space if the physical characteristics are functional as usable areas for the intended purpose of usable outdoor space.

“Open Space Type” - The permitted and regulated types of open spaces in this code. Refer to 6.0 Open Space Types for more information and a list of the permitted types.

“Open Water” - A pond, lake, reservoir, or other water feature with the water surface fully exposed.

“Outdoor Sales and Display” – An outdoor area used for display and sale of merchandise and goods typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service. “Overlay Zone” – An area where certain additional requirements are superimposed upon a base zoning district and where the requirements of the base or underlying district may or may not be altered.

"Overlay District" – An area where certain additional requirements are superimposed upon a base district and where the requirements of the base or underlying district may or may not be modified.

“Owner” - The legal or beneficial title-holder of land or holder of a written option or contract to purchase the land.

“Park Strip” – The landscape area within a public right-of-way located between the back of the street curb and sidewalk, or, in the absence of a sidewalk, located between the back of the street curb and the property line. Park strips often are required to include trees or other types of vegetation to act as an aesthetic pedestrian or street buffer, or, in some cases, for stormwater treatment.

“Park and Ride Facilities” – An off-street facility designed for parking automobiles, the occupants of which transfer to public transit to continue their trips.

-“Park, Private” - A tract of land available for recreational, educational, cultural, or aesthetic use, which is under the control, operation, or management of a private entity not associated with any unit of government.

“Park, Public” - A tract of land available for recreational, educational, cultural, or aesthetic use, which is under the control, operation, or management of the state, county or the City of South Salt Lake.

“Parking Area” – A public or private area, under, above, within or outside a building or structure, designed and used for parking motor vehicles. Driveways, garages, and parking lots may be part of a parking area.

"Parking Lot" – An open area, other than a street, paved with a hard surface, used for parking of more than four automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

“Parking, Shared” – Joint utilization of a parking area for two or more land uses. Uses may have different parking patterns and peak parking demand hours.

"Parking Stall" – Space within a building, lot or parking lot for the parking of one vehicle and meets the dimensional requirements of this Title.

“Parking Structure / Terrace” means a multi-level structure, privately or publicly owned, that provides temporary storage of motor vehicles where a fee is generally charged. The parking structure is provided off-street and the primary use of the property may be commercial parking or may be accessory to a primary use. The structure may be detached from the primary building it serves, or integrated into the design of the primary building.

“Parking, Private, Ground Level, Commercial” – An area, privately owned, that provides temporary storage of motor vehicles where a fee is charged. Private parking is provided off-street and the primary use of the property is commercial parking not accessory to a primary use. The surface of a commercial parking facility is paved with a hard surface. For the purpose of this definition, commercial parking is at ground level.

“Parking, Public” – A parking area, designed for designed and used for the parking of motor vehicles and intended for public use.

“Pawn Broker” – A person whose business engages in the following activities:

1. Loans money on one or more deposits of personal property;
2. Deals in the purchase, exchange, or possession of personal property on condition of selling the same property back again to the pledger or depositor;
3. Loans or advances money on personal property by taking chattel mortgage security on the property and takes or receives the personal property into his possession, and who sells the unredeemed pledges;
4. Deals in the purchase, exchange or sale of used or secondhand merchandise or personal property; or
5. Engages in a licensed business enterprise as a pawnshop.

“Pawn Shop” – An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. (SANDY’S DEFINITION: The physical location or premises where a pawnbroker conducts business.)

“Pedestrian Pathways, Pesdestrianways, Trails and Greenways” – A public right-of-way dedicated for pedestrian traffic, which may also be used as a utility easement. Pedestrian pathways may be designed as urban (paved, impervious material) or passive (dirt or similar pervious material). Pedestrian pathways may include associated landscaping and open space or “greenways” which is defined as, a linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas, as indicated in a greenway plan adopted by the City Council and/or Planning Commission.

“Permanent Make-Up not including a Tattoo Shop / Parlor” – A business that specializes in permanent cosmetics, which is a form of tattooing (also known as “micropigmentation”) in lieu of temporary makeup in order to save time or due to physical difficulty applying regular, temporary makeup. For some, permanent makeup is an adjunct to reconstructive surgery, particularly of the face, to simulate natural pigmentation. Examples include tattooed on “eyebrows” due to alopecia (a form of hair loss) or tattooing to help camouflage the lack of pigmentation in areas of the skin.

“Permanent Supportive Housing” – Long term, community based housing that has supportive services for homeless persons with disabilities. This type of supportive housing enables special needs populations to live independently as possible in a permanent setting. Permanent housing can be provided in one structure or in several structures at one site.

“Pharmacy” – A business where prescription drugs and other pharmaceutical items, supplies, and equipment are sold.

“Planned Unit Development” – An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which one or more of the zoning regulations or development standards may be varied or waived to allow flexibility and creativity in site and building design and location in accordance with an approved plan and imposed requirements.

“Planned Unit Development, Commercial Condominium” – A development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with Title 15 of the Municipal Code.

“Planning Commission” – A seven member board plus two alternates, appointed by the mayor, subject to approval of the City Council. The Commission’s functions include advisory or nontechnical aspects of planning and may also include such other powers and duties as specified in Title 17.02.010 and 17.07.020 and 040 of the Municipal Code.

“Plat” - A map or chart of a division and/or combination of lots.

"Porch" - A roofed, open area, attached to or part of a building, and with direct access to or from it.

“Portable Shipping Container, Temporary Storage” – A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on private property and used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise. This definition is not to include accessory buildings or a building approved for construction by the south Salt Lake City Planning Commission. Temporary portable storage containers are further defined and regulated in Title 17.44.010 of the Municipal Code.

“Poultry, Domestic” – Any species of chicken.

“Precious Metal Purchase / Recycling” – An establishment in the business of purchasing precious metals from the general public for recycling and refining the precious metal scrap or surplus. The term does not include financial institutions licensed under Federal or State banking laws, the purchaser of precious metals who purchases from a seller seeking a trade-in or allowance, the manufacturers of jewelry or of other items composed, in whole or in part, of gold, silver, or platinum and the purchaser of precious metals for his own use or ownership and not for resale or refining.

“Pre-processing holding area” – The area of an outside automobile storage facility where vehicles await receipt of salvage title prior to being processed and placed in the sales area.

“Preschool” – An establishment for the instruction of children prior to entrance into Kindergarten. The standards applicable to the operation of such a facility are dependent upon the one in which it is located. If within a home, the preschool must comply with the provisions of the Home Occupation requirements of 17.06.130 of the Municipal Code. If within a nonresidential zone, the preschool shall comply with the requirements of the underlying zone.

Primary Façade - Exterior walls of a building or structure that are adjacent to or front on a public street, park, or plaza.

“Primary Material” – A building material that occupies at least sixty percent (60%) of the exterior façade(s) of the building.

“Primary Street” - A street designated on the Zoning Map or on an approved site plan that receives priority over other streets in terms of setting front property lines and locating building entrances.

“Primary Use” – The principal or overriding use for which a lot was established. For instance, the primary use of a manufacturing facility with an outdoor storage lot, is manufacturing.

“Printing, Copy Stores” – A facility established for the use of copying, scanning, and/or printing devices typically for profit.

“Printing, General” – A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Such services typically use photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

“Private Lane/street” – A right-of-way which has not been accepted by South Salt Lake and has been reserved by dedication unto the developer or lot owners to be used as a private access to serve property. All private streets, drives, easements or lanes shall be approved by the city and maintained by the developer, lot owners or other private agency.

“Project Controlled On-Street Parking” – A series of practices instituted by a commercial or residential property owner to prevent spillover parking generated by uses under their control onto surrounding streets. Parking controls include, but are not limited to, lease provisions prohibiting tenant and visitor parking on surrounding streets, parking permit programs for tenant and visitors, and enforcement of such provisions and programs by the property owner.

“Property Line” - Also referred to as lot line. A boundary line of a parcel of land or lot.

“Property Line, Corner” - A boundary of a lot that is approximately perpendicular to the front property line and is directly adjacent to a public right-of-way, other than an alley or railroad.

“Property Line, Front” - The boundary abutting a right-of-way, other than an alley or lane, from which the required setback or build-to zone is measured, with the following exceptions.

1. Corner and Through Lots that abut a Primary Street shall have the front property line on that Primary Street.

2. Corner and Through Lots that abut two Primary Streets or do not abut a Primary Street shall utilize the orientation of the two directly adjacent lots, or shall have the front property line determined by the Land Use Authority.

“Property Line, Rear” - The boundary of a lot that is approximately parallel to the front property line; this line separates lots from one another or separates a lot from an alley.

“Property Line, Side” -The boundary of a lot that is approximately perpendicular to the front and rear property lines; it is not adjacent to the public right-of-way.

“Protective Housing Facility” – A facility operated, licensed or contracted by a governmental entity, or operated by a charitable, non-profit organization, where, for no compensation, temporary, protective housing is provided to: (a) abused or neglected children awaiting placement in foster care; (b) pregnant or parenting teens; (c) victims of sexual abuse; or (d) victims of domestic abuse.

"Protective housing facility, Minor" – A facility operated, licensed, or contracted by a governmental entity, or operated by a charitable, nonprofit organization where, limited to no more than six occupants at any one time, temporary, protective housing is provided to:

1. Abused or neglected children awaiting placement in foster care;
2. Pregnant or parenting teens;
3. Victims of sexual abuse; or
4. Victims of domestic abuse.

"Protective housing facility, Major" – A facility operated, licensed, or contracted by a governmental entity, or operated by a charitable, nonprofit organization where, temporary, protective housing is provided to:

1. Abused or neglected children awaiting placement in foster care;
2. Pregnant or parenting teens;
3. Victims of sexual abuse; or
4. Victims of domestic abuse.

“Public / Government Service and Accessory Buildings” – Uses which may be housed in separate buildings or which may occupy a space within a building that are operated by a unit of government to serve public needs such as a library, museum, police (with or without jail), fire service, ambulance, judicial court or government office, but not including public utility stations or maintenance facilities.

“Public Hearing” – A meeting of an official legislative or quasi-judicial body, announced and advertised in advance and open to the general public, wherein the public has an opportunity to comment and participate.

“Public Improvement” – Streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, flood control facilities and other similar facilities which are required to be dedicated to the city in connection with development, conditional use or site plan approval as per Chapter 17.15 of the Municipal Code.

“Public Meeting” – An informal meeting, either required by law or deemed necessary by the City, for which public notice is given and public participation or observation is encouraged. Meetings are held in locations accessible to the public with appropriate public notice.

“Public Utility Station” – A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to capture, pump, and to otherwise engage in all aspects of treating and distributing water or effluent. This definition shall not include storage or treatment of solid waste, or hazardous waste.

“Quasi-public” – Owned or operated by a nonprofit, religious, or charitable institution and providing educational, cultural, recreational, religious, or similar types of programs.

“Reasonable Accommodations” - Accommodations necessary to afford handicapped persons an opportunity to use and enjoy a dwelling.

“Reciprocal Access” - Where commercial uses share a property line, off-street parking lots servicing the properties are made accessible to each other.

“Record Review” –An appeal process where review and decisions are based entirely on the evidence in the record created in the process of the land use authority’s decision.

“Recording Studio” – A room or facility used by an establishment primarily engaged in producing and distributing musical recordings, in publishing music, or in providing sound recording and related services.

“Recreation Center” – An establishment providing a variety of recreation activities including activities that are enclosed within a structure along with outdoor recreational activities on the same premises. Activities may include those identified with Indoor Recreation, as well as such outdoor activities as miniature golf, amusement rides, slides and swimming pools.

“Recycling Materials Collection / Drop-Off Facility, Indoor” – A facility that collects recyclable materials for transport to a separate location for processing and recovery. Recyclable materials

include glass, plastic, paper, cloth and other materials collected for recovery and re-use. This definition does not include two or fewer: 1) newspaper recycling bins or 2) other similar recyclable material bins that are not staffed by on-site employees, but are self-service.

“Recycling Collection Point” – A neighborhood drop-off point for the temporary storage of recyclables. No processing takes place at the collection point.

Re-grading and Repaving” – Changing of the established grades of an existing parking lot or paved area which significantly alters the existing grade that was constructed according to an approved site plan.

"Rehabilitation/treatment facility" – A facility licensed or contracted by the state of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, conditions resulting from alcohol or drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A rehabilitation/treatment facility does not include a residential facility for persons with a disability.

“Renovation” – An interior or exterior remodeling or enlargement of a structure, other than ordinary repair.

“Research & Development Facility” – A building or group of buildings in which are located facilities for scientific research, investigation, testing, experimentation, assembly, or repair; but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory. This also includes facilities for scientific laboratory research in technology intensive fields. Examples would include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities or similar uses.

"Residence" – A place where an individual is actually living at a given point in time and not a temporary sojourn or transient visit.

“Residential Density” – The average number of dwelling units per acre of land in a given area.

"Residential facility for elderly persons" – A dwelling unit owned by a resident thereof or immediate family member of a resident, or for which the title has been placed in trust for a resident; and is voluntarily occupied on a twenty-four (24) hour per day basis by four or fewer elderly persons in a family type arrangement. A residential facility for elderly persons does not include any facility:

1. Operated as a business; provided, that such a facility shall not be considered to be operated as a business solely because a fee is charged for food or actual and necessary costs of operation and maintenance of the facility;
2. Where persons are placed:
    a. For alcoholism or drug abuse treatment, or
    b. As part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
3. Health care facility as defined by Section 26-21-2 of the Utah Code as amended; or
4. A residential facility for persons with a disability.

"Residential facility for persons with a disability" – A dwelling unit or other place in which more than one person but less than five unrelated persons with a disability resides and, if required by state law, is licensed or certified by:

1. The Utah Department of Human Services under Title 62A, Chapter 2, of the Utah State Code, Licensure of programs and facilities; or
2. The Department of Health under Title 21, of Utah State Code as amended, Health Care Facility Licensing and Inspection Act.
3. "Disability" has the same definition as "Disability" as found in Utah State Code 57-21-2 as amended.

"Residential treatment" – A twenty-four (24) hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

1. "Residential treatment" does not include a:
    a. Boarding school; or
    b. Foster home.

"Restaurant" means a use in which is served a variety of food for consumption.

“Restaurant, Drive-Up Window / (Fast Food?)” – A quick service restaurant characterized by its inexpensive food and minimal table service, and offers drive-through delivery service provided by employees to customers in vehicles.

“Retail Merchandise Stores, Accessory” – A retail operation engaged in the selling or rental of goods or merchandise. The retail operation is incidental to a primary establishment that is typically not categorized as retail. Examples include, but are not limited to a gift shop or a golf pro shop.

“Retail Merchandise Stores, General” – A commercial establishment that provides goods and/or services directly to the consumer where such goods are available for immediate purchase and removal from the premises by the purchaser. Such establishments could also involve a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs (big box retail).

“Retail Merchandise Stores, Neighborhood” – A neighborhood-scale retail establishment engaged in the selling of goods or merchandise. For the purpose of this definition, the retail operation is located within a Neighborhood Commercial (CN) zoning district and its uses are regulated in Title 17.28 of the Municipal Code. (scale v. purpose?)

“Retention Area” – A pond, pool, or basin used for the permanent storage of water runoff.

"Rezone" - To change the land use designation of particular lots or parcels of land.

“Right-of-Way” – A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses. It generally means: the right of one to pass over the property of another.

“Roof Type” - The detail at the top of a building that finishes a Facade, including a pitch roof with various permitted slopes and a parapet.

“Scale” - The relative size of a building, street, sign, or other element of the built environment.

"Screening" - A method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

“Secondhand Merchandise Dealer” – An owner or operator of a business that: (a) deals in the purchase, exchange, or sale of used or secondhand merchandise or personal property; and (b) does not function as a pawnbroker. Secondhand merchandise dealer does not include:

(a) The owner or operator of an antique shop;

(b) Any class of businesses exempt by administrative rule under Section 13-32a-112.5 (Utah Code Ann.) or its successor;
(c) Any person or entity who operates auction houses, flea markets, or vehicle, vessel, and outboard motor dealers as defined in Section 41-1a-102 (Utah Code Ann.) or its successor;
(d) The sale of secondhand goods at events commonly known as “garage sales”, “yard sales”, or “estate sales”;
(e) The sale or receipt of secondhand books, magazines, or post cards;
(f) The sale or receipt of used merchandise donated to recognized nonprofit, religious, or charitable organizations or any school-sponsored association, and for which no compensation is paid;
(g) The sale or receipt of secondhand clothing and shoes;
(h) Any person offering his own personal property for sale, purchase, consignment, or trade via the Internet;
(I) Any person or entity offering the personal property of others for sale, purchase, consignment, or trade via the Internet, when that person or entity does not have, and is not required to have, a local business or occupational license or other authorization for this activity;
(j) Any owner or operator of a retail business that contracts with other persons or entities to offer those persons’ secondhand goods for sale, purchase, consignment, or trade via the Internet;
(k) Any dealer as defined in Section 76-10-901 (Utah Code Ann.)Or its successor, which concerns scrap metal and secondary metals; or
(l) The purchase of items in bulk that are:
(i) sold at wholesale in bulk packaging;
(ii) sold by a person licensed to conduct business in Utah; and
(iii) regularly sold in bulk quantities as a recognized form of sale.

"Secure rehabilitation treatment facility" – A facility licensed and contracted by the state of Utah providing any level of twenty-four (24) hour secure residential treatment or care for adults or juveniles whose current functioning is such that they cannot live independently or in a less restrictive environment.

"Secure treatment" – Any level of twenty-four (24) hour secure residential treatment or care for adults or juveniles whose current functioning is such that they cannot live independently or in a less restrictive environment.

“Semi-Pervious Surface” - Also referred to as semi-pervious material. A material that allows for at least 40% absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

“Setback” – The distance that is required by this Code to be maintained in an undeveloped state between a structure and the property line of the lot on which the structure is located. The term “setback” refers to a required minimum distance while the term “yard” refers to the actual open area.

“Setback, Corner” – The minimum distance from the street side property line not designated as a “front setback” to the closest distance a structure may be located from the property line.

“Sexually Oriented Business” – See Section 5.56.020 of the Municipal Code.

“Sight Visibility Triangle” – The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the high back of curb or edge of a driveway.

"Sign." See Chapter 17.16 of this code.

“Single Family Residence” (See “Dwelling, Single Family”)

“Site Plan” – A plan which outlines the use and development of any tract of land within South Salt Lake City for the purposes of meeting the requirements set forth in this Code.

“Slaughterhouses, Animal Rendering, Tanneries, Animal By-Products Plant” – A facility where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises. Other operations may include tanneries, specifically for the tanning of animal skins and hides.

“Smoking Parlor / Lounge, Head Shop or Smoking Paraphernalia Specialty Store” – A tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods and may also include social/lounge rooms for smoking on the premises and complies with the provisions of Utah State law.

“Solar Reflectance Index (SRI)” - A measure of a constructed surface’s ability to reflect solar heat, as shown by a small temperature rise. The measure utilizes a scale from 0 to 100 and is defined so that a standard black surface is 0 and a standard white surface is 100. To calculate for a given material, obtain the reflectance value and emittance value for the material; calculate the SRI according to ASTM E 1980-01 or the latest version.

“Social or Reception Center” – A building or site for the purpose of social gathering, celebration, and/or recreational purposes of certain groups and gatherings. This may include a

meeting hall, cooking and dining facilities for large groups, but shall not provide overnight lodging.

“Solar Equipment” – Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, water heating, or for power generation.

“Solar or Wind Utilities” – Utility equipment and devices whose primary purpose is to provide for the collection, storage, and distribution of solar and wind energy for space heating, cooling, water heating, or for power generation.

“Start of Construction” – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site; such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State Liquor Store” – See “Alcoholic Beverage State Liquor Store”.

“Storage Facilities, Indoor Climate Controlled Units” – A multistory building used to provide separate, indoor storage areas for individual or business uses, and is designed to allow direct and private access, from enclosed corridors, by the tenant for storing or removing personal property. These buildings typically include elevator access. The outer walls have significant areas of glass and other architectural treatment.

“Storage Facilities, Self Service, Outdoor” – A site containing a building or group of buildings, typically single story, containing separate individual and private storage spaces of varying sizes, available for lease or rent, for varying periods of time. Self-storage facilities are very low traffic generators and may include an on-site resident manager for security and maintenance purposes. Access to the individual units is provided from driveways between buildings. The use of self-storage facilities is for personal items and shall not include flammable or hazardous chemicals and explosives. Other prohibited uses include, but are not limited to: auctions or

commercial, wholesale or retail sales; the servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment; the operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment; the establishment of a transfer and storage business; and any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

“Storage Facilities, Warehouse, Indoor” – A building that is primarily used for the storage, and complete enclosure, of goods and merchandise.

“Storage and Equipment Yards, Outdoor” – An exterior depository, stockpiling, or safekeeping of materials and products, not including vehicles. The storage of items used for non-retail or industrial trade, the storage of merchandise inventory, and the storage of bulk materials such as sand, gravel, and other building materials. Outdoor storage shall also include contractor’s yards or recycling areas. Outdoor storage yards may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outside storage.

“Story” – The portion of a building included between the surface of the floor and the ceiling next above it other than the basement.

“Story, Ground” - Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

“Story, Half” - A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

“Story, Upper” - Also referred to as upper floor. The floors located above the ground story of a building.

"Street" – A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority or a thoroughfare not less than twenty-five (25) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

“Street, Arterial” – A street that connects and distributes traffic to and from collectors, with access control, channelized intersections, and restricted parking.

“Street, Collector” – A street that collects from local streets and connects with minor and major arterials.

“Street Face” - The facade of a building that faces a public right-of-way.

“Street, Local” – A street that provides frontage for access to abutting lots and carries slow-speed traffic primarily having a destination or origin on the street.

“Streetscape” – The visual elements of a street, including the road, adjoining buildings, street furniture, landscaping and open spaces, etc. that, in combination, form the street’s character.

“Street Type” - The permitted and regulated types of streets in this code.

“Streetwall” - The vertical plane created by building facades along a street. A continuous streetwall occurs when buildings are located in a row next to the sidewalk without vacant lots or significant setbacks.

"Structure" (check building code) – Anything constructed or erected which requires location on or below the ground or attached to something having location on or below the ground, including signs and billboards but not including fences or walls used as fences which are six feet or less in height. IBC: That which is built or constructed.

“Structure, Principal” - Also referred to as the principal building. A building that contains the dominant Use of the Lot. It is typically located toward the front of the Lot in the front Build-to Zone or behind the Front Yard Setback.

“Subdistrict” – A designation given to any parcel within the East Streetcar Corridor District, Master Planned Mixed Use District, or other designated land use district or redevelopment area that dictates the standards for the development on that parcel.

“Substance Abuse / Outpatient Treatment Center” – Structures and land used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided.

“Subdivision” – Any land that is divided, re-subdivided

“Substantial Improvement” – Any repair, reconstruction, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

A. Before the improvement or repair is started, or

B. If the structure has been damaged and is being restored, before the damage occurred.

This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the

local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

"Survey Monument" – A permanent marker set by a land surveyor to mark or reference a point on a property or land line which is permanently marked or tagged with the certificate number of the land surveyor setting it. They enable a surveyor to relate narrative boundary descriptions or improvements, and boundaries drawn on a set of plans to the actual location on the ground.

"Swale" - A low lying, naturally planted area with gradual slopes that facilitate the transport, absorption, and/or filtration of storm water.

"Tailoring Shop, Commercial" – An establishment providing services such as the altering and repairing of clothing, made-to measure clothing, dresses, coats, hats, and other garments.

"Tattoo Shop / Parlor" – Any business establishment which operates tattoo equipment to inject ink or otherwise modify human skin for the purposes of decoration.

"Temporary Employment Agency" - Employment agencies that find employees to fill short-term temporary jobs

"Temporary Structure" – A structure that is erected without any foundation or footings and is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

"Temporary Use" – A temporary business that is licensed through the City and engages in the temporary sale of goods, wares, or merchandise from a tent, ~~truck~~, vending cart, or other area on property owned or leased by the person, firm, or corporation. These uses are secondary to or incidental to the principal permitted use or structure existing on the property, and not incompatible with the intent of the district.

"Theater, Movie" – A building or part of a building devoted to showing motion pictures, for admission to which entrance money is received. Such establishments may include related services such as food and beverage sales and other concessions.

“Theater, Live Performance” – An establishment for the performing arts with fixed seating for audiences. The theater is devoted for the performance of dramatic, dance, musical, or other live performances. Such establishments may include related services such as food and beverage sales and other concessions.

“Tire Service” – A business where the principal operation is the sale or installation of new, used, or retread tires and tubes.

“Tobacco, Smoke, Cigarette, Specialty Store” – A tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

“Townhome/Row Home” –A dwelling unit, located on its own lot that shares one or more common or abutting walls with one or more dwelling units, and is accessed through a front yard. A townhome or row home dwelling is individually owned, separated by vertical firewalls, and does not share common floor/ceilings with other dwelling units.

"Transitional Care and Rehabilitation" - A privately owned facility or a facility owned, operated or contracted by a governmental entity or charitable, nonprofit organization which provides free temporary housing to homeless persons for at least thirty (30) days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:

1. A homeless shelter;
2. A dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than one hundred eighty (180) days; and
3. A residential facility for persons with a disability.

“Tree Canopy” - The uppermost area of spreading branches and leaves of a tree.

“Tree Canopy Coverage” - The area of ground covered or shaded by a tree’s canopy, measured in square feet.

“Turf Grass” – Any of various grasses (as Kentucky bluegrass or perennial rye grass) as grown to form turf, or lawn, as opposed to tufted ornamental grass.

“Upholstery Shop” – A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstering or repair.

“Usable Land” – That contiguous parcel of natural land and/or compacted (engineered) fill, as permitted by this ordinance or the International Building Code, included within the lot (including setbacks), no part of which has a slope exceeding 30 percent.

“Use, Change of” – A change of use, purpose, or level of activity within any building or property that merits a change in application of the requirements of the present land use or building codes.

“Variance” – A legal and authorized divergence from this Title, when strict compliance with the provisions of this Title would cause an unusual and unnecessary hardship.

“Violation” – The act or an instance of violating, for the purpose of this definition, a Federal, State, or Local law or ordinance.

“Visible Basement” - A half story partially below grade and partially exposed above with required transparency on the street facade.

“Water Body” - A body of water, such as a river, pond, or lake that may be man-made or naturally occurring.

"Width of lot" – The distance between the side lot lines and at the distance back from the front lot line required for the depth of the front yard.

“Xeriscaping” – Landscaping that consists of native and drought tolerant plant material placed in conjunction with groundcover or mulch. Xeriscaping is typically used as a way to reduce water consumption. Rocks, hardscape and mulches alone without native and drought tolerant plantings are not considered xeriscaping.

"Yard" – A space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as otherwise provided in this title. All lots shall have a front, a rear and two side yards. For corner lots, at least one side shall be referred to as the corner side and shall have specific requirements as provided in this title.

Any portion of a lot located adjacent to a street, other than that portion considered the front yard, shall meet the requirements for corner side on that portion.

In any case where a lot includes a private right-of-way, the lot shall be considered as if the lot does not include the right-of-way and that property line defined in this chapter as "at the street" or "street property line" shall be from the nearest edge of the right-of-way.

“Yard, Corner Side” – That yard space adjacent to a street that extends from the front yard setback line and the rear property line and between the corner side setback line and the street property line.

“Yard, Front” –

1. For an interior lot—that yard space between the setback line of the building and the property line at the street, extending the full width of the lot;

2. For a corner lot—that yard space extending from the main entrance side of the main structure setback line to the street property line, extending the full width of the lot.

“Yard, Rear” –

1. For an interior lot—that yard space between the rear setback line of the building and the rear property line, and extending the full width of the lot. The rear yard shall be that portion of the yard opposite the front yard;

2. For a corner lot—that yard space between the rear setback line of the building and the rear property line, and extending from the side property line to the corner side building setback line. The rear yard shall be that portion of the yard opposite the front yard.

“Yard, Side” – That yard space between the rear setback line of the building and the side property line, and extending from the front yard to the rear yard.

"Youth program” – A nonresidential program designed to provide behavioral, substance abuse, or mental health services to minors that:

1. Serves adjudicated or nonadjudicated youth;

2. Charges a fee for its services;

3. May or may not provide host homes or other arrangements for overnight accommodation of the youth;

4. May or may not provide all or part of its services in the outdoors;

5. May or may not limit or censor access to parents or guardians; and

6. Prohibits or restricts a minor's ability to leave the program at any time of the minor's own free will.

"Youth program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

“Zero Lot Line Development” – A residential or commercial building that is constructed with the wall of the building located on the property line. In the case of attached dwelling units the separation wall is considered the property line.

BE IT FURTHER ORDAINED THAT CHAPTER 17.07 is hereby amended as follows:

17.07 Administration, Enforcement and Appeals

17.07.010. Administrative duties of city council.

The City council:

A. enacts and amends land use ordinances, temporary land use regulations, zoning districts and a zoning map;

B. adopts and amends the general plan; and

C. otherwise acts as the land use authority in certain land use decisions specified in section 17.08.040 of this Code.

17.07.020. Establishment and duties of planning commission.

A. Appointment. The mayor shall, subject to the approval of the city council, appoint a planning commission to consist of seven members, plus two alternates who shall serve without pay, except for reasonable and legitimate expenses approved by the city council.

B. Alternates. Alternates may act in the place of any absent member at any meeting of the commission.

C. Terms. The members shall be appointed for a period of four years and are subject to removal with or without cause by the city council at any time. The terms of two commissioners shall expire each year except in the year that the city's mayoral election is held, when the terms of one commissioner plus both alternates shall expire.

D. Quorum. Four members shall constitute a quorum to conduct business. All actions taken shall be by majority vote of the membership present.

E. Attendance. Attendance of any member or members at regularly scheduled meetings may be enforced by the chairperson of the commission in the same manner as provided for enforcing the attendance of city council members.

F. Clerk. The community development department shall provide a person to act as clerk of the planning commission.

G. Training. The city shall provide initial and ongoing training regarding the duties, responsibilities and city regulations for all commission members and alternates. Attendance at training is required of members and alternates.

H. Bylaws. The planning commission may adopt a set of bylaws or rules of procedure.

I. Chairperson. The commission members, or commissioners, shall elect their own chairperson for a term and in the manner specified by the commission's bylaws. The chairperson of the planning commission:

1. Shall preside at all meetings of the commission; and

2. Shall vote as a regular member but shall not make or second motions.

J. Chairperson's absence. During the temporary absence or disability of the chairperson, the planning commission shall elect one of its members to act as chairperson pro tem.

K. Responsibilities.

1. The planning commission makes recommendations to the City Council for:

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

b. the zoning map, and amendments to the zoning map;

c. amendments to land use ordinances;

d. approval of subdivisions of greater than ten lots; and

e. proposed application processes and the delegation of power under the land use ordinance.

2. The planning commission acts as land use authority as provided in section 17.08.040 of this code.

3. The planning commission acts as appeal authority for certain land use decisions as provided in section 17.08.050 of this code.

17.07.030. Administrative duties of community development director.

A. The director is authorized to render official interpretations of code provisions when the meaning of any phrase, section or chapter, or zone district is called into question. Procedures for requesting an official interpretation are included in Appendix 1, and a fee for rendering such an interpretation outside of a land use application shall be assessed in the amount indicated in the consolidated fee schedule. In the event that there is a need of further interpretation by any person, firm or corporation, or official of South Salt Lake City, they shall submit the question to the Appeal Authority which, unless otherwise provided, is authorized to interpret the ordinance and such interpretation shall be final.

B. The director shall prepare staff reports for consideration by the planning commission and city council, and provides secretarial support for the planning commission.

C. The director accepts all land use applications and ensures they are forwarded to the designated land use authority in a timely manner.

D. The director may propose amendments to the zoning code and zoning map as provided in section 17.02.020.

17.07.040. Land use authority designations.

Pursuant to state law, the following administrative land use authority designations are made:

A. City Council. The City Council is the land use authority on issues of: planned unit developments; the approval of development agreements; the vacation of public rights of way; and enacting or amending land use code, zoning maps and the general plan.

B. Planning Commission. The Planning commission is the land use authority on issues of: subdivision and subdivision plat approval, except planned unit developments; vacating, altering or amending a subdivision plat; category II conditional use applications; design review for building heights as established in this Title; design review for projects on parcels where any portion of the parcel abuts any residential zone; and the issuance of a building or demolition permit in a Historic and Landmark District.

C. Community Development Director. The director is designated as the land use authority on issues of: category I conditional use applications, lot divisions and splits, temporary use permits, sign permits, applications for variances, home occupation license approval, design review, reasonable accommodation, nonconforming use determinations, and decisions regarding amortization of legal, non-conforming uses. The director has final authority to issue building permits and business licenses.

D. The director may certify a design review application or a category I conditional use application to the planning commission if the director finds that the application raises unique problems or is likely to have a significant impact upon neighboring properties or the city as a whole. When such applications are certified to the commission, the commission acts as the land use authority.

17.07.050. Appeals from land use authorities.

A. Appeals from city council decisions. Appeals from decisions of the city council must be taken to the state district court, as provided by state law, by any person aggrieved by the decision who has standing to appeal.

B. Appeals from planning commission decisions. Except from decisions rendered in its appellate capacity, appeals from the planning commission's decisions are brought before the city's administrative law judge, as provided under Title 2, Chapter 22 "Administrative Hearings" by any person aggrieved by the decision who has standing to appeal. Appeals from appellate decisions of the planning commission may be taken directly to the state district court.

C. Appeals from community development director decisions. Appeals from the director's decision are brought as follows:

1. Planning commission. The planning commission hears appeals from decisions by the director on the following issues, when requested by any person aggrieved by the decision who has standing to appeal:

a. conditional use applications;

b. temporary use permits;

c. sign permits;

d. home occupation licenses;

e. design review; and

f. lot splits.

2. Administrative law judge. The city's administrative law judge hears appeals from all other decisions made by the director, as provided under Title 2, Chapter 22 "Administrative Hearings," when appeal is taken by any person aggrieved by the decision who has standing to appeal.

3. The planning commission conducts an appeal de novo, and that body finds facts and decides all issues associated with the appeal. No further administrative appeals are available from an appellate decision of the planning commission.

4. The administrative law judge reviews the record of the decision of the director or planning commission on the record and only reverses the decision if it is not supported by substantial evidence in the record or is otherwise arbitrary, capricious or illegal.

D. Final order of appeal authority is appealable order. An appeal authority's written, final order becomes the only order from which an appeal may be taken. Unless otherwise stated in the appeal authority's final order, an order following a de novo review vacates any official determination made by the land use authority. No further administrative appeals are permitted from a final order of an appellate authority and any subsequent review is to be made by the district court.

E. Conduct of appeals. Each appeal shall be the subject of a hearing which shall be open to the public and be conducted in an informal nature which provides each party with the opportunity to present his or her case in a civil and respectful manner. The rules of evidence do not apply to appeal proceedings. Parties are permitted to submit trial briefs or staff reports to the appeal authority prior to the proceeding. Appeal proceedings shall be recorded, and shall provide due process to all the parties. Only those with standing to appear before the appeal authority need be allowed to participate in the hearing. Additional rules governing appeal proceedings may be promulgated by the appeal authority, so long as they are distributed to the parties prior to the proceeding. The city is not required to notify any individuals of appeal proceedings except appellants or appellees, or those to whom a protected property interest belongs.

F. Record reviews. In a record review, no additional evidence may be submitted during the appeal proceedings. If the administrative law judge finds that a party's due process rights were not adequately

protected in the process of creating the record, it may convert the hearing into a de novo review and continue the hearing to allow the appellant and appellee to prepare their cases. It may also allow the introduction of evidence which was presented below, but improperly excluded from the record.

G. Exhausting administrative remedies. An aggrieved party who has standing to appeal a land use authority's decision must follow the procedures of Title 2, Chapter 22 by filing a written notice of appeal at the city recorder's office within ten calendar days after actual or constructive notice of the land use decision, and by tendering the fee associated with the appeal proceedings. A person who fails to timely file the appeal or pay the associated fee waives the right to object to the land use decision.

H. Parties required to raise all theories of relief. During appeal proceedings, an appellant must raise every theory of relief that it wishes to raise in district court. The failure to raise a theory during an administrative appeal waives that theory in any subsequent appeals to district court.

17.07.060. Permits and applications.

A. Official decisions in writing. Decisions on each land use application submitted to the community development department shall be made in a timely manner by the land use authority and are not official until reduced to writing.

B. Applications submitted to department. All applications related to land use must be submitted to the community development department, who shall ensure that the application is promptly brought before the land use authority for decision.

C. Director authority over building permits. No building permit shall be issued without the zoning approval of the land use authority.

D. Pre-payment of fees required. Permits are not considered submitted unless the established fee has been paid by the applicant.

E. Actions for which applications are not required. If a person is informed that a permit or application is not required for certain actions, the person may request a written confirmation by the director stating that this is the case. No person may claim as a defense to any land use enforcement action that he or she was advised not to submit an application for a permit or land use approval without providing such written confirmation.

17.08.070. Fees.

Fees for applications and permit requests shall be established by resolution in the city's consolidated fee schedule.

17.07.080 – Public hearings and meetings.

A. Public hearings. Public hearings shall be conducted for the following land use decisions:

1. when enacting or amending zoning ordinances or the zoning map, a hearing before the planning commission is required, but is not required before the city council;

2. vacation or amendment of platted street, right of way or easement;

3. annexation policy plans and applications;

4. vacating or changing a subdivision plat, but only as required by state law;

5. any other land use decision for which a public hearing is required by law.

B. Public Comment. Public comment may also be allowed in any public meeting at the discretion of the land use authority. Except as provided above, a land use authority need not allow public comment where a hearing is not required by this section or state law.

C. Public meetings. All land use decisions made by the city council or planning commission shall be rendered during open and public meetings. The director may also conduct public meetings related to land use applications or other land use issues when the director deems it appropriate to do so.

D. Solicitation of Input. Regardless of whether a meeting is held, prior to making a land use decision the land use authority may solicit input from affected citizens and property owners and provide a reasonable opportunity for those individuals to express themselves. This may be accomplished through public outreach activities conducted prior to the land use decision in a manner that is consistent with the requirements of due process and fair review and provides an opportunity for the applicant and others participating in the review of the application to respond to the information presented. Relevant information gathered in the process of review is to be included in the record of the decision.

17.07.090. Development committee.

The mayor may form a standing committee composed of city staff, property owners, or elected and appointed officials to comment on land use applications and render advice to applicants. The recommendations of the development committee are advisory only. Consideration by the development committee is not a pre-requisite for application approval.

17.07.100. Enforcement.

A. Authority. The director is authorized to enforce the provisions of this code through either criminal or civil proceedings.

B. Delegation. The director may delegate enforcement authority to any city official. No written delegation of power is necessary.

C. Violations. Any building or use of land or any construction thereon which was not authorized by or under the City Code which is illegal under such ordinances, shall remain unauthorized and illegal unless expressly authorized or permitted in the provisions of this Code. The use or continuation of such a use or construction is punishable under this Code.

D. Number of offenses. Every person, firm or corporation shall be deemed responsible or guilty of a separate offense for each and every day that a violation is committed or continued.

E. Criminal penalties. Violations of the provisions of this code are class C misdemeanors, subject to criminal prosecution.

F. Civil penalties. Violations of the provisions of this code may also be pursued through administrative citation or summons, as provided in Title 8, Chapter 14 "Code Enforcement Program." Orders of abatement may be issued by the administrative law judge pursuant to those provisions.

G. Remedies.

1. The City, or any adversely affected owner of real estate within the City in which violations of this Code occur or are about to occur, may, in addition to other remedies provided by law, institute:

    a. Injunctions, mandamus, abatement, or any other appropriate action; or

    b. Proceedings to prevent, enjoin, abate or remove the unlawful building, use or act.

2. The City need only establish the violation to obtain an injunction.

3. The City may, in addition to other remedies provided by law, enforce the ordinance by:

    a. Withholding building permits; or

b. Taking action to cancel any permit or approval for failure to comply with the terms of any permit or approval. The land use authority that issued the permit or approval shall consider the matter preceded by at least ten calendar days' notice. Cancellation or revocation of a permit or approval may be appealed in the same manner as the original action.

H. Nuisance and abatement. All buildings or uses of land which are established, conducted, or maintained contrary to the provisions of this Code shall be and are declared to be unlawful and a public nuisances. In addition to other remedies provided by the law, the City Attorney may immediately commence a court action or proceedings for abatement, removal or injunction to correct the nuisance. These remedies are cumulative to other civil and criminal actions, and not exclusive.

BE IT FURTHER ORDAINED THAT CHAPTER 17.21 is hereby amended as follows:

17.21 - Residential Design Standards

17.21.010 Purpose

The purpose of this chapter is to establish minimum design standards for new residential construction that will:

A. Ensure that new buildings are compatible within existing neighborhoods;

B. Support and enhance walkable neighborhoods in the City;

C. Cultivate desirable developments and neighborhoods to encourage long-term residency;

D. Facilitate innovation in building design and energy efficiency standards.

E. Promote clarity, transparency, and flexibility in design review and development approval processes.

17.21.020 Applicability

The standards of this ordinance shall apply to all residential yard areas and all exterior construction or site development when:

A. New construction of one or more habitable structures occurs on undeveloped, vacant, or cleared property.

B. A building permit is issued for any addition, expansion, or intensification of any property ~~other than an existing single family home~~ that increases the floor area of a building. ~~by fifty percent (50%) or more.~~

1. Building permits for minor additions to existing residential structures shall be eligible for a modification to the residential design standards, as outlined in Section 17.21.040.

2. Building permits for major additions to existing residences shall meet the standards of this ordinance. Noncomplying design elements of the existing residential structure shall be brought into compliance with the design standards as part of a permit for a major addition, except where full compliance with the requirements of this chapter is impossible due to existing site or building conditions.

C. ~~A building permit is issued for any addition to a single family residence that increases the floor area of the primary residence by seventy five percent (75%) or more.~~

D. C. A change of use to a more intensive use of a building through the addition of dwelling units or gross floor area.

17.21.030 Exemptions

1. Historically contributory structures as designated by the South Salt Lake Planning Commission;
2. Structures intended to house public utilities;
3. Agricultural uses and stables; and
4. Uses without habitable structures such as surface parking lots, golf courses, driving ranges, parks, athletic fields, and similar uses.

17.21.040 Modifications

A. At the discretion of the Land Use Authority, the frontage, orientation, primary façade, materials, build-to zones and setback requirements, required amenities, or open space requirements may be modified in order to ensure that new buildings are compatible within existing neighborhoods; to support and enhance walkable neighborhoods in the City; to cultivate desirable developments and neighborhoods; to encourage long-term residency; and to facilitate innovation in building design and energy efficiency standards.

B. An applicant may submit a design review application to the Land Use Authority, proposing an innovative design proposal that varies from specific requirements but that achieves the purpose of this chapter.

C. **Minor Additions:** Building permits for minor additions to existing residential structures that increase are subject to the following modified residential design standards:

   1. For additions where the primary façade of the existing structure is to be maintained, the frontage, orientation, primary façade, roof pitch, materials, build-to zones, and setbacks for minor additions shall be compatible with the existing structure and with other residential structures in the neighborhood.

   2. For additions where the primary façade of the existing structure is to be altered, the changes shall comply with the frontage, orientation, primary façade, roof pitch materials, build-to zones and setback requirements established in this chapter.

   3. Additions and modifications are subject to the height requirements established in this chapter.

   4. Expansion of a noncomplying structure is subject to the standards established in Chapter 17.23 of this code.

D. The Land Use Authority may not modify height or building form requirements as established in this chapter, except for the following:

1. If an applicant seeks a modification to the height requirements for detached house, mansion-style multifamily, or townhouse-style multifamily buildings in an existing R1, RM, or Agriculture land use district, the applicant shall submit a design review application to the Planning Commission requesting a modification to the maximum height requirements.

E. The Land Use Authority may modify the requirements of this chapter where full compliance is impossible due to existing site or building conditions.

F. The Land Use Authority may not modify the requirements of this chapter on the basis of an applicant's financial hardship.

17.21.050 General Design Standards

A. **Frontage.** The primary façade of all buildings shall front directly onto a street or common open space area except as specified otherwise in this chapter.

B. **Orientation.** Development shall be parallel to the street it fronts, or built to be consistent with existing development patterns.

C. **Primary Façade.** Except for structures in multi-building developments, at least one Primary Facade shall be provided on the façade facing the primary street the structure fronts. The primary facade shall contain at least one public pedestrian entrance. For the purposes of this section, the primary street shall be the street from which a structure derives its street address. Buildings on corner lots shall locate the Primary Facade on the building corner closest to the adjacent street intersection.

D. **Windows.** Windows shall be required, at a minimum, on all the Primary Facade of all buildings.

1. Windows along the Primary Facade of buildings shall have a minimum transparency of 70 percent.

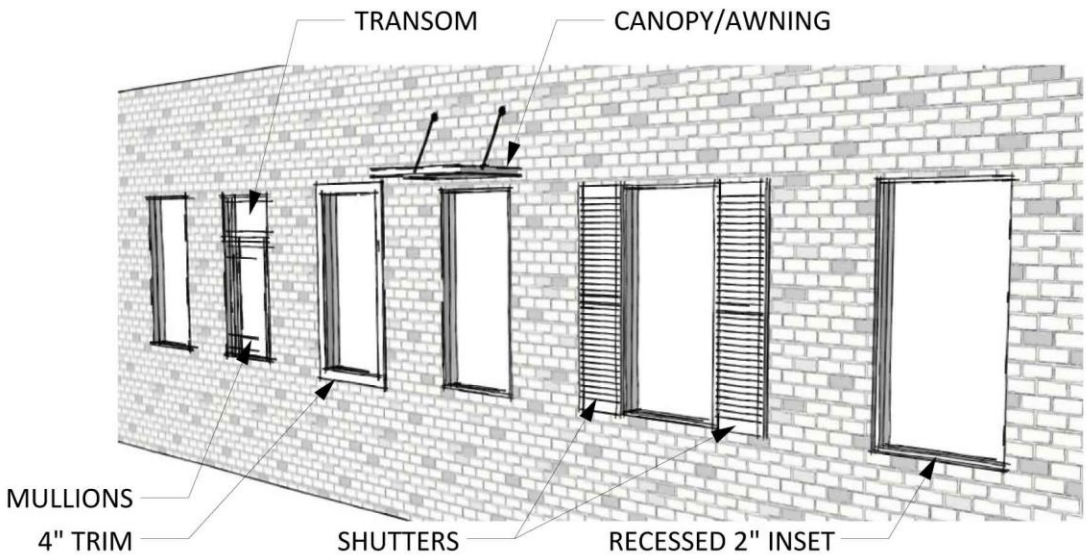
2. All windows along the primary façade of buildings shall incorporate at least one of the following standards:

a. mullions and/or transoms

b. Trim or molding at least four inches (4") in width

c. Canopies, shutters, or awnings, proportional to window size.

d. Recessed inset from the front façade by at least two inches (2").



E. **Materials.**

1. **Prohibited Primary Materials.** No building shall incorporate corrugated metal siding, stucco within 18 inches of the grade, or exposed smooth-finish concrete block as primary materials on the building's primary façade unless the materials are supplemented with one or more of the following supplemental materials to comprise at least forty percent (40%) of the front facade:

    a. cementitious fiber board,

    b. brick,

    c. wood,

    d. stone,

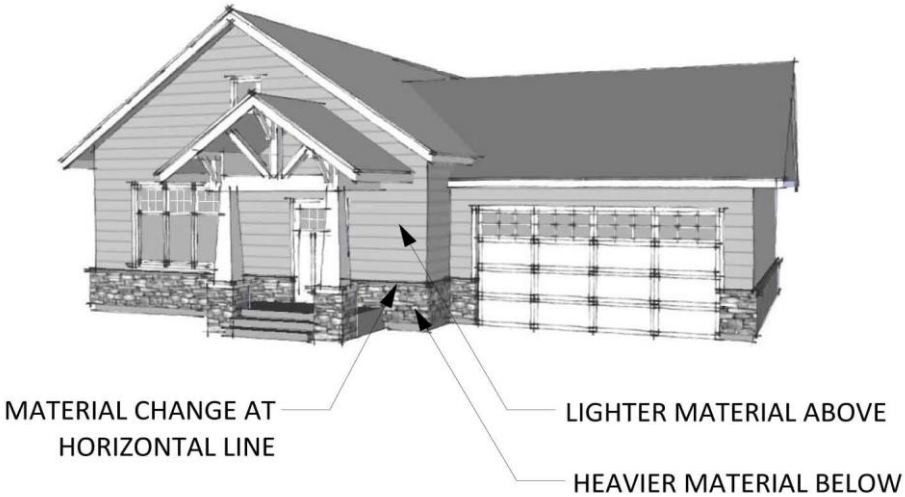
    e. architectural or ornamental glass, excluding windows,

    f. architectural metal panels, or

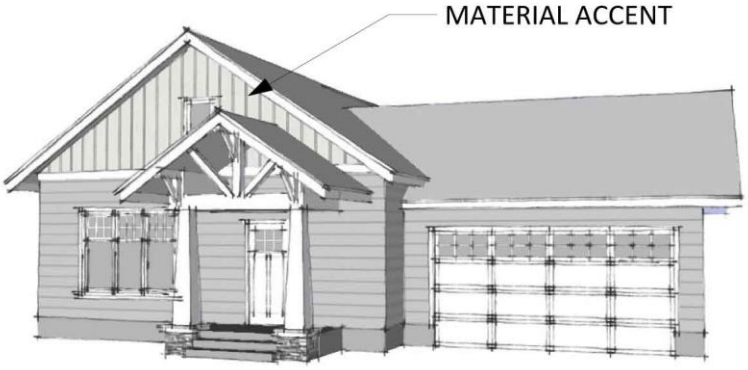
    g. EIFS.

2. **Arrangement.**

   a. Where two or more materials are proposed to be combined on a façade, the heavier and more massive material shall be located below the lighter material.



b. Material changes shall occur along a horizontal line or where two forms meet; and material changes may occur as accents around windows, doors, cornices, at corners, or as a repetitive pattern.



c. Primary façade materials shall not change at outside of building corners, and shall continue along any side façade visible from a street or pedestrian right-of-way. Materials may change where side or rear wings meet the main body of a structure. Primary façade materials used on buildings on corner lots shall be extended the full length of the sides visible from a street or pedestrian right-of-way.

F. Compatibility.

1. Building forms on lots that front across the street from one another shall be similar in scale, form, and massing, to the maximum extent practicable.

2. Structures on corner lots shall maintain consistent average setbacks with buildings on either side regardless of the building form used.

3. Infill development shall utilize the same building form as development on either side, to the maximum extent practicable.

G. Yard Areas

1. All residential building forms established in this ordinance shall include front, rear, and side yards as defined in the Definitions section of this title and as required by this title. Space needed to meet the requirements for yard areas on a specific parcel or development shall not be sold or leased away from that parcel or development.

2. **Yard Requirements and Qualifications.**

    a. Yard areas shall not be used for parking, except for driveways or garages as required by this title.

    b. Any yard area visible from a public street shall not be used for storage.

    c. Fences, courtyards, and patios may be allowed provided they meet the requirements established elsewhere in this title.

    d. All front and corner side yard areas as required by this title shall be landscaped according to the landscape standards established in this title.

3. Projection of Architectural Elements and Mechanical Equipment into Yard Areas

Projection of architectural elements and mechanical equipment into required yard areas beyond setbacks or build-to-zones is permissible according to the standards established in the table below. Projection of architectural elements and mechanical equipment into yard areas must comply with the clear view requirements established in this title.

Element	Front and Corner Side Yard	Side Yard	Rear Yard
Steps, porches, landings, stoops, and porticos	4 feet	2 feet	4 feet
Eaves, cornices, overhangs	2 feet		4 feet
Bay windows, cantilevered rooms, and awnings	4 feet	2 feet	4 feet
Balconies	Shall not project into yard areas.		6 feet
Mechanical Equipment	Shall not project into yard areas.	2 feet	4 feet
Exterior Staircases as allowed	Shall not project into yard areas.		4 feet

17.21.060 Building Form Standards By Land Use District

A. Building Forms. This ordinance establishes building form standards that are applied based upon the type of structure being built or redeveloped. The allowable types of specific building form standards are established below in the Building Form Matrix.

1. **Matrix Explanation.** The matrix below lists allowed and prohibited building types within South Salt Lake's Commercial, Transit Oriented Development, Mixed Use, Business Park, Professional Office, Light Industrial, Historic, Agriculture, Gateway, Community Facility, Entertainment, and Residential Zones. The letter "A" shall mean "allowed." For those building forms that are associated with a shaded box in a zone, that building type is prohibited within the designated zoning district.

2. **Building Forms and Associated Land Uses:** The uses permitted within a building are determined by the base and overlay land use districts in which it is located, as indicated in the following table.

Building Form	Commercial Corridor	Commercial Neighborhood	Commercial General	TOD and TOD-C	Mixed Use	Business Park	Professional Office	Light Industrial	Historic	Agriculture	Gateway West	Community Facility	Entertainment Overlay	Open Space	R1-6,000	R1- 5000	Residential Multiple	Planned Unit Development
Detached House		A		A	A		A			A	A				A	A	A[1]	A
Mansion-style Multifamily	A			A	A		A				A						A	A
Townhouse-style Multifamily	A	A	A	A	A						A						A	A
Garden-style Multifamily	A		A		A						A						A	
Urban-style Multifamily	A		A	A	A						A						A	

3. **Building Forms and Associated Land Uses Table Reference Requirements.**

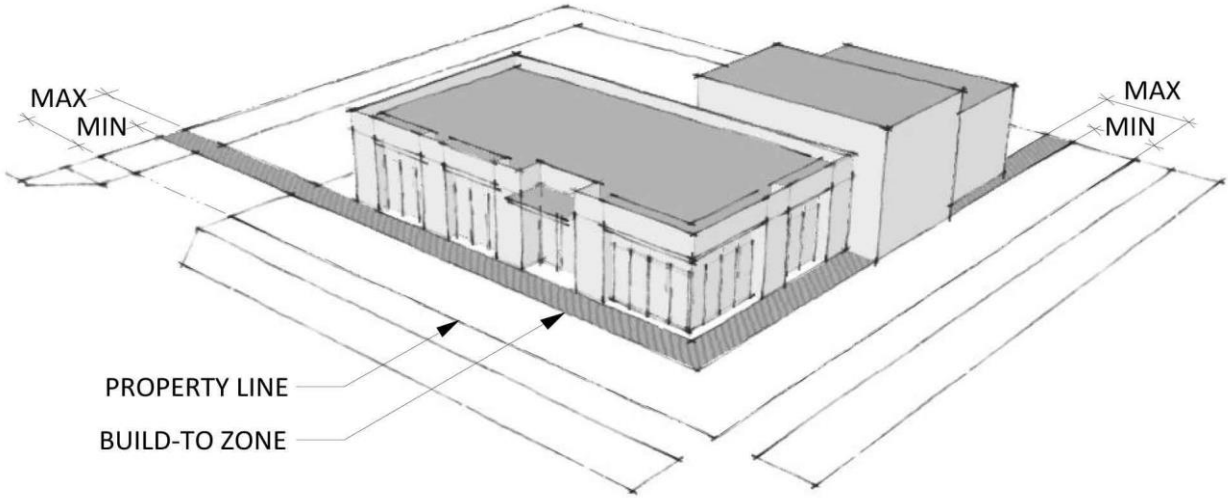
1. The detached house form may not be used for dwelling units intended for renter-occupancy in the Residential Multiple Land Use District.

B. Build-to Zones and Setbacks

A "Build-to Zone" shall mean an area of lot designated for placement of a building façade along a street frontage, located parallel to a front or corner property line. The Build-to Zone defines an area in which the locations of building fronts can vary within a specified range, as described in the table below.

1. Front and Corner-side Build-to Zones

Build-to Zone	Commercial Corridor	Commercial Neighborhood	Commercial General	TOD and TOD-C	Mixed Use	Light Industrial	Professional Office	Gateway West	Entertainment Overlay	R1-6,000	R1- 5000	Residential Multiple
Min – in feet	10	10	10	5	5	10	10	20	10	20	20	20
Max – in feet	25	20	20	15	30	25	20	30	25	25	25	30



2. Side and Rear Setbacks

Side and rear setbacks are described in the table below.

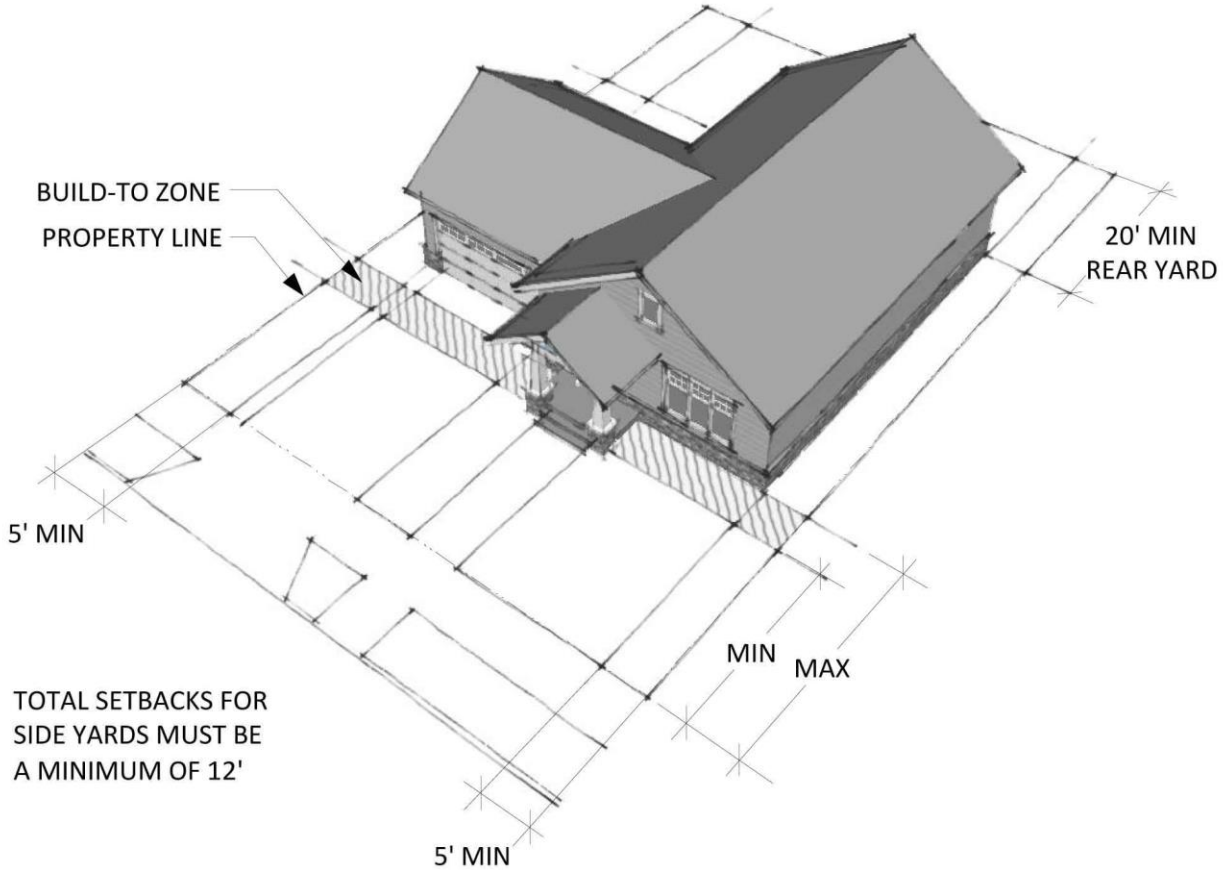
Building Form	Side Yard in feet	Rear Yard in feet
Detached House	12[1,2]	20[2]
Mansion-Style Multifamily	8[2]	20[2]
Townhouse-Style Multifamily	5[2]	20[2]
Garden-Style Multifamily	10	10
Urban-Style Multifamily	5	5

3. Side and Rear Setbacks Table Reference Requirements

1. Detached house buildings must have a total combined side yard setback of twelve (12) feet. The minimum setback on any one side is five (5) feet.

2. Setbacks in planned unit developments are subject to the development standards established in Title 15 of this code.

17.21.070 Detached House Building Design Standards.



The detached house building accommodates single-family uses, live/work uses, approved home occupations, professional offices, and very low intensity retail uses as permitted in sections 17.15.030 and 17.15.040 of the South Salt Lake Municipal Code.

A. Orientation. All structures using the Detached House Building form shall front a primary street or private drive.

B. Building Height.

1. The maximum height allowed for structures using the Detached House Building Form shall be thirty five feet (35') from grade to the peak of the roof or, for flat roofed structures, the top of the parapet.

2. ~~Structures using the Detached House Building form on lots in an existing R1, RM, or Agriculture land use district may be up to fifty (50) percent taller than the tallest existing adjacent dwelling unit(s) as measured from grade.~~ Structures using the Detached House Building form on lots that abut existing single-story residential structures in an existing R1, RM, or Agriculture land use district shall have a maximum height of two stories, up to 30 feet (30').

C. Materials.

1. Allowable primary materials for the Detached House Building Form shall be wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone, stucco, or similar material.

2. Allowable secondary materials for the Detached House Building form can include cementitious fiber board, brick, wood, exposed smooth-finish concrete block, stone, glass, architectural metal panels, EIFS, corrugated metal, or similar material.

3. Pitched roofs of structures using the Detached House Building Form shall be clad in asphalt shingles, wood shingles, standing seam metal, a similar material, or a combination of similar materials.

D. Porches, landings, Stoops, or Porticos. All buildings using the Detached House Building form shall have a covered porch, a covered landing, a stoop, or a portico. This element shall be:

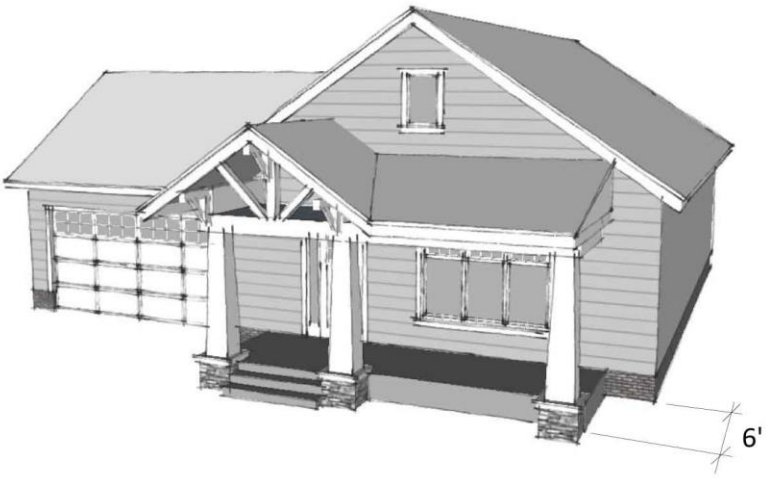
1. The primary architectural element of the façade where located;

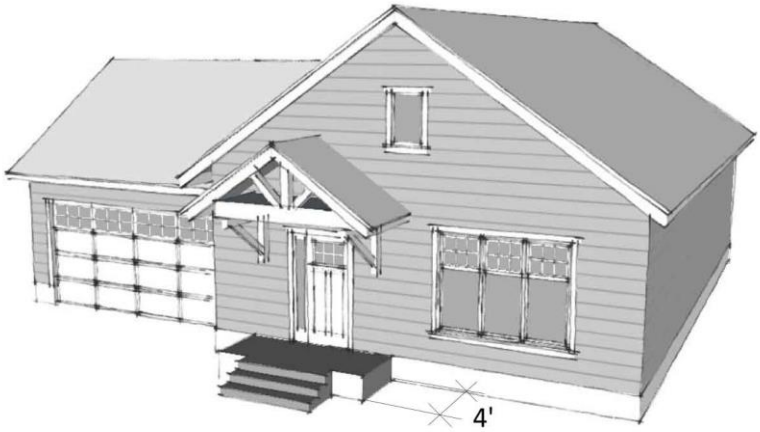
2. Located on the front facade of the structure; and

3. Porches must be at least six feet deep;

4. Stoops and landings must be at least four feet deep.

5. Porticos must provide a depth of covering of at least four feet.





E. **Roofs and Overhangs.** Roofs and overhangs on buildings using the Detached House Building Form shall comply with the following standards:

1. Pitched roofs covering the main body of the structure shall be hip style, shed style, mansard, or shall have symmetrical gables.

2. Shed roofs shall maintain a minimum pitch of 2:12 and all other roofs covering the main body of a Detached House Building shall maintain a minimum roof pitch of 6:12 or steeper.

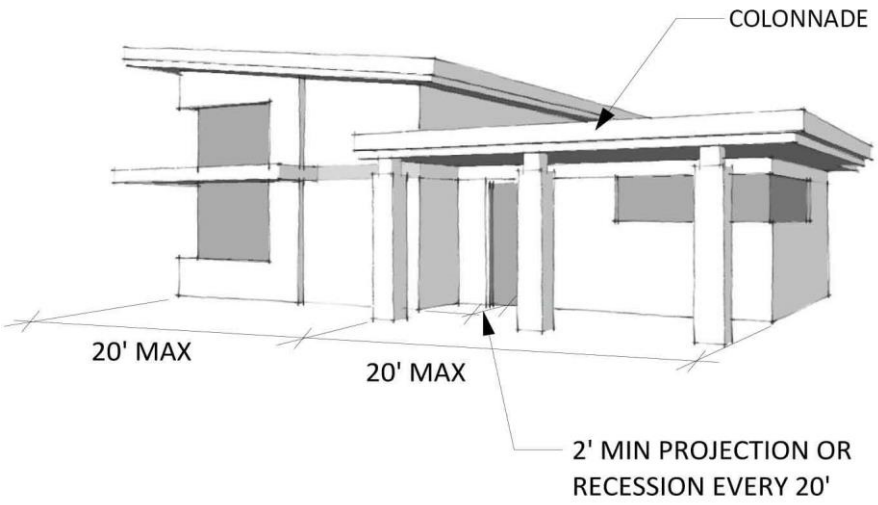
3. Overhanging eaves may expose rafters, but flush eaves shall be finished with profiled molding or gutters.

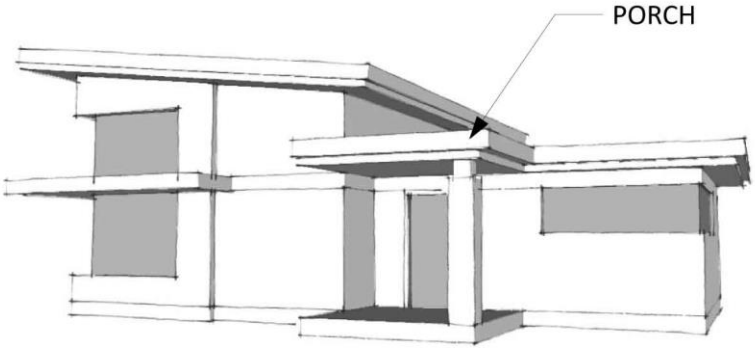
4. Flat roofs may be used for Detached House Buildings. All flat roofs shall require a minimum two foot parapet wall or a minimum two foot overhanging eave along the roofline. Additionally, two of the following conditions shall be met:

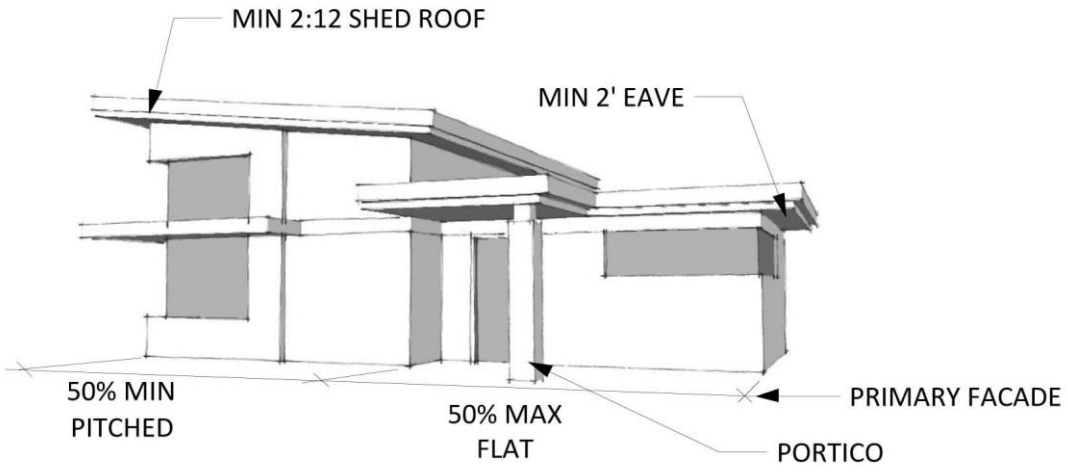
a. Gables, shed roofs, or pitched roof elements shall cover at least fifty percent (50%) of the length of the primary façade.

b. A porch, portico, or colonnade shall be located along the Primary Facade of the building, emphasizing the front door.

c. Additional two-foot projections or recesses in the façade plane every 20 feet.







5. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimum visual impact as seen from an adjacent street.

F. Facades. Any structure using the Detached House Building Form with a front façade of thirty feet (30') or more shall incorporate wall offsets in the form of projections or recesses in the front façade plane. Offsets shall have a minimum depth of two feet (2').

G. Garages. All structures intended for residential occupancy using the Detached House Building Form shall include a garage. The following garage standards shall apply:

1. Street facing garage façades shall not visually or architecturally dominate the front façade elevation of the primary building. Compliance is determined by:

   a. The living space is the dominant element of the front façade; and

   b. The roof accent gabling is visually dominant over the living space instead of the garage;

   c. Front facing garages must contain at least two of the following:

      1. Single carriage house garage doors with windows;
      2. Garage doors that include windows and are painted to match the main or accent color of the dwelling;
      3. Ornamental light fixtures flanking the doors;
      4. Arbor or trellis;
      5. Columns flanking doors and/or an eyebrow overhand;
      6. Portico;

7. Dormers;

8. Twelve-inch overhangs over garage doors;

9. Eaves with exposed rafters with a minimum six inch (6”) projection from the front plane;

10. A vertical element such as a tower, placed over the primary pedestrian entrance; or

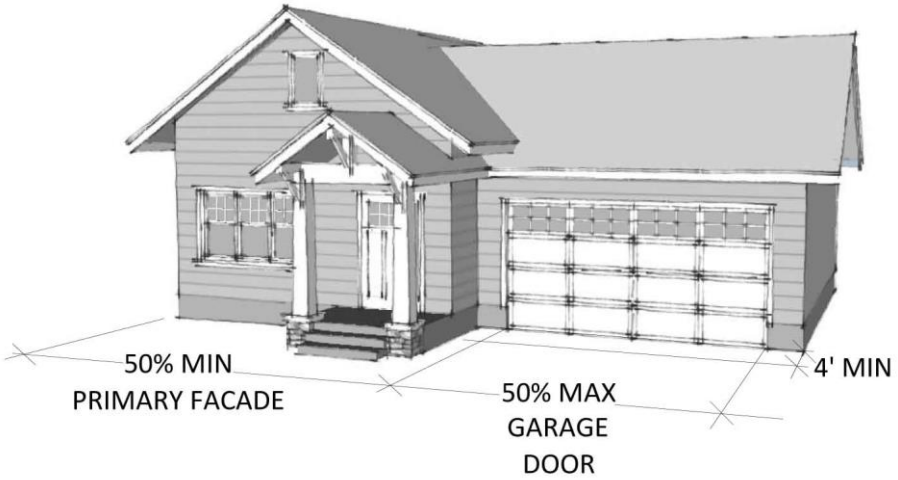
11. Roof line changes.

d. In addition to the two required elements described in the section above, front-facing garages protruding up to four (4) feet from the front plane shall have garage doors with windows.

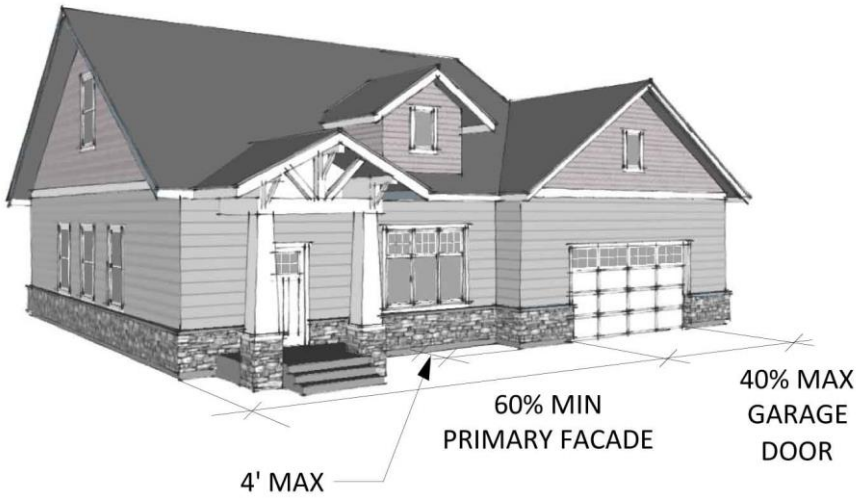
e. Front facing garages protruding more than four feet (4’) from the front façade shall include a porch or covered landing that extends a minimum of six feet (6’) from the plane of the living space. In no case shall a street facing garage protrude more than eight feet (8’) from the plane of the living space.

f. In no case shall front facing garage doors comprise more than fifty percent (50%) of the primary façade.

1. Front facing garage doors that comprise from forty percent (40%) to fifty percent (50%) of the primary façade shall be recessed from the primary façade by at least four feet (4’)



2. Front facing garage doors that are flush with the primary façade or that protrude up to four feet (4’) from the front façade shall comprise no more than forty percent (40%) of the primary façade



3. Front facing garage doors protruding more than four feet (4') from the front façade shall comprise no more than thirty percent (30%) of the primary façade.

2. All garages with more than two bays or with doors exceeding sixteen feet (16') in width shall be located behind the rear façade of a structure using the Detached House Building Form, or shall be side-loaded. Buildings using this form that incorporate side-loaded garages shall emphasize the pedestrian entrance to the building. Side loaded garages along front facades shall incorporate a portico, arbor, trellis, or some other element to articulate the façade incorporating the garage. This requirement shall not apply to Detached House Buildings on flag lots.

H. Carports. Carports as defined in this title are not permitted for new development of structures using the Detached House Building form. Carports may be constructed on properties with existing residential , subject to the setback and clear view requirements of this title.

I. **Accessory Structures.** Accessory structures associated with the Detached House Building Form shall be built in a manner compatible with the primary building. Accessory structures may be clad in wood or vinyl siding. Accessory structures shall be located in the side and rear yards only.

1. **Setbacks.**

    a. Accessory structures shall be separated from the primary residence by at least ten feet.

    b. Accessory structures less than 200 square feet in area shall be at least two feet a rear or side property line.

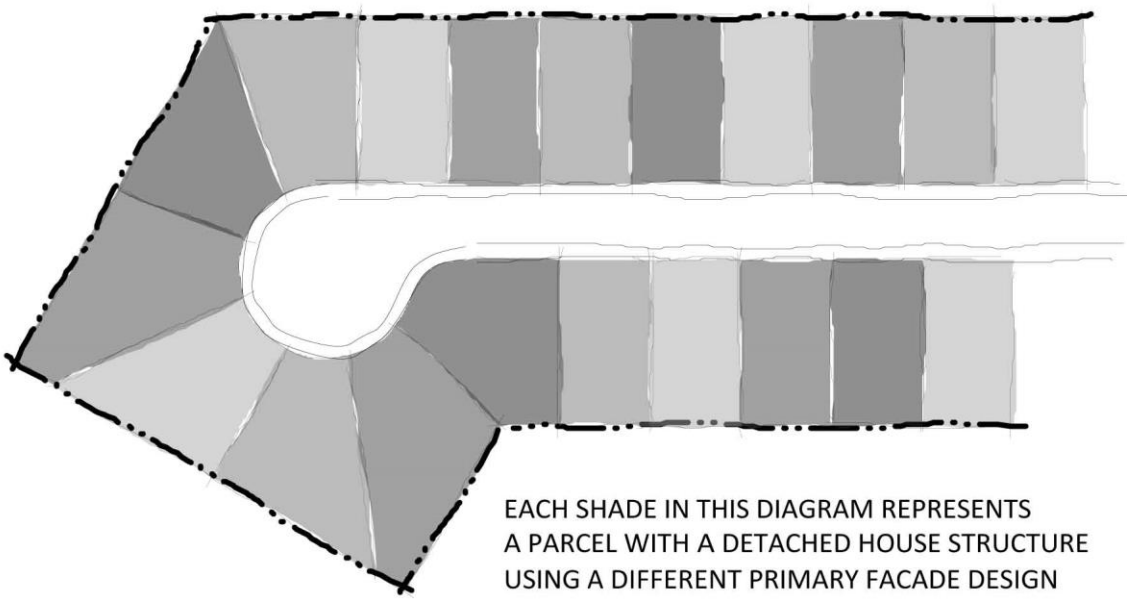
    c. Accessory structures greater than 200 square feet in area shall be separated from the side property lines by at least five feet, and from the rear property line by at least two feet.

2. **Area.** Accessory structures may be five hundred (500) square feet in area. The Land Use Authority may modify this requirement for accessory structures in a rear yard, but in no case shall the combined area of all accessory structures on a residential parcel exceed forty (40) percent of a rear yard area.

3. **Height.** Accessory structures may not exceed twenty feet (20’) in height.

J. Architectural Variability.

1. All residential subdivision of three lots or more that are intended solely for single-family detached structures configured with the Detached House Building Form shall include multiple distinctly different front façade designs within any single phase of the development. Developments of three to ten units shall have a minimum of three façade variations. One additional façade variation will be required to be included for each additional ten units.



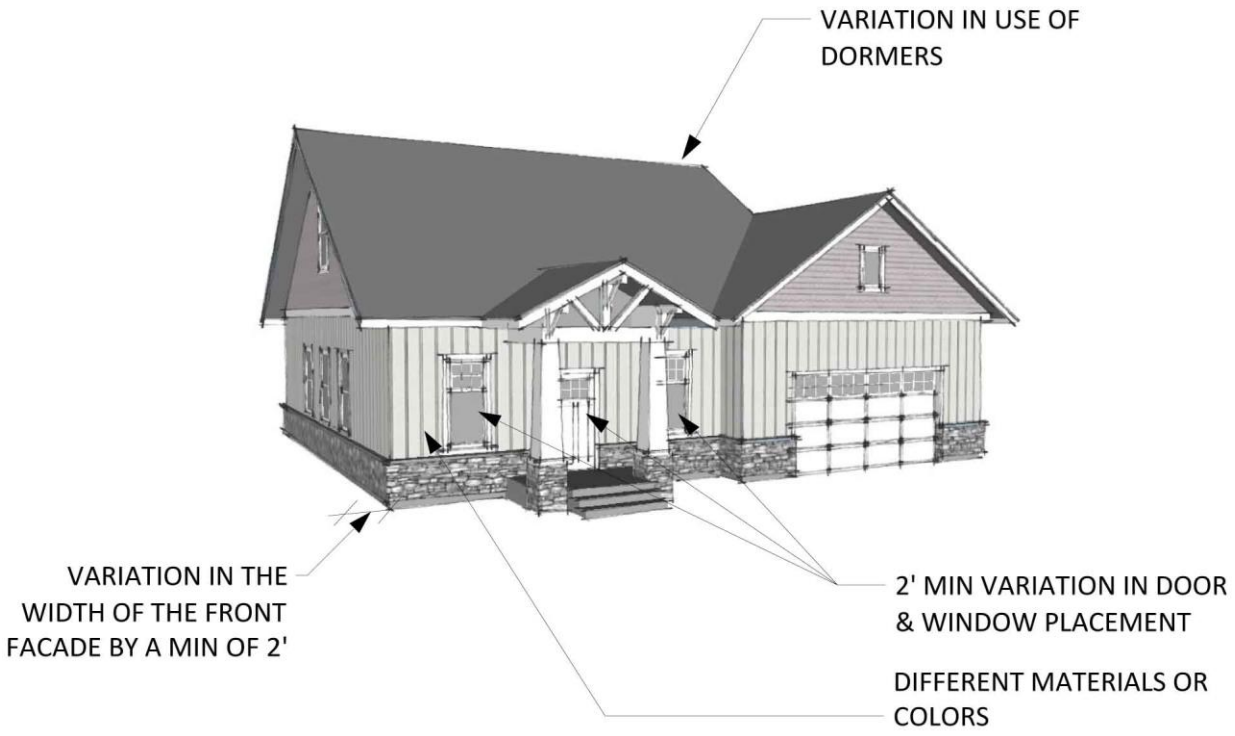
2. "Distinctly different" shall be defined to mean that a structure using the Detached House Building Form's primary façade must differ from other building facades, utilizing at least one of the required architectural variability standards and three of the optional architectural variability standards listed in the following table:

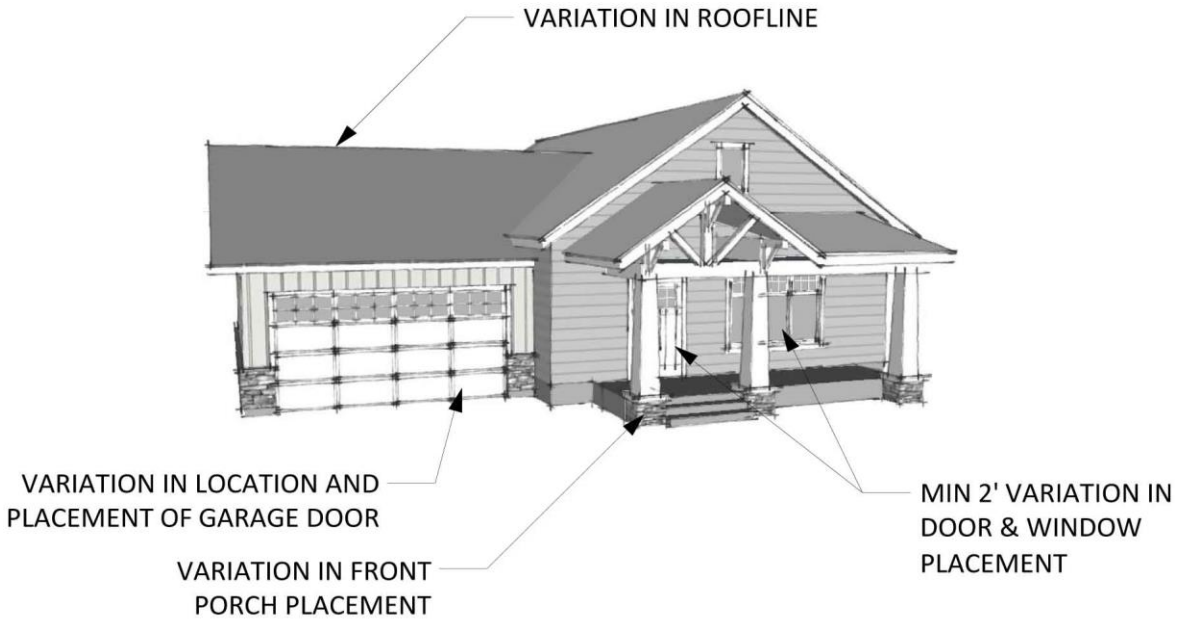
3. **Architectural Variability Table**

Required Architectural Variability Standards (must choose one)	**Optional Architectural Variability Standards (must choose three)**
The use of different exterior materials or colors	Variation in the width of the front façade by two feet or more.
Variation in the location and proportion of front porches	At least a two-foot horizontal or vertical variation of the placement or size of windows or doors on the front façade
Variation in trim or quoins	Variation in rooflines, pitches, or the use of dormers
	Variation in the location or proportion of garages and garage doors.

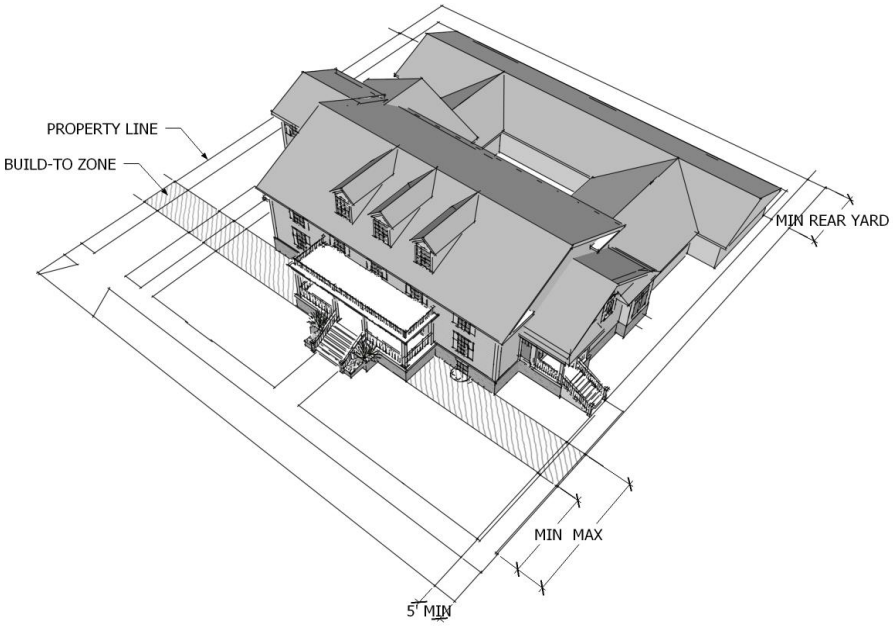
4. Mirror images of the same configuration do not meet the definition of "distinctly different."

5. No structure using the Detached Building House Form shall be of the same primary façade design as any other structure using the Detached House Building Form within three building lots along the same block face, and no single front façade design may constitute more than 25 percent of the front façade design within any single phase of a subdivision.


VARIATION IN USE OF DORMERS
VARIATION IN THE WIDTH OF THE FRONT FACADE BY A MIN OF 2'
2' MIN VARIATION IN DOOR & WINDOW PLACEMENT
DIFFERENT MATERIALS OR COLORS


VARIATION IN ROOFLINE
VARIATION IN LOCATION AND PLACEMENT OF GARAGE DOOR
VARIATION IN FRONT PORCH PLACEMENT
MIN 2' VARIATION IN DOOR & WINDOW PLACEMENT

17.21.080 Mansion-style Multifamily Building.



The Mansion-style Multifamily Building is a building form that accommodates between two and six dwelling units within a structure designed to appear as a typical single-family detached home. It is intended for use by multi-family buildings with six or fewer units intended for owner-occupancy or for rental, limited capacity assisted living facilities, group homes, and residential facilities for elderly persons and persons with a disability. Buildings using this form that are part of a rental development shall include amenities as specified in this chapter.

A. **Compliance with Standards for Detached House Building Form.** In addition to the standards using the Mansion-style Multifamily Building Form shall be subject to the standards for a Detached House except that Mansion-style Multifamily Buildings shall be

exempted from the garage and architectural variability standards described in the previous section. In the event of a conflict between the Detached House Building Form standards and the Mansion-style Multifamily Building Form standards, these standards shall apply.

B. Maximum Number of Units. Structures using the Mansion-style Multifamily Building form shall be limited to a maximum of eight (8) dwelling units.

C. Primary Facade. Regardless of the number of dwelling units, all structures using the Mansion-style Multifamily Building Form shall include at least one single primary entrance on the front façade. Nothing in this subsection shall limit the ability of each dwelling unit to have a secondary pedestrian entrance on side or rear facades.

D. Façade Design.

a. All sides of a structure using the Mansion-style Multifamily Building Form visible from an existing street or pedestrian right-of-way, or a park or improved open space shall display a similar level of quality and architectural detailing.

b. All building details on a single structure using the Mansion-style Multifamily Building Form, including roof forms, siding materials, windows, doors, and trim shall reflect a consistent architectural style.

E. Garages. Attached or detached garages serving a structure using the Mansion-style Multifamily Building form shall be placed to the side or rear of the building. In no case shall a garage be on the primary façade of a Mansion-style Multifamily Building.

F. Driveways and Off-Street Parking Areas

1. Except on corner lots, all structures using the Mansion-style Multifamily Building Form along primary streets shall be served by a single driveway and off-street parking area. Buildings on corner lots may have up to two individual driveways provided each driveway is accessed by a different street.

2. No off-street parking area shall be located between a structure using the Mansion-style Multifamily Building and the street it fronts, unless the building using this form is intended for use for a limited capacity assisted living facility, group home, or residential facility for elderly persons and persons with a disability.

3. Off-street parking areas (including access and drive aisles) located to the side of a building shall not occupy more than thirty percent (30%) of the lot's frontage.

G. Common Open Space. Buildings using the Mansion-style Multifamily Building Form shall include common open space, according the following standards:

1. At least 20 percent of the development site, excluding dedicated rights-of-way and required build-to zone and setback areas, shall be common open space. The Land Use Authority may approve a reduction in the open space requirement by 25 percent if the site is within one quarter mile, as measured at the closest property lines, of a light rail station, a streetcar stop, or a public park.

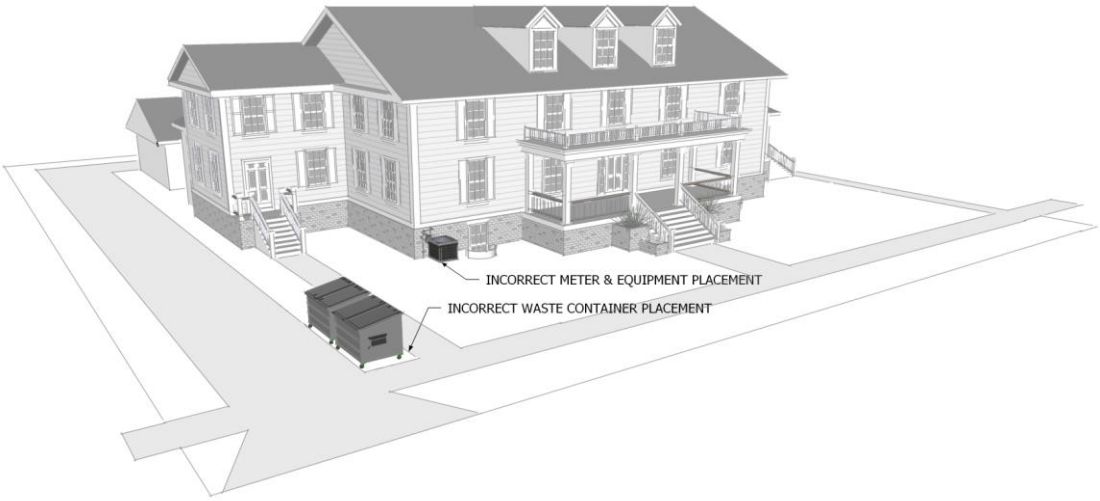
2. To qualify for the reduction, the site must include a pedestrian access in the form of a sidewalk at least five feet wide from each unit to the nearest public sidewalk or trail.

H. Meter and Equipment Placement. Wall-mounted and ground-based meters, HVAC, and utility equipment serving a Mansion-style Multifamily Building shall:

1. Be fully screened from view, or located to the sides or rear of the structure they serve, and

2. Be placed in close proximity to one another.

I. Waste Container Placement. Waste containers serving a Mansion-style Multifamily building shall not be located between the building and the street it fronts. Waste containers shall be designed according to the standards set forth in this title.



J. **Multiple-Building Developments.** Developments with two or more structures using the Mansion-style Multifamily Building Form shall incorporate different surface materials, differing heights, and differing window and door placement on the front façade of each structure along the same block face.

17.21.090 Townhome-style Multifamily Building.

The Townhome-style Multifamily Building is a building form that accommodates up to twelve dwelling units that are located side by side. The uses permitted within a building are determined by the base and overlay zoning districts in which it is located. Buildings using this form that are part of a rental development shall include amenities as specified in this chapter.

A. **Compliance with Standards for Detached House Building Form.** In addition to the standards using the Townhome-style Multifamily Building Form shall be subject to the standards for a Detached House except that Townhome-style Multifamily Buildings shall be exempted from the garage and architectural variability standards described in the previous section. In the

event of a conflict between the Detached House Building Form standards and the Townhome-style Multifamily Building Form standards, these standards shall apply.

B. Maximum Number of Units.

1. No more than twelve Townhome-style dwelling units with side-or rear-facing garages shall be attached in a single row within a single building.

2. No more than three Townhome-style dwelling units with front facing garages shall be attached in a single row within a single building.

C. Frontage and Orientation

1. **Single-Building Developments.** Developments composed of a single structure using the Townhome-style Multifamily form shall comply with the frontage and orientation standards described in the General Design Standards section of this chapter.

2. **Multiple Building Developments.** The primary entrance and front façade of individual buildings within a multiple building development shall be oriented toward the following, listed in priority order:

    1. Public streets

    2. Perimeter streets

    3. Primary internal streets

    4. Parks, courtyards, paseos, or other common open space; and

    5. Secondary internal streets or alleys

Primary entrances or facades shall not be oriented toward off-street parking lots, garages, or carports.

D. Primary Facade. Regardless of the number of dwelling units, all structures using the Townhome-style Multifamily Building Form shall include at least one single primary entrance on the front façade. Nothing in this subsection shall limit the ability of each dwelling unit to have a secondary pedestrian entrance on side or rear facades.

E. Façade Design.

1. All sides of a structure using the Townhome-style Multifamily Building Form visible from existing single-family residential uses, an existing street or pedestrian right-of-way, or a park or improved open space shall display a similar level of quality and architectural detailing.

2. All building details on a single structure using the Townhome-style Multifamily Building Form, including roof forms, siding materials, windows, doors, and trim shall reflect a consistent architectural style.

3. Townhome-style Buildings with street-facing garages shall incorporate an identifiable transition between each unit. A transition shall incorporate at least two of the three following elements: a change in roofline, an offset in the primary façade of the unit of at least two feet, or variation in the location and proportion of front porches.

F. Garages. All buildings using this form shall include a garages serving each unit.

1. **Townhome-Style Multifamily Buildings with Front Facing Garages.**

   a. Front facing garage doors shall comprise no more than fifty percent (50%) of the primary façade.

   b. Front facing garage facades shall not visually or architecturally dominate the primary façade elevation of the townhome. Street facing garages serving Townhome-Style Buildings shall comply with the garage standards for the detached house building.

2. **Townhome-Style Multifamily Buildings with Side-or Rear-Facing Garages.** Garages may be to the side or rear of Townhome-Style Multifamily Building. Buildings using this form that incorporate side- or rear-facing garages shall emphasize the pedestrian entrance to the building. Side loaded garages along front facades shall incorporate a portico, arbor, trellis, or some other element to articulate the façade incorporating the garage.

G. Driveways and Off-Street Parking Areas

1. Except on corner lots, all structures using the Townhome-style Multifamily Building Form shall be served by a single driveway and off-street parking area. Buildings on

corner lots may have up to two individual driveways provided each driveway is accessed by a different street.

2. No off-street parking area shall be located between a structure using the Townhome-style Multifamily Building and the street it fronts, except on driveways as allowed.

3. Off-street parking areas (including access and drive aisles) located to the side of a building shall not occupy more than thirty percent (30%) of the lot's frontage.

H. **Common Open Space.** Buildings using the Townhome-style Multifamily Building Form shall include common open space, according the following standards:

1. At least 20 percent of the development site, excluding dedicated rights-of-way and required build-to zone and setback areas, shall be common open space. The Land Use Authority may approve a reduction in the open space requirement by 25 percent if the site is within one quarter mile, as measured at the closest property lines, of a light rail station, a streetcar stop, or a public park.

2. To qualify for the reduction, the site must include a pedestrian access in the form of a sidewalk at least five feet wide from each unit to the nearest public sidewalk or trail.

I. **Meter and Equipment Placement.** Wall-mounted and ground-based meters, HVAC, and utility equipment serving a Townhome-style Multifamily Building shall:

1. Be fully screened from view, or located to the sides or rear of the structure they serve, and

2. Be placed in close proximity to one another.

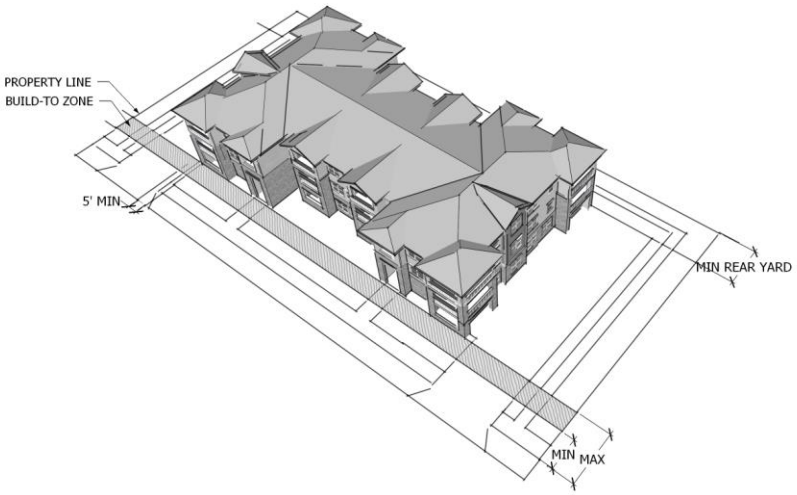
J. **Waste Container Placement.** Waste containers serving a Townhome-style Multifamily building shall not be located between the building and the street it fronts. Waste containers shall be designed according to the standards for waste container enclosures set forth in this title.

K. Building Height.

1. Buildings using this form shall not exceed thirty eight feet (38') in height from grade to the peak of the roof or, for flat roofed structures, the top of the parapet. Buildings using this form located within 100 feet of an existing single-family residential zone measured at the closest property lines shall not exceed three stories.

2. Buildings using the Townhome-style Multifamily form on lots in an existing R1, RM, or Agriculture land use district may be up to fifty (50) percent taller than the tallest existing ~~adjacent~~ abutting dwelling unit(s) as measured from grade.

17.21.100 Garden-style Multifamily Building.



The Garden-style multifamily Building includes residential dwelling units arranged in a building in a stacked configuration where units are located side-by-side and one atop another and are served by an exterior staircase. Buildings using this form are intended to be in a park-like setting. Dwelling units with a Garden-style Multifamily Building may be for rental, condominium, or cooperative ownership. The uses permitted within Garden-style Multifamily Building are determined by the base and overlay land use districts where it is located. Buildings using this form shall include amenities as specified in this chapter.

A. Frontage and Orientation

1. **Single-Building Developments.** Developments composed of a single structure using the Urban-style Multifamily Building form shall comply with the frontage and orientation standards described in the general design standards established in this chapter.

2. **Multiple Building Developments.** The primary entrance and front façade of individual buildings within a multiple building development shall be oriented toward the following, listed in priority order:

    a. Public streets

    b. Perimeter streets

    c. Primary internal streets

    d. Parks or other common open space; and

    e. Secondary internal streets

    f. Off-street parking.

B. **Building Height.** Buildings using this form shall be no higher than forty five feet (45'). Buildings using this form located within 100 feet of an existing single-family residential land use district as measured from the closest property lines shall incorporate the following height transition:

1. Beginning at the minimum build-to zone line of the subject property, the maximum height is thirty-five feet (35') from grade to the peak of the roof or, for flat roofed structures, the top of the parapet.

2. Additional height for buildings using this form may be added at a ratio of one (1) additional vertical foot of building height to two (2) horizontal feet of distance from the nearest setback line.

3. The building height transition requirement ends at 100 feet from the adjoining single-family residential land use district.

C. **Materials.**

1. Exterior building walls of structures using the Garden-style Multifamily Building Form shall be composed of one or more of the following primary materials: wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone, split-faced masonry block, or similar material. Stucco, EIFS, glass, architectural metal panels, smooth-faced masonry block, or corrugated metal may be used as accent materials only and shall not be the primary material used on any exterior wall.

2. For structures using the Garden-style Multifamily building form, an identifiable break shall be provided between the ground floor or second floor and upper floors. This break may consist of a change in material, a change in façade articulation, or similar means.

3. Structures using the Garden-style multifamily building form shall have roofs clad in asphalt shingles, wood shingles, standing seam metal, a similar material, or a combination of similar materials or shall have flat roofs as specified in this section.

4. Accessory buildings shall be constructed of similar materials as used on the principal structure(s).

D. **Exterior Staircases and Entry Features.** Common exterior staircases are allowed to service the units in Garden-style Multifamily buildings. Buildings using this form shall have no more than one common exterior staircase per seventy-five (75) feet of façade. Exterior staircases shall be incorporated into an exterior entry that is a prominent, architectural focal point directing pedestrians into the building. The feature shall relate to the architecture of the structure. Exterior entries shall feature a secondary roof structure that is consistent or complementary with the primary roof form. Staircases shall be incorporated according the following standards:

1. Staircases may extend from the primary structure. Projected staircases require a minimum three foot (3') façade projection.

2. Staircases may be recessed from the primary façade. Staircases shall be recessed at least three feet (3') from the primary facade.

3. All exterior entries shall be designed to allow for natural light penetration.

E. **Porches, Balconies, and Private Patios.**

1. Every of dwelling unit in a Garden-style Multifamily Building that faces a public street, a perimeter street, primary internal street, or park or common open space shall have either a porch, a balcony, or a private patio. Porches, balconies, or patios shall be a minimum of 60 square feet in area and a minimum of five feet (5') in depth.

2. Porches, balconies, and private patios shall be configured to avoid views into rear yards of parcels containing single-family dwellings to the maximum extent practicable.

F. **Common Open Space.** Buildings using the Garden-style Multifamily Building Form shall include common open space, according the following standards:

1. At least 30 percent of the development site, excluding dedicated rights-of-way and required build-to zone and setback areas, shall be common open space.

2. Open space may take a variety of forms, but must be intended for use by all tenants.

3. At least 15 percent of the development site shall consist of improved exterior common recreational amenities.

4. Private balconies, patios, and indoor recreation or common areas shall not be included in the calculation for open space.

5. Parking lot landscaping as required shall not be included in the calculation for open space.

G. **Roofs.** Roofs on buildings using the Garden-style Multifamily Building form shall comply with the following standards:

1. Pitched roofs covering the main body of the structure shall be hip style, monopitch or shed style, or shall have symmetrical gables.

2. Monopitch roofs shall maintain a minimum pitch of 4:12 and all other roofs covering the main body of a Detached House Building shall maintain a minimum roof pitch of 6:12

3. Roof forms shall be designed to emphasize the residential units and to correspond and denote building elements and functions, including primary pedestrian entrances and arcades.

4. Flat roofs may be used for Garden-style Multifamily Buildings. All flat roofs shall require a minimum two foot parapet wall along the roofline. The following additional conditions apply:

    a. The parapet shall extend along all facades of the building

    b. The parapet shall fully screen any roof-mounted equipment.

5. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimum visual impact as seen from an adjacent street.

H. **Facades.**

1. All elevations of structures using the Garden-style Multifamily Building form visible from the street shall provide doors, porches, balconies, common staircase entries, or windows in the following amounts:

    a. A minimum of 40 percent of front elevations; and

    b. A minimum of 25 percent of side and rear building elevations.

2. For the purposes of this section, a building elevation shall include the entire wall surface on a building side from grade level to underneath an overhanging eave or to the top of the cornice.

3. For the purposes of this section, an elevation is measured as the full horizontal distance of a façade wall from the grade to the underside of an overhanging eave or cornice.

4. Facades of structures using the Urban-style multifamily Building form facing streets or containing the Primary Facade(s) to dwellings shall provide a minimum of three of the following design features for each residential unit fronting onto a street:

    a. Projections or recesses in the façade plane every 30 feet. Projections or recesses must have a minimum depth of two feet;

    b. Different exterior building materials or colors;

    c. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features);

    d. One or more dormer windows, or box or bay windows with a minimum twelve-inch projection from the façade plane;

    e. Eaves with exposed rafters or a minimum twelve-inch projection from the façade plane;

    f. A parapet wall with an articulated design which entails design variation rather than a simple rectilinear form; or

    g. Multiple windows with a minimum four-inch wide trim.

I. Garages.

1. Individual garages or carports serving structures using the Garden-style Multifamily Building form shall be located to the side or rear of such buildings, and shall be oriented perpendicular to the primary streets located around the perimeter of the development.

2. For buildings using the Garden-style Multifamily Building form that incorporate a shared garage at the street level, the facade shall include treatments to enhance the pedestrian environment and obscure the view of parked cars, such as artwork, decorative grilles,

Unique material treatments, or projections or recesses in the façade plane every 30 feet. Shared garages at the street level shall incorporate openings with grillwork or other treatments to resemble windows.

J. Off-Street Parking Location.

3. Off-street surface parking, including access and travel ways, located on the side of a structure using the Garden-style Multifamily Building Form shall not occupy more than 30 percent of the lot's public street frontage.

K. Pedestrian Circulation. Structures using the Garden-style Multifamily Building Form shall provide full pedestrian access around the structure in the form of a sidewalk at least five feet wide. Crosswalks used as part of an internal pedestrian circulation system, or across driveways accessing public streets, shall be constructed of a contrasting paving material.

L. Meter and Equipment Placement. Wall-mounted and ground-based meters, HVAC, and utility equipment serving a Garden-style Multifamily Building shall:

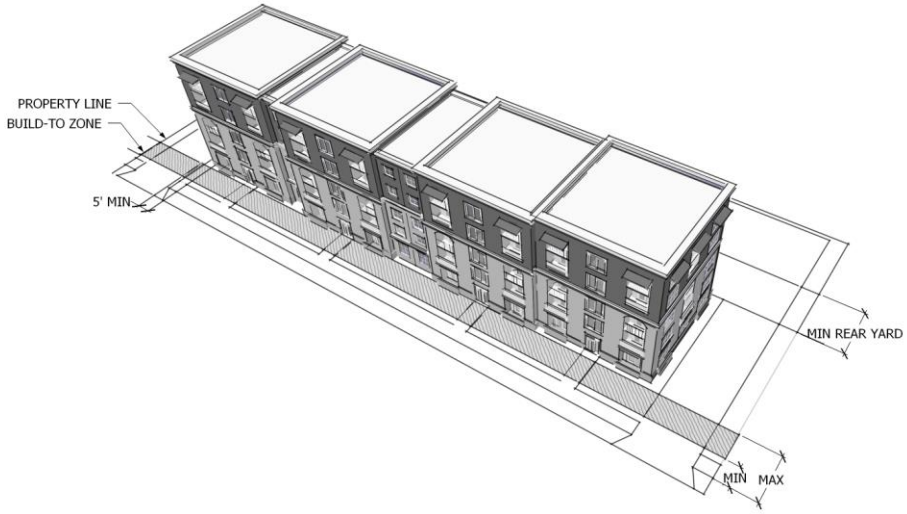
1. Be fully screened from view, or located to the sides or rear of the structure they serve, and

2. Be placed in close proximity to one another.

M. Waste Container Placement. Waste containers serving a Garden-style Multifamily building shall not be located between the building and the street it fronts. Waste containers shall be designed according to the standards set forth in this title.

INCORRECT METER & EQUIPMENT PLACEMENT
INCORRECT WASTE CONTAINER PLACEMENT

17.21.110 Urban-style Multifamily Building.



The Urban-style multifamily Building includes residential dwelling units arranged in a building in a stacked configuration where units are located side-by-side and one atop another. Dwelling units with an Urban-style Multifamily Building may be for rental, condominium, or cooperative ownership. The uses permitted within an Urban-style Multifamily Building are determined by the base and overlay land use districts where it is located. Buildings using this form shall include amenities as specified in this chapter.

A. Frontage and Orientation

1. **Single-Building Developments.** Developments composed of a single structure using the Urban-style Multifamily Building form shall comply with the frontage and orientation standards described in the general design standards established in this chapter.

2. **Multiple Building Developments.** The primary entrance and front façade of individual buildings within a multiple building development shall be oriented toward the following, listed in priority order:

a. Public streets

b. Perimeter streets

c. Primary internal streets

d. Parks or other common open space; and

e. Secondary internal streets

Primary entrances or facades shall not be oriented toward off-street parking lots, garages, or carports.

B. Building Height. Except for structures using the Urban-style Multifamily Building Form on parcels within the Central Pointe, or Streetcar Overlay Zones, building using this form shall be no higher than sixty-five feet (65') from grade to the peak of the roof or, for flat roofed structures, the top of the parapet.. Buildings using this form located within 100 feet of an existing single-family residential land use district as measured from the closest property lines shall incorporate the following height transition:

1. Beginning at the minimum build-to zone line of the subject property, the maximum height is thirty-five feet (35').

2. Additional height for buildings using this form may be added at a ratio of one (1) additional vertical foot of building height to two (2) horizontal feet of distance from the nearest setback line.

3. The building height transition requirement ends at 100 feet from the adjoining single-family residential land use district.

C. First Floor Height Requirements. Buildings using the Urban-style Multifamily Building Form shall have first floor with a minimum ceiling height of twelve feet (12') measured from floor deck to floor deck.

D. Materials.

1. Exterior building walls of structures using the Urban-style Multifamily Building Form shall be wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone, split-faced masonry block, or similar material. Stucco, EIFS, glass, architectural metal panels, or corrugated metal may be used as accent materials only and shall not be the primary material used on any exterior wall.

2. For structures using the Urban-style Multifamily building form, an identifiable break shall be provided between the ground floor or second floor and upper floors. This break may consist of a change in material, a change in façade articulation, or similar means.

3. Structures using the Urban-style multifamily building form shall have roofs clad in asphalt shingles, wood shingles, standing seam metal, a similar material, or a combination of similar materials, or shall have flat roofs as specified in this section.

4. Accessory buildings shall be constructed of similar materials as used on the principal structure(s).

E. **Stairways and Corridors.** All stairways and corridors intended to provide access to dwelling units in structures using the Urban-style Multifamily Building form shall be enclosed.

F. **Porches, Balconies, and Private Patios.**

1. At least seventy percent (70%) of the dwelling units in an Attached Residential Building that faces a public street, a perimeter street, primary internal street, or park or common open space shall have either a porch, a balcony, or a private patio. Porches, balconies, or patios shall be a minimum of 60 square feet in area and a minimum of five feet (5') in depth.

2. Porches, balconies, and private patios shall be configured to avoid views into rear yards of parcels containing single-family dwellings to the maximum extent practicable.

G. **Common Open Space.** Buildings using the Urban-style Multifamily Building Form shall include common open space, according the following standards:

1. At least 20 percent (20%) of the development site, excluding dedicated rights-of-way and required build-to zone and setback areas, shall be common open space. Common open space for Urban-style Multifamily buildings may be exterior or interior space.

2. Open space may take a variety of forms, but must be intended for use by all tenants.

3. Private balconies, patios, and indoor recreation or common areas shall not be included in the calculation for open space.

4. Parking lot landscaping as required shall not be included in the calculation for open space.

H. **Roofs.** Roofs on buildings using the Attached Residential Building form shall comply with the following standards:

1. Pitched roofs covering the main body of the structure shall be hip style, monopitch or shed style, mansard, or shall have symmetrical gables.

2. Monopitch roofs shall maintain a minimum pitch of 4:12 and all other roofs covering the main body of a Detached House Building shall maintain a minimum roof pitch of 6:12

3. Roof forms shall be designed to correspond and denote building elements and functions, including primary pedestrian entrances and arcades.

4. Flat roofs may be used for Urban-style Multifamily Buildings. All flat roofs shall require a minimum two foot parapet wall along the roofline. The following additional conditions apply:

    a. The parapet shall have a three dimensional cornice treatment.

    b. The parapet shall extend along all facades of the building

    c. The parapet shall fully screen any roof-mounted equipment.

    d. Additional two-foot projections or recesses in the façade plane every 40 feet.

5. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimum visual impact as seen from an adjacent street.

I. Facades.

1. All elevations of structures using the Urban-style Multifamily Building form visible from the street shall provide doors, porches, balconies, or windows in the following amounts:

    a. A minimum of 40 percent of front elevations; and

    b. A minimum of 25 percent of side and rear building elevations.

2. For the purposes of this section, a building elevation shall include the entire wall surface on a building side from grade level to underneath an overhanging eave or to the top of the cornice.

3. For the purposes of this section, an elevation is measured as the full horizontal distance of a façade wall from the grade to the underside of an overhanging eave or cornice.

4. Facades of structures using the Urban-style multifamily Building form facing streets or containing the Primary Facade(s) to dwellings shall provide a minimum of three of the following design features for each residential unit fronting onto a street:

    A. Projections or recesses in the façade plane every 30 feet. Projections or recesses must have a minimum depth of two feet;

    B. Different exterior building materials or colors;

    C. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features);

    D. One or more dormer windows, or box or bay windows with a minimum twelve-inch projection from the façade plane;

E. Eaves with exposed rafters or a minimum twelve-inch projection from the façade plane;

F. A parapet wall with an articulated design which entails design variation rather than a simple rectilinear form; or

G. Multiple windows with a minimum four-inch wide trim.

J. Garages.

1. Individual garages or carports serving structures using the Urban-style Multifamily Building form shall be located to the side or rear of such buildings, and shall be oriented perpendicular to the primary streets located around the perimeter of the development.

2. For buildings using the Urban-style Multifamily Building form that incorporate a shared garage at the street level, the facade shall include treatments to enhance the pedestrian environment and obscure the view of parked cars, such as artwork, decorative grilles, Unique material treatments, or projections or recesses in the façade plane every 30 feet. Shared garages at the street level shall incorporate openings with grillwork or other treatments to resemble windows.

K. Off-Street Parking Location.

1. Off-street surface parking, including access and travel ways, located on the side of a structure using the Urban-style Multifamily Building Form shall not occupy more than 30 percent of the lot's public street frontage.

L. Pedestrian Circulation. Structures using the Urban-style Multifamily Building Form shall provide full pedestrian access across the front façade in the form of a sidewalk at least five feet wide. Crosswalks used as part of an internal pedestrian circulation system, or across driveways accessing public streets, shall be constructed of a contrasting paving material.

M. Meter and Equipment Placement. Wall-mounted and ground-based meters, HVAC, and utility equipment serving a Urban-style Multifamily Building shall:

1. Be fully screened from view, or located to the sides or rear of the structure they serve, and

2. Be placed in close proximity to one another.

N. Waste Container Placement. Waste containers serving a Urban-style Multifamily building shall not be located between the building and the street it fronts. Waste containers shall be designed according to the standards set forth in this title.

CORRECT METER & EQUIPMENT PLACEMENT
CORRECT WASTE CONTAINER PLACEMENT & ENCLOSURE

INCORRECT METER & EQUIPMENT PLACEMENT
INCORRECT WASTE CONTAINER PLACEMENT

17.21.120 Required Amenities for Multifamily Residential Buildings

a. **Required Amenities.** Buildings using the Mansion-style Multifamily or Townhome-style Multifamily form as part of a rental residential development , and all buildings using the Garden-style or Urban-style Multifamily Form shall include the following amenities:

   1. An interior common social gathering area of at least four hundred (400) square feet for each fifty units, or portion thereof, within the building or development.

   2. Three items from the Unit Features Section, two items from the General Amenities Section, two items from the Recreation Amenities Section, and one items from the Energy Efficiency Enhancements section described in the table below for each fifty units, or portion thereof, within the building or development. Developers may propose alternative amenities in any category as part of a site plan review, subject to final approval by the Land Use Authority.

   3. For multifamily residential building developments in excess of 150 units, buildings shall include nine items from the Unit Features Section, six items from the General Amenities Section, six items in the Recreation Amenities section, and three items in the Energy Efficiency Enhancements section. Developers may propose an equivalent number of alternative amenities in any category as part of a site plan review, subject to final approval by the Land Use Authority.

B. Table of Required Amenities

Unit Features	General Amenities	Recreation Amenities	Energy Efficiency Enhancements
Must Choose 3 per each 50 units or portion thereof	**Must Choose 2 per each 50 units or portion thereof**	**Must Choose 2 per each 50 units or portion thereof**	**Must Choose 1 per each 50 units or portion thereof**
Individual Garages for at least 50 percent of units Washer/Dryer Connections Private porches, patio, or balcony – at least 70 square feet Upgraded floor coverings, in place of or in addition to carpet Visitability features for at least 10 percent of units Nine-foot ceilings for each unit Enhanced soundproofing Solid Doors throughout unit	Exterior Social Area – at least 400 square feet Project Security – automated gate or guard Enclosed Parking Secured, Enclosed Storage Units Public Transit Use Incentive Offering of Permanent On-Site Social Activities Library, Office, or Meeting Facilities	Pool - at least 400 square feet Internal Fitness Facilities Secured, programmed, children's play areas Hot Tub Community Garden Perimeter Trail Sport Court	Compliance with ENERGY STAR New Homes Standard for buildings three stories or fewer Compliance with ENERGY STAR Multifamily High Rise Program for buildings four stories or greater Installation of photovoltaic panels, wind turbines, or other electric generating renewable energy source to provide at least 20 percent of the project's estimated electricity demand. Design and install required connections for the installation of PV or solar hot water system in the future. Electric Vehicle Charging Station Participation in a recycling program as part of a rental agreement or HOA Installation of tankless hot water systems. Demonstrated compliance with any of the criteria listed in the Site Improvements, Water Conservation, or Energy Efficiency sections of the *2011 Enterprise Green Communities Criteria*

DATED this _____ day of _____, 2015.

BY THE CITY COUNCIL:

_____
Irvin H. Jones Jr., Council Chair

ATTEST:

_____
Craig D. Burton, City Recorder

City Council Vote as Recorded:

Beverly	_____
Gold	_____
Turner	_____
Snow	_____
Rutter	_____
Jones	_____
Rapp	_____

Transmitted to the Mayor's office on this _____ day of_____ 2015.

_____
Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2015.

_____
Cherie Wood, Mayor

ATTEST:

_____
Craig D. Burton, City Recorder