

Exhibit 1

Replace Chapter 17.09 Conditional Uses with the following:

17.09.010 – Conditional Use Permit Review.

A. Each conditional use applicant shall submit a complete application upon forms provided by the city, which, at a minimum, shall include:

1. A description of the proposed use;
2. A site plan and supporting materials;
3. A design schematic;
4. A description of mitigating design elements;
5. A description of mitigating management practices and plan; and
6. Any proposed conditions of approval.

B. The land use authority is:

1. The Director if the conditional use application is for:
 - a. Non-residential development of less than 1 acre; or
 - b. Does not require design review and is within or adjacent to the R1-5, R1-6, RM, Light Industrial, Mixed or TOD zones
2. The planning commission for all other conditional use applications.

17.09.020 – General Conditional Use Permit Review Criteria.

In reviewing an application for a conditional use permit, the land use authority shall consider whether the application:

A. Identifies the maximum intensity of the proposed development and use;

B. Complies with all provisions of the code; and

C. Compared to the allowed development and uses within the zone, substantially mitigates the adverse impacts that are reasonably anticipated from the magnitude and intensity of the development and use, as proposed, considering:

1. The size and location of the site;
2. Traffic generation, timing and nature of traffic impacts and the existing condition and capacity of the streets in the area;
3. Utility demand and available capacity, including storm water retention;
4. Emergency vehicle access and anticipated average and peak day demand;
5. Location and amount of off-street parking;
6. Internal vehicular and pedestrian circulation system, including delivery vehicles, loading and unloading;

7. Fencing, screening, and landscaping to separate the conditional use from adjoining property and uses;
8. Building mass, bulk, design and orientation, and the location of buildings on the site including orientation to buildings on adjoining lots or parcels;
9. Usable open space;
10. Signs and lighting;
11. Physical design and compatibility with surrounding structures in terms of mass, scale, style, design, and architectural detailing;
12. Noise, vibration, odors, steam, or other factors that might adversely affect people and property off-site;
13. Control of delivery and service vehicles, loading and unloading zones; s
14. Generation and screening of trash;
15. Recycling program and pickup areas;
16. The potential adverse impacts arising from the conduct of patrons, guests, employees, occupants, or their affiliates
17. Within and adjoining the site, the impacts of the use on public property and environmentally sensitive lands;
18. Hours of operation, delivery and use;
19. Special hazards arising from the use or from its reasonably anticipated secondary effects, including its potential to attract criminal behavior; and
20. Demand for public infrastructure or services.

17.09.030-Criteria for Specific Conditional Uses.

A. As applicable, in addition to all general conditional use permit criteria, the land use applicant shall comply with each additional criteria for the following specified conditional uses:

1. Alcohol Sales. See [Title 5](#). Class C taverns are subject to restrictions and regulations through the conditional use permit application process and licensing ordinances as found in [Title 17.09](#). Such facilities Alcohol sales may not be located any closer to residential zones than six hundred (600) feet as measured at the closest property lines, nor closer than 2640 feet to a homeless shelter. The distance shall be measured from the front door of the establishment.

2. Animal Kennel or Animal Day Care. Comply with criteria specified in Title 6

3. Animal or Reptile Rescue. All animal or rescue uses and facilities may not be located any closer to a residential use than three hundred (300) feet as measured at the closest property lines.

4. Assisted Living/Senior Housing/Congregate Care. Each application for an assisted living, senior housing or congregate care use must comply with the following:

- a. Proof of state license for assisted living, senior housing, congregate care, or its equivalent;

- b. A design, residential in character and architecturally compatible with the neighborhood, which adequately screens the use from neighboring lots and complies with Utah Department of Health standards;
- c. An outdoor lighting plan which adequately screens lighting to mitigate its impact on surrounding uses;
- d. A sign plan which includes no more than two square feet of signage for facilities on public streets smaller than collector streets, and monument signs not to exceed thirty-two square feet for facilities on public streets considered collector streets or larger; and
- e. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located. The parking plan must propose parking appropriate to the proposed use of the facility, which plan may propose parking below the standards listed in Section 17.27.060
- f. Facility is responsible for each unlawful request for emergency services at the facility, under Section 8.34.020, is the recipient of all emergency services under Section 2.40.060 and shall reimburse the city for the costs of all emergency services rendered at the facility under Section 2.40.070

5. ATM, Kiosk, Vending Machine. Any ATM, kiosk or vending machine must not interfere with or cause difficulty in the safe movement of pedestrians. Machines must be located next to a main building on the property and located in a manner such that when customers are lined up to use the service they will not have to wait in vehicle drive isles or parking areas. Machines shall not be located in landscaped areas, create a public nuisance or be a hazard to public safety.

6. Auto, Light Trucks, RV, Boat and Trailer Dealerships (new and used). Comply with specific requirements regulating dealerships in Title 17.06

7. Auto Body Repair. In the commercial general district:

- a. All wrecked or inoperable vehicles must be stored within the main or accessory building. Only operable vehicles used by the business, customers and employees may be parked outdoors.
- b. To ensure higher environmental standards an auto body repair use located in the commercial general zone must use high volume low pressure spray guns in painting operations.
- c. Within two hundred (200) feet of property located within a residential zone the hours of operation are limited to 7:00 a.m. to 8:00 p.m.

8. Automotive Restoration. Every automobile associated with automotive restoration shall be an antique or classic vehicle.

- a. All vehicles and parts must be stored within a main or accessory building. Only operable vehicles used by the business, customers, and employees may be parked outdoors.
- b. Must use high volume low pressure spray guns in painting operations, if applicable.
- c. Within one hundred fifty (150) feet of property located within any residential zone, hours of operation are limited to seven a.m. through eight p.m.

9. Auto Service and Repair. For temporary outside vehicle storage in the commercial corridor, commercial general and light industrial districts:

- a. Eight-foot solid wall required along the frontage of any public street;
- b. At a minimum, an eight-foot chain link privacy fence along all property lines shared with other private property owners.
- c. Required construction materials for walls shall be brick, ceramic tile, stone, precast concrete panel, concrete block, or other masonry materials deemed appropriate by the land use authority;
- d. Pave entire storage and maneuvering areas with concrete or asphalt.
- e. Storage sites shall meet the following minimum requirements:
 - i. No storage area within the front setback area of any auto service or repair use.
 - ii. Vehicle parts or accessories must be stored indoors and may not be stored in the vehicle storage areas.
 - iii. Vehicles may not be stored outdoors longer than seventy-two (72) hours. Walls along public rights-of-way may be subject to higher design standards if deemed appropriate by the land use authority. The land use authority may impose increased or enhanced standards of style, height or durability of walls to comply with the goals and objectives of this title by the land use authority.
 - iv. The style, height or durability of walls may be enhanced or increased if deemed necessary to comply with the goals and objectives of this title by the land use authority. Notwithstanding the above requirements, parking areas for customers and employees are not required to be behind a wall.
 - v. All outside storage facilities shall be located on a properly drained site that is graded to ensure rapid drainage and to ensure that the site remains free from stagnant pools of water.

vi. A site drainage and grading plan shall be provided with adequate facilities to dispose of any runoff and any contaminants by a method that is approved by the South Salt Lake Public Works Department.

vii. Storage materials may not exceed the height of the eight-foot wall.

viii. All grounds and buildings shall be maintained free of insect and rodent harborage and infestation.

ix. Vehicle storage areas shall be maintained free of organic waste, or inappropriately stored flammable materials. Materials that are customary to the business shall be stored in accordance with applicable laws.

x. Stored vehicles shall be stored in a unified organized manner.

xi. Storage areas shall not add to the contamination of the soil, alter ground water flow, create additional drainage runoff or alter topography in such a way that create hazards to the proposed site, adjoining properties, or the city.

xii. The applicant shall provide the city with a drainage collection and disposal plan for vehicle fluids that complies with all federal, state and local standards.

10. Bail Bonds. Bail bond uses shall not be located any closer to residential zones than three hundred (300) feet as measured at the closest property lines. Such uses in the Gateway West Overlay District shall be located only along 900 West and at least one hundred fifty (150) feet from the edge of the right of way for 3300 South.

11. Convenience Stores with Fuel Pumps.

a. The pump islands of the convenience store may be erected in the front yard area provided the pumps are set back not less than twenty-four (24) feet from the right-of-way [of] any street.

b. Hard-surfaced driveways leading to and from a pump island and other properly located service facilities permitted on the property shall be allowed in the front yard area provided that the driveways shall be defined by the construction of a concrete curb on the side adjoining the sidewalk. The area between the curb and the sidewalk shall be landscaped to comply with Title 17.25.

c. A ten foot distance shall be maintained between a driveway and the property line with which it is parallel or approximately parallel.

d. All parking areas on the convenience store lot shall maintain the required landscaped front yard as provided in Title 17.25 and shall be bordered by concrete curbing.

12. Child Care Facility/Center. Each application for a child care facility or center requires:
 - a. Proof of a state child-care license;
 - b. A design which precludes a front yard playground and signage in excess of a two square foot nameplate; and
 - c. A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located.

13. Adult Daycare. An adult daycare use shall not include any overnight residential use and shall not be located within 2640 feet of a homeless shelter. The distance shall be measured from the front door of the establishment.

14. Day Treatment Center Outpatient use only with no inpatient residential use. May not be located any closer to residential zone, park or school than six hundred (600) feet as measured at the closest property, nor within 2640 feet of a homeless shelter. The distance shall be measured from the front door of the establishment.

15. Employment Agency and Temporary Staffing. Limited to office only functions and the placement of employees are considered an office classification. Where temporary staffing and employment agencies involve uses where applicants and potential employees are required to come to the business location daily to view job opportunities and/or receive wages, the following additional requirements apply.
 - a. No closer to residential zones than three hundred (300) feet as measured at the closest property lines.
 - b. An indoor waiting area must be provided for patrons of the service.

16. Mobile Home Park. Such use shall:
 - a. Maintain a current a register containing a record of each mobile home owner and each occupant of every mobile home located within the park. The register shall contain the following information:
 - i. The name and address of each mobile home occupant;
 - ii. The name and address of the owner of each mobile home and motor vehicle by which it is towed;
 - iii. The make, model, year and license number of each mobile home and motor vehicle;

- iv. The state, territory or country issuing such licenses;
- v. The date of arrival and of departure of each mobile home;
- vi. Whether or not each mobile home is a dependent or independent mobile home.

b. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

c. The register record for each occupant registered shall not be destroyed for a period of three years following the date of departure of the registrant from the park.

17. Food Production Establishments, Small Scale. Such establishments are limited to on-site food preparation with off-premise consumption and sales. However, such uses **shall** include a minor retail component for on-site sales. Facilities may be shared among various food processors or preparers but facilities are limited in size to three thousand 3,000 square feet or less.

18. Home Occupation Uses:

a. Except for an enclosed outdoor play area for a child day care, the home occupation shall not involve the use of any yard area or activity outside a building.

b. The home occupation shall be conducted between the hours of seven a.m. and eight p.m.

c. Dance instruction, limited to no more than two students at a time or twenty (20) percent of the dwelling's floor area, whichever is greater;

d. Child day care, provided the care is provided by those residing within the home only, is limited to no more than eight children at a time, and meets the requirements of all regulating agencies;

e. Pet grooming, limited to two animals on-site at any one time; and

f. If customer traffic is allowed, Customer traffic is by appointment only with no walk-in traffic, with the exception of home garden produce sales;

g. Any occupation allowed shall be limited to two individual customers on the premises at a time;

19. A Homeless Shelter shall:

- a. Comply with the Urban-style Multifamily Design Standards;
- b. Conduct all operations within an enclosed structure;
- c. Serve only registered, overnight guests;
- d. Provide 24 hour, on-site management and security;
- e. Provide, implement and maintain a comprehensive design and management plan to prevent the deterioration of public health and public safety, the potential for loss of community, the deterioration of public assets and the devaluation of private property that Utah has recently experienced as a result of the opioid crisis, incomplete criminal justice reform, the lack of long term affordable housing, a lack of qualified and affordable long term treatment facilities and a poorly managed concentration of homeless individuals housed in overcrowded and understaffed facilities by demonstrating:

- i. Effective measures to:

- I. Minimize neighborhood disruption associated with the use and the potential for excessive demands for city services;
 - II. Adequately and professionally staff the facility;
 - III. Prevent the spread of disease both on and off-site; and
 - IV. Ensure the safety and convenience of public safety personnel;

- ii. Adequate resources and commitment to promptly reimburse the City for:

- I. The disproportionate cost or consumption of city services resulting from the use;
 - II. Each unlawful request for emergency services associated with the use of the facility, under Section 8.34.020;
 - III. The costs of all emergency services rendered at the facility as the designated "recipient" under Section 2.40.070;

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

- I. Criminal activity on-site, including policies to safely store all guest weapons in a secure location, to securely store and dispense all prescribed medication, to prohibit on-site illegal drug possession or use and possession or storage of any stolen property;
 - II. Proliferation of crime off-site that is associated with the use;
 - III. Potential for the facility to support/attract/compound the adverse impacts of an off-site homeless population within a one mile radius of the facility;

- iv. Best management practices to minimize the production, accumulation, disposal and transportation of solid waste;

- v. Enforcement of quiet hours to protect neighboring properties;
- vi. A transparent and effective guest screening system to promptly refer and transfer applicable guests to off-site rehabilitation and detoxification or mental health programs;
- vii. Specific processes and objective commitments to regularly address ongoing operational complaints;
- viii. Comprehensive guest registry system that is maintained for a minimum of two years and is readily available to public safety personnel;
- ix. Detailed plan to transition guests from shelter within 90 days of initial registry;
- x. Coordination with public safety regarding notice of any registered sex offender within the facility;
- xi. A reasonable code of guest conduct, including the prohibition of pan handling within the City;
- xii. Best practices to minimize vehicular and pedestrian traffic generation to and from facility.

20. Pawn Shop. Such facilities may not be located any closer to residential zones than three hundred (300) feet as measured at the closest property lines. The distance shall be measured from the front door of the establishment. The number of pawn shop uses may not exceed one per every six thousand (6,000), or portion thereof, of the population of the city; each use shall comply with Title 5.48.

21. Transitional Care and Rehabilitation.

- a. May not be located any closer to residential zone, park or school than six hundred (600) feet as measured at the closest property. The distance shall be measured from the front door of the establishment to the nearest residential zoning boundary or property line of a school or park.
- b. Facilities may not be located less than 2640 feet from a homeless shelter. The distance shall be measured from the front door of the establishment.
- c. Facility is responsible for each unlawful request for emergency services at the facility, under Section 8.34.020, is the recipient of emergency services under Section 2.40.060 and shall reimburse the city for the costs of all emergency services rendered at the facility under Section 2.40.070

22. Movie theaters/Live Performance Theaters. Such facilities may not be located any closer to residential zones than three hundred (300) feet as measured at the closest property lines.

17.09.040 – Conditional Use Permit Standards.

Upon review and consideration of the criteria identified in Section 17.09.020, and in Section 17.09.030 as applicable, compared to the impacts of allowed uses in the zone, the proposal must:

- A. Be compatible in use, scale and design with allowed uses in the zone;
- B. Not compromise the health, safety, or welfare of:
 - 1. Persons employed within or using the proposed development;
 - 2. Those residing or working in the vicinity of the proposed use or development; or
 - 3. Property or improvements in the vicinity of the proposed use or development;
- C. Not impose disproportionate burdens on the citizens of the city.

17.09.050 – Conditional Use Permit Determination.

A. The land use authority shall issue a conditional use permit, describing the scope of the permit and all reasonable conditions of approval if the application complies with code and the applicant has proposed, or the land use authority can propose, conditions of permit approval to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards and criteria herein.

B. If the land use authority determines that the application does not comply with the standards and criteria herein and the applicant has not proposed or the land use authority cannot impose additional, reasonable conditions of approval to comply with the standards and criteria herein, the land use authority may deny the conditional use permit application.

17.09.060 - Modification of conditional use permit.

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

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

C. The conditional use permit holder is a necessary part to these proceedings, and shall be afforded due process.

17.09.070 - Expansion and growth of conditional use.

A. A conditional use may not be expanded without undergoing modification proceedings, as provided in [Section 17.09.060](#).

B. A person expands a conditional use if the square footage of a structure on the property will be increased by greater than ten percent of the square footage existing at the time of the initial application.

C. A conditional use has grown if the following occurs:

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

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

3.Other detrimental effects, such as noise, odor or light pollution, have increased beyond that which was reasonably anticipated at the time of initial application.

4.The city shall initiate modification proceedings if a conditional use has grown to the extent provided in this section.

17.09.080 - Revocation of conditional use permit.

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

1.The permit was obtained by fraud or misrepresentation;

2.One or more of the conditions of the permit have not been met;

3.The holder or user of the permit has failed to comply with any local, state or federal laws governing the conduct of the use;

4.The holder or user of the permit has failed to construct or maintain the site as shown on the approved plans; or

5.A conditional use has been expanded or grown and cannot mitigate the detrimental effects of that expansion or growth.

B. Revocation is appropriate when the applicant has knowingly engaged in conduct, which violates the conditional use permit, or when the holder or user has previously had their permit suspended. Notice shall be given of a pending revocation and the property owner will be given a reasonable opportunity to cure the violation in the same manner as provided for other violations of zoning ordinances.

17.09.090 - Building permits.

The issuance of a conditional use permit does not excuse an applicant from applying and obtaining building permits for the location, unless building permits are not required for the conditional use.

17.09.100 - Expiration.

A. Conditional Use Not Implemented. A conditional use permit expires if the permit has not been implemented within one year from the date of approval. The permit is considered implemented if the holder of the permit engages in the conditional use, or completes substantial construction on the site for which the permit was granted. Extensions of six months may be granted if the department finds that the use still complies with the review standards. Requests for extension shall be filed not less than thirty (30) calendar days prior to the expiration date.

B. Conditional Use Abandoned. If the approved use or activity ceases for any reason for a continuous period of six consecutive months or more, the conditional use permit shall automatically terminate without further notice, as having been abandoned. A person may only reinstate the conditional use after a new conditional use permit is issued.