

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL AMENDING CHAPTER 9.24 OF THE SOUTH SALT LAKE CITY CODE, REVISING THE SOUTH SALT LAKE CITY ZONING MAP, REPEALING AND REPLACING CHAPTER 3.11 OF THE SOUTH SALT LAKE CITY CODE, AND REPEALING AND REPLACING TITLES 5, 15, AND 17 OF THE SOUTH SALT LAKE CITY CODE AS PART OF A COMPREHENSIVE EFFORT TO REMOVE ERRANT AND CONFLICTING LAND USE PROVISIONS, REORGANIZE REGULATIONS, CODIFY ENGINEERING STANDARDS, CODIFY STANDARD ROAD PROFILES, COORDINATE LOCAL LAND USE REGULATION WITH RECENT AMENDMENTS TO THE STATE ALCOHOL LAWS, CONSOLIDATE THE LAND USE MATRICES, CODIFY PLAIN LANGUAGE AND CONFORM THE SOUTH SALT LAKE CITY CODE WITH RECENT MANDATES IN STATE LAW.

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

WHEREAS, the City is authorized by law to enact and amend ordinances establishing land use regulations, including regulations more commonly referred to as subdivision and development regulations and business license regulations;

WHEREAS, the state legislature expects all local governments to regularly update their land use regulations to reflect all amendments to relevant state law, including the Alcoholic Beverage Control Act and the Land Use Development and Management Act;

WHEREAS, the City's land use regulations are dispersed throughout four chapters of the Municipal Code in a manner that can be confusing to citizens, staff, and property owners;

WHEREAS, by revising land use regulations as a comprehensive whole, in a manner that will more closely conform to state law mandates and by reorganizing the enacted land use regulations to provide a more plainspoken guide to property rights and regulations in the City, the City can foster community harmony, promote efficiency in government, and facilitate quality, sustainable redevelopment;

WHEREAS, on August 1, 2019, the Planning Commission held a legally noticed public hearing to consider a proposed zoning map amendment, a revision to Chapter 9.24 of the South Salt Lake City Code to allow for the consumption of alcohol at certain City sponsored events, the repeal, reorganization and replacement of Titles 5, 15 and 17 of the South Salt Lake City Code, as well as Chapter 3.11 of the South Salt Lake City Code;

WHEREAS, the Planning Commission found that the proposed zoning map amendment, revision to Chapter 9.24 of the South Salt Lake City Code, the repeal, reorganization and replacement of Chapter 3.11 South Salt Lake City Code, and of Titles 5, 15 and 17 of the South Salt Lake City Code, would promote efficiency, add clarity, stabilize neighborhoods and enable the beneficial development and redevelopment within the City and recommended City Council approval;

WHEREAS, the City Council finds that the proposed ordinance supports and promotes the City's goals in the General Plan; and

WHEREAS, the City Council finds that the recommended amendments, repeal, reorganization and replacement will facilitate desirable development and use of land within the City;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION I: Amend Chapter 9.24 Consumption of Alcohol in Public Places of the South Salt Lake City Code to conform to Title 5 revisions and allow consumption of alcohol in public places, in conjunction with City-sponsored events, as follows:

Chapter 9.24 - Consumption of Alcohol in Public Places

9.24.010 - Definitions.

"Alcoholic ~~b~~Beverage" shall have the same meaning as "beer" and "liquor" as defined by Title 32AB, Chapter 1, Section 1012, Utah Code Annotated, ~~1953~~ as amended, or its successor.

"Open ~~b~~Bottle, ~~e~~Can, or ~~o~~Other ~~r~~Receptacle" means a container having within it an ~~a~~Alcoholic ~~b~~Beverage, which container has been opened, its seal broken, or the contents of which have been partially consumed.

"Public ~~p~~Place" means:

1. Any park, playground, street, right-of-way, sidewalk, alley, publicly owned property, or state or county road within the ~~e~~City limits of South Salt ~~L~~Lake and which abuts upon:
 - a. Any county or ~~e~~City property, or
 - b. Any business required to have a license under this ~~e~~Code, except those businesses identified in a license ~~or permit~~ issued by the ~~e~~City as authorizing the possession or consumption of alcohol, when there is conformance with the applicable license or permit restrictions or apartment houses as defined and licensed in accord with ~~Chapter 5.58~~ Title 5 of this ~~e~~Code;
2. Boarded or abandoned commercial buildings;
3. Vacant lots in areas zoned for commercial or manufacturing uses; or
4. Any publicly owned building or publicly owned real property.

9.24.020 - ~~Parks and Playgrounds~~ Possession and Consumption in a Public Place.

1. Alcoholic ~~b~~Beverages are prohibited in all ~~the~~ parks and playgrounds in the ~~e~~City of South Salt ~~L~~Lake, ~~and~~
2. ~~It~~ is unlawful for any person to consume, or have in his possession any ~~o~~Open ~~b~~Bottle, ~~e~~Can, or ~~o~~Other ~~r~~Receptacle containing an ~~a~~Alcoholic ~~b~~Beverage within any ~~park, playground, or p~~ Public ~~p~~Place ~~of in~~ the ~~e~~City of South Salt Lake.
3. Possession or consumption of an Alcoholic Beverage in a Public Place is not an offense under this Chapter if done in conjunction with a City-sponsored event when the appropriate City Special Event Permit and City single event alcoholic beverage license have been issued and all other applicable laws are complied with.

9.24.030 - Offense—Misdemeanor.

An offense under this section ~~Chapter~~ **Chapter** is designated as a Class C misdemeanor.

SECTION II: Repeal Title 5 Business Taxes, Licenses and Regulations of the South Salt Lake City Code and replace it with Title 5 Business Licensing, as attached hereto as Exhibit A.

SECTION III: Repeal Title 15 Land Development of the South Salt Lake City Code and replace it in part with Title 15 Impact Fees, Drainage and Subsurface Water Control, Jordan River Parkway Easement, Flood Plains, Interlocal Agreements of the South Salt Lake City Code as attached hereto as Exhibit B.

SECTION IV: Repeal Title 17 Zoning of the South Salt Lake City Code and replace it with Title 17 Land Use and Development of the South Salt Lake City Code as attached hereto as Exhibit C.

SECTION V: Repeal and replace Chapter 3.11 Consolidated Fee Schedule of the South Salt Lake City Code, as attached hereto as Exhibit D, to conform to revisions to and the comprehensive reorganization of Title 5, Title 15, and Title 17 of the South Salt Lake City Code, as adopted herein.

SECTION VI: Adopt the zoning map attached hereto as Exhibit E to conform to adopted land use regulations and to match changes in zoning nomenclature as further adopted herein.

SECTION VII: Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION VIII. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION IX. Effective Date. This ordinance shall become effective upon Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

DATED this ____ day of _____ 2019.

BY THE CITY COUNCIL:

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Beverly _____
Kindred _____
McConnell _____
Mila _____
Pender _____
Rapp _____
Siwik _____

Transmitted to the Mayor's office on this _____ day of _____ 2019.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2019.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder

Exhibit A

TITLE 5 – BUSINESS LICENSING

Chapter 5.01 – DEFINITIONS.

For the purpose of this Title the following terms shall have their prescribed meanings:

"Adult Bookstore, Adult Video store, or Adult Device Store" means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of Specified Sexual Activities, Specified Anatomical Areas, or Sexual Devices as defined in this Title. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- A. At least thirty (30) percent of the establishment's displayed merchandise consists of said items;
- B. At least thirty (30) percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items;
- C. At least thirty (30) percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items;
- D. The establishment maintains at least thirty (30) percent of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items);
- E. The establishment maintains at least five hundred (500) square feet of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items);
- F. The establishment regularly offers for sale or rental at least two thousand (2,000) of said items;
- G. The establishment regularly features said items and regularly advertises itself or holds itself out, in any medium, by using "adult," "adults-only," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests; or
- H. The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

"Act of Violence" means the use of physical force or power, threatened or actual, that either results in or has a high likelihood of resulting in injury, death, psychological harm, or property damage.

"Adult Cabaret" means a business that regularly features live conduct characterized by Semi-Nudity. No establishment shall avoid classification as an Adult Cabaret by offering or featuring Nudity.

"Adult Motion Picture Theater" means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

Exhibit A

"Amusement Device" means any machine, device, or contrivance, not prohibited or declared unlawful by the City or the state of Utah, designed or intended to be operated or used for amusement or the playing of a game upon or in exchange for paying a fee or inserting a coin or token.

"Auction" means a competitive sale of property by outcry or signal to the highest bidder.

"Auctioneer" means any person who conducts an auction.

"Auction House" means a permanent place of business where auctions are conducted, and personal property is sold at auction.

"Business Activity" means any pursuit within City limits carried on for the purpose of economic gain or profit, excluding the acts of an employee rendering service to their employer within the scope of their employment contract, unless otherwise proscribed.

"Business Owner" means the Person or Persons Engaged in Business within South Salt Lake City.

"Change in Ownership" means (1) for a sole proprietorship: when the proprietor sells or transfers the business to any other individual, group, or entity; (2) for a partnership: when there is a change in the controlling percentage of the partnership, as compared to the partnership which existed at the time of the initial application; (3) for a corporation: when there is a change in any officer or director, or a change in any individual or entity holding twenty (20) percent or more of the shares of stock from the time of the initial application; and (4) for a limited liability company: when there is a change in the limited liability company's management or a change in any individual or entity owning twenty (20) percent or more of the company from the time of the initial application.

"Charitable Group" means any group, organization, association, or other entity that holds itself out to be a benevolent, educational, voluntary, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, civic, or public safety, law enforcement, or firefighter organization which is located or has members residing in the City of South Salt Lake.

"City Event" means any planned festival, celebration, function, or gathering within the City limits, including but not limited to the Fourth of July Celebration, Huck Finn Day, Halloween, or the "City Night Out."

"Coin Dealer" means any Person Engaged in the Business of buying or selling coins having numismatic value.

"Criminal Conduct" means any of the following offenses that has the Place of Business as its locus, and can be reasonably linked to a patron, invitee, manager, owner or employee of the business, or a resident or occupant of the Place of Business (all references are to the Utah Code): any offense designated as a felony under Utah law; the unlawful sale, manufacture, service, storage, distribution, dispensing or acquisition of any controlled substance, precursor, paraphernalia or analog specified in Title 58, Chapter 37, Controlled Substances, Chapter 37a, Paraphernalia; Chapter 37b, Imitation Controlled Substances, Chapter 37c, Precursors or Chapter 37d, Clandestine Labs; an offense involving any form of abuse of a child or violence or the threat of violence against any person as defined in Title 76, Chapter 5, Offenses Against the Person; an offense involving intentional damage to property as defined in Title 76, Chapter 6, Part 1, an offense relating to burglary of a vehicle or possession of burglary tools as defined in Title 76, Chapter 6, Part 2; an offense involving any form of theft as defined in Title 76, Chapter 9, Part 4; riot or failure to disperse as defined in Title 76, Chapter 9, Part 1; an offense involving any form of animal

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fighting as defined in Title 76, Chapter 9, Part 3; an offense involving lewdness or voyeurism as defined in Title 76, Chapter 9, Part 7; an offense involving a dangerous weapon as defined in Title 76, Chapter 10, Part 5; an offense involving a nuisance as defined in Title 76, Chapter 10, Part 8; any offense prohibited by Title 9; gambling permitted to be played, conducted or dealt as prohibited in Title 76, Chapter 10, Part 11, Gambling; or prostitution or promotion of prostitution carried on by one or more persons as provided in Title 76, Chapter 10, Part 13, Prostitution.

"Dealer" means a Person Engaged in the Business of buying or selling goods.

"Disqualifying History" means a person convicted of— including pleas of guilty, no contest, nolo contendere, or any other plea whereby punishment may be imposed upon the defendant, and including a plea which is held in abeyance, regardless of whether it was ultimately dismissed—(1) a felony under federal law or state law; (2) a violation of a federal law, state law, or local ordinance concerning the sale, offer for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic product within the preceding ten (10) years; (3) a crime involving Moral Turpitude within the preceding ten (10) years; or (4) on two or more occasions within the preceding five (5) years, any offense listed under Subsection 41-6a-501(2)(a) of the Utah Code, as amended.

"Employ, Employee, or Employment" means any Person who performs any service on the premises of a business, on a full time, part time, or contract basis, regardless of whether the Person is denominated as an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a Person exclusively on the premises for repair or maintenance of the premises or for delivery of goods to the premises.

"Employee, Full-Time" means an Employee who is employed for at least thirty (30) hours per week and shall include temporary or seasonal Employees where such Employees are employed for two (2) months or more per year and all corporate officers, owners, or partners.

"Employee, Part-Time" means a Person who works for an employer less than thirty (30) hours per week and shall include temporary or seasonal employees, even if working more than thirty (30) hours per week, if such person is employed for less than two months (2) per year.

"Engage in Business / Engaged in the Business" means to conduct, manage, or carry on any activity as owner, officer, agent, Manager, employer, servant, or lessee.

"Establish a Sexually Oriented Business (SOB) or SOB Establishment" means any of the following:

- A. The opening or commencement of any Sexually Oriented Business, as defined in the Chapter as a new business;
- B. The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business; or
- C. The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business.

"Event" means, for purposes of Chapter 5.04 of this Code, a convention, civic, or community gathering whether held for profit, nonprofit, or charitable purposes, occurring for a limited or fixed duration that impacts the City by requiring City licensing or services beyond the scope of normal business and/or alcoholic beverage regulations, as set forth in this Code, or involving the use of City property, impacting public vehicle or pedestrian flow, generating public safety demands beyond their normal scope, or involving outdoor or temporary activities that do not normally occur as a component of the venue's Permitted Use or Conditional Use, as defined in Title 17 of the Code.

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"Event Support Fee" means any fee charged by the City for the cost of providing police protection, park maintenance, or other required City services.

"Exchange Access Services" means telephone exchange lines or channels, and services provided in connection with them, that are necessary to provide access from the premises of a subscriber to the local switched public telecommunications network of the public utility to effect communication or the transfer of information. Exchange Access Services do not include: (1) private line services; (2) long distance toll services; (3) carrier access services; (4) telephonic services that are not regulated by the Utah Public Service Commission; and (5) services that emulate functions available in customer premises equipment.

"Floor Space" means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

"Gross Sales" means the sum total of all the monies received from the sale of goods, wares, merchandise, or services rendered within a given calendar year, excluding the net Utah state sales tax and any direct federal tax levied on goods or services sold. Gross Sales as used in this Title shall be synonymous with gross receipts.

"Gross Revenue" means the total revenue derived from the sale and use of public utility services within South Salt Lake City, provided that Gross Revenue as applied to the telephone utility shall be construed to mean Basic Local Exchange Services revenue.

"Hearing Officer" means the South Salt Lake City Administrative Law Judge.

"Hotel or Motel" means any facility that provides, 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, and is in current possession of a long-term or short-term lodging business license from the City.

"Influential Interest" means any of the following: (1) the actual power to operate a Sexually Oriented Business, control the operation, management, or policies of any Sexually Oriented Business, or the legal entity that operates any Sexually Oriented Business, (2) ownership of a financial interest of at least twenty (20) percent of a Sexually Oriented Business or of any class of voting securities of a business, or (3) holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity that operates a Sexually Oriented Business.

"Junk Collector" means any person, that not does not have a fixed place of business in Salt Lake County, who goes from place to place gathering, collecting, buying, selling, or otherwise dealing in old rags, papers, metals, or other articles commonly known as junk.

"Junk Dealer" means any person who engages in buying or selling old metals (other than precious metals), glass, rags, rubber, paper, or other junk from a fixed place of business.

"Manager" means any individual employed or operating in a supervisory, managerial, decision-making, agent, or similar capacity for the entity.

"Metal Processor" means any person who engages in refining or otherwise altering the form of precious metals not found in a natural state (i.e. raw ore).

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"Moral Turpitude" means an act or behavior done contrary to community standards of honesty, good morals, or justice or which has an element of fraud, theft, or intent to harm another individual or property.

"Neighboring Resident or Business Owner" means a person or corporation, respectively, residing in a home, owning property, or maintaining a business premises within three hundred (300) feet of the property line of the parcel on which the business that is the subject of the complaint is located.

"Nudity" means the showing of human genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

"Nuisance Conduct" includes both Criminal Conduct and Objectionable Conditions, as those terms are defined in this Title.

"Objectionable Conditions" means any condition that is disruptive to the quiet enjoyment of neighboring residential or business uses, or the harassment of patrons of other businesses or other passers-by, including, but not limited to: disturbance of the peace, intoxication, drinking in public, harassment of passers-by, gambling, prostitution, public urination, lewd conduct, gang activity, drug trafficking, extensive littering, unlawful discharges of hazardous materials, rodent harborage, parking violations, unlawful accumulation of solid waste, fouling of the air with offensive odors or contaminants, excessive dust, or excessive loud noise.

"Organizer" means the Person responsible for event arrangements and payment of support fees.

"Owner" means, for purposes of Chapter 5.04 of this Code, a sole proprietor or in the case of a partnership, corporation, or limited liability company: a partner, managing agent, manager, officer, or director thereof; a stockholder who holds at least 20% of the total issued and outstanding stock of the corporation; or a member who owns at least 20% of the limited liability company.

"Pattern of Criminal Conduct" means the commission of five (5) or more crimes within a six (6) month period:

- A. Which crimes involve drug manufacturing or distribution, prostitution, or gambling under state or federal law;
- B. Which share a similar basis in facts; or
- C. Which are all committed by members of a street gang or other association of individuals who gather for a criminal purpose.

"Pawnbroker" means any Person who loans money on deposit of personal property or deals in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges, together with such new merchandise as will facilitate the sale of same.

"Person" means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, limited liability company, corporation, association, legal entity, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

"Place of Business" means a location maintained or operated by a Person within the city of South Salt Lake from which a Person Engages in Business. Place of Business includes a parking lot owned or leased

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by the business, parking areas traditionally used by patrons or Employees of the business, and the public rights-of-way adjacent to the business premises as it is used by Persons attracted to the business.

"Premises" means the real property upon which a Sexually Oriented Business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee.

"Private Security Staff" means either: (1) a permanent Employee of the business whose chief responsibility is to provide security for the Premises; (2) an individual provided by a contract security company that is currently licensed by the State of Utah; or (3) an off-duty peace officer holding a current state certificate, lawfully employed at the location.

"Property Owner" means the record owner of the real property as listed on the records of the Salt Lake County recorder or assessor's office. A Property Owner who has entered into a contract for management services shall, nonetheless, remain directly responsible for the management of the property.

"Public Portion of Premises" means the area around the exterior of the premises where the activities of patrons collide with the activities of the greater public, including all outdoor portions of the property upon which the premises is located, including parking areas, public sidewalks, streets immediately adjacent to the premises, and extending to parking areas off the premises, whether on public property or private property of another, used by patrons of the establishment based either upon agreement or custom.

"Receives" means acquiring possession, control, or title or lending on the security of the property.

"School Group" means any club, group, organization, or association of any school located in or having students that reside in this City which seeks to raise money for a school-sanctioned activity or project.

"Secondhand Dealer" means any Person who keeps a store, office, or Place of Business for the purchase, barter or exchange or sale of any secondhand merchandise of value, or who engages in the business of dealing in secondhand goods. A secondhand dealer does not include any person who deals in the purchase, barter, exchange, or sale of used motor vehicles and trailers, or buys or sells fewer than five (5) firearms per year.

"Secondhand Precious Metal Dealer/Processor and/or Precious Gem Dealer" means any Person who engages in buying, selling, or processing gold, silver, platinum, other precious metal, secondhand articles containing any of such metals, secondhand precious gems or any articles containing any precious gems.

"Semi-Nude or Semi-Nudity" means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

"Semi-Nude Model Studio" means a place where Persons regularly appear in a state of Semi-Nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other Persons. This definition does not apply to any place where Persons appearing in a state of Semi-Nudity did so in a class operated:

- A. By a college, junior college, or university supported entirely or partly by taxation;

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- B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- C. In a structure:
 - 1. That has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - 2. Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class.

"Sexual Device" means any three-dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Sexual Device does not include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

"Sexually Oriented Business or SOB" means an "Adult Bookstore, Adult Video Store, or Adult Device Store," an "Adult Cabaret," an "Adult Motion Picture Theater," or a "Semi-Nude Model Studio."

"Specified Anatomical Areas" means and includes:

- A. Less than completely and opaquely covered: human genitals; pubic region; buttock; and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Single Episode" means all conduct that is closely related in time and is incident to an attempt or an accomplishment of a single objective, or which results in a single citation.

"SOB Licensee" means a Person in whose name a license to operate a Sexually Oriented Business has been issued, as well as any individual or individuals listed on the application for a Sexually Oriented Business license. In the case of an "Employee," it shall mean the Person in whose name the Sexually Oriented Business employee license has been issued.

"SOB Operator" means any Person on the Premises of a Sexually Oriented Business who manages, supervises, or controls the business or a portion thereof. A Person may be found to be an operator regardless of whether such Person is an owner, part owner, or licensee of the business.

"Special Event" means an event occurring out of the ordinary course of neighborhood functions; such as races, runs, walks, parades, block parties (in excess of thirty (30) homes), entertainment programs, filming of movies, and similar events, which are primarily for the purpose of entertainment or fund raising and attract participants and/or observers and are conducted in or affect public facilities and/or public streets.

"Specified Criminal Activity" means any of the following specified crimes for which less than five (5) years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

- A. Prostitution or promotion of prostitution;
- B. Dissemination of obscenity or illegal pornographic materials; sale, distribution or display of harmful material to a minor;

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- C. Sexual abuse; sexual abuse of a child; sexual exploitation of children; sexual performance by a child;
- D. Possession or distribution of child pornography;
- E. Sexual assault; sexual battery; rape;
- F. Indecent exposure; indecency with a child; molestation of a child;
- G. Distribution of a controlled substance;
- H. The crimes of criminal pandering, tax violations, embezzlement, or racketeering, if such crimes are directly related to the operation of a Sexually Oriented Business;
- I. Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- J. Any offense in another jurisdiction that, had the predicate act(s) been committed in Utah, would have constituted any of the foregoing offenses.

"Specified Sexual Activity" means any of the following:

- A. Intercourse, oral copulation, masturbation or sodomy; or
- B. Excretory functions as a part of or in connection with any of the activities described in (A) above.

"Telephone Service" means exchange access services, extended area service, customer access line charges and any service for which a tax or other charge was being paid pursuant to this Chapter.

"Transfer of Ownership or Control" of a business means any of the following:

- A. The sale, lease, or sublease of the business;
- B. The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or
- C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

"Transient Auction House" means any place, whether indoors or outdoors, located within South Salt Lake where any goods, wares, merchandise, or articles of value are offered for sale at auction and which is neither the permanent Place of Business for auction sales nor a permanent business which has an auction sale to dispose of its inventory, furnishings, and business equipment as it goes out of business.

"Use" has the definition assigned in Chapter 17.01 of this Code.

"Vendor" means any Person, group, organization, firm, or company which sells or offers to sell to the public any type of product, service, food, or drink at a City event.

"Viewing room" means the room, booth, or area where a patron of a Sexually Oriented Business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction.

Chapter 5.02 – BUSINESS LICENSES GENERALLY

5.02.010 - Doing Business Without a License Unlawful.

It is unlawful for any Person to engage in any business, within the City of South Salt Lake without a current business license issued by the City.

Exhibit A

5.02.020 - Failure to Pay License—Penalty.

If any Person shall neglect, fail, or refuse to pay the amount assessed when it becomes due on any license provided for in this Title, for a period of thirty (30) days after the due date, a penalty of fifty (50) percent shall be added to the original amount due. Any license fee that is delinquent after sixty (60) days, shall be assessed a penalty of one hundred (100) percent (double fee). The license fee and any applicable penalty shall be collected by the City treasurer and the payment thereon enforced in the manner provided in Section 5.02.030 of this Chapter.

5.02.030 - Civil Actions.

In all cases where a license is required and the amount is fixed by the City, and the amount is not paid in the manner prescribed, a civil or administrative action may be brought in the name of the City of South Salt Lake against the Person, firm, or corporation failing to pay such license, before the administrative law judge for the City of South Salt Lake or in any court of this state having jurisdiction over such action, to recover the amount of the same together with the penalty provided for in Section 5.02.020 of this Chapter. The City may make use of all relevant administrative or civil actions to obtain compliance with the provisions of this Title.

5.02.040 - Application for License to Conduct Business.

- A.** Any Person Engaged in Business within the City of South Salt Lake must first obtain a license from the City of South Salt Lake prior to conducting such business, except a Person, under the age of 18, engaging in business only occasionally.
- B.** A license to conduct business may be obtained by making application to the business license official at the business licensing office within the City of South Salt Lake.
- C.** All applications and renewals for business licenses shall be submitted on the form provided by the City. Payment of the requisite license fee as set forth by ordinance and/or by the consolidated fee schedule and any amendments or revisions thereto shall be submitted with all applications. Failure to remit the required fees shall be grounds for denial of the applicant's license.
- D.** Applications to engage in a new or expanded business (not a renewal) are subject to a nonrefundable application fee.
 - 1.** If a business license is denied for cause, and any appeal of such denial is upheld, or if the business fails to bring the premises, building, or operation into compliance with the laws and ordinances of the City of South Salt Lake, the state of Utah, and the United States within thirty (30) days of notice of violation from the City, the fees shall be forfeited and a new application, together with required fees, shall be required.
 - 2.** If the license is approved, the application fee shall be applied to the required license fee.
- E.** Upon review by the business license official for completeness of application, and a finding by the business license official that: (1) the application is complete; (2) the application complies with ordinances of the City of South Salt Lake; (3) that there are no known violations of the laws and ordinances of the City of South Salt Lake, including all conditions of land use approval, the state of Utah, and the United States; and (4) that the business is not delinquent in the payment of any other

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sum, fee, or fine owed to the City for any reason, the business license official shall issue a business license to the applicant.

- F. All licenses issued pursuant to this Chapter expire annually. An applicant must apply to renew any license annually, on or before the due date established by the City for that business location. The City establishes a twice-yearly renewal season based on the physical location of the business. Those businesses located east of 200 West (the light rail tracks) shall be licensed from January to January with a due date of January 1st. Those located west of 200 West (the light rail tracks) shall be licensed from July to July with a due date of July 1st. All license renewal applications are subject to review by the business license official to determine whether the business is in compliance with all laws and ordinances of the City of South Salt Lake, the state of Utah, and the United States.

5.02.050 - License Must Be Paid in Advance.

A license shall not be issued to anyone until the amount required for such license fees and penalties have been paid into the City treasury, and the application for a business license has been approved by the business license official.

5.02.060 - Contents of License Certificate.

Every certificate of license shall (1) specify by name the Person to whom it is issued; (2) designate the particular business licensed; and (3) designate the location at which the business shall be operated. No license granted or issued under the provision of this Chapter shall be assignable or transferable in any manner. No license granted or issued under the provision of this Chapter shall authorize any person to whom a license is issued to Engage in Business (1) at any place other than the location indicated on such license; or (2) other than the business that is properly licensed by the City of South Salt Lake.

5.02.070 - License to be Posted in a Conspicuous Place.

Every license issued shall be posted by the licensee in a conspicuous public place upon the wall of the building, room, or office of the location in which such licensed business is engaged, so that the same may be easily seen by the public. When a business license has expired, it shall be removed by the licensee from any place visible by the public. No license which is not current or valid shall be permitted to remain posted. It shall be the duty of each and every Person to whom a license has been issued to show a current South Salt Lake business license when required to do so by any official or officer of the City of South Salt Lake.

5.02.080 - License Not to Authorize Unlawful Activities.

A business license issued in conflict with the law or the ordinances of the City of South Salt Lake is void. A valid business license does not authorize a lawful business to be conducted in an unlawful manner.

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5.02.090 - Denial, Suspension, and Revocation of Business Licenses.

An application for a new business license, or for renewal of an existing business license, may be denied, or an existing business license may be revoked, for the following reasons:

- A. The applicant or licensee, or his or her business, does not meet zoning or other requirements set forth in this Code;
- B. False or incomplete information was provided on a business license application;
- C. The licensee or applicant has violated, or is violating, any provision of this Title or provision of the City Code, state, or federal statutes or other regulations relating to or governing the applicant's or licensee's business;
- D. The licensee has obtained, the applicant has attempted to obtain, or the licensee or applicant has aided another Person to obtain, a license by fraud or deceit;
- E. The applicant for a renewal, or licensee, has failed to pay Salt Lake County ad valorem property taxes and/or personal property taxes, or South Salt Lake utility service charges, sales tax, or any other fee or fine owed to the City. The applicant or licensee has refused to allow authorized representatives of the City to make a lawful inspection of the business or has interfered with such representatives while in the lawful performance of their duty in making such an inspection. The applicant or licensee is not complying with a requirement or condition established by the Planning Commission or Community Development Department, if applicable, under a conditional use permit, by the land use authority, if applicable, the conditions of a variance or special exception, or by other agreement with the City;
- F. Violation of this Title by the agents or employees of a licensee or applicant, and violations of other laws by the agents or employees of the applicant or licensee while acting as an agent or employee of the licensee or applicant; or any other reason expressly provided for in this Title.

5.02.100 - Enforcement.

- A. The business license official shall have the authority, without a hearing, to deny an application for a new business license for any reason provided for in this Chapter.
- B. The business license official shall have the authority to deny an application for renewal of an existing business license, or to suspend or revoke a business license without a hearing, for any reason provided for in this Chapter. A denial, suspension, or revocation by the business license official shall become effective upon service of notice as set forth in Section 5.02.120 of this Chapter.
- C. The business license official shall have the authority, on his or her own initiative or in response to complaints from the public or any City department, to investigate and gather evidence of violations of this Code or other circumstances which may give rise to a denial, suspension, or revocation of a license. Upon a finding that the business license application, or business license, may be denied, suspended, or revoked for the reasons set forth above, the business license official may deny, suspend, or revoke such application or license.

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5.02.110 - Penalty—Each day a separate violation.

- A. Unless otherwise specified, a Person convicted of violating any provision of this Title shall be guilty of a Class C misdemeanor punishable by a fine or imprisonment or both as allowed by state law.
- B. Each day that a violation of this Title occurs or is permitted, is deemed to constitute a separate offense.

5.02.120 - Notice of Denial, Suspension, or Revocation.

Upon a denial, suspension, or revocation of a business license application or business license the business license official shall provide written notice of his or her decision to deny, suspend, or revoke an application or license to the applicant, by personal service or regular mail, at the address listed on the business license application or licensee. Such notice shall include the reasons for the denial, suspension, or revocation of such application or license, and any accompanying documentation relating to the business license official's decision to deny, revoke, or suspend an application or business license. Such notice shall also include a description, if applicable, of the applicant's or licensee's right to appeal the decision of the business license official. Notice shall be deemed served as follows:

- A. Personal service is deemed served on the day of service; and
- B. Service by mail is deemed served three calendar days after the notice is deposited in the United States mail.

5.02.130 - Administrative Hearing.

Any Person adversely affected by a decision of the business license official or any other City official made pursuant to this Title, shall have the right to request an administrative hearing as provided under Chapter 2.22 of this Code.

5.02.140 - Business License Hearing.

- A. The City shall impose graduated sanctions upon businesses that fail to comply with the conditions of their licenses. Revocation shall be reserved for serious violations or repeated conduct. The business license official should attempt to address first-time technical violations of business license regulations through less severe sanctions such as temporary suspension or civil fines.
- B. The administrative law judge shall have the authority to modify any sanction imposed by a business license official if it appears from the evidence presented that the sanction is excessive.
- C. The laws and ordinances of the City of South Salt Lake, the state of Utah, and the United States shall be controlling in all appeals. The administrative law judge shall not make any findings that would result in the violation of, or continuing violation of, any of the above laws and ordinances. The administrative law judge shall not have the authority to waive compliance with any of the applicable provisions of the business license ordinance, nor can the administrative law judge extend deadlines set forth in such ordinances or change the substance or form of such ordinances.
- D. If the administrative law judge enters an order upholding a decision to deny, suspend, or revoke a license, the order shall contain a directive to the business to cease all unlawful business activity on

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the premises. When the sanction of suspension or revocation is imposed an order from the administrative law judge shall also contain a directive to cease all business activity on the premises during the time of suspension or revocation. The administrative law judge may authorize the City to use any reasonable means to enforce cessation of business activity.

5.02.150 - Unlawful to Engage in Business After Revocation.

If any license is revoked or application for license is denied as provided in this Title, it shall thereafter be unlawful for any Person to open, operate, maintain, manage, or conduct any business, trade, profession, or calling for which a license is required at the premises where the license was revoked or denied until a new license is granted by the City.

5.02.160 - Issuance of New License After Denial or Revocation—Waiting Period.

No Person who has been denied a license or whose license has been revoked, and no Person associated or connected with such a person in the conduct of his business, shall be granted a new license for a period of at least six (6) months after such denial or revocation.

5.02.170 - Subject to General Licensing Provisions.

Licenses required in the consolidated fee schedule are also subject to all of the general licensing provisions set forth in this Title.

5.02.180 - License fees.

Any Person, firm, partnership, or corporation shall be required, before Engaging in Business in the City of South Salt Lake, to obtain a license from the City and pay, therefor, the license fee based upon the consolidated fee schedule.

5.02.190 - Reciprocal licenses.

Whenever a Person Engaged in Business in the City of South Salt Lake, but having no office, building, or plant location in the City of South Salt Lake, has obtained a license in another City or from Salt Lake County, such license shall be recognized as valid in the City of South Salt Lake, providing that Salt Lake County or such other City also recognizes as valid like licenses issued by the City of South Salt Lake. If a Person engages in business in South Salt Lake but is not located within a jurisdiction that has a reciprocal agreement with the City of South Salt Lake then the City Council may charge a license to such business on the same basis and at the same rate as charged to such businesses located within the City of South Salt Lake.

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5.02.200 - License for Each Place of Business.

Each separate place of business or plant within the City shall be required to obtain a separate license for each location in South Salt Lake in accordance with the schedules set forth in this Title, except as exempted by ordinance.

5.02.210 - Disproportionate Costs.

The City Council has determined that certain businesses cause disproportionate costs to the City in the form of additional administrative costs for regulation, additional costs for police and other emergency calls, and impacts to the City's utility and transportation systems. Those business operations that cause disproportionate costs shall pay annual fees calculated as provided in the fee schedule. The disproportionate costs associated with those business operations is greater than or equal to the fees shown in the fee schedule adopted by the City Council.

Chapter 5.03 - NUISANCE MANAGEMENT

5.03.010 - Purpose and Intent.

It is the purpose and intent of this Chapter to impose a legal duty upon Business Owners and Property Owners to properly manage their businesses and properties to prevent them from becoming a nuisance to Neighboring Residents and businesses or deteriorating into havens for crime to the degree that a nuisance is created, ruining the safe, peaceful, and quiet enjoyment of property of neighbors, citizens, and patrons of other businesses. This Chapter creates a system to permit concerned neighbors to initiate administrative nuisance actions, to encourage mediation and creative problem-solving to abate nuisances, and to impose civil fines or other penalties if a Business Owner fails to take reasonable actions to address the identified problems.

5.03.020 - Existing Law Continued.

The provisions of this Chapter shall not invalidate any other title, chapter, or ordinance of this Code, but shall be read in conjunction with those titles, chapters, and ordinances and shall be used as an additional remedy for enforcement of violations thereof.

5.03.030 - Criminal or Civil Prosecution.

- A.** The City shall have sole discretion in deciding whether to pursue nuisance remedies under this Chapter, to file a civil nuisance action under state law, to bring criminal charges, to order suspension or revocation of business licenses, or to pursue administrative enforcement actions for the violation of any of its ordinances or applicable code requirements. City officials are permitted to exercise executive discretion in determining which course of enforcement to pursue, taking into consideration the severity of an incident, the culpability of involved parties, and the history of the business location.

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- B. The enforcement of the provisions of this Chapter does not prevent the City from pursuing other remedies for specific violations, including fines, abatement, suspension, revocation, injunctions, or other penalties. Specific violations may be considered nuisance conduct under this Chapter, even if the Business Owner or Property Owner has already suffered civil or criminal penalties for that offense.

5.03.040 - Effect of Headings.

Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of this Chapter.

5.03.050 - Severability.

If any section, subsection, sentence, clause, phrase, portion, or provision of this Chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, portion, or provision thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions, or provisions be declared invalid or unconstitutional. This Section shall apply to all amendments made to this Chapter.

5.03.060 - Civil Liability.

By establishing performance standards or by establishing obligations to act, it is the intent of the City Council that South Salt Lake City employees and officers are exercising discretionary authority in pursuit of an essential governmental function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

5.03.070 - Acts Include Causing, Attempting, Aiding, and Abetting.

Whenever an act or omission is referred to or made unlawful in this Chapter, it shall include causing, attempting, permitting, aiding, or abetting such act or omission.

5.03.080 - City Alcoholic Beverage Licensees' Duties Under Code Remain in Effect.

The provisions of this Chapter do not overrule or excuse a City alcoholic beverage licensee from the duties imposed by the provisions of Chapter 5.04, Alcoholic Beverages. The provisions of this Chapter supplement penalties imposed through other enforcement mechanisms in the Code and are required due to the unique public nuisance created as a consequence of the repeated underlying conditions or offenses.

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5.03.100 - Duty to Properly Manage.

Every owner shall have a duty to provide adequate management to prevent the creation of a nuisance to neighboring businesses, residents, and passers-by, that results from nuisance conduct by patrons, guests, employees, occupants, or those who frequent the business premises.

5.03.110 - Nuisance Declared.

Pursuant to Title 10, Chapter 8, Section 60 of the Utah Code, the City of South Salt Lake's City Council declares that the quiet enjoyment of property is intolerably impaired, and a public nuisance exists when nuisance conduct occurs at a place of business. The provisions of this Chapter are intended to supplement other penalties imposed through other enforcement mechanisms and are required due to the unique public nuisance created as a consequence of the repeated nature of the underlying conditions or offenses.

5.03.120 - Per Se Nuisance Due to Criminal Activity.

- A. A business is or has created a nuisance if, within one hundred eighty (180) consecutive days, not less than three (3) separate incidents of Criminal Conduct occur at or within the Place of Business, between the period of time between one hour before opening and one hour after closing.
- B. The provisions of this Section do not apply to apartment complexes, as defined in Section 4.04.020, which are governed by Section 4.20.010 et seq., Apartment Nuisances. These provisions apply to all other rental housing which does not fit the definition of an apartment complex.
- C. The provisions of this Section do not apply to hotels or motels, unless the following is established by the City:
 - 1. A guest or patron has committed a crime at the place of business previously, the City provided notice of that crime to the management, and the same guest or patron was rented a room on a subsequent occasion;
 - 2. The crimes took place in the public areas of the hotel or motel; and
 - 3. The City establishes a pattern of Criminal Conduct occurring at the premises, and the management will not take reasonable precautions identified by the City to prevent further crime on the premises.
- D. The provisions of this Section apply to mobile home parks if the Criminal Conduct occurs in public areas of the park.

5.03.130 - Objectionable Conditions.

- A. A business is or has created a nuisance if it is determined that the business has contributed to or permitted Objectionable Conditions on its premises on more than one occasion within a one-hundred-eighty-day (180) period.
- B. Objectionable Conditions are only nuisances to the extent that the conditions are nuisances pursuant to Utah state law. Any activity that is deemed not to be a nuisance pursuant to applicable case law or state statute does not constitute an Objectionable Condition.

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- C. A condition is not an Objectionable Condition if the Business Owner promptly and permanently corrects the condition upon receipt of notification by a Neighboring Resident or Business Owner or a government entity.

5.03.140 - Initiation of Nuisance Determination.

The City may initiate a nuisance determination action for nuisances under Section 5.03.120 or Section 5.03.130. A Neighboring Resident or Business Owner may request a nuisance determination for Objectionable Conditions under Section 5.03.130 by submitting a written request to the Community Development Department for a nuisance determination.

5.03.150 - Request for Nuisance Determination.

- A. A Neighboring Resident or Business Owner initiates a nuisance determination by submitting a request for nuisance determination, on a form provided by the City at no charge, to the Community Development Department.
- B. All relevant and available information and evidence of the Objectionable Conditions must accompany the request for nuisance determination.
- C. Once a request for nuisance determination is submitted to the Community Development Department, the complaint will be assessed for sufficiency to proceed to mediation. A complaint shall be sufficient if credible, objective evidence of the Objectionable Conditions is presented. If the department does not proceed to mediation, it shall provide a written response to the complainant explaining its decision.
- D. A determination of whether to proceed shall be rendered within ten (10) calendar days of receipt of the request.

5.03.160 - Mediation.

- A. Prior to referring the request for nuisance determination to the administrative law judge, the department shall contact or attempt to contact the Business Owner, during the business's regular business hours, and offer to mediate the dispute between the parties.
- B. A Business Owner which does not respond to the City's contact in Section (A) above, within five (5) business days waives the opportunity for mediation under this Section, and the request of the City shall be submitted to the administrative law judge for a hearing.
- C. If accepted by the Business Owner mediation shall be conducted within fifteen (15) calendar days of the complaint's receipt by the department. An extension of five (5) days may be granted for good cause, with advance notice to the complainant of the request.
- D. Mediation shall be conducted at a neutral location, and provided by City staff; alternatively, an independent third party may mediate the dispute if both the complainant and the Business Owner can agree on the party and make payment arrangements between themselves. The City shall not be required to pay for mediation services between the parties.

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- E. Mediation may take place in multiple sessions, in order for the parties to gather additional information and to consider remedies to the Objectionable Conditions.
- F. If the parties are able to reach a resolution that includes remediation of the conditions that are the subject of the complaint, then an agreement shall be entered between the Business Owner and the City in which the Business Owner agrees to promptly mitigate the Objectionable Conditions. The corrective plan shall impose timelines and provide for penalties in the event the Business Owner does not complete the corrective actions.
- G. Failure to comply with any corrective plan entered into with the City shall result in the case being submitted to the administrative law judge for enforcement of its provisions.
- H. If the parties are not able to reach an agreement that resolves the complainant's concerns within thirty (30) days from the beginning of mediation, then the request for nuisance determination shall be forwarded to the administrative law judge.
- I. The City may gather additional evidence prior to making a decision on whether to submit the case to the administrative law judge.

5.03.170 - Notice.

- A. Notice to Business Owners of both a complaint and request for mediation shall be complete upon:
 - 1. Providing personal service to a person in control of the business premises during regular business hours;
 - 2. Depositing a letter for delivery via regular mail, addressed to the address provided on the business license records of the City; or
 - 3. If mail is returned as undeliverable, by posting a copy of the notice in a prominent location at the business, such as at an entrance or gate.
- B. Notice of a hearing before the administrative law judge shall be in conformance with Section 2.22.050 of this Code, and shall be provided to both the Business Owner, and the complainant, if the request for nuisance determination was initiated by a party other than the City.
- C. Complainants shall be given an opportunity to participate in the proceedings.
- D. Failure to notify the complainants shall result in the hearing being rescheduled.
- E. As a courtesy, the Property Owner of the subject property may be notified of the proceedings. Failure to notify a Property Owner does not affect the proceedings.

5.03.180 – Hearing Before Administrative Law Judge.

- A. Once a request for nuisance determination is received by the administrative law judge, the matter shall be placed on the next available calendar for which appropriate notice may be served, or a special hearing may be convened.
- B. At a hearing on whether a business is a per se nuisance due to Criminal Conduct, the court shall consider evidence of the violations.

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1. Police reports, witness statements, and other evidence in the police department's case file shall be accepted and considered by the court in rendering its decision.
 2. A conviction for an offense listed as Criminal Conduct that arises out of an incident that occurred at the business premises conclusively establishes that the crime of conviction occurred. A plea in abeyance or reduction of the offense to an attempted offense is counted as an incident of Criminal Conduct. The form of a plea resulting in conviction or a plea in abeyance, such as guilty, no contest, Alford, nolo contendere, etc, shall not invalidate a conviction for purposes of this Chapter.
 3. The Business Owner shall have the opportunity to present evidence, to cross-examine witnesses who testify at the hearing, and to present argument.
- C. At a hearing on whether a business has permitted or contributed to Objectionable Conditions, the court shall consider evidence provided by all parties.
1. The City shall facilitate the presentation of the complainant's evidence and the cross-examination of any witnesses called by the Business Owner; however, the City is not required to take a position as to whether the evidence rises to the level of a nuisance.
 2. The Business Owner shall have the opportunity to present evidence, to cross-examine witnesses who testify at the hearing, and to present argument.
- D. At a hearing on a failure to comply with a corrective plan entered pursuant to Section 5.05.160, the court shall consider the steps taken by the Business Owner and determine whether the penalties in the plan are appropriate.
1. The Business Owner may present evidence of steps taken to mitigate the nuisance, cross-examine any witnesses who testify at the hearing, and present argument.
 2. During a hearing reviewing a failure to comply with a corrective plan, the administrative court does not consider whether the request for nuisance determination was appropriate, that issue having been waived by the Business Owner who entered the agreement.
- E. The burden of proof for all proceedings in these matters, including affirmative defenses, shall be a preponderance of the evidence.
- F. Notwithstanding Section 5.03.190, a nuisance determination is a final, appealable order.

5.03.190 - Continuing Supervision.

- A. When the administrative court has entered a finding of nuisance, the business is subject to the continued supervision of the administrative court for six (6) months. During that time, the administrative court may schedule review hearings to track the Business Owner's compliance with the administrative orders, impose previously suspended penalties, or convene a new hearing based upon new incidents of nuisance.
- B. Before imposing any new penalty for subsequent nuisance conduct, the administrative court shall ensure that due process is afforded to the Business Owner through the opportunity for a hearing in compliance with Subsection B or C of this Section.
- C. The finding of a subsequent incident of nuisance which occurs within the six-month (6) period shall restart the six-month (6) supervision period and is subject to new penalties.

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- D. Each new incident which results in additional penalties may be appealed. Such appeals are limited to a review of that new incident and may not address previous determinations by the administrative law judge which were not timely appealed.

5.03.200 - Penalties.

- A. A business that is found to be a nuisance is subject to penalties that include: a one-time fine, daily fine, license suspension, or license revocation. Penalties shall be graduated, taking into consideration the following:
 - 1. Severity of the nuisance;
 - 2. Duration of the nuisance;
 - 3. Impact of the nuisance on neighboring residents and businesses;
 - 4. History of the nuisance at the business;
 - 5. Business Owner's attempts at mitigating the nuisance; and
 - 6. Cost of nuisance mitigation.
- B. A penalty may be stayed or reduced if the Business Owner:
 - 1. Abates the nuisance within a time period established by the administrative law judge; or
 - 2. Adopts and implements additional principles of Crime Prevention Through Environmental Design (CPTED), as required and approved by the administrative law judge.
- C. The administrative law judge may additionally enter an order of abatement that requires the Business Owner to correct nuisance conditions, and that authorizes the City to abate the nuisance if the owner does not timely perform the abatement.

5.03.210 - Defenses.

- A. For purposes of this Chapter, an act of Criminal Conduct shall not be counted against the owner if:
 - 1. The criminal act was committed by a person who has been trespassed from the property, and police were summoned to remove that person as soon as his or her presence was known to the owner or an agent of the owner;
 - 2. The owner's private security staff was immediately present at the time that the crime was committed, immediately summoned police, took reasonable steps to keep the peace and identify the individuals involved in the crime, and cooperated with police in the investigation;
 - 3. The Business Owner or an agent was the intended victim of a criminal act, and summoned police upon discovering the conduct; or
 - 4. The Criminal Conduct occurred at the business location due to its advance selection by law enforcement as the location for controlled Criminal Conduct, such as a "controlled buy" of narcotics or "sting" operation.

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- B. For purposes of this Section, "agent" includes employees, managers, independent contractors, or any person with actual or apparent authorization to act on behalf of the owner.
- C. The defenses enumerated in this Section shall be affirmative defenses, and the owner shall bear the burden of proving by a preponderance of the evidence that the defenses apply.

5.03.220 - Determination to Follow Business Owner and Business Location.

- A. A determination of nuisance follows the Business Owner and/or the location of the business. A nuisance determination is not eliminated by virtue of transferring the business to another Person or entity, changing the name of the business, or moving the business to a new location.
- B. A person who disputes the continued application of a nuisance determination may request relief from the administrative court. In making a decision over whether a determination should continue to apply to such a business, the administrative law judge shall consider the following factors:
 - 1. The ownership shares or interests in the prior business and the current business;
 - 2. Whether familial or other relationships exist between prior and current owners;
 - 3. The type of business being conducted at the location;
 - 4. The identities of employees or independent contractors at the business;
 - 5. Advertising or other materials for the new business; and
 - 6. Any other evidence which connects the new business to the previous business.

5.03.230 – Appeals.

A party may appeal a determination of nuisance activity or a penalty imposed by the administrative law judge under this Chapter to the district court.

Chapter 5.04 - ALCOHOLIC BEVERAGES

5.04.010 - Policy.

The City of South Salt Lake permits the operation of establishments with an alcoholic beverage component, consistent with the Alcoholic Beverage Control Act and related state statutes and regulations. The City of South Salt Lake requires the Owners and Managers of establishments with an alcoholic beverage component within the City's boundaries to take primary responsibility for maintaining order and preventing breaches of the peace at such establishments.

5.04.020 - Definitions.

As used in this Chapter:

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- A. The definition of each term that is defined in Utah Code Title 32B, Alcoholic Beverage Control Act, as amended, is adopted into this Chapter by reference, except to the extent modified by this Chapter or Title. Where used in this Chapter, such terms are capitalized.
- B. The definitions under Title 5 of this Code supplement the definitions in the state's Alcoholic Beverage Control Act and are also capitalized where used.

5.04.030 – Local consent, proof of state licensure, and City business license required.

- A. The City's issuance of a City alcoholic beverage license—whether beer, liquor, single event, or special-use—under this Chapter constitutes local consent for the purpose of the corresponding license, sublicense, Package Agency, or temporary or special-use permit sought from the state Department of Alcoholic Beverage Control, as applicable.
- B. Before operating under a City beer, liquor, or special-use license, and not more than one hundred twenty (120) days after the date on which the particular City beer, liquor, or special-use license was granted, each approved applicant must obtain and provide the City with proof of the corresponding state Department of Alcoholic Beverage Control license, sublicense, Package Agency, or permit. Failure to do so shall render the City beer, liquor, or special-use license and corresponding local consent void. Lapse, suspension, or revocation of the Department of Alcoholic Beverage Control license, sublicense, Package Agency, permit, or any applicable federal license shall result in automatic suspension of the City beer, liquor, or special-use license and corresponding local consent.
- C. Before operating under a City beer, liquor, or special-use license, each approved applicant must also obtain, if not already obtained, and provide proof to the City of a valid City business license for premises to be operated under the City beer, liquor, or special-use license. Failure to do so shall render the City beer, liquor, or special-use license and corresponding local consent void. Lapse, suspension, or revocation of the City business license for premises to be operated under a City beer, liquor, or special-use license shall result in automatic suspension of all City beer, liquor, or special-use licenses and corresponding local consents associated with the premises.
- D. Any applicant for a City alcoholic beverage license and corresponding local consent shall comply with applicable conditions and requirements of state law and this Code prior to making application with the City for any City alcoholic beverage license. Each applicant, licensee, and consentee must maintain compliance with federal law, state law, and City Code regardless of changes to those laws and ordinances.

5.04.040 – City beer license required.

- A. No entity shall operate a business with a beer component (i.e. storage, sale, offer for sale, service, consumption, manufacture, transportation, importation, or exportation of beer) within the City without first procuring the necessary City beer license, required by the City as the local alcoholic beverage licensing counterpart for a Use requiring corresponding state Department of Alcoholic Beverage Control licensure. Such entity, in addition to obtaining the necessary City beer license,

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shall also procure the required state Department of Alcoholic Beverage Control license, sublicense, or permit and any applicable federal license.

- B. Each City beer license shall indicate the type of state Department of Alcoholic Beverage Control approval for which the City beer license will be issued.
- C. A separate City beer license shall be required for each state Department of Alcoholic Beverage Control license, sublicense, or permit required.
- D. No City beer license may be transferred, assigned, or subleased in any manner. City beer licenses are invalidated by transfer or attempted transfer. Change in Ownership of a City beer licensee constitutes an invalidating transfer.
- E. Lapse, suspension, or revocation of a state Department of Alcoholic Beverage Control license or sublicense, or permit or applicable federal permit or license shall result in automatic suspension of the corresponding City beer license.
- F. No City beer license shall issue to an applicant if the Use for which the applicant seeks the license is prohibited (see Title 17 land-use matrix) in the zoning district where the applicant proposes to use the City beer license sought.
- G. Consistent with the scope of state Department of Alcoholic Beverage Control authorization, a City liquor license shall be required in lieu of a City beer license for a business with a liquor, wine, heavy beer, or flavored malt beverage component.
- H. All City beer licensees shall comply with the provisions of the Alcoholic Beverage Control Act, as amended, and of this Chapter.

5.04.050 – City liquor license required.

- A. No entity shall operate a business with a liquor component (i.e. storage, sale, offer for sale, service, consumption, manufacture, transportation, importation, or exportation of liquor, wine, heavy beer, or flavored malt beverages or representation—as a Utah individual resident, partnership, corporation, or limited liability company employed by an alcohol manufacturer, supplier, or importer to represent a liquor product with the Department of Alcoholic Beverage Control or a state Department of Alcoholic Beverage Control licensee, sublicensee, Package Agency, or permittee—of an alcoholic product of a manufacturer, supplier, or importer) within the City without first procuring the necessary City liquor license, required by the City as the local alcoholic beverage licensing counterpart for a Use requiring corresponding state Department of Alcoholic Beverage Control licensure and/or contractual approval. Such entity, in addition to obtaining the necessary City liquor license, shall also procure the required state Department of Alcoholic Beverage Control license, sublicense, or Package Agency and any applicable federal permit or license.
- B. Each City liquor license shall indicate the type of state Department of Alcoholic Beverage Control license, sublicense, or Package Agency for which the City liquor license will be issued.
- C. A separate City liquor license shall be required for each state Department of Alcoholic Beverage Control license, sublicense, or Package Agency required.
- D. No City liquor license may be transferred, assigned, or subleased in any manner. City liquor licenses are invalidated by transfer or attempted transfer. Change in Ownership of a City liquor licensee constitutes an invalidating transfer.

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- E. Lapse, suspension, or revocation of a state Department of Alcoholic Beverage Control license, sublicense, or Package Agency or applicable federal permit or license shall result in automatic suspension of the corresponding City liquor license.
- F. No City liquor license shall issue to an applicant if the Use for which the applicant seeks the license is prohibited (see Title 17 land-use matrix) in the zoning district where the applicant proposes to use the City liquor license sought. For purposes of state Department of Alcoholic Beverage Control local industry representative licenses, where the applicant proposes to use the City liquor license shall be measured only by the location of the applicant's primary place of business, not where the applicant may travel for work.
- G. All City liquor licensees shall comply with the provisions of the Alcoholic Beverage Control Act, as amended, and this Chapter.

5.04.060 – City single event alcoholic beverage license required.

- A. No entity shall sell beer, heavy beer, wine, flavored malt beverages, or liquor at an Event within the City without first procuring the necessary City single event alcoholic beverage license as required by this Chapter. Such entity, in addition to obtaining the necessary City single event alcoholic beverage license, shall also procure any required state Department of Alcoholic Beverage Control temporary permit. A City single event alcoholic beverage license is required for every Event at which beer, heavy beer, wine, flavored malt beverages, or liquor will be sold, or consumed during Business Activity, even if no state Department of Alcoholic Beverage Control temporary permit is required.
- B. Each City single event alcoholic beverage license shall indicate—to the extent applicable—the type of state Department of Alcoholic Beverage Control temporary permit for which the City single event alcoholic beverage license will be issued.
- C. A separate City single event alcoholic beverage license shall be required for each corresponding state Department of Alcoholic Beverage Control temporary permit required, or for each Event, if no state Department of Alcoholic Beverage Control temporary permit is required.
- D. No City single event alcoholic beverage license may be transferred, assigned, or subleased in any manner. City single event alcoholic beverage licenses are invalidated by transfer or attempted transfer. Change in Ownership of City single event alcoholic beverage licensee constitutes an invalidating transfer.
- E. Lapse, suspension, or revocation of a state Department of Alcoholic Beverage Control temporary permit shall result in automatic suspension of the corresponding City single event alcoholic beverage license.
- F. A City single event alcoholic beverage license grants a bona fide association (i.e. limited liability company, corporation, partnership, or other incorporated association), religious organization, political organization, or a recognized subordinate lodge, chapter, or other local unit thereof, that is conducting an Event, and has been in existence for at least one (1) year (except in the case of political organizations for elected positions of the City, which are not required to have been in existence for at least one (1) year) on the date on which the entity applies for a City single event alcoholic beverage license, the privilege to store, sell, offer for sale, serve, and consume alcoholic beverages:

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1. in accordance with an applicant's corresponding state Department of Alcoholic Beverage Control temporary permit; or
 2. in accordance with terms of the City single event alcoholic beverage license—if issued—if a state Department of Alcoholic Beverage Control temporary permit is not required.
- G.** The privileges granted by a City single event alcoholic beverage license shall be limited further by the type of temporary permit the applicant obtains from the state Department of Alcoholic Beverage Control as follows:
1. If an applicant obtains a state Department of Alcoholic Beverage Control Temporary Beer Event Permit, a corresponding City single event alcoholic beverage license shall carry the privileges and responsibilities granted to state Temporary Beer Event Permit holders and shall authorize the storage, sale, offer for sale, service, and consumption of beer for a period not to exceed thirty (30) days. A state Temporary Beer Event Permit may authorize multiple sales outlets on different properties under one state Temporary Beer Event Permit. No entity shall in any one (1) calendar year operate under one (1) or more City single event alcoholic beverage licenses for more than a total of ninety (90) days.
 2. If an applicant obtains a state Department of Alcoholic Beverage Control Single Event Permit, a corresponding City single event alcoholic beverage license shall carry the privileges and responsibilities granted to state Single Event Permit holders and shall authorize for a period not to exceed one-hundred and twenty (120) consecutive hours or five (5) consecutive days the storage, sale, offer for sale, service, and consumption of beer, heavy beer, wine, flavored malt beverages, or liquor. In any one (1) calendar year an applicant may obtain up to twelve (12) City single event alcoholic beverage licenses provided that all such City single event alcoholic beverage licenses in the calendar year are each for seventy-two (72) hours or fewer. No City single event alcoholic beverage license applicant may receive within one (1) calendar year more than four (4) City single event alcoholic beverage licenses for that one (1) calendar year if any one (1) or more City single event alcoholic beverage license that applicant receives during that calendar year is for more than seventy-two (72) hours.
- H.** Unless otherwise provided for in this Chapter, a City single event alcoholic beverage license is only valid if a licensee has received a state Department of Alcoholic Beverage Control temporary permit for the same Event. All City single event alcoholic beverage licensees must notify the Community Development Director or his/her designee immediately if their state Department of Alcoholic Beverage Control temporary permit application is denied, revoked, or suspended for any reason. If an applicant is not required to obtain a state Temporary Beer Event Permit or state Single Event Permit, the privileges granted by a City single event alcoholic beverage license shall be contingent upon the type of alcohol beverages to be served at the Event, as established by the terms of the City single event alcoholic beverage license application. Subject to the limitations of this Section, a City single event alcoholic beverage license authorizes the storage, sale, offer for sale, service, and consumption of alcoholic beverages only in conjunction with an Event.
- I.** If an Event is proposed to be located within two hundred (200) feet of a residence, then the applicant must provide proof that it has given notice to all residences within two hundred (200) feet of the proposed Event location at least six (6) business days and no more than thirty (30) calendar days prior to the issuance of the license.

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1. The notice shall include:
 - a. The location, date, and time of the Event;
 - b. The name of the organizer;
 - c. A statement that a resident may lodge an objection with the City within five days of delivery of the notice; and
 - d. The address and telephone number of the Community Development Department.
 2. If a person who resides within two hundred (200) feet of the proposed location objects to the Event, the Community Development Director shall, within five business days from the date the objection was received, make a determination of whether to grant the consent, after providing the applicant the opportunity to address the grounds of the objection.
 3. In determining whether to grant a City single event alcoholic beverage license in light of an objection from entitled complainant, the Community Development Director shall consider:
 - a. The duration of the Event;
 - b. The grounds for the complaint;
 - c. Measures which will be taken by the applicant that may mitigate the complainants' concerns; and
 - d. Other relevant evidence provided by the complainant or applicant.
- J. All City single event alcoholic beverage licensees shall comply with the provisions of the Alcoholic Beverage Control Act, as amended, and this Chapter. No person under the age of twenty-one (21) shall sell or serve alcohol under a City single event alcoholic beverage license.

5.04.070 – City special-use license required.

- A. No entity shall operate under a state Department of Alcoholic Beverage Control special-use permit authorizing the special-use permittee to purchase, use, store, sell, offer for sale, consume, or manufacture an alcoholic product within the City without first procuring the necessary City special-use license, required by the City as the local alcoholic beverage licensing counterpart for a Use requiring corresponding state Department of Alcoholic Beverage Control licensure. Such entity, in addition to obtaining the necessary City special-use license, shall also procure the required state Department of Alcoholic Beverage Control license or sublicense and any applicable federal permit or license.
- B. Each City special-use license shall indicate the type of state Department of Alcoholic Beverage Control special-use permit for which the City special-use license will be issued.
- C. A separate City special-use license shall be required for each state Department of Alcoholic Beverage Control special-use permit required.

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- D. No City special-use license may be transferred, assigned, or subleased in any manner. City special-use licenses are invalidated by transfer or attempted transfer. Change in Ownership of a City special-use licensee constitutes an invalidating transfer.
- E. Lapse, suspension, or revocation of a state Department of Alcoholic Beverage Control special-use permit or applicable federal permit or license shall result in automatic suspension of the corresponding City special-use license.
- F. No City special-use license shall issue to an applicant if the Use for which the applicant seeks the license is prohibited (see Title 17 land-use matrix) in the zoning district where the applicant proposes to use the license sought.
- G. A City special-use license shall grant the special-use licensee to purchase, use, store, sell, offer for sale, consume, or manufacture an alcoholic product only in the quantity, in a type, and for a purpose stated in the corresponding state Department of Alcoholic Beverage Control special-use permit.
- H. All City special-use licensees shall comply with the provisions of the Alcoholic Beverage Control Act, as amended, and this Chapter.

5.04.080 - Application for City alcoholic beverage license or license renewal.

- A. An application for a City alcoholic beverage license or license renewal requires at least the following:
 - 1. A completed and signed application form;
 - 2. The appropriate application or renewal fee, as set forth in the Consolidated Fee Schedule;
 - 3. A copy of the applicant's current valid City business license or a complete City business license application for the entity to be licensed;
 - 4. State and federal background checks; and
 - 5. Proper land-use status—the applicant's proposed location and Use must be Permitted or Conditional in Chapter 17.03 and must comply with the requirements of Title 17 of this Code. No premises shall be concurrently licensed for both a City alcoholic beverage Use and a Sexually Oriented Business Use under Title 17.
 - 6. The following specific conditions must exist at the time of application for any City alcoholic beverage license other than a City liquor license – Local Industry Representative, City special-use license (Religious), or City single event alcoholic beverage license:
 - a. Pedestrian lighting must be installed in all parking areas and abutting sidewalks;
 - b. Landscaping must meet current City Code standards;
 - c. The site and structures must meet current building code requirements for accessibility;
 - d. The site and structures must meet current fire code requirements;
 - e. Street-facing facades of the premises must feature windows covering at least fifty (50) percent of their surface area;
 - f. Any structure must feature architectural elements on all facades (e.g. metal awnings above all windows and doors, decorative sconces, upgraded exterior materials, etc.);

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- g. Security cameras and a video storage system which retains recordings for at least twenty-one (21) days, must be installed and maintained to record parking lots, entrances/exits, and rooms where the public is invited to congregate. The recordings must be made available to Enforcement Officials during the system's retention period;
 - h. The structure must be renovated to present a clean, new, attractive appearance in all spaces of the establishment where the public is permitted;
 - i. The site must conform to current City engineering standards (including paving of parking areas with concrete or asphalt and installation of curb, gutter, and sidewalk, as applicable); and
 - j. A compliant waste container enclosure must be located in the rear or side of the structure.
- B. The City shall notify each applicant when all required application materials—including payment of any applicable fees—have been received and the application is complete. Nothing in this Chapter shall establish any additional property interests or rights in a license application, City alcoholic beverage license, or corresponding local consent issued by the City.
- C. All City beer or liquor licenses expire annually. City beer or liquor licensees desiring to renew a City beer or liquor license shall submit the completed renewal application to the City no later than five (5) p.m. on the last City business day prior to the date the City beer or liquor license expires. Failure to renew the license prior to its expiration results forfeiture of the City beer or liquor license and the corresponding local consent.
- D. Notwithstanding the other provisions of this Section, a City special-use license renews automatically without the payment of additional fees.
- E. Applications shall be in a form prescribed by City Staff.

5.04.081 - Application review by Police Chief.

The Community Development Director or her/his designee shall refer all complete applications for a City alcoholic beverage license filed in accordance with this Chapter to the Police Chief or his/her designee for inspection, evaluation, and report. The Police Chief or his/her designee shall conduct an investigation to evaluate factors such as:

- A. Whether the applicant meets the licensee qualifications under this Chapter;
- B. Any criminal violations or charges against the applicant where the criminal violation at issue would make an applicant ineligible for a license under state statute or this Chapter;
- C. Compliance with state alcoholic beverage laws;
- D. The nature and kind of business to be conducted by the applicant;
- E. The nature and kind of any entertainment to be conducted on the premises (if any);
- F. Policies and safety protections the applicant has in place to restrict minors from accessing the portion or portions of a premises where alcoholic beverages are sold; and
- G. Policies and safety protections the applicant has in place to prevent minors from gaining access to and/or consuming alcoholic beverages.

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The Police Chief or his/her designee shall, upon completion of such investigation, make to the Community Development Director a recommendation for approval or denial of the City alcoholic beverage license application. If recommending denial, the Police Chief or her/his designee shall submit a detailed report of the investigation, record the recommendation on the application, and sign the application. If recommending approval, the Police Chief or his/her designee shall record such recommendation on the application, sign the application, and may submit a detailed report of the investigation.

5.04.082 - Application review by Building Division and Planning & Zoning Division.

The Community Development Director or his/her designee shall refer all complete applications for a City alcoholic beverage license filed in accordance with this Chapter to the Building and Planning & Zoning Divisions for review by each division's manager or his/her designee, respectively, to ensure compliance with the applicable building codes, to determine the maximum number of occupants the premises may safely accommodate at one time, given the location and number of emergency exits, and to ensure compliance with Title 17 and the proximity requirements under Section 32B-1-202 of the Utah Code, as amended. Building and Planning & Zoning Division representatives shall submit to the Community Development Director or her/his designee a recommendation to approve or deny the application, shall record such recommendation on the application, and sign the application.

5.04.083 - Application review by Health Department.

The Building Division may refer any application filed in accordance with this Chapter to the County Health Department, which may inspect all premises to be licensed to assure compliance with all laws and regulations of the State of Utah, and the ordinances, rules, and regulations of the City governing the sanitary preparation, storage, distribution, or sale of alcoholic beverages and food.

5.04.090 - Periodic inspection of premises.

All applicants, licensees, and consentees shall permit the Police Chief or his/her designees and any Enforcement Official, as defined in Title 8 of the City Code, to have access to make periodic inspections of all premises licensed or for which a license is sought under this Chapter; the findings of such inspections shall be reported to the Community Development Director or his/her designee.

5.04.100 – Emergency suspension of license.

The Police Chief or her/his designee and any Enforcement Official, as defined in Title 8 of the City Code, may immediately and temporarily suspend licenses issued under this Chapter without prior hearing provided there is probable cause to believe violations of this Chapter or state law are occurring, and the conditions are such that public health, safety, or welfare are endangered. Such temporary suspension shall occur only if the licensee or the licensee's Manager fails to remedy the situation within fifteen (15) minutes of notification by the Police Chief, Police Chief's designee, or Enforcement Official that a

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suspension will occur if the conditions complained of are not remedied in a manner that eliminates the immediate danger to public health, safety, or welfare. No emergency suspension under this provision shall extend more than twenty-four (24) hours beyond the time when the suspension was given.

5.04.110 - Duty to report Acts of Violence on the Public Portion of the Premises.

It is the duty of every City alcoholic beverage licensee to ensure that any of its Owners, Managers, employees, and security personnel who have reason to know that an Act of Violence has been committed on the Public Portion of the Premises immediately summon the City Police Department. Failure by a licensee or an Owner, Manager, employee, or security personnel of the licensee, who has reason to know that an Act of Violence has occurred on the Public Portion of the Premises, to immediately summon the City Police Department may result in suspension of the licensee's City alcoholic beverage license for a period of up to one year. After any incident involving an Act of Violence on the public portion of a licensee's premises, the licensee shall take all lawful measures necessary to prevent further Acts of Violence on the Public Portion of the Premises, including implementation of any security plan issued by the Chief of Police or his/her designee.

5.04.120 – Licensee offenses.

It shall be unlawful for any City alcoholic beverage licensee or any Owner, Manager, or employee of the licensee to cause or permit to be caused on the licensee's premises any of the following acts:

- A.** Sale During Revocations. To sell any beer or liquor during any period of a license revocation or suspension.
- B.** Nuisance Conduct, as defined within Title 5 of the City Code, and which includes loitering in the licensee's parking lot, creating offsite disturbances during night-time hours while on the licensee's property, or littering.
- C.** Failure to Control Noise. To permit or provide either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise, or in any case to permit the creation of noise that violates Salt Lake County Health Department regulations. Doors may be opened for ingress and egress but shall not be propped in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress.
- D.** Outdoor Speakers. To permit or cause to exist any loud speaker or sound amplification equipment on any vehicle, outdoor balcony, deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining.

5.04.130 – Patron offenses.

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It shall be unlawful for any person within a premises licensed under this Chapter, whether as a guest, patron, invitee, supplier, or in any other capacity other than as employee of the license holder or as the licensee to commit or perform any of the following within the premises:

- A. To enter or remain in any licensed premises after being ordered to leave the premises by the licensee or an Owner, Manager, or employee of the licensee.
- B. To enter or remain in any licensed premises while Intoxicated.

5.04.140 – Citations and violations.

The commission of any offense listed in this Chapter shall be a Class B misdemeanor unless otherwise indicated. Both the City alcoholic beverage licensee and/or an Owner, Manager, or employee of the licensee, and the patron of the licensed premises may be charged from the same incident, as the offenses of the licensee and the offenses of the patron are separate offenses. The licensee shall be civilly responsible for all violations permitted or caused by an Owner, Manager, or employee of the licensee and the criminal acts of an Owner, Manager, or employee of the licensee committed on the premises in the course of employment shall be deemed the acts of the licensee for purposes of suspension, revocation, or non-renewal by the City.

5.04.150 – Suspension or revocation.

A City alcoholic beverage license shall be suspended or revoked as follows:

- A. City alcoholic beverage licenses are subject to suspension under the following conditions:
 - 1. Upon the City receiving evidence of any act or failure to act by an Owner, Manager, or employee of a City alcoholic beverage licensee that would be a violation of state law or local ordinance regulating the conduct of the licensee except those specified in Subsection (B) of this Section which allow revocation;
 - 2. Nuisance Conduct, as described in the City Code or state law;
 - 3. Suspension of a state Department of Alcoholic Beverage Control license, sublicense, Package Agency, or permit; or
 - 4. Any other reason for which a business license may be suspended under this Title.
- B. City alcoholic beverage licenses are subject to revocation under the following conditions:
 - 1. After determining that a licensee's application contains materially false information;
 - 2. Upon the City receiving evidence that a licensee no longer qualifies for the corresponding state Department of Alcoholic Beverage Control license, sublicense, Package Agency, or permit, as set forth in state law, or applicable federal license or permit, as set forth in federal law;
 - 3. Upon the City receiving evidence that an Owner, Manager, or employee of a licensee has, while on the business premises:

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- a. Solicited, aided, or exploited a prostitute;
 - b. Purchased, sold, or attempted to sell a controlled substance as defined by state law; or
 - c. Sold or provided alcohol to a minor or interdicted person;
4. Upon the City receiving evidence that an Owner or Manager of a licensee has, while on the business premises possessed or consumed a controlled substance in violation of state law;
 5. For a second act or failure to act by an Owner, Manager, or employee of a licensee that would be a violation of state law or local ordinance regulating the conduct of the licensee, occurring within twenty-four (24) months of the first such act or failure to act; or
 6. Any other reason for which a business license may be revoked under this Title.

Suspension or revocation of a City alcoholic beverage license constitutes withdrawal of local consent for the corresponding state Department of Alcoholic Beverage Control license, sublicense, Package Agency, or permit under the terms (duration, etc.) of the applicable City alcoholic beverage license suspension or revocation. Suspension or revocation of a City alcoholic beverage license shall also result in automatic suspension of the alcoholic beverage components of any City business license associated with the premises. Furthermore, no Person who has been denied a City alcoholic beverage license or whose City alcoholic beverage license has been revoked, and no Person associated or connected with such a Person in conduct related to the premises for which the City alcoholic beverage license was denied or revoked, shall be granted a City alcoholic beverage license for the subject premises for a period of six (6) months after such denial or revocation.

5.04.160 - Ineligibility and disqualification.

No City alcoholic beverage license shall issue to an applicant with an Owner or Manager with Disqualifying History. Similarly, any licensee with an Owner or Manager discovered to have Disqualifying History after receiving a City alcoholic beverage license shall have its City alcoholic beverage license revoked. All City alcoholic beverage licensees shall notify the Community Development Director or her/his designee within ten (10) days of any Owner or Manager being convicted of any offense listed below:

- A. A felony under federal law or state law;
- B. A violation of a federal law, state law, or local ordinance concerning the sale, offer for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic product;
- C. A crime involving Moral Turpitude; or
- D. Any offense listed under Subsection 41-6a-501(2)(a) of the Utah Code, as amended.

Failure to timely notify the Community Development Director or her/his designee of a conviction listed in this Subsection shall result in revocation of the City alcoholic beverage license.

5.04.170 - Alcoholic beverage license/consent waiting list.

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The City shall not issue a City alcoholic beverage license, if doing so would cause the City to exceed the allowable number of licenses that the Department of Alcoholic Beverage Control permits the City to issue for any particular category of business, or when doing so would cause the City to exceed any locally established quota. When the available number of licenses or consents is exhausted for a particular category of business, the City shall maintain a waiting list for applicable City alcoholic beverage license types. To be placed on the waiting list, an applicant shall complete an application for the type of license sought. The Applicant shall then be placed on the waiting list in chronological order based upon the date and time of application completion. When a license becomes available for the category of business for which the application was made, the City shall notify the applicant. Thereafter, the Applicant shall have one hundred twenty (120) days to take all steps necessary to obtain approval of its application from the City. An applicant on the waiting list may remove its name from the waiting list at any time but forfeits the nonrefundable application fee by removing its name. An applicant on the waiting list shall renew its application annually no later than 5 p.m. on the last City business day before the anniversary of the original application. Failure to pay the annual application fee on time will result in the applicant being returned to the bottom of the waiting list.

5.04.180 – City alcoholic beverage license caps.

The City shall limit its issuance of City alcoholic beverage licenses to the following license types in the amounts indicated below:

- A.** Off-Premise Beer and Package Agency. The total number of City alcoholic beverage licenses issued for a corresponding state Department of Alcoholic Beverage Control Off-Premise Beer license or sublicense or Package Agency shall not exceed a ratio of one City alcoholic beverage license per 400 individuals of City population;
- B.** Banquet and Catering, Beer Recreational, Restaurant (Beer Only), Restaurant (Limited Service), Restaurant (Full Service), and Manufacturing (Brewery, Winery, & Distillery). The total number of City alcoholic beverage licenses issued for a corresponding state Department of Alcoholic Beverage Control Banquet and Catering, Beer Recreational, Restaurant (Beer Only), Restaurant (Limited Service), or Restaurant (Full Service) license or sublicense shall not exceed a ratio of one City alcoholic beverage license per 800 individuals of City population; and
- C.** Bar Establishment and Tavern. The total number of City alcoholic beverage licenses issued for a corresponding state Department of Alcoholic Beverage Control Bar Establishment or Tavern license or sublicense shall not exceed a ratio of one City alcoholic beverage license per 3,000 individuals of City population, except that an additional three City alcoholic beverage licenses may be allowed in excess of the quota if they are issued in the Downtown District.

For purposes of this Section, population shall be determined by the most recent United States decennial or special census.

5.04.190 - Notice of adverse decision.

The City shall give notice to any applicant, licensee, or consentee of adverse action by mailing notice by regular mail to the representative of the applicant, licensee, consentee identified in the application

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made to the City at the address listed in the application. The notice shall be deemed served upon actual notice, three (3) days after mailing, or upon personal service at the business premises. The notice shall convey the following information:

- A. A brief summary of the facts supporting the action;
- B. A reference to the state law or section of City Code upon which the action is based;
- C. A description of the action being taken (denial, suspension, revocation, fine, etc.);
- D. The sanction imposed, if applicable; and
- E. A brief explanation of the right to appeal the decision, including the deadline to appeal.

5.04.200 - Appeals.

Decisions by the City that aggrieve either a licensee or an applicant may be appealed to the administrative law judge in accordance with Chapter 2.22 of the City Code unless a provision outside of this Chapter is used as the basis for the appealed decision, in which case the appeal process applicable to that provision will apply. Notwithstanding this provision, the decision of whether to grant consent for a City single event alcoholic beverage license is not appealable to the administrative law judge.

Chapter 5.05 - SPECIAL EVENTS

5.05.010 - Purpose.

- A. **Purpose.** The purpose of the policy codified in this Chapter is to ensure that Special Events staged in or affecting the use of the public way are conducted to minimize the impact on traffic and neighborhoods.
- B. **Objective.** The objective of this policy is to designate methods by which Special Events will be fairly and expeditiously managed by the City.

5.05.020 - Application and Event Requirements and Restrictions.

- A. Special Event applications must be submitted to the City recorder at least ten (10) days before any advertising for such event commences.
- B. Special Event applications must include the following information:
 - 1. Name of the organizer, contact person, and telephone number;
 - 2. Type of event;
 - 3. Date, time, and location of the event;
 - 4. Map of the proposed route or site with barricade plan;
 - 5. Expected length and duration of event;
 - 6. Expected number of attendees;

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7. Services requested from the parks (water, stage, etc.) police, public works, or other City departments, if available;
 8. The admission fee or donation to be charged or requested;
- C. City support will be provided, at City's cost, payable by the event Organizer, for Special Events. Costs may include an administrative overhead charge.
1. Upon City approval to hold the event or begin filming, the event organizer will be required to pay the estimated support fees.
 2. City support costs include, but are not limited to, police, fire and EMT protection, park maintenance and other costs to City directly attributable to the Special Event.
 3. City support will be limited to the minimum necessary to ensure a safe event. Police protection needs will be determined and assigned by the chief of police or designee; park maintenance will be performed by the parks department. Closure of roads and streets will be administered by the public works department.
 4. The event organizer will be billed by the City for the remaining support fees, if any, no later than thirty (30) days after the event has been held or film production is closed. Amounts due are payable within thirty (30) days of the date of invoice. Any refund due the Organizer will be paid by the City within thirty (30) days after the event.
- D. The event Organizer must provide police and fire protection and traffic and crowd control to the extent determined by the chief or designee of the affected public safety department, at the sole expense of the Organizer.
- E. Barricades must be provided by the event Organizer and must meet the requirements established by the transportation engineer. The public works department will provide event organizers with the names of companies which lease suitable barricades.
- F. The use of a park facility for the start or finish of races, runs, walks, bicycle races, etc., is subject to charges for services and will be held in accordance with parks department policies and procedures.
- G. The City assumes no liability for the safety of participants or spectators.
- H. Liability insurance is required of all Organizers.
- I. An Organizer is strictly liable to City for any damage to City property caused by the Organizer, its employees and agents, and by attendees or audience members at the event.
- J. Movie and commercial filming events are subject to the following additional requirements:
1. Production and support vehicles may not be parked overnight on any street in a residential zone without express permission from the police department;
 2. Use of any pyrotechnic or similar flammable visual display must be approved by the City;
 3. The Organizer's contact person must notify neighboring businesses and residents in advance of filming and inform about potential impact of the event. The City may determine the extent and scope of this notice requirement.

5.05.030 - Appeal process.

Exhibit A

Appeals of actions regarding Special Events shall be made using the administrative hearing process outlined in Chapter 2.22 of the City Code. All appeals must be made in writing and filed in the City recorder's office within ten (10) days of the date of the decision being appealed.

5.05.040 - Critique of event.

- A.** All City agencies involved in the review and execution of Special Events are required to submit a "Critique of the Event" to the police department within thirty (30) days following any event. The police department will use such critiques to evaluate annual events for problem solving purposes for future events and will be reported to the mayor.
- B.** Event organizers are encouraged to submit a "Critique of the Event" to the police department as well as for retention in the file.

Chapter 5.06 - AMUSEMENT DEVICES

5.06.010 - License Necessary.

It is unlawful for any person to operate, use, or permit to be operated or used on any property in his or her possession or control, any amusement device in his or her possession or control, without first having obtained a license from the City that shall be posted in a conspicuous place on each Amusement Device.

5.06.020 - Form of License.

Licenses shall be in the form of a label and must be posted onto the Amusement Device for which it is issued. Each separate Amusement Device requires a separate license. All licenses shall contain the words "Licensed Amusement Device, City of South Salt Lake," the device number, and the year issued. All licenses shall be numbered consecutively. All Amusement Devices shall be operated on the premises of the original licensee only. Amusement Device licenses expire annually.

5.06.030 - Fee.

The fee for an Amusement Device license shall be determined in accordance with the consolidated fee schedule, or any subsequent superseding ordinance or resolution passed by the City Council.

5.06.040 - Not Transferable.

Licenses issued under this Chapter shall not be transferable either as to the licensee, the premises or location, or from one Amusement Device to another.

Exhibit A

5.06.050 - Limitations on Licenses.

No license shall be issued for an Amusement Device that is located in any building within two hundred (200) feet of any church or school, except by special permission of the City Council. No business license issued to any Person or firm includes the right to operate an Amusement Device.

5.06.060 - Gambling Devices not Licensed.

Nothing in this Chapter shall be construed to permit the licensing of any type of gambling device. If any properly licensed Amusement Device is used for gambling the license shall be revoked, the Amusement Device shall be confiscated, and the owner or operator may be prosecuted for a misdemeanor violation as provided by law.

Chapter 5.07 - AUCTIONS

5.07.010 - Limit of Scope of Chapter.

The provisions of this Chapter shall not be applicable to Auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers, or other public officers acting under judicial process, nor to the sale of real property at Auction; nor shall it apply to any Auction held for charitable or benevolent purposes or for any church, fair, festival or bazaar; nor to an Auction wherein the general public is not invited nor permitted to participate as bidders, or where the bidding and sale is wholly online or is restricted to wholesalers or retailers purchasing for resale.

5.07.020 - Compliance Required for Auction Sales.

No personal property (goods, wares, or merchandise) shall be sold at Auction in the City of South Salt Lake, except in compliance with the provisions of this Chapter.

5.07.030 - Auctioneer's License Required.

It is unlawful to sell, cause, or permit to be sold at Auction, personal property (goods, wares or merchandise) in the City of South Salt Lake unless such sale is conducted by a properly licensed Auctioneer within the City of South Salt Lake.

5.07.040 - Application for Auctioneer's License.

An Auctioneer's license requires the following information:

- A. Name of the applicant;
- B. Residence and business address of the applicant;
- C. The length of time for which an Auctioneer's license is desired; and

Exhibit A

- D. A statement as to whether or not the applicant has ever been convicted of a crime, misdemeanor, or violation of any municipal ordinance related to an Auction, and if so, the nature of the offense and the punishment or penalty assessed.

5.07.050 - Inventory of Sale Articles.

- A. At least fifteen (15) days prior to every Auction, a true and correct inventory of items to be sold shall be filed with the business license official of South Salt Lake.
- B. Such inventory shall: (1) list the articles proposed to be sold at sale by Auction; (2) provide any identifying numbers or marks that may be on the articles to be sold; (3) indicate opposite the description of each article whether the same is new or used; and (4) list each of the articles described in the inventory with a number; provided, however, that no article need be listed in the inventory that has a retail value of less than five dollars (\$5.00). Upon receipt of such inventory, it will be forwarded to the police department for investigation to establish insofar as possible that the property therein listed is not contraband or otherwise illegal for sale. After investigation, the police shall issue a written report to the business license official within ten (10) days after receipt of the inventory, and no Auction may be held until such report is received by the business license official, the Auction approved by the mayor, and the appropriate license issued by the City. It is unlawful to sell at Auction any item not listed on the inventory as set forth above.

5.07.060 - Refusal or revocation of license.

An Auctioneer's license may be revoked by a business license official or an application for issuance or renewal of such license may be refused by the business license official, if the official determines:

- A. That the application contains any false, fraudulent, or misleading material statements;
- B. That the applicant or license holder has made any false, fraudulent, or misleading material statement in the course of conducting an Auction sale of, or in offering for sale at Auction, any real or personal property (goods, wares or merchandise) in the City of South Salt Lake;
- C. That the applicant or license holder has perpetrated a fraud upon any Person whether or not such fraud was perpetrated in the conduct of an Auction in the City of South Salt Lake;
- D. That the applicant or license holder has violated any of the statutes of the state of Utah relating to Auctions or Auctioneers;
- E. That the applicant has been convicted of any crime or misdemeanor involving moral turpitude related to an Auction; or
- F. That the applicant or license holder has conducted an Auction sale, or offered for sale at Auction, any real or personal property (goods, wares or merchandise) in the City of South Salt Lake in an unlawful manner.

5.07.070 - Bond Required Prior to License Issuance.

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Every applicant for an Auctioneer's license shall file with the City recorder a surety bond running to South Salt Lake City, in the amount of five thousand dollars (\$5,000.00) and approved by the City Attorney conditioned that if an Auctioneer's license is issued the applicant shall: (1) comply fully with all ordinances of the City South Salt Lake and statutes of the state of Utah regulating and concerning Auctions and Auctioneers, will render true and strict accounts of all sales to any person or persons employing him to make the same; or (2) not commit any fraud or deceit at any Auction sale or permit any Person in his Employ to commit any such fraud or deceit, and shall pay all damages sustained by any Person by reason of any fraud, deceit, negligence, or other wrongful act on the part of the licensee, his agents, or employees in the conduct of any Auction or in the exercise of the calling of an Auctioneer. A liability insurance policy issued by an insurance company authorized to do business in the state of Utah that conforms to the above requirements may be permitted by the City Attorney in his discretion in lieu of a bond. An Auctioneer employed by a Person holding an Auction House license or a Transient Auction House license, in lieu of filing a bond or certificate of insurance, may file a notarized affidavit from the license holder that affirms that the applicant is an Employee, that such license holder is responsible for all actions of his Employee, and that the Employee is covered by a valid bond as above required.

It is unlawful for an Auctioneer who files a certificate of employment with an Auction House licensee or Transient Auction House licensee to conduct an Auction except under the direct supervision of the licensee.

5.07.080 - Auction House License Required.

It is unlawful for any Person to engage in the business of, or keep, conduct, or operate an Auction House in the City of South Salt Lake without first obtaining a license to do so and filing a bond as required in Section 5.07.120.

5.07.090 - Auction House License Fee.

The fee for such a license shall be determined in accordance with the consolidated fee schedule, or any subsequent superseding ordinance or resolution by the City Council.

5.07.100 - Transient Auction House Owner—License Period.

It is unlawful for any Person to conduct an Auction as a Transient Auction House owner, without applying for and obtaining a Transient Auction House owner's license from the business license official. Provided, however, that a Person that holds an Auction House license shall not be required to also obtain a Transient auction house license. No person shall be relieved from the provisions of this Chapter due to a temporary association with any licensed dealer, trader, merchant, or Auctioneer, notwithstanding the fact that such parties conduct such temporary or Transient Auction business in connection with, as a part of, or in the name of any other licensed dealer, trader, merchant, or Auctioneer.

5.07.110 - Transient Auction House License Fee.

The license fee for Engaging in Business as a Transient Auction House owner shall be payable in advance for each day such business shall continue. The fee a Transient Auction House license shall be

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determined in accordance with the consolidated fee schedule, or any subsequent superseding ordinance or resolution adopted by the City Council.

5.07.120 - Transient Auction House Bond Required.

The applicant for a Transient Auction House license shall file with the City recorder of South Salt Lake City a corporate surety bond acceptable to and approved by the City Attorney in the sum of ten thousand dollars (\$10,000.00) and shall indemnify and run to South Salt Lake City and any person injured or damaged through dealing with the licensee, or their Employees or agents and be in full force and effect for the year in which they obtain a license. Any surety bond shall be conditioned on the licensee (1) fully complying with all ordinances of South Salt Lake City and statutes of the state of Utah regulating and concerning Auctions and Auctioneers; (2) rendering true and strict accounts of all auction sales to any person or persons employing the Auctioneer to make the same; (3) will not commit any fraud, deceit, or make any material misrepresentations of fact with reference to property or bidders or purchasers of property from any Auction sale conducted under the license and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence, or wrongful act on the part of the licensee, his agents, or Employees and the conduct of Auctioneer in the exercise of the call of Auctioneer.

5.07.130 - Sale Merchandise Must be Labeled.

Before any sale is made at Auction, the licensee must attach to each article to be sold, that has a retail value of five dollars (\$5.00) or greater, a card with the article number corresponding to the article as it is described in the inventory form on file with the business license official, as set forth in this Chapter. No article with a retail value of five dollars (\$5.00) or greater shall be sold at any Auction, other than the merchandise described in the inventory form on file with the business license official. Where a sale is had at public auction of the stock on hand of any merchant or auction house, in accordance with the provisions of this Chapter, such sale shall not be fed or replenished.

5.07.140 - False Representation Prohibited.

It is unlawful for any Auctioneer, to describe any goods, wares, or merchandise, with respect to character, quality, kind, value, or otherwise, in a fraudulent, misleading, untruthful or unwarranted manner that would tend to mislead bidders, or to cause one item sold to be substituted for another.

5.07.150 - Reserved Right of Seller to Bid.

The right to bid may be reserved expressly by, or on behalf of, the seller; provided, however, that notice of such reservation shall be posted, and shall remain posted throughout the Auction sale, in a prominent and conspicuous place where the sale is being conducted, in letters large enough to be reasonably visible to any Person with normal vision, and shall read substantially as follows:

SELLER RESERVES THE RIGHT TO BID ON ANY ARTICLE AT ANY TIME.

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5.07.160 - Unlawful for Seller to Bid at Sale Without Reserve.

Where notice has not been given that a sale by Auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid or to Employ or induce any Person to bid on his behalf or for the Auctioneer to Employ or induce any Person to bid on behalf of the seller or knowingly to take any bid from the seller or any Person Employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

5.07.170 - By Bidders Prohibited.

It is unlawful for any Person to act at any Auction as a by bidder or booster to buy on behalf of the Auctioneer or owner, to increase the price of the article to be sold, or to make a false bid.

5.07.180 - Continuous Attendance by Licensee Required.

The licensee or, if a corporation, one of the officers of the licensee, shall remain in continuous attendance at any Auction.

5.07.190 - Representation of Quality Must be Truthful.

All sales and all Persons participating in sales must truly and correctly represent to the public attending such Auction the facts in respect to quality of the sale merchandise.

5.07.200 - Record of Sales to be Kept.

The licensee in every case, where an article is sold for five dollars (\$5.00) or more, shall keep a complete record of all such sales made at auction, showing the name and address of each purchaser, a description of each article sold, including the number thereof, corresponding with the numbers shown upon the inventory form on file with the business license official, and the date of each sale. The sales record shall be available for inspection by the business license official at any time.

5.07.210 - Sale Merchandise to be in City for Fifteen Days.

It is unlawful for anyone to sell or offer for sale at Auction any merchandise unless the merchandise shall have been within the City of South Salt Lake at least fifteen (15) days immediately prior to the sale or offer for sale and the City business license official shall be given five (5) days advance notice of any arrival of merchandise in South Salt Lake; provided that livestock shall be required only to be at the location where a sale is held not less than two (2) days prior to Auction.

5.07.220 - Auction to be on Successive Days.

All Auction sales shall be held on successive days, Sundays and legal holidays excepted.

Exhibit A

5.07.230 - Receipts for Goods—Commission.

It is the duty of all licensed Auctioneers to receive all articles that may be offered for sale at Auction, and give receipts therefor; and at the close of any sale, that must be made as the owner directs, the Auctioneer shall deliver a fair account of such sale, and pay the amount received for such articles to the person entitled thereto, deducting therefrom a commission not to exceed ten (10) percent on the amount of such sale.

5.07.240 - Prohibited Conduct at Auction Sales.

All Auctioneers are prohibited from conducting their Auctions in such manner as to cause people to obstruct sidewalks.

5.07.250 - Licensees to Conform to Other Laws.

Nothing in this Chapter shall exempt any Auction House or Auctioneer, or the seller of any goods sold at Auction from any license, from tax, any ordinance of the City South Salt Lake, nor any of the laws of the state of Utah to which they may be subject.

5.07.260 - Right to Return Articles—Sign Required.

Purchasers at Auctions of valuable articles may return such articles purchased at auction for a period of ninety (90) days to the Auction House licensee and receive from the licensee a full refund upon tender of such merchandise with proof of purchase. Failure of the Auction House licensee to provide such refund within a period of five (5) days after presentation of such merchandise, proof of purchase, and demand for refund shall result in loss of Auction House license and forfeiture of posted bond to the extent necessary to satisfy the demand of claimants under this Section. To the extent that such auction house licensee fails to meet such claims, then the Auction House licensee shall be liable to such purchasers directly.

All Auction House licensees shall post a notice in a prominent, conspicuous place wherein any Auction sales are being conducted, in letters large enough to be visible to any person with normal vision who may attend such sale, reading substantially as follows:

PURCHASERS OF MERCHANDISE ACQUIRED AT THIS AUCTION MAY, FOR A PERIOD OF 90 DAYS FROM THE DATE OF PURCHASE, RETURN SUCH MERCHANDISE TO (THE AUCTION HOUSE LICENSEE) AND RECEIVE THE FULL REFUND OF ANY AMOUNTS PAID FOR SUCH MERCHANDISE.

5.07.270 - Records to be submitted to license department.

Any Auction House licensee providing facilities for Auctioneers of valuable articles shall, within a period of ten (10) days following the final day of any Auction of such valuable articles, provide the City licensing department with complete records of all sales of valuable articles including:

- A. The names and addresses of all purchasers of all valuable articles at the auction and the date upon which such purchase was made.

Exhibit A

- B. A description of the valuable article purchased, and the purchase price paid for such article.
- C. The name and address of the Auctioneer selling such articles and the name and address of the responsible Person or entity on whose behalf the Auctioneer made such sale.
- D. The name and address of Auction House licensee.

Chapter 5.08 - COMMERCIAL VEHICLES

5.08.010 - When license required.

It is unlawful for any person to use, operate or run, or to cause or permit any of his employees or agents to use, operate or run, for the purpose of his business, any commercial vehicle, taxicab, auto stage, truck or other motor vehicle of any description upon the streets of the City of South Salt Lake without first paying the fee provided in the consolidated fee schedule, or any subsequent superseding ordinance or resolution by the City Council and obtaining a license for each vehicle so used and operated.

5.08.020 - Issuance of decals.

Every vehicle licensed under this Section shall have fastened thereupon in such manner that the same may be plainly seen a suitable decal to be furnished by the City indicating the year for which it is issued; and it is unlawful to use, operate or run any such vehicle, although the same be duly licensed, upon the streets of the City of South Salt Lake unless such decal is attached thereto; and it is unlawful for any person, upon the expiration of such license, or upon the revocation of the same, to permit or suffer such license number to be or remain attached to his vehicle, or to operate or run his vehicle after his license has expired or has been revoked; and each day any vehicle is so used without the owner thereof having procured a license therefor in compliance with the provisions of this Chapter, shall constitute and be considered a separate and distinct offense under this Chapter.

5.08.030 - License not transferable.

It is unlawful for any licensee to sell, transfer or assign any license issued under the provisions of this Chapter, except by permission of the business license official.

5.08.040 - Exceptions, license requirements.

Vehicles Licensed in Other Municipalities or exempt from Licensure by State Law. Any person having a residence or place of business without the limits of the City of South Salt Lake, who shall use, operate or run a vehicle on the streets of the City for the purposes of his business shall be required to procure a license for each such vehicle, according to the schedule and provisions of this Chapter; provided, however, that any such vehicle, except an automobile stage, which has been licensed by any other City or municipality of the state of Utah, which municipality recognizes the license issued by the City of South Salt Lake shall be exempt from the license fees imposed by this Chapter.

Exhibit A

Chapter 5.09 - PAWNBROKERS AND SECONDHAND DEALERS

5.09.010 - New merchandise dealer exemption.

The provisions of this Chapter are inapplicable to any merchant or dealer whose principal business is the selling of new merchandise and secondhand merchandise is taken in as a trade incident to the sale of new merchandise.

5.09.020 - License required.

It is unlawful for any person to operate as a secondhand dealer, secondhand precious metal and/or precious gem dealer, Junk Dealer, Junk Collector, antique dealer, coin dealer, processor or pawnbroker, without first obtaining a license to do so. A separate license shall be required for each location and for the conduct of the business of a dealer.

5.09.030 - Application for license.

- A. Each application for a license shall be made on the form that the business license official requires, and the applicant shall certify that the information given is true and correct under the penalties of perjury.
- B. Each application for a dealer's license shall contain such information as deemed necessary by the chief of police and the business license official, including, but not limited to, a statement that the applicant authorizes the South Salt Lake police department or other Category I peace officers, to inspect the books, records, inventory and premises of the business during normal business hours.
- C. Only individuals may apply for a dealer's license.
 - 1. If an application for a license is made on behalf of a corporation or limited partnership, the license shall be applied for by and issued to the president of the corporation or members of the partnership who are authorized to act for it.
 - 2. If the application is made on behalf of a partnership, the license shall be applied for by and issued to all of the partners who are authorized to act for the partnership. Where any partner is a corporation or limited partnership, the application shall be made by and issued to the president of the corporation or members of the limited partnership who are authorized to act for it.
 - 3. Each individual who applies for a dealer's license under this Section assumes, as an individual, all responsibilities of the dealer and, as an individual, is subject to all conditions, restrictions and requirements imposed on dealers.
- D. Each individual applying for a pawnbroker, secondhand dealer or secondhand precious metal/gem dealer license shall not be issued a license until such time as the police department has conducted a background investigation on the applicant and recommended favorable consideration of the application. No such applicant may be authorized to conduct any business until his application has been approved by the police department and the applicant has complied with all other licensing and bonding provisions contained in this Chapter.

Exhibit A

5.09.040 - Bond required.

Every person licensed under this Chapter except Junk Collectors shall be required as a condition prerequisite to their obtaining a license or renewing a license provided for under this Chapter to deliver to the business license official a surety bond of one thousand dollars (\$1,000.00) in a form and with sufficient sureties as is determined by the City Attorney for the faithful compliance with the provisions of this Chapter.

- A. It is unlawful for any person licensed by this Chapter to fail to keep a substantial and well-bound book, in a format specified by the chief of police in which he shall enter at the time of purchase, in the English language:
 - 1. The name, date of birth, address and physical description of the person selling the secondhand property;
 - 2. The driver's license number or similar proof of identification of the person selling the secondhand property;
 - 3. The date and time of the transaction;
 - 4. The identification of the person making the record entry;
 - 5. A description of the item purchased or obtained by the dealer, including, but not limited to, a description of the metallic composition, any jewels, stones or glass, and a listing of all numbers, marks, monograms, trademarks, manufacturer's names, serial numbers, and any other marks of identification appearing on the item;
 - 6. The weight of the item or items, where payment is based on weight; and
 - 7. The consideration paid for the item, or if pawned, the amount of money loaned or advanced.
- B. In addition to the requirements of Subsection (A) of this Section, a pawnbroker, secondhand dealer, antique dealer, coin dealer and a secondhand precious metal/gem dealer shall also obtain and keep the following:
 - 1. A written certificate, on forms prescribed by the chief of police, that the person delivering the property has the legal right to sell such property.
 - 2. If the value of the property exceeds twenty dollars (\$20.00), the secondhand dealer, pawnbroker, antique dealer, coin dealer, secondhand precious metal/gem dealer or persons receiving such property shall also require the seller or person delivering the property, whether known or not, to give a legible print, preferably the right thumb, at the bottom of the certificate next to his signature.

5.09.050 - Legibility of records.

- A. Inspection of Records and Premises. All entries shall be made with ink in a legible manner, and all records of all dealers defined in this Chapter shall be open to inspection by any Category I peace officer at any time. Category I peace officers shall also be permitted to have access to the premises licensed under this Chapter for the purpose of the inspection of such premises.
- B. This Section does not apply to Coin Collectors, Junk Collectors, Junk Dealers, or Metal Processors, when dealing with other licensed dealers.

Exhibit A

5.09.060 - Copies to chief of police.

It is unlawful for any person licensed by this Chapter to fail to submit the certificates required to be maintained by Section 5.09.040(B) to the chief of police on the business day following the entry, except that the records regarding merchandise purchased from other dealers need not be so submitted, but shall be retained by the dealer at his place of business for inspection by any Category I peace officer.

5.09.070 - Property to be kept thirty days before disposition.

- A. It is unlawful for any person licensed by this Chapter to sell, melt, change (except for customary testing), take apart, destroy, obliterate identification marks or dispose of any secondhand property purchased or obtained by a dealer until thirty (30) days have elapsed from the date of compliance with the reporting requirements of Sections 5.09.040, 5.09.050 and 5.09.060, or for such additional time as to any specific item or items as may be directed by the chief of police or his designee. All items being so stored shall be segregated from other items and shall be identified by a tag attached to the property numbered in a manner to correspond with the number of the transaction description in the business records required to be kept by Section 5.09.050. Items purchased in bulk may be tagged in bulk. Items may be stored at other locations in Salt Lake County approved by the chief of police. The dealer shall produce these items at the business location within one hour of a request to do so by a Category I peace officer. Where compliance is impossible because of the close of business hours, the item shall be produced within one hour of the opening of business on the next business day.
- B. The requirements of Subsection (A) of this Section shall not be applicable to any unidentifiable secondhand precious metals which have been inspected and received written clearance for earlier disposition by the chief of police or his designee.
- C. The chief of police may, by written directive, modify the holding, record keeping or reporting requirements of this Section as they pertain to gold and silver coins.

5.09.080 - Receiving stolen property.

- A. A person commits theft if he receives, retains or disposes of the property of another knowing that it has been stolen, or believing that it probably has been stolen, or who conceals, sells, withholds or aids in concealing, selling or withholding any such property from the owner, knowing the property to be stolen, with a purpose to deprive the owner thereof.
- B. The knowledge or belief required for Subsection (A) of this Section is presumed in the case of an actor who:
 - 1. Is found in possession or control of other property stolen on a separate occasion; or
 - 2. Has received other stolen property within the year preceding the receiving offense charged; or
 - 3. Being a dealer in property of the sort received, retained or disposed, acquires it for a consideration which he knows is far below its reasonable value; or

Exhibit A

4. Is a pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, or an agent, employee or representative of the pawnbroker or person who buys, receives or obtains property and fails to require the seller or person delivering the property to certify, in writing, that he has the legal rights to sell the property. If the value given for the property exceeds twenty dollars (\$20.00) the pawnbroker or person shall also require the seller or person delivering the property to obtain a legible print, preferably the right thumb, at the bottom of the certificate next to his signature and at least one other positive form of identification.
 - a. Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who fails to comply with the requirements of Subsection (B)(4) of this Section shall be presumed to have bought, received or obtained the property knowing it to have been stolen or unlawfully obtained. This presumption may be rebutted by proof.
 - b. When in a prosecution under this Section it appears from the evidence that the defendant was a pawnbroker or a person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, or was an agent, employee, or representative of a pawnbroker or person, that the defendant bought, received, concealed or withheld the property without requiring the person from whom he bought, received, or obtained the property to sign the certificate required in Subsection (B)(4) of this Section and in the event the transaction involves an amount exceeding twenty dollars (\$20.00) also places his legible print, preferably the right thumb, on the certificate, then the burden shall be upon the defendant to show that the property bought, received or obtained was not stolen.

5.09.90 - Dealing with minors prohibited.

It is unlawful for any licensee under this Chapter by himself, his agents or servants, to purchase or receive any personal property, book, current public-school textbook, or any articles whatsoever from any person under eighteen (18) years of age.

5.09.100 - Secondhand dealers—Restrictions.

No person licensed under this Chapter as a secondhand dealer shall purchase, barter, exchange or sell any secondhand merchandise other than that of the same type and character which comprise his principal business.

5.09.110 - Stolen goods.

It is the duty of every pawnbroker or dealer to report to the police department any article pledged with or sold, or which is sought to pledge with him, or sell, if he shall have reason to believe that the article was stolen or lost, or found by the person attempting to pledge it or sell it in the case of a lost article.

Exhibit A

5.09.120 - Conduct of business—Partition.

It is unlawful for any pawnbroker to keep or maintain his pawnbroker business in the same room or rooms with any other business whatsoever. The partition walls separating the pawnbroker's business from other places of business must be of solid materials, and all connecting doors or other openings must be securely closed and locked at all times. Gratings, lattice or similar open work or contrivance will not be sufficient partition under the provisions of this Chapter. Patrons must enter and take their exit from all pawnbrokers' places of business through outside doors or entrances.

5.09.130 - Liability of principal.

The holder of a pawnbroker's or dealer's license is liable for any and all acts of his employees, and for any violation by them of any of the provisions of this Chapter.

5.09.140 - Right to redeem forfeited articles—Interest rates.

It is unlawful in all cases in which an article pledged has been forfeited, for a sale or other disposition thereof to be made by the pledgee within the period of six months after the forfeiture of the pledge, unless the period of loan is less than three months; in which case the period of redemption shall be three months. During such periods the pledgor shall have the right to redeem such articles at no greater advance than five percent per month on all sums up to and including fifty dollars (\$50.00), and three percent per month on all sums in excess of fifty dollars (\$50.00); provided that the pledgee shall, in any event, be entitled to a minimum charge of one dollar (\$1.00).

5.09.150 - Vehicles.

Every vehicle used by a Junk Dealer in the conduct of his business, shall bear thereon, in legible characters, the name and address of the owner and proprietor thereof.

5.09.160 - Premises.

Any premises, area or piece or parcel of land licensed and used as a junk yard shall have not more than two entrances and two exits, each of which shall not exceed fifteen (15) feet in width at the perimeter of the premises. Such premises, areas, pieces or parcels of land shall be enclosed with either a solid nontransparent wall or fence or link-weave steel wire or combination thereof with a minimum height of seven feet from the ground level excepting for entrances and exits. The fence or wall shall not contain any poster or advertising of any kind excepting one sign of the licensee not exceeding one hundred (100) square feet in size.

5.09.170 - Reporting changed information.

If, during any license year, there is a change in the information that a person gave in obtaining or renewing a license under this Chapter, the person shall report the change to the business license official

Exhibit A

within thirty (30) days after the change occurs and certify that the information given is true and correct under the penalties of perjury.

5.09.180 - Grounds for refusal, suspension or revocation of license.

The City may refuse to grant a license under this Chapter to any individual and may suspend, revoke or refuse to renew the license of any person if it finds:

- A. The person has violated or is attempting to violate any provisions of this Chapter.
- B. A similar license issued to the person has been suspended, revoked or refused in another jurisdiction for a reason which would justify such action under this Section.
- C. Any officer, manager, agent or employee of the individual or dealer has violated or is attempting to violate any provisions of this Chapter unless the person or dealer:
 1. Had no knowledge of the wrongful conduct and in the exercise of reasonable diligence could not have known of the conduct; and
 2. Was unable to prevent the violation or attempted violation with the exercise of reasonable diligence.
- D. The person or dealer has been convicted of theft or receiving stolen property on one or more occasions within the past five years.

Chapter 5.10 - MOBILE ICE CREAM VENDORS

5.10.010 - Purpose and intent.

The City Council expressly finds that, absent regulation, the manner in which vendors sell ice cream, confections and other frozen dessert products from vehicles on the public streets is a detriment to the peace and quiet enjoyment of property and the health, safety and welfare of the citizens of the City of South Salt Lake. It is the purpose of and intent of the City Council, in enacting this Chapter of this Code, to provide responsible companies and individuals who engage in the operation of ice cream trucks with clear regulations designed to assure the peace and quiet enjoyment of private property and to protect the health, safety and welfare of the community.

5.10.020 - Business license required.

It is unlawful for any person to engage in the business of mobile ice cream, confection or other frozen dessert vending unless he/she has first obtained a business license from the business license office. All business licenses shall be issued according to regulations established under this Title and all other applicable titles of this Code. In addition to the business license, any person who operates an ice cream truck shall obtain and maintain in full force and effect a valid ice cream truck operator's work permit issued by the business license office of the City. The use of the term "ice cream" in this Chapter shall include confections and other frozen desserts.

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5.10.030 - Application for business license.

The application for a mobile ice cream vending business license shall contain all information relevant and necessary to determine whether a particular license may be issued, including, but not limited to:

- A. The full name, current address, telephone number, and proof of identity of the applicant and all persons who will be operating an ice cream truck as a part of the applicant's business;
- B. A brief description of the nature, character, and quality of goods, wares, or merchandise to be offered for sale;
- C. The specific routes, if any, along which the vendor intends to conduct business;
- D. If the applicant is employed by another, the name and address of the person, firm, association, organization, company, or corporation; and
- E. A description of all ice cream trucks to be used in the business, together with the motor vehicle registration number and license number.

5.10.040 - Health inspection certificate.

Any application for a mobile ice cream vending license shall require a health permit from the Utah Department of Agriculture or its successor agency requiring such health permit in addition to the regular business license. The applicant's equipment shall be subject to inspections by the Utah Department of Agriculture or its successor agency requiring such inspections at the time of application and at periodic intervals thereafter.

5.10.050 - Permitting unlicensed Operator—Unlawful.

It is unlawful for any person who owns or controls an ice cream truck to permit it to be driven, and no ice cream truck licensed by the City shall be so driven at any time in the operation of the business, unless the ice cream truck is operated by a driver who has then in force a valid ice cream truck operator's work permit issued under the provisions of this Chapter.

5.10.060 - Operator's work permit application.

An application for an ice cream truck operator's work permit shall be filed with the business license office of the City on forms provided by the City.

5.10.070 - Application verification.

The application for a mobile ice cream vendor business license and for an ice cream truck operator's work permit shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application.

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5.10.080 - Application fee required.

At the time the ice cream truck operator's application is filed, the applicant shall pay to the business license office a fee, in an amount to be established in the consolidated fee schedule.

5.10.090 - Operator application form requirements.

The prospective applicant for an ice cream truck operator's work permit shall be required to complete an operator application form containing the following information:

- A. The correct legal name of each applicant;
- B. For each applicant, the application must also state:
 - 1. Any other names by which the individual has been known,
 - 2. The age, date and place of birth,
 - 3. Height,
 - 4. Weight,
 - 5. Color of hair,
 - 6. Color of eyes,
 - 7. Present business address and telephone number,
 - 8. Present residence and telephone number,
 - 9. Utah drivers license or identification number, and
 - 10. Social security number;
- C. A statement whether the applicant is currently required to register pursuant to the Utah Penal Code, Section 77-27-21.5, Utah Code Annotated, sex offender registration, or its successor.
- D. A written certification from the mobile ice cream vending business by which the applicant operator is employed that the applicant operator has received training from the said ice cream vending business as to operational requirements of this Chapter.

5.10.100 - Photographs required.

The applicant for an ice cream truck operator's work permit shall be required to have a photograph taken of him/her at the business license office; applicants for renewal of such licenses shall furnish an up-to-date photograph or have an additional picture taken at the business license office, as shall be determined and directed by the business license official.

5.10.110 - Public safety background check.

Each applicant shall submit to a background check done to assure that he/she poses no threat to the community in terms of driving safety, use of the mobile vending vehicle to conduct illegal activity and suitability to interact with children away from immediate parental supervision. To this end, and at his/her

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own cost, the applicant shall obtain a background check from the Utah Bureau of Criminal Identification (BCI). If required, the applicant shall provide fingerprints as part of the BCI process. The applicant shall sign a release allowing the City to examine, but only for official licensing purposes, the report generated by BCI.

5.10.120 - Driver's qualifications.

- A.** The City Council finds that applicants with certain history of criminal behavior involving crimes against children, crimes of violence, crimes involving distribution or manufacture of controlled substances, crimes of DUI or reckless driving or lack of maturity pose too great a danger to the peace and safety of the community and are prohibited from engaging the business of mobile ice cream vending.
- B.** Except as this Chapter set forth, no permit or renewal of an ice cream truck operator's work permit shall be issued to any of the following persons:
 - 1.** Any person under the age of eighteen (18) years;
 - 2.** Any person who is currently required to register pursuant to the Utah Penal Code, Section 77-27-21.5, Utah Code Annotated, sex offender registration, or its successor;
 - 3.** Any person who has been convicted of a crime against a child, a crime of violence against any person, a crime involving distribution or manufacture of a controlled substance, driving under the influence of alcohol or a controlled substance or reckless driving unless a period of not less than five years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later.

5.10.130 - Hearing upon rejection.

If the application either for a business license or for an ice cream truck operator work permit is rejected, the applicant shall be entitled, upon request, to a hearing as provided in Chapter 5.02.130 of this Title, or its successor.

5.10.140 - Issuance of license.

- A.** The business license administrator shall notify the applicant in writing of the City's decision to issue or deny either the business license or an ice cream truck operator's work permit, not later than five working days after the applicant has filed a completed application as provided herein. In the event the City's review of the business license application or the operator application has not been completed within five days of the filing of a completed application, the business license official shall send written notification to the applicant that the review period has been extended to a date no later than forty-five (45) days from the filing of the completed application. If the license has not been denied within forty-five (45) days of the filing of the completed application, the license for which the application was filed shall be deemed to be issued.
- B.** All licenses, permits, and identification cards issued pursuant to this Chapter are valid for one year, unless suspended or revoked, and shall be both non-assignable and non-transferable.

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5.10.150 - Business license fees.

Any vendor granted a vending license under this Chapter shall pay the annual business license fee established in consolidated fee schedule.

5.10.160 - Display of identification cards and other permits.

- A. Any license or permit issued by the business license office shall be carried with the licensee whenever he/she is engaged in vending. Work permits and health certificates shall also be properly and conspicuously displayed at all times during the operation of the vending business.
- B. An ice cream truck operator's work permit shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A health certificate shall be deemed to be properly displayed when attached to the ice cream truck and clearly visible to the public and law enforcement officials.
- C. In addition to the foregoing, there shall be printed on both sides of the exterior of the vehicle being used for vending, in letters or numbers at least three inches high and three inches wide the name and current business telephone number of the mobile ice cream vending business for which said vehicle is operating.

5.10.170 - Notification of name, address or telephone change.

All vendors shall assure that a current and correct name, residence address, mailing address, and business telephone number are on file with the business license office. Whenever the name or address provided by a licensed vendor on his/her application for a vending license changes, the licensee shall notify the business license official in writing within fourteen (14) days of such change and provide the same with the name, address, or telephone number change.

5.10.180 - Noise restrictions.

No person shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for the production of sound from an ice cream truck:

- A. When the ice cream truck is stationary;
- B. Earlier than ten a.m., nor later than eight p.m. or one-half hour after sunset, whichever occurs first. Sunset shall be determined on any particular day by the times listed that day in any newspaper of general circulation in Salt Lake County;
- C. In such a manner that such sound is plainly audible three hundred thirty (330) feet from such vehicle; or
- D. Along the same block face traveling in either direction on the street more than once every two consecutive hours.

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5.10.190 - Use of public streets.

The City Council finds that mobile ice cream vending businesses that attract children into the public streets to purchase ice cream subject children and the public to special dangers. Accordingly, each person or business selling, offering to sell, or displaying for sale ice cream or similar frozen desserts from or on motorized vehicles on public streets shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license or ice cream truck operator's work permit, and is a class B misdemeanor:

- A. The motorized vehicle shall have a clearly audible backup warning device that activates whenever the vehicle is shifted into reverse gear.
- B. The motorized vehicle shall have a convex mirror mounted on the front of the vehicle so that the driver, in a normal driving position, can see the area in front of the vehicle that is obscured by the hood.
- C. The motorized vehicle shall have at least two flashing yellow beacons on the roof of the vehicle, one at the front and one at the rear, at least one of which is visible from all sides of the vehicle. These beacons shall be activated whenever merchandise is being sold, offered for sale, or displayed for sale.
- D. The motorized vehicle shall have an operable swing-arm attached to its left side. This swing-arm shall be of a type, size, and description approved by the City, and shall be activated whenever the vehicle stops to sell, offer to sell, or display merchandise on a public street.
- E. The motorized vehicle shall have a sign or decal on the front and on the rear of the vehicle in letters at least six inches in height and visible for two hundred (200) feet along a level, straight highway, identifying the vehicle as an ice cream truck and containing the words "Children Crossing."
- F. The motorized vehicle shall be prohibited from pulling any type of trailer.
- G. Retail merchandise may not be sold, offered for sale, or displayed for sale from or on motorized vehicles on public streets where the speed limit exceeds twenty-five (25) miles per hour.
- H. The operator of the motorized vehicle shall not sell to any person standing in the roadway.
- I. The operator of the motorized vehicle shall sell, offer to sell, or display for sale retail merchandise only when the vehicle is completely stopped and lawfully parked, and shall sell only from the rear or side of the vehicle nearest to the curb or edge of the roadway.
- J. The motorized vehicle shall not be moved backwards in order to sell, offer to sell, or display for sale retail merchandise.
- K. Each applicant for a license or renewal under this Section shall submit, with its application, a certificate of insurance executed by an insurance company or association authorized to transact business in this state, approved as to form by the City Attorney, that there is in full force and effect general liability insurance in an amount not less than two hundred fifty thousand dollars (\$250,000.00) for one person in anyone occurrence, five hundred thousand dollars (\$500,000.00) for two or more persons in anyone occurrence and one hundred thousand dollars (\$100,000.00) for property damage, or such greater amounts as set forth in Section 63-30-34, Utah Code Annotated, 1953, as amended, or its successor. Such policy or policies shall include coverage of all motor vehicles used in connection with applicant's business. A current certificate of insurance shall be kept on file with the City recorder at all times that applicant is licensed by the City.

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- L. All motorized vehicles of the applicant and operators shall comply with all other requirements of this Chapter and any other requirements of ordinance or statute that may be applicable.

The prohibitions of this Section shall not be construed to prohibit vehicles from carrying business markings or advertising not otherwise prohibited by law.

5.10.200 - Vehicle inspection prior to licensing fee required.

Prior to the use and operation of any vehicle under the provisions of this Chapter, and annually thereafter while being operated by the business licensee hereunder, the vehicle shall be thoroughly examined and inspected by an authorized representative of the City, and found to comply with the requirements of this Chapter. In addition, the vehicle shall at all times in which it is in operation as an ice cream truck within the City be maintained in conformity with the safety inspection requirements of Utah and federal law. The licensee shall pay to the City an inspection fee for each truck for inspected in an amount to be established in the consolidated fee schedule.

5.10.210 - Suspension and revocation of license.

- A. In addition to any penalties that may be imposed, any license issued under this Chapter may be suspended or revoked for any of the following reasons:
 - 1. Fraud, misrepresentation, or knowingly false statement contained in the application for the license;
 - 2. Fraud, misrepresentation, or knowingly false statement in the course of carrying on the business of vending;
 - 3. Conducting the business of vending in such a manner as to create a public nuisance; cause a breach of the peace; constitute a danger to the public health, safety, welfare, or morals, to interfere with the rights of property owners or in violation of this Chapter;
 - 4. Conviction of a crime listed in this Section; or
 - 5. Cancellation of Utah Department of Agriculture authorization, or of the required authorization of any successor agency, for a food or beverage vending unit due to uncorrected health or sanitation violations.
- B. The business license official shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permittee of the appeal procedure. The licensee or permittee shall have the right to appeal the decision of the business license official pursuant to the procedures set forth in this Title.
- C. If the City revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this Section may not apply for a new license for a period of one year from the date that the revocation took effect.

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5.10.220 - Renewals.

A mobile ice cream vending license may be renewed, provided an application for renewal and license fees are received by the City no later than the expiration date of the current license. Any application received after that date shall be processed as a new application.

Chapter 5.11 - SEXUALLY ORIENTED BUSINESSES

5.11.010 - Purpose; findings and rationale.

- A.** Purpose. It is the purpose of this Chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.
- B.** Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.* , 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.* , 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.* , 475 U.S. 41 (1986); *Young v. American Mini Theatres* , 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.* , 501 U.S. 560 (1991); *California v. LaRue* , 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca* , 452 U.S. 714 (1981); *Sewell v. Georgia* , 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas* , 493 U.S. 215 (1990); *City of Dallas v. Stanglin* , 490 U.S. 19 (1989); and *Doctor John's, Inc. v. Wahlen* , 542 F.3d 787 (10th Cir. 2008); *American Bush v. City of South Salt Lake* , 140 P.3d 1235 (Utah 2006); *Bushco v. Utah State Tax Comm'n* , 225 P.3d 153 (Utah 2009); *State v. Haltom* , 156 P.3d 792 (Utah 2007); *Midvale City Corp. v. Haltom* , 73 P.3d 334 (Utah 2003); *Abilene Retail #30, Inc. v. Bd. of Comm'rs of Dickinson County* , 492 F.3d 1164 (10th Cir. 2007); *Doctor John's, Inc. v. City of Roy* , 465 F.3d 1150 (10th Cir. 2006); *Heideman v. South Salt Lake City* , 165 F. App'x 627 (10th Cir. 2006); *Heideman v. South Salt Lake City* , 348 F.3d 1182 (10th Cir. 2003); *Z.J. Gifts D-4, L.L.C. v. City of Littleton* , 311 F.3d 1220 (10th Cir. 2002); *Essence, Inc. v. City of Federal Heights* , 285 F.3d 1272 (10th Cir. 2002); *O'Connor v. City and County of Denver* , 894 F.2d 1210 (10th Cir. 1990); *Z.J. Gifts D-2, L.L.C. v. City of Aurora* , 136 F.3d 683 (10th Cir. 1998); *Dodger's Bar & Grill, Inc. v. Johnson County* , 98 F.3d 1262 (10th Cir. 1996); *Dodger's Bar & Grill, Inc. v. Johnson County* , 32 F.3d 1436 (10th Cir. 1994); *American Target Advertising, Inc. v. Giani* , 199 F.3d 1241 (10th Cir. 2000); *Cortese v. Black* , No. 95-1429, 87 F.3d 1327 (10th Cir. June 25, 1996) (table); *Imaginary Images, Inc. v. Evans* , 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County* , 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster* , 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini* , 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission* , 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County* , 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County* , 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County* , 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids* , 526 F.3d 291 (6th Cir. 2008);

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World Wide Video of Washington, Inc. v. City of Spokane , 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset* , 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County* , 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach* , 490 F.3d 860 (11th Cir. 2007); *Williams v. Morgan* , 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville* , 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale* , 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington* , 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington* , 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall* , 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph* , 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County* , 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County* , 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols* , 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane* , 75 F.3d 663 (9th Cir. 1996); *City of New York v. Hommes* , 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State* , No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego* , 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra* , 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton* , Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.* , Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale* , No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Tucson, Arizona - 1990; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri - 2008; Louisville, Kentucky - 2004; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Memphis, Tennessee - 2005-2011; Assorted Reports Concerning Secondary Effects; and "A Comparative Analysis of Infractions in Texas Alcohol Establishments and Adult Entertainment Clubs," Criminal Justice Studies; the City Council finds:

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, noise, traffic, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

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3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this Chapter, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the City. The City finds that the cases and documentation relied on in this Chapter are reasonably believed to be relevant to said secondary effects.

The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

5.11.020 - License required.

- A. Sexually Oriented Business License. It shall be unlawful for any person to operate a Sexually Oriented Business in the City without a valid sexually oriented business license. No premises shall be concurrently licensed for both a Sexually Oriented Business Use and a City alcoholic beverage Use.
- B. Employee License. It shall be unlawful for any person to be an "employee," as defined in this Chapter, of a sexually oriented business in the City without a valid sexually oriented business employee license, except that a person who is a licensee under a valid sexually oriented business license shall not be required to also obtain a sexually oriented business employee license.
- C. Application. An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of the business license official a completed application made on a form provided by the business license official. A sexually oriented business may designate an individual with an influential interest in the business to file its application for a sexually oriented business license in person on behalf of the business. The application shall be signed as required by Subsection D herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in this Subsection C, accompanied by the appropriate licensing fee:
 1. The applicant's full legal name and any other names used by the applicant in the preceding five years.
 2. Current business address or another mailing address for the applicant.
 3. Written proof of age, in the form of a driver's license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
 4. A complete set of fingerprints taken by the Utah Bureau of Criminal Identification which service is provided Monday through Friday 8:00 a.m.-5:00 p.m. without any need for an appointment. Alternatively, an applicant who states in writing that the Utah Bureau of Criminal Identification failed to render fingerprinting services to the applicant for more than two (2) hours after the applicant requested said services may submit a complete set of

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fingerprints taken by the City police department. The City police department shall provide fingerprinting service upon the request of such an applicant during regular office hours for a fee of twenty dollars (\$20.00).

5. If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.
6. If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.
7. A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in this Chapter, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
8. A statement of whether any sexually oriented business in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
 - a. been declared by a court of law to be a nuisance; or
 - b. been subject to a court order of closure.
9. An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business and a statement of floor area visible or accessible to patrons for any reason, excluding restrooms. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with the stage, booth, and/or room configuration requirements of this Chapter shall submit a diagram indicating that the setup and configuration of the premises meets the requirements of the applicable regulations. The business license official may waive the requirements of this Subsection (C)(9) for a renewal application if the applicant adopts a legal description and a sketch or diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

The information provided pursuant to this Subsection C shall be supplemented in writing by certified mail, return receipt requested, to the business license official within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

- D. **Signature.** A person who seeks a sexually oriented business employee license under this Section shall sign the application for a license. If a person who seeks a sexually oriented business license under this Section is an individual, he shall sign the application for a license as applicant. If a person who seeks a sexually oriented business license is other than an individual, each person with an influential interest in the sexually oriented business or in a legal entity that controls the sexually oriented business shall sign the application for a license as applicant. Each applicant must be qualified under this Chapter and each applicant shall be considered a licensee if a license is granted.
- E. The information provided by an applicant in connection with an application for a license under this Chapter shall be maintained by the office of the business license official on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required,

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by governing law or court order. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to such disclosure.

5.11.030 - Issuance of license.

- A. Sexually Oriented Business License. Upon the filing of a completed application for a sexually oriented business license, the business license official shall immediately issue a temporary license to the applicant if the completed application is from a preexisting sexually oriented business that is lawfully operating in the City and the completed application, on its face, indicates that the applicant is entitled to an annual sexually oriented business license. The temporary license shall expire upon the final decision of the City to deny or grant an annual license. Within twenty (20) days of the filing of a completed sexually oriented business license application, the business license official shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The business license official shall issue a license unless:
1. An applicant is less than eighteen (18) years of age.
 2. An applicant has failed to provide information required by this Chapter for issuance of a license or has falsely answered a question or request for information on the application form.
 3. The license application fee required by this Chapter has not been paid.
 4. The sexually oriented business is not in compliance with the interior configuration requirements of this Chapter.
 5. The sexually oriented business is not in compliance with locational requirements of this Chapter or the locational requirements of any other part of the City Code. "Locational requirements," as used in the preceding sentence, does not include any license or permit required by another chapter of the City Code. A sexually oriented business that is operating as a lawful, nonconforming use on the effective date of this Chapter shall not be required to comply with this Subsection (A)(5) as a condition of obtaining a license under this Chapter.
 6. Any sexually oriented business in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure.
 7. An applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this Chapter.
- B. Employee License. Upon the filing of a completed application for a sexually oriented business employee license, the business license official shall immediately issue a temporary license to the applicant if the applicant seeks licensure to work in a licensed sexually oriented business and the completed application, on its face, indicates that the applicant is entitled to an annual sexually oriented business employee license. The temporary license shall expire upon the final decision of the City to deny or grant an annual license. Within twenty (20) days of the filing of a completed sexually oriented business employee license application, the business license official shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The business license official shall issue a license unless:
1. The applicant is less than eighteen (18) years of age.

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2. The applicant has failed to provide information as required by this Chapter for issuance of a license or has falsely answered a question or request for information on the application form.
 3. The license application fee required by this Chapter has not been paid.
 4. Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure.
 5. The applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this Chapter.
- C. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time that the business is occupied by patrons or is open to the public. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing.

5.11.050 – Alcohol prohibited.

It is unlawful for any business licensed pursuant to this Chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the business Premises. It is unlawful for any Person to possess or consume any alcoholic beverage on the Premises of any Sexually Oriented Business.

5.11.060 - Inspection.

Sexually oriented businesses and sexually oriented business employees shall permit the business license official and his or her agents to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this Chapter, during those times when the sexually oriented business is occupied by patrons or is open to the public. This Section shall be narrowly construed by the City to authorize reasonable inspections of the licensed premises pursuant to this Chapter, but not to authorize a harassing or excessive pattern of inspections.

5.11.070 - Expiration and renewal of license.

- A. Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in this Chapter.
- B. Application for renewal of an annual license should be made at least ninety (90) days before the expiration date of the current annual license, and when made less than ninety (90) days before the expiration date, the expiration of the current license will not be affected.

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5.11.080 - Suspension.

- A. The business license official shall issue a written notice of intent to suspend a sexually oriented business license for a period not to exceed thirty (30) days if the sexually oriented business licensee has knowingly or recklessly violated this Chapter or has knowingly or recklessly allowed an employee or any other person to violate this Chapter.
- B. The business license official shall issue a written notice of intent to suspend a sexually oriented business employee license for a period not to exceed thirty (30) days if the employee licensee has knowingly or recklessly violated this Chapter.

5.11.090 - Revocation.

- A. The business license official shall issue a written notice of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if the licensee knowingly or recklessly violates this Chapter or has knowingly or recklessly allowed an employee or any other person to violate this Chapter and a suspension of the licensee's license has become effective within the previous twelve-month period.
- B. The business license official shall issue a written notice of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if:
 - 1. The licensee has knowingly given false information in the application for the sexually oriented business license or the sexually oriented business employee license;
 - 2. The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises of the sexually oriented business;
 - 3. The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises of the sexually oriented business;
 - 4. The licensee knowingly or recklessly operated the sexually oriented business during a period of time when the license was finally suspended or revoked;
 - 5. The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity or specified criminal activity to occur in or on the premises of the sexually oriented business;
 - 6. The licensee has knowingly or recklessly allowed a person under the age of twenty-one (21) years to consume alcohol on the premises of the sexually oriented business; or
 - 7. The licensee has knowingly or recklessly allowed a person under the age of eighteen (18) years to appear in a semi-nude condition or in a state of nudity on the premises of the sexually oriented business.
- C. The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license, provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.
- D. When, after the notice and hearing procedure described in this Chapter, the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for one year from the date revocation becomes effective.

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5.11.100 - Hearing; license denial, suspension, revocation; appeal.

- A. When the business license official issues a written notice of intent to deny, suspend, or revoke a license, the business license official shall immediately send such notice, which shall include the specific grounds under this Chapter for such action, to the applicant or licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the business license official for the respondent. The notice shall also set forth the following: The respondent shall have ten days after the delivery of the written notice to submit, at the office of the business license official, a written request for a hearing. If the respondent does not request a hearing within said ten days, the business license official's written notice shall become a final denial, suspension, or revocation, as the case may be, on the thirtieth (30th) day after it is issued, and shall be subject to the provisions of Subsection E of this Section.
- B. If the respondent does make a written request for a hearing within said ten days, then the business license official shall, within ten days after the submission of the request, send a notice to the respondent indicating the date, time, and place of the hearing. The hearing shall be conducted not less than ten days nor more than twenty (20) days after the date that the hearing notice is issued. The City shall provide for the hearing to be transcribed.
- C. At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the business license official's witnesses. The business license official shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a final written decision, including specific reasons for the decision pursuant to this Chapter, to the respondent within five days after the hearing.
- D. If the decision is to deny, suspend, or revoke the license, the decision shall advise the respondent of the right to appeal such decision to a court of competent jurisdiction, and the decision shall not become effective until the thirtieth (30th) day after it is rendered. If the hearing officer's decision finds that no grounds exist for denial, suspension, or revocation of the license, the hearing officer shall, contemporaneously with the issuance of the decision, order the business license official to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the business license official shall contemporaneously therewith issue the license to the applicant.
- E. If any court action challenging a licensing decision is initiated, the City shall prepare and transmit to the court a transcript of the hearing within thirty (30) days after receiving written notice of the filing of the court action. The City shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings. The following shall apply to any sexually oriented business that is lawfully operating as a sexually oriented business, or any sexually oriented business employee that is lawfully employed as a sexually oriented business employee, on the date on which the completed business or employee application, as applicable, is filed with the business license official: Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement of any denial, suspension, or revocation of a temporary license or annual license, the business license official shall immediately issue the respondent a provisional license. The provisional license shall allow the respondent to continue operation of the sexually oriented

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business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the respondent's appeal or other action to restrain or otherwise enjoin the City's enforcement.

5.11.110 - Hours of operation.

No sexually oriented business shall be or remain open for business between two a.m. and six a.m. on any day.

5.11.120 - Regulations pertaining to exhibition of sexually explicit films on premises.

- A.** A person who operates or causes to be operated a sexually oriented business which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.
1. Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The business license official may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 2. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 3. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
 4. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.
 5. It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - a. That the occupancy of viewing rooms less than one hundred fifty (150) square feet is limited to one person.

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- b. That specified sexual activity on the premises is prohibited.
 - c. That the making of openings between viewing rooms is prohibited.
 - d. That violators will be required to leave the premises.
 - e. That violations of these regulations are unlawful.
- 6. It shall be the duty of the operator to enforce the regulations articulated in 5a through 5e above.
- 7. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
- 8. It shall be the duty of the operator to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.
- B. It shall be unlawful for a person having a duty under Subsections (A)(1) through (A)(8) to knowingly or recklessly fail to fulfill that duty.
- C. No patron shall knowingly or recklessly enter or remain in a viewing room less than one hundred fifty (150) square feet in area that is occupied by any other patron.
- D. No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is one hundred fifty (150) square feet or larger in area.
- E. No person shall knowingly or recklessly make any hole or opening between viewing rooms.

5.11.130 - Loitering, exterior lighting and monitoring, and interior lighting requirements.

- A. It shall be the duty of the operator of a sexually oriented business to: (i) ensure that at least two conspicuous signs stating that no loitering is permitted on the premises are posted on the premises; (ii) designate one or more employees to monitor the activities of persons on the premises by visually inspecting the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitors; and (iii) provide lighting to the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. Said lighting shall be of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one foot candle as measured at the floor level. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.

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- B. It shall be the duty of the operator of a sexually oriented business to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.
- C. No sexually oriented business shall erect a fence, wall, or similar barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right-of-way.
- D. It shall be unlawful for a person having a duty under this Section to knowingly or recklessly fail to fulfill that duty.

5.11.140 - Penalties and enforcement.

- A. A person who violates any of the provisions of this Chapter shall be guilty of a class B misdemeanor. Each day a violation is committed, or permitted to continue, shall constitute a separate offense. The prosecuting agency shall have the discretion to charge any offense under this Chapter as an infraction.
- B. The City's legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this Chapter to enjoin, prosecute, restrain, or correct violations hereof. Such proceedings shall be brought in the name of the City, provided, however, that nothing in this Section and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this Chapter, or any of the laws in force in the City or to exempt anyone violating this Code or any part of the said laws from any penalty which may be incurred.

5.11.150 – Applicability of Chapter to existing businesses.

- A. Licensing Requirements. All preexisting sexually oriented businesses lawfully operating in the City in compliance with all state and local laws prior to the effective date of this Chapter, and all sexually oriented business employees working in the City prior to the effective date of this Chapter, are hereby allowed to continue operation or employment until December 31, 2012 provided that the business holds and maintains a valid 2012 license or, in the case of an employee, the employee holds or maintains a valid 2012 work permit.
- B. Interior Configuration Requirements. Any preexisting sexually oriented business that is required to, but does not, have interior configurations or stages that meet at least the minimum requirements of Section 5.11.120 and Subsection 5.11.160 shall have one hundred eighty (180) days from the effective date of this Chapter to conform its premises to said requirements. During said one hundred eighty (180) days, any employee who appears within view of any patron in a semi-nude condition shall nevertheless remain, while semi-nude, at least three feet from all patrons.
- C. Other Requirements. Except as provided for in Subsections A and B of this Section, sexually oriented businesses shall comply with this Chapter on the date that it takes effect.

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5.11.160 - Prohibited conduct.

- A. No patron, employee, or any other person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity or engage in a specified sexual activity.
- B. No person shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least three feet from all patrons on a stage at least two feet from the floor in a room of at least six hundred (600) square feet.
- C. No employee who appears semi-nude in a sexually oriented business shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually oriented business. No customer shall knowingly or intentionally touch such an employee or the clothing of such an employee on the premises of a sexually oriented business.
- D. No person shall knowingly or recklessly allow a person under the age of eighteen (18) years to be or remain on the premises of a sexually oriented business.
- E. No operator of a sexually oriented business shall knowingly or recklessly allow a room in the sexually oriented business to be simultaneously occupied by any patron and any employee who is semi-nude or who appears semi-nude on the premises of the sexually oriented business, unless an operator of the sexually oriented business is present in the same room.
- F. No operator of a sexually oriented business shall violate the regulations in this Section or knowingly or recklessly allow an employee or any other person to violate the regulations in this Section.
- G. A sign in a form to be prescribed by the business license official, and summarizing the provisions of Subsections A, B, C, and D shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry. No person shall cover, obstruct, or obscure said sign.

5.11.170 - Scienter required to prove violation or business licensee liability.

This Chapter does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state is necessary to establish a violation of a provision of this Chapter. Notwithstanding anything to the contrary, for the purposes of this Chapter, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation of this Chapter, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

5.11.180 - Failure of City to meet deadline not to risk applicant/licensee rights.

In the event that a City official is required to act or to do a thing pursuant to this Chapter within a prescribed time and fails to act or to do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the City official under this Chapter, and not completed in the time prescribed, includes approval of condition(s) necessary for approval by the City of an applicant or licensee's application for a sexually oriented business license or a

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sexually oriented business employee's license (including a renewal), the license shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the City's action has passed.

5.11.190 - Location of sexually oriented businesses.

- A.** It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the City, unless said sexually oriented business is in a location zoned for such business and is at least:
 - 1.** One thousand (1,000) feet from every parcel occupied by another sexually oriented business or business licensed by the State of Utah to sell alcohol at the premises;
 - 2.** One thousand (1,000) feet from every parcel occupied by a house of worship, public library, public recreation center, public or private elementary or secondary school, public park, residence, and from every parcel zoned for residential use; and
 - 3.** One thousand (1,000) feet from every interstate interchange.
- B.** For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in Subsection A above.
- C.** A sexually oriented business that is operating as a lawful, nonconforming use on the effective date of this Chapter shall not be liable for a violation of this Section by virtue of its continued operation in the location where it maintains the lawful, nonconforming use.

Chapter 5.12 - VENDORS AT CITY EVENTS

5.12.010 - Vendor permit required.

It is illegal to sell or offer to sell any product or service at a City event without first obtaining a permit from the City.

5.12.020 - Permit application.

Each vendor must apply for a permit to the City in writing for each separate event. Every application must be accompanied by the payment of a refundable cleanup deposit in an amount set by resolution or ordinance of the City Council.

5.12.030 - Permit in general.

All vendor permits are single-event permits and are nonexclusive as to location of sale and/or product type.

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5.12.040 - Vendor deposit return.

Upon completion of the City event, the City will assess the cleanliness and condition of the vendor's site or location. If the City finds the site or location sufficiently cleaned and in appropriate condition, the vendor may reclaim his deposit from the City.

5.12.050 - Charitable and school groups priority.

Prior to three weeks before the City event, charitable and school groups shall have the right of first refusal and priority with regard to vendor permits. To be entitled to this right and priority, charitable and school groups must submit their vendor applications to the City prior to three weeks before the event. From three weeks before the event up until the day of the event, vendor permits are to be offered to the general public.

Chapter 5.13 - ELECTRICITY

5.13.010 - License required.

It is unlawful for any person, corporation or partnership, without a license, to engage in, conduct, operate, carry on or manage the business of generating, furnishing or distributing electricity within the limits of the City of South Salt Lake.

5.13.020 - Period of license.

The period of the license required in this Chapter shall be for the calendar year in which the license is granted and shall begin January 1st, and end December 31st, of the particular year.

5.13.030 - May require proof.

The City Council shall have the right to require proof of the accuracy of the figures furnished as the gross receipts under this Chapter should it so desire and the books of the company shall be open for inspection by the City Council.

Chapter 5.14 - TELEPHONES

5.14.010 - License required.

It is unlawful for any person, corporation or partnership, without a license to carry on the business of supplying telephone service as a public utility within the corporate limits of the City of South Salt Lake.

5.14.020 - Fee.

- A. There shall be levied upon the business of every person or company engaged in the business, in the City, of supplying telephone service, an annual license tax equal to five percent of the gross

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revenue from the sale and use of the services of such utility delivered within the corporate limits of the City.

- B. Exclusions. The tax imposed under this Section shall not apply to extended area service charges provided by telephone public utilities to customers who qualify for and are receiving utility service that is provided as a part of the Utah Low Income Assistance Program as set forth in the "Lifeline" Rule of the Utah Public Service Commission, R746-341-1 et seq., of the Utah Administrative Code, Rules of Public Service Commission, as it may be amended from time to time.

5.14.030 - Remittance date.

Within forty-five (45) days after the end of each month in a calendar year, the public utility taxed in this Chapter shall file with the City treasurer of South Salt Lake City a report of its gross revenue derived from the sale and use of the public utility service in South Salt Lake City as defined in this Chapter, together with a computation of the tax levied in this Chapter against the utility. Coincidental with the filing of such report, the utility shall pay to the City treasurer the amount of the tax due for that calendar month subject to such report.

5.14.040 - Period of license.

The period of the license shall be for the calendar year in which the license is granted and shall begin January 1st and end December 31st, of the particular year.

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TITLE 15 - IMPACT FEES, DRAINAGE AND SUBSURFACE WATER CONTROL, JORDAN RIVER PARKWAY EASEMENT, FLOOD PLAINS, and INTERLOCAL AGREEMENTS

Chapter 15.01 - IMPACT FEES

PART I. - GENERAL PROVISIONS

15.01.010 - Findings and authority.

The City Council finds and determines that:

- A. Growth and development activity within the City will create demands upon public facilities, including culinary water production and delivery;
- B. Those who are responsible for growth and development activity should pay a proportionate share of the cost of such planned facilities needed to serve the growth and development activity;
- C. The impact fees established by this Chapter are based upon the costs which are generated through the need for new facilities and other capital acquisition costs required, incrementally, by new development in the City, in comparison with benefits already received and yet to be received; and
- D. The impact fees established by this Chapter do not exceed the reasonable cost of providing public facilities occasioned by development projects within the City.

15.01.020 - Definitions.

- A. For purposes of this Chapter, the following definitions apply:

"Act" means the Impact Fees Act, contained in Chapter 11-36a of the Utah Code, as in existence today or as hereafter amended.

"Building permit" means an official document or certification which is issued by the building officials of the City and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

"City" means the City of South Salt Lake.

"Developer" means an individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency or other person undertaking development activity, and their successors and assigns.

"Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.

"Development approval" means any written authorization from the City, other than a building permit, which authorizes the commencement of development activity, including, but not limited to, plat

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approval, planned unit development approval, site plan approval, lot line adjustment, and a conditional use permit.

"Director" means the director of the community development department for the City of South Salt Lake.

"Encumber" means a pledge to retire a debt, such as through bond payments, or an allocation to a current purchase order or contract.

"Impact fee" means a payment of money imposed upon new development activity as a condition of development approval to mitigate the impact of the new development on public infrastructure. "Impact fee" does not include a tax, special assessment, building permit fee, hookup fee, fee for project improvements, or other reasonable permit or application fee.

"Impact fee analysis" or "IFA" means the written analysis of each impact fee required by Section 11-36a-303 the Act.

"Impact fee facilities plan" or "IFFP" means the plan required by Section 11-36a-301 of the Act.

"Impact fee account" means a separate account established for a particular category of planned facility for which impact fees are collected, which is an interest-bearing account.

"Level of service" means the defined performance standard or unit of demand for each capital component of a public facility within a service area.

"Project improvements" means site improvements and facilities that are: planned and designed to provide service for development resulting from a development activity; necessary for the use and convenience of the occupants or users of a development resulting from a development activity; and not identified or reimbursed as a system improvement. "Project improvement" does not mean system improvements.

"Public facilities" means impact fee facilities as defined in the Act that have a life expectancy of ten or more years and are owned or operated by or on behalf of a local political subdivision or private entity. For purposes of this Chapter, and as defined in the Act, impact fee facilities include culinary water for service areas designed by the City.

"Service area" means the geographic area designated by the City on the basis of planning or engineering principles in which the public facility provides services within the area. Service areas for each impact fee are established in this Chapter.

"System improvements" means existing public facilities that are identified in the impact fee analysis under Section 11-36a-304 of the Act, and designed to provide services to service areas within the community at large and future public facilities identified in the impact fee analysis under Section 11-36a-304 that are intended to provide service to service areas within the community at large. "System improvements" do not include project improvements.

- B.** Except for any terms which are defined in Subsection A of this Section, the terms defined in the Act, as amended, are hereby adopted for use in this Chapter.

15.01.030 - Authority and applicability.

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- A.** The collection of impact fees shall apply to all new development activity in the City unless otherwise provided herein. Until any impact fee required by this Chapter has been paid in full, no building permit for any development activity shall be issued.
- B.** A stop work order shall be issued on any development activity for which the applicable impact fee has not been paid in full.
- C.** The movement of a structure onto a lot shall be considered development activity and is subject to the impact fee provisions, unless otherwise provided herein.
- D.** Public facilities for which impact fees may be imposed by the City include public facilities for:
 - 1.** Culinary water; and
 - 2.** Sanitary sewer; and
 - 3.** Parks.
- E.** The City may not impose an impact fee to:
 - 1.** Cure deficiencies in public facilities serving existing development;
 - 2.** Raise the established level of service of a public facility serving existing development;
 - 3.** Recoup more than the local political subdivision's costs actually incurred for excess capacity in an existing system improvement; or
 - 4.** Include an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the Federal Office of Management and Budget for federal grant reimbursement.

15.01.040 - Service areas.

- A.** Impact fees may only be assessed upon development which takes place within established service areas within the City, as it relates to the specific fee.
- B.** The City shall establish service areas for each impact fee which is imposed under this Chapter.
- C.** Impact fees collected within a service area shall be spent within that service area, only on capital projects identified in the IFFP related to that fee.
- D.** Boundaries of service areas may only be revised following a public hearing and all other procedures provided in the Act.

15.01.050 - Impact fee facilities plan and impact fee analysis.

- A.** Prior to imposing an impact fee for a service area, the City shall prepare or have prepared an impact fee facilities plan for any service area for which an impact fee is proposed.
- B.** At the time of acceptance, the IFFP shall comply with the Act, identify the level of service, determine the public facilities required to serve development resulting from new development activity, and contain a written certification by the person or entity who prepared the plan, certifying that the IFFP complies in each and every relevant respect to the Act.

Exhibit B

- C. Prior to imposing an impact fee for a service area, the City shall prepare or have prepared an impact fee analysis for any service area for which an impact fee is proposed.
- D. The IFA shall identify the anticipated impact of system improvements required by anticipated development activity in order to maintain the level of service in the service area, demonstrate how the impacts are reasonably related to the anticipated development activity, estimate the proportionate share of the costs for existing capacity that will be recouped and the costs of impacts on system improvements that are reasonably related to new development activity, identify how the impact fee was calculated, and contain a written certification by the person or entity who prepared the plan, certifying that the IFA complies in each and every relevant respect with the Act.

15.01.060 - Calculation of impact fees.

- A. In calculating impact fees, the City may consider the construction contract price, the cost of acquiring land, improvements, materials and fixtures, planning costs, surveying, engineering fees, and debt service charges.
- B. To the extent that new growth and development will be served by previously constructed improvements, the City's fees may include public facility costs and outstanding bond costs related to system improvements previously incurred by the City.
- C. Unless otherwise provided in this Chapter, impact fees shall be imposed as follows:
 - 1. Schedule. The fee published in the City's schedule shall be the means of calculating impact fees for specific development, unless the developer, pursuant to this Chapter, requests an independent impact fee calculation, or qualifies for an adjustment or credit.
 - 2. Maximum Fee. The fee identified in the IFA represents the maximum fee which may be assessed as a result of development activity.
 - 3. Residential impact fees may be collected by unit, lot size, or utility connection. For purposes of this Chapter, mobile and manufactured homes are considered residential.
 - 4. For categories of uses not specified in the applicable impact fee schedule, the director shall apply the category of use set forth in the applicable fee schedule that is deemed to be the most similar to the proposed use.
 - 5. If development approval is sought for a mixed-use development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.
 - 6. For additions to, remodeling or replacement of existing structures, or for a change of use of an existing structure, the impact fee to be paid shall be the difference, if any, between:
 - a. The fee, if any, that would be payable for existing development on the site, or in the case of demolition or removal of a structure, the previous development on the site, provided that the demolition or removal has occurred within one year of the date of submittal of the application for which impact fees are assessed; and
 - b. The fee, if any, that would be payable for the development on the site for the new development.

Exhibit B

7. Upon written request of an applicant, the director shall provide an estimate of the current fee based on the data provided by the applicant. However, the director shall not be responsible for determining at such preliminary date the accuracy of the information provided, nor shall such estimate provide any vested rights.

15.01.070 - Exemptions.

- A. The following are exempted from payment of impact fees:
 1. Replacement of a structure or mobile home with a new structure or mobile home of the same size and use at the same site or lot, when such replacement occurs within twelve (12) months of the demolition or destruction of the prior structure or removal of the mobile home.
 2. Alterations, expansion, enlargement, remodeling, rehabilitation, or conversion of an existing building or unit where no additional units are created and the use is not changed.
 3. Demolition or moving of a structure.
 4. Construction of accessory structures that do not impact the system improvements.
 5. Miscellaneous accessory improvements to use, such as fences, walls, and signs.
 6. Placing on a lot in the City a temporary construction trailer or office, but only for the life of the building permit issued for the construction served by the trailer or office.
 7. Any use specifically exempted by a part of this Chapter which addresses a specific impact fee.
- B. The City Council may, on a project-by-project basis, authorize exemption from impact fees for development activity attributable to development activity with a broad public purpose. Such determinations of exemption shall be by resolution by the City Council, accepting the results of a study conducted under Section 10-8-2 of the Utah Code.
- C. Applications for exemptions under Subsection B shall be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

15.01.080 - Adjustment after individual assessment of impact fees.

- A. If a person submitting an application for which payment of an impact fee is a prerequisite to approval believes that the impacts of the proposed development will be substantially less than would be indicated by using the fee schedule, such person may request to perform an individual assessment of the impact of the proposed development. A request for an individual assessment, accompanied by the information, data or studies supporting that assessment, must be made prior to payment of fees for a building permit or final plat approval, as applicable.
- B. The City may make a downward adjustment to impact fees at the time the fee is charged to respond to unusual circumstances in specific cases, to address development activity by the state or school district, to ensure that impact fees are imposed fairly, or to fairly allocate costs associated with impacts created by a development activity or project.

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- C. Circumstances are unusual if sufficient written information, studies or data is presented to the City showing a significant discrepancy between the fee being assessed and the actual impact on the system improvement.
- D. The City may issue building permits or plat approvals if the impact fee is tendered by the developer. The fee is subject to partial refund if a downward adjustment is approved by the director. For purposes of appeal or challenge, the date for such appeal or challenge shall run from the date on which the City makes its determination of the individual assessment.

15.01.090 - Credits.

A developer is eligible for credits against or a proportionate reimbursement of impact fees if the developer:

- A. Dedicates land for a system improvement identified in the IFA;
- B. Builds and dedicates some or all of a system improvement identified in the IFA;
- C. Dedicates a public facility that the City and the developer agree will reduce the need for a system improvement identified in the IFA;
- D. Dedicates land for, improvement to, or new construction of, any system improvements identified in the IFA provided by the developer if the facilities:
 - 1. Are system improvements identified in the IFA; or
 - 2. Are dedicated to the public and offset the need for an identified system improvement identified in the IFA.

15.01.100 - Fund accounting for impact fees.

- A. The City shall establish an impact fee account for each category of impact fee which is collected. Such fees shall be invested by the City and the yield on such fees, at the actual rate of return to the City, shall be credited to such accounting fund periodically in accordance with the accounting policies of the City. Such funds need not be segregated from other City monies for banking purposes.
- B. The City shall maintain and keep financial records for such accounting fund showing the revenues to such fund and the disbursements from such fund, in accordance with normal City accounting practices. The records of such fund shall be open to public inspection in the same manner as other financial records of the City.

15.01.110 - Expenditure of impact fees.

- A. Impact fees shall be expended or encumbered within six years after their receipt, unless the Council identifies, in writing, an extraordinary and compelling reason to hold the impact fees longer than six years. Under such circumstances, the Council shall establish an absolute date by which the impact fees shall be expended.

Exhibit B

- B. Impact fees may only be expended upon the system improvements which have been identified by the IFFP which formed the justification for the specific impact fee collected.
- C. Impact fees may be spent to retire bonds with a term of more than six years, so long as the improvements are included in the IFFP, and the fees are equivalent to the debt service of the six-year planning period.
- D. If the City does not spend or encumber an impact fee within the time period established in the Act, it shall return unspent fees, or the unspent portions thereof, to the person or entity which paid the fee.
- E. Unless otherwise provided by state law, if the person or entity which paid the fee is not responsive to the City's written notice of refund, the refund shall be paid to the record owner of the property on the date that the original fee was paid.

15.01.120 - Refunds of impact fees.

- A. The City shall refund any impact fee paid by a developer, plus interest earned, when:
 - 1. The developer does not proceed with the development activity and files a written request for a refund;
 - 2. The fees have not been spent or encumbered; and
 - 3. No impact has resulted.
- B. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities, paid for, installed, or caused the installation of facilities based in whole or in part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

15.01.130 - Separate fees and costs.

The impact fees authorized by this Chapter are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the impact fee. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for services provided.

15.01.140 - Additional fees or refund after development.

Should any developer undertake development activities such that the ultimate acreage or other impact of the development activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and the impact fees are not initially charged against all acreage within the development, the City shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the acreage for which an impact fee was not previously paid.

Exhibit B

15.01.150 - Challenges to impact fees—Generally.

- A. A person or entity required to pay an impact fee who believes that the impact fee does not meet the requirements of law may file a written request for information with the City, which request shall be answered within two weeks after receipt of the request, providing the person or entity with copies of the applicable IFA, IFFP and other relevant information related to the impact fee being questioned.
- B. A person or entity who will potentially be aggrieved by the impact fee may request an advisory opinion by filing a request with the Utah Office of Property Rights Ombudsman, in accordance with Title 13, Chapter 43 of the Utah Code. The aggrieved party requesting an advisory opinion is not required to exhaust administrative appeals procedures prior to requesting an advisory opinion.
- C. Any person or entity which resides in or owns property within a service area, or an organization, association or corporation representing the interests of persons or entities owning property within the service area, may file a declaratory judgment action challenging the validity of an impact fee.
- D. A person who has paid an impact fee imposed under this Chapter may challenge the fees as provided in Title 11, Chapter 36a, Part 7 of the Act. The grounds for appeal, remedies and time restrictions provided in the Act, as amended, are applicable to all challenges filed against impact fees imposed by this Chapter.

15.01.160 - Administrative appeals.

- A. An administrative appeal may be initiated by a person or entity which has paid an impact fee imposed under this Chapter by filing written notice of the administrative appeal with the City recorder within thirty (30) days after the day on which the person or entity paid the fee.
- B. The notice of appeal shall set forth the grounds for the appeal and shall include applicable filing fees, as established by the consolidated fee schedule.
- C. Upon receiving written notice of appeal, the recorder shall set a date for the administrative law judge to consider the appeal. The procedures established in Chapter 2.22 of this Code shall apply to appeals, except that the administrative judge shall render a decision within thirty (30) days after the date the challenge of appeal is filed, the person filing the appeal requests or agrees to an extension of that time.

15.01.170 - Mediation for specified public agencies.

In addition to challenges and appeals, specified public agencies may file a request for mediation in accordance with Section 11-36a-705 of the Act, which proceedings are governed by the Act.

15.01.180 - Remedies for challenges, appeals or mediation.

Exhibit B

- A. A person or entity who successfully challenges an impact fee due to defects with the notice requirements or procedural requirements may receive the remedy of requiring the City to correct the defective notice or procedure and repeat the process.
- B. A person or entity who challenges an impact fee may receive the remedy of a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.
- C. Attorney fees may only be awarded to the extent provided in the Act.

15.01.190 - Effective date of impact fees.

- A. Pursuant to Section 11-36a-401 of the Act, this Chapter shall not take effect until ninety (90) days after the day on which the ordinance is approved by the Council.
- B. Additional categories of impact fees shall have an effective date of ninety (90) days after the day on which the additional category is approved by the Council.

PART II. - SPECIFIC IMPACT FEES

15.01.200 - Culinary water impact fee—Service area, IFFP and IFA.

- A. **Service Area.** The service area for culinary water impact fees includes Pressure Zone 1 (shaded red) on the South Salt Lake City Drinking Water System Master Plan, which was previously adopted by this Council, as shown at Figure 1.

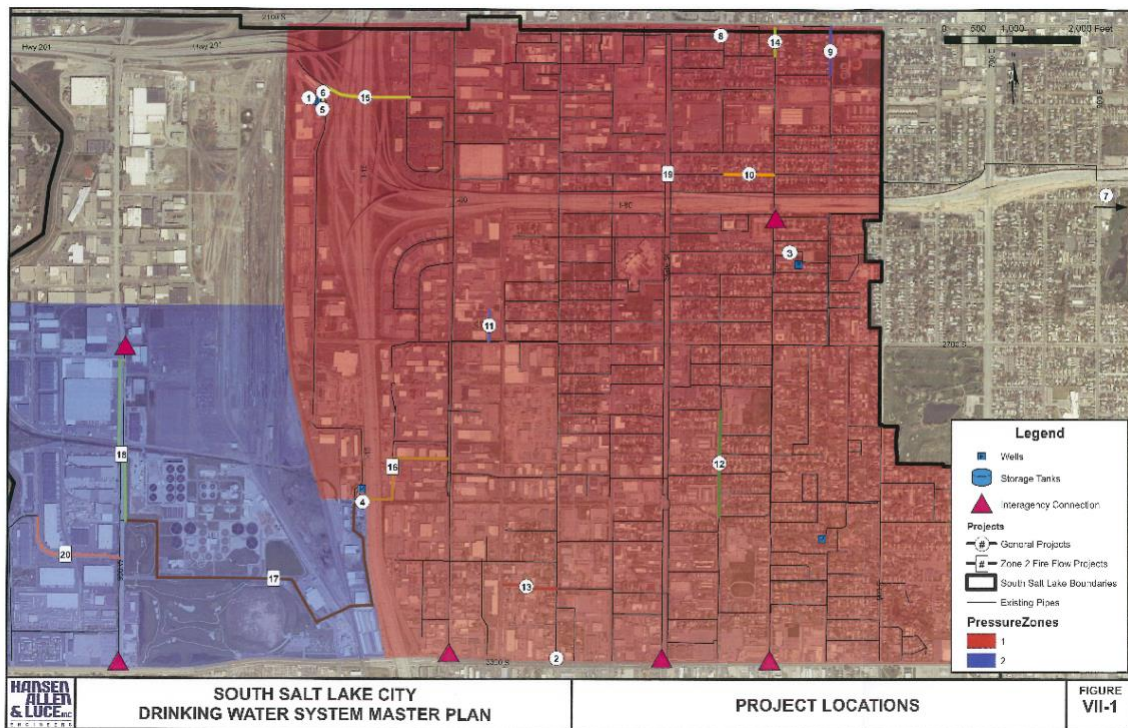


Figure 1

Exhibit B

- B. Culinary Water Impact Fee Facilities Plan.** Pursuant to Section 15.01.050 of this Chapter and Section 11-36a-302 of the Act, the City has, through its consultants, researched and analyzed the factors set forth in the Act and caused to be prepared a culinary water impact fee facilities plan, as part of the Culinary Water Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake. The culinary water IFFP establishes the current and proposed level of service. The City currently maintains a system which meets the state's requirements for drinking water systems related to peak and average distribution, and future development will require the City to expand its water source, distribution and storage systems in a manner which continues to meet the state's standards for drinking water systems. The Culinary Water Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake, attached as Exhibit A to Ordinance 2014-24, is hereby adopted in its entirety by the City in accordance with applicable provisions of this Chapter and the Act.
- C. Impact Fee Analysis.** Pursuant to Section 15.01.050 of this Chapter, and Section 11-36a-303 of the Act, the City has, through its consultants, researched and analyzed the factors set forth in the Act and prepared a culinary water impact fee analysis, as part of the Culinary Water Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake, which is attached as Exhibit A to Ordinance 2014-24, is hereby adopted in its entirety by the City in accordance with the applicable provisions of this Chapter and the Act.

15.01.210 - Culinary water impact fee—Calculation.

- A.** Based upon the culinary water IFA, equivalent residential connections in the City are those which connect to the City's culinary water system within the service area with a three-quarter-inch or smaller water meter.
- B.** The maximum impact fee for culinary water for each equivalent residential connection is seven hundred thirty-three dollars (\$733.00).
- C.** The City Council may, by amending the consolidated fee schedule, implement impact fees for development within the service area, with fees based upon the number of equivalent residential connections for a development, which fee shall be determined by the size of meter or meters installed for the development.

15.01.220 - Sanitary sewer impact fee—Service area, IFFP and IFA.

- A. Services Area.** The service area for sanitary sewer impact fees includes the boundaries of South Salt Lake City generally north of the Millcreek waterway, as shown in Figure 3 (outlined in green).

Exhibit B

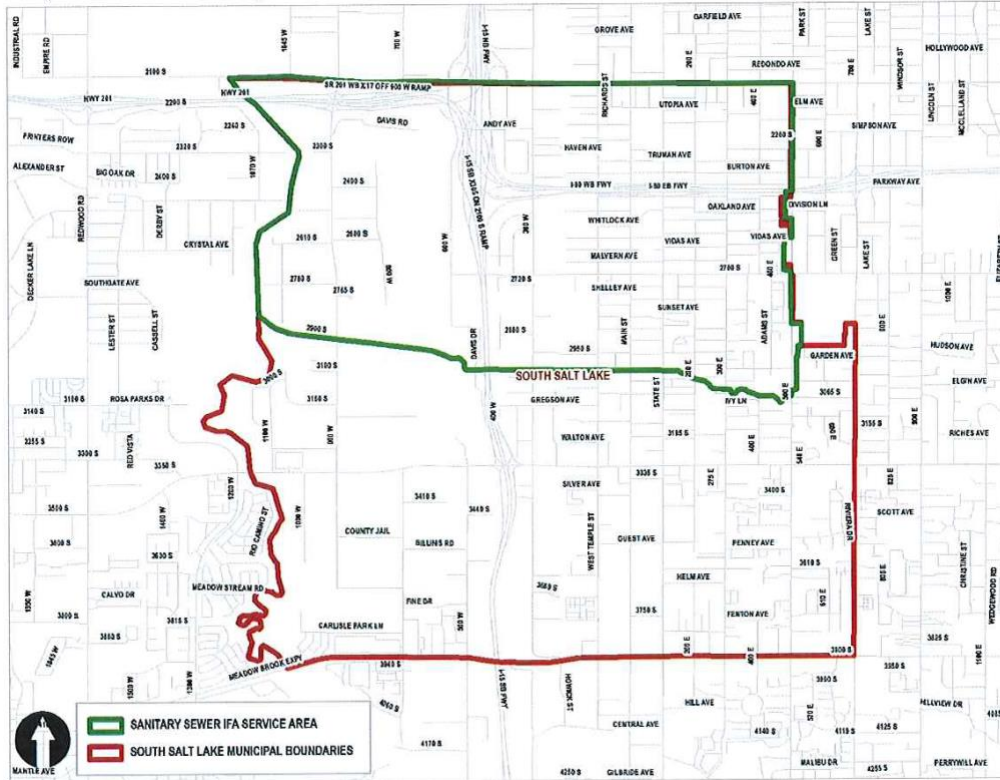


Figure 3

- B. Sanitary Sewer Impact Fee Facilities Plan.** Pursuant to Section 15.01.050 of this Chapter and Section 11-36a-302 of the Act, the City has, through its consultants, researched and analyzed the factors set forth in the Act and caused to be prepared a sanitary sewer impact fee facilities plan, as part of the Sanitary Sewer Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake. The sanitary sewer IFFP establishes the current and proposed level of service. The City currently maintains a system which meets the state's requirements for sanitary sewer systems related to peak and average flow. In addition, the City maintains treatment facilities through Central Valley Water Reclamation Facility. Future development will require the City to expand its collection systems in a manner which continues to meet the state's standards for sanitary sewer systems. The Sanitary Sewer Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake, attached as Exhibit A to Ordinance 2015-32, is hereby adopted in its entirety by the City in accordance with applicable provisions of this Chapter and the Act.
- C. Impact Fee Analysis.** Pursuant to Section 15.01.050 of this Chapter, and Section 11-36a-303 of the Act, the City has, through its consultants, researched and analyzed the factors set forth in the Act and prepared a sanitary sewer impact fee analysis, as part of the Sanitary Sewer Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake, which is attached as Exhibit A to Ordinance 2015-32, is hereby adopted in its entirety by the City in accordance with the applicable provisions of this Chapter and the Act.

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15.01.230 - Sanitary sewer impact fee—Calculation.

- A. Based upon the sanitary sewer IFA, equivalent residential connections in the City are those which connect to the City's sanitary sewer system within the service area converted to the demand of any three-quarter-inch or smaller water meter.
- B. The maximum impact fee for sanitary sewer for each equivalent residential connection is one thousand sixty-three dollars (\$1,063.00).
- C. The City Council may, by amending the consolidated fee schedule, implement impact fees for development within the service area, with fees based upon the number of equivalent residential connections for a development, which fee shall be determined by the size of meter or meters installed for the development.

15.01.240 - Parks and recreation impact fee—Service area, IFFP and IFA.

- A. **Services Area.** The service area for parks and recreation impact fees is all areas within South Salt Lake City.
- B. **Parks and Recreation Impact Fee Facilities Plan.** Pursuant to Section 15.01.050 of this Chapter and Section 11-36a-302 of the Act, the City has, through its consultants, researched and analyzed the factors set forth in the Act and caused to be prepared a Parks and Recreation Impact Fee Facilities Plan, as part of the Parks and Recreation Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake. The Parks and Recreation IFFP establishes the current and proposed level of service. The City currently maintains a system of park and recreation infrastructure. Future development will require the City to expand or provide additional facilities to maintain the existing level of service. The Parks and Recreation Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake, which is attached as Exhibit A to Ordinance 2016-04, is hereby adopted in its entirety by the City in accordance with applicable provisions of this Chapter and the Act.
- C. **Impact Fee Analysis.** Pursuant to Section 15.01.050 of this Chapter, and Section 11-36a-303 of the Act, the City has, through its consultants, researched and analyzed the factors set forth in the Act and prepared a Parks and Recreation Impact Fee Analysis, as part of the Parks and Recreation Impact Fee Facilities Plan and Impact Fee Analysis: City of South Salt Lake, which is attached as Exhibit A to Ordinance 2016-04, is hereby adopted in its entirety by the City in accordance with the applicable provisions of this Chapter and the Act.

15.01.250 - Parks and recreation impact fee—Calculation.

- A. Based upon the parks and recreation IFA, fees should be calculated based upon the number of single-family or multi-family households in a development.
- B. The City Council may, by amending the consolidated fee schedule, implement impact fees for development within the service area, with fees based upon the number of single-family or multi-family households for a development.

Exhibit B

Chapter 15.02 - DRAINAGE AND SUBSURFACE WATER CONTROL

15.02.010 - Purpose.

- A. The City, by and through its City Council, recognizes that the tremendous increase in property development has a significant impact on surface water runoff, both in terms of quantity and quality.
- B. The City is in need of a method and procedure whereby it can provide for and control surface water runoff, so as to protect the persons and property both within and without the corporate boundaries of South Salt Lake City.

15.02.020 - Definitions.

For the purposes of this Chapter, the following words have the meanings as set out in this Section:

"Development" means any commercial or industrial project of one quarter of an acre.

"Drainage plan" means a plan showing all drainage facilities, both on- and off-site, designed to carry all surface and subsurface waters from a subdivision or development.

"Subdivision" means any residential development of over one lot concurrently, or any development (including one lot) which will cause a significant change in the existing drainage pattern.

15.02.030 - Applicability.

The provisions of this Chapter shall apply to all subdivisions and developments to be constructed after the effective date of the ordinance codified in this Chapter.

15.02.040 - Interpretation.

In interpreting and applying the provisions of this Chapter the requirements set forth in this Chapter are declared to be the minimum requirements for the purposes set forth in this Chapter.

15.02.050 - Conflicts with Chapter.

This Chapter shall not nullify the more restrictive provisions of any private covenants, agreements or other ordinances or laws, but shall prevail over such provisions which are less restrictive.

15.02.060 - Drainage plan.

Prior to approval of the development or subdivision by the City engineering department, a drainage plan shall be prepared at the expense of the developer or subdivider, by a qualified and licensed engineer. The plan shall include a complete analysis of all surface drainage and subsurface drainage

Exhibit B

patterns and the impact that the proposed project will have upon them; including plans showing, in detail, proposed construction designs for handling of drainage.

15.02.070 - Fees.

The developer, subdivider, or owner shall, prior to being granted any permits whatsoever, pay a fee which shall be determined by the formula in Section 15.02.080. Said formula shall determine the cubic feet of runoff per second which is attributable to the proposed development. The fee shall be assessed at a rate set by resolution of the City Council per cubic foot per second additional runoff created on the proposed development or subdivision.

15.02.080 - Determination of fee (formula).

The amount of surface water runoff shall be established by using the following tables and formula:

- A. Rainfall Factor: The fee shall be assessed on the basis of 1.4 inches of rainfall per hour (which is the acceptable one-hundred-year standard). This shall be known as factor A in the formula.
- B. Area Factor: The rainfall factor shall be multiplied by the number of acres in the development or subdivision. This factor shall be known as factor B in the formula.
- C. Land Use Factor:
 - 1. The following table shall be used to determine the runoff from various types of development:

General Land Use Classification	Runoff Coefficients
Undeveloped	0.15
Residential:	
Single-family	0.35
Two-family	0.45
Multiple-family	0.60
Suburban estates	0.25
Commercial:	
Neighborhood	0.60

Exhibit B

General	0.80
Drive-in movies	0.70
Industrial:	
Light	0.60
Heavy	0.80
Agriculture	0.15
Institutional	0.30
Parks and recreation:	0.20
Utilities and transportation	0.50
Streets	0.85
Vacant	0.15
Other:	determined by City Engineer

2. Differential runoff will be determined by evaluating the land use before the development C1 and after the development C2. The difference (C2 - C1) will be multiplied by the factors A and B to determine the additional runoff in cubic feet per second.

- D. The number of cubic feet per second of increased runoff caused by the proposed development shall be known as Factor f.
- E. The formula for determining the service fee for water runoff and storm drain shall be determined by the following formula:

$$A \times B \times (C_2 - C_1) = F$$

F × amount set by resolution of the City Council = Service Fee.

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15.02.090 - Storm drain sumps and detention ponds.

In the event there is no gutter or storm drain line existing within three hundred (300) feet of the property which is proposed to be developed, with adequate capacity to convey storm water as determined by the City Engineering Department, the developer or owner may be permitted to use a storm drain sump or detention pond upon approval of the City Engineering Department.

15.02.100 - Catch basins requirement.

In any new development whether residential subdivision, industrial park, multiple unit dwellings or otherwise, surface water will not be allowed to be carried in a gutter for more than seven hundred (700) feet without the installation of a catch basin or other device for depositing the surface water into the storm drain system.

15.02.110 - Appeals.

Any person, firm or corporation aggrieved by the decision of any authorized official regarding this Chapter may appeal such determination to the administrative law judge by filing a written notice of appeal with the City Recorder within ten days of any final adverse decision, as outlined in Chapter 2.22 of this Code.

15.02.120 - Violations—Penalty.

- A.** Any person, firm or corporation who shall create, or cause to be created, a development as defined in this Title, or construct a building within the limits of South Salt Lake City, without complying with the provisions of this Chapter, or who shall violate any provisions of this Chapter shall be guilty of a misdemeanor. Each day in which any such violation shall continue, or be permitted, shall be deemed a separate offense.
- B.** The City shall authorize the necessary public officials and/or officials to investigate and make reports to the planning commission of any such violations. The planning commission, if it finds that such a violation does exist, may recommend that legal action be taken by the City Council.

Chapter 15.03 - JORDAN RIVER PARKWAY EASEMENT

15.03.010 - Purpose.

In enacting the ordinance codified in this Chapter, it is the purpose of the City of South Salt Lake to foster the development of recreational areas, water conservation, flood control, reclamation and wildlife resources on and along the Jordan River by reserving to itself and to the general public the right to enter upon, cross over, use and make improvements upon an easement strip immediately adjoining the bank of said river.

Exhibit B

15.03.020 - Conditional subdivision approval.

In addition to all other requirements and conditions contained in this Title, it is a further condition, upon the approval and recording of any subdivision, that the subdivider of any property containing within its boundaries one or both banks of the Jordan River, convey to South Salt Lake an easement within a strip or strips extending fifty (50) feet from the bank or banks of the river. In no event shall the easement described in this section exceed ten percent of the total area of the subdivision without just compensation being paid therefor.

15.03.030 - Extent of easement.

- A. Without prior written approval from South Salt Lake City, the owner of property affected by the easement described in Section 15.03.020 is prohibited from:
 - 1. Diverting, filling in, lining or culverting the natural watercourse of the Jordan River;
 - 2. Erecting any structures or improvements, including, but not limited to, buildings, fences, bridges and parking lots, within fifty (50) feet of the banks of the Jordan River;
 - 3. Dumping or permitting the dumping of any garbage or other refuse within fifty (50) feet of the banks of the Jordan River;
 - 4. Cutting, grubbing or removing any trees or other natural vegetation, removing any stones or earth, or otherwise disturbing the natural environment of the area within fifty (50) feet of the banks of the Jordan River.
- B. The City of South Salt Lake reserves to itself and to the general public, the rights of:
 - 1. Entry by agents, employees and contractors of South Salt Lake City or of the Provo-Jordan River parkway authority to survey, plan, construct and maintain such improvements as may be necessary to give effect to the water conservation, recreation, flood control, reclamation and wildlife preservation purposes of this Chapter. No such improvement shall, without consent of the property owner, extend outside of the fifty-foot easement strip without just compensation being paid therefor; and
 - 2. Entry by the general public for the purposes of recreation or for any other purpose contemplated under this Chapter.

15.03.040 - Easement limitations.

- A. Rights acquired by the City of South Salt Lake subject to this Chapter shall be held and exercised only for the advancement of the purposes contemplated in this Chapter.
- B. Ownership in fee simple absolute of the easement strip shall remain unaffected by the provisions of this Chapter and shall remain in the owner of the servient realty. The interest created by this Chapter is an appurtenant easement and shall remain unaffected by the sale or other alienation of the realty upon which it lies. Upon dissolution, disincorporation, consolidation or other disability of the City of South Salt Lake, the easement created by this Chapter shall, without further transferring act, vest in the succeeding government entity having territorial jurisdiction over the easement.

Exhibit B

15.03.050 - Waiver of flood control impact fee.

The flood control impact fee imposed by Chapter 15.02 of this Code shall be waived for that portion of the subdivision or development conveyed pursuant to this Chapter.

Chapter 15.04 - FLOOD DAMAGE PREVENTION*

15.04.010 - Statutory authorization.

The Legislature of the State of Utah has by statute delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of South Salt Lake City, Utah, does ordain as follows in this Chapter.

15.04.020 - Purpose of Chapter.

A. Findings of Fact.

1. The flood hazard areas of South Salt Lake City are subject to periodic inundation which results in loss of life and property, as well as health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of the City.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood damage and loss.

B. Statement of Purpose. It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

Exhibit B

7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

C. Methods of Reducing Flood Losses. In order to accomplish its purposes, this Chapter includes methods and provisions for reducing flood losses by:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate, control or channel floodwaters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.

15.04.030 - Warning and disclaimer of liability.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create liability on the part of the City of South Salt Lake, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made.

15.04.040 - Relationship of floodplain regulations to zoning districts.

The flood damage prevention regulations of this Chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the use district in which the land is located and/or general provisions under Title 17 of this Code.

Property located within said flood hazard areas shall be developed only in conformance with the provisions set forth in this Chapter.

In cases of conflict between such district classifications and the flood damage prevention regulations, the most restrictive provisions shall govern.

Permitted, conditional and accessory uses allowed in the flood hazard areas are those which are permitted uses in the underlying applicable use district. However, additionally, all uses, whether principal or secondary, involving construction or relocation of permanent buildings (or structures); or

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placement of temporary structures, mobile or modular homes; or excavation or placement of fill materials, shall further meet the supplemental conditions and standards set forth in this Chapter.

15.04.050 - Definitions.

Unless specifically defined in this Section, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application. For purposes of this Chapter the following terms mean:

"Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the flood plain administrator's interpretation of any provisions of this Chapter or is a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within the community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AI, Ah, AO, A1-99, VO, V1-30, VE or V.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any are of the building having its floor sub-grade (below ground level) on all sides.

"Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or the storage of equipment or materials located within the area of special flood hazard.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns,)posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, of V, "elevated building" also includes a building otherwise

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meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

"Existing construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this Chapter.

"Expansion to existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

"Flood insurance study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding).

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provided standards for the purpose of flood damage prevention and reduction.

"Flood protection system" means those physical structural works for which funds have been authorize, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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"Flood proofing" means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. directly by the Secretary of the Interior in states with approved programs.

"Levee" means a man-made structure; usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle," as defined in this Section.

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"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced. "New construction" means structures for which the start of construction commenced on or after the effective date of the original ordinance, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations codified in this Chapter.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"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 one hundred eighty (180) days of the permit date. The actual start means 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 a 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.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

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1. 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
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" means a grant of relief from the requirements of this Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter. For full requirements refer to Section 60.6 of the National Flood Insurance program regulations. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance program regulations is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of costal or riverine areas.

15.04.060 - General provisions.

- A. This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of South Salt Lake.
- B. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of South Salt Lake," dated September 25, 2009, with an accompanying flood insurance rate map (FIRM) and flood boundary floodway maps (FBFM), and any revisions thereto are hereby adopted by reference and declared to be part of this Chapter. The City of South Salt Lake also automatically adopts any future effective FEMA flood insurance rate maps and effective FEMA flood insurance studies and includes them to be part of this Chapter.
- C. **Establishment of Development Permit.** A development permit shall be required to ensure conformance with the provisions of this Chapter.
- D. **Compliance.** No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.
- E. **Abrogation and Greater Restrictions.** This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. **Interpretation.** In the interpretation and application of this Chapter, all provisions shall be:
 1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

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15.04.070 - Administration; designation of the floodplain administrator.

- A. The South Salt Lake City community and economic development director is hereby appointed the floodplain administrator to administer and implement the provisions of this Chapter and other appropriate section of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. Duties and responsibilities of the floodplain administrator shall include, but not limited to, the following:
 - 1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
 - 2. Review permit applications to determine whether proposed building site, including placement of manufactured homes, will be reasonably safe from flooding.
 - 3. Review, approve or deny all applications for development permits required by adoption of this Chapter.
 - 4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334) from which prior approval is required.
 - 5. Where interpretation is needed as to the exact location of the boundaries of the area of special flood hazard (for example where there appears to be a conflict between a mapped boundary and actual field conditions) the flood plain administrator shall make the necessary interpretation.
 - 6. Notify, in riverine situations, adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 - 7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - 8. When base flood plain elevation data has not been provided in accordance with Section 15.04.060 the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this Chapter.
 - 9. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development(including fill) shall be permitted within Zones A1-30 and AE on the FIRM for South Salt Lake City unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
 - 10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may approve certain development in A1-30, AE, AH on the communities FIRM which increases the water surface elevation of the base flood

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by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (condition letter of map revision).

- C. Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 2. Elevation in relation to mean sea level to which any structure has been flood proofed;
 3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria of this Chapter.
 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 5. Maintain a record of all such information in accordance with this Chapter.
- D. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this Chapter and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that material may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 8. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 9. The relationship of the proposed use to the general plan of the City.

15.04.080 - Development standards.

In all areas of special flood hazard, the following standards are required for all new construction or substantial improvements:

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- A. Anchoring.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;
 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;
 3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 4. Any additions to the manufactured home be similarly anchored.
- B. Construction Materials and Methods.**
1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- C. Utilities.**
1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Specific Standards.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 15.04.060(A), (B), (ii) Section 15.04.070(B)(8), or (iii) Section 15.04.080(F)(3), the following provisions are required:
1. Residential Construction. New construction and substantial improvement of a residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this Subsection as proposed in 15.04.070, Section (C)(1) is satisfied.

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2. **Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the floodplain administrator.
3. **Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered profession engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. **Manufactured Homes.**
 - a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is an addition to applicable state and local anchoring requirements for resisting wind forces.
 - b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this Section be elevated so that either:
 - i. The lowest floor of the manufactured home is at or above the base flood elevation; or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 5. Recreational Vehicles. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
 - a. Be on site for fewer than one hundred eighty (180) consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permit requirements of Section 15.04.070(C)(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

E. Standards for Subdivision Proposals.

- 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Section 15.04.020(A), (B), and (C) of this Chapter.
- 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Section 15.04.060(C); Section 15.04.070(C); and the provisions of Section 15.04.080 of this Chapter.
- 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 15.04.060(A), (B), (ii) Section 15.04.070(B)(8) of this Chapter.
- 4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- 5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

- F. Standards for Areas of Shallow Flooding (Ago/Ah Zones).** Located within the areas of special flood hazard established in Section 15.04.060(B), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where

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velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 2. All new construction and substantial improvement of non-residential structures:
 - a. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - b. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic load of effects of buoyancy.
 3. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this Section, as proposed in Section 15.04.070, are satisfied.
 4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
- G. Floodways.** Located within areas of special flood hazard established in Section 15.04.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. If Section 15.04.080(H)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.04.080.
 3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

15.05.010 – Interlocal Agreement.

It is the intent of the City that the provisions of the agreement between the Utah Transit Authority and the City adopted on February 17, 2004 by Resolution R-2004-5 shall restrict the exercise by the City of its authority within the designated corridors to the full extent provided by the agreement,

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notwithstanding anything in an existing or future City ordinance to the contrary. Accordingly, all operative provisions of the agreement are adopted and incorporated into this Code by reference. To the extent any City ordinance existing at the time of the adoption of Resolution R-2004-5 conflicts with the provisions of the adopted agreement, such ordinance is amended to limit and restrict the operation and applicability thereof solely to territory outside the corridor. Any future City ordinance to come after the time of the adoption of Resolution R-2004-5 that conflicts with the provisions of the agreement shall, during the term of the agreement, be construed as applying solely to territory located outside the corridor. For purposes of this Section, "corridor" is as defined in the agreement.

TITLE 17 – Land Use and Development

Chapter 17.01 - Definitions

17.01.010 - Definitions.

"Active Business" means a business holding a current South Salt Lake City business license.

"Administrative Law Judge" means a person appointed by the Mayor or the Mayor's designee to preside over administrative hearings.

"Adult Day Care" means non-residential daytime care and supervision of three (3) or more functionally impaired adults. Adult Day Care is not Day Treatment or a Homeless Shelter.

"Affected Entity" for the purposes of required notice of public hearings for a General Plan amendment or the adoption or revision of a Land Use Regulation, means 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:

1. The entity's services or facilities are likely to require expansion or significant modification because of an intended Use of land;
2. The entity has filed with the City a copy of the entity's general or long-range plan; or
3. 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 the state Land Use Development and Management Act.

"Alcoholic Beverage, Banquet and Catering" means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 6, On-Premise Banquet License, and corresponding City liquor license.

"Alcoholic Beverage, Bar Establishment" means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 4, Bar Establishment License, and corresponding City liquor license.

"Alcoholic Beverage, Beer Recreational" means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 7, On-premise Beer Retailer License, and corresponding City beer license.

"Alcoholic Beverage, Beer Wholesaler" means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 13, Beer Wholesaling License Act, and corresponding City beer license.

"Alcoholic Beverage, Hotel" means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 8b, Hotel License Act, and corresponding City liquor license.

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“Alcoholic Beverage, Liquor Warehouse” means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 12, Liquor Warehousing License Act, and corresponding City liquor license.

“Alcoholic Beverage, Local Industry Representative” means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 11, Part 6, Local Industry Representative License Act, and corresponding City liquor license.

“Alcoholic Beverage, Manufacturer” means an entity operating under and holding the required (a) Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B:

1. Chapter 11, Part 3, Winery Manufacturing License,
2. Chapter 11, Part 4, Distillery Manufacturing License, or
3. Chapter 11, Part 5, Brewery Manufacturing License; and

(b) corresponding City liquor license.

“Alcoholic Beverage, Off-Premise Beer” means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 7, Off-Premise Beer Retailer Act, and corresponding City beer license, and only as a component of a Convenience Store with Fuel Pumps, General Retail, or Manufacturer Alcoholic Beverage Use.

“Alcoholic Beverage, Package Agency” means an entity other than the state operating a retail liquor location to sell packaged liquor for consumption off the premises of the package agency under (a) an agreement with the Department of Alcoholic Beverage Control, as authorized by the Alcoholic Beverage Control Commission in accordance with Utah Code Annotated Title 32B, Chapter 2, Part 6, Package Agency, and (b) corresponding City liquor license.

“Alcoholic Beverage, Reception Center” means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 9, Reception Center License, and corresponding City liquor license.

“Alcoholic Beverage, Restaurant (Beer Only)” means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 9, Beer-Only Restaurant License, and corresponding City beer license.

“Alcoholic Beverage, Restaurant (Limited Service)” means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 3, Limited-service Restaurant License, and corresponding City liquor license.

“Alcoholic Beverage, Restaurant (Full Service)” means an entity operating under and holding the required Department of Alcoholic Beverage Control license issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 2, Full-service Restaurant License, and corresponding City liquor license.

Exhibit C

“Alcoholic Beverage, Special Use (Educational)” means an entity operating under and holding the required Department of Alcoholic Beverage Control educational use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Special Use Permit Act, and corresponding City special-use license.

“Alcoholic Beverage, Special Use (Industrial / Manufacturing)” means an entity operating under and holding the required Department of Alcoholic Beverage Control industrial or manufacturing use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Part 4, Industrial or Manufacturing Use Permit, and corresponding City special-use license.

“Alcoholic Beverage, Special Use (Scientific)” means an entity operating under and holding the required Department of Alcoholic Beverage Control scientific use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Special Use Permit Act, and corresponding City special-use license.

“Alcoholic Beverage, Special Use (Religious)” means an entity operating under and holding the required Department of Alcoholic Beverage Control religious wine use permit issued in accordance with Utah Code Annotated Title 32B, Chapter 10, Part 6, Religious Use of Alcoholic Products, and corresponding City special-use license.

“Alcoholic Beverage, Tavern” means an entity operating under and holding the required Department of Alcoholic Beverage Control license for a tavern, issued in accordance with Utah Code Annotated Title 32B, Chapter 6, Part 7, On-premise Beer Retailer License, and corresponding City beer license.

"Alcoholic Beverage, State Liquor Store" means an means a facility established by the Alcoholic Beverage Control Commission in accordance with Utah Code Annotated Title 32B, Chapter 2, Part 5, State Store, the for the sale of packaged liquor located on premises owned or leased by the state and operated by a state employee. State Liquor Store does not include any other Alcoholic Beverage Use.

"All-Terrain Vehicle (ATV), Motorcycle, Personal Watercraft (PWC), Snowmobile Sales and Service" means the indoor sale or lease of any motorized off-road vehicle fifty (50) inches or less in overall width, with a dry weight of eight hundred (800) pounds or less, or other similarly sized motorized vehicles, not including automobiles, trucks, trailers, etc. This Use includes the incidental and subordinate service of such motorized off-road vehicles but does not include any outdoor storage or sales.

"Alley" means a paved Right-of-Way that provides secondary vehicular access and is not intended for general traffic circulation.

"Alteration" means any change or rearrangement in the structural parts or design of a Sign, whether by extending on a side, by increasing in area or height or in moving from one location or position to another. Alteration does not include the regular repair or maintenance of a Sign.

“Amusement Device” means any machine, device, or contrivance, not prohibited or declared unlawful by the City or the state of Utah, designed or intended to be operated or used for amusement or the playing of a game upon or in exchange for paying a fee or inserting a coin or token.

"Antenna" means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

"Animal Boarding / Raising (Farm)" means a business primarily engaged in raising or boarding animals for profit on a farm.

Exhibit C

"Animal Hospital / Veterinary Office (Small Animal)" means an establishment operated by a licensed veterinarian, at which small or medium-sized farm animals or household pets are treated within a completely enclosed Structure. Animal Hospital or Veterinary Office includes the incidental and subordinate boarding of small animals.

"Animal Kennel/Day Care, Commercial" means a facility where three (3) or more pet animals, owned by another person, are temporarily boarded for pay, trade, barter, commission, or remuneration of any sort. Commercial Animal Kennels do not include zoos, Veterinary Offices, or Animal Hospitals.

"Antique or Classic Automobile" means an automobile that is at least 25 years old, with enough historical interest to be collectable and worth preserving or restoring rather than scrapping.

"Apiary" means a place where beehives are kept and maintained, where bees are raised primarily for honey.

"Applicant" means a property Owner, or the property Owner's designee, who submits an Application regarding the property Owner's land.

"Application" means a submission required by the City to obtain a Land Use Decision. An Application does not include a Petition to (a) enact, amend, or repeal a Land Use Regulation; or (b) modify the General Plan.

"Architectural Elements" means the unique details and component parts that, together, form the architectural style of a Structure.

"Art Gallery" means a business engaged in the exhibition and sale of artwork. Art Gallery does not include the sale of art supplies or other raw materials used in the creation of artwork.

"Art Studio" means a place where artwork is created. An Art Studio includes, but is not limited to, a place to paint, sculpt and fire clay, or engrave and work metal into artistic forms. An Art Studio does not include a place to practice or perform Performance Art.

"Assisted Living Facility" means 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. Assisted Living Facilities create service plans for residents based on assessment that 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 Adult Daycare or Homeless Shelter.

"ATM, Kiosk, Vending Machine (Self-Service, Interactive, Outdoors)" means 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

Exhibit C

Institution; dispensing anything of value including food, beverage, goods, wares, merchandise, or services; or posting of notices or advertisements.

"Auction House" means a Structure or area within a Building used for the public sale of goods, wares, merchandise, livestock, or equipment to the highest bidder.

"Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent)" means a business engaged in the sale, lease, or rental of automobiles, light trucks, vans, RVs, boats, or trailers and includes incidental parking of such vehicles, and warranty repair work and other repair services that is incidental and subordinate to the sale, lease, or rental aspect of the business.

"Auto Auction" means the sale of automobiles through a process in which multiple bidders compete to acquire a vehicle that is ultimately sold to the person offering the highest price.

"Auto Body Repair" means a facility for repairing passenger vehicles, light and medium trucks, and other motor vehicles such as motorcycles, boats, and recreational vehicles. Auto Body Repair includes auto body painting.

"Automotive Restoration" means the process of repairing degraded aspects of Antique or Classic Automobiles to return them to an "authentic" condition.

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

"Automotive Service Station (Non-Mechanical)" means a business that provides routine maintenance (windshield, tire, fluids, etc.) for passenger vehicles, while the customer waits on-site.

"Aviary" means an enclosure specifically constructed to hold live birds in confinement. Aviary does not include Urban Poultry.

"Bail Bonds" means any sole proprietor or entity that: (a) is licensed under Utah Code § 31A-35-404(1) or (2); (b)(i) is the agent of a surety insurer that sells a bail bond in connection with judicial proceedings; (ii) pledges the assets of a letter of credit from a Utah depository institution for a bail bond in connection with judicial proceedings; or (iii) pledges personal or real property, or both, as security for a bail bond in connection with judicial proceedings; and (c) receives or is promised money or other things of value for a service described in Subsection b.

"Bakery, Commercial" means an establishment that makes and sells food products such as bread, cake, or pastries for large-scale distribution and wholesale.

"Bakery, Neighborhood" means an establishment that is no more than 2,000 square feet, primarily serving the surrounding neighborhood, that makes and sells food products such as bread, cake, and pastries.

"Barber Shop / Hair Salon" means a business that primarily provides hair coloring or trimming services for a fee. A Barber Shop / Hair Salon does not include a Day Spa.

"Berm" means an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other similar purposes.

Exhibit C

"Billboard" means a Detached Sign that is designed or intended to direct attention to a business, product or service that is not sold, offered, or existing on the property where the Sign is located. A Billboard is an outdoor advertising Structure as defined by state statutes. The following also apply to Billboards:

1. "Nonconforming Billboard" means an existing Billboard that is located in a zoning district or otherwise situated, sized, or constructed in a way that would not be permitted by the provisions of this Title.
2. "Embellishment" means an extension of the Billboard resulting in increased square footage as part of an artistic design to convey a specific message or advertisement.

"Block" means the aggregate of Lots, Parcels, and Right-of-Ways, other than Alleys or lanes, bounded on all sides by Streets.

"Blood / Plasma Donation Center" means a walk-in facility, that is not accessory to a Medical Clinic, where blood and/or plasma is donated or sold, and then distributed for use in medical or other similar products.

"Buffer" means 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 Standard" means the area of a Lot in which the Primary Façade of the Main Building must be located and is parallel to the Front or Corner Property Line. The Build-To Standard defines the area in which the locations of Building fronts can vary within a specified range.

"Buildable Area" means the area of a Lot—excluding wetlands, steep slopes, and easements— available for construction after the minimum Yard, parking, and open space requirements of this Title have been met.

"Building" means any Structure having a roof supported by columns or walls, for the occupancy or enclosure of persons, animals, or chattel.

"Building, Elevation" means the entire wall surface on one side of a Building, measured as the full horizontal distance of a Façade wall from Grade to the underside of an overhanging eave or cornice.

"Building Height " means the vertical distance of a Structure measured from the average of the midpoint of the two (2) tallest elevations, as measured from adjacent Grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the midpoint between ridge and eaves of a sloped roof.

"Building, Historic" means any Building or Structure that is historically or architecturally significant according to the requirements found in Section 17.03.160.

"Building, Main or Primary" means the principal Building, or one of the principal Buildings on a Lot, that contains the Primary Use on the Lot.

"Building Line" means the line circumscribing the Buildable Area of a Lot in a vertical plane that intersects the ground and the heavens.

Exhibit C

"Building Permit" means a permit issued by the City's Community Development Department authorizing Construction Activity on a Property or Lot.

"Carport" means a private garage open on two (2) or more sides.

"Car Wash" means a Building used for washing and cleaning motor vehicles and other light duty equipment

"Child Care" means the provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than twenty-four (24) hours a day. Child Care does not include babysitting services on a casual, non-recurring nature or in the child's home, nor cooperative, reciprocal child care by a group of parents in their respective domiciles.

1. "Child Care, In-Home Babysitting" means the provision of child care for eight (8) or fewer children within a Dwelling or within a commercial Building outside of residential zoning districts.
2. "Child Care, Family" means the provision of child care for up to eight (8) children, including the provider's children who are under the age of eighteen (18), within the provider's primary residence.

"Child Care Center" means a Building, including outside play areas, used for the provision of Child Care for more than four (4) children for less than twenty-four (24) hours a day, that is not a primary residence.

"City" means South Salt Lake City.

"City Building" means any Building or space within a Building that is owned or operated by the City.

"City Council" means the legislative body of the South Salt Lake City government.

"Clear View Area" means that portion of a Corner Lot lying within a triangular area formed by a diagonal line connecting lines located at the curb line thirty feet (30') from the projected intersection of such curb lines. Where no curb exists, the Clear View Area shall include that portion of a Corner Lot lying within a triangular area formed by a diagonal line connecting lines located at the Property Line twenty feet (20') from the intersection of said Property Line. Where Property Lines of adjacent properties extend into the Right-of-Way, the calculations shall be made from the edge of the improved Right-of-Way for a distance of thirty feet (30').

"Code" means the City of South Salt Lake Municipal Code.

"Collocation" means locating a wireless communications facility on an existing structure, tower, or Building in a manner that precludes the need for that wireless communications facility to be located on a freestanding Structure of its own.

"Commercial Repair Services" means a business primarily engaged in the provision of repair services to individuals, households, and/or other businesses, but excluding automotive and equipment repair.

"Common Wall" means a dividing partition between two (2) adjoining Buildings that is shared by the occupants of each residence or business. Also known as a "party wall."

Exhibit C

"Compatible" or "Compatibility" means the characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, Scale, mass and bulk of Building, pedestrian and vehicular circulation, parking, Landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

"Construction Activity" means (a) all grading, excavation, construction, grubbing, mining, or other Development that materially disturbs or changes the natural vegetation, Grade, or existing Structure; or (b) the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.

"Condominium" means the ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property.

"Construction Codes" means the nationally recognized Construction Codes adopted by the state of Utah.

"Contributory Structure" means a Structure that was built within the historic period (fifty (50) years or older), retains most of its original appearance without major changes to the structure, is eligible for the National Register because of architectural significance, and is deemed to contribute to the Historic and Landmark district by the Historic and Landmark Commission.

"Convenience Store with Fuel Pumps" means a business that primarily sells petroleum products to consumers as well as incidental and subordinate sales of vehicle-related products, tobacco products, alcohol, food, and/or beverages.

"Courtyard" means an outdoor area enclosed by a Building on at least two (2) sides and open to the sky.

"Coverage" means that percentage of the Parcel or Lot Area covered by the Building. This term can also be referred to as "Building Coverage."

"Crime Prevention Through Environmental Design (CPTED)" means the set of design principles for creating safer built environments by incorporating natural surveillance, access control, territorial reinforcement, a sense of ownership, management, and maintenance.

"Crematory / Embalming Facility" means a business, properly licensed by the state, that is devoted to cremation and/or embalming of the dead, but does not include facilities for burial, internment, body viewing, or funeral services.

"Day Spa" means a business that provides at least four (4) distinct therapeutic and/or personal grooming services—performed by a state licensed barber, cosmetologist, electrologist, esthetician, nail technician, massage therapist, or acupuncturist—and does not provide any service for which a state license is not required.

"Day Treatment Center" means a state licensed outpatient treatment center that provides care to four (4) or more persons who are unrelated to the Owner or provider and have emotional, psychological, physical, or behavioral dysfunctions, impairments, or chemical dependencies for fewer than twenty-four (24) hours a day. A Day Treatment Center does not include Adult Day Care or a Homeless Shelter.

"Dedication/Dedicated" means the intentional transfer of land by the Owner to the City for public Use and/or ownership.

Exhibit C

"Density" means the intensity or number of non-residential and Residential Uses expressed in terms of unit equivalents per acre or Lot or units per acre. Density is a function of both the number and type of Dwelling Units and/or non-residential units and the land area.

"Development" means any Building activity or clearing of land as an adjunct of construction.

"Drive Aisle" means the area within a Parking Lot, garage, or Structure providing access to and from Parking Stalls.

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

"Dry Cleaning / Laundromat" means a business that launders or dry cleans garments, draperies, etc., that are dropped off directly by the customer, or a business where articles are dropped off, sorted, and picked up, but not where laundering or dry cleaning occurs.

"Dwelling" means any Building, or portion thereof, that is used for long-term Residential Use.

"Dwelling, Live/Work" and "Live/Work" means an integrated Dwelling Unit and work space, designed to accommodate joint residential occupancy and work activity, and that is occupied and utilized by the person or Family residing in the attached Dwelling Unit. A Live/Work Dwelling incorporates the Residential Use above the attached work space. A Live/Work Dwelling does not include any work space used for Massage Therapy.

"Dwelling, Multi-Family" and "Multi-Family" means a Building containing fifty (50) or more independent and individual Dwelling Units, or equivalent residential units, including units that are located one over another.

"Dwelling, Single-Family" and "Single-Family" means a Building containing one Dwelling Unit occupied by one Family that is not attached to any other Dwelling and is surrounded by open space or Yards.

"Dwelling, Townhome" and "Townhome" means a Dwelling Unit, located on its own Lot or a Condominium, that shares one or more Common Walls with one or more Dwelling Units, and is accessed through a Front Yard. Townhome Dwellings are individually owned and do not share common floor/ceilings with other Dwelling Units.

"Dwelling Unit" means a Building or portion thereof, with sleeping and kitchen facilities for the exclusive Use of up to four (4) unrelated persons or one (1) Family. A Dwelling Unit does not include a Hotel, Motel, Lodge, Nursing Home, or Homeless Shelter.

"Education, After School (Children)" means developmental or educational programs for children that occur outside the typical school day.

"Education, Elementary or Secondary" means any school, that meets state requirements for Elementary or Secondary Education.

"Education, Higher (Public)" means a public institution for higher learning—beyond high school—that grants associate's or bachelor's degrees. Public Higher Education includes accredited Community Colleges that grant Certificates of Completion in business or technical fields.

Exhibit C

"Education, Preschool" means a school for the instruction of children prior to entrance into kindergarten.

"Education, Technical" means a secondary or higher education facility, that meets the state requirements for Technical Schools, that primarily teaches skills that prepare students for jobs in a trade. Technical Education includes trade and vocational schools.

"Electronic Message Center" means a mechanism or device that uses a combination of lights or lighted panels that are controlled electronically to produce words, symbols, or messages that may flash, travel, or scintillate within a given panel area.

"Employment Agency / Temporary Staffing" means a commercial organization, located in an office setting, that finds jobs for people seeking them, finds people to fill jobs that are open, or supplies employees to other businesses on a temporary basis.

"Equestrian Facility" means a commercial horse, donkey, or mule facility consisting of detached Buildings designed and used to care for such animals. An Equestrian Facility includes horse ranches, boarding stables, riding schools, and exhibition facilities.

"Equipment Sales, Service, and Rental (Heavy and Farm)" means a business primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment. Equipment Sales, Service, and Rental includes accessory storage, maintenance, and service for such equipment.

"Escort Service" means any person who furnishes or arranges for an escort to accompany another individual for: (a) companionship; and (b)(i) a salary; (ii) a fee; (iii) a commission; (iv) for hire; (v) for profit; or (vi) any amount similar to an amount listed in this Title.

"Façade" means that portion of any exterior elevation of a Structure extending from Grade to the top of the parapet, wall, or eaves, and extending the entire width of the Structure's elevations.

"Façade, Distinctly Different Primary" means a Primary Façade that materially differs from other Primary Façades in the same Subdivision. Distinctly Different Primary Façades do not include mirror images.

"Façade, Primary" means the Façade parallel to the Street the Building derives its Street address from and includes the primary entrance for the Building.

"Family" means (a) one (1) person living alone or two (2) or more persons related by blood, marriage, or adoption, according to the laws of the state of Utah; or (b) a group not to exceed four (4) unrelated persons living together as a single housekeeping unit for which a lawfully located off-Street Parking Stall is provided for each person.

"Farmers Market" means the sale of fresh agricultural products directly to the consumer at an open-air market sponsored by the City of South Salt Lake.

"Final Grading" means the last stage of grading soil or gravel prior to Landscaping, the installation of concrete or bituminous paving, or other required final surfacing material.

Exhibit C

"Financial Institution" means the provision of financial or banking services to consumers or clients. Financial Institution does not include a Non-Depository Institution such as: Check Cashing, Title Loan, Payday Loan, Pawnshop, or Precious Metal Recycling.

"Fitness Center" means a commercial establishment providing space within a Building, or a portion thereof, for fitness classes, martial arts classes or competition, dance classes, exercise equipment, game courts, swimming facilities, saunas, showers, and lockers.

"Floor Area" means the sum of the gross horizontal areas of each Story of a Building or Buildings, measured from the exterior faces of the exterior walls or from the centerline of Common Walls. Basements, interior balconies and mezzanines, elevator shafts, stairwells, and enclosed Porches are included in Floor Area. Also referred to as "Gross Floor Area."

"Food Processing (Large-Scale)" means an establishment containing a full commercial kitchen, where food is processed or otherwise prepared for eventual human consumption.

"Food Processing (Small-Scale)" means an establishment containing a full commercial kitchen, where food is processed or otherwise prepared for human consumption, within a facility three thousand (3,000) square feet or less in size.

"Food Truck / Food Trailer " means a fully enclosed food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport and from which a Food Truck Vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.

"Food Truck Park " means three (3) or more Food Trucks or Trailers that congregate at an established private property location to offer food or beverages for sale to the public.

"Food Truck / Food Trailer Vendor" means a person who prepares, sells, cooks, or serves food or beverages for immediate human consumption from a Food Truck or Trailer.

"Frontage" means that portion of a Lot abutting a Right-of-Way that provides access to the Lot and is ordinarily regarded as the front of the Lot.

"Funeral / Mortuary Home" means a state licensed establishment for the storage of dead human bodies prior to autopsy, burial, cremation, or release to survivors. A Funeral / Mortuary Home also includes the arrangement and management of funerals and may include accessory caretaker facilities.

"Garage, Attached" means a Building or Structure, or portion thereof, used or designed to be used for the parking and storage of motor vehicles that shares a Common Wall with the Primary Structure and is incidental and subordinate to the Primary Use.

"Garage, Detached" means a detached Structure that is on the same Lot and incidental and subordinate to a Primary Building or Primary Use, has legal vehicular access from a public Right-of-Way, and is used and designed for the parking and storage of vehicles.

"Garage, Front Loading" means a Building designed and used for parking vehicles, that is accessed from the front of the Building via a public or private Right-of-Way.

Exhibit C

"Garage, Rear Loading" means a Building designed and used for parking vehicles, that is accessed from the rear of the Building from a Private Street, Alley, or driveway.

"Good Cause" means providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to Density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of the City and furthering the health, safety, and welfare of the South Salt Lake community.

"Grade" means (a) the lowest point of elevation of the finished surface of the ground, paving, or sidewalk between the Building and the Property Line; or (b) when the Property Line is more than five (5) feet from the Building, between the Building and a line five (5) feet from the Building.

"Grooming Services (Pets)" means a commercial facility where domestic animals are bathed, clipped, or brushed for the purpose of enhancing their aesthetic value or health.

"Group Home" an establishment that provides residence to individuals with prolonged care needs, is located in a residential area, maintains the residential character of the area, is properly licensed by the state and the City and provides an on-site caregiver for purposes of providing medical and physical assistance due to age and/or disability of the tenant(s). A Group Home does not include a Homeless Shelter or a treatment facility for persons who are actively abusing drugs.

"Guaranty" means a security to ensure completion of work other than public Landscaping and Infrastructure Improvements.

"Hard Surface" means a surface covered with concrete, brick, asphalt, or other Impervious Material.

"Haunted House" means a City licensed business that is advertised to the public as a Haunted House, and for a fee, patrons are directed through a Building, tent, or other similar Structure that contains Halloween-related displays, acts, exhibits, live performances, or other attractions intended to entertain or amuse patrons. A Haunted House does not include a Sexually Oriented Business.

"Historic Building" means any Building listed in the National Register of Historic Places, the Utah State Register of Historic Sites, or designated as a Historic Building by the City Council.

"Historic and Landmark Commission" means the Planning Commission.

"Home Craft Production" means the production of items, materials, or wares, manufactured in a Dwelling or Accessory Structure that does not create an adverse impact on the surrounding neighborhood. Home Craft Production includes but is not limited to: laser engraving, etching and cutting, 3D printing, wood and metal work, jewelry making, textile arts, ceramics, light furniture assembly, and small Cottage Food Production in a Dwelling as defined by the state of Utah and subject to approval by the Salt Lake County Health Department.

"Home Occupation, Category I" means any business carried on entirely within a Dwelling by occupants of such Dwelling that is clearly incidental and secondary to the Residential Use of the Dwelling, has no outside impacts on the neighborhood in which it is located, and does not change the character of the Dwelling or the neighborhood in which it is located.

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"Home Occupation, Category II" means any business carried on entirely within a Dwelling by occupants of such Dwelling that is clearly incidental and secondary to the Residential Use of the Dwelling, has no outside impacts on the neighborhood in which it is located, and does not change the character of the Dwelling or the neighborhood in which it is located.

"Homeless Shelter" means a facility that is professionally designed, constructed, and managed to safely provide homeless individuals temporary overnight accommodation, on a site selected by and funded through the Utah Homeless Coordinating Committee, with the concurrence of the housing and community development division of the Department of Workforce Services. A Homeless Shelter is not Adult Day Care or Day Treatment.

"Horticulture / Produce Sales" means the commercial production of fruits, vegetables, flowers, nursery stock, or cultured sod.

"Hospital, Specialty" means a business, licensed by the state of Utah, that meets the state definitions for Rehabilitation, Long-Term Acute Care, Orthopedic, or Critical Access Specialty Hospitals.

"Hotel" means a Building containing fifteen (15) or more sleeping rooms, each accessed from within the Building, for the occupancy of guests on a nightly basis for a fee. A Hotel is not a Homeless Shelter.

"Hotel, Extended-Stay" means a Building containing fifteen (15) or more sleeping rooms, each accessed from within the Building, for the occupancy of guests on a nightly basis for a fee that also contain kitchen facilities for food preparation including but not limited to refrigerators, stoves, and ovens. Extended Stay Hotel does not include a Motel or a Homeless Shelter.

"Impervious Surface" means concrete or asphalt.

"Improvement Completion Assurance" means a cash deposit, or other financially equivalent security to ensure the proper completion of public Landscaping or an Infrastructure Improvement required as a condition precedent to: (a) recording a Subdivision Plat; or (b) Development of a commercial, industrial, Mixed-Use, Condominium, or Multi-Family Dwelling project.

"Improvement Warranty" means an Applicant's unconditional warranty that the Applicant's installed and accepted Landscaping or Infrastructure Improvement: (a) complies with the municipality's written standards for design, materials, and workmanship; and (b) will not fail in any material respect, as a result of poor workmanship or materials, within the Improvement Warranty Period.

"Improvement Warranty Period" means a period: (a) no later than one year after the City's acceptance of required Landscaping; or (b) no later than one year after the City's acceptance of required infrastructure, unless the City: (i) determines for Good Cause that a one-year period would be inadequate to protect the public health, safety, and welfare; and (ii) has substantial evidence, on record: (A) of prior poor performance by the Applicant; or (B) that the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the Applicant to mitigate the suspect soil.

"Impound and Tow Lot" means a Parcel of land or a Structure that is used for the temporary (less than 30 days) storage of motor vehicles awaiting insurance adjustment, transport to a repair shop, or to be claimed by titleholders or their agents. Impound and Tow Lot does not include the permanent storage of motor vehicles.

Exhibit C

"Infrastructure Completion Agreement" means an agreement between the City and a property Owner to install improvements secured by a cash deposit or another financial-equivalent approved method, in an amount corresponding to the City's estimate to install required Landscaping and Infrastructure Improvements.

"Infrastructure Improvement" means permanent infrastructure that an Applicant must install: (a) pursuant to published installation and inspection specifications for Public Improvements; and (b) as a condition of: (i) recording a Subdivision Plat; or (ii) Development of a commercial, industrial, Mixed-Use, Condominium, or Multi-Family Dwelling project.

"Jail" means a state licensed facility for judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave.

"Juvenile Detention Facility" means a state operated facility, for judicially required detention of delinquent juveniles.

"Landscaping" means the finishing and adornment of unpaved Yard areas. Landscaping includes any combination of living elements such as grass, trees, shrubs, and flowers, that are generally not considered to be weeds or noxious plants. Landscaping may also include rocks, water features, benches, Berms, or other similar structural features that create an attractive and pleasing environment.

"Landscape Plan" means a plan clearly and accurately depicting the proposed location, type, and size of new and existing trees, shrubs, and ground cover to be planted on the site and a complete water efficient irrigation system plan, pursuant to Chapter 17.06 of the Municipal Code.

"Landscaped Area" means the entire Lot or Parcel, less the Building footprint, driveways, non-irrigated portions of Parking Lots, hardscape (such as decks and patios), and other Impervious Surfaces. Water features are included in the meaning of Landscaped Area.

"Land Use Decision" means an administrative decision of a land use authority regarding: (a) a Land Use Permit; (b) an Application; or (c) the enforcement of a Land Use Regulation, Land Use Permit, or Development agreement.

"Land Use Decision, Final" means the written decision of the appeal authority regarding a Land Use Decision.

"Land Use Map" means the map adopted by the City Council identifying the location of all land use districts within the City.

"Land Use Matrix" means the table of land use categories and land use districts located within Chapter 17.03 of the Municipal Code.

"Land Use Permit" means a permit issued by the land use authority.

"Land Use Regulation" means an ordinance, law, map, resolution, specification, fee, or rule, in any provision of the South Salt Lake Municipal Code, that governs the Use or Development of land, including the adoption or amendment of a Land Use Map.

"Lattice Tower" means a self-supporting, multi-sided, open steel frame Structure used to support telecommunications equipment.

Exhibit C

"Library" means a public, nonprofit Building constructed to house literary, musical, artistic, or reference materials.

"Lot" means a tract of land described as such in a recorded Subdivision Plat.

"Lot Area" means the total area contained within a Lot, typically expressed in square feet or acres.

"Lot, Corner" means a Lot situated on two (2) or more improved public or Private Streets, the interior angle of such intersection not exceeding 135 degrees (135°).

"Lot Depth" means the minimum distance measured from the Front Property Line to the Rear Property Line of the same Lot.

"Lot, Interior" means a Lot that fronts on a Street, other than a Corner Lot.

"Lot Line" means any line defining the boundaries of a Lot.

"Lot Line Adjustment" means a relocation of a Lot Line boundary between adjoining Lots or Parcels, whether or not the Lots are located in the same Subdivision, in accordance with UCA § 10-9a-608, with the consent of the Owners of record. A Lot Line Adjustment does not authorize the relocation of a boundary line that:

1. creates an additional Lot; or
2. constitutes a Subdivision.

"Lot, Through/Double Frontage" means an Interior Lot with Frontage on two (2) approximately parallel public or private Rights-of-Way, excluding an Alley.

"Low Power Radio Services Facility" means an unmanned Structure which consists of equipment used primarily for the transmission, reception, or transfer of voice or data through radio wave or wireless transmissions.

"Maintenance Facility, Vehicle / Transit" means any Building, premise, or land upon which a 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.

"Manufactured Home" means a transportable, factory-built Dwelling Unit constructed on or after June 15, 1976, in one or more sections, which: (a) in the traveling mode, is eight feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet; and (b) is designed to be used as a Dwelling with a permanent foundation, connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

"Manufactured Home Park" means any area or tract of land used or designed to accommodate two (2) or more Manufactured or Mobile Homes, for Dwelling or sleeping purposes, regardless of whether a fee is paid for such accommodation.

"Manufacturing, Major" means the manufacturing, fabrication, processing, or assembly of materials in a raw form in a manner that creates greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Major Manufacturing does not include any business engaged in manufacturing, processing, or packaging alcohol, pharmaceutical drugs, or any Cannabis product.

Exhibit C

"Manufacturing, Minor" means any business engaged in research and development, manufacturing, processing, fabrication, packaging, or assembly of goods that do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on site or on an adjacent site. Minor Manufacturing does not include any business engaged in manufacturing, processing, or packaging alcohol, pharmaceutical drugs, or any Cannabis product.

"Massage Therapy" means a business, located within a licensed Medical Office, where state licensed massage therapists, physical therapists, medical doctors, or chiropractors, perform nonmedical and nonsurgical manipulative exercises on the muscle or tissue of the human body for other than cosmetic or beautifying purposes. Massage Therapy does not include Reiki.

"Master Plan" means the Site Plan, elevations, and regulations approved by the City for a specific Master Planned Mixed-Use Development.

"Material, Primary" means any material that occupies at least sixty (60) percent of the exterior Façade(s) of a Building or Structure.

"Material, Secondary" means any material that occupies no more than twenty (20) percent of the exterior Façade(s) of a Building or Structure.

"Mixed-Use" and "Mixed-Use Development" means a Development project that includes a Residential Use combined with one or more of the following Uses: Retail, service, or office; that 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.

"Mobile Home" means a transportable, factory-built Dwelling Unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the HUD code.

"Monopole" means a single, self-supporting, cylindrical pole that acts as the support Structure for Antennae.

"Monopole with Antennae and Antenna Support Structures, Major" means a self-supporting Monopole tower on which Antennae or Antenna Support Structures are placed that exceed two feet (2') in width, but not more than 15 feet (15'), with a maximum height of eight feet (8').

"Monopole with Antennae and Antenna Support Structure, Minor" means a Monopole with Antennae and Antenna Support Structures not exceeding two feet (2') in width and ten feet (10') in height.

"Motel" means a Building or series of Buildings in which temporary, over-night accommodation is offered for a fee, that provides direct independent access to, and adjoining parking for, each rental unit.

"Movie Studio / Sound Stage" means a Building primarily used for motion picture, television, video, sound, computer, and other communications media production, including the construction and use of indoor sets. A Movie Studio or Sound Stage does not include a Sexually Oriented Business.

"Museum" means a Building or group of Buildings that house objects of cultural, historical, artistic, or scientific interest.

"Nature Center" means an establishment designed expressly for and used principally to educate and connect visitors with the natural environment.

Exhibit C

"Noncomplying Structure" means a Structure that legally existed before its current land use designation and because of one or more subsequent Land Use Regulation changes, does not conform to Setback, Height restrictions, or other regulations, excluding those regulations that govern the Use of land.

"Nonconforming Use" means a Use of land that: (a) legally existed before its current land use designation; (b) has been maintained continuously since the time the Land Use Regulations governing the land changed; and (c) because of one or more subsequent Land Use Regulations changes, does not conform to the regulations that now govern the Use of land.

"Non-Contributory Structure" means 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. Non-Contributory Structure status is typically due to the Structure not being built during the historic period (fifty (50) years or older), having major alterations or additions, and/or the Structure no longer retains historic integrity.

"Non-Depository Institution" means a business, other than a Financial Institution, that is registered by the state of Utah pursuant to the Check Cashing and Title Lending Registration Act. Included in Non-Depository Institutions:

1. "Check Cashing Business" means a person or business that, for compensation, engages in cashing a check for consideration or extending a Deferred Deposit Loan. Check Cashing does not include depository institutions, as defined by the state of Utah, Financial Institutions, or 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 one percent of the check or one dollar (\$1.00) as a service fee that is incidental to its main purpose or business.
2. "Payday Loan Business" means an establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.
3. "Title Loan Business" means an establishment providing short-term loans to individuals in exchange for the title of a motor vehicle, motor home, or other motor vehicle as collateral.
4. "Deferred Deposit Loans" means 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, Commercial" means a Business that grows and sells trees, shrubs, flowers, ground cover, and other similar plants. A Commercial Nursery also includes the sale of related products, including fertilizers, mulch, and landscape decoration. A Commercial Nursery does not include growing or selling federally controlled substances.

"Nursing Home" means a long-term, intermediate care/nursing facility, licensed by the state of Utah, for the care of individuals who due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty-four (24) hour per day basis. A Nursing Home includes skilled nursing facilities, elderly care facilities, convalescent homes, and rest homes. A Nursing Home does not include: Adult Daycare or a Homeless Shelter.

Exhibit C

"Occupiable Space" means an enclosed space in which individuals congregate for amusement, education, habitation, or similar purposes, or in which the occupants are engaged in labor.

"Office, Medical, Dental, Health Care" means a Building, or portion thereof containing, offices and facilities for providing medical, dental, or psychiatric services supervised by a licensed M.D./ D.O., D.C., D.D.S./ D.M.D., N.D./ N.M.D., D.P.T., D.P.M., or O.D for outpatients only. A Medical or Dental Health Care Office does not include overnight care of patients.

"Office, Professional" means a Building or portion thereof that houses firms or organizations providing professional services to individuals and businesses, where a majority of client contact occurs at the office including advertising, accounting, architecture, law, insurance, real estate, investment, engineering, and computer services. A Professional Office does not include technical, medical, dental, or administrative offices.

"Open Space, Common" means an area of land, including Landscaping, outdoor recreation areas, club houses, private roads, and sidewalks, within a Lot or Parcel that is commonly owned and used by the residents and guests of the Development.

"Open Space, Public" means an area of land or water that may be used by the public for passive or active recreation, conservation, Landscaped Areas, preserves of the natural environment, or scenic land.

"Open Space, Usable" means an area of land within a Lot or Parcel, that is intended to be used as outdoor space for the benefit of the Owners or tenants of a Development. Usable Open Space may include Landscaped Areas, shade structures, play equipment, play courts, landscaped plazas, Accessory Structures, and stormwater facilities that function as Usable Open Space. Usable Open Space does not include Setbacks, Buffers, Parking, driveways, or any privately-owned spaces.

"Overlay District" means an area designated on the Land Use Map, where certain additional requirements or Uses are added to a base zoning district.

"Owner" means the property owner of record.

"Owner Occupied Residential Development" means those Developments wherein each Dwelling Unit is Subdivided and recorded with a unique tax Parcel identification number.

"Parcel" means any real property that is not a Lot or Condominium.

"Parcel Boundary Adjustment" means a recorded agreement between the Owners of adjoining Parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with UCA § 57-1-45, if no additional Parcel is created and:

1. none of the property identified in the agreement is Subdivided Land; or
2. the adjustment is to the boundaries of a single person's Parcels; and
3. does not mean an adjustment that:
 - a. creates an additional Parcel; or
 - b. constitutes a Subdivision.

"Park Strip" means the Landscaped Area within a public Right-of-Way located between the back of the Street curb and the sidewalk, or, in the absence of a sidewalk, located between the back of the Street curb and the Property Line.

Exhibit C

"Park and Ride" means an off-Street Parking Lot or Parking Structure, owned and operated by Utah Transit Authority, the state, or South Salt Lake City, that is designed for parking automobiles, the occupants of which transfer to public transit to continue their travel.

"Parking Area" means a public or private area, associated with a Building or Structure, that is designed and used for parking motor vehicles. Driveways, Garages, and Parking Lots are Parking Areas.

"Parking Lot" means an off-Street, paved area, used for parking more than four (4) automobiles at one time, that is available for public Use whether free, for compensation, or as an accommodation for clients or customers.

"Parking, Public" means a Parking Area designated for public use.

"Parking, Reciprocal Access" means an off-Street Parking Lot that services two or more commercial properties that share an unobstructed Property Line so that the Parking Areas are accessible to both properties.

"Parking, Shared" means the Development and Use of Parking Areas for joint Use by two (2) or more businesses or residents of adjacent properties.

"Parking Stall" means a designated spot within a Parking Area for parking one motor vehicle, that meets the dimensional requirements of this Title.

"Parking Structure" means a standalone, multi-level Structure designed and used for temporarily parking motor vehicles.

"Pawn Broker" means a person or business that 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.

"Pawnshop" means the physical location or premises where a Pawn Broker conducts business.

"Permanent Supportive Housing" means long term, community-based housing that also provides supportive services for homeless persons with disabilities and enables special needs populations to live as independently as possible in a permanent setting. Permanent Supportive Housing does not include a Homeless Shelter.

"Petitioner" means a Petition to (a) enact, amend, or repeal a Land Use Regulation; or (b) modify the General Plan.

Exhibit C

"Pharmacy" means any place where a state licensed pharmacist (a) dispenses drugs, (b) provides pharmaceutical care, or (c) processes or handles drugs for eventual use by a patient. A Pharmacy does not include production of federally regulated substances, nor the sale of Cannabis or Cannabis related products.

"Place of Worship" means a meetinghouse, church, temple, mosque, synagogue, or other permanent Structure used primarily for regular religious worship.

"Plat" means a map or other geographic representation of land or land and Condominium units that a licensed land surveyor prepares in accordance with UCA § 10-9a-603.

"Plat, Final" means a Plat approved by the Planning Commission.

"Plat Amendment" means the combining of existing, properly subdivided Lots into one or more Lots or the amendment of recorded Final Plat notes or other recorded Final Plat elements.

"Porch" means a roofed area, open on three-sides, that is attached to and derives access from a Building.

"Portable Container" means a large, durable, reusable receptacle that is typically pre-fabricated for the purpose of transporting or storing freight or other goods and not for human occupancy.

"Poultry, Urban" means the keeping of up to six (6) hens on a residential Lot or Parcel, by the Owner of such residential Lot or Parcel, for egg harvesting or companionship, and not for on-site slaughter.

"Precious Metal Recycling" means a business that purchases precious metals from the general public for recycling and refining. Precious Metal Recycling does not include Financial Institutions, a purchaser of precious metals who purchases from a seller seeking a trade-in or allowance, jewelry manufacturers, manufacturers of other items composed in whole or in part of gold, silver, or platinum, or a purchaser of precious metals for his/her own use or ownership and not for resale or refining.

"Printing, Large Scale" means a business specializing in reproduction of written or graphic materials on a custom order basis for individuals or businesses. Large Scale Printing includes photocopy, blueprint, offset printing, publishing, binding, and engraving.

"Property Line" means a boundary line of a Parcel or Lot. See also Lot Line.

"Property Line, Corner" means a boundary of a Lot or Parcel 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" means the boundary of a Lot or Parcel abutting a Right-of-Way, other than an Alley or lane, from which the required Setback or Build-to Standard is measured.

"Property Line, Rear" means the boundary of a Lot or Parcel that is approximately parallel to the Front Property Line. The Rear Property Line that separates Lots from one another or separates a Lot from an Alley.

"Property Line, Side" means the boundary of a Lot or Parcel that is approximately perpendicular to the Front and Rear Property Lines.

Exhibit C

"Protective Housing Facility" means a facility operated, licensed, or contracted by a governmental entity, or operated by a charitable, nonprofit organization, limited to no more than twelve (12) occupants at any one time, that provides temporary, protective housing exclusively 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 Improvement" means any Structure, Street, curb, gutter, sidewalk, water or sewer line, storm sewer, public Landscaping, flood control facility, and other similar facility for which the City may ultimately assume responsibility, or which may affect a City improvement.

"Public Utility Easement" means the area on a recorded Plat, map, or other recorded document that is Dedicated to the use and installation of Public Utility Facilities or accessory equipment.

"Public Utility Facility" means any Structure or Building used by a public utility agency to (a) store, distribute, or generate electricity, gas, or telecommunications, and any related equipment, or (b) to capture, pump, or to otherwise engage in all aspects of treating and distributing water or effluent. A Public Utility Facility does not include storage or treatment of solid or hazardous waste.

"Recording Studio" means a Building, or portion thereof, used by a Business primarily engaged in production music, publishing music, or other sound recording services.

"Recreation Center" means an establishment that provides a variety of recreation and fitness activities including activities within a Structure as well as incidental and subordinate outdoor recreational activities on the same Lot.

"Recycling Collection / Drop-Off Facility" means a facility, entirely contained within a Building, 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 (2) or fewer: a) newspaper recycling bins or b) other similar self-service recycling bins that are not staffed by on-site employees.

"Rehabilitation Center" means a facility licensed by the state to provide temporary occupancy and supervision of adults or juveniles to deliver rehabilitation, treatment, or counseling services that are overseen by a state licensed practitioner. Rehabilitation Centers provide services related to delinquent behavior, alcohol and drug abuse, conditions resulting from alcohol or drug abuse, sex offenses, sexual abuse, or mental health. A Rehabilitation Center does not include a Homeless Shelter or Transitional Care and Rehabilitation.

"Residential Density" means the average number of Dwelling Units allowed per acre of land in a particular Development.

"Restaurant" means a business in which food is prepared and sold for consumption on the premises.

"Retail" means the sale of goods or services directly to the consumer, that generates point-of-sale sales tax revenues for South Salt Lake City.

Exhibit C

"Retail, Accessory" means a business engaged in the selling or rental of goods and/or merchandise. An Accessory Retail business is a maximum of 1,000 square feet and is subordinate and incidental to a Primary Use other than Retail.

"Retail, General" means a business, that occupies a Building greater than 60,000 square feet, that provides goods, including tobacco products and/or alcohol to other businesses in wholesale trade or directly to the consumer. General Retail includes membership warehouse clubs.

"Retail, Neighborhood" means a neighborhood-Scale Retail establishment, that occupies a Building, or portion thereof, less than 60,000 square feet, engaged in the selling of goods or merchandise, but not alcohol or tobacco products, to other businesses in wholesale trade or directly to the consumer.

"Retention Area" means a pond, pool, or basin used for the permanent storage of water runoff.

"Right-of-Way" means a strip of land acquired by reservation, Dedication, prescription, easement, or condemnation that is intended to be occupied by a Street, trail, sidewalk, Park Strip, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

"Roof-Mounted Antenna" means an Antenna or series of individual Antennae mounted on a roof, mechanical room, or penthouse of a Building.

"Scale" means the size of a Building, Structure, Street, sign, or other element compared to the proposed and the existing built environment.

"Screening" means 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" means an Owner or operator of a business, that occupies no less than 3,000 square feet, and that: (a) deals in the purchase, exchange, or sale of used or secondhand merchandise or personal property; and (b) is not a Pawn Broker. Secondhand Merchandise Dealer does not include:

1. The Owner or operator of an antique shop;
2. Any class of businesses exempt by administrative rule under Section 13-32a-112.5 (Utah Code Ann.) or its successor;
3. Any person or entity who operates an Auction House, flea market, or vehicle, vessel, and outboard motor dealer as defined in Section 41-1a-102 (Utah Code Ann.) or its successor;
4. The sale of secondhand goods at events commonly known as "garage sales", "yard sales", or "estate sales";
5. The sale or receipt of secondhand books, magazines, or post cards;
6. 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;
7. The sale or receipt of secondhand clothing and shoes;

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8. Any person offering his own personal property for sale, purchase, consignment, or trade via the Internet;
9. 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;
10. 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;
11. Any dealer as defined in Section 76-6-1402 (Utah Code Ann.) or its successor, which concerns scrap metal and secondary metals; or
12. The purchase of items in bulk that are:
 - a. sold at wholesale in bulk packaging;
 - b. sold by a person licensed to conduct business in Utah; and
 - c. regularly sold in bulk quantities as a recognized form of sale.

"Setback" means the minimum allowable distance between a Structure and the closest Property Line, edge of curb, or platted public or private Right-of-Way.

"Sexually Oriented Business" means any business defined as such in Chapter 5.01 of the Municipal Code.

"Sign" means any advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service. A Sign shall also include the structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of observers. A Sign does not include a flag, badge, or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

"Sign, Abandoned/ Non-Maintained" means any of the following:

1. a Sign that no longer identifies or advertises a current, Active Business located on the property on which the Sign is situated;
2. a Sign for which no legal Owner can be found;
3. Signs for which required licenses have not been maintained for at least one year;
4. a Sign in poor condition displaying peeling paint, rust, and or other evidence of neglect; or
5. Signs considered abandoned or non-maintained as defined by the state of Utah.

"Sign, Animated" means any Sign that uses movement or change of lighting to depict action or to create a special effect or scene (compare with "Flashing Sign").

"Sign Area" means the total area of any Sign, excluding the minimum frame and supports.

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"Sign, Attached" means any Sign that is fastened, attached, connected, or supported in whole or in part to a Building or Building component and includes, but is not limited to, the following:

1. awning Signs;
2. canopy Signs;
3. extended Signs;
4. flat Signs;
5. marquee Signs;
6. Roof Signs (allowed only as a special exception);
7. Window Signs; and
8. painted Wall Signs (allowed only as a special exception).

"Sign, Detached" means any Sign not attached to a Building or Building component and supported permanently upon the ground by poles or braces. A Detached Sign may consist of more than one Sign panel, provided all such Sign panels are attached to one common integrated Sign structure. The total area of all such panels may not exceed the maximum allowable Sign Area specified for the location for Detached Signs. Detached Signs include but are not limited to:

1. pole Signs;
2. ground Signs; and
3. low-profile Signs.

"Sign, Directional (Off-Premise)" means a Sign containing no more than a logo, a name, and directions to the institution or business and is located not located on the same property as the institution or business is located.

"Sign, Incidental " means a small Sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of Incidental Signs include: a credit card Sign, a Sign indicating hours of business, or residential Signs that are limited and temporary in nature such as "Welcome Home" or "It's a Boy!"

"Sign, Nonconforming " means a Sign or a Sign Structure or portion thereof lawfully existing at the time this Title became effective that does not conform to all height, location, placement, construction standards, area, and Yard regulations prescribed in this Title and in the district in which it is located.

"Sign, Roof" means a Sign erected partly or wholly on or over the roof of a Structure, including Detached Signs that rest on or overlap twelve (12) inches or more.

"Sign, Temporary" means and includes any sign, with or without frames, intended to be displayed out of doors for a short period of time and shall be limited to the following:

1. A banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wall board or other light materials;
2. Balloons;
3. Festoons; and

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4. Any Sign not permanently attached to a support or Building as required by this Title.

"Sign, Wall (painted)" means a Sign that is painted on a wall or is painted without a frame or separation from the wall or facing so that it appears to be painted on a wall.

"Sign, Window" means a Sign that is attached to or painted on a window or door or is located within a Building and is visible from the exterior of the Building through a window or door.

"Significant Vegetation" means any large tree of six inch (6") caliper or greater, grove of five (5) or more smaller trees each of less than six inch (6") caliper, or clump of oak or maple trees covering an Area of fifty square feet (50ft²) as measured to their canopy driplines.

"Site Plan" means a plan that outlines the Use and Development of any tract of land within South Salt Lake City for the purposes of determining compliance with this Code.

"Slaughterhouse / Animal Processing " means any facility where livestock or poultry are slaughtered and prepared for distribution to butcher shops, processing facilities, or Retail sales establishments such as grocery stores. A Slaughterhouse is entirely enclosed with a Building and may include packing, treating, storage, on-site sale of animal by-products, or tanning of animal skins and hides.

"Solar Energy System" means an energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy to meet a Structure's energy demands. A Solar Energy System includes systems that are integrated into a Building or Structure, as well as those that are mounted outside of a Building or Structure.

"Specialty Recreational Installation" means a Structure dedicated to the support of one or more outdoor recreational pursuits, and is limited to a yoga, meditation, shade, or picnic pavilion, bicycle-share/rental installation, active nature-play structure, and built trail improvement.

"Storage Facility, Indoor" means a Building used to provide separate, indoor storage areas for individuals or businesses that is designed for direct, private access by the tenant to each unit from an enclosed corridor.

"Storage Facility, Outdoor" means an outdoor equipment yard, depository, stockpiling or storage of materials and products, or contractor's yard. Outdoor Storage Facilities include the storage of items used for non-Retail or industrial trade, merchandise inventory, or bulk materials such as sand, gravel, and other building materials. Outdoor Storage Facilities do not include the outdoor storage of motor vehicles.

"Storage Facility, Warehouse" means a Building that is primarily used for the indoor storage of goods and merchandise and includes a distribution facility. A Storage Warehouse does not include outdoor storage of any kind.

"Story" means the vertical measurement between floors taken from finish floor to finish floor. For the top Story, the vertical measurement is taken from the top finish floor to the top of the wall Plate of the roof.

"Street" means any improved public Right-of-Way for vehicular traffic or any private Right-of-Way Dedicated and improved to City standards that provides Access to property.

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"Street, Arterial" means a Street designated in the Master Streets Plan as a controlled-access highway or major Street parkway.

"Street, Cul-de-Sac" and "Cul-de-Sac" means a minor terminal (dead end) Street with a turn-around.

"Street, Freeway" means a Street with fully controlled access designed to link major destination points.

"Street, Local" means a Street that is designated as such in the Master Streets Plan.

"Street, Major Collector" means a Street that is designated as such in the Master Streets Plan.

"Street, Minor Collector" means a Street, that is designated as such in the Master Streets Plan.

"Street, Private" means a Right-of-Way that has been improved to City standards and Dedicated by a recorded Plat as a private access, with the right of public use, to serve specific property.

"Street, Public" means a Right-of-Way that has been Dedicated to the City by Plat, or that the City has acquired by prescriptive right, deed, or other form of legal Dedication.

"Streetscape" means the visual elements of a Street, including paving materials, adjacent space on both sides of the Street, Landscaping, retaining walls, sidewalks, Building Façades, lighting, medians, Street furniture, and signs that, in combination, form the Street's character.

"Structure" means anything constructed or erected that is permanently affixed to the ground in any manner. A Structure includes a Building.

"Structure, Accessory" means a Structure that: (1) is clearly incidental and subordinate to a Primary Building located on the same Lot or Parcel; (2) is operated and maintained under the same ownership as Primary Building and the Primary Use; (3) houses an Accessory Use only; (4) contains no living space; (5) is not attached to a Primary Building; and (6) is at least 200 square feet. Accessory Structures include garages and sheds.

"Structure, Primary" means a Structure that houses the Primary Use associated with the Lot or Parcel.

"Structure, Temporary" means any physical space that is constructed without a foundation or footings, or that contains a hitch, wheels, or trailer base, and can be removed from a location when the designated time period, activity, or Use for which the Structure was erected ceases.

"Subdivided Land" means the land, tract, or Lot described in a properly recorded Subdivision Plat.

"Subdivision" means any land that is divided, re-subdivided, or proposed to be divided into one or more Lots, Parcels, sites, units, plots, or other division of land for the purpose—whether immediate or future—for sale, lease, or Development. A Subdivision includes the division or Development of residential or non-residential zoned land by deed, metes and bounds description, devise and testacy, map, Plat, or other recorded instrument.

"Tailoring Shop" means a business that primarily engages in clothing alteration, clothing repair, and made-to-measure clothing or other garments.

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"Tattoo Shop / Parlor" means any location, place, area, Structure, or business used for the practice of tattooing or the instruction of tattooing. Tattoo Shop / Parlor does not include businesses that primarily engages in permanent cosmetics application to restore eyebrows or enhance lips or eyelines.

"Theater, Live Performance" means an establishment for the performance of dramatic, dance, music, or other live performances with fixed seating for audiences. Live Performance Theaters do not include Sexually Oriented Businesses or Movie Theaters.

"Theater, Movie" means a Building, or portion thereof, devoted to showing motion pictures for a fee. Movie Theaters include Accessory Uses such as food, beverage, and other concession sales.

"Tobacco Shop" means a tobacco retailer whose business involves the sale of tobacco products and includes the incidental and subordinate sale of related tobacco products. A Tobacco Shop also includes an incidental and subordinate social/lounge room for smoking on the premises.

"Transitional Housing" means a facility that 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;
3. A Residential Facility for Persons with a Disability;
4. Permanent Supportive Housing; or
5. Assisted Living Facilities.

"Transitional Care and Rehabilitation" means a facility that provides mental health services or drug rehabilitation and treatment to homeless persons.

"Turf Grass" means a variety of grasses—such as Kentucky bluegrass or perennial rye grass—grown to form turf, or lawn, as opposed to tufted ornamental grass.

"Upholstery Shop" means a business that repairs and replaces upholstery for household and office furnishings. Upholstery Shop does not include motor vehicle upholstery or repair.

"Use" means the purpose or purposes for which land or Structures are approved, occupied, maintained, arranged, designed, or intended.

"Use, Accessory" or "Accessory" means a subordinate and incidental Use located upon the same Lot, and in the same zoning district, as the Primary Use or Building.

"Use, Conditional" means a Use that, because of its unique characteristics or potential impact on the City, surrounding neighbors, or adjacent Uses, may not be Compatible in some areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

"Use, Intensity of" means the maximum number of residential units, commercial patrons, or industrial space within a specified land Area designated for that purpose.

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"Use, Primary" means the principal Permitted Use established on a Lot or Parcel.

"Use, Residential" means any Use that is primarily residential in nature, but where the Primary Use is human habitation. Residential Use includes occupancy of a Dwelling as living quarters and all Accessory Uses but does not include Temporary Structures or unaffixed shelter such as tents, containers, railroad cars, vehicles, trailers, or similar units.

"Use, Temporary " means a seasonal business, licensed by the City, that engages in the temporary sale of goods, wares, or merchandise from a tent, vending cart, or other area on property owned or leased by the person, firm, or corporation, such as: firework or Christmas tree stands. Temporary Uses are incidental and subordinate to the Primary Use or Structure existing on the property, and not incompatible with the intent of the district.

"Wall-Mounted Antenna" means an Antenna or series of Antennae mounted to the Façade of a Building or a chimney.

"Whip Antenna" means an Antenna that is cylindrical in shape. Whip Antennae can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.

"Yard" means the portion of a Lot between a Lot Line and its nearest Setback line.

"Yard, Corner Side" means the 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" means the area that includes the full width of the Lot or Parcel extending from the Main Building to any Lot Line abutting a Street, or private right of access. On a vacant Lot or Parcel, the area that includes the full width of the Lot from the depth of the minimum Setback to any Lot Line abutting any Street. A Corner Lot or a Double Frontage Lot has two Front Yards.

"Yard, Rear" means the Yard extending across the full width of the Lot between the Rear Lot Line and the Nearest line or point of the Building. The Rear Yard is that portion of the Yard opposite the Front Yard.

"Yard, Side" means the Yard extending from the Front Yard to the Rear Yard between the Side Lot Line and the nearest line or point of the Building.

Chapter 17.02 – PURPOSE AND SCOPE

17.02.010 Short Title

This Title shall be known as the SOUTH SALT LAKE CITY LAND USE AND DEVELOPMENT CODE and may be so cited and plead.

17.02.020 Purpose of the Land Use and Development Code.

- A. The purposes of this Title are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the City of South Salt Lake and its present and future inhabitants and businesses, to protect the

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tax base, to secure economy in governmental expenditures, to foster and protect both urban and nonurban Development, and to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in Land Use Regulation, and to protect property values.

- B.** To accomplish the purposes of this Title, the City may enact all Land Use Regulations, resolutions, and rules and may enter into other forms of land use controls and Development agreements that it considers necessary or appropriate for the Use and Development of land within the City, including ordinances, resolutions, rules, fees, restrictive covenants, easements, and Development agreements governing Use, Density, open space, Structures, Buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, Street and Building orientation and width requirements, public facilities, fundamental fairness in Land Use Regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a land Owner's private property interests, height and location of vegetation, trees, and Landscaping, unless expressly prohibited by law.
- C.** This Title is also established to facilitate orderly growth and Development in the City of South Salt Lake and to enhance the lives of the citizens of and visitors to the City.
- D.** This Title establishes a fair and efficient process for Development and Land Use Applications, as accomplished through the delegation of powers among City officials and a transparent review process.

17.02.30 Interpretation.

- A. Use of Authority.** The power granted by this Title and the restrictions contained within this Title shall not be exercised nor applied to:
 - 1.** deprive the property Owner or rightful occupant of land or property a lawful Use at the time this Title becomes effective;
 - 2.** deny Use and activity of any Structure which was lawfully erected, remodeled, or used under prior ordinances. However, such a Use shall be subject to conditions and restrictions authorized or imposed by health and safety regulations, fit premises ordinances, and building codes. Current zoning requirements shall be applied when a Structure is proposed to be remodeled, reconstructed, added to, or the Use within the Building is intensified; or
 - 3.** interfere with or annul any easement, covenant running with the land, or other lawful agreement in force at the time this Title became effective.
- B. Interpretation.**
 - 1.** Interpretation and application of the provisions and requirements contained within this Title are declared to be the minimum requirements for the purpose set forth, unless otherwise specifically stated.
 - 2.** The land use authority shall apply the plain language of the Code.
 - 3.** If a Land Use Regulation does not plainly restrict a land use Application, the land use authority shall interpret and apply the Land Use Regulation to favor the land use Application.

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4. If in the course of administration hereof, a question arises as to the meaning of any phrase, section, or chapter, or land use district, the interpretation thereof shall be given by the Community Development Director and shall be construed to be the official interpretation thereof.
5. In the event that there is a need for further interpretation by any person, firm or corporation, or official of South Salt Lake City, the Applicant shall submit the question to the Planning Commission who, unless otherwise provided, is authorized to interpret the plain meaning of such ordinance. Such interpretation shall be final and appealable to District Court.
6. All capitalized proper nouns in the text of this Title are defined terms. Defined terms are located in Chapter 17.01.
7. If any Lot or Parcel straddles more than one district, the entire property shall be interpreted to lie within the district that is designated for the majority of the Lot or Parcel. If the Lot or Parcel is divided in half by two districts, the property shall be interpreted to lie within the district with the lower Structure height, the least Density, and the least intensive uses.

17.02.040 Conflict and severability.

- A. The provisions of this Title are in addition to all other City ordinances, the Laws of the state of Utah, the Laws of the United States, and applicable common law. This Title shall not supersede any private Land Use Regulations in deeds or covenants, which are more restrictive than this Title. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. The City does not enforce private restrictive covenants, nor shall any such covenant have the effect of modifying the regulations herein.
- B. If any part or provision of these regulations or application thereof to any Person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

Chapter 17.03 - Land-Use Districts and Matrix

17.03.010 - Land Use Matrix.

- A. Any Use not specifically permitted or conditionally permitted in this Land Use Matrix is prohibited. Only the following Uses are allowed:
 1. Uses indicated by the letter "P" below are Permitted Uses only where designated.
 2. Uses indicated by the letter "C" are Conditional Uses only where designated.
- B. All Permitted Uses are subject to the general and specific standards, as applicable, contained in Section 17.04.
- C. All Conditional Uses are subject to the general and specific standards, as applicable, contained in Section 17.05.

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

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17.03.020 – R1 District.

- A. Purpose.** The purpose of the R1 district is to provide for low Density Single-Family, residential housing neighborhoods on Lots not less than six thousand (6,000) square feet in size.
- B. Uses.** No Building, Structure, Site or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in Section 17.03.010. Uses shall be Compatible with the existing Scale and intensity and shall preserve the existing character of the neighborhood.
- C. Standards.**
 - 1. Area. The minimum area of any new Lot in this district is (6,000) square feet.
 - 2. Minimum Width. Width regulations are as follows:
 - a. The minimum width of any Lot shall be fifty (50) feet at all points along the length of the property from the Front Property Line to the Rear Property Line.
 - b. The Land Use Authority may decrease the minimum Lot width along the Frontage for residential Parcels accessed from a Cul-de-Sac or turnaround area. The
 - 3. Maximum Height. The maximum Height for any Structure is thirty-five (35) feet.
 - 4. Required Setbacks. See Chapter 17.07.

17.03.030 - Residential Multiple (RM) district.

- A. Purpose.** The purpose of the Residential Multiple (RM) district is to provide a district where Multi-Family housing may be Developed with varying residential densities.
- B. Uses.** No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in Section 17.03.010.
- C. Standards.**
 - 1. Minimum Area.
 - a. The minimum area of any Lot for Multi-Family Development in this district is two (2) acres.
 - b. The minimum area of any Lot for Townhome Development in this district is one (1) acre.
 - c. The minimum area of any Lot for detached Single-Family residential Development in this district is 6000 square feet.
 - 2. Minimum Width. Width regulations are as follows:
 - a. The minimum width of any Lot or Parcel intended for a Multi-Family Development shall be two hundred fifty (250) feet at all points along the length of the property from the Front Property Line to the Rear Property Line.
 - b. The minimum width of any new Lot used for Single-Family detached homes is fifty (50) feet at all points along the length of the property from the Front Property Line to the Rear Property Line.
 - c. The minimum width of any Lot or Parcel intended for a Townhome Development shall be two hundred fifty (250) feet at all points along the length of the property from the Front Property Line to the Rear Property Line. The minimum width of any Lot or Unit used for Townhomes shall be twenty-two (22) feet at all points along the length of the property from the Front Property Line to the Rear Property Line.

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- d. The land use authority may decrease the minimum Lot width along the Frontage for Single-Family residential Parcels when accessed from a Cul-de-Sac.
3. Maximum Height. The maximum Height for a Multi-Family Structure is sixty-five (65) feet. The maximum height for a Townhome Structure is thirty-eight (38) feet.
4. Required Setbacks. See Chapter 17.07.
5. Minimum Number of Units. The minimum number of units for any Multi-Family Development shall be fifty (50) units.
6. Residential Density. The maximum Density for any Multi-Family residential Development in the RM district shall be twenty-five (25) units per acre.

17.03.040 – Jordan River (JR) district.

- A. **Purpose.** The purpose of the Jordan River district is to provide and preserve areas in the City of South Salt Lake for low Density residential Development, together with limited agricultural Accessory Uses associated with a primary Single-Family Use.
- B. **Uses.** No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in Section 17.03.010.
- C. **Standards.**
 1. Minimum Area. Area regulations are as follows:
 - a. The minimum Lot Area shall be one-half acre.
 - b. The minimum area required for the raising of animals and fowl for Family food production shall be one-half acre.
 - c. The minimum area for raising or boarding of horses, cattle, sheep, goats or other similar large animals is one acre.
 - d. Requirements for Urban Poultry or an Apiary are detailed in Chapter 6.08.
 2. Minimum Width. The minimum width of any Lot one-half acre or larger shall be one hundred (100) feet at all points along the length of the property from the Front Property Line to the Rear Property Line.
 3. Maximum Height. The maximum Height for any Structure depends on the Building Form and adjacent Structures, as more completely detailed in Chapter 17.07.
 4. Required Setbacks. See Chapter 17.07.

17.03.050 - Commercial Corridor (CC) district.

- A. **Uses.** No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in Section 17.03.010.
- B. **Standards.** Regulations for a corridor commercial district are as follows:
 1. Minimum Area.
 - a. The minimum area for a new non-residential Lot in the district is one (1) acre.
 - b. The minimum area for any new Multi-Family residential Lot in the district is two (2) acres with a minimum width of 250 feet along any point.
 2. Maximum Height. The maximum Height for any Structure depends on the Building Form as more completely detailed in Chapter 17.07.

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3. Required Setbacks/Build-To Standard. See Chapter 17.07.
4. Minimum Number of Units. The minimum number of units for any Multi-Family Development shall be fifty (50) units.
5. Residential Density. The maximum Density for any Multi-Family residential Development in the CC district shall be twenty-five (25) units per acre.
6. All Multi-Family residential Developments in the district shall have a minimum area of 4,000 square- feet of commercial or Retail space on the ground-floor of the Primary Façade.

17.03.060 - Commercial General (CG) district.

- A. Purpose. The purpose of the Commercial General (CG) district is to allow more intense business activity in order to improve the economic base of the City without detriment to the environmental character and quality of the district. Provide space for the many highly diverse types of commercial activity needed to serve people and industry and to maintain and strengthen the economic base of the City
- B. Uses. No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in Section 17.03.010.
- C. Standards.
 1. Minimum Area. The minimum area for a new Lot in the district is one (1) acre.
 2. Maximum Height. The maximum Height for any Structure is based on the Building Form as more completely detailed in Chapter 17.07.
 3. Required Setbacks/Build-To Standard. See Chapter 17.07.

17.03.070 - Commercial Neighborhood (CN) district.

- A. **Purpose.** The purpose of the Commercial Neighborhood (CN) district is to provide an area for neighborhood-oriented businesses that support the residential areas surrounding the district. The district may serve as a Buffer between residential and business/commercial districts. The Commercial Neighborhood district designation is intended for commercial Developments that will not generate high vehicle traffic. It is intended that businesses in this district will both enhance and be Compatible with the surrounding residential neighborhoods through architecture, Development, access, and site design.
- B. **Uses.** No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in Section 17.03.010.
- C. Standards.
 1. Minimum Area. The minimum area of any Lot for Development in this district is one (1) acre.
 2. Maximum Height. The maximum Height for any Structure is based on the Building Form as more completely detailed in Chapter 17.07.
 3. Required Setbacks/Build-To Standard. See Chapter 17.07.
 4. Townhome Developments shall have a minimum Lot or Parcel size of 250 feet in width along any point. Individual Townhome units shall be a minimum of 22 feet wide along the entire length of the unit.
- D. **Regulations.** Regulations for a Commercial Neighborhood district are as follows:

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1. Time Restrictions. Business activities shall not normally be conducted by any of the Permitted or Conditional Uses allowed in this district before six a.m. or after ten p.m.
2. Parking. Parking shall only be allowed for passenger-type vehicles or light, vans and trucks that do not exceed one ton in capacity, except for the temporary parking of larger vehicles involved in delivering goods in the area while the goods are being loaded and unloaded.
3. Changes of Use. Existing residential Structures or sites may not be used for commercial purposes.

17.03.080 - Professional Office (PO) district.

- A. **Purpose.** The purpose of the Professional Office (PO) district is to provide a zone for Uses that are conducted in an office environment. The district is not intended to contain Uses engaged solely in merchandising, retailing, warehousing, or Manufacturing (Major or Minor). Uses within the Professional Office (PO) district shall serve to enhance the vitality of the City and be Compatible with surrounding neighborhoods. The district may act as a Buffer between residential neighborhoods and transit corridors or commercial Uses. Developments adjacent to Residential Uses should be architecturally Compatible with the residential Structures while mitigating impacts on the residential neighborhoods with respect to Height, hours of operation, lighting and traffic.
- B. **Uses.** No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in this Chapter.
- C. **Standards.**
 1. Minimum Area. The minimum area for a new Lot in the district is one (1) acre.
 2. Maximum Height. The maximum Height for any Structure is based on the Building Form and as more completely detailed in Chapter 17.07.
 3. Required Setbacks/Build-To Standards are detailed in Chapter 17.07.
- D. **Regulations.** Regulations for the Professional Office district are as follows
 1. Time Restrictions. Business shall not normally be conducted before six (6) a.m. or after ten (10) p.m.
 2. Parking. Parking shall only be allowed for passenger-type vehicles or light, vans and trucks that do not exceed one ton in capacity, except for the temporary parking of larger vehicles involved in delivering goods in the area while the goods are being loaded and unloaded.
 3. Changes of Use. Changes of Use for existing residential structures into office or Retail Uses are allowed subject to the following standards:
 - a. The residential character of the Building exterior shall be maintained.
 - b. The Front Building Elevation shall contain no more than fifty (50) percent glass.
 - c. Additions and remodels are subject to the South Salt Lake City Residential Design Standards.
 - d. All front and corner side yards shall be fully landscaped subject to the South Salt Lake City Landscape Standards.
 - e. Existing one-way drive approaches may be used for parking serving office or Retail uses, subject to approval by the City Engineer.
 - f. Off-Street parking is prohibited in Front and Corner Side Yards.

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17.03.090 - Business Park (BP) district.

- A. Purpose.** The purpose of the Business Park (BP) district is to provide for specific Uses in a business park setting. The Business Park (BP) district will emphasize a high level of architectural and landscape excellence in a park-like atmosphere. The intent is to create an attractive business park that will complement the surrounding land uses.
- B. Uses.** No Building, structure, Site or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in this Chapter.
- C. Standards.**
 - 1. Minimum Area. The minimum area for a new Lot in the district is one (1) acre.
 - 2. Maximum Height. The maximum Height for any Structure is based on the Building Form as more completely detailed in Chapter 17.07.
 - 3. Required Setbacks/Build-To Standards are detailed in Chapter 17.07.
- D. Regulations.** Time Restrictions. Business shall not normally be conducted before six (6) a.m. or after ten (10) p.m.

17.03.100 - Flex district.

- A. Purpose.** The purpose of the Flex district is to designate appropriate locations where warehousing and industrial Uses with minimal objectionable characteristics may be established, maintained and protected. The regulations of this district are designed to promote a high level of environmental quality by Uses which do not contribute to the deterioration of environmental quality.
- B. Uses.** No Building, Structure, Site or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in this Chapter.
- C. Standards.**
 - 1. Minimum Area. The minimum area for a new Lot in the district is one (1) acre.
 - 2. Maximum Height. The maximum Height for any Structure is based on the Building Form as more completely detailed in Chapter 17.07.
 - 3. Required Setbacks/Build-To Standards are detailed in Chapter 17.07
- D. Regulations.** Regulations for the Flex district are as follows
 - 1. Noise and Odor. Uses in the Flex district shall not produce noxious, foul or offensive odors, nor produce smoke or fumes that are injurious or detrimental to the health of the general population or business community. No Use in this district shall produce a noise in violation of adopted noise regulations of the Salt Lake County Health Department or in any other manner constitute or contribute to a public or a private nuisance.

17.03.110 - Transit Oriented Development (TOD) district.

- A. Purpose.** The purpose of the Transit-Oriented Development (TOD) district is to encourage property Owners to Develop their property using transit-oriented design principles.
- B.** The TOD district is established:

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1. To promote new, well-integrated residential, commercial, office, institutional and other employment center Development close to TRAX and transit stations;
 2. To ensure that new Development takes advantage of Compatible, higher Density, transit friendly, design opportunities in close proximity to transit systems in order to provide options for economic development and diversity;
 3. To encourage pedestrian orientation and human Scale in new Development and promote public infrastructure that supports transit Use and Mixed-Use Development;
 4. To manage parking and vehicular access utilizing Shared Parking and driveway access to avoid pedestrian conflicts;
 5. To promote residential Development that is Compatible with surrounding Uses and that is of sufficient Scale to create functional Mixed-Use neighborhoods near transit; and
 6. To encourage, through design, configuration, and mix of Buildings and activities, a pedestrian-oriented environment that provides settings for social interaction and active community life.
- C. Uses.** No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in this Chapter.
- D. Applicability.** A property Owner shall follow the provisions of the Transit-Oriented Development district when Developing or changing the Use of property.
- E. Regulations.** Regulations for the Transit-Oriented Development district are as follows
1. Minimum Area.
 - a. The minimum area of any Lot for Multi-Family Development shall be two (2) acres.
 - b. The minimum area of any Lot for Townhome Development shall be one (1) acre.
 2. Minimum Width. Width regulations are as follows:
 - a. The minimum width of any Lot for a Multi-Family Development shall be two hundred fifty (250) feet at all points along the length of the property.
 - b. Townhome Developments shall be at least 250 feet in width along any point. Individual Townhome units shall be a minimum of 22 feet wide along the entire length of the unit.
 - c. The land use authority may decrease the minimum Lot width requirement along the Frontage for residential Lots accessed from a Cul-de-Sac.
 3. Maximum Height. The maximum Height for any Structure is based on the Building Form as more completely detailed in Chapter 17.07.
 4. Required Setbacks/Build-To Standards are described in Chapter 17.07.
 5. Minimum Number of Units. The minimum number of units for any Multi-Family Development shall be fifty (50) units.
 6. Residential Density. The maximum Density for any Multi-Family residential Development in the TOD district shall be fifteen (25) units per acre.
 7. All Multi-Family residential Developments in the district shall have a minimum area of 4,000 square- feet of commercial or Retail space on the ground-floor of the Primary Façade.

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17.03.120 - Transit Oriented Development Core (TOD-C) district.

- A. Purpose. The purpose of the Transit-Oriented Development-Core (TOD-C) district is to encourage property Owners adjacent to or near existing transit stations to Develop their property using transit-oriented design principles.
- B. The TOD-C district is established:
 - 1. To promote new, well-integrated high-Density residential, commercial, office, institutional and other employment center Development close to TRAX and transit stations;
 - 2. To ensure that new Development takes advantage of Compatible, higher Density, transit friendly, design opportunities in close proximity to transit systems in order to provide options for economic development and diversity;
 - 3. To encourage pedestrian orientation and human Scale in new Development and promote public infrastructure that supports transit Use and Mixed-Use Development;
 - 4. To manage parking and vehicular access utilizing Shared Parking and driveway access, and quality design of drive-through areas, to avoid pedestrian conflicts;
 - 5. To promote residential Development that is Compatible with surrounding Uses and that is of sufficient Scale to create functional Mixed-Use neighborhoods near transit; and
 - 6. To encourage, through design, configuration, and mix of Buildings and activities, a pedestrian-oriented environment that provides settings for social interaction and active community life.
- C. Uses. No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in this Chapter.
- D. Applicability. A property Owner shall follow the provisions of the TOD-C district when Developing or changing the Use of property.
- E. Regulations. Regulations for the district are as follows:
 - 1. Minimum Area.
 - a. The minimum area of any Lot for Multi-Family Development shall be two (2) acres.
 - b. The minimum area of any Lot for Townhome Development shall be one (1) acre.
 - 2. Minimum Width. Width regulations are as follows:
 - a. The minimum width of any Lot for a Multi-Family Development shall be two hundred fifty (250) feet at all points along the length of the property.
 - b. Townhome Developments shall have a minimum Lot or Parcel size of 250 feet in width along any point. Individual Townhome units shall be a minimum of 22 feet wide along the entire length of the unit.
 - c. The land use authority may decrease the minimum Lot width requirement along the Frontage for residential Lots accessed from a Cul-de-Sac.
 - 3. Minimum Number of Units. The minimum number of units for any Multi-Family Development shall be fifty (50) units.
 - 4. Residential Density. The maximum Density for any Multi-Family residential Development in the TOD district shall be fifteen (25) units per acre.
 - 5. Maximum Height. The maximum Height for any Structure is based on the Building Form as more completely detailed in Chapter 17.07.
 - 6. Required Setbacks/Build-To Standards are detailed in Chapter 17.07.

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7. All Multi-Family residential Developments in the district shall have a minimum area of 4,000 square- feet of commercial or Retail space on the ground-floor of the Primary Façade.

17.03.130 – Mixed-Use district.

- A. Purpose.** The purpose of the Mixed-Use district is to encourage a mixture of Compatible Uses and Structures that will enhance the vitality and diversity of the area. Development should accommodate and respect surrounding land Uses by providing a gradual transition from more intensive Uses to lower Density Residential Uses that are adjacent to a potential Mixed-Use site.
- B. Uses.** No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in this Chapter.
- C. Standards.** Standards for the district are as follows:
 1. **Minimum Area.**
 - a. The minimum area of any Lot for Multi-Family Development is two (2) acres.
 - b. The minimum area of any Lot for Townhome Development is one (1) acre.
 2. **Minimum Width.** Width regulations are as follows:
 - a. The minimum width of any Lot for a Multi-Family Development shall be two hundred fifty (250) feet at all points along the length of the property.
 - b. Townhome Developments shall have a minimum Lot or Parcel size of 250 feet in width along any point. Individual Townhome units shall be a minimum of 22 feet wide along the entire length of the unit.
 - c. The land use authority may decrease the minimum Lot width along the Frontage for residential Parcels when accessed from a Cul-de-Sac.
 3. **Maximum Height.** The maximum Height for any Structure is based on the Building Form as more completely detailed in Chapter 17.07.
 4. **Required Setbacks/Build-To Standards** are detailed in Chapter 17.07.
 5. **Minimum Number of Units.** The minimum number of units for any Multi-Family Development shall be fifty (50) units.
 6. **Residential Density.** The maximum Density for any Multi-Family Development in the district shall be twenty-five (25) units per acre.
 7. All Multi-Family residential Developments in the district shall have a minimum area of 4,000 square- feet of commercial or Retail space on the ground-floor of the Primary Façade.

17.03.140 - City Facility (CF) district.

- A. Purpose.** The purpose of the City Facility district is to regulate the Development of City Uses in a manner that is harmonious with surrounding Uses. Such Uses are intended to be Compatible with the existing Scale and intensity of the neighborhood and to enhance the character of the neighborhood.
- B. Uses.** No Building, Structure, Site or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in this Chapter.
- C. Regulations.** Regulations for the district are as follows:

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1. Maximum Height. The maximum Height for any Structure is based on the Building Form as more completely detailed in Chapter 17.07.
2. Required Setbacks/Build-To Standards are detailed in Chapter 17.07.

17.03.150 - Open Space (OS) district.

- A. **Purpose.** The Open Space district is to encourage the preservation of open space.
- B. **Uses.** No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in this Chapter.
- C. **Development Review.** The Planning Commission shall review requests for Development in the district. During the review process, the Planning Commission shall set appropriate Building Height, size, and Setback requirements for each specific Development proposal.

17.03.160 - Historic and Landmark (HL) district.

- A. **Purpose.** This Section is enacted and intended to:
 1. Encourage protection, restoration, and reuse of Structures, Sites, and areas of historic and architectural significance, these being among the City's most important cultural, educational, and economic assets;
 2. Protect the character of the historic and landmark Structures, Sites, and areas from being lost through expansion or change of commercial, residential, or other activity in the City;
 3. Preserve historic and landmark Structures, Sites, and areas for the Use, observation, study, education, enjoyment, and general welfare of the present and future inhabitants of South Salt Lake;
 4. Stabilize and revitalize neighborhoods by creating an environment conducive to reinvestment and continued maintenance;
 5. Educate citizens about the City's history;
 6. Protect key elements of the City's history;
 7. Protect and enhance historic elements that attract residents, tourists, and visitors, and serving as a support and stimulus to business and industry;
 8. This Section does not prohibit the razing of Structures that pose an immediate hazard to human health and safety, nor preclude ordinary maintenance and repair not otherwise subject to City regulation.
 9. Preserve structures from deliberate acts of demolition or destruction and deliberate or inadvertent neglect of historic and landmark Structures and Sites within historic districts.
 10. Serve as a support and stimulus to business and industry
- B. **Uses.** No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in this Chapter.
- C. **Regulations.** Regulations for the district are as follows:
 1. An area, Parcel, or Lot may be designated as within this district if it contains a natural feature, Structure, or Building with historical significance, valued character, interest, or importance as part of the Development, heritage, or cultural characteristics of the community, as measured by falling into one or more of the following categories:

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- a. Historical Significance.
 - i. It is the location of, or is associated in a significant way with, an historic event that had a significant effect upon the City, state, or nation.
 - ii. It is associated in a significant way with the life of a person important in the history of the City, state, or nation.
 - iii. It is associated in a significant way with an important aspect of the cultural, political, or economic heritage of the City, state, or nation.
- b. Architectural, Landscape Architecture, and Engineering Significance.
 - i. It embodies the distinctive visible characteristics of an architectural style, period, or a method of construction.
 - ii. It is an outstanding work of a designer or builder.
 - iii. It contains elements of extraordinary or unusual architectural or structural design, detail, use of materials, or craftsmanship.
 - iv. It portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.
 - v. It has retained historic integrity, in that there have not been any major alterations or additions that have obscured or destroyed the significant historic features.

D. Powers and Duties.

- 1. The Historic and Landmark Commission shall have the following duties:
 - a. Survey and inventory the community's Historic Buildings and landmarks along with contributory and Non-Contributory Structures upon a site. The Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. Survey and inventory documents shall be maintained and open to the public.
 - b. Recommend the designation of areas, Parcels, or Lots as within the district to the City Council in accordance with the procedures adopted in this Title.
 - c. Review and make recommendations related to Applications for a permit for the demolition or relocation of a Building or Structure which is within the district.
- 2. For the purpose of this Section, "Structure" includes all Buildings, exterior walls, fences, signs, utility fixtures, steps, or appurtenant elements.

E. Procedures for Land Use Designations and Design Review Certificates.

- 1. Official nominations of properties to be designated within the district must originate with the property Owner, City administration, the Historic and Landmark Commission, or the City Council. Applications shall be filed with the Community Development Department.
- 2. The Historic and Landmark Commission shall review all Applications submitted to the Community Development Director. Approvals shall be consistent with established guidelines. The Historic and Landmark Commission may call upon historic preservation consultants, through the Community Development Director, for professional expertise.

F. Design Review Certificate Standards.

- 1. A design review certificate shall be required in any of the following instances involving a Structure within the district:

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- a. All additions, renovation, alterations, exterior remodeling, or major changes in color, material, texture, roofing materials, to the exterior of any improvement which do not constitute demolition;
 - b. Alterations or Development affecting natural features, or site improvements; and
 - c. Any signs placed on any Structure or property.
2. Routine maintenance and upkeep, repainting or replacing roofing, shutters, trim, or similar decorative items with similar materials shall not require a design review certificate.
3. If the Structure is contributory or non-contributory and the changes involve additions, renovation, exterior remodeling, or major changes in color, material, texture, or size, the project shall be presented to the historic and landmark commission for a design review certificate prior to the issuance of a Building Permit or commencement of work, if no permit is required.
4. Establishment of Standards and Guidelines. South Salt Lake standards and guidelines for exterior and site design criteria may be adopted by the Historic and Landmark Commission to aid Applicants in formulating plans for Development relating to sites and Structures within the district.
5. Application of Standards and Guidelines. In approving an Application for a design review certificate, the Historic and Landmark Commission shall find that a project substantially complies with the Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings. The following standards and guidelines shall be applied during reviews by the Historic and Landmark Commission:
 - a. A property will be used as it was historically or be given a new Use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - b. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 - c. Each property will be recognized as a physical record of its time, place, and Use. Changes that create a false sense of historical Development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
 - f. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
 - g. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - h. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

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- i. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be Compatible with the historic materials, features, size, Scale and proportion, and massing to protect the integrity of the property and its environment.
- j. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

G. Demolition Permit Processing Requirements.

1. When any Application is made for a demolition permit for a Structure within the district, the Community Development Director may delay approval of the demolition permit for a period of up to thirty (30) days in order to do the following:
 - a. Make a historical record, both written (history, floor plans and elevations) and photographic, of the Structure and Site.
 - b. Review the condition of the Structure to determine the impact of the demolition upon the neighborhood and the technical feasibility of preservation to the Structure.
 - c. Allow the Historic and Landmark Commission to consider and make recommendations regarding the Application.
 - d. Make the Owner aware of incentives available to rehabilitate historic resources.
 - e. Encourage the property Owner not to demolish the Structure until an attempt can be made to locate either a suitable Use or occupancy to make the preservation of the Structure economically viable or to find a purchaser who is willing to acquire and preserve the Structure.
2. Denial. Upon findings of fact by the Historic and Landmark Commission that preservation of the Structure is warranted, leaves the Owner with reasonably beneficial Use of the Property, and is in the best interest of the City, the permit may be denied.

H. Appealing Decisions of the Historic and Landmark Commission. Decisions of the Historic and Landmark Commission may be appealed as provided in Chapter 17.12.

17.03.170 – Crossing MPMU district.

- A. Intent and Administration. The Crossing Development is designed as the catalyst for redevelopment of the Central Point Project Area. Since every successful downtown redevelopment area has a grocery component, the Crossing Development includes a regional grocery store to anchor the project's other Retail, commercial, and Multi-Family Uses.
 1. This Code is adopted in accordance with the provisions of Section 17.03.130 of this Code, regulating the establishment of Mixed-Use districts. This Section, in conjunction with the broader Code regulates Uses, Building forms, architecture, open space, Site Development standards, and parking and access requirements for the Crossing Development.
 2. The Crossing Master Plan Book of Exhibits (CMPBE), attached hereto and incorporated by reference, is a compilation of exhibits meant to be conceptual in nature unless expressly referenced as regulatory herein.
 3. Unless stated otherwise in this document, all requirements of this Code apply.

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4. For the purposes of the Crossing Master Plan, the City Council is the land use authority for Multi-Family Development established as a Conditional Use in this MPMU district. Final approval of Conditional Uses and designs for Multi-Family Development must be preceded by a recommendation from the Planning Commission.
- B. Subdistrict Designations. Subdistrict boundaries are depicted in the subdistrict designation map of the CMPBE and are incorporated herein as regulatory.
 1. Anchor Tenant. The Anchor Tenant subdistrict accommodates a large format Retail establishment to anchor the entire Crossing Development. The proposed establishment and associated parking and access must be contained entirely within this subdistrict.
 2. 2100 South Street Frontage. the 2100 South Street Frontage subdistrict allows a variety of Retail, office, and Residential Uses that complement the principal Retail and Residential Uses in the Crossing Development, within an urban-style Multi-Family Building on the corner of Main Street and 2100 South.
 3. Transit. The Transit subdistrict allows a Multi-Family Development as further conditioned herein.
 4. State Street Frontage. The State Street Frontage subdistrict allows for Retail Uses within in-line or single-tenant Retail Buildings that are oriented toward State Street. These Buildings will complement the principal Retail and Residential Uses in the Crossing Development, while addressing and activating the State Street corridor.
- C. Circulation. The Crossing Development shall provide an interior network of pedestrian and vehicular connections to facilitate access among subdistricts and between Uses.
- D. Open Space and Outdoor Gathering Areas. At a minimum, every Parcel will include open space that is appropriate for the Use, required by the South Salt Lake Municipal Code and integrated into a network of functional open spaces throughout the site.
- E. Building Types and Design Standards. The Crossing Development is a Mixed-Use district with Building types and design standards required to produce a harmonious mix of commercial Retail/Restaurant and Residential Uses tied to the urban Street network and embracing pedestrian and bike connections to the City and the streetcar. The area shall be organized around Compatible yet eclectic architectural Building statements in terms of character, materials, texture, and color of Buildings. Themed Restaurants, Retail chains, and other franchise-style Structures, signage and designs are prohibited. Themed business Uses must adjust their standard architectural prototype, signage, and designs to be consistent with the district's architectural character. Only the following Building forms and corresponding design standards are allowed within the Crossing Development.
 1. Anchor Retail. The anchor Retail Building is allowed solely in the Anchor Retail subdistrict and is regulated by the concept plan and elevations described in "Winco Foods Proposed Exterior Design" exhibits of the CMPBE.
 2. Multi-Family.
 - a. Urban-style Multi-Family Building. The urban-style Multi-Family Building form is allowed in the transit and 2100 South subdistricts. Urban-style Multi-Family Building forms, amenities, and Site Plans shall comply with each provision of the urban-style Multi-Family Building requirements of Chapter 17.07, except:
 - i. No Building shall exceed seventy-five (75) feet in height, as measured from natural grade.

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- ii. In the Transit subdistrict, from former Major Street to State Street, no Building shall not exceed twenty-eight (28) feet in height measured from natural Grade.
 - iii. First level floor-to-floor dimension shall be no less than ten feet.
 - iv. At least seventy-five (75) percent of the units must have either Porches or balconies.
 - a. The average depth of each Porch/balcony must be at least five (5) feet.
 - b. The area of each Porch/balcony must be at least forty (40) square feet.
 - v. Fifty (50) percent of the Street level perimeter of any above-Grade parking garage must be Retail or office Uses permitted in the subdistrict within habitable space that is at least twenty-five (25) deep.
 - vi. For Urban-Style Multi-Family Buildings, the number and character of required amenities from Chapter 17.07 are modified as follows:
 - a) Unit features - 6.
 - b) General amenities - 6.
 - c) Recreation amenities - 2.
 - d) Energy efficiency enhancements - 3.
- b. Townhome-style Multi-Family Building.**
- i. The Townhome-style Multi-Family Building type is allowed in the Transit subdistrict as an alternative to the urban-style Multi-Family Building form, upon:
 - a) Proof of site-specific soils conditions that render impracticable the construction of an urban-style Multi-Family Building form in the current market; and
 - b) Commencement of project construction prior to October 1, 2018.
 - ii. Townhome-style Multi-Family Building forms, amenities and Site Plans shall comply with each provision in Chapter 17.07, except:
 - a) Any Buildings located between the former Major Street and State Street may not exceed a maximum height of 28' as measured from natural grade.
 - b) First level floor-to-floor dimension shall be no less than ten feet.
 - c) The Common Open Space shall be no less than twenty-five (25) percent.
 - ii. Stoops and Balconies: Each Townhome-style Dwelling Unit must include both a stoop at ground level and a second-floor balcony. The average depth of each balcony must be at least four (4) feet. The area of each balcony must be at least forty (40) square feet. An enclosed stoop may have a wrought-iron or equivalent fence up to four feet in height. All other fencing is prohibited.
 - iii. A "Street-like" presence must be established along both the drive between the Townhome-style Multi-Family Development and the Anchor Tenant subdistrict Parking Area and along former Major Street within the Townhome-style Multi-Family Development. This Street-like presence includes an inviting Streetscape, wide sidewalks, pedestrian Scale lighting, Street furnishings and Landscaping.
- c. Common Requirements.** Regardless of Multi-Family Building form, the following Site-specific requirements and adjustments shall be made for Multi-Family Development:
- i. Setback requirements for each Multi-Family Development are set forth in Street cross-sections of the CMPBE.

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- ii. Architectural design characteristics and trim treatments are to be consistent with a contemporary form of Building design and details that are expressed in high quality durable materials including wood siding, cementitious fiberboard, brick masonry, split-faced masonry, architecturally finished concrete. Glass, architectural metal panels, or corrugated metal may be used as accent materials and shall not be the dominant materials on any elevation. Stucco, EIFS to be limited to a maximum of ten (10) percent of any Building Elevation.
 - iii. Each elevation of a proposed Building (except a Townhome garage face) shall provide patios, balconies, windows and doors for minimum of twenty (20) percent of the wall area. Windows must be trimmed with finished edges Compatible to the contemporary form of the rest of the elevation.
 - iv. The location of utility metering, electrical cabinets, transformers and other equipment (some of which is existing) must be screened from public view.
- 3. Commercial Retail Buildings. The commercial Retail Building type is allowed in the 2100 South Street and State Street Frontage subdistricts and is designed for small and moderate scale commercial, Retail, and Restaurant Uses that typically accompany large format Retail, housing, and other Uses typically found in Mixed-Use centers. The required Site Plan and Building type provides convenient automobile access from the thoroughfare, while minimizing the negative impacts of Parking Lots upon the pedestrian. Commercial Retail Buildings may be freestanding Structures intended for Use by a single tenant or may be multi-tenant Buildings. Except as modified below and as depicted in the Building Elevation exhibit of the CMPBE, the provisions of this Code, the layout, orientation, Setbacks, and materials intended for Use for commercial Retail Buildings apply:
 - a. Orientation. New commercial Retail Buildings must be oriented to create quality Streetscapes and connected pedestrian pathways within the Development. The anticipated orientation of commercial Retail Buildings is indicated in the "Building Elevation" exhibit of the CMPBE.
 - b. Materials. Primary Materials must consist of glass, integral color CMU, metal panel, tile, metal or cementitious fiber board. EIFS may be used up to seventy-five (75) percent of non-glass areas. An approved palette of materials is referenced in the "Building Elevation" exhibit of the MPBE.
 - c. Primary Façades. Primary Façades on structures using the commercial Retail Building form must incorporate a Building canopy, awning, or similar weather protection along the Building's principal public entrance, projecting at least four (4) feet from the Façade. In addition, Primary Façades incorporate visually prominent Building entrances through the use of at least one of the following features:
 - i. Secondary roof Structures, or a parapet roof with transitions, used to accent the principal public entrance.
 - ii. Outdoor pedestrian features such as seat walls and Landscaping, or permanent landscaped planters with integrated benches.
 - iii. Architectural detailing such as tile, metal, stone, precast or cement board work and moldings integrated into the Building structure.
 - d. Secondary Façades.

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- i. All secondary Façades that face State Street shall include a similar level of architectural detail and treatment consistent with the Primary Façade. Secondary Façade walls must include a window, a functional doorway, or another architectural detail to match the architectural articulation of the Primary Façade.
 - ii. All secondary Façades facing other access roads may include a reduced level of architectural detail and treatment consistent with the Primary Façade.
 - e. Windows. Commercial Retail Buildings shall comply with the following window requirements:
 - i. All Street level windows within twenty (20) feet of the principal pedestrian entrance of a multi-tenant Building shall be visually permeable.
 - ii. Front Façade walls shall include a window or functional general access doorway per the following standard:
 - a) Every twenty-four (24) feet for Structures of forty thousand (40,000) square feet of less in size; and
 - b) Every forty (40) feet for Structures larger than forty thousand (40,000) square feet in size.
 - f. Roofs. Commercial Retail Buildings shall have a flat roof with parapet walls. Parapet walls must feature transitions and articulation to match the architectural articulation of the primary Façade. All rooftop equipment must be screened from view from all Streets, Parking Areas, and drive approaches.
 - g. Side and Rear Loading and Service Areas. Loading, service, and equipment areas must be located in a manner that minimizes their visibility from drive approaches and Streets. Loading, service, and equipment areas must be screened through the use of Architectural Elements and materials that reduce their visibility.
 - h. Drive-through Facilities. Drive through facilities, where permitted as Accessory Uses associated with commercial Retail Buildings, must include a canopy or roof that is architecturally integrated with the Building and that mirrors the roof form of the Primary Structure. Drive-through access is prohibited on Façades that face State Street.
 - F. Crossing Development Sign Standards. Sign locations and details are found in Site Signage exhibit of the MPBE. Signage shall comply with the requirements of the South Salt Lake Municipal Code, except as provided for in this Section and in the exhibits. Signage must be consistent with the theme and unity provisions in the Building design standards. Internally illuminated cabinet Wall Signs are prohibited, except to display a logo or individual alphanumeric characters.
 - G. Crossing Development Landscaping Standards.
 - 2. A concept Landscape Plan for the Crossing Development is included in Landscape Area Exhibit of the CMPBE. The Landscape Plan is illustrative in nature. Tree and plant spacing may vary depending on the location of existing utilities and other site conditions.
 - 3. Transit District Landscape Standards. All Multi-Family open space areas are to be landscaped with a combination of trees (two-inch minimum caliper), shrubbery, lawn, groundcover, plaza paving, and mulching. Street trees are to be spaced at thirty feet on center on average. Ornamental open space trees are to be planted at a rate of not less

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than fifteen (15) trees per open space acre. The tree species are to be selected from the following pallet:

- a. Street trees:
 - i. Green Ash
 - ii. Linden
 - iii. Honey Locust
 - iv. Zelkova
 - v. Tatarian Maple
- b. Ornamental Open Space Trees:
 - i. Red Bud
 - ii. Crab Apple
 - iii. Flowering Pear
 - iv. Columnar Spruce

- H. Crossing Development Parking and Access Standards. Parking and access requirements established in Chapter 17.06 apply, unless otherwise provided in specific terms as follows. Pedestrian access to each subdistrict within the Development is required and must include lighted and paved pedestrian pathways connecting Parking Lots, public Rights-of-Way, principal public entrances of each Building, and adjacent public trails and transit.
- 1. Parking for Retail Uses. Parking for Retail Uses must be provided at a standard ratio of four Parking Stalls per one thousand (1,000) square feet of gross Floor Area.
 - 2. Parking for All Multi-Family Uses. Parking for Multi-Family Uses must be provided in the form of individual garages and on-site Parking Stalls for Townhome-style Multi-Family Buildings and for urban-style Multi-Family Buildings an access-controlled multi-level parking garage incorporated in the overall residential apartment Building.
 - a. Multi-Family Uses require 1.2 Parking Stalls per Dwelling Unit.
 - b. The maximum number of Parking Stalls allowed adjacent to Central Pointe Boulevard shall be 12. These Parking Stalls may be oriented diagonally but must be located on the Multi-Family Development Site.
 - 3. Bicycle Amenities. One exterior bicycle parking space is required for each 10 residential units. In the Townhome-style Multi-Family Building, each garage will contain a designated tenant-use bike stall.
 - 4. Streetcar Orientation. The Crossing Development must provide Building entrances with direct access to the streetcar station or with direct connectivity to the streetcar station via sidewalks. These areas must be landscaped with paving and planting materials and are to include Site furnishings designed for comfortable use. Benches compliant with the Downtown Furnishings Handbook will be provided on the perimeter of the Crossing Development for public use. Along the perimeter of the Crossing Development landscape areas must be installed and maintained to improve and enhance the Streetscape. The corner of Central Pointe Place and Main Street must be enhanced with a landscaped plaza area and public amenities.
 - 5. Pedestrian/Bicycle Rider Connectivity. The following Street improvements are required: wide sidewalks; Street furnishings, Landscaping, a dedicated bike lane located along Central Pointe Place, and all public Rights-of-Way to provide connectivity to community and neighborhood nodes.

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17.03.180 - East Streetcar Neighborhood (ESN) MPMU district.

- A. Purpose.** The purpose of the East Streetcar Neighborhood district is to facilitate the redevelopment of the East Streetcar Corridor in a manner compatible with the South Salt Lake City General Plan and the East Streetcar Master Plan. Redevelopment in this corridor will be transit-oriented and will preserve the land values and integrity of surrounding Single-Family neighborhoods.

Specifically, the East Streetcar Neighborhood district will promote Development that will:

1. Protect neighboring homes and property values;
 2. Be context sensitive through height transitions and Compatible design;
 3. Improve neighborhood safety and appeal;
 4. Revitalize or replace neglected properties;
 5. Increase homeownership of existing homes;
 6. Build high-quality new housing for a wide spectrum of residents;
 7. Create a quality urban neighborhood that appeals to new residents;
 8. Maximize the opportunity to locate housing and jobs adjacent to transit, bike, and pedestrian ways; and
 9. Complement the City's redevelopment strategy supporting the Development of an urban core in South Salt Lake.
- B. Uses and Regulations.** Land uses and regulations for Buildings and Site Development in the East Streetcar Neighborhood district are established in the East Streetcar Neighborhood Form Based Code. Unless the East Streetcar Neighborhood Form Based Code specifies otherwise, all other City ordinances apply.

17.03.190 - Downtown South Salt Lake MPMU district.

- A. Purpose.** The purpose of the Downtown South Salt Lake district is to facilitate the redevelopment of Downtown South Salt Lake as a regional Mixed-Use center in a manner Compatible with the South Salt Lake City General Plan and the Downtown South Salt Lake Master Plan. Redevelopment in this district is intended to transform the existing Streetscape into a walkable, urban place to serve as a City center of the community. Specifically, the Downtown South Salt Lake district will promote Development that will:

1. Act as an icon for South Salt Lake's identity as a City and a destination;
 2. Function as a destination for urban living;
 3. Establish a legacy of beautiful civic and public places;
 4. Provide unmatched access and mobility for all travelers;
 5. Enable unprecedented and sustained economic growth;
 6. Support business and job creation;
 7. Embrace cultural, social, and economic diversity;
 8. Reduce and eliminate Nonconforming Uses; and
 9. Complement the City's redevelopment strategy supporting the Development of an urban core in South Salt Lake.
- B. Uses and Regulations.** Land uses and regulations for Buildings and site Development in the Downtown South Salt Lake district are established in the Downtown South Salt Lake Form Based

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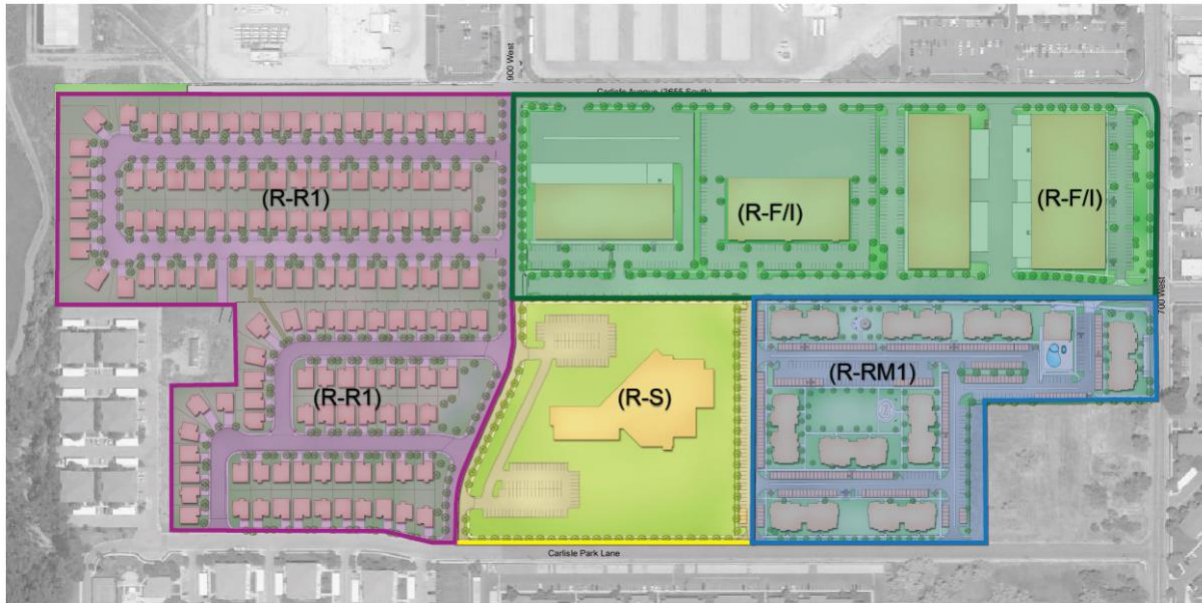
Code and Design Standards. Unless the Downtown South Salt Lake Form Based Code and Design Standards specifies otherwise, all other City ordinances apply.

17.03.200 - Riverfront MPMU district.

Riverfront MPMU Design Guidelines and Regulations subject the Riverfront MPMU to this Title, except as specifically provided herein. The Riverfront MPMU Design Guidelines and Regulations modify City standards, as follows:

- A. Subdistricts.** The Riverfront MPMU consists of the following subdistricts.
1. Flex Industrial (R-F/I).
 2. Multi-Family Garden-Style Building Forms (R-RM1).
 3. Single-Family Detached Residential (R-R1).
 4. Elementary School (R-S).

Figure 1: Subdistricts



- B. Uses.** Uses within each subdistrict are restricted to only those allowed as specifically designated in this Chapter, 17.03.
- C. Site Plan and Development Configuration.** The Riverfront MPMU Site Plan and Development configuration shall substantially conform to the following:

Exhibit C

Figure 2: Site Plan



D. Street, Pedestrian and Circulation Plan.

1. Connection of Blocks, and pedestrian and bicycle paths, Street connectivity and traffic circulation must be Developed and maintained as illustrated in Figure 3.
2. Pedestrian and bicycle paths must be Developed and maintained as illustrated in Figure 4.

Figure 3: Street Blocks, Connectivity and Vehicle Circulation



Exhibit C

Figure 4: Pedestrian and Bicycle Paths



3. Fine Drive must be Developed and maintained with shared bike and car lanes (shared lane marking or share row) on each side of the Street from 700 West to 900 West.
4. An 8-foot wide concrete sidewalk must be provided and maintained along the south side of Fine Drive as the pedestrian component, providing connectivity from 700 West to 900 West.
5. Roadway Widths and Design Standard.
 - a. Developer shall install Streets consistent with the Street cross sections described in Figures 5A, 5B, 5C, 5D, 5E, 5F.

Exhibit C

Figure 5A: Roadway Widths and Design Standards

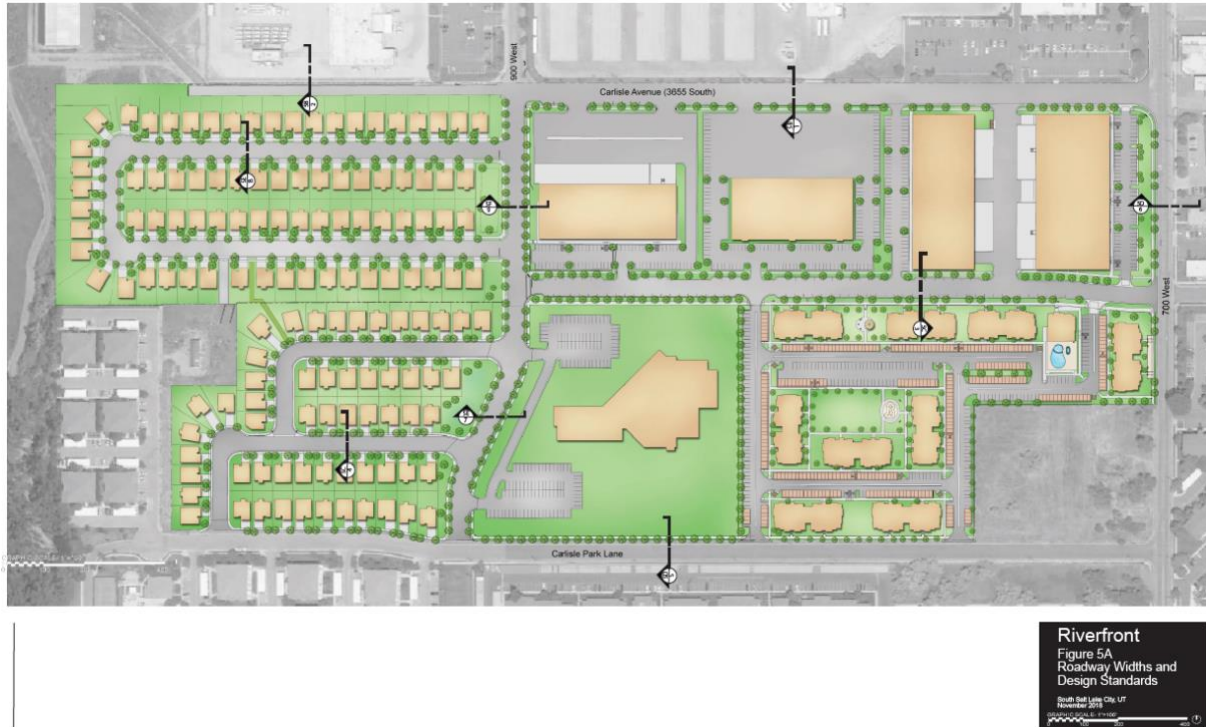


Figure 5B: Roadway Widths and Design Standards

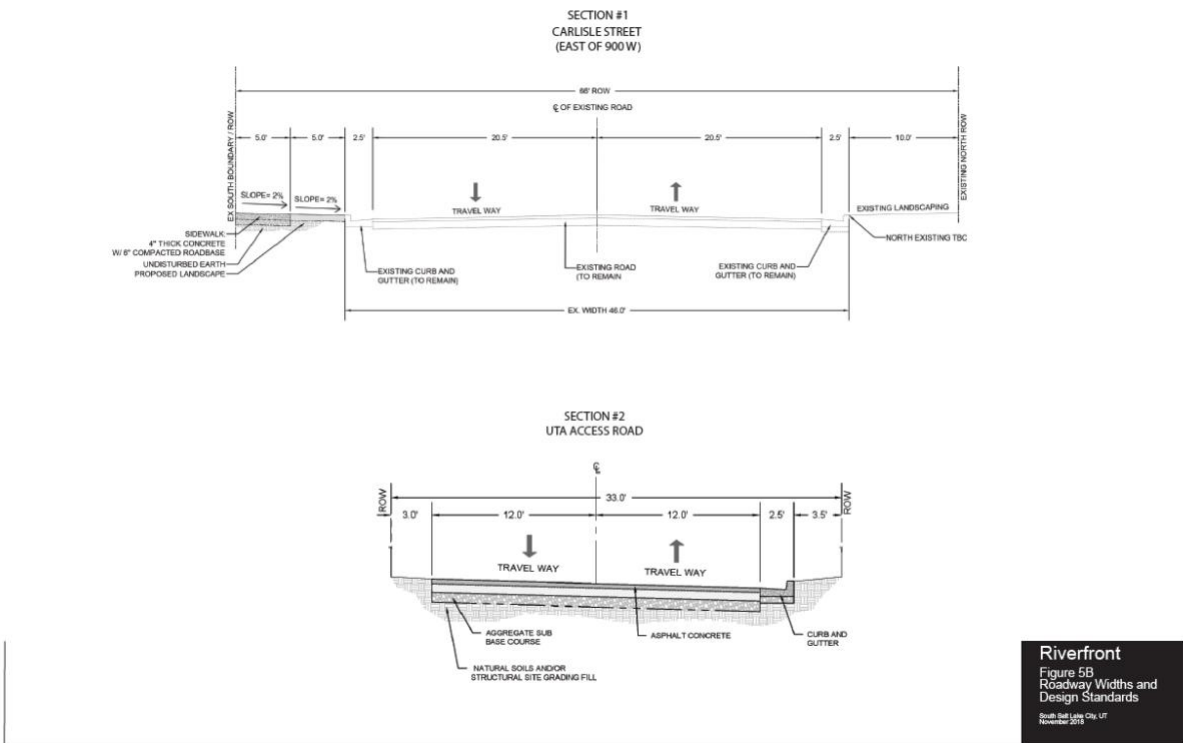
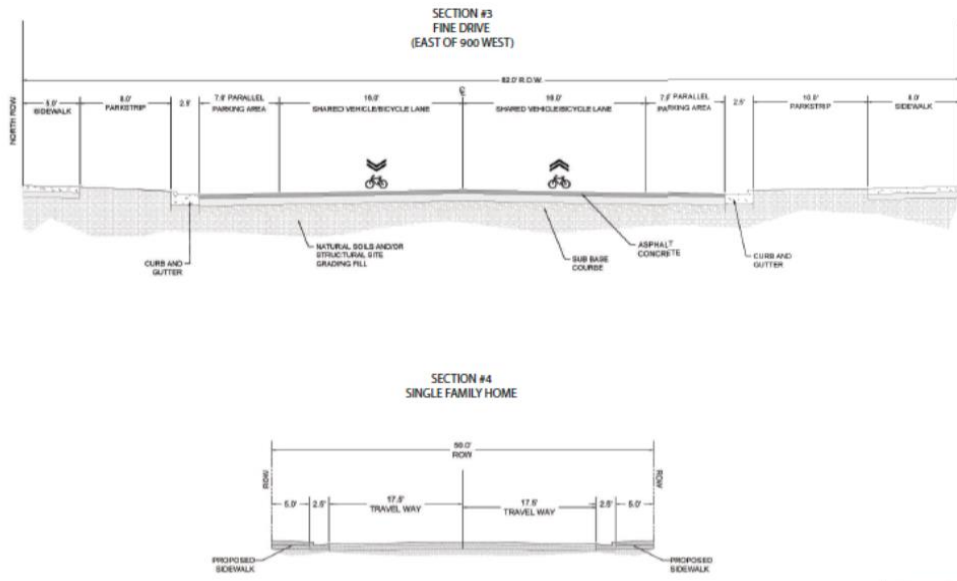


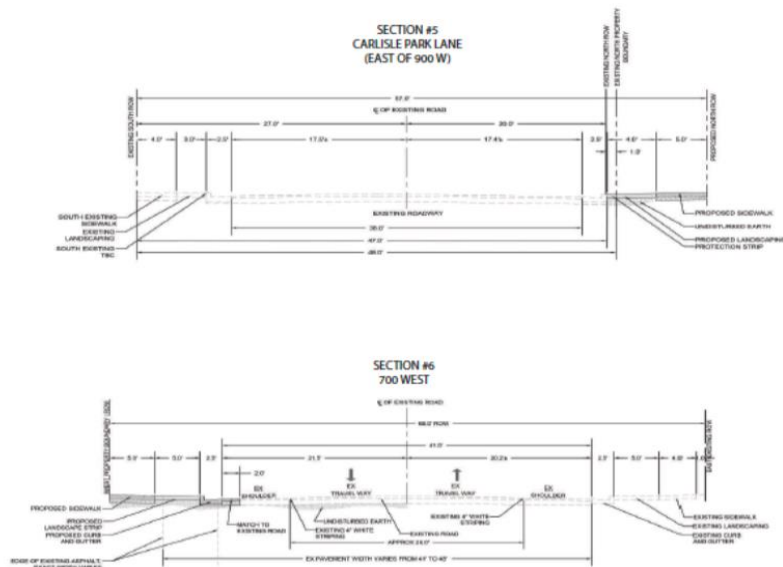
Exhibit C

Figure 5C: Roadway Widths and Design Standards



Riverfront
 Figure 5C
 Roadway Widths and Design Standards
South Salt Lake City, UT
 November 2018

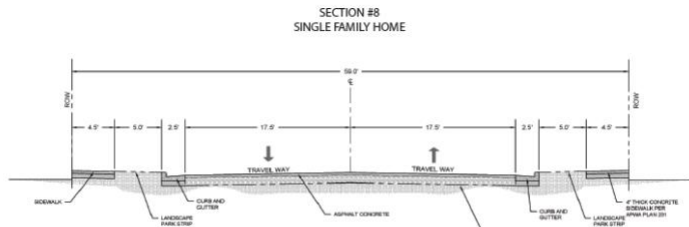
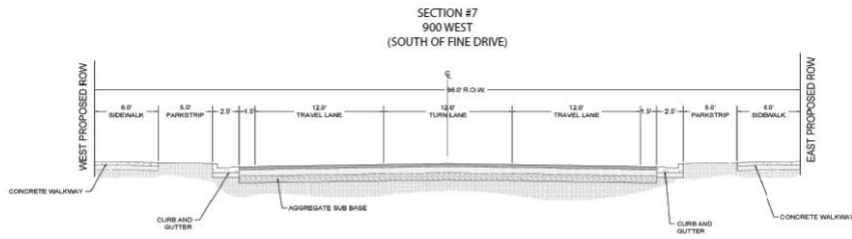
Figure 5D: Roadway Widths and Design Standards



Riverfront
 Figure 5D
 Roadway Widths and Design Standards
South Salt Lake City, UT
 November 2018

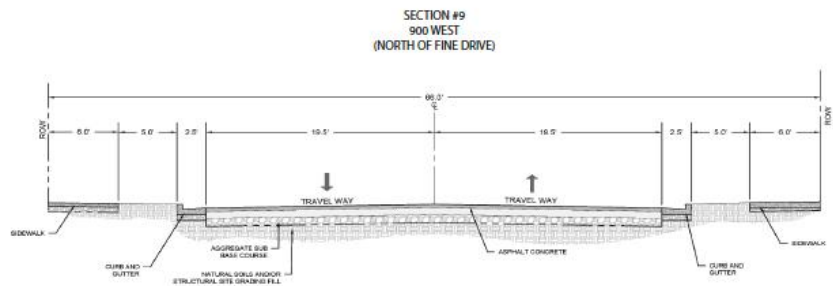
Exhibit C

Figure 5E: Roadway Widths and Design Standards



Riverfront
Figure 5E
Roadway Widths and
Design Standards
Sub 501 Log Ch. 17
November 2011

Figure 5F: Roadway Widths and Design Standards



Riverfront
Figure 5F
Roadway Widths and
Design Standards
Sub 501 Log Ch. 17
November 2011

- b. Required Streets, pedestrian and bicycle path ownership shall be as depicted in Figure 5G.

Exhibit C

Figure 5G: Roadway Ownership



E. Minimum Parking Requirements.

Riverfront MPMU Subdistrict	Subdistrict Requirement
Flex/Industrial (R-F/I)	1 per 1,000 s.f. of floor space
Multi-Family Garden-Style Building Forms (R-RM1)	1.75 per unit (recommended based on the studies)
School (R-S)	Elementary through Jr. High: 1 space per teacher and staff plus 1 space per 2 classrooms
School (R-S)	High School: 1 space per teacher and staff plus 1 space per 10 students
Single Family Detached Residential (R-R1)	2 garage spaces per unit 2 driveway spaces per unit

F. Open Space

Exhibit C

1. Developer and Owners shall comply with the open space and fencing plan as provided in Figure 6A. The figure provides a summary of required open spaces for each subdistrict, together with the percentages of open space relative to the overall acreages within the MPMU.

Figure 6A: Open Space/Fencing Plan



2. Developer shall provide, and Owners shall maintain, Dedicated trails, open space and open areas within the R-RM1 subdistrict to provide useable gathering and recreational spaces, such as linear parkways and playground areas.
3. Developer shall provide, and Owners shall maintain, open spaces along 900 West to provide a greenbelt along the roadway.
4. Required ownership of each open space area is designated on Figure 6A. All open space outside of the public Rights-of-Way will be held in private ownership (HOA). All open space within the Right-of-Way shall be Dedicated to public ownership. All open space, both public and private, will be maintained by the governing Owner's association.
5. Required Right-of-Way widths are shown on figures 5A, 5B, 5C, 5D, 5E.
6. Developer shall install, and the Owners shall maintain, all storm water detention systems required on private property within the Riverfront MPMU.

G. Fencing.

1. Project perimeter fencing is required as shown in Figure 6A.
2. Developer shall construct, and Owners shall maintain, an eight-foot high perimeter fence to Buffer the Single-Family residential subdistrict (R-R1) from other adjacent land uses and sub-districts. The developer will work with and the City shall determine the suitable material and fencing type in order to accomplish two objectives:
 - a. The fencing will be constructed to provide an element of Screening/privacy.

Exhibit C

- b. Fencing type, height and materials shall be as indicated in Figure 6A.
3. The second type of fencing shall be a four-foot high picket or semi-transparent style. A depiction of this fencing type is illustrated in Figures 6A. Developer shall install, and Owners shall maintain, uniform fencing within each subdistrict.
4. Fencing is not allowed within the front set back in the R-R1 subdistrict.
5. Chain link fencing is not allowed as a private fencing material within the R-R1 subdistrict.

H. Tree Master Plan. Developer shall install, and Owners shall maintain, Landscaping consistent with the Tree Master Plan Figure 6B and the following guidelines.

Figure 6B: Tree Master Plan



1. Deciduous shade trees shall be a minimum of two-inch caliper.
2. Evergreen trees shall be a minimum of eight feet in height.
3. Planting will create seasonal interest and species variety, with a mix of deciduous and evergreen trees used where appropriate.
4. Provide a proportional and appealing aesthetic. Designed shrub and groundcover plantings will be furnished containing appropriate combinations of woody plants at five-gallon size, and perennials/groundcovers at one-gallon size.
5. Where appropriate, (i.e. trail edges or large public spaces, medians, etc.), native grasses/meadow seeding shall be utilized to create a natural, low maintenance appearance.
6. Ornamental planting areas may be Developed to provide year-round foliage and seasonal interest.

Exhibit C

- I. **District Sign Standards.** Only monument style signs are allowed as Detached Signs within the Development as illustrated in Figure 7A.

Figure 7: Project Signage



- J. Attached Building signs shall meet the requirements of Chapter 17.08 of this Code.
- K. **Project Lighting.** Figures 8A and 8B provides two section perspectives of required project site lighting, typical Street lighting and typical pedestrian lighting. The sections represent the style of poles and luminaries that are required throughout the entire master-planned Development, creating uniformity throughout.

Exhibit C

Figure 8A: Street Lighting Plan



Figure 8B:



L. Pedestrian and Street Lights.

1. Lighting fixtures shall be spaced to create continuous and uniform lighting levels.
2. Street light poles will not exceed twenty (20) feet in height.

Exhibit C

3. Street lighting shall be shielded from casting light higher than in a line fifteen (15) degrees below the horizontal plane, as measured from the light sources.
4. Lighting shall not be directly cast into adjacent residential windows.
5. Lighting color shall be as close to incandescent as possible, including minimum wattage metal halide or color corrected sodium light sources.
6. Street light styles and materials must complement the architectural character of the Development.

M. Building Lighting.

1. Lighting shall be integrated into the architectural design to creatively illuminate pedestrian areas and highlight Building elements.
2. Full cutoff or fully shielded light fixtures shall be used in order to avoid light being directed upwards.
3. Lighting shall integrate with Retail signage, storefront windows, covered Parking Structures, and other Building elements to enhance visual interest.
4. Lighting shall limit glare and minimizing spill light beyond the property boundary.
5. Lighting within Parking Lots (particularly within the R-RM1 subdistrict) shall consist of one, or a combination of both, pedestrian lighting and surface mounted lighting. Where Parking Lots are narrow (one hundred twenty (120) to one hundred fifty (150) feet wide) lighting must be directed toward the interior of the Parking Lot from the perimeter to minimize light trespass on adjacent Uses.

N. Street Furniture.

1. Developer shall install, and Owners shall maintain Street furniture consistent with the style and materials depicted in Figure 9.
2. All Street furniture benches shall contain an intermediate arm rest to discourage individuals from sleeping on them.

Figure 9: Street Furniture

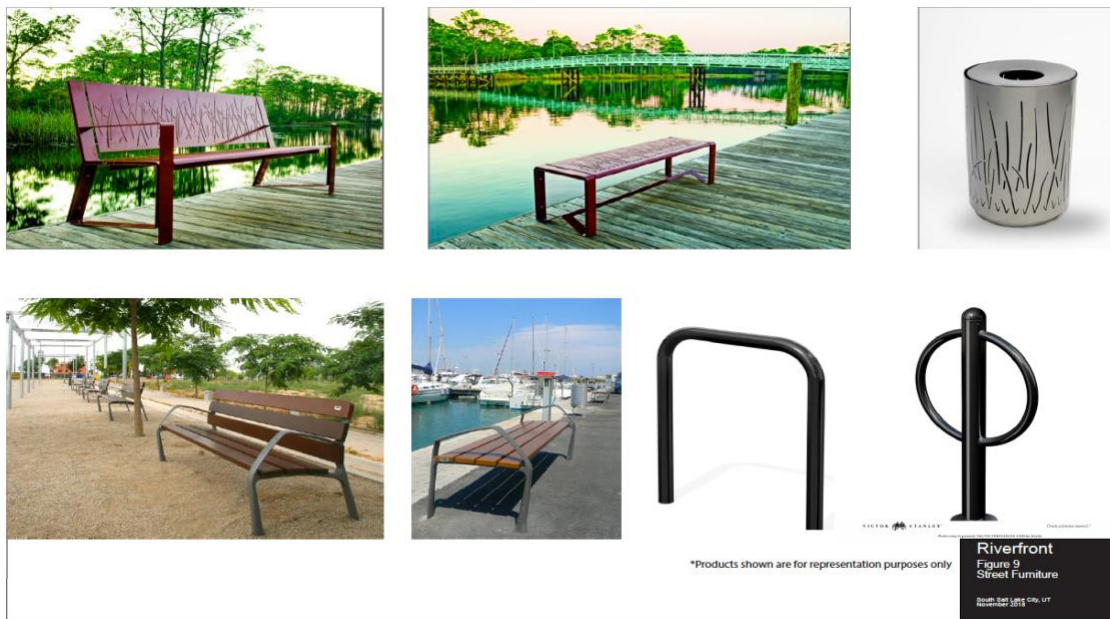


Exhibit C

- O. Covered Parking (R-RM1).** Covered parking is required within the RM1 subdistrict. Two Structure types as shown on Figure 9 (single column covered Parking Structures and double column covered Parking Structures) are permitted within this subdistrict.

Figure 10: Covered Parking Structures



Riverfront
Figure 10
Covered Parking
Structures
South Salt Lake City, UT
November 2018

- P. Design Approval Process.** Unless otherwise specified in the City Code, the Community Development Department will review and approve Site Plans and Building Elevations in accordance with enacted land-use regulations. In the event that the developer and the Community Development Department dispute the design standards in this plan, the Community Development Director may certify Site Plans and Building Elevations for design review by the Planning Commission.
- Q. Design Standards Modifications.** The following provisions modify conflicting Design Standards in Chapter 17.07 within the Riverfront MPMU:
1. Compatibility. Building forms, within the same land use subdistrict, that front across the Street from one another shall be similar in Scale, form, or massing, to the maximum extent possible.
 - a. For Single Family Buildings:
 - i. Structures on Corner Lots shall maintain consistent average front Setbacks with Buildings on either side, to the maximum extent possible.
 - ii. Infill Development (for subsequent Development) shall utilize the same Building form as Development on either side, to the maximum extent. possible.
 - iii. Each roof pitch shall be no less than 4:12.
 - iv. Exterior materials:
 - a) Homes shall use Hardie Board on all sides.
 - b) Homes shall not include stucco.
 - c) The first floor of each road-facing surface shall include two materials.

Exhibit C

- v. Buildings using this form shall be no more than two stories and no higher than thirty-five (35) feet measured from the Grade to the peak of the roof, or flat roofed structures, the top of the parapet.
- b. For Garden-style Multi-Family Buildings: The garden-style Multi-Family 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 one or more stairways. The R-RM1 Building design and color scheme shall substantially conform with Figure 11:

Figure 11: Multi-Family Garden Style Apartments



- i. Materials.
 - a) Exterior Building walls of structures using the garden-style Multi-Family 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, one-coat stucco system, architectural metal panels, or similar material. EIFS, glass, smooth-faced masonry block, or wavy corrugated metal may be used as accent materials only and shall not be the Primary Material used on any exterior.
 - b) When stucco is used as a primary exterior Building material, EIFS may not also be used as an accent material. Likewise, if EIFS is used as a primary exterior Building material, stucco may not be used as an accent material.
- ii. Exterior Staircases and Entry Features. Up to one exterior staircase per seventy (70) feet of Façade is allowed to service the units in each garden-style Multi-Family Building. Exterior staircases shall be incorporated into an exterior entry

Exhibit C

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 to the following standards:

- a) Staircases may extend from the Primary Structure. Projected staircases require a minimum three-foot Façade projection.
 - b) Staircases may be recessed from the Primary Façade. Staircases shall be recessed at least three (3) feet from the Primary Façade.
 - c) All exterior entries shall be designed to allow for natural light penetration.
- iii. Porches, Balconies, and Private Patios.
- a) Every Dwelling Unit in a garden-style Multi-Family Building that faces a Public Street, a perimeter Street, primary internal Street, park, or Common Open Space shall have one of the following: a Porch, balcony, or private patio. Porches, balconies, and patios shall be a minimum of fifty-eight (58) square feet in area and a minimum of five (5) feet in depth.
 - b) Porches, balconies, and private patios will have railings that consist of materials other than vinyl, such as powder coated steel, or other upgraded material(s).
- iv. Roofs. All roof vents, pipes, Antennae, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be configured to have a minimum visual impact as seen from an adjacent Street, to the extent possible.
- v. Façades.
- a) All elevations of structures using the garden-style Multi-Family Building form visible from the Street shall provide doors, Porches, balconies, common staircase entries, or windows in the following amounts:
 - I. A minimum of forty (40) percent of front elevations; and
 - II. A minimum of twenty-three (23) percent of side and rear Building Elevations.
 - b) Façades of Structures using the garden-style Multi-Family Building form facing Streets or containing the Primary Façade(s) to Dwellings shall provide the following design features for each residential unit fronting onto a Street;
 - I. Projections or recesses in the Façade lane every forty-five (45) feet.
 - II. Projections or recesses must have a minimum depth of two feet;
- vi. Architectural Variability. Architectural Variability Standards must be used from the columns of the following table as indicated. Up to one of the items in the left column may be substituted for one of the items in the right column.

Exhibit C

Required Architectural Variability Standards (must choose one)	Optional Architectural Variability Standards (must choose three)
The use of different exterior materials or colors	Variations in the width of the front Façade by two feet or more
Variation in the location and proportion of front Porches	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
	* Combining of materials in different configuration.

* Materials for the same or similar elevation shall be combined in different configurations and shall differ in style (such as horizontal siding, shingles, flat panels, and board and batten) and/or differ in locations (horizontal siding at the second floor over stucco at the first floor, or board and batten siding over horizontal siding).

- vii.** Meter and Equipment Placement. Wall-mounted and ground-based meters, HVAC, and utility equipment serving a garden-style Multi-Family Building shall be:
 - a)** Screened from view, and
 - b)** Placed in close proximity to one another.
- viii.** Required Amenities for Multi-Family Residential Buildings. Buildings using the Townhome-style or garden-style Multi-Family form shall include the following amenities.
 - a)** A common social gathering area of at least four hundred (400) square feet for each fifty (50) units, or portion thereof, with the Building or Development.
 - b)** Items from the unit features section, general amenities section, recreation amenities section, energy efficiency enhancements section described in the table below and according to the number of items identified for each Building form.
 - c)** Table of Required Amenities:

Exhibit C

Unit Features	General Amenities	Recreation Amenities	Energy Efficiency Enhancements
Must Choose 9 Items	Must Choose 6 Items	Must Choose 6 Items	Must Choose 3 Items
Individual garages for at least 50 percent of units	Exterior social area - at least 400 square feet	Pool - at least 400 square feet	Compliance with Energy Star new homes standard for Buildings three stories or fewer
Washer/dryer connections	Project security— Automated gate or guard	Internal fitness facilities	Compliance with Energy Star Multi-Family high-rise program for Buildings four stories or greater
Private Porches, patio, or balcony - at least 70 square feet	Enclosed parking	Secured, programmed children's play areas	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.
Upgraded floor coverings, in place of or in addition to carpet	Secured, enclosed storage units	Hot tub	Design and install required connections for the installation of PV or solar hot water system in the future.
Visitability features for at least 10 percent of units	Public transit Use incentive	Community garden	Electric vehicle charging station
Nine-foot ceilings for each unit	Offering of 1 permanent on-site social activities:	Perimeter trail	Participation in a recycling program as part of a rental agreement or HOA
Enhanced soundproofing	<ul style="list-style-type: none"> Theatre room 	Sport court	Installation of tankless hot water systems
Solid doors throughout unit	<ul style="list-style-type: none"> Business room 	Park benches	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.

Exhibit C

Vaulted ceilings on the top floor	<ul style="list-style-type: none"> • Club room 	Pavilion	LED lighting in Building common areas (not including site common areas)
Washer and dryers in each unit	<ul style="list-style-type: none"> • Kids play room 	Pet stations	Provide Energy star appliances
Triple play package	Library, office, or meeting facilities	BBQ areas	
Bike storage/utility closet for each unit		Child splash pad	

- c. For Flex/Industrial Buildings. The design and color scheme of all Buildings in the Flex/Industrial subdistrict shall substantially conform with Figure 12A and 12B:

Figure 12A Flex Industrial:



Riverfront
 Figure 12A
 Flex Office Building
South Salt Lake City UT
 November 2016

Exhibit C

Figure 12B: Flex Industrial



- i. Orientation.
 - a) Developments composed of a single Structure using the Flex/Industrial Building form shall be oriented such that the Primary Façade faces the Street from which the Building derives its Street address. However, in order to create functional truck loading areas within the limits of the sub-district, Primary Façades may also face customer/Public Parking Lots that have convenient and direct access to the primary Street.
 - b) Development with multiple structures using the Flex/Industrial Building form shall be configured to conceal operations from off-site views directly adjacent to residential Dwellings.
 - c) Accessory Structures or Uses shall be in the rear yard.
 - d) Buildings that have end sections fronting along Fine Drive and 3655 South must have a "store front wrap around" to project the look and feel of a store front appearance.
 - e) Buildings that have end sections fronting along Fine Drive must also incorporate wing walls that extend from the Building to edge of the drive entrance. This will provide Screening of the truck loading docks from the Street. The wing walls must be at least six (6) feet in Height and consist of a material other than wood, vinyl, stucco, or other material that is prone to graffiti vandalism. Wing wall materials shall be composed of concrete, or other material(s) that are complementary to and/or have similar architectural appearance to the Buildings. Wings walls must also be supplemented and maintained with appropriate Landscaping.
- ii. Architectural Fronts.

Exhibit C

- a) Architectural fronts shall be clearly demarcated through signage, Architectural Elements, or other features, and Building Façades containing customer entrances should be oriented towards the Street from which the Structure derives its Street address when possible.
 - b) Any office portion of a Structure using the Flex/Industrial Building form shall utilize human-Scale design along with a variety of architectural detail to break up large walls or enhance visual quality.
- iii. Materials.
- a) Exterior Building materials shall be continued to the Grade on any elevation.
 - b) All exterior wall of a Structure using the Flex / Industrial Building form shall be clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance over time, including, but not limited to:
 - I. Natural or synthetic stone;
 - II. Brick;
 - III. Stucco;
 - IV. Painted, textured, or glazed concrete masonry units;
 - V. High-quality pre-stressed concert systems;
 - VI. Float finish EIFS;
 - VII. Glass; or
 - VIII. Painted metal siding as an accent material.
- iv. Roofs. Roof-based mechanical equipment shall be screened from Streets and off-site views.
- v. Compatibility with Single-Family Development:
- a) Restrict all access to residential Streets.
 - b) Locate service and loading areas as far from Single-Family residential subdistricts as possible.

17.03.210 – Granite MPMU district – Townhome subdistrict.

- A. Purpose.** The purpose of the Townhome subdistrict of the Granite MPMU district is to receive Residential Density from the entire historic Granite High School site within the Granite Master Planned Mixed-Use Development and then concentrate and supplement the existing Residential Density to form a well-planned, condominiumized Townhome community and facilitate the construction and operation of a 29,500 square-foot Library within the companion Library subdistrict.

Exhibit C

Figure 1 — Granite MPMU:



- B. Uses.** In the Townhome subdistrict, the Buildings, Structures and land shall not be occupied, Used, or Developed except in accordance with the Uses allowed in the Townhome subdistrict found in this Chapter.
- C. Building and Site Development.** In addition to the design standards and review requirements established for this District in Chapter 17.07 of this Code, all Development within the Townhome subdistrict must meet the following minimum standards:
1. Minimum Development area: six (6) contiguous acres;
 2. Minimum Lot width at Street Frontage: 400 feet;
 3. No Townhome unit or occupied Structure shall be less than 20 feet in width;
 4. Maximum Building Height: 42 feet;
 5. Maximum Density: up to 113 Townhome Condominium units, plus common area amenities;
 6. The proposed Development must include an eight (8) foot Park Strip and a ten (10) foot sidewalk along the 3300 South Right-of-Way:

Exhibit C



7. The project Site Plan and Development must connect each separate Building with internal concrete walkways to provide safe and convenient pedestrian access to common areas and amenities. The width of internal walkways that are adjacent to Parking Stalls shall be no less than five (5) feet. The width of internal walkways that are not adjacent to Parking Stalls shall be no less than four (4) feet.
8. Minimum Required Open Space: 20%. Open Space includes hardscape such as sidewalk, plazas, Courtyards, landscaped detention pond, pools, spa, pool deck, and interior spaces available to residents as common area such as a clubhouse;
9. Each unit must include enhanced sound attenuation and sound mitigation construction;
10. Nine (9) foot ceilings are required throughout the interiors of each unit;
11. Upgraded cabinets, stone or quartz countertops, and upgraded cabinet, window, and door hardware are required throughout each unit. At a minimum, such upgrades shall persist within each unit, through the first year of occupancy of each unit;
12. A tot lot, common area pool and spa, BBQ area, clubhouse and exercise facility are required common project amenities;
13. Elevations. The Townhomes will be constructed in general conformity with the concept designs, front door entrances, and identifiable transitions, depicted below:

Exhibit C

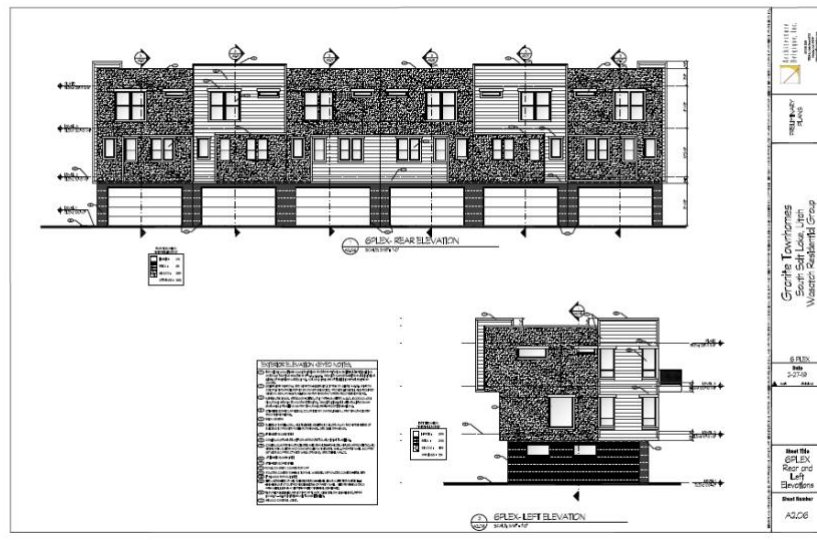
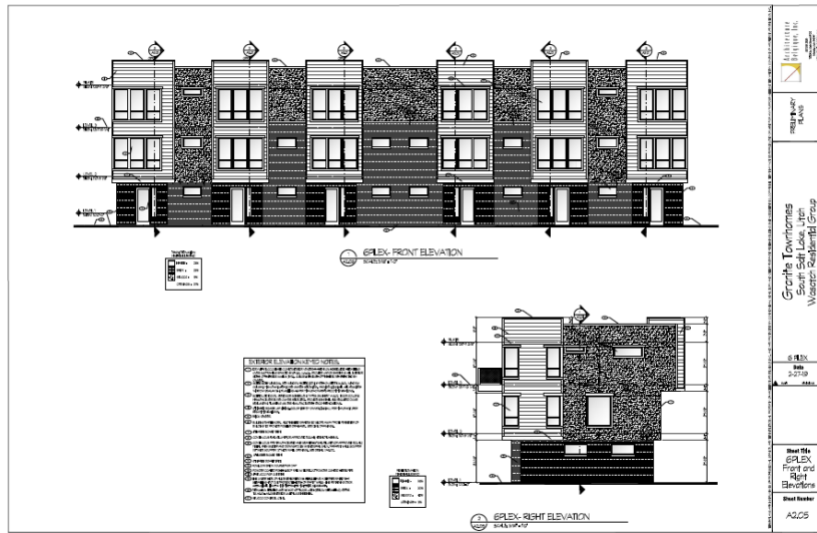
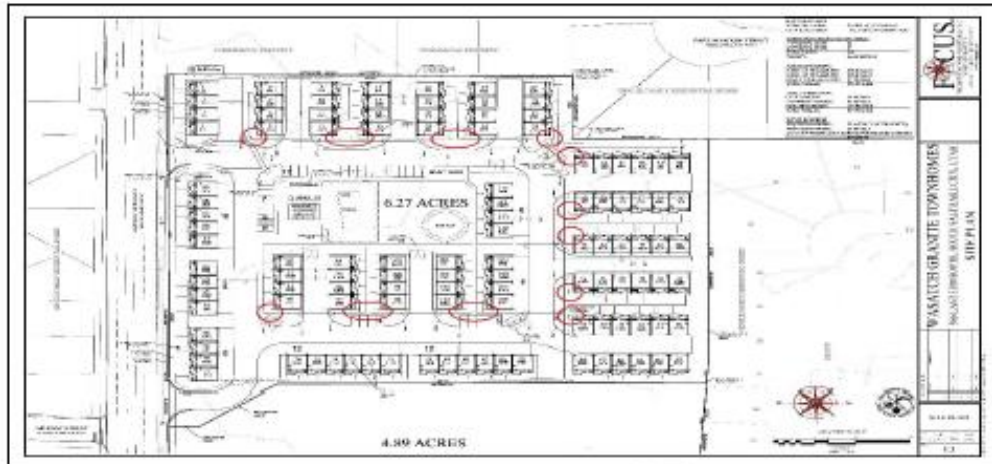


Exhibit C

- a. Each corner unit on Buildings facing 3300 South and the Library must have at least 4' x 12' of deck space;
- b. Each designated end unit must have at least 4' x 15' of patio space that wraps around the corner of the unit and includes a pony wall for privacy;
- c. Designated end units are depicted in red below:



14. To implement the Granite MPMU Development, Development within both subdistricts must include cross-access easements. As planned, the Townhome subdistrict shall provide two points of ingress/egress from 3300 South. The westernmost point of ingress/egress shall include of a minimum paved public safety vehicle "pull out" from 3300 South that is at least 26 feet wide and at least 60 feet long. If two points of ingress/egress from 3300 South are provided for the Townhome subdistrict, the Townhome subdistrict shall provide paved emergency egress, at least 26 feet in width, from the Library subdistrict through the Townhome subdistrict. The emergency access may be gated in coordination with South Salt Lake City. If the Townhome subdistrict is unable to gain UDOT approval for two points of ingress/egress into the Development from 3300 South, it shall Develop a second point of ingress/egress through the Library subdistrict to 500 East. The second point of ingress/egress may not be gated;
15. Each Building within the Townhome subdistrict shall share the same architectural theme, including, but not limited to colors, materials, rooflines, and entries;
16. At a minimum, the first floor of each Townhome shall be brick or stone. No vinyl or aluminum siding is allowed on any exterior portion of any Townhome;
17. Stucco may be allowed on structures so long as the stucco meets the following maximum percentages: Front elevation (20%); Side elevation (45%); Rear elevation (36%); and
18. Townhome Buildings and required amenities may be configured substantially as depicted below:

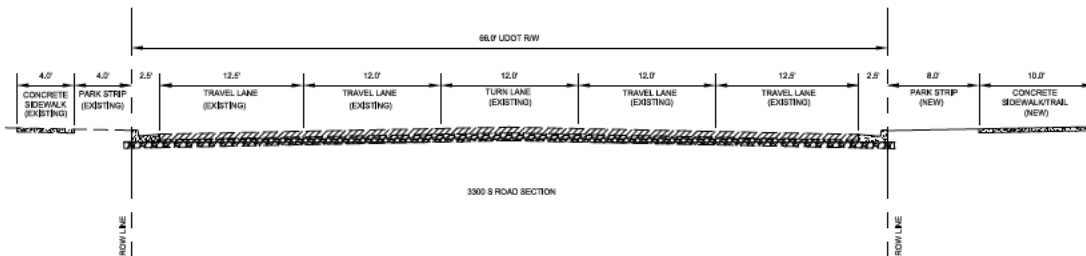
Exhibit C



- 19. All Townhomes shall be subdivided into individual Condominium units prior to issue of a certificate of occupancy.
- 20. Front yard Landscaping is required for a minimum depth of 10 feet.

D. Road and Public Access Easements Cross Sections:

- 1. The required cross section of 3300 South UDOT Right-of-Way* and SSLC public access easement and improvements is depicted below:



*UDOT has sole authority to regulate the specifications for travel lanes within the UDOT right of way

- 2. Private Roads: The required cross section of private roads within the subdistrict is depicted below:

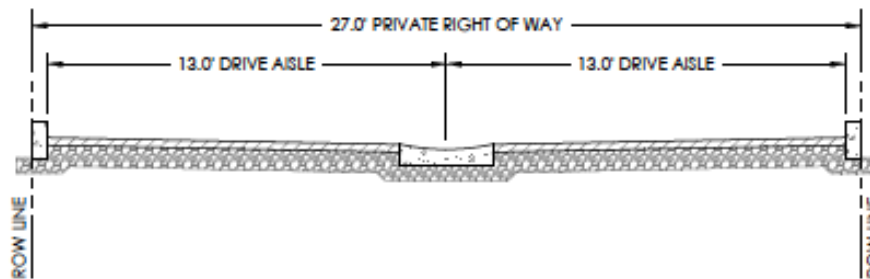


Exhibit C

- E. Storm water management.** Site Development must include comprehensive storm water management, including the public Dedication and improvement of public storm water facilities within the subdistrict.
- F. Parking.** The Townhome subdistrict shall meet the following parking requirements:
1. For each three (3) bedroom unit – two and one half (2.5) stalls
 2. For each two (2) bedroom unit – two (2.0) stalls
 3. Guest parking for each unit – one half (0.5) stalls
 4. Driveways and garages shall count towards total parking requirements.
- G. Signage.** A monument Sign of up to five (5) feet in height and ten (10) feet in width shall be permitted at each public entrance into the project.

17.03.220 – Granite MPMU district – Library subdistrict.

- A. Purpose.** The sole purpose of the Library subdistrict of the Granite MPMU district is to effect the redevelopment of a portion of the historic Granite High School site within the Granite Master Planned Mixed-Use Development into a Library at the corner of 3300 South and 500 East.

Figure 1: Granite MPMU



Exhibit C

- B. Uses.** In the Library subdistrict, the Buildings, Structures or land shall not be occupied, Used, or Developed except in accordance with the adopted Uses permitted for the subdistrict found in this Chapter. The Library shall be the Primary Use. All other allowed Uses within the district are accessory to the Primary Use.
- C. Buildings and site Development regulations.** In addition to the design standards and review requirements established for this district in Chapter 17.07, all Development within the subdistrict must meet the following minimum standards:
1. Minimum contiguous Development area: 4.0 acres;
 2. Minimum open space required: 30%. Open space includes hardscape such as sidewalk, plazas, and Courtyards;
 3. A gateway emphasis is required at the corner of 3300 South and 500 East and must include a combination of Landscaping, public art, pedestrian lighting, plaza space, and signage;
 4. Minimum Floor Area: 29,500 square feet;
 5. Minimum Lot width at Street Frontage: 300 feet;
 6. Maximum Building Height: 42 feet;
 7. Minimum Building Height: 20 feet;
 8. Architectural design must address the historic character of the site and incorporate familiar design features of the Granite High School architecture and shall display Granite High School Memorabilia that the Granite High School Alumni Association entrusted to the City of South Salt Lake;
 9. The Building corner facing 3300 South 500 East shall include an architecturally prominent feature;
 10. Exterior Materials: Primary Materials shall be brick, integral color CMU, stone or marble, EIFS, metal, or composites. Stucco may be used on the Façades as a Secondary Material but may not exceed 20% of any Façade;
 11. Windows and Doorways:
 - a. At least 40 percent of each Façade along 3300 South and 500 East shall be occupied by windows and glass doorways; and
 - b. All Street-level windows shall have a minimum transparency of 70 percent, measured between two (2) feet and eight (8) feet above Grade. Upper Story windows shall be at least 25 percent transparent.
 - i. All windows along 3300 South and 500 East shall incorporate mullions and/or transoms and at least two of the following standards:
 - (a) Trim or molding at least four (4) inches in width;
 - (b) Canopies or overhangs, proportional to the size of the window;
 - (c) Recessed inset from the Primary Façade by at least two (2) inches;
 12. Primary Façades. Primary Façades shall incorporate the following design elements:
 - a. Variations in roof form and parapet heights;
 - b. Wall recesses or projections of a minimum depth of two (2) feet at least every 40 feet;
 - c. Distinct changes in texture and color of wall surfaces;
 - d. Vertical accents or focal points;

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- e. All Primary Façades shall incorporate a significant Building arcade or vestibule. In addition, Primary Façades must incorporate visually prominent Building entrances through the use of the following features:
 - i. Outdoor pedestrian features such as seat walls and Landscaping, or permanent landscaped planters with integrated benches;
 - ii. Architectural details such as tile, stone, and moldings shall be integrated into the Building structure with wall plane variation to enhance the Building Façade and to clearly identify each entry location;
- 13. Drive-through drop-off facilities are prohibited along any side with Public Street Frontage;
- 14. Pedestrian Amenities:



- a. At a minimum, the Development must include an 8-foot Park Strip along 3300 South and along 500 East;
- b. The Development must include 10-foot sidewalks along 3300 South and 500 East;
- c. The Library must connect to Parking Areas with concrete walkways of no less than five (5) feet in width;
- d. To the maximum extent possible, all Development activity shall protect existing mature trees on 3300 South and 500 East. If, during construction, the City determines that any trees must be removed, the Applicant shall remove and replace any missing Street trees with trees of a minimum 4" caliper. Tree spacing and species shall meet City requirements;
- e. Parking and loading are prohibited between the Building and 3300 South and between the Building and 500 East;
- f. Development shall include an improved, 10-foot wide concrete or asphalt fitness trail around the perimeter of the property;

Exhibit C

Fitness Trail



- g. All Development shall include improved pedestrian access paths and cross-access easements between the Townhome and Library subdistricts:



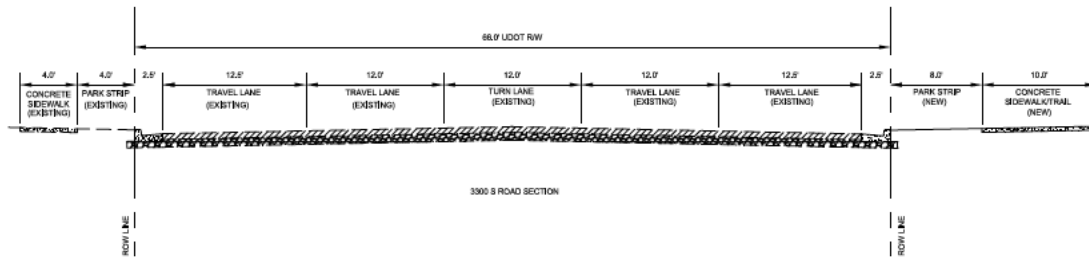
- h. Pedestrian and overhead lighting that meets the character district standards of the South Salt Lake Lighting Master Plan shall be installed along 500 East and 3300 South; and

Exhibit C

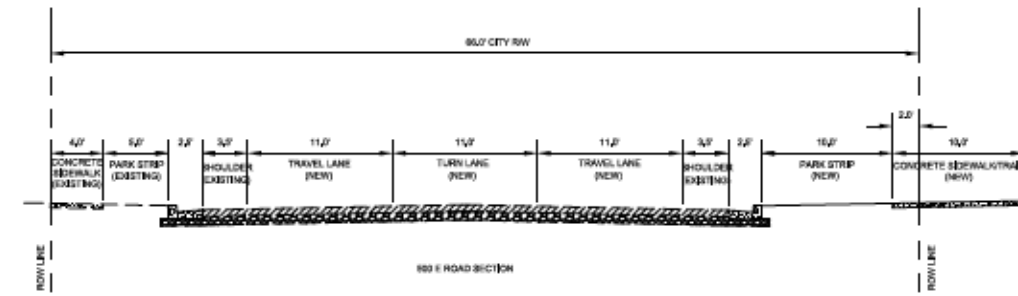
- i. The South Property Line shall include a tree-lined, landscaped Buffer of at least five (5) feet in width and a paved sidewalk width of at least ten (10) feet.
- 15. The design must achieve a nationally adopted standard for sustainable Building construction.
- 16. Access from 500 East shall be located no less than 300 feet from the 3300 South Right-of-Way.

D. Road and Public Access Easement Cross Sections:

- 1. 3300 South UDOT Right-of-Way* and required cross section of SSLC public access easement and improvements:



- 2. 500 East Right-of-Way and required SSLC public access easement and improvement



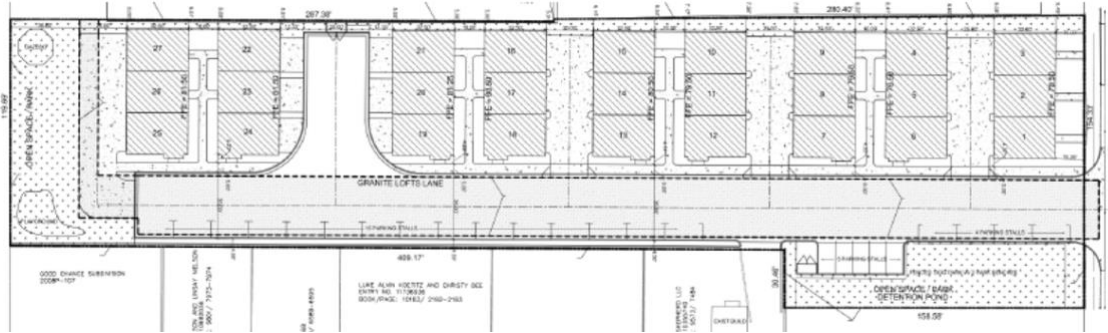
*UDOT has sole authority to regulate the specifications for travel lanes within the UDOT right of way.

- E. **Storm water management.** Site Development must include comprehensive storm water management, including the public Dedication and improvement of public storm water facilities within the district.
- F. **Parking.** The following parking requirements apply:
 - 1. The base parking requirement shall be 1 stall for every 150 gross square feet of Building.
 - 2. A reduction of the parking footprint up to 40% is allowed if measures are provided to encourage carpooling, bike, and pedestrian use. These include providing secure bike racks, pedestrian connections from adjacent properties through the site, and preferred parking for carpools for 5% of the total Parking Stalls after reductions are made from the base ratios.

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17.03.220 - Granite Lofts Multi-Family Townhome (GLT) district.

- A. **Uses.** Uses within this district are described in this Chapter.
- B. **Density.** Project Density is limited to residential Development at up to seventeen (17) units per acre in the configuration designated in Subsection C, Site Plan and Unit Configuration.
- C. **Site Plan and Unit Configuration.** Upon Subdivision, the project Site Plan and unit configuration shall be:



- D. **Development Design Regulations.** In addition to Chapter 17.07, the following regulations apply:
 - 1. Minimum project area is 1.6 acres;
 - 2. The project may not include more than nine Townhome Buildings;
 - 3. Only units one through twelve (12) as depicted above may include rooftop access or use;
 - 4. Offsite noise projected from rooftop access or use is prohibited from 10:00 p.m. to 8:00 a.m.; and
 - 5. All units must have enhanced sound attenuation from Street noise and from noise between units.

17.03.230 – Nature Center Pilot Project (NCP) Overlay District.

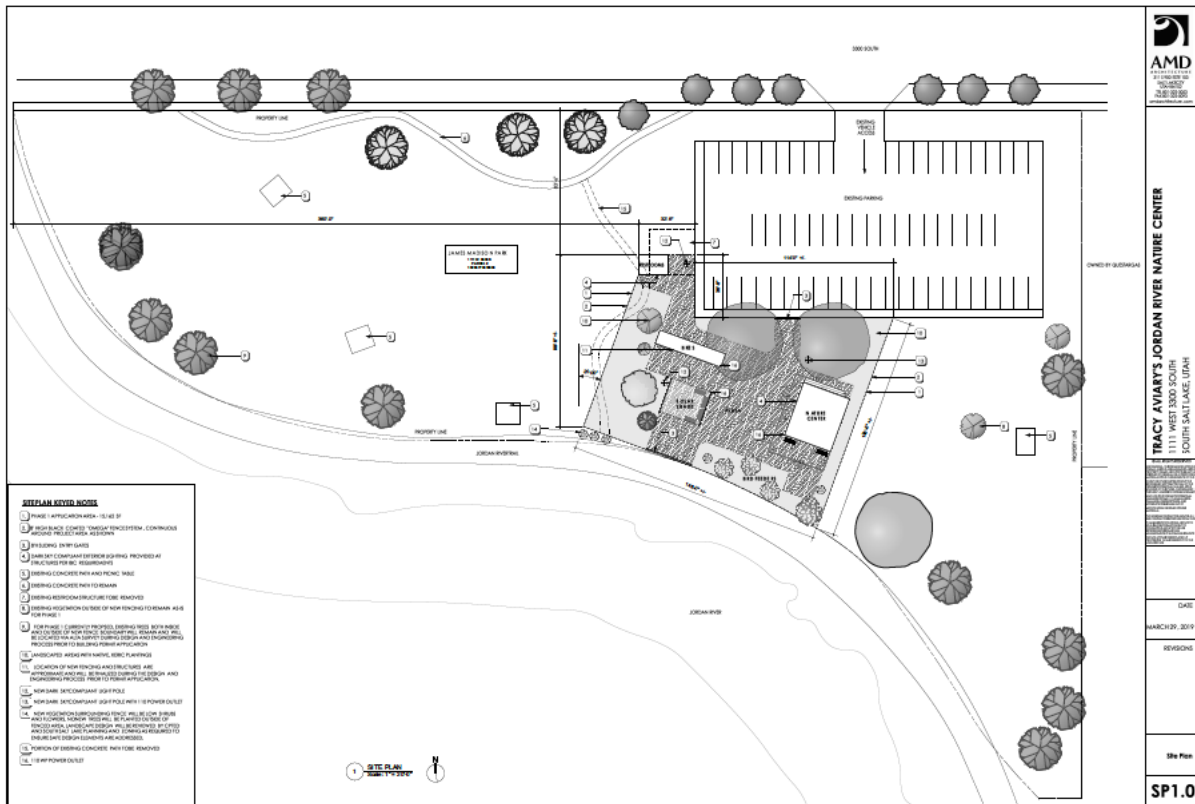
- A. **Purpose.** The Nature Center Pilot Project (NCP) Overlay District provides Development standards for a one-half acre Nature Center within the City, as an interim component of an anticipated, larger, conceptual Nature Center anticipated for future legislative action.
- B. **Establishment.** The NCP Overlay District is established to:
 - 1. provide a tailored Development, design, and Use framework appropriate for a new Nature Center proposed within the City;
 - 2. specifically support and increase the Use, awareness, understanding, appreciation, and stewardship of the natural environment within the City; and
 - 3. facilitate the investment of future legislative appropriations in a manner consistent with state-level directives.
- C. **Applicability.** Any Development or Change of Use shall comply with the provisions of this Code.
- D. **Uses.** A single Nature Center, of no more than one-half acre, shall be the only Primary Use allowed.
 - 1. The Nature Center shall include all of the following:
 - a. a visitor education center;
 - b. Landscaping featuring native, xeric plantings;

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- c. secured restroom facilities; and
 - d. at least one Specialty Recreational Installation.
2. The Nature Center may include any of the following accessory components:
- a. protected open space, wildlife sanctuary, or nature preserve;
 - b. educational exhibits, displays, or dioramas;
 - c. a shade pavilion/plaza;
 - d. Nature Center programming; and
 - e. early childhood education.

E. Standards.

1. Operator/manager. The Nature Center shall be operated and managed by a single operating/managing entity for the duration of the NCPP Overlay District.
2. No entity other than the Applicant may be substituted for the operator/manager of the Nature Center.
3. The Nature Center site:
- a. The gross project area of the NCPP Overlay District shall not exceed one-half acre, exclusive of parking and generally shall be configured as depicted below:



4. Nature Center Operations:
- a. The Nature Center may operate for a maximum of fifteen (15) hours per day, seven (7) days per week—adjusted seasonally to ensure opening occurs during daylight and closure occurs before dark.

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- i. Site management. The Nature Center operator/manager shall contract with a licensed and bonded private security company to conduct at least two (2) site visits to the Nature Center per night, at random hours. The operator/manager shall contract with a licensed and bonded private security company, as needed, to provide security for large events and other identified security needs. The operator/manager shall ensure all Structures are reasonably secured against unauthorized access.
- F. Design and Construction.** The following Design Guidelines and construction requirements apply:
1. Grading and drainage. Site Development shall be designed and graded to meet MS4 permit standards, all to the City's Engineering standards.
 2. Architectural standards.
 - a. One (1) visitor education center is permitted and required onsite.
 - b. The visitor education center may have a maximum Gross Floor Area of 1,000 square feet—exclusive of any exterior deck or Porch area—and may feature a learning area, conference room, and office space.
 - c. The visitor education center may be prefabricated and must be affixed to a foundation.
 - d. The visitor education center Structure shall feature a wrap-around deck and entry Porch with a wood and metal railing. The deck and Porch shall feature an overhead timber trellis and an ADA access ramp.
 - e. The primary cladding of the visitor education center shall be wood, and the roofing shall be finished with asphalt shingles.
 - i. The roof shall feature a prefinished metal fascia and coordinating deck-base surround.
 - ii. The glass-to-wall ratio for the Structure shall be at least 15% on the side and rear aspects and 30% on the front aspect of the structure.
 - iii. The visitor education center may have a maximum height of sixteen and one-half feet (16.5').
 - f. Accessory Structures.
 - i. Structures serving an appropriate Accessory Use under Subsection (D) may be prefabricated—including up to one (1) container structure—or may be constructed onsite.
 - ii. All Accessory Structures shall be affixed to a foundation, as applicable.
 - iii. Any Accessory Structure built from a container Structure shall only be used for indoor storage related to a bicycle-share/rental Specialty Recreational Installation and services in support of the bicycle-share/rental operation.
 - iv. A bicycle-share/rental Specialty Recreational Installation Structure shall:
 - a) have a maximum Gross Floor Area of 400 square feet, exclusive of any exterior bicycle parking racks.
 - b) be painted one solid color but may feature nature themed murals on its long sides.
 - v. One (1) Specialty Recreational Installation pavilion/plaza designed primarily to provide shade:
 - a) may be constructed from timber trellis;
 - b) may feature photovoltaic solar collection panels; and
 - c) shall have a maximum height of eleven feet (11').

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- vi. No Specialty Recreational Installations may be constructed in addition to the container Structure for the bicycle-share/rental Structure and the shade pavilion/plaza.
 - g. Restroom facilities. The Nature Center shall include restroom facilities with a maximum Gross Floor Area of 200 square feet and a maximum height of ten feet (10').
 - i. Any restroom facility exterior surfaces shall compliment the exterior finishes of the visitor education center Primary Structure.
 - ii. Any restroom facility shall be ADA accessible and shall feature an ADA-compliant drinking fountain on the facility's exterior.
 - h. Central plaza space. The hardscaped elements of a central plaza space within the Nature Center shall be constructed of a pervious paving system.
3. Landscape and Signage.
 - a. The Nature Center may feature one (1) monument sign, with a maximum height of four (4) feet and maximum area of 50 square feet, and one (1) Wall Sign that is limited to 5% of the front Façade area, with alphanumeric character up to three (3) feet in height.
 - b. Any Development shall preserve all existing trees within the site and shall locate each existing tree on an ALTA survey provided to the City during Design and Engineering review before any Building or Grading Permit shall issue for the project.
 - c. Low shrubs and flowers may be planted surrounding the site fencing to the extent such plantings are compatible with CPTED principles.
 - d. Development shall incorporate native, xeric plantings into its landscape.
 - e. The Landscape Plan may include immovable seating areas throughout the site.
4. Waste containers. All waste containers shall be emptied regularly into aggregate collection containers to prevent onsite litter and unsightly collection of discarded items. Aggregate collection containers shall be located in screened areas, away from public view.
- G. Duration or Conversion.** The NCPP Overlay District shall expire four (4) years from May 8, 2019. Upon expiration of this pilot project Overlay District, the Property Owner shall restore the Nature Center site to a state substantially the same as it was on the date of the enactment of the district. The Property Owner shall not be required to restore the site to a state substantially the same as at the enactment of the district if the site has been permanently rezoned for a Nature Center (i.e. Nature Center Phase II) prior to the NCPP Overlay District's expiration.

17.03.240 – South Salt Lake City Police Department (SSLC-PD) Overlay District.

- A. Purpose.** The South Salt Lake City Police Department (SSLC-PD) Overlay District provides Development standards for specific Accessory Structures necessary for safe City Police Department operations.
- B. Establishment.** The SSLC-PD Overlay District is established to:
 - 1. to support appropriate addition of Accessory Structures to City Police Department sites to make additions Compatible with the SSLC Police Department Primary Use and Structures surrounding the site;

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2. to minimize human interface with hazardous, contaminant, or otherwise unsafe conditions or materials; and
 3. to facilitate daily SSLC Police Department operations.
- C. Applicability.** A property Owner shall follow the provisions of this Section when Developing or changing the Use of property within the district.
- D. Uses.** In the SSLC-PD Overlay District, Uses, Buildings, Structures or land shall only be used or Developed in a nature accessory to the Primary Use of the subject property.
- E. Standards.** Specific standards for the SSLC-PD Overlay District are as follows:
1. **Permissible Accessory Structure:** One Accessory Structure is allowed in the district to support an Accessory Use to (a) minimize SSLC Police Department personnel interface with hazardous, contaminant, or otherwise unsafe conditions or materials; and (b) facilitate daily SSLC Police Department operations. An Accessory Structure serving an appropriate Accessory Use under this Section may be prefabricated—including a container structure—or constructed on-site. All Accessory Structures shall be permanently affixed to a foundation. An Accessory Structure shall only be used for temporary indoor storage and shall not be used for human occupancy other than for and during incidental processing of custodial property.
 2. **Grading and Drainage:** An Accessory Structure shall only be constructed on a site graded and designed to meet MS4 permit standards, all to the City’s Engineering standards.
 3. **Maximum Height:** Accessory Structure height shall not exceed 11 feet.
 4. **Size and Siting:** Accessory Structure Gross Floor Area shall not exceed 420 square feet per Accessory Structure. An Accessory Structure must be located within three (3) feet of a Side Property Line and within three (3) feet of the Rear Property Line, but shall not obstruct a Right-of-Way sight-distance triangle or Drive Aisle, including the Accessory Structure’s door-swing paths.
 5. **Construction:** An Accessory Structure shall match the exterior color of the primary SSLC Police Department Structure within the district and shall employ an anti-graffiti coating on all vertical, exterior surfaces. An Accessory Structure may incorporate electrical service for lighting, HVAC, and as necessary to support incidental processing of custodial property within the Accessory Structure. All exterior lighting shall be directed downward and away from any adjacent Residential Uses. HVAC equipment shall not emit noise levels in excess of 55dBa at the Property Line.
 6. **Security:** Appropriate video camera surveillance shall be directed onto any Accessory Structure. The SSLC Police Department shall continuously record activity in the vicinity of the Accessory Structure and its immediate surrounding area to deter vandalism and ensure the protection of City and custodial property. The Accessory Structure shall be appropriately secured from unauthorized access.

17.03.250 – School (S) district.

- A. Purpose.** The purpose of this zoning district is to allow for schools to operate within the district.
- B. Uses.** No Building, Structure, Site, or land shall be used or Developed except in accordance with the adopted Land Use Matrix as found in this Chapter.

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- C. **Standards.** Standards for the district are as follows:
 - 1. The minimum area of any Lot for Development is two (2) acres.
 - 2. The maximum Height for any Structure is forty-five (45) feet.
 - 3. Required Setbacks are detailed in Chapter 17.07.
- D. **Development Review.** The Planning Commission shall review requests for Development in the district.

Chapter 17.04 – Permitted Use Review

17.04.010 – Review Process and Requirements.

- A. A person seeking approval of a Permitted Use must file a Complete Application, using the forms established by the Community Development Department, and include payment of all fees. For any Application to construct a Building or other Improvement to Property for a Use that is defined by this Code as allowed in the zoning district in which the Building is proposed, the Community Development Department and the City Engineer must review the Application to determine whether the proposal:
 - 1. Is allowed within the district where it is proposed;
 - 2. Is proposed for Development on a legally subdivided Lot;
 - 3. Can be adequately serviced by Dedicated roads, improved to City Standards and existing or proposed utility systems or lines;
 - 4. Complies with all applicable Development requirements of that district, including Building Height, Setbacks, and Lot Coverage;
 - 5. Meets the applicable Development Standards requirements;
 - 6. Conforms to the Design Guidelines and the design review process established for that district;
 - 7. Requires conditions of approval;
 - 8. Complies with the Construction Codes; and
 - 9. Pertains to land for which all tax assessments have been paid.
- B. The Community Development Department staff shall notify the Applicant of any specific deficiencies in the proposal and whether the project must further be reviewed as a Conditional Use for that district.
- C. No permit or license issued shall be valid if any of the criteria listed in this Section have not been met.

Exhibit C

17.04.020 – Standards Applicable to all Permitted Uses.

1. The outdoor display of goods or merchandise is prohibited unless expressly allowed elsewhere in this Title.
2. The outdoor storage of any goods or merchandise is prohibited.

17.04.030 – Permitted Uses with Specific Standards

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

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

1. Alcoholic Beverage, Banquet and Catering; Alcoholic Beverage, Beer Recreational; Alcoholic Beverage, Hotel; Alcoholic Beverage, Off-Premise Beer; Alcoholic Beverage, Package Agency; Alcoholic Beverage, Restaurant (Beer Only, Limited Service, and Full Service); and Alcoholic Beverage, Special Use (Educational, Scientific, and Industrial / Manufacturing) Uses may not be located (a) any closer to a residential district than six hundred (600) feet, as measured at the closest Property Lines, (b) any closer to a community location than permitted under section 32B-1-202 of the Utah Code, as amended, (c) nor any closer to a Homeless Shelter than two thousand six hundred forty (2,640) feet, as measured at the closest Property Lines.
2. Such Uses shall incorporate plenary operational and management practices, including the use of properly licensed, bonded, and insured security personnel, as warranted, to prevent and mitigate adverse on-premises and offsite behavioral and safety impacts.
3. Such Uses shall maintain throughout all areas of the subject premises during all business hours a minimum of one candle power light measured at a level five feet above the floor.

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

1. Next to a Primary Building on the property; and
2. In a manner that will not:
 - a. Reduce required Landscaped Areas;
 - b. Cause customers to wait in vehicle Drive Aisles or Parking Areas; or
 - c. Create a public nuisance or a hazard to public safety.

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

1. All wrecked or inoperable vehicles must be stored within the Primary or Accessory Structure. Only operable vehicles used by the business, customers, and employees may be parked outdoors.
2. This Use may use only high-volume, low-pressure, spray guns in painting operations.

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3. Within two hundred (200) feet of a residential district, hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.
- D. Automotive Restoration.** This Use shall comply with the following criteria:
1. Every vehicle associated with Automotive Restoration shall be an Antique or Classic Automobile.
 2. All vehicles and parts must be stored within the Primary or Accessory Structure. Only operable vehicles used by the business, its customers, and its employees may be parked outdoors.
 3. This Use may use only high-volume, low-pressure, spray guns in painting operations.
 4. Within one hundred fifty (150) feet of a residential district, hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.
- E. Automotive Service and Repair.** This Use shall comply with the following criteria:
1. An eight-foot solid wall is required along all Property Lines shared with another property Owner.
 - a. Required construction materials for all walls shall be brick, ceramic tile, stone, precast concrete panel, concrete block, or other masonry materials of equivalent quality and durability;
 2. All drives, parking, storage and maneuvering areas shall be paved with concrete or asphalt.
 3. Storage areas are restricted as follows:
 - a. Storage is prohibited in the front and side yard areas.
 - b. All vehicle parts or accessories must be stored indoors and may not be stored in any vehicle storage area.
 - c. No vehicle may be stored outdoors for more than seventy-two (72) hours.
 - d. 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.
 - e. An Applicant must submit a Site drainage and grading plan that demonstrates adequate facilities to dispose of any storm water runoff and prevent contaminants from migrating from the Site.
 - f. The Applicant shall maintain the Property and all Buildings free of insect and rodent infestation.
 - g. Stored vehicles shall be organized in a unified manner in Parking Stalls (no double-stacking).

Exhibit C

I. Food Truck / Food Trailer.

1. Special Events. Food Trucks or Food Trailers on public property must have a City special event permit, for the Use, on file with the South Salt Lake City Recorder.
2. Licensing. Food Truck or Food Trailer Vendors must meet all applicable state and City Code licensing requirements.
3. Permitted Vehicles. All mobile food vending business shall take place in either a Food Truck or a Food Trailer.
4. Food Trucks or Food Trailers on private property as an Accessory Use.
 - a. Food Trucks or Food Trailers that comply with the standards outlined in this Section are allowed on private property.
 - b. Food Trucks or Food Trailers that are Accessory Uses shall not use parking that is required for the Primary Use during business hours;
 - c. Excluding private events, Food Trucks or Food Trailers within one hundred (100) feet of any Single-Family Use in the R-1, or RM districts are subject to the following conditions:
 - i. hours of operation are limited to 10:00 a.m. to 10:00 p.m.;
 - ii. must comply with all Salt Lake County Health Department noise regulations; and
 - iii. lights attached to the Food Truck or Food Trailer or portable lights must not allow light spillover onto abutting Residential Uses.
 - d. For private properties without a Primary Use, such as a Parking Lot or vacant Parcel, Food Trucks or Food Trailers may be permitted by meeting the requirements of this Section.
5. Food Truck Parks on private property as a Primary Use.
 - a. Food Truck Parks are allowed in specific districts as outlined in Chapter 17.03 and are subject to Infrastructure Improvements being completed. Required Infrastructure Improvements include paving, parking, drainage, Landscaping, lighting, and Buffering requirements as found in Title 17.
 - b. All Food Trucks and Food Trailers must be separated by a minimum of ten feet (10') between vendor walk up windows
 - c. All Food Trucks Parks shall provide one on-site Parking Stall per Food Truck or Food Trailer for customer parking.
6. Food Trucks and Food Trailers on public property.
 - a. Two (2) Food Trucks or Food Trailers per City Block may operate in the Right-of-Way on the following Streets and subject to the following conditions:
 - i. Permitted Areas:
 - a) City-owned Streets abutting Downtown District, East Streetcar Neighborhood, Commercial Corridor, Commercial General, Transit Oriented Development, Mixed-Use, Flex, City Facility, Historic, and Master Planned Mixed-Use districts.
 - b) City-owned Streets abutting parks.

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- c)** To be located on another agency's roads, agency consent is required prior to operation. All roads must abut Downtown District, East Streetcar Neighborhood, Commercial Corridor, Commercial General, Transit Oriented Development, Mixed-Use, Flex, City Facility, Historic, and Master Planned Mixed-Use districts.
 - ii.** Food Trucks or Food Trailers located within one hundred (100) feet of any Single-Family Use in the R-1, or RM districts are subject to the following conditions:
 - a)** hours of operation are limited from 10:00 a.m. to 10:00 p.m.;
 - b)** must comply with all Salt Lake County Health Department noise regulations; and
 - c)** lights attached to the Food Truck or Food Trailer or portable lights must not allow light spillover onto abutting Residential Uses.
 - iii.** Food Trucks or Food Trailers operating in the Right-of-Way must comply with all applicable parking and traffic regulations. No operation shall extend into vehicle travel or bicycle lanes.
 - iv.** Food Trucks or Food Trailers operating in the Right-of-Way must orient the vending window to face away from the Right-of-Way.
 - v.** All Food Trucks or Food Trailer must maintain liability insurance as determined by South Salt Lake City Attorney's Office.
 - b.** All Food Trucks or Food Trailers must contain no fixed infrastructure or accessory infrastructure in the Right-of-Way. Any mobile food vending infrastructure outside of the Food Truck or Food Trailer must be located on private property.
- 7.** Specific Requirements. All Food Trucks or Food Trailers shall meet the specifications set forth in this Subsection.
 - a.** Mobility. All Food Trucks or Food Trailers shall be constructed in a way that they may be easily removed on a daily basis. All Food Trucks or Food Trailers must have functioning wheels.
 - b.** Food Trucks or Food Trailers shall not be left overnight or stored on the subject property or in a Right-of-Way.
 - c.** Design. All Food Trucks or Food Trailers shall not have a Drive-Through Window and shall be kept in good operating condition.
 - d.** Limits by Location. To assure public safety and limit restrictions or impediments to traffic flow, Food Trucks or Food Trailers are only allowed in areas specified in this Section:
 - i.** No Food Truck or Food Trailer shall conduct business in the Right-of-Way within fifty (50) feet of a minor arterial intersection or one hundred (100) feet of a major arterial intersection.
 - ii.** All Food Trucks or Food Trailers must comply with Clear View Area requirements.
 - iii.** All Food Trucks or Food Trailers shall be parked on asphalt, concrete, or an engineered dustless surface.

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- e. Umbrellas, Canopies and Other Coverings. Each Food Truck or Food Trailer may have one umbrella or canopy. Tents or other coverings with opaque walls are not allowed. Alternate shading systems may be proposed to the City and are subject to approval by the Community Development Department.
 - f. Trash Receptacles. All Food Trucks or Food Trailers shall provide at least one trash receptacle meeting Salt Lake County Health Department standards. The trash receptacle shall be removed with the Food Truck or Food Trailer on a daily basis.
 - g. Clean Area. All Food Trucks or Food Trailers are required to clean the area occupied by the Food Truck or Food Trailer and the surrounding 50-foot area on a daily basis.
 - h. Hours of Operation. All activity related to Food Trucks or Food Trailers shall be temporary. Food Truck or Food Trailer operation shall not exceed eighteen (18) hours within a twenty-four (24) hour period at any one location.
 - i. Provisions. The sale of any products other than food and beverages for human consumption is prohibited.
8. Prohibited Activities. Any violation of the following activities shall be subject to loss of City business license and other penalties of law.
- a. Food Trucks or Food Trailers shall not include the sale or provision of alcoholic beverages of any kind.
 - b. Amplified music and the use of any amplified sound system is prohibited.
 - c. Business operations shall not create any public nuisance, including: (1) noises audible from within an enclosed vehicle or from within an enclosed Building; (2) accumulations of litter; (3) obstruction of pedestrian and vehicle access or travel areas; (4) reduction in required Parking Stalls or other similar activities; and (5) any violation of City or state regulations.
9. Review Standards. The Community Development Department shall apply the following review standards:
- a. The arrangement of the Site including access, Buildings, Parking Areas, Landscaping, and other facilities.
 - b. Any reduction in Parking Stalls resulting in insufficient spaces for existing businesses and the Food Truck or Food Trailer's customers would result in the location being unsuitable.
 - c. Other Site and area-specific items as outlined in Title 17.
10. Signs and Advertising. Food Truck or Food Trailer may have one Sign that meets the requirements of Chapter 17.08. Vinyl wraps are permitted.
11. Lighting. Food Trucks or Food Trailers operating in evening hours may use battery-powered low voltage lighting systems for safety and convenience. All lighting systems shall only be for the purpose of continued operation. Moving, flashing, or other advertising-oriented lights are prohibited.
- J. Home Occupation, Category I.**
- 1. Regulations.
 - a. Category I Home Occupations generate no off-site impacts and have no more than *de minimis* customer or delivery traffic.

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- b. Category I Home Occupations must be clearly incidental and subordinate to the Primary Use of the Dwelling for residential purposes and shall not change the character of the Dwelling or the neighborhood in which it is located. If at any time it is determined that a Home Occupation has altered the character of a Dwelling or neighborhood, the Home Occupation license will be revoked, and the character of the Dwelling must be restored.
- c. A Category I Home Occupation shall not occupy more than twenty (20) percent of the Dwelling's Floor Area.
- d. An Accessory Structure separate from the Dwelling may be used for a Category I Home Occupation as long as: (i) the Accessory Structure remains incidental and subordinate to the Dwelling; (ii) no more than twenty-five (25) percent of the Floor Area of the Accessory Structure is used for the Home Occupation; and (iii) the land use authority approves the use of the Accessory Structure for the Home Occupation;.
- e. No employee, other than one living at the Dwelling, is allowed at the Dwelling for any business purpose.
- f. No business Sign is allowed.
- g. Explosive or combustible materials shall not be stored in a Dwelling with a Category I Home Occupation.
- h. Yard and garage sales associated with a Home Occupation are prohibited.
- i. Home Occupations shall only be conducted between the hours of seven (7) a.m. and eight (8) p.m.
- j. Category I Home Occupations shall comply with all pertinent City, county, and state regulations, including business license regulations. Home Occupation licenses may be revoked upon any valid unresolved complaint. Inspections by the City may occur as necessary to assure conformance with conditions and regulations.
- k. Category I Home Occupations shall meet all licensing requirements of the City, county, and state.

K. Home Occupation, Category II.

1. Regulations.

- a. Category II Home Occupations must be clearly incidental and subordinate to the Primary Use of the Dwelling for residential purposes and shall not change the character of the Dwelling or the neighborhood in which it is located. If at any time it is determined that a Home Occupation has altered the character of a Dwelling or neighborhood, the Home Occupation license will be revoked, and the character of the Dwelling must be restored.
 - i. A Home Occupation that changes the outside appearance of the Dwelling, architecturally or otherwise, to accommodate the Home Occupation Use on the property is prohibited.
 - ii. A Home Occupation may include the sale of goods produced on the premises and goods produced elsewhere as long as goods are not displayed where they may be seen from the outside of the property and as long as the sale of goods are limited to no more than two (2) customers per hour.
 - iii. A Home Occupation shall not occupy more than twenty (20) percent of the Dwelling's Floor Area.
 - iv. Except for an enclosed outdoor play area for Child Care, a Home Occupation shall not involve the use of any yard area or activity outside a Building.

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- v. An Accessory Structure separate from the Dwelling may be used for a Home Occupation as long as: (i) the Accessory Structure remains incidental and subordinate to the Dwelling; (ii) no more than twenty-five (25) percent of the Floor Area of the Accessory Structure is used for the Home Occupation; and (iii) the land use authority approves the Use of the Accessory Structure for the Home Occupation. Home garden produce sales shall follow the requirements in Subsection (1)(b).
 - vi. No employee, other than one living at the Dwelling, is allowed at the Dwelling for any business purpose.
 - vii. All signs shall meet the requirements of Chapter 17.08 of this Code.
 - viii. Explosive or combustible materials shall not be stored for a Home Occupation.
 - ix. Home Occupations shall not disturb the peace and quiet of the neighborhood with noise, vehicles, odor, dust, vibrations, parking, obstructions, or other matters related to the business.
 - x. Yard and garage sales associated with a Home Occupation are prohibited.
 - xi. Home Occupations shall only be conducted between the hours of seven (7) a.m. and eight (8) p.m.
 - xii. Home Occupations shall comply with all pertinent City, county, and state regulations, including business license regulations. Home Occupation licenses may be revoked upon any valid unresolved complaint. Inspections by the City may occur as necessary to assure conformance with conditions and regulations.
 - xiii. Home Occupation shall meet all licensing requirements of the City, county, and state.
 - b. Category II Home Occupations shall meet the standards of this Subsection and Subsection (1)(d):
 - i. Home office Uses that require a customer to come to the home in order to conduct business.
 - ii. Home garden produce sales. Home garden produce sales must have sufficient Frontage or driveway space for the parking of vehicles. In order to avoid damage to adjacent Uses or property, all Temporary Structures shall be properly secured or anchored to the ground to prevent the Structure from being moved. The City may require additional securing or anchoring upon finding that the method of securing is inadequate.
 - iii. Barber Shop or Hair Salon.
 - iv. Home Craft Production and sales, where no machinery is used to create or construct the item produced.
 - v. Music, tutoring, and general education instruction limited to no more than two (2) students at a time.
 - vi. Dressmaker, seamstress, or tailor who has no assistants.
 - vii. Similar Uses as deemed appropriate by the land use authority.
 - c. The following Category II Home Occupations shall be permitted, following a public meeting, if the listed conditions of this Subsection and Subsection (1)(d) are met:
 - i. Home Craft Production and sales, where machinery is used to create or construct the item produced and does not involve reportable or regulated quantities of

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hazardous or flammable substances, and such operations will not generate noise, dust or odors.

- ii. Dance instruction, limited to no more than two (2) students at a time or no more than twenty percent (20%) of the Dwelling's Floor Area, whichever is greater.
 - iii. Family Child Care, provided the care is provided only by those residing within the home, is limited to no more than eight (8) children at a time, and complies with the requirements of all regulating agencies.
 - iv. Pet Grooming Services, limited to two (2) animals on-site at any one time; or
 - v. Wholesale or Retail sales of goods, except as incidental to a permitted Home Occupation.
- d. Conditions for Uses listed in Subsections (b) and (c):
- i. Exception for home garden produce sales, customer traffic is by appointment only with no walk-ins.
 - ii. All Category II Home Occupation shall be limited to two (2) individual customers on the premises at a time.
 - iii. Hours of operation shall be limited from seven a.m. (7 a.m.) to eight p.m. (8 p.m.).
 - iv. No person, other than the Applicant/resident, shall work at the Home Occupation.
 - v. No more than two (2) customer vehicles may be parked on-site at any time.
 - vi. Category II Home Occupations may use available on-Street parking abutting the Dwelling.
 - vii. Required off-Street parking for the Residential Use shall not be interrupted for the Home Occupation.
 - viii. If a commercial vehicle is used in conjunction with a Home Occupation, it must (1) be parked off-Street on an approved Impervious Surface; (2) not exceed one ton in capacity; and (3) not be operated from the property between the hours of eight p.m. (8 p.m.) until seven a.m. (7 a.m.). Should a commercial vehicle create a nuisance regarding parking, noise, odor, hazardous substances, etc., the vehicle may be barred from the residential district by action of the Planning Commission.
- e. Category II Home Occupations do not include:
- i. Equestrian Facility;
 - ii. Commercial Animal Kennel or Commercial Animal Day Care;
 - iii. Real estate office other than an individual agent or broker in his own home;
 - iv. (Minor or Major) Manufacturing;
 - v. Indoor Storage Facility, Outdoor Storage Facility, or Warehouse Storage Facility;
 - vi. Auto-related uses;
 - vii. Massage Therapy; or
 - viii. Any Use not specifically listed as permitted in this Section.

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

1. A Portable Container shall only be Accessory to a Primary Use.
2. Portable Containers may not be Used as a Dwelling or living quarters, nor for camping, cooking, or recreational purposes for any amount of time in any district.

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3. Portable Containers must be kept in good repair (capable of being moved intact, free of holes, rust, graffiti, or other damage, and free of vermin or other pest infestation, etc.), be secured against unauthorized entry, comply with health regulations, and be stored on a Hard Surface.
 4. Portable Containers may not be stacked or have any materials stacked on top of them.
 5. Portable Containers shall not be stored in Rights-of-Way, fire access lanes, landscaped Front Yard areas, or in an area visible from the Street along the Primary Building's Primary Façade.
 6. In residential districts the following additional standards apply:
 - a. Only one Portable Container is permitted on a Lot or Parcel for a maximum of 90 days in any twelve-month (12) period.
 - b. Unless a Building Permit has been issued, Portable Containers are not permitted on vacant Lots or Parcels.
 - c. If a Building Permit has been issued, the Portable Container of the permitted construction must be removed within ten-days of the completion of construction or final Building inspection, whichever is sooner.
 - d. Portable Containers must be located on an approved driveway or behind the Primary Building's Primary Façade.
 7. In non-residential districts the following additional standards apply:
 - a. Portable Containers shall only be used for:
 1. Shipping and receiving of merchandise and goods, provided that the Portable Container is removed within 30 days;
 2. Storage of merchandise or goods, provided that the Portable Container is properly located according to the requirements of this Title;
 3. If a Building Permit has been issued, storage Accessory to construction or remodeling of a Structure located on the same Lot, provided that the Portable Container is removed within 180 days. The Community Development Department may approve 30-day extensions when construction or remodeling is ongoing, and the Building Permit remains valid; or
 4. a licensed firework stand limited to the times the fireworks stand may lawfully occupy a space as described in Chapter 8.18 of this Code.
 - b. Portable Containers shall not be located in designated Parking Areas.
 - c. Portable Containers shall not be located on Lots or Parcels that abut a residential district.
- M. Wireless Communications Facilities.** All commercial and low power radio services and facilities, such as "cellular" or "PCS" (personal communications system) communications and paging systems shall comply with the following criteria:
1. Site Location Priorities. Except as otherwise provided in this Subsection, all wireless communication facilities shall be subject to the provisions of Table below.

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- a. Providers of wireless telecommunications services will first seek to locate facilities on existing City structures, such as Buildings, communication towers, water tanks and smokestacks; provided, however, that if existing structures owned by the City are not available, or do not meet the system design needs of the provider, as determined by the provider, or would impose excessive costs in comparison to other alternatives, providers will then attempt to locate their facilities on privately owned structures, such as Buildings, communication towers, water tanks or smokestacks.
 - b. If providers are unable to locate on existing structures, and a Monopole is necessary, providers will first seek to locate their Monopoles on City-owned property; provided, however, that if City property is unavailable, or does not meet the system design needs of the provider, as determined by the provider, or would impose excessive costs in comparison to other alternatives, providers will then seek to lease property for the Monopole from a private property Owner.
 - c. To encourage the location of wireless facilities on City-owned Structures and property and privately-owned existing Structures, wireless telecommunication facilities are Permitted Uses in all districts of the City if the land or existing Structures are owned or leased by the City. Except in low Density residential districts, facilities located on any existing Structure are also an allowed Use.
 - d. Wireless providers will agree to locate their facilities on City-owned or leased property only when the provider and government entity agree on the terms and conditions of the Site lease, including fair and reasonable compensation for the Use of the property. If no agreement can be reached, the provider will locate its facilities on privately owned property.
2. Regulations. The following shall apply to all wireless communication facilities:
- a. In addition to the regulations provided in this Section, all low power radio services facilities shall comply with all other ordinances of the City, and with all applicable regulations of the Federal Communications Commission and the Federal Aviation Administration. All facilities shall be subject to design review standards of this Title.
 - b. Low power radio services facilities are characterized by the type or location of the Antenna structure. There are five general types of such Antenna structure: wall-mounted Antennae; Roof-Mounted Antennae; Monopoles with Antennae and Antenna support Structure less than two feet in width; Monopoles with Antennae and Antenna support Structure greater than two feet in width; and Lattice Towers. If an Antenna Structure is allowed under this Section either as a Permitted or as a Conditional Use, the minimum standards for the installation of each type of Antenna are as follows:
 - i. Wall-Mounted Antenna.
 - a) Wall-mounted Antennae may not extend above the wall line of the Building or extend more than four (4) feet horizontally from the face of the Building.
 - b) Antennae, equipment and the supporting Structure shall be painted to match the color of the Building or Structure or the background against which they are most commonly seen. Antennae and the supporting Structure on a

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

- c) Antennae mounted directly on existing parapet walls, penthouses or mechanical equipment rooms are considered a wall-mounted Antenna if no portion of the Antenna extends above the roof line of the Building.
- ii. Wall-Mounted Antennae.
 - a) Roof-Mounted Antennae shall be constructed, painted or fully screened to match as closely as possible the color and texture of the Building and wall on which it is mounted.
 - b) Roof-Mounted Antennae may be mounted on the top of existing penthouses or mechanical equipment rooms if the Antennae and Antenna support structures are enclosed or visually screened from view. The Screening Structures may not extend more than eight (8) feet above the existing roof line of the penthouse or mechanical equipment room.
 - c) Antennae not mounted on a penthouse or mechanical equipment room shall be mounted at least five (5) feet back from the exterior wall of the Building. The maximum Height of an Antenna mounted between five (5) and ten (10) feet back from the exterior wall shall be directly proportional to the Setback distance and may not exceed ten (10) feet above the roof line of the Building. Antennae shall be mounted at least five (5) feet behind any parapet wall. The maximum Height of an Antenna mounted between five (5) and ten (10) feet behind a parapet wall shall be directly proportional to the Setback distance and may not exceed a Height of ten (10) feet above the top of the parapet wall. An Antenna may not extend more than fifteen (15) feet above the roof line of the Building itself except as allowed as a Conditional Use. Similarly, a Roof-Mounted Antenna may not extend above the roof line of a penthouse or mechanical equipment room except as allowed as a Conditional Use.
- iii. Monopole with Antennae and Antenna Support Structure less than two (2) feet in width.
 - a) The entire Antenna Structure mounted on a Monopole may not exceed two (2) feet in width. The maximum height of this Antenna may not exceed ten (10) feet in Height.
 - b) A Monopole described in this Subsection may not be located in or within one hundred fifty (150) feet of a residential district, except as allowed under a Conditional Use permit.
- iv. Monopole with Antennae and Antenna Support Structure greater than two (2) feet in width.
 - a) The maximum visible width of Antennae and Antenna mounting structures on a Monopole may not exceed eight (8) feet in height or fifteen (15) feet in

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width as viewed looking directly at the Monopole at same elevation as the Antennae and Antenna mounting structure.

- b)** A Monopole classified under this Subsection may not be located in or within one hundred fifty (150) feet of a residential district, except as allowed under a Conditional Use permit.
- v.** Lattice Towers. Except as provided in this Subsection, Lattice Towers may not be located within three hundred thirty (330) feet of a residential district.
 - a)** A Lattice Tower maybe located closer than three hundred thirty (330) feet from a residential district if the Planning Commission finds that the tower's apparent height would not exceed the apparent height of any public utility poles, wires, cables, or similar structures located in the same vicinity as the proposed tower, when viewed from a height of six (6) feet at the nearest adjacent residential district boundary.
 - b)** Lattice Towers may not exceed a Height equal to ninety (90) percent of the tower's distance from nearest adjacent residential district boundary, and in any case the height may not exceed one hundred fifty (150) feet.
- c.** Location on Parcel. Generally, Monopoles and Lattice Towers should be located only in the Rear Yard area of the affected Lot or Parcel, though a different location may be approved by the Planning Commission in compelling circumstances to carry out the intent and purpose of these regulations. These Structures may not be located in a required Landscaped Area, Buffer area or required Parking Area.
- d.** Area Limitations for Wall- and Roof-Mounted Antennae. A combination of both roof- and wall-mounted Antennae are allowed on a Building. Except as allowed under a Conditional Use permit, the total area for all wall- and Roof-Mounted Antennae and supporting structures combined shall not exceed the lesser of sixty (60) square feet or five (5) percent of each exterior wall of the Building. The total area is the sum of the area of each individual Antenna face and the visible portion of the supporting Structure as viewed when looking directly at the face of the Building. The total area for a Roof-Mounted Antenna shall apply to the closest exterior wall.
- e.** Height Regulation—Monopoles with Antennae. The height of Monopoles with Antennae and Antenna support Structures is restricted or regulated according to Table.
- f.** Wall- and Roof-Mounted Antennae on Noncomplying Buildings that Exceed the Maximum Height Limit of the Zoning District. Wall-mounted Antennae which otherwise are permitted or approved under this Chapter may be mounted on noncomplying Buildings that exceed the maximum Height limit of the zoning district in which they are located. Roof-Mounted Antennae which are mounted on a Noncomplying Structure above the maximum Height limit of the zoning district require Conditional Use approval.

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Table

Zoning District	Wall-Mounted Antenna	Roof-Mounted Antenna	Monopoles/ <2 ft. structure, >60 ft. tall or exceeding max. height for district	Monopoles /<2 ft. structure, >60 ft. tall or exceeding max. height for district	Monopoles/ >2 ft. structure, <60 ft. tall or exceeding max. height for district, if less	Monopoles/ >2 ft. structure, >60 ft. tall or exceeding max. height for district	Lattice Tower Antenna
Jordan River	C	C	C	C	C	C	C
R-1	C	C	C	N	C	N	N
RM	P	C	C	N	C	N	N
Commercial	P	P	C	C	C	C	N
Flex	P	P	P	C	P	C	C
Open Space	C	C	C	C	C	C	N

KEY: N = Not Permitted P = Permitted C = Conditional Use

Chapter 17.05 - Conditional Use Review

17.05.010 – Review Process and Requirements.

- D.** A person seeking approval of a Conditional Use must file a Complete Application, using the forms established by the Community Development Department, and include payment of all fees. For any Application to construct a Building or other improvement to property for a Use that is defined by this Code as allowed in the zoning district in which the Building is proposed, the Community Development Department and the City Engineer must review the Application to determine whether the proposal:
1. Is allowed within the district where it is proposed;
 2. Is proposed for Development on a legally subdivided Lot;
 3. Can be adequately serviced by Dedicated roads, improved to City Standards and existing or proposed utility systems or lines;

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4. Complies with all applicable Development requirements of that district, including Building Height, Setbacks, and Lot Coverage;
 5. Meets the applicable Development Standards requirements;
 6. Conforms to the Design Guidelines and the design review process established for that district;
 7. Requires additional conditions of approval;
 8. Complies with the Construction Codes; and
 9. Pertains to land for which all tax assessments have been paid.
- E. The Community Development Department staff shall notify the Applicant of any specific deficiencies in the proposal.
- F. No permit or license issued shall be valid if any of the criteria listed in this Section have not been met.
- G. The land use authority is the Planning Commission for Conditional Use Applications.

17.05.020 – General Conditional Use Standards.

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

- A. Identifies the maximum intensity of the proposed Development and Use;
- B. Complies with all provisions of the Code; and
- C. Compared to Permitted Uses and Development within the district, substantially mitigates the adverse impacts that are reasonably anticipated from the magnitude and intensity of the Development and Use, as proposed, considering:
 1. The size and location of the site;
 2. Traffic generation, timing, and nature of traffic impacts and the existing condition and capacity of the Streets in the area;
 3. Utility demand and available capacity, including storm water retention;
 4. Emergency vehicle access and anticipated average and peak day demand;
 5. Location and amount of off-Street parking;
 6. Internal vehicular and pedestrian circulation system, including delivery vehicles, loading and unloading;
 7. Fencing, Screening, and Landscaping to separate the Conditional Use from adjoining property and Uses;

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

17.05.030 – Standards Applicable to all Conditional Uses.

3. The outdoor display of goods or merchandise is prohibited unless expressly allowed elsewhere in this Title.
4. The outdoor storage of any goods or merchandise is prohibited.

17.05.040 – Conditional Uses with Specific Standards.

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

- A. **Adult Daycare.** An Adult Daycare Use shall not include any overnight Residential Use and shall not be located within two thousand six hundred forty (2,640) feet of any Homeless Shelter Use. The distance shall be measured at the closest Property Lines.
- B. **Alcoholic Beverage Uses.** All Alcoholic Beverage Uses designated as “C” —Conditional Uses—in the Title 17 Land-Use Matrix are subject to the following, additional standards:

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1. Alcoholic Beverage, Bar Establishment; Alcoholic Beverage, Beer Wholesaler; Alcoholic Beverage, Liquor Warehouse; Alcoholic Beverage, Manufacturer; Alcoholic Beverage, Tavern; and Alcoholic Beverage, State Liquor Store Uses also may not be located (a) any closer to a residential district than six hundred (600) feet, as measured at the closest Property Lines, (b) any closer to a community location than permitted under section 32B-1-202 of the Utah Code, as amended, (c) nor any closer to a Homeless Shelter than two thousand six hundred forty (2,640) feet, as measured at the closest Property Lines.
 2. All such Uses shall incorporate plenary operational and management practices, including the use of properly licensed, bonded, and insured security personnel, to prevent and mitigate adverse on-premises and offsite behavioral and safety impacts.
 3. All such Uses shall maintain throughout all areas of the subject premises during all business hours a minimum of one candle power light measured at a level five feet above the floor.
- C. Animal Kennel / Day Care, Commercial.** All instances of this Use shall comply with the criteria specified in Title 6 of this Code. Additionally, all outdoor play areas shall be located a minimum of one hundred fifty feet (150') from any residential district.
- D. Assisted Living Facility.** All instances of this Use shall comply with and provide, as applicable, the following:
1. Proof of state licensure for Assisted Living Facility;
 2. A design, residential in character and architecturally Compatible with the neighborhood, which adequately screens the Use from neighboring Lots and complies with Utah Department of Health standards;
 3. An outdoor lighting plan which adequately screens lighting to mitigate its impact on surrounding Uses;
 4. A Sign plan which includes no more than two (2) square feet of signage for facilities on Public Streets smaller than Collector Streets, and monument signs not to exceed thirty-two (32) square feet for facilities on Public Streets considered Collector Streets or larger; and
 5. A delivery, traffic, and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which the proposed Use is located. The parking plan must propose parking appropriate for the proposed Use of the facility.
 6. An Applicant for this Use acknowledges: its responsibility for each unlawful request for emergency services at the facility, under Chapter 8.34 of this Code; that it is the recipient of all emergency services under Section 2.40.060 of this Code; and shall reimburse the City for the costs of all emergency services rendered at or to residents of the facility under Section 2.40.270 of this Code.
- E. Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent).** In addition to being subject to the Design Review process, all instances of this Use (including change of a prior instance of this Use) shall comply with the following criteria:

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1. Landscaping shall be required along any Street Frontage and shall be subject to the Development Standards of Chapter 17.06 of this Code.
2. Buildings must meet the minimum Setback requirements of their respective districts.
3. Designated customer parking must be provided at a ratio of one (1) space for every twenty (20) vehicles displayed, with a maximum of fifteen (15) spaces required. A minimum of three employee Parking Stalls must be provided. Off-Street customer and employee Parking Stalls must be identified.
4. All Buildings other than sales offices only must provide additional designated Parking Stalls at a ratio of one (1) space per five hundred (500) square feet of floor space.
5. All businesses adjacent to residential districts shall require design review approval from the Planning Commission.
6. Where any business is adjacent to a Residential Use, a Buffer between the Residential Use and the business shall be required. Walls, Landscaping, special Setbacks, other elements, or a combination of these items must be used, as appropriate, to mitigate the impact upon the adjacent Residential Use. The City shall consider the visual appearance of the site, the traffic flows, noise, light and the size and purpose of adjacent Streets or Alleys, the extent of the business operations, and other factors in determining the Buffer sufficiency.
7. Outside loudspeakers, lighting which intrudes into adjacent properties, deliveries before 7:00 a.m. or after 10:00 p.m., the use of Public Streets for loading and unloading, repair work outside of a Building, and any other public nuisance conduct shall be prohibited.
8. For the purposes of maintaining safe access and to promote uncluttered and attractive displays, all outdoor Auto, Light Truck, RV, Boat, and Trailer displays must be done in a manner consistent with Parking Lot requirements and such that all individual units can be relocated without the necessity of first relocating others.
9. All Auto, Light Trucks, RVs, Boats, and Trailers displayed shall meet all requirements of law at all times, shall be in operating condition, shall not have flat tires or broken windows, and shall be capable of being licensed and registered without additional repair or alteration.
10. The minimum outdoor display lot area, not including any Buildings, for any Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Use shall be one (1) acre. The one (1) acre of required display lot area shall be located in the front and side yard areas. Lot area behind a Building shall not be counted as required display lot area. All vehicle display areas shall be Hard-Surfaced as established in the City's parking, access, and circulation requirements. When a Development is larger than one (1) acre and contains more than (1) business, an Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Use may be located within that Development if all requirements of this Title are met, including:
 - a. Parking requirements;
 - b. Site and Landscaping requirements;
 - c. Ingress and egress points are provided for the other businesses; and

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- d. The devoted outdoor display lot area is a minimum of one (1) acre in area.
 - 11. The minimum Lot Frontage shall be two hundred (200) feet in width. The Frontage of Corner Lots shall be determined by the Street on which the property is addressed.
 - 12. Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Uses are exempt from the minimum outdoor display lot area and Lot Frontage requirements of this Section if all inventory is stored and displayed indoors. Indoor-only Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Uses are subject to all other applicable requirements of this Section, and the following additional standards:
 - a. Sales of vehicles must be conducted entirely within a fully-enclosed Building consisting of a showroom with an area no smaller than three thousand (3,000) square feet.
 - b. Showroom spaces shall be visible from the exterior of the Building, through the use of windows, storefronts, or other Architectural Elements using either a Single-Story Commercial or Flex Building form.
 - c. Outdoor sales, display, and storage of Autos, Light Trucks, RVs, Boats, and Trailers is prohibited.
 - d. Parking associated with indoor-only Auto, Light Truck, RV, Boat, Trailer Dealerships (Sale, Lease, or Rent) Uses shall only be used for customers and employees.
- F. Child Care Center.** All instances of this Use shall comply with and provide, as applicable, the following:
- 1. Proof of state licensure;
 - 2. A design which precludes a front yard playground and signage in excess of a two square foot nameplate; and
 - 3. A delivery, traffic, and parking plan which adequately mitigates the adverse impacts of increased traffic generation in the neighborhood where the Use proposed to be located.
- G. Convenience Stores with Fuel Pumps.**
- 1. The pump islands of the convenience store may be erected in the Front Yard area provided the pumps are set back at least twenty-four (24) feet from the Right-of-Way of any Street.
 - 2. Hard-Surfaced driveways leading to and from a pump island and other properly located service facilities permitted on the property shall be allowed in the Front Yard area provided that the driveways shall be defined by the construction of a concrete curb on the side adjoining the sidewalk. The area between the curb and the sidewalk shall be landscaped to comply with Chapter 17.06.
 - 3. A ten-foot distance shall be maintained between a driveway and the Property Line with which it is parallel or approximately parallel.
 - 4. All Parking Areas on the convenience store Lot shall maintain the required landscaped Front Yard as required in Chapter 17.06 and shall be bordered by concrete curbing.

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- H. Day Treatment Center.** All Day Treatment Center Uses shall be outpatient only with no inpatient residential component. Day Treatment Center Uses shall not be located any closer to residential districts, Parks, or Schools than six hundred (600) feet, nor within two thousand six hundred forty (2,640) feet of any Homeless Shelter Use, as measured at the closest Property Lines.
- I. Funeral / Mortuary Home.** This Use cannot share space or any Common Wall with another Use.
- J. Homeless Shelter.** Any Homeless Shelter Use shall:
1. Comply with the urban-style Multi-Family design standards;
 2. Conduct all operations within an enclosed structure;
 3. Serve only registered, overnight guests;
 4. Provide 24-hour, on-site management and security;
 5. Provide, implement and maintain a comprehensive design and management plan to prevent the deterioration of public health and public safety, the potential for loss of community, the deterioration of public assets and the devaluation of private property that Utah has recently experienced as a result of the opioid crisis, incomplete criminal justice reform, the lack of long term affordable housing, a lack of qualified and affordable long term treatment facilities and a poorly managed concentration of homeless individuals housed in overcrowded and understaffed facilities by demonstrating:
 - a. Effective measures to:
 - i. Minimize neighborhood disruption associated with the Use and the potential for excessive demands for City services;
 - ii. Adequately and professionally staff the facility;
 - iii. Prevent the spread of disease both on and off-site; and
 - iv. Ensure the safety and convenience of public safety personnel;
 - b. Adequate resources and commitment to promptly reimburse the City for:
 - i. The disproportionate cost or consumption of City services resulting from the use;
 - ii. Each unlawful request for emergency services associated with the Use of the facility, under Section 8.34.020;
 - iii. The costs of all emergency services rendered at the facility as the designated "recipient" under Section 2.40.070;
 - iv. Implementation of specific objective, and accountable security and operations measures to prevent and eliminate:
 - a) Criminal activity on-site, including policies to safely store all guest weapons in a secure location, to securely store and dispense all prescribed medication,

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to prohibit on-site illegal drug possession or use and possession or storage of any stolen property;

- b) Proliferation of crime off-site that is associated with the use;
- c) Potential for the facility to support/attract/compound the adverse impacts of an off-site homeless population within a one-mile radius of the facility;
- d) Best management practices to minimize the production, accumulation, disposal and transportation of solid waste;
- e) Enforcement of quiet hours to protect neighboring properties;
- f) A transparent and effective guest screening system to promptly refer and transfer applicable guests to off-site rehabilitation and detoxification or mental health programs;
- g) Specific processes and objective commitments to regularly address ongoing operational complaints;
- h) Comprehensive guest registry system that is maintained for a minimum of two years and is readily available to public safety personnel;
- i) Detailed plan to transition guests from shelter within 90 days of initial registry;
- j) Coordination with public safety regarding notice of any registered sex offender within the facility;
- k) A reasonable code of guest conduct, including the prohibition of pan handling within the City;
- l) Best practices to minimize vehicular and pedestrian traffic generation to and from facility.

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

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

M. Temporary Use.

1. Use Limitations.

- a. Temporary Uses include firework stands, Christmas tree lots, and other similar seasonal Uses.
- b. Temporary Use Permit. Temporary Uses shall obtain a separate business license and Conditional Use permit for each Use and location.
- c. Time Limitations. Use permits may be allowed for up to a six (6) month period with the following exceptions:

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- i. Firework Stands. Restrictions shall follow the public sales and display limitations found in state code.
 - ii. Christmas Tree Lots. Shall only be permitted from November 1 through December 31.
- d. Hours of Operation. Temporary Uses may be open from eight (8) a.m. to ten (10) p.m. unless provided otherwise under state code.
- e. Signage. Permanent signs are prohibited for Temporary Uses. All Signs shall follow the requirements of Chapter 17.08.
- f. Regulations by Other Agencies. This Section does not exempt the Applicant or operator from acquiring any other required permit for operation.
- g. Liability Insurance. The Applicant must obtain adequate liability insurance to cover all activities related to the Use for the duration of the permit, prior to issuance of the Temporary Use permit. A copy of the liability insurance policy shall be submitted to the City with the business license Application.

2. Site Improvements.

- a. Temporary Uses shall meet the following requirements:
 - i. If the Temporary Use is located on an unimproved Parcel, the following shall apply:
 - a) Based on the scope of the operation, the land-use authority may require the installation of a minimum road base or gravel surface for parking, to assure the safe passage of vehicles on adjacent roadways, and the safety of patrons.
 - b) Sufficient off-Street parking shall be provided to meet the needs of the operation and of any existing Uses on the property.
 - c) Structures, displays, and other activities must be located sufficient distance from any Street to provide for public safety and Clear View Area requirements as found in Chapter 17.07.
 - d) If any part of the Temporary Use becomes a nuisance or safety hazard, the land-use authority may require changes or discontinuance of the operation.
 - e) All activities and displays shall take place in accordance with the standards for outside business activities found elsewhere in this Title.
 - i. If the Temporary Use is located on an improved Lot or Parcel, the following shall apply:
 - a) Sufficient off-Street parking shall be provided to meet the needs of the operation and any existing Uses on the property as determined by the land use authority.
 - b) Structures, displays, and other activities must be located sufficient distance from Streets to provide for public safety and Clear View requirements as found in Chapter 17.07.
 - c) If any part of the operation becomes a nuisance or safety hazard, the land use authority may require changes to or discontinuance of the operation.

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- d) In addition to the foregoing, all activities and displays shall take place in accordance with the standards for outside business activities found elsewhere in this Title.
 - e) Permanently located businesses that operate a Temporary Use shall meet the design standard and site improvement requirements found in Chapter 17.06 and 17.07.
- 3. Site Restoration.** The site must be restored to its original condition upon expiration of the Temporary Use permit. The site may not be used for storage of any Temporary Use or Structures.
- 4. Temporary Structures.** All Temporary Structures must be approved by the land-use authority. In order to avoid damage to adjacent Uses or property, all Temporary Structures shall be properly secured or anchored to the ground to prevent the Structure from being moved. The City may require additional securing or anchoring upon finding that the method of securing is inadequate.
- N. Wireless Communication Facility.**
- 1. In addition to the existing Conditional Use standards, the following factors shall be considered by the planning commission:
 - a. Compatibility of the proposed Structure with the height and mass of existing adjacent Buildings and utility structures;
 - b. Whether Collocation of the Antenna on other existing structures in the same vicinity with such Uses as other towers, Buildings, utility poles and similar structures is possible, and practical, as demonstrated by the Applicant, without significantly affecting the Antenna transmission or reception;
 - c. The location of the Antenna in relation to existing vegetation, topography, and Buildings to optimize visual Screening;
 - d. Whether the spacing between Monopoles creates detrimental impact on adjacent properties;
 - e. The willingness of the Applicant to allow Collocation on its facility in the future for a reasonable compensation, as provided in sub (1)(b) of this Subsection.
 - 2. The planning commission may, as a condition for approval, impose a requirement that the Structure be designed and engineered to reasonably allow Collocation by a subsequent provider of low power radio communication services, if Collocation is feasible and consistent with sound engineering principles. Nothing herein shall be construed to deny the Owner of such a Structure from the right to receive a reasonable compensation from that subsequent collocating provider for the Use of the structure.
 - 3. **Accessory Buildings for Antenna Structures.** Accessory Buildings to Antenna structures must comply with the required Setback, height and Landscaping requirements of the zoning district in which they are located. Monopoles shall be fenced with a six-foot chain-link fence and the climbing pegs removed from the lower twenty (20) feet of the Monopole.
 - 4. **Abandoned Facilities.** The Community Development Department is empowered to require an abandoned low power radio services Antenna be removed from the Building or premises

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when that Antenna has not been put into use by the Owner, the person having control, or the person receiving the benefit of the Structure within thirty (30) calendar days after notice is given to the Owner, the person having control, or the person receiving the benefit of the structure. Notices required by this Section may be given by personal service, or by certified mail addressed to the person's last known address.

5. Where Allowed. A low power radio service facility which is not otherwise classified in this Section shall be considered as a Conditional Use as outlined herein. A Conditional Use permit for a Monopole may be granted in a residential district only if the planning commission finds that:
 - a. The Monopole Antenna otherwise meets the requirements of Subsection (D) and does not exceed sixty (60) feet in height;
 - b. The Antenna tower will be placed on a Parcel occupied by non-Residential Uses, such as a school, church, or other non-Residential Use which is otherwise legally located in that residential district;
 - c. The Antenna tower will be located no closer than one hundred fifty (150) feet from the nearest residential structure; and
 - d. The Antenna and supporting Structure will be disguised as, or otherwise integrated with, a light pole, Billboard, utility Structure or similarly Compatible and useful Structure located on the Parcel in a way that minimizes and mitigates the visual impact of the Antenna.
6. Controlling Chapter. Notwithstanding the various descriptions of land uses listed in the ordinances of the City relative to communication facilities, and the manner in which those various Uses are listed as Permitted or Conditional Uses in the respective chapters of this Title, the provisions of this Section and the accompanying Wireless Communication Facility chart in Chapter 17.04 shall prevail in governing the placement of wireless communication facilities, low power radio services facilities, and appurtenant facilities in the City, including the designation of Permitted and Conditional Uses in the various land-use districts.

17.05.050 – Conditional Use Permit Standards.

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

- A. Be Compatible in intensity of Use, Scale, and design with Permitted Uses in the district;
- B. Not compromise the health, safety, or welfare of:
 1. Persons employed within or using the proposed Development;
 2. Those residing or working in the vicinity of the proposed Use or Development; or
 3. Property or improvements in the vicinity of the proposed Use or Development;
- C. Not impose disproportionate burdens on the citizens of the City.

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17.05.060 – Conditional Use Permit Determination.

- A. The land use authority shall issue a Conditional Use Permit, describing the scope of the permit and all reasonable conditions of approval if the Application complies with Code and the Applicant has proposed, or the land use authority has required, conditions to substantially mitigate the reasonably anticipated detrimental effects of the proposed Use.
- B. If the land use authority determines that the Application does not comply with the standards and criteria of this Chapter and the Applicant has not proposed or the land use authority cannot impose additional, reasonable conditions of approval to that would bring the proposal within the standards and criteria of this Code, the land use authority may deny the Conditional Use Permit Application.

17.05.070 – Modification of Conditional Use Permit.

- A. The land use authority may reasonably modify the conditions of a Conditional Use Permit if the actual detrimental effects of previously identified adverse impacts are greater than anticipated, or the proposed mitigation has been unsuccessful at mitigating those actual detrimental effects to comply with the standards of this Code.
- B. Modification proceedings may be initiated by the Applicant, the City, or an injured party with standing. The party seeking the modification must pay the costs associated with the modification proceedings and file a petition for modification with the City. Modification proceedings are conducted in the same manner as an initial review.
- C. The Conditional Use permit holder is a necessary party to these proceedings and shall be afforded due process.

17.05.080 – Expansion or Growth of Conditional Use.

- A. A Conditional Use may not be expanded without first undergoing modification proceedings, as provided in Section 17.05.060, and obtaining a Conditional Use Permit that addresses and allows the proposed expansion of the Conditional Use.
- B. Expansion of a Conditional Use occurs if the square footage of a Structure on a property subject to a Conditional Use Permit or associated with a Use listed as “Conditional” in this Title’s Land Use Matrix will be increased by greater than ten (10) percent of the square footage existing at the time of the initial Conditional Use Application.
- C. A Conditional Use has grown if any of the following occurs:
 - 1. The pedestrian or vehicle traffic has increased by greater than twenty (20) percent than was anticipated at the time of the initial Conditional Use Application, and the increased traffic is a result or impact of the Use;
 - 2. Off-Street parking has become inadequate due to the number of customers, employees, or occupants associated with the Conditional Use; or
 - 3. Other detrimental effects, such as noise, odor, or light pollution, have increased beyond what was reasonably anticipated at the time of the initial Conditional Use Application.

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

17.05.090 – Revocation of Conditional Use Permit.

- A. A Conditional Use permit may be revoked or suspended if any of the following occur or are found to have occurred:
 1. The Conditional Use Permit was obtained by fraud or misrepresentation;
 2. One or more of the conditions of the Permit have not been met;
 3. The holder or user of the permit has failed to comply with any local, state, or federal laws governing the conduct of the Conditional Use;
 4. The holder or user of the Permit has failed to construct or maintain the site as shown on the approved plans; or
 5. A Conditional Use has been expanded or grown and cannot mitigate the detrimental effects of that expansion or growth.
- B. Revocation is appropriate when the Applicant has knowingly engaged in conduct that violates the Conditional Use Permit, or when the holder or user has previously had the Permit suspended. Notice shall be given of a pending revocation and the Property Owner will be given a reasonable opportunity to cure the violation in the same manner as provided for other violations of ordinances in this Title.

17.05.100 – Building Permits.

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

17.05.110 – Conditional Use Permit Expiration.

- A. Conditional Use Not Implemented. A Conditional Use Permit expires if the Permit has not been implemented within one (1) 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.
- B. Conditional Use Abandoned. If the approved Conditional 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 applying for and receiving a new Conditional Use Permit.

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Chapter 17.06 – DEVELOPMENT STANDARDS

17.06.000 – GENERAL DEVELOPMENT STANDARDS

17.06.010 – Site Development Plan and Development Lot Required. No Building Permit shall be issued for the construction of any Building or Structure located on a Lot or Parcel that does not conform to these regulations.

- A. The Applicant shall prepare Site Development plans consistent with the standards contained herein and shall pay for the design, evaluation, construction and inspection of any Public Improvements required.
- B. No one shall alter any terrain or remove any vegetation from the proposed Development Site or engage in any Site Development until an Applicant has obtained the necessary Development Permits.
- C. The Community Development Department shall review submitted plans for:
 1. design;
 2. conformity to the Master Plans;
 3. compliance with this Title;
 4. adequacy of Public Improvements serving the Lot; and
 5. environmental quality of the Development Design.
- D. Plans of proposed Developments may be referred by the Community Development Department to any City department, special district, governmental board, bureau, utility company, and other agency that will provide public or private facilities and services to the Development for their information and comment. The Community Development Department shall coordinate comments received from public and private entities and share such comments with the Applicant.
- E. The City Engineer shall review and comment on the engineering plans and specifications for the improvements required for Site Development consist with this Title, the Construction Standards and Specifications for Public Improvements and other applicable ordinances and shall be responsible for determining the appropriate amount of an Infrastructure Improvement Assurance, Improvement Warranty, and any Guaranty should be, and for inspecting the required improvements for compliance with this Title.
- F. The City Attorney shall verify that the Infrastructure Improvement Assurance, Warranty and any other Guaranty provided by the Applicant is acceptable.

17.06.020 - Payment of fees. No permit shall be issued unless the Applicant has first paid to the City all applicable fees required and, as applicable and has reimbursed the City for all out of pocket costs incurred in review and enforcement of the Application. The amounts of all fees shall be listed in the fee schedule which may be amended from time to time by the City Council. Payment of fees does not affect the Applicant's obligation to construct and Dedicate Public Improvements or meet other obligations of Development approval.

17.06.030 - Review required. Each person who proposes to Develop land shall first request a concept review from the Community Development Department. No Development shall be considered for approval until a written concept plan has been received from the Community Development Department. This provides the Applicant with an opportunity to consult with and receive assistance from the City regarding the regulations and design requirements applicable to the Development of property before submitting a complete Application.

17.06.040 – General Site Development Standards

- A.** For all Development, prior to issuance of a Building Permit, the Development Site must meet the following criteria:
1. The proposed Development is on a legal Lot.
 2. All required curb and gutter must be installed unless the City allows such installation to be deferred until a later stage of the Development; if deferred, then the location and elevation of curb and gutter must be clearly marked in a manner acceptable to the City and the Applicant must have posted a Site Development Guaranty to secure installation of curb and gutter before a date certain;
 3. All underground utilities located under the Street or access way surface are installed and accepted by the City and appropriate agencies;
 4. Fire hydrants are fully operational in the area of the Development where permits are requested, with adequate culinary water lines fire flow to meet the demands of all properties served by the line;
 5. Streets or access ways are rough graded and provided with an all-weather surface acceptable to the City; and
 6. Continuous access to the area of the requested permit through the project is provided by an access, approved by the City, and improved with an all-weather surface.
- B. Limits of Disturbance/ Vegetation Protection.** A plan for vegetation protection during construction and for revegetation after construction is required. A security will be required to be posted to ensure compliance with the Limits of Disturbance plan.
1. All Construction Activity must be contained within the Limits of Disturbance line, with the balance of the Property remaining undisturbed. Access to the Limits of Disturbance Area should be along the planned driveway.
 2. Building Pad lines may be specified on some Plats instead of Limits of Disturbance. If Building Pad lines are designated, no part of the new construction may lie outside of the Building Pad line.
 3. Limits of Disturbance must be designated in the field prior to commencement of excavation with temporary fencing approved by the Building Department.
- C. Final Grading Required.** No Certificate of Occupancy shall be issued until Final Grading has been completed in accordance with the civil engineering plans approved with the final Subdivision Plat and the Lots recovered with top soil with an average depth of at least six inches (6") which

shall contain no particles over two inches (2") in diameter over the entire Area of the Lot, except that portion covered by Buildings or included in Streets, or where the Grade has not been changed or natural vegetation damaged.

- D. Revegetation, Seed and Sod.** All disturbed Areas on Lots shall be covered with topsoil and landscaped in accordance with Section 17.06.200.
- E. Debris and Waste.** Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any Lot or Street at the time of issuance of a Certificate of Occupancy, and removal of same shall be required prior to issuance of any Certificate of Occupancy in a Subdivision, nor shall any be left or deposited in any Area of the Subdivision at the time of expiration of the Infrastructure Improvement Assurance or acceptance of Dedication of Public Improvements, whichever is sooner.
- F. Maintenance.** Until the Site Development is completed and accepted by the City and all appropriate agencies, the Owner/Applicant shall be responsible for the following in the area where Building Permits have been issued:
 - 1. Maintaining roads and access ways in a manner that allows continuous access for emergency vehicles; and
 - 2. Maintaining continuous flow capacities to all relevant hydrants in the Development.
- G. Guaranty.** The Applicant shall issue a Guaranty to the reasonable satisfaction of the City Attorney that shall include an amount to ensure completion of all requirements contained in these regulations including, but not limited to, soil preservation, Final Grading, Lot drainage, Landscaping, lawn-grass seeding, removal of debris and waste, Fencing, and all other required Lot improvements.
 - 1. Governmental units to which a Guaranty applies may file in lieu of said contract or guaranties a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Title.

17.06.050. Site Development/Occupancy. Property Access Requirements. No Building Permit shall be issued on a Lot or Parcel that is not an improved Lot. There shall be no human occupancy of any Building until all required Infrastructure Improvements have been completed and an occupancy permit has been issued.

- A. Disclosure Required.** It shall be unlawful for any person to transfer any portion of an approved Development prior to certificate of occupancy unless that person has advised the prospective buyer that occupancy permits will not be issued until all required improvements are completed.
- B. Occupancy Restrictions.** Occupancy will not be allowed until the following conditions are met:
 - 1. All necessary utilities are installed: e.g., culinary water lines, sanitary sewer, quad duct, flood control facilities, electric power, natural gas, and telephone transmission lines;
 - 2. Finished road surfaces and pedestrian safety infrastructure are installed.
 - 3. All building code requirements are met as confirmed by the City Building Official.
- B. Public Safety and Utility Access.** Throughout construction and occupancy, all land Uses shall maintain unobstructed public utility and safety vehicle access.

17.06.100 – PARKING, ACCESS, AND CIRCULATION REQUIREMENTS

17.06.110 - Purpose.

Off-Street Parking Areas and access management are an integral part of all land use categories in the City of South Salt Lake. Vehicle and bicycle parking, access, loading and circulation requirements are established to reduce Street congestion, traffic hazards, vehicle and pedestrian interaction and to develop standards for organized off-Street parking. The regulations in this Section are intended to complement design and Use standards found elsewhere in this Title.

17.06.120 - General provisions.

- A. Parking Area Development.** The minimum off-Street Parking Stalls with adequate provisions for ingress and egress shall be provided at the time when one or more of the following improvements occur:
1. New site Development.
 2. Structure Additions or Expansions. If a Building Permit is issued for an addition or expansion of a non-residential property that would increase the number of stalls required for the land Use.
 3. Parking areas, driveways, or drive lanes are expanded to include additional property or land area that was not included when the Development was originally approved.
 4. Change of Use to a more intensive Use of a Building through the addition of Dwelling Units, Floor Area, or seating capacity. When the Use of an existing Building or Structure is changed to a different type of Use, parking shall be provided in the amount required for such new Use.
 5. Shared Parking is proposed by two or more land Uses that have different parking patterns and peak parking demand hours.
 6. Existing hard surfacing is removed from the Parking Area and replaced with new hard surfacing as per Section 17.06.140(B).
- B. Existing parking and loading areas.** If existing nonconforming parking and loading facilities are below the requirements as established in this Chapter, they shall not be further reduced.
- C. Floor Area.** For the purposes of parking requirements, Floor Area shall be defined as the gross footage of the Building measured from the exterior corners. Parking ratios more than one-half will be rounded upward to the next highest whole number. Ratios less than one-half will be disregarded.
- D. Shared Parking.** Property Owners and developers are encouraged to work out Shared Parking agreements with adjacent users wherever possible according to the provisions for Shared Parking contained in Section 17.06.160(F).
- E. Continued obligation to provide Parking Stalls.** Compliance with this Chapter is a continuing obligation so long as the Use continues. It shall be unlawful for any Owner of any Building or for any person responsible for providing parking to discontinue, eliminate or reduce a required Parking Area without providing some other approved vehicle Parking Area that meets the requirements of this Chapter, unless approval of the land use authority is obtained for the change in Parking Area.

- F. **Nonconforming Parking Areas.** The area and number of available Parking Stalls in nonconforming parking facilities shall not be further reduced. Any reconstruction, alteration or other change in Use shall be subject to the provisions of this Chapter.
- G. **Parking for persons with disabilities.** Parking Stalls for persons with disabilities shall meet the ADA and Uniform Federal Accessibility Standards, shall be provided in off-Street Parking Lot areas, and shall count towards fulfilling the minimum required automobile parking.
- H. **Storage.** All areas designated for off-Street parking, maneuvering, loading or Site Landscaping shall not be used for outdoor storage of materials, repair, dismantling or inventory.
- I. **Nonconforming, unused or abandoned drive approaches.** When the requirements listed in Subsection (A) are met, nonconforming, unused or abandoned curb cuts and other drive approaches serving property within any land use district shall be brought into compliance with the provisions of this Chapter.
- J. **Shared drive approaches.** Shared driveways between and among Lots or Parcels are allowed only if both Owners execute and record an easement in a form approved by the City to ensure access in perpetuity for both Lots or Parcels.

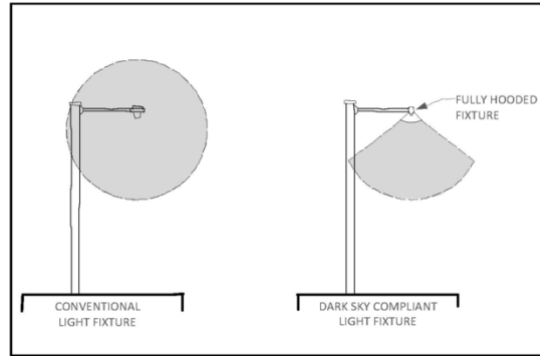
17.06.130 - Residential parking requirements and regulations.

- A. **Vehicles must be parked on a Hard Surface.** All areas used for parking shall be paved with a Hard Surface of concrete or asphalt material.
- B. **Trailer and recreational vehicle parking surface.** All approved areas for parking trailers and recreational vehicles shall be accessed from an approved driveway and shall be paved with a Hard Surface of concrete or asphalt material.
- C. **Commercial vehicle parking.** The following vehicles are prohibited from parking in an R-1 land Use district, except for commercial vehicles making or receiving deliveries or vehicles engaged in active permitted Development activities:
 - 1. Commercial truck, trailer, or construction vehicle exceeding one ton in capacity.
 - 2. Truck-tractor.
 - 3. Semi-trailer.

17.06.140 – Commercial Parking Lot design criteria.

- A. **Parking plans.** Parking Development plans for any proposed Parking Area or facility shall be submitted to the land use authority. For Parking Lot areas that are not associated with new Building construction or redevelopment, the property Owner or its designated agent shall submit a parking Development plan to the City for review. Work shall not commence on Parking Lot improvements until the City has approved such improvements and issued a permit. The parking Development plan shall indicate the following proposed improvements with accurate measurements, including, but not limited to:
 - 1. Parcel size and dimensions.
 - 2. Building layout.

2. Curb cuts for ingress and egress.
 3. Parking dimensions and configuration.
 4. Striping and traffic control markings.
 5. Landscaping as required in this Chapter and other relevant sections.
 6. Lighting.
 7. Drainage calculations and facilities for on-site detention and introduction into the storm sewer.
 8. Traffic or parking study if requested by the City or other government agency.
 9. Any necessary agreements with adjacent property Owners for Shared Parking, ingress and egress, drainage or utilities.
 10. Prior approvals from other government agencies which require approval for ingress or egress.
- B. Parking Area surfacing.** Every Lot or Parcel of land used for a vehicle Parking Area or facility shall be paved with impervious asphalt or concrete surfacing.
- C. Parking Area lighting.** When an existing Parking Area is proposed for redeveloped, or for additional lighting, an Applicant must submit proposed lighting plans to the City and a photometric study showing the following items:
1. Location and description of each outdoor lighting fixture, aiming angle and mounting heights.
 2. Description of the outdoor light fixture including specifications of lamp optics and cutoff angles.
 3. A schedule providing for the reduction of on-site lighting during the hours when the facility is not in operation while still providing for levels necessary for security purposes.
 4. All new and replacement lighting shall have directional shields or control devices to reflect light trespass away from adjacent Uses and roadways.
 5. To control light trespass onto adjacent properties or Streets, the maximum illumination, when measured at the Property Line at a height of five feet and facing the light fixture(s), shall be no greater than 0.5 foot-candles.
 6. All Parking Lot lighting shall use a down lit fixture in order to encourage the practice of "dark sky" friendly practices.



- C. **Curb.** The perimeter of all paved surfaces shall be finished with a six-inch high curbing with ADA ramps where necessary. Bumper curbs shall be installed where appropriate to keep property and vehicles from being damaged and to prevent vehicles from over-hanging sidewalks. Where such curbs serve as a wheel stop for Parking Stalls, not less than thirty-six (36) inches shall be provided in the planting area as overhang clearance for tree locations. Curbs shall be designed to allow storm water to enter Landscaped Areas.



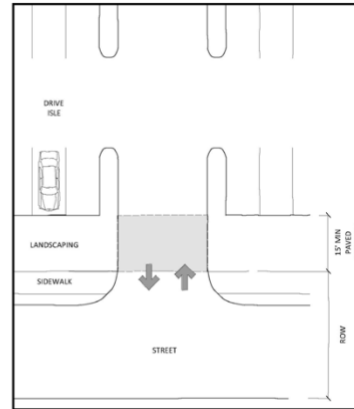
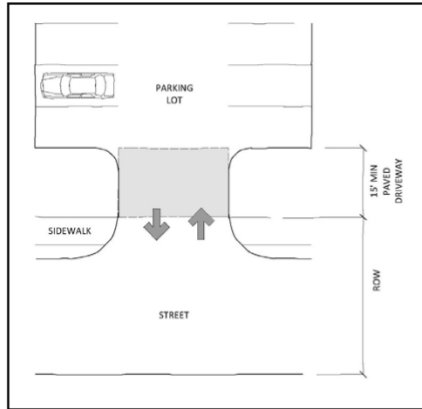
- D. **Landscaping.** Parking Lot Landscaping shall meet the requirements as found in Chapter 17.06.300.
- E. **Drainage.** Parking Lots shall be graded and drained to detain and dispose of all surface water as required by the City. The introduction of storm water into the storm sewer system shall meet minimum retention requirements as approved by the City.
- F. **Parking Area location.** See Chapter 17.07 Design Standards.
- G. **Nonconforming driveways.** Existing, nonconforming driveways and Parking Lots shall be reconstructed or removed upon Development of a new Building or other substantial site improvement.

17.06.150 - Access management.

A. Ingress and egress for non-residential Development.

- 1. All Parking Areas shall be designed to provide ingress and egress from a Public Street. Development shall not include parking that would require that a vehicle back onto a Right-of-Way.

2. All off-Street Parking Lots shall have access to a Public Street by means of a paved driveway.
3. There shall be a minimum of fifteen (15) feet of driveway length between the public Right-of-Way and the nearest Parking Stall, with no parking allowed within this area.
4. Parking Stalls located at the end of a dead-end Drive Aisle shall have a minimum of a five-foot (5') back-up area.



5. Parking Lots shall be designed to include the necessary dimensions and circulation for the on-site maneuvering of fire and refuse trucks as determined by the City Engineer and the Fire Marshal. Fire access shall be continuously maintained for all driveway access and Parking Areas
6. As a condition of issuance of each Building Permit, any unused or abandoned drive approaches or portions thereof shall be restored to the original curb and gutter section by the removal of the drive approach and replacement of improvements required for the applicable road profile (i.e. curb, gutter, Park Strip, Landscaping, sidewalk, etc.) designated in this Chapter and the Streets Master Plan.

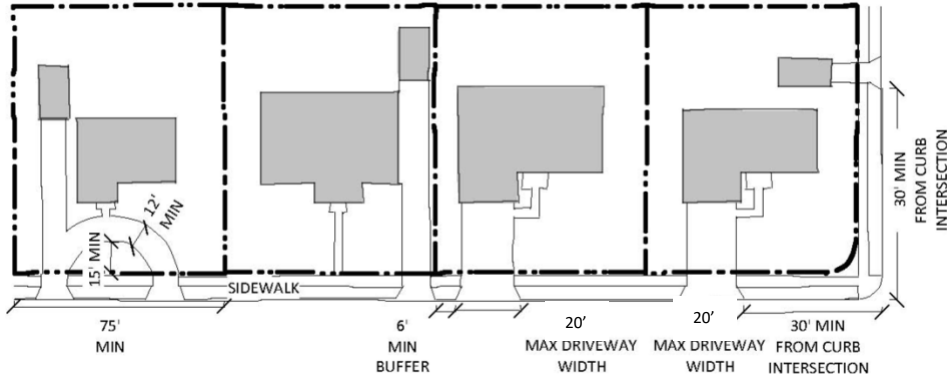
B. Driveway Access and separation.

1. Residential driveways.

a. Single Family Residential Driveways Located on Local Streets.

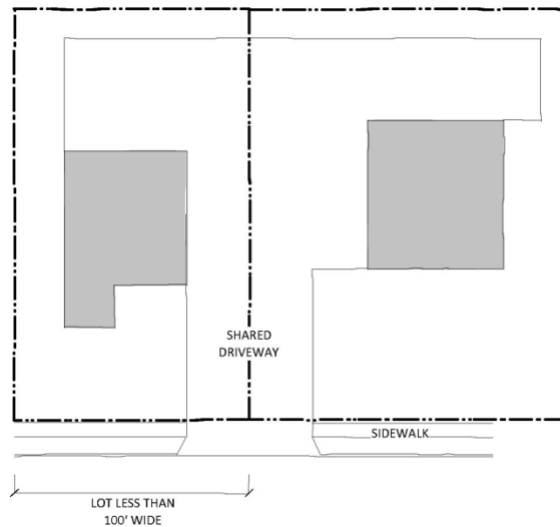
- i. Each Parcel shall have one permitted driveway with a maximum width of twenty (20) feet as measured at the flare of the driveway. A second driveway may be allowed for a residence located on a Corner Lot to access a garage or Carport Parking Area in the rear yard.
- ii. Circular driveways may be allowed in required Front Yard area, along with a second drive leading from the circular driveway to a garage or Carport. Such driveways shall not exceed than twelve (12) feet in width. To qualify for a circular driveway:
 - I. a Lot shall be a minimum of seventy-five (75) feet in width;
 - II. the Owner shall maintain approved Landscaping at least fifteen (15) feet in depth from the Front Property Line to the closest edge of the drive.

- iii. Driveways on neighboring Lots shall be separated by a minimum of six feet (6'), as measured at the flare of the adjacent driveways.
- iv. For Corner Lots, no driveway shall be located closer than thirty (30) feet from on another at the point of curb intersections.
- v. Clear View Areas shall be unobstructed as depicted below:



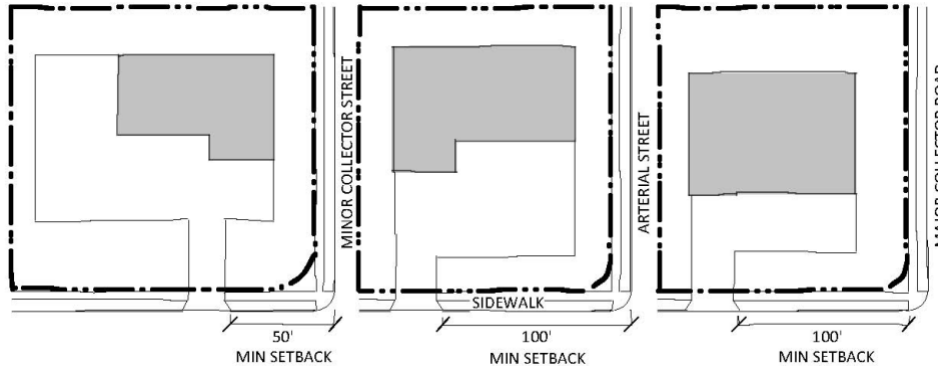
2. Multi-Family, commercial and industrial driveways.

- a. Lots with fewer than one hundred (100) feet of Frontage on Arterial or Collector Streets shall have only one approach. The maximum approach width is 30 feet. Shared common drive approaches are encouraged in order to reduce the number of entrances on the Street and to support efficient travel of vehicles.



- b. Lots that have Frontage greater than one hundred feet (100') may have one additional drive approach every two hundred feet (200'). Drive approaches shall not be greater than 30 feet (30') in width, as measured from the flares on each approach.

- c. Driveways adjacent to intersections on Corner Lots shall meet the following minimum distance requirements as measured from the flare of the drive approach to the point of the corner intersection.
 - i. Major/Minor Arterial: One hundred (100) feet.
 - ii. Major Collector: One hundred (100) feet.
 - iii. Minor Collector: Fifty (50) feet.



- d. Driveways on abutting commercial Lots shall be separated a minimum of twenty (20) feet and no driveway shall be located closer to a Property Line than seven (7) feet unless jointly shared (by recorded easement) by adjoining properties.
 - e. The City Engineer or designee may approve a modification to the separation requirements from an intersection based upon a site visit and review of relevant factors, including, but not limited to:
 - i. Safety.
 - ii. Alternative access points and potential for reciprocal or shared accesses.
 - iii. Sight lines.
 - iv. Impact on traffic flow.
3. The following shall be considered when reviewing driveway access points:
- a. the movement of vehicular traffic;
 - b. Public Improvements;
 - c. alternative access points and shared access; and
 - d. Clear View Area regulations and safety.

17.06.160 - Parking Stall requirements.

A. Parking requirements for specific Uses. Off-Street parking shall be provided for Uses as indicated in the following matrix.

- 1. Uses Not Specifically Listed. Parking requirements for Permitted or Conditional Uses not specifically listed in the following matrix shall be provided in the same ratio as the Use

most closely approximating the characteristics of the unlisted Use, as determined by the Community Development Director.

- 2.** Employee parking for Uses with an employee component shall be determined using the maximum number of employees working on the largest shift.
- 3.** Uses located in the Transit Oriented Development district and Commercial Neighborhood district that have a bicycle parking requirement shall provide 1 bicycle parking space per every 15 vehicle Parking Stalls. This requirement supersedes those ratios established in the matrix below.
- 4.** Matrix of Parking Requirements by Use. Uses are grouped into categories that have similar parking requirements. The following matrix indicates the required parking for Uses in the City:

Parking Requirements by Use		
Land Use	Number of Stalls Required	Number of Public Bicycle parking spaces Required
Adult Daycare; Child Care Center	1 stall per 5 guests, plus unloading area	N/A
Alcoholic Beverage – Bar Establishment; Alcoholic Beverage – Tavern	3.5 stalls per 1,000 square feet	N/A
Art Studio (Light Industry)	1 stall per 500 square feet	1 per 50 stalls
Assisted Living Facility; Nursing Home	.50 stalls per bedroom plus 1 stall per employee	1 per 15 bedrooms for visitors
Auto Body Repair; Automotive Restoration; Automotive Service and Repair; Automotive Service Station (Non-Mechanical)	1 stall per employee, 1 stall per 200 square feet of office, and 1 stall per 500 square feet of shop area	N/A
Auto, Light Truck, RV, Boat, Trailer Dealership (Sale, Lease, or Rent); All-Terrain Vehicle (ATV), Motorcycle, Personal Watercraft (PWC), Snowmobile Sales and Service	1 stall for every 20 vehicles displayed with a maximum of 15 stalls. A minimum of three employee Parking Stalls provided. Off-Street customer and employee Parking Stalls shall be identified.	N/A
Bakery, Commercial; Manufacturing; Alcoholic Beverage – Manufacturer	1 stall per employee	1 per 50 stalls
Barber Shop / Hair Salon; Day Spa	1 stall per 250 square feet	1 per 15 stalls
Bowling Alley	2 stalls per lane	1 per 50 stalls

Crematory / Embalming Facility; Funeral / Mortuary Home	1 stall per 100 square feet of assembly area plus one per employee	N/A
Dwelling, Multi-Family; Dwelling, Townhome	.5 stalls guest parking per unit; 1.2 stalls per unit in TOD-C district Development; 1.5 stalls per studio or one-bedroom unit; 2 stalls per duplex or two-bedroom unit; 2.5 stalls per three+ bedroom unit	1 per 15 units for visitor and .25 secure spaces per unit
Dwelling, Single-Family	2 stalls per Dwelling Unit, with at least 1 stall located in an enclosed garage	N/A
Education, Elementary or Secondary	1 stall per teacher and staff, plus 1 additional stall per every 2 classrooms for elementary or middles schools or plus 1 additional stall for every 10 students for high schools	1 per 25 stalls
Education, Higher (Public); Education, Technical	1 stall for every 3 classroom seats	1 per 25 stalls
Fitness Center	1 per 5 students plus 1 per employee; 1 stall per 300 square feet for Recreation Centers; 1 stall per 100 square feet for dance halls	1 per 15 stalls; 1 per 25 stalls for dance halls
Homeless Shelter	.25 stalls per bed plus 1 stall per employee	
Hospital, Specialty	1 stall per every 2 beds	1 per 50 stalls
Hotel	1 stall per unit plus 1 stall per 200 square feet of office, meeting, assembly, conference or banquet stall	1 per 50 stalls

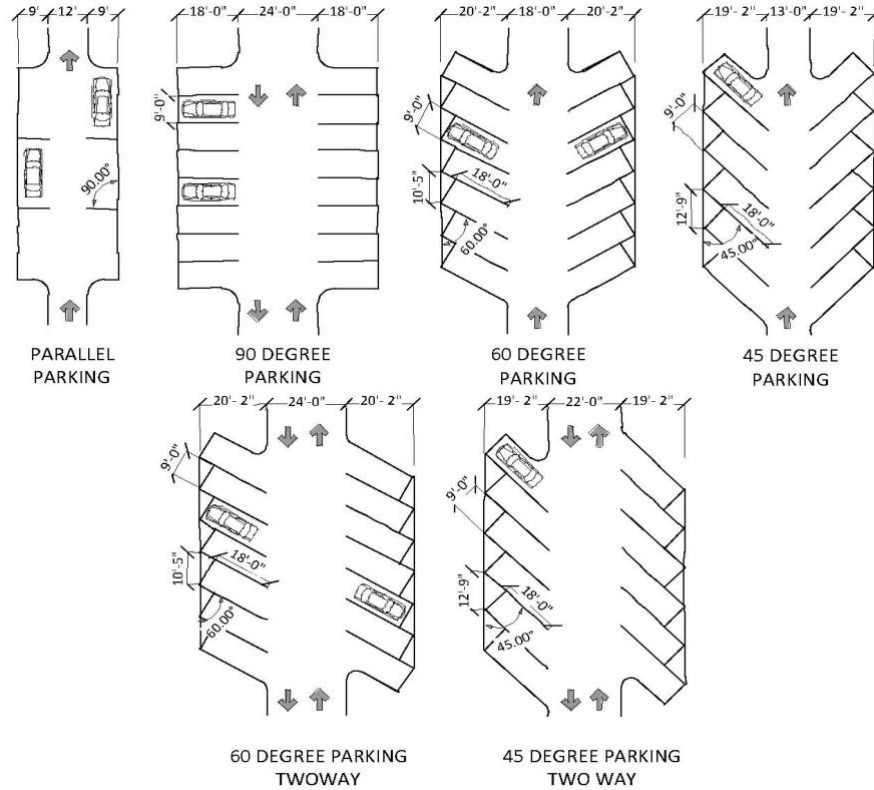
Laundromat	1 stall per 3 machines	1 per 15 stalls
Library	4 stalls per 1,000 square feet	1 per 25 stalls
Medical, Dental, Health Care Office; Massage Therapy	5 stalls per 1,000 square feet	1 per 25 stalls
Museum	2 stalls per 1,000 annual visitors	1 per 25 stalls
Nature Center	2 stalls per 1,000 annual visitors	1 per 25 stalls
Office, Professional	4 stalls per 1,000 square feet (5.0); for data processing or telemarketing Uses, 1 stall per employee	1 per 20 stalls (or 1 per 25 employees for data processing or telemarketing Uses)
Place of Worship	1 stall for every 4 seats in the Place of Worship	1 per 25 stalls
Restaurant (fast-food)	1 stall per 100 square feet of Floor Area	1 per 20 stalls
Restaurant (sit-down)	1 stall per 3 seats plus .50 stall per employee	1 per 25 stalls
Retail; Alcoholic Beverage – Package Agency	4 stalls per 1,000 square feet	1 per 15 stalls
Storage Facility, Warehouse; Alcoholic Beverage – Beer Wholesaler; Alcoholic Beverage – Liquor Warehouse	1 stall per 1,000 square feet	1 per 50 stalls
Storage Facility, Indoor	1 stall per employee, 2 stalls per care taker, 3 stalls conveniently located at the registration area	1 per 50 stalls
Temporary Use	1 stall for every 3 patrons to the event	N/A

Theater, Movie; Theater, Live Performance	1 stall for every 3 seats	1 per 30 stalls
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B. Parking Stall Configuration. The minimum Parking Stall and Drive Aisle configurations are provided in the following table and illustration.

Parking Stall Dimension Table *					
Angle of Parking	Stall Width	Stall Depth	Curb Length Per Vehicle	Minimum Drive Aisle Width (One Way)	Minimum Drive Aisle Width (Two Way)
Parallel along the curb - 0 degree	9 ft.	23 ft.	23 ft.	12 ft.	24 ft.
45 degree	9 ft.	18 ft.	12.6 ft.	15 ft.	22 ft.
60 degree	9 ft.	18 ft.	10.4 ft.	18 ft.	24 ft.
90 degree	9 ft.	18 ft.	9 ft.	24 ft.	24 ft.

*Drive Aisle widths may be increased when required by the City Fire Marshal or City Engineer.



C. **Vehicle stacking capacity in drive-thru lanes.** The following table shall be used when determining stacking capacity for the following drive-thru Uses:

Vehicle Stacking Capacity in Drive-Thru Lanes		
Use	Minimum Stack	Measured From
Automated teller machine (ATM)	3 per machine	Teller machine
Car Wash	3 per lane	Wash bay entrance
Dry cleaner	2 per lane	Drive-up Window
Financial Institution with teller lane	3 per lane	Teller or Drive-up Window
Pharmacy	3 per lane	Drive-up Window
Restaurant with drive-thru	5 per lane	Order box

- D. Tandem Parking.** Tandem Parking Stalls shall only be counted as required Parking Stalls where approved by the land use authority in the following instances
5. Single-Family Dwellings with garages.
 6. Multi-Family Dwellings with garages where both stalls are under the same lease agreement.
 7. Where valet parking services are approved by the land use authority.
- E. Transit Oriented Development Modification Plan.** The land use authority may approve a modification in the number of off-Street Parking Stalls required for a land use in the Transit Oriented Development – Core district in accordance with the ratios established in this Section.
1. Residential Parking in the Transit Oriented Development – Core district:
 - a. All Developments must submit a parking and traffic study performed by a licensed transportation engineer with a detailed description of the proposed Use, hours of operation, and anticipated parking demand.
 - b. The Applicant must submit evidence that the proposed Development meets two (2) of the following standards:
 - i. the Development is located within a quarter (1/4) mile of a light rail station;
 - ii. the Development is designed to be walkable and is located in an area of the City where pedestrian connectivity has been established;
 - iii. the Development provides a car or van pool program;
 - iv. the Development provides secure bike parking facilities; or
 - v. the Development provides transit subsidies to tenants and employees.
 - c. Site Plan Approval Required. If the Applicant complies with Section 17.06.160(E)(1)(b), a Site Plan demonstrating parking quantities, design, and layout shall be submitted to the Community Development Department and must comply with all applicable standards contained this Chapter with the following exception:
 - i. The standard requirement for residential parking is 1.5 stalls per unit.
 - ii. The land use authority may consider increases or reductions to standards outlined in the accompanying table. The maximum decrease from any standard parking rate for a Residential Use shall be 20%.
 - iii. Dedicated visitor parking. Developers shall clearly indicate the location of dedicated visitor parking through directional signage, marked stalls, or other means to be determined in Site Plan review.
 - d. The following table provides all eligible parking rate reductions available in the TOD and TOD-Core district:

Eligible Parking Rate Reductions	
Amenity	Recommended Reduction (Stalls/Unit)
Car share (limit 1 car/100 units)	0.05
Unbundled parking (100% of units)	0.1
Bike share	0.05
Bike lockers/storage	0.05
Development supplied transit passes to 100% of units	0.15
Senior housing	0.2
Student housing (< .25 miles from campus)	0.1

2. Commercial Parking.

- a. Commercial Use transit-oriented Developments may receive up to a twenty percent (20%) reduction in parking when located within the Transit Oriented Development-Core District. A Development must comply with at least two (2) additional requirements below to qualify for the parking reductions:
 - i. Shared Parking. The Development consists of two (2) or more land Uses that have different parking patterns and peak parking demand hours. Regulations for Shared Parking can be followed as found in Subsection (F) of this Section except for the following additional provisions:
 - a) In Mixed-Use Developments, no one Use may consist of less than twenty percent (20%) of the Building square footage; and
 - b) Mixed-Use Buildings must be comprised of at least 50% Residential Use.
 - ii. Transit passes are provided to 100% of employees at the Development.
 - iii. Provisions are made for long term bicycle storage for residential tenants or business employees. Long term storage shall consist of facilities such as lockers, indoor Parking Areas, or other secure areas designated for parking.
 - iv. Alternative proposals approved by the land use authority that will encourage and provide for increased transit ridership.

- H. Excessive parking.** Commercial Developments shall not have parking in excess of that required by this Chapter, without prior written approval of the land use authority. If more Parking Stalls are requested, written justification of the specific need for more Parking Stalls than the provisions of this Chapter allow may be required. The land use authority may require a parking and/or traffic impact analysis by a licensed traffic engineer when the request exceeds twenty (20) stalls or an increase of ten percent.
- I. Shared Parking.** Flexibility through Shared Parking may be allowed when two (2) or more Uses have different parking patterns and peak parking demand hours. These Uses shall be able to use the same off-Street Parking Areas throughout the day to reduce the total demand for Parking Stalls. The following schedule of Shared Parking is provided to indicate how Shared Parking for certain Uses might be used to reduce the total parking required. Refer to the appendix for an illustrative Shared Parking table.

Schedule of Shared Parking						
General Use Classification	Weekday			Weekend ¹		
	Midnight - 7:00 a.m.	7:00 a.m. - 6:00 p.m.	6:00 p.m. - Midnight	Midnight - 7:00 a.m.	7:00 a.m. - 6:00 p.m.	6:00 p.m. - Midnight
Residential	100%	50%	80%	100%	75%	75%
Office	5%	100%	20%	5%	20%	10%
Retail/ Commercial ²	5%	80%	100%	5%	100%	90%
Hotel	100%	65%	100%	100%	65%	100%
Light industrial	10%	100%	10%	10%	50%	10%
Entertainment ³	10%	50%	100%	10%	50%	100%
Places of worship	5%	30%	50%	5%	100%	75%
Community centers	5%	75%	85%	5%	100%	100%

1. For Shared Parking purposes weekend shall begin on Friday at 6:00 p.m.

2. Provision shall be made between shared Uses for typical design day for commercial Uses to ensure sufficient parking.

3. Percentage of Shared Parking reduction for entertainment Uses may be increased by the land use authority depending on the intensity of the Use and Compatibility with Shared Parking uses.

1. To qualify for approval of Shared Parking, Applications shall contain the following:
 - A. Location and identity of each Use that will share the Parking Area.
 - B. Total parking requirement for each use.
 - C. The projected hours of operation of each Use and the hours during which the peak parking demand will be experienced.
 - D. The number of proposed Parking Stalls.
 - E. A Site Plan showing that the furthest Parking Stall is no greater than three hundred (300) feet from the nearest entrance of each Use intended to share the parking.
 - F. A Site Plan showing that the proposed Shared Parking Area will comply with all standards required by this Chapter for Parking Area Development.
 - G. Pedestrian circulation plan that shows connections and walkways between Parking Areas and land uses.
 - H. No one single Use may be less than ten percent of the overall Building square footage.
2. Other Uses. If one or more of the land Uses intended to share parking facilities does not conform to the general land use classifications in the Shared Parking matrix, an Applicant may submit data to specify the principal operating hours of the uses. The land use authority may also take this information into account in determining the appropriate Shared Parking accommodation, if any, for such Uses.
3. Shared Parking Among Lots Under Different Ownership. When a Shared Parking reduction is to be applied to Uses on several Lots under different ownership, the following shall be provided:
 - A. A plan that provides for interconnected Lots;
 - B. Recorded easements that provide, at a minimum, for:
 - i. Cross-access for both vehicles and pedestrians among the Parking Areas and connections;
 - ii. Allocation of maintenance responsibilities;
 - C. Parking for all Uses shall be located within three hundred (300) feet from the nearest entrance of each Use intended to share the parking.
 - D. Shared Parking among Lots under different ownership may be approved by the land use authority following submittal of a parking Development plan Application and compliance with the provisions detailed above.

17.06.170 - Loading areas.

- A. All Buildings with loading docks or loading areas shall meet the following requirements:
 1. All loading and unloading areas must be located behind the Primary Façade and must not be visible from a Right-of-Way.

2. All loading and unloading associated with the Use shall be performed on-site. Such on-site loading area shall be in addition to required off-Street parking and shall not be located within driveways or Drive Aisles.
 3. All loading docks and unloading areas shall be located so that no delivery vehicle will be parked or require maneuvering within the public Right-of-Way. Maneuvering and backing space to the loading dock shall be accommodated on-site.
 4. Public Rights-of-Way shall not be used for loading or unloading.
 5. Each loading area shall not be less than thirty-five (35) feet in length and twelve (12) feet in width. Enclosed or covered loading and unloading areas shall have an overhead clearance of not less than fourteen (14) feet.
 6. Off-Street loading areas shall not block use of required Parking Stalls areas on the Site or adjacent Sites.
 7. Loading/unloading areas shall be asphalt or concrete and constructed to drain and dispose of surface water on-site, away from the Building.
- B. Standing and Passenger Loading Areas.** Uses such as daycares, schools, hotels, and places for public assembly shall provide at least one safe off-Street passenger loading/unloading area that is adequately signed and striped. Such passenger loading/unloading areas shall be located at the point of primary pedestrian access from the Parking Lot area to the adjacent Building, or Buildings, and shall be designed in such a manner that vehicles waiting in the loading area do not impede vehicular or pedestrian circulation in the Parking Area.

17.06.180 - Temporary event parking.

Temporary Parking Lot may be approved by the City for a special event if the following conditions are met:

- A. compacted road base, gravel, or recycled asphalt is used;
- B. signage is provided that designates the temporary Parking Area; and
- C. use of the Parking Lot is limited in duration, which Use shall not exceed thirty (30) days in any 365-day period.

17.06.190 - Bicycle parking standards.

All new Development or change of Use must install parking for bicycles as required in the parking matrix. Required bicycle parking areas shall comply with the following standards:

- A. Bicycle parking shall be provided with racks that allow the frame and one wheel to be locked to the rack with a high security, U-shaped or chain/cable lock.
- B. Racks shall be clearly visible and accessible yet should not interfere with pedestrian traffic or other site furnishings.
- C. Parking areas shall be well-lit for theft protection, personal security and accident prevention.

- D. Location of bicycle parking shall be separated from vehicle parking and roads with space and physical barriers in order to prevent potential damage to parked bikes or vehicles. Bicycle parking shall not be located on sidewalks or in areas that obstruct pedestrian traffic flow.
- E. Parking areas shall be located within one hundred (100) feet of the primary Building entrance.
- F. Where feasible, the use of existing overhangs or covered areas are encouraged to provide weather protection for bicycle parking areas.

17.06.200 - Parking Lot maintenance.

- a) Designated Parking Areas shall be continually maintained to properly function for the intended vehicle parking Use.
- b) When surfacing materials are removed, changes are made to the Grade, or changes that would require a review by the City, the property Owner or agent shall submit a parking Development plan as outlined in Section 17.06.140, and obtain a permit from the City to ensure that the replaced surfacing and drainage meets current City regulations.
- c) Parking Lot striping for stalls and pedestrian crossings shall be maintained on a regular basis so that striping is visible.
- d) Slurry seals, seal coating, overlays, patching or crack sealing does not require a permit for maintenance unless such work changes the Grade or Retention Areas of the Site.

17.06.300 – LANDSCAPING.

- A. **Purpose.** The purpose of this Chapter is to outline Landscaping requirements that establish minimum standards to:
 - 1. Improve the City's image and identity;
 - 2. Increase the Compatibility of adjacent Uses and minimize the harmful impacts of noise, dust, debris, and light pollution;
 - 3. Enhance the visual appearance of Streetscapes;
 - 4. Encourage innovation and design;
 - 5. Establish opportunities for sustainable storm water management;
 - 6. Encourage water conservation;
 - 7. Support a diversity of plants suited to local conditions; and
 - 8. Sustain and improve the City's urban forest.
- B. **Applicability.** This Chapter applies to all new Development and Structure additions.
 - 1. Wherever Landscaped Areas are required by this Chapter, a Landscape Plan shall be submitted to the City.

2. A Landscape Plan is required for any Application for a Building Permit or certificate of occupancy. A Building Permit will not be issued without submission and City approval of a Landscape Plan.
3. The Landscaped Areas as required by this Section shall be installed on property where Landscaped Areas are not in place or are non-conforming when:
 - a. New construction occurs on undeveloped, vacant, or cleared property.
 - b. A Conditional Use permit is issued, or a change of Use occurs. The land use authority shall make installation of Landscaping a condition of approval.
 - c. 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 and/or the parking requirement by fifty (50) percent or more.
 - d. A Building Permit is issued for any addition to a Single-Family residence that increases the Floor Area of the residence by seventy-five (75) percent or more. This standard does not apply to expansion or addition of accessory Buildings on residential properties.
 - e. A change of Use occurs.
 - f. A Parking Area is expanded by fifteen (15) percent, or a minimum of seven stalls.
 - g. An existing property is re-landscaped.

Public parks, recreation facilities, and open spaces in any district are exempt from the provisions of this Chapter.

C. Modification. Existing Structures shall comply with the standards contained in this Chapter, to the maximum extent possible.

D. General Landscape Requirements.

1. At a minimum, Landscaping is required in all Yard areas, along the perimeter of Parking Areas, in front of Buildings, and in the Front Setback of any improved property not used for parking, driveways, walkways, or approved display areas.
2. General Design Standards.
 - a. Landscape Plans shall be prepared and approved based on design standards in this Chapter and other applicable City requirements.
 - b. Tree and Shrub Requirements.
 - i. Not less than seventy-five (75) percent of the trees specified on the Landscape Plan shall be water conserving species.
 - ii. Deciduous and ornamental trees shall have a minimum two-inch caliper trunk size at the time of installation.
 - iii. Evergreen trees shall have a minimum height of six feet at the time of installation. Evergreens shall be incorporated into a Site where a Buffer is required between adjacent Uses or busy roadways.
 - iv. Shrubs shall have a minimum height or spread of eighteen (18) inches at the time of installation, depending on the plant's natural growth habit

(after two years of growth). Plants in five-gallon containers will generally comply with this standard.

- v. Existing trees that are non-invasive and not noxious and that are preserved and incorporated into the Landscape Plan shall be credited toward the minimum number of trees required by this Chapter. Trees must be in healthy condition and free of injury to receive this credit. Any credited tree that is not preserved or is significantly damaged during construction shall be removed and replaced with four trees, each with a minimum caliper of four inches. Tree replacement shall conform to the tree and shrub requirements.
- c. Plant and Turf Grass Requirements.
- i. Annual and perennial plants shall be installed from transplants, and not seeded on site.
 - ii. Only water conserving varieties of Turf Grass shall be used in South Salt Lake.
 - iii. Turf Grass may be seeded on site.
 - iv. Turf Grass shall comprise no more than eighty (80) percent of the total Landscaped Area for all properties other than Single-Family residential.
 - v. Turf Grass shall comprise at least 80 percent of the total Landscaped Area of a Single-Family residential Lot or Parcel, but not more than ninety (90) percent.
 - vi. Turf Grass shall provide cover 100% of the seeded or sodded area within one year.
- d. Mulch and Decorative Rock Requirements.
- i. Landscaped Areas may include mulch and decorative rock in accordance with Park Strip requirements and specific Use requirements specified in this Chapter.
 - ii. If ornamental gravel is utilized, it must be contained within durable borders or edging.
- e. Swales and Detention or Retention Basins.
- i. Swales and detention or retention basins required for storm water management shall be landscaped with suitable trees, shrubs, groundcover, perennials, or other Landscaping materials, and/or decorative paving.
 - ii. Plants shall cover at least seventy-five percent (75%) of the area of the swale or detention or retention basin.
 - iii. Swales located along a Right-of-Way shall not be deeper than 1.5 feet.
- f. Berming is prohibited.
- g. Irrigation. Permanent irrigation systems are required wherever Landscaping is required by this Chapter.

- h.** Clear View Requirements. All landscape elements are subject to the Clear View Area requirements.

E. Landscape Plan Requirements.

- 1.** Content of Landscape Plan. All Landscape Plans submitted for approval shall be drawn in accordance with the South Salt Lake Community Development Department's plan submittal requirements. The Landscape Plan shall include:
 - a.** The location and dimensions of all existing and proposed Structures, Property Lines, easements, planting areas, Buffers, Parking Lots, driveways, roadways and Rights of Way, sidewalks, bicycle paths, freestanding signs, waste enclosures, bicycle parking areas, fences, walls, ground level utility equipment, recreational facilities, and any other freestanding Structure.
 - b.** The location, spacing, quantity, size, and common and botanical names of all proposed plants.
 - c.** The location, size, and common and botanical names of all existing trees and other plants on the property and in the Park Strip, either to be retained or removed.
 - d.** Existing and proposed grading of the site at one-foot contour intervals including any proposed landscaped Berms.
 - e.** Elevations for fences and retaining walls proposed for location on the site.
 - f.** Elevations, cross sections, and other details as determined necessary by the land use authority.
 - g.** The irrigation plan, drawn on a separate sheet.
 - h.** Summary data indicating the area of the site in the following classifications:
 - i.** Total area and percentage of the site in Landscaped Area.
 - ii.** Total area and percentage of the site in Turf Grasses.
 - iii.** Total area and percentage of the site in water-efficient plant species at mature growth.
- 3.** Landscape Maintenance Standards.
 - a.** Responsibility. The property Owner shall be responsible for the maintenance, irrigation, repair and replacement of all plants, turf, trees, and Landscaping materials required in this Chapter. The property Owner shall also keep their property free of uncontrolled weed and volunteer plant growth.
 - b.** Landscaping Materials. Landscaping shall be maintained in good condition in a healthy, neat, and orderly appearance. Plants and trees that are dead or dying shall be removed and replaced. Landscaped Areas shall be regularly irrigated, mowed and pruned as needed, be kept free of weeds, dead plants, garbage, and debris.
 - c.** Pruning Required. Trees, hedges, shrubs, and plants near public sidewalks and roads shall be pruned and maintained so that the public Right-of-Way is unobstructed. Shade trees or other plantings that project over any sidewalk shall be maintained clear of all branches between the ground and a height of seven (7) feet for that portion of the plant located over the sidewalk. Shade trees and

plantings that project over any Street or access road shall be maintained free of any plant material extending over the Street to a height of fourteen (14) feet from the Grade of the Street or access road.

- d.** Irrigation Systems. Irrigation systems shall be maintained in good operating condition to promote the conservation of water.

4. Landscape Requirements for Park Strips.

- a.** Intent. The intent of the Park Strip Landscaping standards is to enhance the aesthetics of City Streets, to increase safety along roadways, to prohibit materials that may cause harm or injury to pedestrians and vehicles, to provide safe and convenient access across Park Strips to and from parking and pedestrian access, to allow access for repair and maintenance of public utilities, and to uphold Clear View Area requirements.
- b.** Applicability. Park Strip standards apply to all properties in the City, including vacant Lots that have curbs and/or gutters along Street Frontages. Owners of property on Streets that lack curb and gutter are not required to maintain formal Landscaping within the public Right-of-Way, unless new curb and gutter is required as new Development occurs.
- c.** Installation. All Park Strips shall be landscaped and continuously maintained by the abutting property Owner. For permits involving new construction or a change of Use, Park Strip Landscaping shall be shown on the required Landscape Plan.
- d.** Park Strip Design Standards Table:

Street Profile	Park Strip Width	Paving Materials	Inorganic Materials	% Allowed	Planting Materials	Min. Live Plant Material Coverage	Street Trees
Urban Corridor 2100 South 2700 South 3300 South 3900 South 700 East 300 West State Street Main Street	Less than 3'		Mulch, gravel, stone, and concrete	100	Hardy groundcover *	75% coverage	Street trees not allowed
	3' to 5'		Mulch, gravel, and stone	100	Groundcover Annual or perennial plants	75% coverage	30' interval 2" caliper minimum
	More than 5'		Mulch, gravel, and stone	100	Groundcover Annual or perennial plants	75% coverage	30' interval 2" caliper minimum tree grates or tree wells with decorative gravel are required **

Street Profile	Park Strip Width	Paving Materials	Inorganic Materials	% Allowed	Planting Materials	Min. Live Plant Material Coverage	Street Trees
Residential	Less than 2'		Concrete, gravel, stone, and mulch	100%	Groundcover Annual or perennial plants Turf	75%	Street trees not encouraged.
	2' to 3'		Gravel, stone, and mulch	100%	Groundcover Annual or perennial plants Turf	75%	Street trees not encouraged.
	More than 3'		Gravel, stone, and mulch	100%	Groundcover Annual or perennial plants Turf	75%	30' interval 2" caliper minimum

Street Profile	Park Strip Width	Paving Materials	Inorganic Materials	% Allowed	Planting Materials	Min. Live Plant Material Coverage %	Street Trees
Commercial or Flex	Less than 2'	Pavers - brick, stone, or concrete	Gravel, stone, and mulch	100%	Groundcover Annual or perennial plants	75%	Street trees not encouraged
	2' to 3'	Pavers - brick, stone, or concrete	Gravel, stone, and mulch	100%	Groundcover Annual or perennial plants	75%	Street trees not encouraged
	More than 3'		Gravel, stone, and mulch	100%	Groundcover Annual or perennial plants Turf	75%	30' interval 2" caliper minimum tree grates or tree wells with decorative gravel are required**

* Hardy groundcover may be any type of groundcover that is capable of withstanding snow and heat.

** Tree grates or tree wells shall be a minimum of five feet in radius measured from the center of the tree trunk.

F. Landscape Requirements Along Urban Corridor Streets.

- 1.** Applicability. The Landscaping standards in this Section shall be required for all properties with Frontage along State Street, 2100 South, 3300 South, 3900 South, 900 West, 300 West, 700 East, and Main Street.
- 2.** Design Standards.
 - a.** Area. Installation of a minimum of fifteen (15) feet of Landscaping along the entire length of the property between the back of the sidewalk along the urban corridor Street and any fence, Parking Area, or Structure on the Site is required.
 - b.** Prohibited Uses and Activities. Parking, display, sales, storage, Structures, or temporary signage are not allowed in the Landscaped Areas.
 - c.** Approved access driveways and walkways are allowed to cross the landscape area.
 - d.** Outdoor seating areas up to three hundred (300) square feet in area for Restaurants and similar public Uses are allowed in the landscape areas.
 - e.** Live plant material coverage of at least 75%.
 - f.** A minimum of one tree is required for every one-thousand (1,000) square feet of Landscaped Area.

G. Landscape Requirements for Parking Lots.

- 1.** Intent. Landscaping is required for Parking Areas in order to break up large expanses of pavement, to provide relief from reflected glare and heat, to guide vehicular and pedestrian traffic, and to efficiently and sustainably retain storm water.
- 2.** Applicability. All Hard-Surfaced Parking Areas, including those for vehicle sales, with fourteen (14) or more Parking Stalls shall provide Landscaping in accordance with the provisions of this Section. Smaller Parking Areas shall not be required to provide Landscaping other than Landscaping required for Park Strips, Buffers, and front yards.
- 3.** Parking Lot Landscaping Standards.
 - a.** General Requirements.
 - i.** Site Plan Required.
 - ii.** All Landscaping shall meet Clear View Area requirements.
 - iii.** Landscaped Areas shall be protected by concrete vertical curbs. Curbs shall be designed to allow storm water to enter the Landscaped Area. Where such curbs serve as a wheel stop for Parking Stalls, not less than thirty-six (36) inches shall be provided in the planting area as overhang clearance for tree locations.
 - iv.** Pedestrian paths in Parking Lots, with the exception of crosswalks, shall be bordered by landscaped Park Strips with a minimum width of three feet, in accordance with the commercial or industrial Park Strip standards of this Chapter.
 - b.** Interior Landscaping.
 - i.** Area. Not less than five percent (5%) of the interior of a Parking Area shall be devoted to Landscaping.

- ii. Interior Landscaping Design Standards.
 - a) Interior Parking Lot Landscaping islands shall separate every seven (7) Parking Stalls.
 - b) Interior Parking Lot Landscaping areas shall be a minimum of one hundred twenty (120) square feet in area and shall be a minimum of three feet in width, as measured from back of curb to back of curb
 - c) Landscape islands with Shade Trees. Shade trees shall be provided at no less than one tree per seven Parking Stalls. Tree wells shall be a minimum of five feet in radius measured from the center of the tree trunk
- iii. Perimeter Landscaping. Where a Parking Lot is located within a required yard area or within twenty (20) feet of a Lot Line, perimeter Landscaping shall be required along the perimeter of the Parking Lot. Perimeter Landscaping must be at least seven (7) feet in width, as measured from the back of the Parking Lot curb.

H. Landscape Requirements for Buffers.

- 1. Intent. Buffers are used to mitigate the transition between Development types and incompatible Uses.
- 2. Applicability. All Buffers required by other sections in this Code shall be landscaped.
- 3. Buffer Design Standards. Landscape Buffers shall be reserved for planting and fencing. No parking, driveways, or Accessory Structure shall be permitted, unless specifically authorized through the Site Plan review process. Landscape Buffers may be located within required Setbacks. Where both landscape Buffers and Parking Lot Landscaping is required the more restrictive shall apply.
 - a. a minimum of one tree for each four hundred (400) square feet of the landscaped Buffer shall be planted.

I. Specific Landscape Standards.

- 1. Design Standards.
 - a. Single-Family Buildings.
 - i. Front yard and corner side yard Landscaped Areas required to be landscaped shall be landscaped with suitable trees, shrubs, groundcovers, perennials, or other Landscaping materials. Plants, not including tree canopies, shall cover at least seventy-five percent (75%) of the front and/or corner side yard area at maturity.
 - ii. Each front yard shall contain at least two (2) trees.
 - iii. Water features, landscape boulders, decorative rocks, gravel, and organic mulch are permitted but shall not be considered a substitute for plants.
 - b. Multi-Family Developments.
 - i. Landscaped Areas. Yards, Setbacks, Park Strips, required Buffers, required open space, and Parking Areas shall be landscaped as required in this

Chapter. Landscaping shall be used to screen ground level utility equipment from view of Streets, sidewalks, or walkways to the greatest extent possible.

- ii. **Plant Coverage.** All required Landscaped Areas shall be landscaped with suitable trees, shrubs, groundcovers, perennials, or other Landscaping materials. Plants, not including tree canopies, shall cover at least seventy-five percent (75%) of required Landscaped Areas.
 - iii. **Site Trees.** A minimum of two (2) trees per one thousand (1,000) square feet of Landscaped Area is required, in addition to requirements for Yards, Setbacks, Park Strips, required Buffers, and Parking Areas described in this Chapter.
 - iv. **Water features, landscape boulders, decorative rocks, gravel, and organic mulch are permitted but shall not be considered a substitute for plants.**
 - v. **If ornamental gravel is utilized, it must be contained within durable borders or landscaped edging.**
- c. **Commercial and Flex.**
- i. **Landscaped Areas.** Landscaped Areas shall comprise not less than fifteen (15) percent of a commercial or professional office site. Landscape requirements for Buffers, Parking Areas, Park Strips, and additional Landscaping along urban corridor Streets as required in this Chapter may be included as part of the overall site requirement. Landscaping shall be used to screen ground level utility equipment from view of Streets, sidewalks, or walkways to the greatest extent possible.
 - ii. **Plant Coverage.** All required Landscaped Areas shall be landscaped with suitable trees, shrubs, groundcovers, perennials, or other Landscaping materials. Live plants, not including tree canopies, shall cover at least seventy-five percent (75%) of required Landscaped Areas.
 - iii. **Site Trees.** A minimum of two (2) trees per one thousand (1,000) square feet of Landscaped Area is required, in addition to requirements for Yards, Setbacks, Park Strips, required Buffers, and Parking Areas described in this Chapter.
 - iv. **Water features, landscape boulders, decorative rocks, gravel, and organic mulch are permitted but shall not be considered a substitute for plants. Landscape boulders shall only be allowed as a focal feature or may be used as a protective device from vehicle traffic.**
 - v. **If ornamental gravel is utilized, it must be contained within durable borders and arranged in a decorative pattern that incorporates varying sizes, types, or colors of gravel.**

Chapter 17.07 - Design Standards

17.07.010 Applicability. In addition to all applicable Construction Codes, the following design standards shall apply to:

- A. all new Structures;
- B. any Change of Use, addition, expansion, remodel, or intensification of the Use of any property that increases or modifies the Floor Area of a Building or Use by 50% or more; and
- C. all Noncomplying Structures that are a part of any Development identified in Subsection B.

17.07.020 Building Form by Land Use District.

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

	Single-Family	Townhome	Garden-Style Multi-Family	Urban-Style Multi-Family	Single-Story Commercial	Civic	Office	Large Format Commercial	Flex	Accessory Structure to Non-Res. Building
Commercial Corridor				A	A	A	A	A		A
Commercial Neighborhood		A			A	A				A
Commercial General					A	A	A			A
TOD & TOD-Core		A		A	A	A	A	A	A	A
Mixed-Use		A	A	A	A	A	A	A		A
Business Park					A		A		A	A
Professional Office					A	A	A			A
Flex					A	A	A	A	A	A
Historic						A				A
Jordan River	A									
City Facility						A				A
Open Space										
R1	A					A				A
Residential Multiple	A	A	A	A		A				A
Riverfront Flex/Office									A	A
Riverfront R1	A									
Riverfront RM1			A							
Riverfront School						A				A
Crossing MPMU - Anchor Tenant								A		A
Crossing MPMU - 2100 S/ State St.				A						A
Crossing MPMU - Transit District					A		A	A		A
Downtown*		A		A	A	A	A	A		A
East Streetcar**		A		A	A	A				A
Granite Library						A				A
Granite Townhome		A								
Granite Lofts		A								

*Excludes Station District

** See East Streetcar MPMU

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

17.07.030 Development Standards. In addition to the Subdivision and platting requirements contained elsewhere in this Title, the following Development standards apply to all Structures:

- A. **Yard Areas.** All Development shall comply with the Setbacks designated for each district. All Yard areas shall be free of any Structure and shall not be used for parking, unless otherwise provided herein.

1. Setbacks.

	Front Yard	Corner Side Frontage Yard	Side Yard	Side Yard Combined	Rear yard
Commercial Corridor	10	10	0	0	0
Commercial Neighborhood	10	10	5	12	0
Commercial General	10	10	0	0	0
TOD & TOD-Core	5	5	0	0	0
Mixed-Use	5	5	5	12	20
Business Park	15	10	0	0	0
Professional Office	10	10	5	12	20
Flex	10	10	0	0	0
Historic and Landmark	15	15	15	30	15
Jordan River	30	10	20	40	20
School	25	25	25	50	25
City Facility	15	10	0	0	0
R1	20	12	5	12	20
Residential Multiple	20	10	5	12	20
Riverfront MPMU - Flex/Office	20	5	5	10	25
Riverfront MPMU - R1	20	10	5	10	20
Riverfront MPMU - RM1	10	10	10	20	20
Riverfront MPMU - School	20	20	20	40	20
Crossing MPMU - Anchor Tenant	*	*	*	*	*
Crossing MPMU - 2100 S./State St.	*	*	*	*	*
Crossing MPMU - Transit	*	*	*	*	*
Downtown	*	*	*	*	*
East Streetcar	*	*	*	*	*
Granite Lofts Townhome Units 1-5,8-11,14-15,20-23	8	236ft ²	0	0	12
Granite Lofts Townhome Units 6,7,12,13,18,19,24,25	8	236ft ²	8	20	0
Granite MPMU - Library	*	*	*	*	*
Granite MPMU - Townhome	*	*	*	*	*
Nature Center Pilot Project	*	*	*	*	*

* See Approved MPMU or Overlay District

** Double Frontage Lots shall two (2) Front Yards and no Rear Yard.

2. Yard Requirements and Qualifications.

- a. Outdoor Storage is prohibited in all Yard areas, off-Street Parking Areas, maneuvering and loading areas, and site Landscaping.
- b. All Front and Corner Side Yard areas shall be landscaped according to the landscape standards established in this Title.
- c. Yard areas shall not be used for parking, except for driveways or garages as required by this Title.
- d. Fences, Courtyards, and patios are permitted in certain Yard areas in specific districts, provided they meet requirements established elsewhere in this Title.

B. Build-to Standards. All Structures shall conform to the following Build-to Standards, as applicable:

Build-to Standard	Commercial Corridor	Commercial Neighborhood	Commercial General	TOD & TOD-Core	Mixed-Use	Business Park	Professional Office	Flex	Jordan River	City Facility	R1	Residential Multiple	Riverfront Flex/Office	Riverfront R1	Riverfront RM1	Riverfront School	The Crossing Anchor Tenant	The Crossing 2100 S./State Street Frontage	The Crossing Transit	Downtown	East Streetcar	Granite Lofts Units 6,7,12,13,18,19,24,25	Granite Library	SSLC-PD
Min – In Feet	10	10	10	5	5	15	10	10	20	15	20	20	20	20	10	20	*	*	*	*	*	0	10	**
Max – In Feet	25	20	20	15	30	20	20	25	30	20	25	30	25	N/A	15	40	*	*	*	*	*	5	30	**

* See Approved MPMU

** See Approved SSLC-PD Accessory Structure siting regulations

A Structure may encroach into the Front Yard to comply with a Build-to Standard.

C. Architectural Elements and Mechanical Equipment into Yard Areas.

1. Architectural elements and mechanical equipment, specified below, may project into required Yard areas according to the standards established in the following table.

Element	Front and Corner Side Yard	Side Yard	Rear Yard
Steps, Porches, landings, stoops, and porticos	4 feet	2 feet	4 feet
Eaves, cornices, and overhangs	2 feet		4 feet
Required overhead weather protection	4 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 and chimneys	Shall not project into Yard areas.	2 feet	4 feet
Exterior staircases as allowed	Shall not project into Yard areas.		4 feet

2. Permitted projections of Architectural Elements and mechanical equipment into Yard areas shall comply with the Clear View requirements established in this Title.

17.07.040 Crime Prevention through Environmental Design (CPTED). The following principles shall be addressed in the design of all Buildings and Developments:

- 1. Natural Surveillance.** Physical design that keeps potential intruders under the perception of continual watch, such as view to Streets, driveways, and Parking Lots, and visual permeability in architecture, lighting, and Landscaping.
- 2. Natural Access Control.** Physical design that guides the mobility of people, decreases crime opportunity, and increases perception of risk to potential offenders.
- 3. Territorial Enforcement.** Physical design that encourages users of property to develop ownership over it. Territorial Enforcement includes Developing space with an easily discernable purpose, using symbolic barriers such as low-lying fences and walls, Landscaping and signage, eliminating ambiguous spaces, encouraging easy maintenance, and discouraging crime.
- 4. Landscaping Standards.** Shrubs shall be a maximum height of 2 to 3 feet and trees shall have a ground clearance of 7 feet above walkways and sidewalks.
- 5. Public Safety.** In order to encourage public safety solid windowless walls shall not be permitted adjacent to Streets, pedestrian areas, and open space.
- 6. Maintenance and Management.** Proper maintenance and management of a site and Building discourages criminal activity. Site maintenance to keep grounds and Building clean and orderly, and where indicated, public access management plan. Public access management plans shall address strategies: (1) to limit public WIFI access outdoors during evening hours; (2) to avoid single-user restrooms; (3) to control or eliminate exterior electrical outlets; (4) for strategic irrigation to prevent overnight camping; (5) for scheduling activities in common areas; and (6) for site lighting to discourage criminal activity.

17.07.050 General Design Review Considerations. In addition to the specific design standards required for each Building form all Development shall comply with the following:

A. General

All Development shall:

- 1.** minimize the impacts of Development on utility facilities including water, sewer, storm drainage, power, gas, and communications;
- 2.** incorporate CPTED principles in Building design, site layout, and Landscaping design;
- 3.** integrate permitted signage into architectural and site design; and
- 4.** design patios, Accessory Structures, awnings, and other appurtenances to blend with the design of the Primary Buildings and site.

B. Façades.

1. All Buildings shall be designed with all Façades using similar quality materials and percentage of windows.
2. Primary Façade. All Buildings shall have at least one Primary Façade. The Primary Façade shall contain at least one primary entrance. Buildings on Corner Lots shall locate the Primary Façade on the corner closest to the adjacent Street intersection.
3. Every man-door shall have overhead weather protection at least four-feet in depth.

C. Height Transition. Any Building located within 100 feet an R-1 district, as measured from the closest Property Line, shall be subject to the following height transition requirements:

1. beginning at the Setback of the subject property abutting the R-1 district the maximum Building Height shall be thirty-five feet (35') measured from Grade to the peak of the roof or, for flat roofed structures, from Grade to the top of the parapet;
2. an additional one (1) vertical foot of Building Height for every two (2) horizontal feet of distance from the subject property Setback abutting the adjacent R-1 district may be added to achieve the lesser of the maximum district height or the maximum Building form height;
3. this Building Height transition requirement shall end 100 feet (100') from the abutting R-1 district; and

D. Traffic Safety and Congestion. All Development shall design and locate on a Site Plan all:

1. vehicular and pedestrian entrances, exits, drives, and walkways;
2. off-Street parking;
3. loading and service areas;
4. circulation patterns within the Development;
5. connections to abutting and nearby sites; and
6. site lighting

to minimize the impacts of the Development on traffic safety and congestion in the surrounding neighborhood.

E. Building and Site Layout. All Developments shall:

1. minimize Structure silhouette and massing, site location, elevations, and impacts on abutting and nearby Buildings;

2. ensure Compatibility of Building Façades with abutting and nearby Buildings in terms of height, color, materials, Primary Façades, placement of windows, rooflines and roof pitches, and the arrangement of Buildings on approved Development Lot(s);
 3. design energy efficient Structures through the use of energy efficient building materials, passive solar designs or Solar Energy Systems, and Landscaping; and
 4. use durable, high quality building materials.
- F. Roofs.** All roof vents, pipes, Antennae, satellite dishes, and other roof penetrations and equipment, except chimneys, shall be located on the rear Façade or configured to have a minimum visual impact as seen from any adjacent Street.

G. Fencing and Clear View Regulations.

1. Fences.
 - a. All fences shall meet the Clear View Area requirements contained in this Title.
 - b. All fences shall be maintained in a state of good repair.
 - c. All Fences and retaining walls shall meet applicable building code requirements and shall meet or exceed City engineering standards.
 - d. Development of all fences over six feet (6') and any retaining wall require a Building Permit.
 - e. Retaining Walls. Where a retaining wall protects a cut below or a fill above the natural Grade and abuts a Boundary Line, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted at the location, as measured from the Grade of the higher side ground level.
 - f. Barbed Wire. Fences containing strands of barbed wire, including all forms of security wire, shall be prohibited in all districts, except that barbed or security wire shall be permitted as a security fence on Jail property.
 - g. Electrified Fences. Electrified fences shall be prohibited in all districts, except that electrified fences shall be permitted as a security fence on Jail property. This provision does not prohibit an "invisible" fence (wired or wireless) to contain canines with a collar receiver.
 - h. Vacant Lots and Parcels. Vacant Lots and Parcels shall be fenced with a six-foot (6') temporary security fence.
 - i. All Development shall ensure that the location, height, and materials of walls and fences are Compatible with abutting and nearby Development and the character of the neighborhood, and shall completely conceal storage areas, utility

installations, waste containers, or other Uses that are required to be screened from view by the standards in this Title.

j. Exceptions.

- i. The height and location requirements contained in this Section shall not limit state imposed fencing requirements for public utility installations, public schools, or other public Buildings.
- ii. Specialty fences requiring greater heights than allowed in this Title, such as tennis courts or basketball backstops may be allowed, subject to the following conditions:
 - a) they do not create a hazard, nuisance, or violation of other ordinances; and
 - b) the Applicant has submitted the signed approval of all property Owners whose property abuts the Applicant's property.

2. Clear View Regulations.

- a. On Corner Lots, no obstruction to view will be permitted on that portion of the Lot defined as the Clear View Area.
- b. No view-obstructing fence, wall, hedge or planting exceeding four feet (4') in height above the level of the sidewalk shall be located in the triangular area bounded by lines drawn from a point on the centerline of any driveway, set back fifteen feet (15') from the Front Property Line to points on the Property Line at the Street in front of the property ten feet (15') on either side of the driveway.
- c. Shade trees may be located or maintained in the Clear View Area in excess of the permitted height, provided the Clear View Area shall be clear of all obstruction between (1) the ground and fourteen feet (14') in height above all public Right-of-Ways; or (2) the ground and six feet (6') in height above any private property.

H. Permanent Structures and Occupiable Space.

1. All Structures and Occupiable Space shall be permanently affixed to a foundation and of permanent construction without a chassis, hitch, wheels, or other features that would make the Structure mobile.
2. Prefabricated or relocatable Structures or Occupiable Space shall conform to one of the Building forms and accompanying design standards established in this Code.
3. Prefabricated or relocatable Structures or Occupiable Space shall be permanently affixed to a foundation, in compliance with the International Building Code.

I. Loading and Service Areas. Loading and service areas shall be configured to avoid disruption of primary vehicular access and circulation on the site and shall be separated from customer parking, pedestrian areas, and main Drive Aisles.

J. Waste Containers and Enclosures.

1. Waste container enclosures are required to be constructed for all new non-residential, Multi-Family, or Townhome Development in the City.
2. All waste container enclosures shall be constructed according to the requirements of this Title.
3. All waste containers shall be located at the rear of the Building, in the service area, or in another properly fenced and screened area.
4. All waste containers shall be located so they are not visible from a public Right-of-Way.
5. Height. Waste container enclosures shall have a maximum height of twelve inches (12") higher than the highest part of the waste container the enclosure will house. Waste container enclosures shall not be less than six feet (6') in height, including gates.
6. Materials and Construction Methods. Waste container enclosures shall have walls constructed of finished masonry units (block or brick), decorative pre-cast concrete, metal, or a combination of these materials. The materials and colors used for all waste container enclosures shall be Compatible with the materials used on the Primary Building.
 - a. Masonry and Brick Walls. All exterior Façades of waste container enclosures shall be constructed with finished block, brick, or split-faced blocks installed according to industry standards. All masonry walls shall have a permanent block or pre-cast end cap to prevent deterioration from climate exposure.
 - b. Concrete Walls. Pre-cast or poured concrete walls shall have a decorative textured finish. Pre-cast walls shall be installed according to industry standards.
 - c. Metal Enclosures.
 - i. Exterior walls of any metal waste container enclosure shall be constructed of at a minimum, sixteen (16) gauge metal cladding.
 - ii. Attachments of cladding to structural frame shall not exceed thirty-two inches (32") center-to-center in either direction.
 - iii. All structural posts, and their foundations, shall be adequately sized to support the walls and gates and shall be spaced at a maximum of six feet (6') center-to-center.

- iv. Structural frame members shall have a minimum steel thickness of three-sixteenths of an inch (3/16") and consists of structural tubing, angle iron.
- v. Corrugated roofing or other metal roofing materials are prohibited.

7. Gates. All enclosures shall have service access gates.

- a. All gates shall be constructed with a sturdy metal frame.
- b. Gate posts shall be embedded on the outside of the enclosure to limit damage when the waste container is removed from the enclosure.
- c. All gates shall be constructed with commercial grade hinges, poles, and hasps.
- d. Waste container enclosures with gates that swing out from the dumpster shall be set back from the Property Line a distance at least equal to the width of the gate.
- e. Gates shall be closed except during scheduled collection periods.
- f. Vinyl or chain link gates are prohibited.

8. Pads.

- a. All waste container enclosures and waste containers shall be placed on poured concrete or any existing hardened paving system.
- b. New pads shall be a minimum thickness of six inches (6") using 3,500 psi steel-reinforced concrete. If subgrade conditions are poor, the minimum thickness increases to eight inches (8").
- c. All pads shall have an interior drain or shall have a maximum two percent (2%) grade for water to drain from the enclosure.
- d. When an enclosure is constructed as part of new construction there shall be a minimum ten-foot (10') apron with a minimum twelve-inch (12") thickened edge.

9. Bollards and Wheel Stops. The corners of all waste container enclosures, where the gate hinges are attached, shall be protected with colored bollards to prevent vehicles from driving into the enclosure. Each waste container enclosure shall have bollard or pre-cast concrete curb wheel stops attached to the slab to keep the waste container from hitting the back of the enclosure.

10. Location. All waste containers and enclosures shall be located on major drives within Developments to provide adequate circulation of waste collection vehicles. Waste container enclosures shall be located so that waste collection vehicles can pull in front

of the enclosure, empty, and reset the container without physically removing the container from the enclosure.

11. Maintenance. Waste container enclosures shall be maintained in good condition and appearance at all times.

- a. Screening materials shall be replaced immediately when found to be in disrepair.
- b. Gates and latches shall remain in place and shall be kept fully operable.
- c. Gates shall be closed except during scheduled collection periods.
- d. Waste container enclosure pads and access drives shall be repaired or rebuilt whenever the pavement Structure deteriorates.
- e. Graffiti shall be removed immediately.

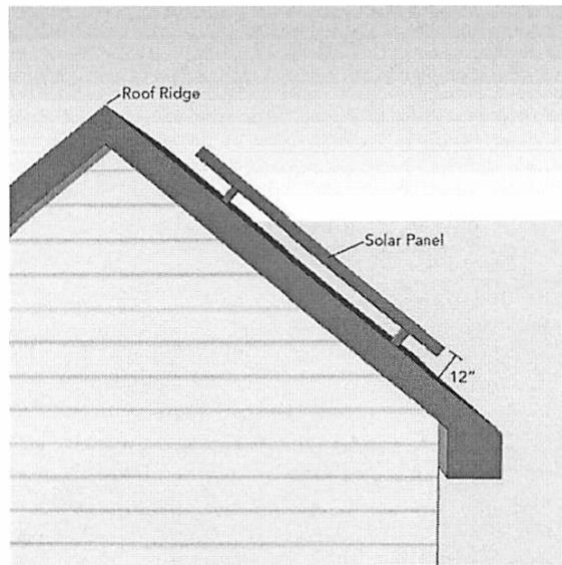
K. Utilities. All utility lines shall be underground in designated easements.

1. Underground utility lines serving multi-Building Developments shall be placed within Drive Aisles or fire lanes.
2. No pipe, conduit, cable, water line, gas, sewage, drainage, or any other energy or service equipment shall be installed permanently above ground, except for backflow devices.
3. Gas meters, electric service meter panels, transformers, and other utility equipment shall be grouped together and shall be painted to match the adjacent Building wall.

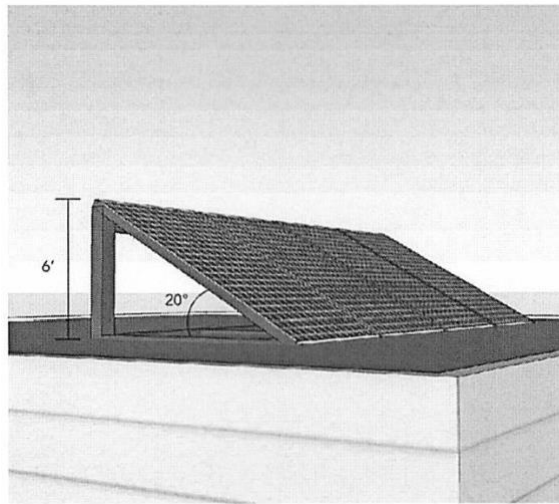
L. Solar Energy Systems. All Solar Energy Systems shall comply with the following standards:

1. Solar Energy Systems that do not comply with the following standards are prohibited.
2. Solar Energy Systems in the Historic and Landmark district shall be subject to additional standards found in Chapter 17.03.
3. Panels shall be constructed of non-glare glass with an aluminum frame or equal or better quality.
4. All Solar Energy Systems shall minimize visual impacts on the surrounding neighborhood by preserving natural vegetation, Screening adjoining properties, or other appropriate measures.
5. Setback and Location.
 - a. Building-mounted systems shall be mounted only on lawfully permitted Structures.

- b. Free-standing Solar Energy Systems are subject to the Accessory Structure design standards in this Chapter.
 - c. Free-standing Solar Energy System shall not extend into the Yard area.
- 6. Roof-Mounted Systems. The following design standards apply to all roof mounted Solar Energy Systems:
 - a. All Solar Energy Systems shall meet all design review, Screening, and visibility requirements found elsewhere in this Chapter.
 - b. Pitched Roofs.
 - i. Solar Energy Systems that face the Front Yard shall be mounted a maximum twelve inches (12") from the roof, as measured from the roof surface and the highest edge or surface of the system.
 - ii. No Solar Energy System shall extend past the roof ridge, roof bottom, or side edges of the roof.
 - iii. Solar Energy Systems that face the Front Yard or a public Right-of-Way shall be installed at the same angles and contour as the roof on which they are installed.



- c. Flat Roof. Solar Energy Systems installed on flat roofs shall only extend up to six feet (6') above the roof and shall be placed at a maximum twenty-degree (20°) angle.



7. Design.

- a.** Solar Energy Systems shall be designed to blend into the architecture of the Building upon which it is mounted and the surrounding neighborhood.
- b.** Solar Energy Systems shall be screened from view from public Rights-of-Way through use of one or more of the following methods:
 - i.** parapet wall;
 - ii.** setback from the roof edge; or
 - iii.** Architectural Elements attached to the Building.

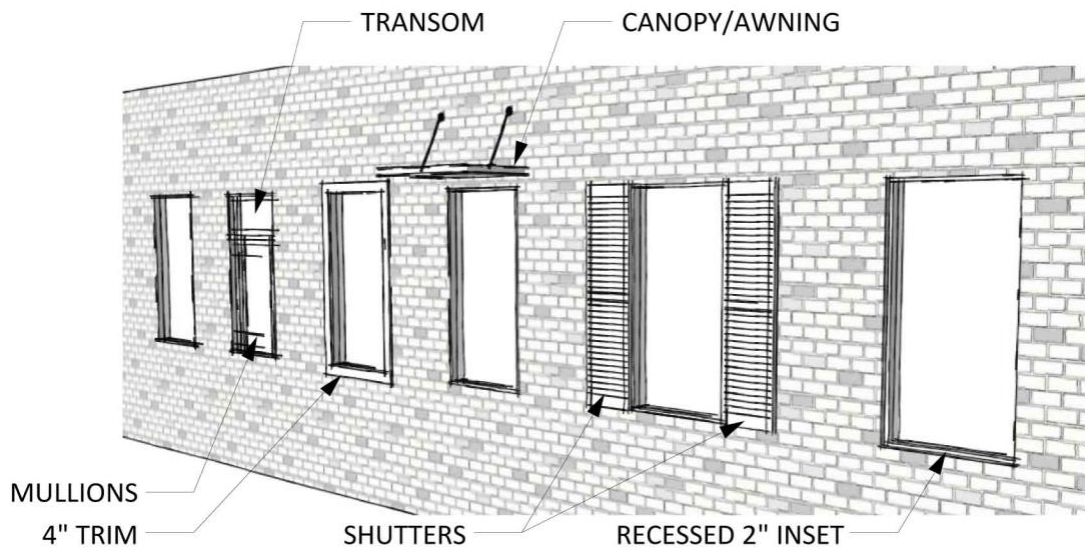
17.07.060 General Design Standards for Residential Buildings. In addition to the general design standards contained in 17.07.050 the following design standards apply to all residential Building forms:

A. Frontage and Orientation.

- 1.** Single-Building Developments. Single-Building Developments shall front on a Street.
- 2.** Multi-Building Developments. All multi-Building Developments shall be oriented so that the Primary Façade of each Building faces toward the following, listed in priority order:
 - a.** Public Street;
 - b.** perimeter Street;
 - c.** primary internal Street;
 - d.** park or other Common Open Space; and
 - e.** secondary internal Street.

B. Windows and Doors.

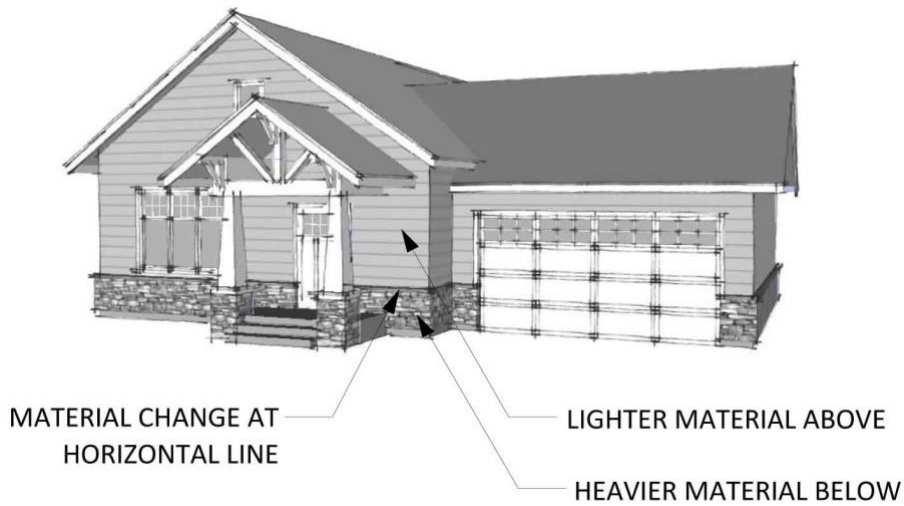
1. Windows are required on the Primary Façade of all Buildings.
2. Windows on the Primary Façade shall have a minimum transparency of 70 percent (70%).
3. All windows on the Primary Façade shall incorporate at least two (2) of the following features:
 - a. mullions and/or transoms;
 - b. trim or molding at least four inches (4") in width;
 - c. canopies, shutters, or awnings proportional to window size; or
 - d. recessed insets from the Primary Façade by at least two inches (2").



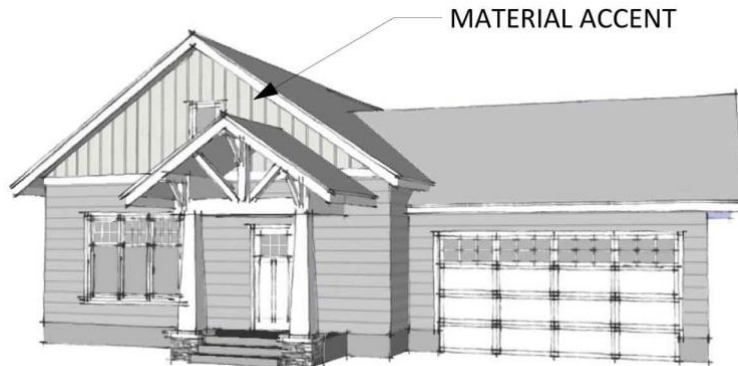
C. Materials.

1. Primary Materials. All Buildings shall use one of the following materials on at least 60% of each Façade:
 - a. cementitious fiber board;
 - b. brick;
 - c. wood;
 - d. stone; or
 - e. EIFS.

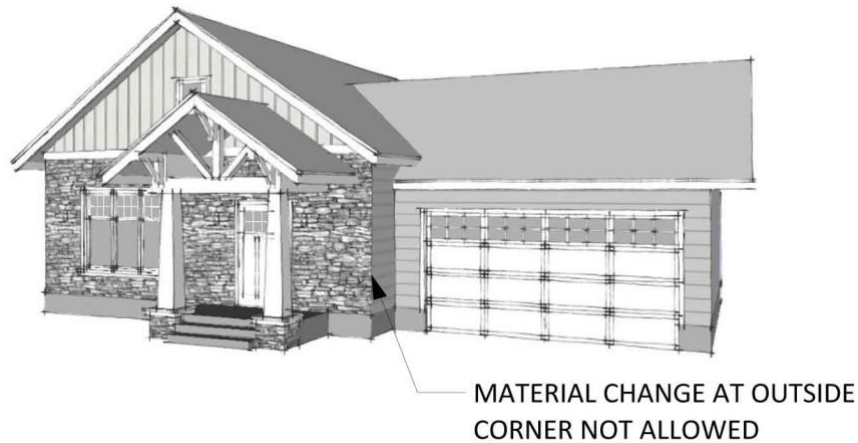
2. Secondary Materials. No Building shall use the following materials on more than 20% of any Façade:
 - a. stucco;
 - b. corrugated metal siding;
 - c. split-faced masonry block;
 - d. exposed smooth-finish concrete block; or
 - e. architectural metal panels.
3. Prohibited Materials. No Building shall use vinyl or aluminum siding on any Façade.
4. Roofs. All roofs shall be clad in asphalt shingles, wood shingles, standing seam metal, or a material of equivalent quality and durability.
5. 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. All material changes shall occur along a horizontal line or where two forms meet; material changes may occur as accents around windows, doors, cornices, at corners, or as a repetitive pattern.



- c. Primary Façade materials and/ or colors shall not change within two feet (2') of Building corners and shall continue along any Façade visible from a Street or pedestrian Right-of-Way. Materials may change where side or rear wings meet the main body of a Building. Primary Façade materials used on Buildings on Corner Lots shall extend the full length of the sides visible from a Street or pedestrian Right-of-Way.



D. Compatibility. New Building forms shall be Compatible with the existing neighborhood.

E. Fencing.

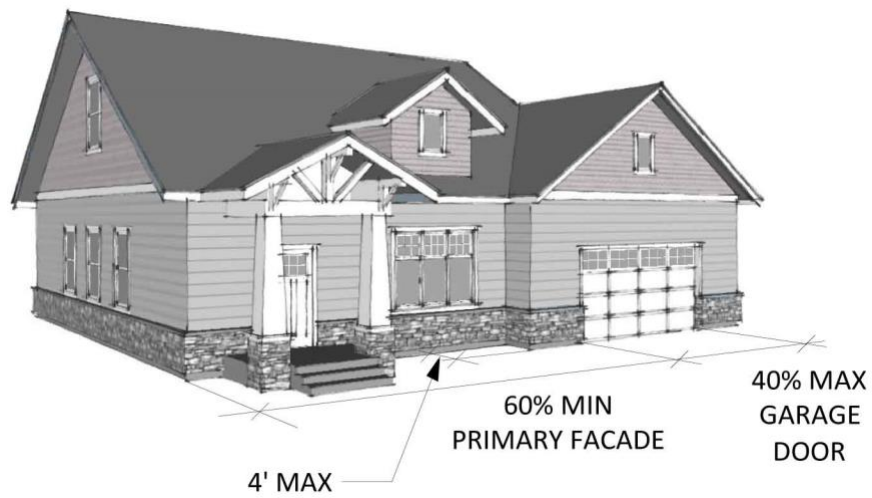
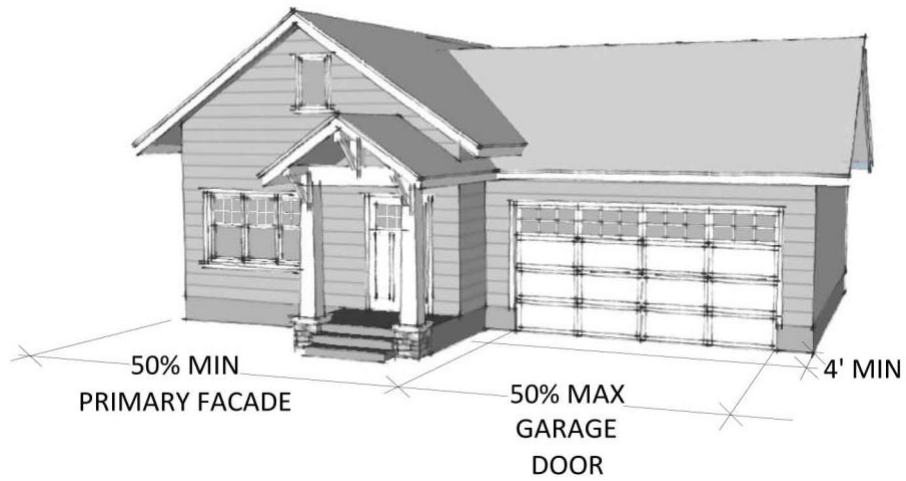
1. Fences in Front Yards shall not exceed four feet (4') in height.
2. Fences in Corner Side Yards shall not exceed six feet (6') in height.
3. Fences in Rear Yards shall not exceed six feet (6') in height.
4. Fences may extend to the back of sidewalks, where permitted.
5. Vinyl or Chain link fences are prohibited.

17.07.070 Single-Family Building Form. In addition to the standards contained in 17.07.050 and 17.07.060, the following design standards apply to all Single-Family Buildings.



- A. Orientation.** All Buildings shall front on a Public Street.
- B. Primary Façade.** Any Primary Façade of thirty feet (30') or more shall incorporate wall offsets in the form of projections or recesses. Required offsets shall have a minimum depth of two feet (2').
- C. Building Height.**
1. The maximum height for any Building shall be thirty-five feet (35') measured from Grade to the peak of the roof or, for flat roofed Buildings, from Grade to the top of the parapet.
 2. Buildings on Lots that abut existing single-Story residential Buildings in existing R1, RM, or Jordan River districts shall have a maximum height of 30 feet (30').
- D. Materials.** Additional permitted Primary Materials include:
1. wood clapboard; or
 2. wood board and batten.
- E. Garages.** All Buildings shall include a garage. The following garage standards shall apply:
1. Garages shall not visually or architecturally dominate the Primary Façade of the Primary Building.
 2. Garages shall not comprise more than fifty percent (50%) of the Primary Façade.
 3. Garages that comprise between forty percent (40%) and fifty percent (50%) of the Primary Façade shall be recessed from the Primary Façade by at least four feet (4').

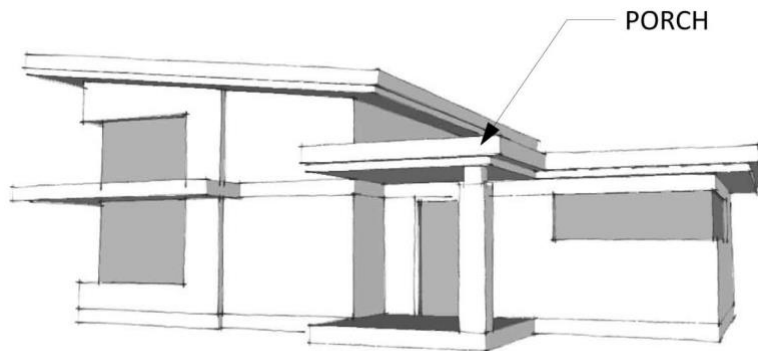
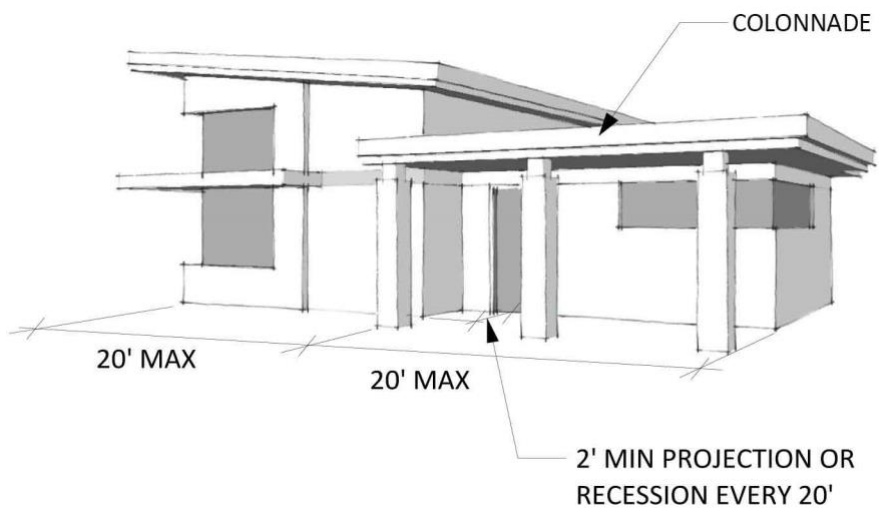
4. Garages that comprise less than forty percent (40%) of the Primary Façade may be flush with the Primary Façade.
5. Garages that comprise no more than thirty percent (30%) of the Primary Façade may protrude from the Primary Façade but shall not protrude more than eight feet (8'). All Buildings with garages protruding more than four feet (4') from the Primary Façade shall include a Porch or covered landing that extends at least six feet (6') from the plane of the living space.
6. All garages protruding four feet (4') or more from the Primary Façade shall have garage doors with windows.
7. Garages with more than two bays or with doors greater than sixteen feet (16') wide shall be located on the rear Façade or shall be Side-Loaded.
8. Side-Loaded Garages. All Buildings with side-loaded garages shall incorporate a portico, arbor, trellis, or other element to emphasize the primary entrance on the Primary Façade.
9. All garages must contain at least three (3) of the following design features:
 - a. single carriage house garage doors with windows;
 - b. garage doors that include windows and are painted to match the main or accent color of the Dwelling;
 - c. ornamental light fixtures flanking the doors;
 - d. arbor or trellis;
 - e. columns flanking doors and/or an eyebrow overhand;
 - f. portico;
 - g. dormers;
 - h. twelve-inch overhangs over garage doors;
 - i. eaves with exposed rafters with a minimum six-inch (6") projection from the front plane; or
 - j. roof line changes.
10. Carports are not permitted.

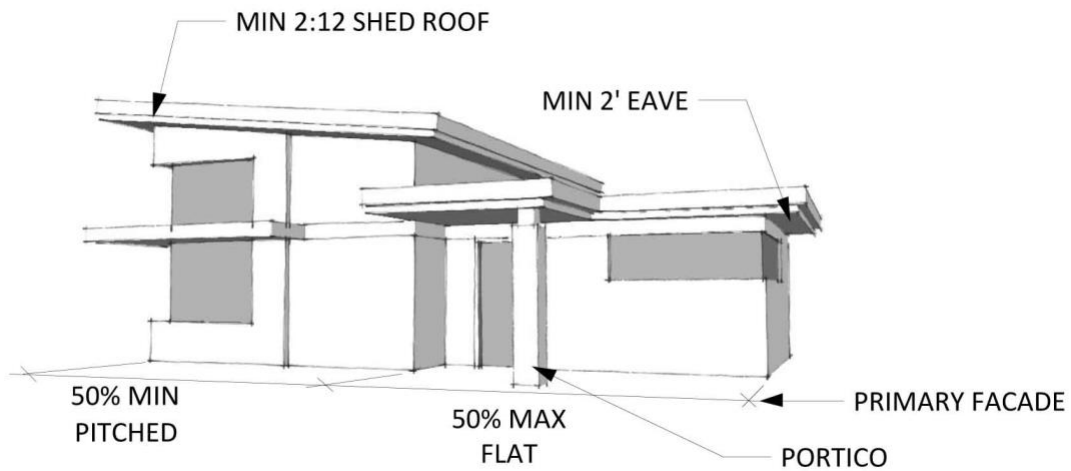


F. Roofs and Overhangs. Roofs and overhangs shall comply with the following standards:

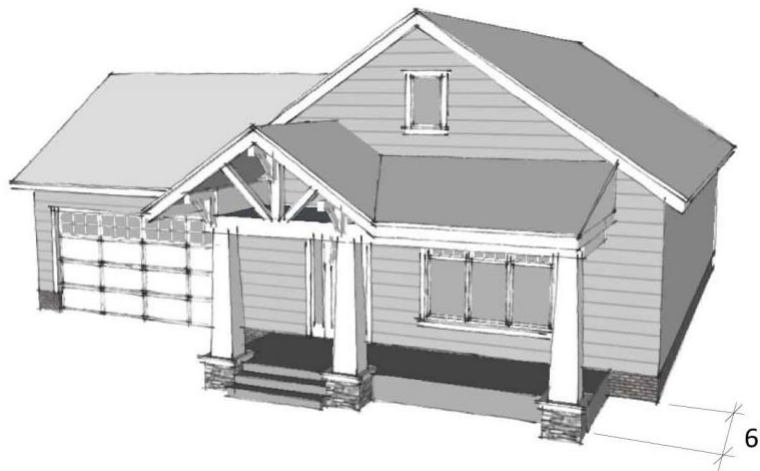
1. Pitched roofs covering the main body of the Building shall be hip style, shed style, mansard, or shall have symmetrical gables.

2. Shed roofs shall maintain a minimum pitch of 2:12 and all other roofs covering the main body shall maintain a minimum roof pitch of 6:12.
3. Overhanging eaves may expose rafters. Flush eaves shall be finished with profiled molding or gutters.
4. Flat Roofs. All flat roofs shall require a minimum two-foot (2') parapet wall. All flat roofs shall also include two (2) of the following:
 - a. gables, shed roofs, or pitched roof elements covering at least fifty percent (50%) of the length of the Primary Façade;
 - b. a Porch, portico, or colonnade located along the Primary Façade of the Building, emphasizing the front door; or
 - c. additional two-foot (2') projections or recesses in the Façade plane every 20 feet (20').





G. Porches. All Buildings shall have a covered Porch that is the prominent Architectural Element of the Primary Façade and that is least six feet (6') deep.



H. Accessory Structures. Accessory Structures shall be built in the same architectural style with a similar roofline and exterior materials as the Primary Building. The following standards shall apply to all Accessory Structures:

1. Building Requirements.

- a.** Accessory Structures shall not exceed one Story and shall total no more than seven hundred (700) square feet.
- b.** Accessory Structures shall be clad in similar materials and shall be a similar color as the Primary Building.

- c. Accessory Structures shall only be accessed at Grade.
- d. Windows are permitted on Accessory Structures. Façades of Accessory Structures facing abutting properties shall have the heads or upper casings of windows no higher than eight feet (8') above Grade of the Structure. Greenhouses and Structures with clerestory windows that are at least eight feet (8') above Grade are exempt from this requirement.
- e. Accessory structures shall not be connected to sewer service. All other utilities for Accessory Structures shall be accessed from the Primary Building.

2. Setbacks.

- a. Accessory Structures shall be located behind the Primary Structure.
- b. Accessory Structures shall be separated from the Primary Building by at least ten feet (10').
- c. Accessory Structures shall be located at least two feet (2') from any Property Line.

3. Height. Accessory Structures may not exceed twenty feet (20') in height. Accessory Structures shall have a maximum first floor height of fourteen feet (14') measured from Grade to ceiling. Pitched roofs may extend to twenty feet (20').

4. Carports. The following requirements apply to all Carports.

- a. Carports are only permitted for existing Single-Family Buildings.
- b. Carports shall have a maximum height of 14 feet and shall only house one car.
- c. Carports must be placed on a properly located Hard-Surfaced driveway.
- d. Carports must be permanently affixed to the ground with a proper foundation and footings.

I. **Solar Energy Systems.** In addition to the requirements found in 17.07.050, all Solar Energy Systems installed on Single-Family Buildings with flat roofs shall have a maximum height of three feet (3') above the roof and shall be placed at a maximum twenty-degree angle (20°). All Solar Energy Systems shall meet all design review, Screening, and visibility requirements found elsewhere in this Chapter.

J. **Architectural Variability.**

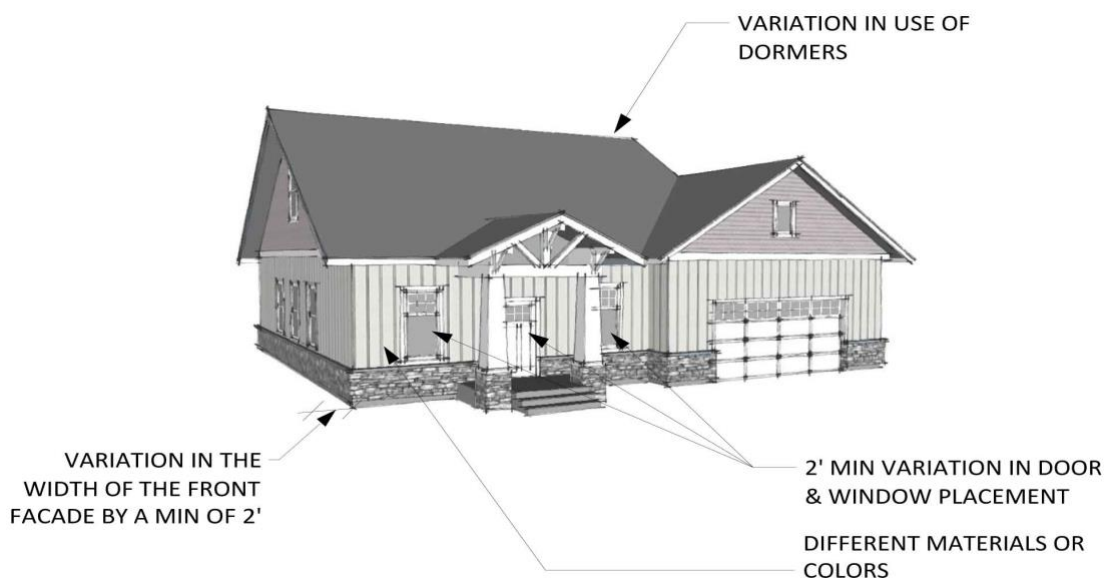
- 1. Developments with three to ten (3-10) units shall have a minimum of three (3) Distinctly Different Primary Façade variations.
- 2. Developments with greater than ten units shall add one additional Distinctly Different Primary Façade variation for each additional ten (10) units.

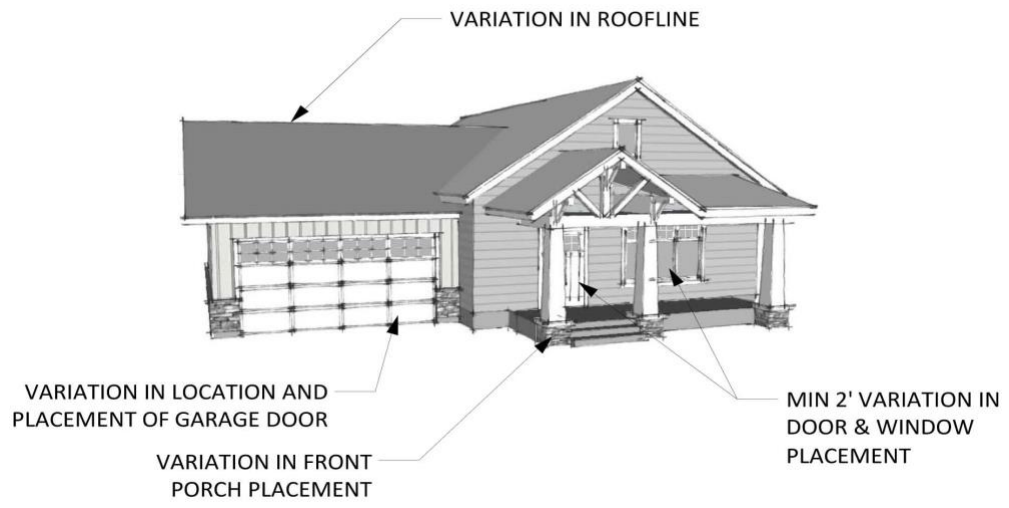
3. Mirror images of the same Primary Façade are not Distinctly Different Primary Façades.
4. Distinctly Different Primary Façades shall utilize at least one of the Required Architectural Variability standards and three (3) of the Optional Architectural Variability standards listed in the following table:

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 Primary 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 Primary 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

5. No Primary Façade design shall be used:
 - a. within 3 Lots of the same Primary Façade design;
 - b. directly across the Street from the same Primary Façade design; or
 - c. on more than 25% of the Buildings within a single phase of a Development.





17.07.080 Townhome Building Form. The Townhome Building form allows for three (3) to twelve (12) attached Dwelling Units to be located side by side, in a single Building. In addition to the design standards contained in 17.07.050 and 17.07.060, the following design standards apply to all Townhome Buildings.

A. Façades.

1. All Dwelling Units shall include at least one primary entrance on the Primary Façade. Individual Dwelling Units may have a secondary entrance on the Side or Rear Façade.
2. All details on a single Building, including roof forms, siding materials, windows, doors, and trim shall use a consistent architectural style.
3. All Façades of any Building in a multi-Building Development shall use the same materials, Architectural Elements, and detailing.
4. Identifiable Transition. All Dwelling Units shall have at least two (2) of the following elements between each separate Dwelling Unit:
 - a. a change in roofline;
 - b. an offset in the Primary Façade of the Dwelling Unit of at least two feet (2'); or
 - c. variation in the location and proportion of front Porches.

B. Building Height. The maximum Building Height is thirty-eight feet (38') measured from Grade to the peak of the roof or, for flat-roofed Buildings, Grade to the top of the parapet.

C. Materials. Additional permitted Primary Materials shall include:

1. wood clapboard; or
2. wood board and batten.

D. Garages. At a minimum, all Buildings shall include a two-car garage serving each Dwelling Unit.

1. Garages shall be to the side or rear of the Building.
2. All Buildings shall emphasize the primary entrance to the Building.
3. Side-loaded Garages along Primary Façades shall incorporate a portico, arbor, trellis, or similar Architectural Element to articulate the Façade incorporating the garage.

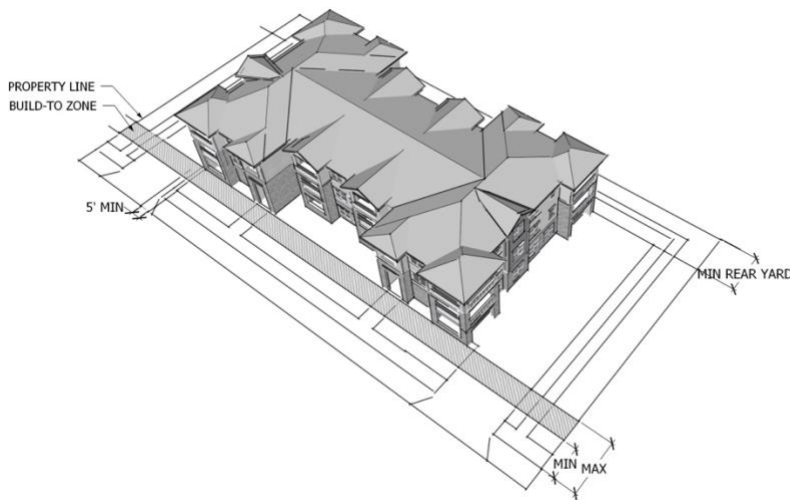
E. Access and Off-Street Parking Areas

1. All Buildings shall be served by a common access and off-Street Parking Area.

2. No off-Street Parking Area shall be located between a Building and the Street it fronts, except as allowed on driveways.
 3. Off-Street Parking Areas, including access and Drive Aisles, located on the side of a Building shall not occupy more than thirty percent (30%) of the Lot's Frontage.
- F. Usable Open Space.** All Buildings shall include Usable Open Space equal to at least 20 percent (20%) of the Development site.
- G. Meter and Equipment Placement.**
1. Wall-mounted and ground-based meters, HVAC, and utility equipment serving any Building shall:
 - a. be fully screened from view or located to the sides or rear of the Building they serve; and
 - b. be placed in close proximity to one another.
 2. All roof-mounted vents, pipes, Antennae, satellite dishes, and other roof penetrations and equipment, except chimneys, shall be fully screened from view and shall be painted the same color as the roof.
- H. Accessory Structures.** Accessory Structures shall be constructed with the same architectural style and roofline and with similar materials as the Primary Building.



17.07.090 Garden-Style Multi-Family Building Form. The garden-style Multi-Family Building form requires Dwelling Units arranged in a stacked configuration where units are located side-by-side and one atop another and are served by non-climate-controlled staircase. Developments using this Building form shall provide large landscape Buffers between Buildings that shall contain some of the required amenities as specified in this Chapter. In addition to the design standards contained in 17.07.050 and 17.07.060 the following design standards apply to all garden-style Multi-Family Buildings.



A. Façades. All Façades shall provide at least three (3) of the following design features:

1. projections or recesses in the Façade plane every 30 feet (30'). Projections or recesses shall have a minimum depth of two feet (2');
2. at least two (2) different exterior Building materials or colors;

3. decorative textures on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features);
 4. one or more dormer windows, or box or bay windows with a minimum twelve-inch (12") projection from the Façade plane;
 5. eaves with exposed rafters or a minimum twelve-inch (12") projection from the Façade plane;
 6. a parapet wall with an articulated design with architectural design variation rather than a simple rectilinear form; or
 7. windows with a minimum four-inch (4') wide trim.
- B. Building Height.** The maximum Building Height is forty-five feet (45'), measured from Grade to the peak of the roof or, for flat-roofed Buildings, Grade to the top of the parapet.
- C. Primary Materials.** Additional permitted Primary Materials shall include:
1. wood clapboard;
 2. wood board and batten;
 3. wood siding; or
 4. other similar material.
- D. Identifiable Transition.** All Buildings shall provide an identifiable transition between the lower and upper floors. An identifiable transition shall consist of:
1. a change in material, with the heavier or more massive material on the lower floor(s); or
 2. a change in Façade articulation.
- E. Windows and Doors.** All Buildings shall provide windows or doors in the following amounts:
1. at least 40 percent (40%) of the Primary Façade and any Façade that faces a Street or Open Space; and
 2. at least 25 percent (25%) of any Façade that does not face a Street.
- F. Garages.**
1. Individual garages or Carports shall be located within interior Parking Lots of the Development.

2. Shared garages shall include at least one of the following Façade treatments at Street level:
 - a. artwork;
 - b. decorative grilles;
 - c. unique material treatments; or
 - d. projections or recesses of at least two feet (2') in the Façade plane at least every 30 feet.
 3. Shared garages shall incorporate openings with grillework or other treatments that resemble windows.
- G. Off-Street Parking.** Off-Street surface parking, including access and Drive Aisles, shall not occupy any portion of the Building's Public Street Frontage.
- H. Roofs.** Roofs shall comply with the following standards:
1. Pitched roofs covering the main body of a Building shall have a minimum pitch of 6:12 and shall be hip style, mono-pitch or shed style, or shall have symmetrical gables.
 2. Roof forms shall be designed to emphasize the individual Dwelling Units and to correspond and denote Building elements and functions such as primary entrances and arcades.
 3. All roofs shall be clad in asphalt shingles, wood shingles, standing seam metal, or other material of equivalent quality and durability.
 4. Flat Roofs. All flat roofs shall have a minimum two-foot (2') parapet along the entire length of the roofline.
 5. Equipment. All roof mounted vents, pipes, Antennae, satellite dishes, and other roof penetrations and equipment, except chimneys, shall be fully screened from view and shall be painted the same color as the roof.
- I. Porches, Balconies, and Private Patios.**
1. Every Dwelling Unit that faces a Public Street, a perimeter Street, primary internal Street, park, or Common Open Space shall have either a Porch, balcony, or private patio.
 2. Porches, balconies, or private patios shall have a minimum Floor Area of 60 square feet and a minimum depth of five feet (5').
 3. Porches, balconies, and private patios shall:

- a. be configured to avoid views into rear yards of Parcels containing Single-Family Dwellings to the maximum extent practicable; and
- b. have railings consisting of materials other than vinyl, such as powder coated steel, or other materials of equivalent quality and durability.

J. Exterior Staircases and Entry Features. Each Building shall have a non-climate-controlled staircase as the primary means of access to the upper level Dwelling Units. All staircases shall conform to the following standards:

1. No more than one common exterior staircase per seventy-five feet (75') of Building Façade.
2. All common exterior staircases shall be enclosed, but not climate controlled.
3. Common exterior staircases shall be incorporated into a primary entrance that is a prominent, architectural focal point featuring a secondary roof Structure consistent with or complementary to the primary roof form.
4. Exterior staircases may project from the Primary Building. Projecting staircases shall have a minimum three-foot (3') Façade projection.
5. Staircases may be recessed from the Primary Façade. Recessed staircases shall be set back at least three-feet (3') from the Primary Façade.
6. All common staircases shall be designed to allow for natural light.



K. Usable Open Space. All Developments shall provide large landscape Buffers between Buildings that shall contain some of the required amenities as specified in this Chapter. All Developments shall designate at least 30 percent (30%) of the Development site as Usable Open Space. At least 15 percent (15%) of the required Usable Open Space shall consist of improved exterior

recreational amenities. Indoor recreation or community club houses shall not be included in the calculation of Usable Open Space.

L. Pedestrian Circulation.

1. Sidewalks. All Buildings shall provide full pedestrian access around the exterior of the Building in the form of a sidewalk that is at least five feet (5') wide.
2. Crosswalks. Crosswalks used as part of an internal pedestrian circulation system, or across driveways accessing Public Streets, shall be constructed using a contrasting paving material, such as stamped concrete, stenciled graphics, colored or varying paint applications, or similar design.

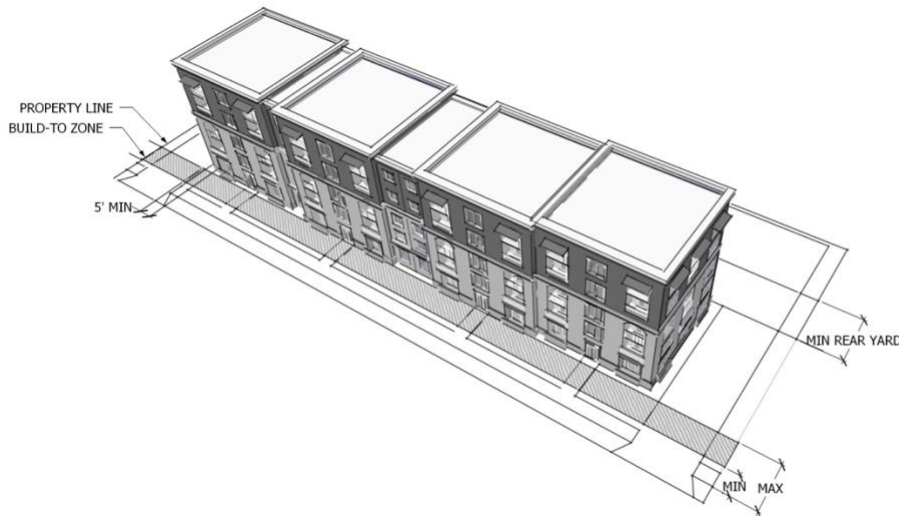
M. Meter and Equipment Placement. Wall-mounted and ground-based meters, HVAC, and utility equipment shall:

1. be fully screened from view, or located to the sides or rear of the Building they serve; and
2. be placed in close proximity to one another.

N. Accessory Structures. Accessory Structures shall be constructed with the same architectural style and roofline and with similar materials as the Primary Building.



17.07.100 Urban-Style Multi-Family Building Form. The urban-style Multi-Family Building form requires Dwelling Units arranged in a stacked configuration where units are located side-by-side and one atop another and all units are accessed via internal hallways, staircases, or elevators. In addition to the design standards contained in 17.07.050 and 17.07.060 the following design standards apply to all urban-style Multi-Family Buildings.



A. Façades.

1. All Façades shall include at least three (3) of the following design features:
 - a. projections or recesses in the Façade plane every 30 feet (30'). Projections or recesses shall have a minimum depth of two feet (2');
 - b. at least two (2) different exterior Building materials or colors;

- c. decorative textures 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 (12") projection from the Façade plane;
 - e. eaves with exposed rafters or a minimum twelve-inch (12") projection from the Façade plane;
 - f. a parapet wall with an articulated design with design variation rather than a simple rectilinear form; or
 - g. windows with a minimum four-inch (4') wide trim.
2. Dwelling Units located on the ground floor that face a public Right of Way or park shall have an additional, separate entrance to the Dwelling Unit from the exterior of the Building.
- B. Building Height.** The maximum Building Height is sixty-five feet (65') measured from Grade to the peak of the roof or, for flat-roofed Buildings, Grade to the top of the parapet. All Buildings shall have a first-floor minimum ceiling height of twelve feet (12') measured from floor deck to floor deck.
- C. Primary Materials.** Additional permitted Primary Materials shall include:
- 1. wood clapboard;
 - 2. wood board and batten; or
 - 3. wood siding.
- D. Identifiable Transition.** All Buildings shall provide an identifiable transition between the lower and upper floors. An identifiable transition shall consist of:
- 1. a change in material, with the heavier or more massive material on the lower floor(s); or
 - 2. a change in Façade articulation.
- E. Windows and Doors.** All Façades shall provide windows or doors in the following amounts:
- 1. at least 40 percent (40%) of the Primary Façade and any Façade that faces a Street or Open Space; and
 - 2. at least 25 percent (25%) of the side and rear Façades.

F. Garages.

1. Individual garages or Carports shall be located within interior Parking Lots of the Development.
2. Shared garages shall include Façade treatments at Street level to enhance the pedestrian environment and obscure the view of parked cars, such as:
 - a. artwork;
 - b. decorative grilles;
 - c. unique material treatments; or
 - d. projections or recesses in the Façade plane every 30 feet.
3. Shared garages shall incorporate openings with grillwork or other treatments that resemble windows at the Street level.

G. Off-Street Parking. An off-Street Parking Lot, including access and Drive Aisles, shall not occupy any portion of the Building's Public Street Frontage.

I. Roofs. Roofs shall comply with the following standards:

1. Pitched roofs covering the main body of the Building shall have a minimum pitch of 6:12 and shall be hip style, mono-pitch or shed style, or shall have symmetrical gables.
2. Roof forms shall be designed to emphasize individual Dwelling Units and to correspond and denote Building elements and functions such as primary entrances and arcades.
3. All roofs shall be clad in asphalt shingles, wood shingles, standing seam metal, or other material of similar quality and durability.
4. Flat Roofs. All flat roofs shall have a minimum two-foot (2') parapet along the entire length of roofline.
5. Equipment. All roof mounted vents, pipes, Antennae, satellite dishes, and other roof penetrations and equipment, except chimneys, shall be fully screened from view and shall be painted the same color as the roof.

J. Porches, Balconies, and Private Patios.

1. At least seventy percent (70%) of the Dwelling Units on each Façade of every Building shall have either a Porch, a balcony, or a private patio.
2. Porches, balconies, or private patios shall have a minimum area of 60 square feet and a minimum depth of five feet (5').

3. Porches, balconies, and private patios shall:
 - a. be configured to avoid views into rear yards of Lots or Parcels containing Single-Family Dwellings to the maximum extent practicable; and
 - b. have railings consisting of materials other than vinyl, such as powder coated steel, or other material of similar quality and durability.
- K. **Stairways and Corridors.** All stairways and corridors that provide access to Dwelling Units in any Buildings shall be enclosed and climate controlled.
- L. **Open Space.** All Developments shall provide large landscape Buffers between Buildings that shall contain some of the required amenities as specified in this Chapter. All Developments shall designate at least 20 percent (20%) of the Development site as Usable Open Space. At least 15 percent (15%) of the required Usable Open Space shall consist of improved exterior recreational amenities. Indoor recreation or community club houses may be included in the calculation of Usable Open Space.
- M. **Pedestrian Circulation.**
 1. Sidewalks. All Buildings shall provide full pedestrian access around the exterior of the Building in the form of sidewalk that shall be at least five feet (5') wide.
 2. Crosswalks. Crosswalks used as part of an internal pedestrian circulation system, or across driveways accessing Public Streets, shall be constructed using a contrasting paving material, such as stamped concrete, stenciled graphics, colored or varying paint applications, or similar design.
- N. **Meter and Equipment Placement.** Wall-mounted and ground-based meters, HVAC, and utility equipment shall:
 1. be fully screened from view, or located to the sides or rear of the Building they serve; and
 2. be placed in close proximity to one another.
- O. **Accessory Structures.** Accessory Structures shall be constructed in the same architectural style and roofline and similar materials as the Primary Building.



17.07.110 Required Amenities for multi-Family and Townhome Building Forms.

A. All Buildings shall include the following amenities:

1. full size washer and dryer;
2. nine-foot (9') ceilings;
3. enhanced soundproofing;
4. upgraded countertops in kitchen and bathrooms (granite, marble, quartz, or equivalent);
5. stainless steel appliances.

B. All Buildings shall provide the following additional amenities according to the table below:

Table of Required Amenities

Unit Features	General Amenities	Recreation Amenities	Energy Efficiency Enhancements
<p align="center">(3/ 50 units)</p> <p>Each Development shall include 3 of the following amenities per 50 Dwelling Units or portion thereof:</p>	<p align="center">(5/ 50 units)</p> <p>Each Development shall include 5 of the following amenities per 50 Dwelling Units or portion thereof:</p>	<p align="center">(4/ 50 units)</p> <p>Each Development shall include 4 of the following amenities per 50 Dwelling Units or portion thereof:</p>	<p align="center">(2/ 50 units)</p> <p>Each Development shall include 2 of the following amenities per 50 Dwelling Units or portion thereof:</p>
<p>Individual garages for at least fifty percent (50%) of all units</p> <p>Private Porches, patio, or balconies for every unit— at least 70 square feet each</p> <p>Upgraded floor coverings (hardwood, tile, concrete, or similar)</p> <p>Solid Doors throughout unit</p> <p>Smart Building Capabilities</p> <p>Trash Valet</p> <p>Walk-In Closets— minimum of 6ft x 6ft</p> <p>Dishwasher</p>	<p>Exterior Social Area – at least 1000 square feet</p> <p>Project Security – automated gate or guard</p> <p>Enclosed Parking Garage</p> <p>Secured, Enclosed Storage Units, at least 80 sq/ft in size, for each Dwelling Unit</p> <p>Public Transit Passes provided to each Dwelling Unit</p> <p>Permanent On-Site Social Activities</p> <p>Library, Office, or Meeting Facilities</p> <p>Secure Package Room/ Package Lockers</p> <p>Freight elevator or loading area</p> <p>Polished concrete in Building hallways</p> <p>Rooftop patio/garden</p>	<p>Pool—at least 400 square feet</p> <p>Internal Fitness Facilities at least 1000 square feet in size</p> <p>Secured, programmed, children’s playground (at least 1,000 sq/ft)</p> <p>Hot Tub</p> <p>Community Garden</p> <p>Perimeter Trail – a minimum ten-foot wide (10’) sidewalk that extends along at least two sides of the Lot and connects to a public trail or Public Open Space</p> <p>Sport Court / Field</p> <p>Bike Storage, Repair and Washing Area</p> <p>Outdoor Dog Park- at least 1000 square feet in size</p> <p>Grilling Stations and Outdoor Pavilions</p> <p>Bike Share/ Green Bike program</p>	<p>Compliance with ENERGY STAR New Homes Standard for Buildings three stories or fewer</p> <p>Compliance with ENERGY STAR Multi-Family High-Rise Program for Buildings four stories or greater</p> <p>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.</p> <p>Electric Vehicle Charging Stations</p> <p>Participation in a recycling program as part of a rental agreement or HOA</p> <p>Installation of tankless hot water systems.</p> <p>Demonstrated compliance with any of the criteria listed in the Site Improvements, Water Conservation, or Energy Efficiency sections of the <i>2011 Enterprise Green Communities Criteria</i></p>

17.07.120 General Design Standards for Non-Residential Development. In addition to the design standards contained in 17.07.050, the following design standards apply to all non-residential Development:

- A. Frontage.** The Primary Façade of all Buildings shall front onto a Public Street or a Common Open Space area.
- B. Orientation.**
 - 1. Single-Building Development.** All single-Building Development shall be oriented so that the Primary Façade is parallel to the Public Street it fronts.
 - 2. Multi-Building Development.** Multi-Building Development shall be configured to:
 - a.** break up the site into a series of smaller Blocks defined by on-site Streets, Drive Aisles and internal Streets, pedestrian walkways, or other circulation routes;
 - b.** frame the corner of an adjacent Street intersection or entry point into the Development;
 - c.** frame and enclose a main pedestrian or vehicle access corridor within the Development site;
 - d.** frame and enclose at least three (3) sides of Parking Areas, public spaces, or other site amenities; or
 - e.** frame and enclose outdoor dining or gathering spaces for pedestrians between Buildings.
 - 3. Outparcel Development.**
 - a.** Outparcel Developments shall be clustered to define Street edges, entry points, and outdoor seating and gathering areas.
 - b.** Spaces between Buildings and outparcels shall be improved to provide small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, gathering spaces, or landscaped Parking Areas.
- C. Building Height.** The maximum Building Height shall be the lesser of the maximum district height (See 17.03 for Land Use Districts) or the maximum Building form height as provided below:

Building Form	Minimum Height	Maximum Height
Single-Story Commercial	20 feet	36 feet
Civic	28 feet	65 feet
Office	26 feet	65 feet
Large Format Commercial	26 feet	36 feet
Flex	30 feet	65 feet

D. Materials.

1. Primary Materials.

a. The following shall be additional permitted Primary Materials:

- I.** cast concrete;
- II.** brick; or
- III.** stone.

b. All Buildings shall use low-reflectance, subtle, and neutral colored Primary Materials.

2. Secondary Materials.

a. The following shall be additional permitted Secondary Materials:

- a.** cementitious fiber board; or
- b.** architectural metal paneling.

b. Secondary Materials may feature brighter colors and need not be neutral in color.

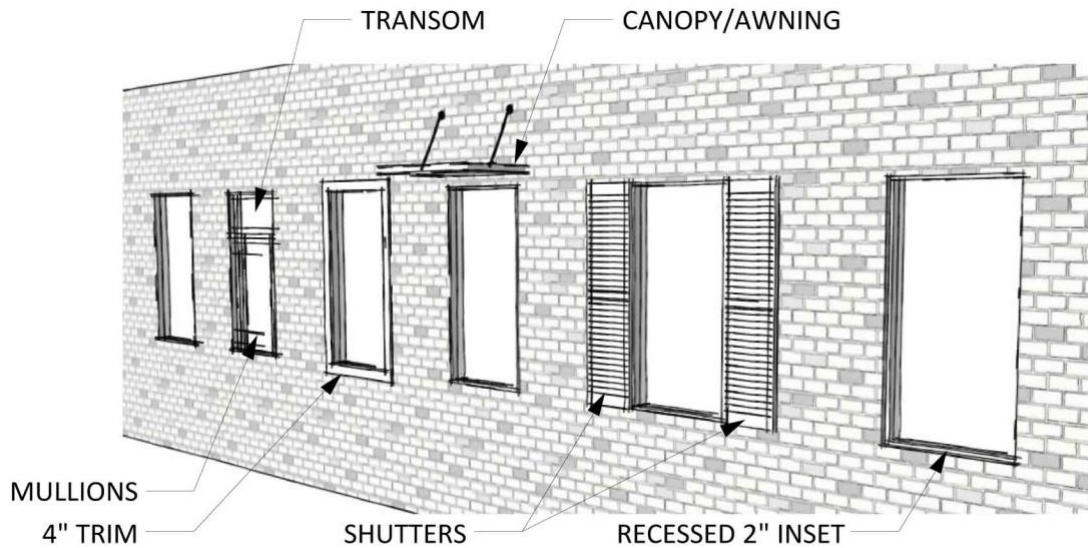
3. Prohibited Materials. No Building shall use the following materials on any Façade:

- a.** stucco;
- b.** vinyl siding; or
- c.** aluminum siding.

4. All Buildings shall use at least two (2) materials on each Façade.
5. Identifiable Transition. All Buildings shall provide an identifiable transition between the lower third (1/3) of the Building and the upper two-thirds (2/3). An identifiable transition shall consist of:
 - a. a change in material, with the heavier or more massive material on the lower floor(s); or
 - b. a change in Façade articulation.
6. Building materials shall continue to the Grade on any Façade.
7. Exceptional Architectural Merit. The Community Development Director may, with a written explanation of such findings, accept Building designs that deviate from these materials standards for designs exhibiting exceptional architectural merit.

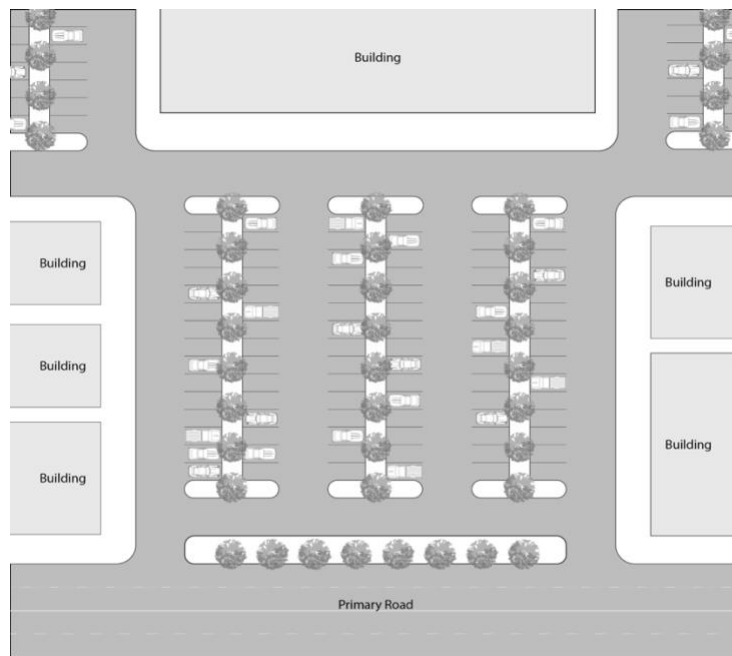
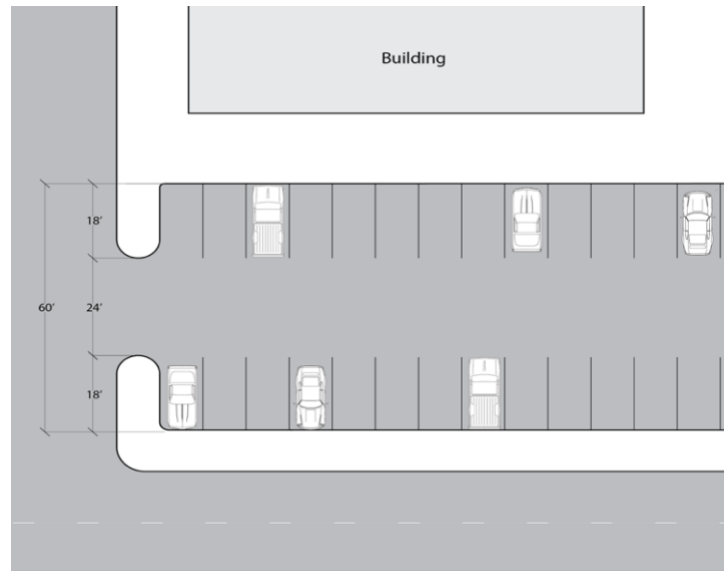
E. Windows.

1. The total Building Façade area shall comprise at least 50% windows.
2. Each Façade that fronts on a Street shall have a minimum of 40% windows.
3. All Façades shall have a minimum of 20% windows.
4. All ground floor windows shall extend from two-feet (2') above Grade a minimum of six-feet (6'), to achieve at least eight-feet (8') above Grade.
5. All ground floor windows shall have a minimum transparency of 60%.
6. All windows above the ground floor shall have a minimum transparency of 25%.
7. All windows shall be recessed from the exterior surface by at least two inches (2").
8. In addition, all Buildings shall incorporate at least two of the following window design elements:
 - a. mullions and/or transoms;
 - b. trim or molding at least four inches (4") wide; or
 - c. canopies, shutters, or awnings, proportional to window size.



F. Off-Street Parking Areas. In addition to the parking and Landscaping requirements found elsewhere in this Title, the following requirements apply to all non-residential Buildings:

1. Parking in front of any Building shall be a maximum of 60ft wide. All additional required parking shall be located to the side or the rear of the Building's Primary Façade.
2. Multiple-Building Development. Buildings shall be arranged to frame and enclose at least three (3) sides of all Parking Areas.
3. Surface Parking Lots containing 100 or more stalls shall be organized into a series of parking bays surrounded by Buildings, Landscaping, or Drive Aisles designed to function as Streets.



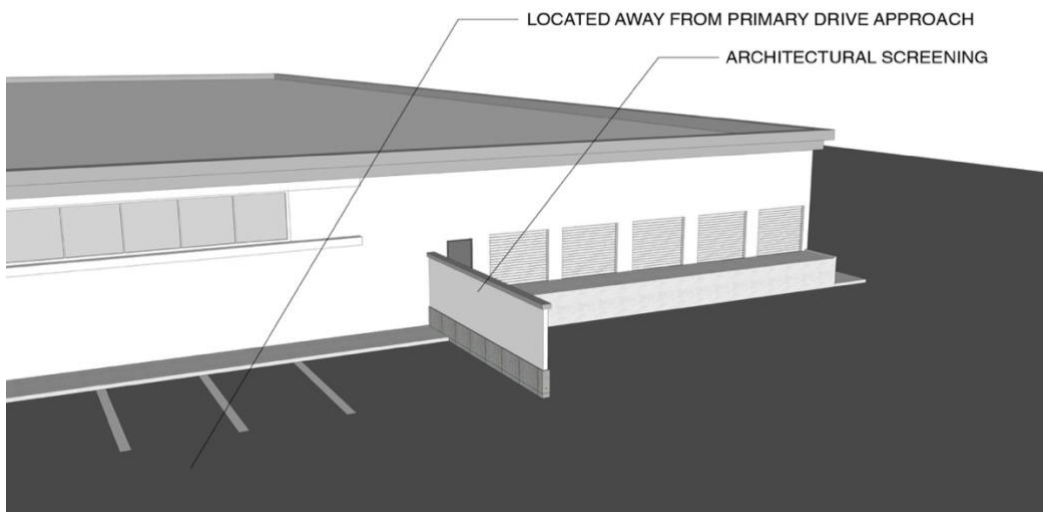
G. Roofs.

1. All Buildings shall have roofs clad in asphalt shingles, wood shingles, standing seam metal, a material of similar quality and durability, or a combination thereof.
2. Buildings with flat roofs shall incorporate a two-foot (2') parapet wall along the entire roofline.

H. Primary Entrance. Every Building shall provide a primary entrance along the Primary Façade.

1. Buildings with multiple tenants shall feature multiple primary entrances.
2. All Primary Façades shall incorporate a Building canopy, awning, or similar weather protection, projecting at least four feet (4') from the Façade, along the Building's primary entrances.
3. Primary Façades shall incorporate visually prominent Building entrances through the use of at least one of the following features:
 - a. secondary roof structures or a parapet roof with transitions used to accent the principal public entrance;
 - b. outdoor pedestrian features such as seat walls and Landscaping, or permanent landscaped planters with integrated benches; or
 - c. architectural details such as tile, metal, stone, precast or cement board work and moldings integrated into the Building.

I. Loading and Service Areas. Loading, service, and equipment areas shall be located at the rear or side of the Building, behind the Primary Façade, in a manner that minimizes their visibility from drive approaches, Parking Lots, and Streets. Loading, service, and equipment areas shall be screened through the use of Architectural Elements, materials, and Landscaping that reduce their visibility. All loading and service areas must comply with the parking and loading area standards in Chapter 17.06.



J. Screening Requirements.

1. Ground-level, wall-mounted, or roof-top mechanical equipment shall be screened from Streets and off-site view.
2. All roof vents, pipes, Antennae, satellite dishes, and other roof penetrations and equipment, except for chimneys, shall be located on the rear elevation, shall be screened from view, and shall match the roof color.

K. Fencing. All Buildings shall comply with the following additional fencing requirements:

1. All fences shall meet the Clear View Area requirements set out in this Title.
2. Front Yard. Fences are prohibited in the Front Yard of any Building.
3. Rear or Side Yard. The maximum height for any fence in the Rear or Side Yard of any Building shall be eight feet (8').
4. Solid Fencing. Solid fencing within a Development or along required Buffers shall be constructed of brick, ceramic tile, stone, precast concrete panel, concrete block, or similar masonry material.
5. Semi-Transparent Fencing. Semi-Transparent fencing is permitted where solid fencing is not required. Acceptable materials for semi-transparent fencing visible from drive approaches, Parking Lots, or Streets shall be metal or composite picket fencing.
6. Prohibited Materials.
 - a. Chain link fencing is prohibited.
 - b. Vinyl fencing is prohibited. Existing vinyl fence may be extended as part of a permitted Building addition or site expansion.
7. Exceptions. Regardless of the exceptions contained in this Section, minimum Clear View Area requirements shall not be violated under any circumstance. Public schools or private schools approved by applicable state agencies may use a decorative fence up to six feet (6') high in Front Yards and up to ten feet (10') high in Side or Rear Yards for school playgrounds or school-related recreation areas only.

L. Buffering Requirements. All new Development that abuts a Residential Use shall provide a ten-foot (10') landscape Buffer, containing a solid eight-foot (8') fence, on each Property Line or portion thereof.

M. Waste Container Enclosures. Waste container enclosures are required to be constructed for existing non-residential Buildings when any of the following occur:

1. an existing Building is expanded or remodeled;

2. garbage, junk, solid waste, debris, or refuse are piled or stacked next to or outside the container on a regular basis;
3. the container is regularly overfilled to the point that garbage or refuse from the waste container litters the property on which the container is located or litters that of adjoining properties; or
4. the container has been damaged or dilapidated to the extent that it has become unsightly, or the property Owner has allowed graffiti defacement of the container to remain on the container for more than seven (7) days after the vandalism occurred, and this has occurred at least two (2) other times.

N. Unity.

1. The architectural design within a multi-Building Development shall be organized around a consistent theme in terms of the Architectural Elements, character, materials, texture, color, and Scale of Buildings.
2. Themed Restaurants, Retail chains, and other franchise-style Buildings shall conform to the Development's Architectural Elements and character.

O. Drive-Through Window.

1. **Canopy or Roof.** Drive-through windows shall include a canopy or roof that is architecturally integrated with the Building and mirrors the roof form of the Primary Building.
2. **Location.** Except when a 10ft landscape Buffer that fully screens the drive-through from view is provided, drive-through windows shall be prohibited on any Façade that faces a Right-of-Way.

17.07.130 Single-Story Commercial Building Form. The single-Story commercial Building form is intended to be used for small and moderate scale commercial or Retail Uses. In addition to the design standards contained in 17.07.050 and 17.07.120, the following design standards apply to all single-Story commercial Buildings.



A. Façade. All Buildings shall comply with the following Façade requirements:

1. The Primary Façade shall contain at least one primary entrance and one entrance for every seventy-five feet (75') of Frontage.
2. The Primary Façade shall contain Façade depth variations every 40 feet (40') of Façade. Façade depth variations shall be at least one-foot (1') deep and ten (10') feet wide.
3. Primary Façade. Primary Façades shall incorporate at least four (4) of the following design elements:
 - a. variation in roof form and parapet height;
 - b. wall recesses or projections of a minimum depth of two feet (2') at least every forty feet (40');
 - c. a ground-level arcade along the full length of the Primary Façade;
 - d. architectural metal awnings above all entrances and windows;
 - e. secondary roof structures or a parapet roof with transitions used to accent the primary entrance;

- f. outdoor pedestrian features such as seat walls and Landscaping or permanent landscaped planters with integrated benches; or
- g. architectural details such as tile, metal, stone, precast or cement board work and moldings integrated into the Building.

B. Windows and Doors.

- 1. Each Façade shall have a minimum of 40% windows.
- 2. All Buildings shall have doors at least every 30 feet (30') along the ground floor.

C. Materials

- 1. Primary Materials. Additional permitted Primary Materials shall include:
 - a. marble;
 - b. split-faced masonry block; or
 - c. other materials comparable in appearance, quality, and durability.
- 2. Secondary Materials. Additional Permitted Secondary Materials shall include:
 - a. EIFS; or
 - b. architectural metal panels.

D. Roofs. All roofs shall comply with the following standards:

- 1. Roofs shall correspond with and denote Architectural Elements and Building functions, including primary entrances and arcades.
- 2. Flat Roofs. Flat roofs shall incorporate a minimum two-foot (2') parapet wall along the entire roofline. The following additional standards apply:
 - a. the parapet shall have a distinct cornice treatment;
 - b. the parapet shall extend along all Façades of the Building; and
 - c. additional two-foot (2') projections or recesses shall be required in the Façade plane at least every 40 feet (40').

E. Overhead Doors. Buildings may incorporate overhead doors, subject to the following standards:

- 1. Overhead doors may not exceed 22 feet in width.

- 2.** Transparency. Each overhead door visible from a public Right-of-Way shall be at least 80% transparent.
- 3.** Materials. Overhead doors visible from a public Right-of-Way shall use materials and colors consistent with Building design standards in this Title.
- 4.** Façades containing overhead doors shall incorporate:
 - a.** a canopy or awning over the door; and
 - b.** sconces or other decorative lighting.

17.07.140 Civic Building Form. The civic Building form is reserved for City facilities and Libraries. In addition to the design standards contained in 17.07.050 and 17.07.120, the following design standards apply to all civic Buildings.



A. Orientation. Accessory Buildings shall be located behind the Primary Façade of the Primary Building and shall be arranged to create secondary gathering space on the site.

B. Materials.

1. Primary Materials. Additional permitted Primary Materials shall include:

- a. integral color CMU; or
- b. marble.

2. Secondary Materials. EIFS shall be an additional permitted Secondary Material.

C. Façades. Blank Façades are prohibited.

D. Windows.

- 1. All Buildings shall have a 4-sided average of at least 75% windows on the ground floor.
- 2. All floors above the ground floor shall have a 4-sided average of at least 25% windows.

17.07.150 Office Building Form. In addition to the design standards contained in 17.07.050 and 17.07.120, the following design standards apply to all office Buildings.



A. Orientation.

1. Single Building Development. All single-Building Developments shall have the primary entrance on the Primary Façade.
2. Multi-Building Development. Multi-Building Developments shall be configured to incorporate on-site Streets, drive approaches, pedestrian walkways, and other circulation routes throughout the Development.

B. Façade.

1. Primary Façade.
 - a. All Buildings shall incorporate at least three (3) of the following design features:
 - i. canopies or porticos above all entrances;
 - ii. roof overhangs above all entrances;
 - iii. entry recesses or projections;
 - iv. raised corniced parapets above all entrances;
 - v. gabled roof forms or arches above all entrances; or

C. Materials.

1. Primary Materials. Additional permitted Primary Materials shall include:
 - a. cast concrete;
 - b. marble;
 - c. split-faced masonry block; or
 - d. other material of equivalent quality and durability.
2. Secondary Materials. Additional permitted Secondary Materials shall include:
 - a. EIFS;
 - b. architectural metal panels; or
 - c. corrugated metal.

D. Windows. All Buildings shall comply with the following window design standards:

1. All Buildings shall have a 4-sided average on the ground floor of at least 75% windows. For the purposes of this Section, the ground floor of the Primary Façade consists of the portion of the Façade from Grade to the roof deck of the ground floor, or 14 feet (14'), whichever is less.
2. All floors above the ground floor shall have a 4-sided average of at least 35% windows.

E. Roofs

1. Flat Roofs. All Buildings with flat roofs shall have a parapet of at least two-feet (2') for the entire roofline.
2. All roofs shall correspond to and denote Architectural Elements and Building functions, including primary entrances and colonnades.
3. All rooftop equipment shall be screened from pedestrian view.
4. All skylights shall be flat.

F. Pedestrian Circulation. All Buildings shall provide a six-foot (6') wide sidewalk across the Primary Façade of the Building.

17.07.160 Large Format Commercial Building Form. The large format commercial Building form is intended for commercial Buildings with a ground Floor Area of 30,000 square feet or greater. In addition to the design standards contained in 17.07.050 and 17.07.120, the following design standards apply to all large format commercial Buildings.



A. Façade. All Buildings must comply with the following Façade design standards:

1. The Primary Façade shall contain at least one primary entrance and one entrance for every seventy-five feet (75') of Frontage.
2. The Primary Façade shall contain Façade depth variations at least every 40 feet (40') of the Façade. Façade depth variations shall be at least one-foot (1') deep and ten (10') feet wide.
3. All Buildings shall provide a Building canopy, awning, or similar weather protection over the primary entrance that extends at least four feet (4') from the Façade.
4. Primary Façade.
 - a. All Primary Façades shall feature a primary entrance featuring an outdoor plaza adjacent to the entrance containing seating. Outdoor plazas shall have a minimum depth of 20 feet (20').
 - b. Customer Entrances. All Buildings shall include at least one primary entrance on the Primary Façade.
 - c. Primary Façades shall incorporate at least four (4) of the following design elements:

- i. variation in roof form and parapet height;
- ii. wall recesses or projections of a minimum depth of two feet (2') every forty feet (40');
- iii. a ground-level arcade along the full length of the Primary Façade;
- iv. architectural metal awnings above all entrances and windows;
- v. secondary roof structures, or a parapet roof with transitions, used to accent the primary entrance;
- vi. outdoor pedestrian features such as seat walls and Landscaping, or permanent landscaped planters with integrated benches; or
- vii. architectural details such as tile, metal, stone, precast or cement board work and moldings integrated into the Building.

B. Materials

- 1. Primary Materials. Additional permitted Primary Materials:
 - a. marble;
 - b. split-faced masonry block; or
 - c. other materials comparable in appearance and durability.
- 2. Secondary Materials. Additional permitted Secondary Materials:
 - a. EIFS; or
 - b. Architectural metal panels.

C. Roofs. All roofs shall comply with the following standards:

- 1. Roof forms shall correspond with and denote Architectural Elements and Building functions, including primary entrances and arcades.
- 2. Flat Roofs. All flat roofs shall incorporate a minimum two-foot (2') parapet along the entire roofline. The following additional standards apply:
 - a. the parapet shall have a distinct cornice treatment;
 - b. the parapet shall extend along all Façades of the Building; and

D. Overhead Doors. Buildings may incorporate overhead doors, subject to the following standards:

- 1. Overhead doors may not exceed 22 feet in width.
- 2. Transparency. Each overhead door visible from a public Right-of-Way shall be at least 80% transparent.

- 3. Materials.** Overhead doors visible from a public Right-of-Way shall use materials and colors consistent with Building material standards in this Chapter.
- 4. Façades containing overhead doors shall incorporate:**
 - a.** a canopy or awning over the door; and
 - b.** sconces or other decorative lighting.

17.07.170 Flex Building. In addition to the design standards contained in 17.07.050 and 17.07.120, the following design standards apply to all flex Buildings.



A. Materials

1. Primary Materials. Additional Primary Materials shall include:

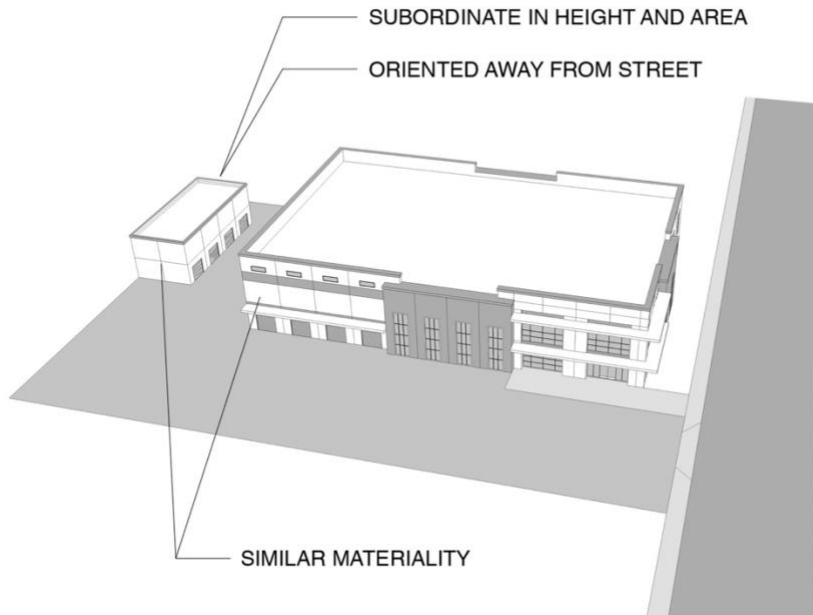
- a. natural or synthetic stone;
- b. integral color CMU;
- c. high-quality pre-stressed concrete systems;
- d. finished and treated tilt-up concrete panels; or
- e. float finish EIFS.

2. Secondary Materials. Additional Secondary Materials shall include:

- a. architectural metal paneling;
- b. unfinished or untreated tilt-up concrete panels; or
- c. standard single-tee or double-tee concrete systems.

- B. Façades.** All Buildings shall incorporate wall recesses or projections along the Primary Façade at least every 60 feet (60') or for each primary entrance, whichever is greater. Recesses or projections shall be a minimum depth of two feet (2'). In addition, at least two of the following design elements are required:
1. variations in roof form and parapet height;
 2. distinct changes in texture and color of wall surfaces; or
 3. vertical accents or focal points.
- C. Windows.** The following window design standards apply to all flex Buildings and supersede the general, non-residential, minimum window percentages contained in this Chapter.
1. Each Façade that fronts on a Street shall have a minimum of 40% windows.
 2. All Façades shall have a minimum of 5% windows.
- D.** All Buildings shall employ pedestrian Scale design along the ground floor consisting of a variety of Architectural Elements and architectural detail to break up large walls and enhance visual quality.

17.07.180 Accessory Structures to Non-Residential Buildings. In addition to the design standards contained in 17.07.050 and 17.07.120 the following design standards apply to all Accessory Structures to non-residential Buildings.



- A. Orientation.** Except for fuel pump canopies, Accessory Structures shall not front on a Street, and shall be located in the rear yard in a manner that minimizes their impact on adjacent Uses.
- B. Height and Area Requirements.**
 - 1. Except for fuel pump canopies, Accessory Structures shall not exceed the height of the Primary Building.
 - 2. Except for fuel pump canopies, Accessory Structures shall have a maximum area of 20% of the Primary Building.
- C. Materials.** Accessory Structures shall use materials of the same or higher quality and durability as the materials used on the Primary Building it serves.
- D. Roofs.** Accessory Structures shall incorporate the same roof type, materials, and pitch used on the Primary Building it serves.
- E. Fuel Pump Canopies.**
 - 1. Fuel pump canopies shall incorporate similar materials used on the Primary Building it serves.
 - 2. Canopy lighting shall be recessed and flush with the underside of the canopy.
 - 3. Columns shall be integrated with the design of the Primary Building it serves.

Chapter 17.08 – SIGN REGULATIONS

Sections:

Article I. - General Provisions 17.08.010 - Purpose and Intent.

- A. The regulations of this Chapter are designed and intended to further the goals and policies of the City by:
 - 1. Implementing portions of the City's General and Master Plans;
 - 2. Creating a distinctive appearance;
 - 3. Contributing to enhancing the City's character;
 - 4. Furthering the purposes and intents of the City's regulations;
 - 5. Fostering economic prosperity; and
 - 6. Limiting and reducing visual clutter along Streets within the City.
- B. The requirements herein are created to promote the public health, safety and general welfare of the citizens of South Salt Lake by:
 - 1. Eliminating potential hazards to motorists and pedestrians by requiring that Signs are designed, constructed, installed and maintained in a manner that promotes public safety and traffic safety;
 - 2. Safeguarding and enhancing property values;
 - 3. Protecting public and private investment in Buildings and open space; and
 - 4. Reducing confusion and inattentive driving habits.
- C. The standards established in this Chapter are meant to encourage Signs that, by their good design, are integrated and harmonious with the Buildings and sites, including Landscaping, which they occupy. The restrictions are crafted to encourage Sign legibility through the elimination of excessive and confusing Sign displays, thus reducing driver inattention or confusion.
- D. The restraints designated herein are intended to preserve and improve the appearance of the City as a place in which to live and to work, to create an attraction to nonresidents to come to visit or trade and to allow each individual business to clearly identify itself and the nature of its business in such a manner as to become the hallmark of the business.

17.08.020 - Conformity of Signs.

No Sign shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered except in conformity with the regulations specified in this Chapter. The regulations in Article I apply to all Signs and locations in the City regardless of type or district.

17.08.030 - Maintenance.

All Signs shall be properly maintained. Exposed surfaces shall be cleaned and painted as required. Defective and damaged parts shall be replaced promptly. The ground space within a radius of ten feet from the base of any Detached Sign shall be kept free and clear of all weeds, rubbish, and inflammable material.

17.08.040 - Traffic and Pedestrian Hazards Prohibited.

No Sign shall be erected in such a manner or in such a location as to obstruct free and clear vision; or at any location where, by reason of its position, shape, color or words, it may interfere with, obstruct the view of or be confused with any authorized traffic Sign, signal or device or block visibility for driveway ingress or egress. No Sign shall be erected in such a manner or in such a location where, by reason of its position, shape, color or words, it may interfere with or obstruct the view of traffic devices or create any confusion or impediment to pedestrian or vehicular movement or travel.

No Sign shall be erected or located in any manner that would create a safety hazard to pedestrians or vehicular traffic.

17.08.050 - Sign Removal.

Signs identifying a discontinued Use on the property shall be removed from the property within thirty (30) calendar days of the time the Use was discontinued.

17.08.060 - Indemnification and Insurance.

All persons involved in the maintenance, installation, Alteration, or relocation of Signs near or upon any public right of way or property shall agree to hold harmless and indemnify the City, its officers, agents and employees against any and all claims of negligence resulting from such work. All such persons involved shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the state, county, or City against any form of liability. Proof of such filing shall be provided to the City upon demand.

17.08.070 - Exempt Signs and Sign-Related Activities.

- A. For Signs or activities listed in this Section, permits are not required, nor is the area of such Signs to be included in any computation of the total allowed Sign Area permitted for a particular Parcel or use. All such Signs must still meet the maintenance, removal and safety standards of this Title as well as the size, location, height and other standards of this Title to the extent possible as determined by the Community Development Department.
- B. Exempt Signs shall not be located on property in a manner that constitutes a safety or visibility problem.

- C. The Signs listed in this Section may be limited or restricted by the Community Development Department as deemed appropriate to meet the intent of this Chapter and the City's General or Master Plans. The Community Development Department may limit the placement, location, size, height, number, lighting and other factors of Signs usage.
- D. Any exempt Sign which becomes a nuisance, as determined by the Community Development Department, may be required by the Community Development Department to be removed, relocated, modified in size or height or other requirements designed to eliminate the nuisance.
- E. The following Signs and Sign-related activities shall be exempt from the provisions of this Chapter to the extent indicated herein:
 - 1. Directional or Instructional Signs. Signs which provide direction or instruction and are located entirely on the property to which they pertain and exceed neither four square feet in area nor four feet in height. These Signs include, without limitation, Signs which identify rest rooms, public telephones or walkways or may provide direction such as Parking Lot entrance and exit Signs and those of a similar nature.
 - 2. Memorial Signs or Tablets. Memorial Signs or tablets, names of Buildings and dates of Building erection when embedded or cut into the surface or Façade of a Building.
 - 3. Public Notices. Official notices posted by public officers or employees in the performance of their duties.
 - 4. Governmental Signs. Governmental Signs for control of traffic and other regulatory purposes, Street Signs, danger Signs, railroad crossing Signs, and Signs of public service companies indicating danger and aids to service or safety.
 - 5. Real Estate Signs. Real estate Signs that are temporary in nature and have no visible connection to a Sign, light pole, tree or other items and are not placed on roofs. Such Signs shall not be allowed on road pavement, sidewalk, gutter areas or Park Strips.
 - 6. Flags. The flags, emblems or insignias of any nation or political subdivision subject to the restrictions as found herein, those of this Chapter and as allowed by special exception. Flags shall be restricted in size, except when allowed as a special exception, to a maximum of seventy-two (72) square feet in size.
 - 7. Symbols or Insignias. Religious symbols, commemorative plaques of recognized historical agencies or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem may exceed four square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a Building or on low profile Signs.
 - 8. Interior Signs. Signs located within the interior of any Building or stadium, or within an enclosed lobby or court of any Building, and Signs for and located within the inner or outer lobby, court or entrance of any theater.
 - 9. Temporary Event Signs. Temporary Signs not exceeding sixty-four (64) square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that said Signs are posted only during said drive and are removed within fifteen (15) days after said event.

10. House Numbers and Name Plates. A Building or house numbers Sign shall be limited to one per Street address. A Building numbers Sign shall not be greater in size than two percent of the Building Façade on which located.
11. Political and Campaign Signs. Political or campaign Signs on behalf of candidates for public office or measures on election ballots are allowed, provided that the Signs are not be erected in such a manner as to constitute a Roof Sign, are not located on property in a way that constitutes a safety or visibility problem and are not erected on utility poles, Street Signs or in public Rights-of-Way.
12. Holiday Decorations. Signs of a decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holidays are permitted. Such Signs may be of any type, number, area or illumination and shall be placed so as to avoid confusion with authorized traffic lights and signals and shall conform to traffic safety standards.
13. Building Plaque Sign. A Building plaque Sign shall be limited to one per address and shall not exceed four square feet in area.
14. Building Security Sign. A Building security Sign whose Sign face is limited to no more than one square foot in area. Building security Signs shall be limited to no more than four Signs per Lot.
15. Gas pump Signs, provided the Sign is an integral part of the pump.
16. Public Event Signs and Banners. A public event Sign or banner authorized by the City for a specific event.
17. Routine Maintenance of Sign. Routine Sign maintenance or changing of lettering or parts of Signs designed to be regularly changed.
18. Warning Signs. Private warning Signs shall be no more than six square feet in area and shall be limited to one such Sign per Parcel unless a special exception is obtained from the Community Development Department.
19. Incidental Signs.

17.08.080 - Prohibited Signs.

Unless specifically allowed otherwise in this Title, no person may erect, alter or relocate any Sign of the type or nature specified in this Section.

- A. Animated and intensely lighted Signs.
 1. Animated Signs are not permitted, except as allowed as an electronic display Sign and excluding public service Signs.
 2. No Sign is permitted which, because of its intensity of light, size, configuration, elevation or location, constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.
- B. Moving Signs. No moving Sign or any portion thereof may rotate or repeat a pattern of motion more than eight complete repetitions every sixty seconds.

- C. Roof Signs of any type, except where allowed as a special exception under the provisions of this Title, and except location Signs or numbers designed to be visible from the airways only and intended for public safety purposes.
- D. Miscellaneous Signs and Posters. Except where expressly allowed by this Chapter, the tacking, painting, pasting or otherwise affixing of Signs or posters of a miscellaneous character, visible from a public way, located on the walls of Buildings, barns, sheds, on trees, poles, posts, fences or other structures is prohibited.
- E. Snipe Signs of any type are prohibited except as posted by a government agency
- F. A-frame, pedestal and other portable Signs of any nature, except as allowed as a special exception by the Community Development Department for limited temporary usage.
- G. Portable trailer or flashing Signs.
- H. Flashing or scintillating lights.
- I. Spot lights, except as allowed as a special exception by the Community Development Department.
- J. Parking of advertising vehicles.
 - 1. No person shall park, on any property in the City, any vehicle or trailer which has attached thereto or located thereon any Sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or other activity.
 - 2. It is the intent of this Section to restrict advertising in residential areas of the City and to standard Signs in business areas. This Section is not intended to apply to standard advertising or identification practices where such Signs or advertising devices are painted on or permanently attached to a business or commercial vehicle used to deliver or pick up merchandise or materials for such business.
 - a. Such a vehicle may not be parked, except for brief visiting or delivery purposes, on residential district Streets or at a residential property not resided in by the operator of said vehicle and must meet all other requirements of City ordinances.
 - b. Such a vehicle at the residence of the operator may not be parked on the Street and must be parked on private Parking Areas, to the fullest extent such area allows, so that the vehicle is the least visible from the Street.
- K. Sound, Odor, or Visible Matter. No advertising Sign or device shall be permitted which emits audible sound, odor or visible substance.
- L. Painted Wall Signs. Except as allowed as a special exception, no Sign may be painted directly on any Building, wall, fence or pole.

17.08.090 - Construction Standards.

- A. Applicable Regulations.
 - 1. All Signs erected in the City shall comply with the current standards of the building and Construction Codes adopted by the City.

2. All Signs shall comply with all provisions of this Chapter, any other applicable provisions of this Chapter or other applicable regulations.
 3. All electric Sign component parts shall be approved and labeled as conforming to the standards of the United States Bureau of Standards, the Underwriters' Laboratories, Inc. or other similar institution of recognized authority.
- B. Engineering Required. All Signs shall be engineered to conform with applicable Code provisions and, where required by the Community Development Department, Applications for permits shall be accompanied by an engineering drawing stamped and signed by a structural engineer licensed by the state of Utah attesting to the adequacy of the proposed construction of the Sign and its supports.
 - C. General Standards. Except for banners, flags, Temporary Signs and Window Signs conforming in all respects with the requirements of this ordinance, all Signs shall be constructed of permanent material and shall be permanently attached to the ground, a Building or another Structure or be a direct attachment to a rigid wall, frame or structure.
 - D. Detached Signs. All Detached Sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from painted steel or such other materials as may be approved by the Community Development Department.
 - E. Signs on Architectural Projections. Signs may be placed below and may be supported by an architectural projection of a Building when the projection is designed to carry the additional weight of the Sign. Any Sign attached to or located on an architectural projection may not be located less than eight feet above a walkway, surfaced area or ground level below the Sign.

17.08.100 - Signs on or Over Public Property.

- A. Insurance Required. No Sign on or over public property shall be erected, re-erected, located or relocated or enlarged or modified structurally or changed in ownership without first receiving the approval of the Community Development Department and submitting a certificate of insurance as specified by the Community Development Department.
 1. The City must be named as an insured party.
 2. A thirty-day written notice to the City of South Salt Lake of cancellation or expiration must be included in the insurance certificate.
 3. The name of the Owner of the projecting Sign must be clearly identified on the permit as an official corporation, partnership or sole proprietorship with appropriate names of individuals involved.
- B. Permission Required. No Sign shall be located on or over publicly owned land or inside Street Rights-of-Way, except Signs erected by permission of an authorized public agency and meeting the requirements of this Chapter.

17.08.110 - Illumination.

For the protection of community appearance and to minimize light pollution and traffic hazards caused by glare, lights and illuminated Signs shall be subject to the conditions found herein.

- A.** Any light used for the illumination of a Sign shall be shielded so that the beams or rays of light will not shine directly onto surrounding areas.
- B.** Neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
- C.** No portion of the Sign, including any frame, bracing or support structure, shall be constructed of a reflective surface.
- D.** Signs Illuminated from an Exterior Light Source. No light source shall be directly visible to any motor vehicle or pedestrian located in a public Right-of-Way or Street or from any residential area within a distance of three hundred (300) feet measured from the light source.
- E.** Signs Illuminated from an Interior Light Source. The light source shall not be visible from the exterior of the Sign.
- F.** Lights or Lighted Signs Not to Create a Nuisance. No spotlight, floodlight or lighted Sign shall be installed in any way which will permit the rays of light to penetrate beyond the property on which such light or lighted Sign is located in such a manner as to constitute a nuisance.
- G.** Lights or Signs alleged to be a nuisance by reason of light by the neighboring property Owners or tenants shall be subject to review by the Community Development Department to consider the validity of the nuisance complaint. If the illumination of the light or Sign is determined by the Community Development Department to be a nuisance, the Owner or person having control or interest of the light or Sign shall be required by the Community Development Department to take appropriate corrective action. Any person adversely affected by a decision of the Community Development Department may appeal the decision to the Administrative Law Judge as provided for appeals of administrative decisions.

17.08.120 - Repair of Façades.

A Building Façade damaged as the result of the removal, repair, replacement or installation of any Sign shall be repaired by the property Owner within thirty (30) calendar days from the date of the damage.

17.08.130 - Multi-Frontage Lots.

- A.** On-site Signs may be placed on each Frontage of a Lot or Parcel in the number, area, size and height allowed by this Chapter for one Frontage, except that:
 - 1.** Maximum allowances may not be transferred in whole or in part from one Frontage to another for purposes of computing any limitation using Frontage as a factor; and
 - 2.** The maximum area for a Sign placed at a Street intersection corner of the Parcel and turned at an angle to be visible from both Streets is computed using the longer of the Frontages.

17.08.140 - Signs for Nonconforming Businesses.

In order to encourage changes to eliminate Nonconforming Uses and noncompliant sites, Signs for nonconforming businesses and businesses occupying noncompliant sites shall be limited as found herein.

- A. Conditional Use. All Signs for nonconforming businesses and businesses occupying non-compliant sites shall be a Conditional Use.
- B. Businesses Located in Residential Districts. Signs for businesses in residential districts shall be limited to Attached Signs.
- C. Nonconforming Businesses. Signs for such businesses may be limited to fifty (50) percent of the normal Sign allowances.
- D. Businesses Noncompliant as to Bulk (Site) Requirements. Signs for such businesses may be limited to seventy-five (75) percent of the normal Sign allowances.

17.08.150 - Signs in Landscaping.

All Detached Signs (for Billboards see Article VI) are to be located in a Landscaped Area. All Landscaped Areas are subject to design review standards. The "normal" minimum Landscaped Area is defined as an area equal to twice the size of the area of the Sign or an area of four hundred (400) square feet, whichever is smaller.

17.08.160 - Signs in Flood Hazard Areas.

No Detached Sign shall be located in a flood hazard area except as approved by the Planning Commission as a special exception and only if constructed to withstand flood hazards as determined by the City.

17.08.170 – Sign Area. Sign Area shall include the entire area within a single continuous perimeter of a Sign that encloses the extreme limits of a writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate a Sign designed with more than one exterior surface.

- A. Sign Area does not include the supports, uprights, or Structure that support a Sign except if such supports, uprights, or structures are designed in a manner as to form an integral background of the Sign.
- B. If a Sign has two (2) or more display faces, the Sign Area shall include the combined area of all display faces.
- C. Only one side of a back-to-back or double-face Sign covering the same subject shall be counted as Sign Area when the Signs are parallel or diverge from a common edge by an angle of not more than forty-five (45) degrees.

- D. Sign Area on frameless Signs shall be calculated based on the smallest rectangle, triangle, or circle large enough to frame the entire display.
- E. Sign messages consisting of separate or individual letters, modules, or symbols shall be measured by a single continuous perimeter completely surrounding the entire Sign message to determine its Sign Area.
- F. When more than one Use or business occupies a single Lot, the Lot or Building Frontage shall be used to calculate the allowable Sign sizes for a combined total of a Detached or Attached Sign, not for each Use. The total Sign Area shall then be divided between the Uses.
- G. Multiple Signs. A single business may have multiple Signs provided the total Sign Area of all of the Signs combined, does not exceed the maximum Sign Area allowed.

Article II. - Permits and Enforcement

17.08.210 - Sign Permit Required.

- A. It is unlawful for any person whether acting as Owner, occupant or contractor, or otherwise to erect, construct, reconstruct, enlarge, locate or alter any Sign or change the text of any Sign within South Salt Lake contrary to any provisions of this Chapter or without first obtaining a Sign permit from the Community Development Department. No Sign shall be erected, constructed, reconstructed, located or altered until the plans for such Sign have been approved and a permit issued by the Community Development Department. Exempt Signs and Temporary Signs conforming to the provisions of this Chapter may be erected without such approval or permit.
- B. Any permit or license issued for Signs which are in conflict with the provisions of this Chapter shall be null and void whether or not the license or permit was issued by employees of South Salt Lake authorized to issue said permits or licenses.
- C. Permits shall be issued only to state licensed contractors unless specifically exempted by the state.
- D. The Community Development Department may require additional permits for specified construction elements such as electrical components, footings, unique construction methods and other such items as determined by the Community Development Department.
- E. All permits issued for Sign construction shall expire in ninety (90) days unless completed. No extensions may be granted. New Applications are required for Signs not completed in the required time. Billboards have differing requirements found in Article VI.
- F. Applications and permits are not transferable.
- G. The following changes shall not require a Sign permit. These exceptions shall not be construed as relieving the Owner of the Sign from the responsibility of its erection and maintenance in compliance with the provisions of this Chapter or any other law or ordinance regulating the same.
 1. The changing of the advertising copy or message of Signs specifically designed for the use of replaceable copy; or the changing of advertising copy or message where no electrical components or structural modifications are involved.
 2. Electrical maintenance, repainting or cleaning maintenance of a Sign.

3. The repair of a Sign.

17.08.220 - Revocable Sign Permit.

- A. All rights and privileges acquired under the provisions of this Chapter permitting the erection or maintenance of marquees or Signs over sidewalks or public Rights-of-Way are mere licenses. They are revocable at any time without compensation with or without cause by the Community Development Department, whether or not such permits contain this provision.
- B. Notice of Revocation. If the Community Development Department elects to revoke such license, the Community Development Department shall give notice of such revocation to the permittee or Owner of the property on which the marquee or Sign is situated and shall afford such person a period of not less than ninety (90) calendar days within which to remove the marquee or Sign or to reconstruct it in such a manner that it does not extend over the public Right-of-Way.

17.08.230 - Applications.

- A. Applications for a Sign permit shall be on forms provided by the community Development Community Development Department and be accompanied by plans and information as required by the Community Development Department to appropriately review the Application for compliance with the requirements of this Chapter and other ordinances, rules or regulations.
- B. Applications shall be accompanied by the appropriate fees as set forth in the Consolidated Fee Schedule of the City. All such permit fees are considered Application fees and are not refundable but shall be applied toward the required permit fee if granted.
- C. Double Fee Required. In the event that work is started prior to obtaining a permit, the fee for a Sign permit shall be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this Chapter in the execution of the work, nor from any other penalties prescribed herein.
- D. Expiration of Application. An Application for which no permit is issued after sixty (60) days following the date of Application, due to inaction by the Applicant, shall expire. Applications and plans submitted may thereafter be destroyed by the Community Development Department. The Community Development Department may extend the time for action by the Applicant for a period not exceeding a total of ninety (90) days from the date of Application upon written request by the Applicant showing the circumstances beyond the control of the Applicant that have prevented action from being taken. In order to renew action on an Application after expiration, the Applicant shall resubmit plans and pay new fees.

17.08.240 - Enforcement.

- A. The Community Development Department shall be vested with the duty of enforcing these Sign regulations. In the performance of that duty, the Community Development Department shall be authorized and directed to perform the following:

1. To issue permits to construct, alter or repair Signs which conform to the provisions of this Chapter.
 2. To ascertain that all Signs, construction, and all reconstructions or modifications of existing Signs are built or constructed or modified in conformance with the provisions of these Sign regulations and all other regulations incorporated herein by reference.
 3. To make inspections. The Community Development Department may make inspections at any stage of the construction process as deemed appropriate by the Community Development Department, including prior to footings being poured on a Detached Sign and upon the completion of construction, erection, re-erection or remodeling of any Sign for which a permit has been issued. The permit holder shall be responsible to schedule inspections with the Community Development Department. The Community Development Department may conduct an inspection of Signs at any time. If the Community Development Department finds any Sign which is in need of repair or violates any provision of this Chapter, the Community Development Department may take the necessary legal action, as specified in this Title, to bring the Sign into compliance.
 4. To issue citations and/or file complaints against violators of these Sign regulations.
 5. To perform abatement activities in accordance with the provisions of this Chapter.
 6. To remove Signs on public property or within Rights-of-Way.
- B.** The Community Development Department may take any appropriate action or institute any proceeding in any case where any Sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any Sign is used in violation of these Sign regulations or any other City ordinance.
- C.** Notice of Violation. Except for Signs on public property or within Rights-of-Way and snipe Signs, notice of violation shall be given by written notice of violation sent by registered mail or delivered in person to the Owner of the property where the Sign is located or to the person having charge or control or receiving the benefit of any Sign found by the Community Development Department to be unsafe or dangerous or in violation of these Sign regulations or of any other City ordinance.
- D.** Non-Maintained or Abandoned Signs. The Community Development Department may require each Non-Maintained or Abandoned Sign to be removed from the Building or premise when such Sign has not been repaired or put into use within thirty (30) calendar days after notice of non-maintenance or Abandonment is given. If such Signs are not removed within thirty (30) working days after the Community Development Department gives notice, the Community Development Department may abate and remove the Sign, and the Owner or person having charge, control or benefit of any such Sign shall pay to the City the costs incurred the same as established for an unsafe Sign.
- E.** Unsafe or Dangerous Signs. A property Owner or occupant may not maintain or allow any Sign which is dangerous or defective on any premises he/she owns, occupies or controls.

If an unsafe or dangerous Sign is not repaired or made safe within five working days after the Community Development Department gives notice pursuant to this Chapter, the Community Development Department may abate and remove the Sign, and the person having charge, control or benefit of any such Sign shall pay to the City the costs incurred in such removal, including an administrative fee, as established in the Consolidated Fee Schedule of the City, and any legal expenses within thirty (30) calendar days after written notice is mailed to such person.

- F. **Illegal Signs.** If an illegal Sign is not brought into compliance with the provisions of these Sign regulations within thirty (30) working days after the Community Development Department gives notice, the Community Development Department may abate and remove the Sign, and the Owner or person having charge, control or benefit of any such Sign shall pay to the City the costs incurred the same as established for an unsafe Sign.
- G. **Confiscation of Signs.** The Community Development Department may immediately confiscate any Sign located on public property, sidewalks or within rights of way in violation of these Sign regulations or any other City ordinances. A Sign located on a sidewalk or in a public Right-of-Way is a nuisance per se and may be removed at any time without prior notice to the Owner.
 - 1. Confiscated Signs shall be stored at a location determined by the Community Development Department for a period of fourteen (14) days, during which time the Owner or person having charge, control or benefit of the confiscated Sign may redeem the Sign after payment of civil penalties as established in the Consolidated Fee Schedule of the City.
 - 2. The City shall be held harmless for any damages incurred to Signs as a result of their confiscation.
 - 3. In addition to civil penalties, Sign Owners and responsible persons shall be liable for any damages caused to public property, public facilities or public utilities by reason of the placement, attachment and/or removal of such unlawful Signs.
 - 4. Signs not redeemed within fourteen (14) days shall be deemed to be the property of the City and may be destroyed or otherwise disposed of by the City.

17.08.250 - Nonconforming Signs (other than Billboards).

- A. **Moving, Extensions or Alterations.**
 - 1. A Nonconforming Sign shall not be reconstructed, raised, moved, replaced, extended, altered or enlarged unless the Sign is changed so as to conform to all provisions of this Chapter.
 - 2. Alteration shall not include the changing of copy or panels containing copy so long as the Structure remains the same.
 - 3. Repair or maintenance shall not be considered an Alteration.
 - 4. Removal of portions of a Sign shall not be a violation of this Section if such removal brings the Sign more closely in compliance with the provisions of the Chapter.
- B. **Termination of Nonconforming Signs shall be:**
 - 1. **By Abandonment.** Abandonment of a Nonconforming Sign shall terminate immediately the right to maintain such Sign.
 - 2. **By Violation of Ordinance.** Any additional (besides nonconformance) violation of this ordinance or other City ordinances shall terminate immediately the right to maintain a Nonconforming Sign.
 - 3. **By Destruction, Damage or Obsolescence.** The right to maintain any Nonconforming Sign shall terminate and shall cease to exist whenever the Sign is damaged or destroyed from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the City to the extent that the Sign becomes a hazard or a danger.

4. By Change in Status of the Property. Any of the conditions of Subsection C below shall result in loss of nonconforming status and subject the Sign to removal or changes to be brought into conformance.
- C. Compliance Required. A Nonconforming Sign shall be brought into conformance upon the occurrence of any one of the following:
 1. Any action that increases the Floor Area of the premises by more than twenty-five (25) percent.
 2. For a Lot located in a commercial or industrial district, any change in Use to a more intensive Use when a new certificate of occupancy is required.
 3. Any change in Use from a Nonconforming to a conforming Use.
 - D. Any Nonconforming Sign erected or displayed prior to the effective date of this ordinance that is defined as a Temporary Sign under this Chapter shall be removed immediately upon notice by the Community Development Department.
 - E. A special exception may be requested of the Planning Commission for unusual circumstances.

17.08.260 - Nonconforming Billboards.

- A. Moving, Extensions or Alterations.
 1. A Nonconforming Billboard shall not be reconstructed, raised, moved, replaced, extended, altered or enlarged except in conformance with Article VI of this Chapter.
 2. Alteration shall not include the changing of copy or panels containing copy so long as the Structure remains the same.
 3. Repair or maintenance shall not be considered an Alteration.
 4. Removal of portions of a Billboard shall not be a violation of this Section if such removal brings the Sign more closely in compliance with the provisions of the Chapter.
 5. Billboards nonconforming as to site requirements (Setbacks, heights, Landscaping, size, etc.) may be modified or relocated on site if such relocation or modifications brings the Billboard into compliance with the requirements of this Chapter.
- B. Termination of Nonconforming Billboards shall be after notice and a hearing as established by Utah Code Section 10-9a-213, as may be amended or replaced.

17.08.270 - Violation/Penalty.

- A. Any person, whether acting as Owner or occupant of the premise involved, contractor or otherwise, who violates or refuses to comply with any of the provisions of the Chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in this Title.
- B. Civil penalties, as established by the City Council in the Consolidated Fee Schedule, shall apply as set forth in this Chapter.
- C. A separate offense shall be deemed to be committed on each day an offense occurs or continues.

17.08.280 - Appeals.

Appeals of the orders, administrative decisions, or interpretations arising out of the provisions of this Chapter, and any request for variances to the standards of this Chapter, shall be to the as provided in this Title.

Article III. - General Regulations

17.08.310 - General Requirements.

- A.** All Signs shall be subject to the requirements and restrictions found herein for the district or area in which located and shall be subject to design review standards of this Title.
- B.** All Signs shall be classified by the Community Development Department, and subject to the specific requirements of that classification, as well as the general provisions and general regulations of this Chapter, as one of the six types found herein:
 - 1.** Attached;
 - 2.** Detached;
 - 3.** Billboards;
 - 4.** Temporary;
 - 5.** Exempt; or
 - 6.** Prohibited.
- C.** Signs Adjacent to Residential Districts. Where any property on which a Sign is to be located is adjacent (within one hundred (100) feet of) any residential district, additional requirements may apply as found elsewhere in this Chapter.
- D.** Specific District Requirements. The requirement of the City's zoning district shall apply to all Signs, notwithstanding the requirements found in this Chapter, and such requirements shall rule.

17.08.320 - Residential Districts.

Within any residential district, Signs may be allowed as contained herein.

- A.** All Signs shall comply with the specifications of the specific type as found in this Article or elsewhere in this Chapter.
- B.** One civic Sign is not to exceed sixteen (16) square feet in Sign Area.
- C.** Development/construction/Subdivision Signs, as allowed in this Chapter.
- D.** One residential Sign is not to exceed two square feet in area for the purpose of identifying the address and occupants of the residence.
- E.** Each Multi-Family Residential Use shall be allowed one Sign per Street Frontage for the purpose of identifying the name and address of the Use to which it is appurtenant. Said Sign shall not exceed six

feet in height above ground level, shall not exceed ten square feet per Sign face with a maximum total Sign Area of fifteen (15) square feet and shall be set back a minimum of fifteen (15) feet.

- F. Signs described above must be located on the property to which they pertain.
- G. Other special Use Signs as specifically allowed in this Chapter. Low profile identification Signs may be allowed in residential districts only as a special Use Sign subject to the provision therein.
- H. Heights. Unless specifically allowed otherwise, no Sign in a residential district may exceed a height of six feet.
- I. Home Occupation Signs. One Sign not exceeding two square feet in area may be allowed for a permitted Home Occupation. Such Sign must be placed on or against the Dwelling.
- J. Illumination. Illuminated Signs in residential districts shall only be allowed as a special exception and are discouraged except for unusual circumstances.

17.08.330 - Commercial and Industrial Districts.

In commercial and industrial districts, Signs indicating the business, commodities, service, industry or other activity sold, offered or conducted on the premises may be allowed as found herein.

- A. All Signs allowed in residential districts may be allowed.
- B. There may be any number of attached or Detached Signs provided their total does not exceed the maximum square footage of Sign Area allowed for the type of Sign and the location unless a special exception is granted for unusual circumstances. Except as otherwise specified, the Community Development Department may determine special exceptions in this Section.
- C. Detached on-premise Signs may be allowed as follows:
 - 1. Detached Signs may be located, subject to the standards of this Chapter, anywhere on the Parcel. However, the total square footage allowed is based solely on Lot Frontage.
 - 2. Size. One and one-half square foot of Sign Area for each lineal foot of Street Frontage. Except for Freeway oriented Signs (see Subsection D below), those Signs subject to "adjacent to residential" requirements of this Chapter, and where granted a special exception for unusual circumstances, no Sign may exceed two hundred (200) square feet of total Sign Area. When more than one Use or business occupies a Lot, the Lot Frontage is to be used to calculate the Sign sizes for a combined total of all Detached Signs, not for each Use. The total may then be divided between the Uses.
 - 3. Billboard Signs shall not count toward the total Sign Area allowed on a Parcel for Detached Signs.
- D. Freeway-Oriented Detached Sign. Businesses may request on-premise Freeway-oriented Detached Signs as a Conditional Use and subject to the requirements as found herein.
 - 1. Must be located on property which is within three hundred (300) feet of the Freeway.
 - 2. Sign Area. The area of the Sign shall be subject to the size limitation based on Lot Frontage whether located in front or another location except such Signs may, if the Planning Commission finds conditions that warrant such sizes, be up to three hundred (300) square feet maximum.

3. All such Signs shall be subject to "adjacent to residential" regulations found elsewhere in this Chapter.
 4. Such Signs shall not be allowed on any Parcel of property east of those Parcels with Frontage on State Street.
- E. Attached on-premise Signs may be allowed as follows:
1. Signs may be placed, subject to the standards of this Chapter, on any side of a Building. However, the total Sign Area allowed will be based solely on the Building front.
 2. Size. On-premise Attached Signs may not exceed a total of three square feet of Sign Area for each lineal foot of Building Frontage, unless, for unusual circumstances, a special exception is granted. The area of any one Sign shall not exceed one hundred fifty (150) square feet, unless, for unusual circumstances, a special exception is granted.
 3. When more than one Use or business occupies a Building, the lineal footage of the Building is to be used to calculate the Sign sizes for a combined total of all Attached Signs, not for each Use. The total may then be divided between the Uses.
- F. Businesses in free standing Buildings containing more than one non-Residential Use and businesses located on Lots containing more than one nonresidential Building and more than one non-Residential Use, may request a special exception for additional Signs or Sign Area.
- G. Off-Premise Directional Signs may be allowed as found elsewhere in this Chapter. Other than Off-Premise Directional Signs, off-premise Signs may be allowed only as found in this Chapter.
- H. Billboards may be allowed only as found elsewhere in this Chapter and are prohibited or restricted in certain locations.
- I. Low-profile Signs as defined in this Chapter may be allowed in conformity with the following provisions:
1. Low-profile Signs must not violate the clear view ordinance of this Title;
 2. Low-profile Signs must not cross the Property Line;
 3. Low-profile Signs must be incorporated into a Landscaped Area, which area is subject to design review standards;
 4. Low-profile Signs shall be limited to a maximum of six feet in height from Grade; and
 5. Low-profile Signs shall contain no animation unless granted a Conditional Use by the Planning Commission.
- J. Roof Signs shall not be allowed except as a special exception under the provisions of this Chapter and, if allowed, must conform to the following standards:
1. The height of the Sign face of Roof Signs shall not exceed twenty (20) percent of the height of the Building or ten feet, whichever is less;
 2. Roof Signs shall not be animated;
 3. No visible guy wires, braces or secondary supports shall be used;
 4. Roof Signs shall be designed to appear as extensions of the exterior Building wall;

5. Roof Signs shall not exceed the maximum permitted height for the zoning district in which located;
6. Detached Signs may not overhang any portion of the roof of a Building. Attached Signs may not overhang any portion of the same or any other Building; and
7. Height Regulations for Signs on Parapet Walls, Sloping and Shed Roofs. The following regulations apply to the location and height of Signs on parapet walls and various roof structures:
 - a. Parapet Wall. A Sign attached to a parapet wall may project above the top of the parapet wall no more than one fourth of the Sign height, except that the maximum projection allowed is four feet.
 - b. Sloping Roof. A Sign attached to the fascia or located on the sloping roof of a structure, may not extend more than four feet above the lower edge or the fascia of the sloping roof.
 - c. Shed Roof. A Sign attached to the fascia of a shed roof may not be located so as to extend more than four feet above the lower edge of the fascia.
- K. Menu boards for drive-in Restaurants may be allowed as detached or Attached Signs provided there are no more than two free-standing or wall-mounted menu boards per business and such are located not less than twenty (20) feet from the Street Property Line.
- L. Painted Wall Signs as defined by this Chapter are allowed only as specifically approved by the Planning Commission as a special exception and provided such Signs are designed so as to achieve community goals related to improving appearance and are located on walls where Attached Signs would be less desirable or more difficult to attach.
- M. Permanent Window Signs. For each ground floor occupancy of a Building not more than two permanent Signs may be painted on or otherwise displayed from the inside or outside surface of any window, showcase or other similar facility. These Signs are allowed in addition to those Signs permitted elsewhere in this Chapter. The total area of each such Sign, however, may not exceed a maximum Sign Area of four square feet.

17.08.340 - Transit-Oriented Development (TOD) District Special Requirements.

The standards herein shall apply to all areas of the TOD district.

- A. All Signs within the TOD district are conditional and must be approved by the Planning Commission.
- B. Where the Building orientation is with the front of the business toward the light rail corridor, business standards may be applied.
- C. Where the Building orientation is with the back or side toward the light rail corridor, any Signs along the corridor shall be limited to Attached Signs and low-profile Signs.

17.08.350 - Heights.

Heights of Signs shall be regulated as found herein.

- A.** For the purpose of determining height on Detached Signs (including Billboards), measurement of the vertical distance shall be from the elevation of the nearest public sidewalk within twenty-five (25) feet or, if there is no sidewalk within twenty-five (25) feet, from the lowest point of the Grade on the Lot upon which the Sign is located and within twenty-five (25) feet of the Sign, to the uppermost point on the Sign or Sign structure.
- B.** Pole and Ground Signs. Pole and ground Signs shall be limited to a maximum height of thirty-five (35) feet, except for Freeway oriented Signs, unless granted a special exception by the Community Development Department for unusual circumstances.
- C.** Freeway-Oriented Detached Signs. Such Signs are a Conditional Use requiring Planning Commission approval. Upon a finding by the Planning Commission of conditions that warrant such heights, such Signs may be allowed greater heights up to a maximum of twenty-five (25) feet above the Grade of the adjacent Freeway or barrier wall.
- D.** Low-Profile Signs. Low profile Signs shall be limited to a maximum height of six feet.
- E.** Billboards. See requirements elsewhere in this Chapter.
- F.** Special Use Signs. See requirements elsewhere in this Chapter.
- G.** Height of Attached Signs. The height of Attached Signs shall conform to the following provisions:
 - 1.** When a Building has more than one level, the wall on which the Sign is installed will govern.
 - 2.** Awning Signs. Awning Signs shall not be located above the second floor level of the Building.
 - 3.** Flat Signs. Flat Signs may extend a maximum of two feet above the roofline or parapet wall of the Building on which they are located.
 - 4.** Marquee and Canopy Signs. Marquee and canopy Signs shall not be located above the main entry level of the premise.
 - 5.** Nameplates. Nameplates shall not be located above the first floor level of the Building.
 - 6.** Projecting Signs. A projecting Sign shall not extend above the top of the vertical Building wall on which it is located.
 - 7.** Roof Signs. See requirements found elsewhere in this Chapter.
 - 8.** Window Signs. Window Signs shall not be located above the second floor.

17.08.360 - Setbacks.

Signs shall conform to the Setback requirements as specified herein and as found elsewhere in this Chapter.

- A.** For the purposes of determining Setback distances, measurements shall be taken from the edge or surface of the Sign or Sign Structure which is closest to the Property Line from which the Sign is to be set back.

- B.** Front or Corner Side. Signs on Corner Lots or at the intersection of any driveway, Parking Lot, entrance or exit with any Street, shall meet clear view requirements of this Title.
- C.** Pole and Ground Signs (Including Billboards). All such Signs shall have a minimum Setback of five feet from any Property Line. Frontage Setbacks shall be a minimum of five feet and one additional foot of Setback for each foot of height over twenty-five (25) feet, up to the maximum allowed.
- D.** Low-Profile Signs. Low-profile Signs shall have a minimum Setback of one foot.
- E.** Signs appurtenant to any Multi-Family Residential Use shall be set back a minimum of fifteen (15) feet from any Property Line adjacent to a Street.

17.08.370 - Projection and Clearance Requirements.

- A.** Clearance Standards.
 - 1.** No Sign or Sign Structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.
 - 2.** No Sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by the City.
 - 3.** Clearance Between Sign and Ground.
 - a.** Generally, pole and ground Signs must not be located in or hang over areas of vehicular or pedestrian traffic.
 - b.** If no other location is reasonably available, pole Signs must have a minimum clearance of ten feet between the bottom of any pole or overhanging Sign and the ground or Sign base. Pole Signs which have a maximum clearance of four feet may be excepted.
 - c.** All ground Signs shall have a maximum clearance of four feet.
 - d.** Signs projecting over a sidewalk or public Right-of-Way may not be less than eight feet above the sidewalk or Right-of-Way.
- B.** Projection of Signs. Signs may be allowed to project from Buildings or Structures in conformance with the following general provisions:
 - 1.** Across Property Lines. Detached Signs shall not be allowed to project over any Property Lines and must meet minimum Setback requirements. Attached Signs may be allowed to cross into public Rights-of-Way (but not Alleys) subject to the requirements as found elsewhere in this Chapter.
 - 2.** Over Alleys. No Sign or Sign Structure shall project into any public Alley.
 - 3.** Projecting Signs may be allowed to extend even with the roof line or parapet wall of a Building.
 - 4.** When a Building has more than one level, the wall on which the Sign is installed will govern.
 - 5.** Marquee Signs. Signs attached to an approved marquee, as specified in this Chapter, may extend over public property, with no copy on the sides, a maximum of twelve (12) inches from the face of the marquee. Signs placed within or below the ceiling of a marquee shall not extend beyond the marquee face and shall be placed within the vertical plane of the marquee.

6. Flat Signs. Signs placed flat against a Building must be erected parallel thereto and the outside face of the Sign may not extend more than one foot from the wall of the Buildings. Flat Signs may project over a public Right-of-Way but may not be less than eight feet above the sidewalk. Flat Signs may have no copy visible from the sides.
7. Canopies or Awnings. Canopies or awnings may extend from Buildings subject to the provisions found herein.
 - a. Canopies or awnings over sidewalks or public property shall maintain a minimum eight-foot clearance above the sidewalk or public property. Approval of the public agency is required as is insurance as found elsewhere in this Chapter.
 - b. Canopies or awnings may extend a maximum of twelve (12) feet from the Building but not more than six feet into a public Right-of-Way.
 - c. Canopies or awnings shall not create any traffic or pedestrian hazards as found in this Chapter.
8. Attached Signs, other than flat Signs, marquees, canopies or awnings (which have specific requirements), may project no more than six feet from the Building and may not cross Property Lines. Such Signs must maintain a minimum clearance of ten feet over pedestrian ways and fourteen (14) feet over vehicular ways.

Article IV: - Special Regulations

17.08.410 - Uses Adjacent to Residential Districts.

Where any property on which a Sign is to be located is adjacent (within one hundred (100) feet of) any residential district, the requirements found herein shall apply as well as those found elsewhere in this Chapter.

- A.** Detached Signs, Including Freeway-Oriented. Such Signs shall be located at the extreme distance away from the residential district as the property on which located will allow. Such Signs shall be limited to twenty-five (25) feet in height, be one hundred (100) square feet or less in size, and meet the illumination and other location requirements of this Chapter.
- B.** Illuminated Signs. Any Sign illuminated by any means must be equipped with a timer and shut off the illumination between the hours of ten p.m. and seven a.m.
- C.** Closeness of Signs. Except for Directional Signs, no Sign not mounted on a Building shall be located any closer to a residential district than thirty-five (35) feet.
- D.** Limits on Heights of Detached and Attached Signs. No Sign shall be above the height of fifteen (15) feet if located within fifty (50) feet of a residential district.
- E.** Billboards have specific requirements found elsewhere in this Chapter.

17.08.420 - Special Use Signs.

The Signs listed in this Section may be approved by the Community Development Department on a case-by-case basis. The Community Development Department may limit or restrict these Signs as deemed appropriate to meet the intent of this Chapter and the City's General and Master Plans. The Community Development Department may limit the placement, location, size, height, number, lighting and other factors of Signs usage.

- A.** Neighborhood Identification Signs. In any district, a Sign, masonry wall, Landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification.
- B.** Construction Signs. In any district, one unlighted Sign per Development may be allowed on the Lot or attached to the outside of a Building during its construction period. The Sign may identify only the project, its developer, architects, engineers, designers, contractors or other persons or groups participating in the project.
- C.** Subdivision/Development Signs.
 - 1.** The Community Development Department may issue a permit for a Development Sign in any district in connection with the marketing of Lots or structures in a Subdivision, subject to the following conditions:
 - a.** Time Limit. Such permits may be issued for a period not to exceed one year. The Community Development Department may renew such permits for additional periods of

up to one year for each permit upon written Application at least thirty days prior to its expiration

- b. Type of Sign. Sign as used in this Section refers to all types of Signs except those prohibited in this Chapter.
 - c. Location. Subdivision Signs must be located and set back from Property Lines sufficiently to eliminate any safety visibility obstructions as authorized by the Community Development Department. A Subdivision/Development Sign may be located at each entrance in the Subdivision and, in addition, one interior Sign may be located within the Subdivision as approved by the Community Development Department.
2. Severely limited off-premise Subdivision/Development Signs may be approved by the Community Development Department for isolated or difficult to locate Developments.
- D. Nonexempt Signs for direction or instruction.
- 1. Signs which provide direction or instruction to the public are allowed in any district, provided such Signs are located entirely on the property to which they pertain and the number, size and location thereof has been approved by the Community Development Department.
 - 2. In addition, the Community Development Department may authorize the placing of Directional Signs at appropriate Street intersections or other locations for the convenience of the motoring public; such Signs must pertain to places of general interest such as schools, hospitals, public Buildings, airports, fair grounds and other similar public services or institutions.

17.08.430 - Sexually Oriented Business Signs.

Sexually oriented business Signs are limited as found herein.

- A. No more than one detached and no more than one Attached Sign is allowed per business.
- B. No Sign may exceed thirty-two (32) square feet in area
- C. No descriptive art or designs depicting any activity related to or implying, the nature of the business is allowed. Signs may contain alphanumeric copy only.
- D. Other than the Signs specifically allowed by this Section, a Sexually Oriented Business may not use any Temporary Sign, banner, light or other device designed or intended to draw attention to the business location.

17.08.440 - Localized Alternative Sign District.

- A. Purpose. Large scale land Uses (such as a shopping center, an office park, a special district such as an RDA project, or large institutions such as universities or medical centers having a multi-Building campus) have common design elements that can be complemented and enhanced through the use of special signage. Localized alternative Sign districts allow for the creation of special Sign regulations to meet the needs of these situations.

- B. Applicability. These regulations shall be applicable in all commercial or industrial districts. In order to give effect to the purpose set forth herein, a localized alternative Sign district pertaining only to a particular center, campus or district may be proposed as an alternative to the Sign regulations that would otherwise be applicable under this Chapter.
- C. Effect of Overlay District. If a localized alternative Sign district is established, the Sign standards and limitations established within that district shall govern.
- D. Application and Hearing Procedure.
 - 1. Persons seeking to establish a localized alternative Sign district pursuant to this Section shall submit the regulations proposed for the district to the Community Development Department, together with any additional material the Community Development Department requests.
 - 2. Such Application shall be considered a special exception subject to a public hearing by the Planning Commission. Following adoption of the district by the commission, the regulations of the district shall apply uniformly to all properties located within the boundaries of the Overlay District.
 - 3. Changes to Approved Localized Alternative Sign Districts. An alternative localized Sign district may be amended or modified only upon submission and approval of another Application pursuant to this Section.

17.08.450 - Temporary Signs.

Temporary Signs may be allowed, without requirements for a permit, in all business and industrial districts. Temporary Signs are considered an exception to the rules and are therefore allowed only so long as they do not violate the intent of this Chapter and the goals of the City's General and Master Plans. No rights for displaying any Temporary Sign is implied or intended. The following standards shall apply to Temporary Signs:

- A. General Restriction. Temporary Signs shall be limited in duration of display. To this extent, the Community Development Department may determine any reasonable time frame for display using the following as a guide: Normal display periods should not exceed twenty-one (21) consecutive days or sixty-three (63) days per calendar year.
- B. Size, height, location, duration of display and other items may be limited or extended by the Community Development Department to meet the intent of this Chapter and the General and Master Plans of the City.
- C. Nuisances. If any Temporary Sign becomes a nuisance, as determined by the Community Development Department, such Signs may be subject to removal or relocation or other actions to eliminate the nuisance.
- D. Temporary Signs shall meet all other general or specific type Sign requirements.

17.08.460 - Marquee Requirements.

A marquee may be allowed in all business or industrial districts of the City.

- A.** All marquees shall conform to the provisions found herein. Where specifications as outlined in this Chapter are different from the provisions of the building codes as adopted by the City, the more restrictive shall apply.
- B.** Design Standards.
 - 1.** A marquee, in order to provide pedestrian shelter, shall have its first six feet of projection form a rectangle with the sides ninety (90) degrees to the Building face and the plane at least six feet from the Building parallel with the Front Property Line. The remaining projection of the marquee can assume a configuration Compatible with the architecture of the Building.
 - 2.** Height Limitation. A marquee shall not be located on any floor above the main entry level of the premise.
 - 3.** Thickness. A marquee shall have a vertical face height or cross section dimension not exceeding six feet.
 - 4.** Clearance. A marquee shall have a clearance of at least ten feet above the sidewalk.
 - 5.** Projection. A marquee may extend a maximum of ten feet from the face of the Building but must not project closer than two feet to the back of the curb.
 - 6.** Location. A marquee shall be so located as to not interfere with the operation of any exterior standpipe or to obstruct the clear passage of stairways or exits from the Building.
- C.** Insurance Required. No marquee projecting over City property shall be erected, re-erected, located or relocated or enlarged or modified structurally or change ownership without first receiving approval from the Community Development Department and submitting a certification of insurance with the following provisions:
 - 1.** The City of South Salt Lake must be named in the certificate of insurance as an additional insured.
 - 2.** A thirty-day written notice to South Salt Lake of cancellation or expiration must be included in the certificate of insurance.
 - 3.** Identification. The name of the Owner of the marquee must be clearly identified on the Application for a permit as an official corporation, partnership or sole proprietorship with appropriate names of individuals involved.
- D.** Marquee Signs. A permanent Sign or letters may be attached to the top of, or fascia of, or within or below the ceiling of an approved marquee, subject to the following provisions
 - 1.** Vertical Dimension. Overall vertical dimensions of the combined Sign and marquee shall not exceed ten feet.
 - 2.** Height of Sign. The height of the Sign or letters shall not exceed four feet.
 - 3.** No Side Copy. Signs attached to marquees shall have no copy on the side portion of the Sign.
 - 4.** Clearance. Signs attached to marquees shall maintain the minimum ten-foot clearance required for the marquee.
 - 5.** Insurance Required. Marquee Signs shall meet the same requirements for insurance as marquees.

17.08.470 - Off-Premise Business Signs.

- A.** Businesses located in the City may be granted, by the Community Development Department, a special exception for Off-Premise Directional Signs subject to the following:
 - 1.** Sign Area. Maximum area for off-premise business Directional Signs is thirty-two (32) square feet.
 - 2.** Height. Maximum height is four feet unless located on an existing Sign pole. If located on an existing or shared Sign pole, the off-premise business Directional Sign must adhere to all standards and restrictions for Detached Signs.
 - 3.** General Restrictions.
 - a.** All new off-premise business Directional Signs must be constructed as a low-profile monument style Sign unless located on an existing or shared Sign pole.
 - b.** The Sign must be located completely on private property at least five feet behind any public Right-of-Way and meet all requirements for Detached Signs.
 - c.** Off-premise business Directional Signs are allowed only on 2100, 2700, 3300 and 3900 South, State, Main and West Temple Streets, and on 300, 500, 600, 700, and 900 West.
- B.** Special purpose Directional Signs may be allowed as a special exception granted by the Community Development Department when warranted due to unusual circumstances and to further the economic viability of the City.
- C.** Businesses located in the City may be granted, by the Planning Commission, a special exception for an off-premise advertising Sign, such as a Painted Wall Sign, an Attached Sign or a Sign shared with another business located in the City, which would not otherwise be allowed as a Billboard or off-premise Sign.

17.08.480 - Electronic Message Centers.

Electronic Message Centers require Conditional Use permit approval from the Planning Commission in all districts. In addition to the restrictions found in this Chapter and the other Chapters that apply to the districts mentioned above, Electronic Message Centers are subject to the following restrictions:

- A.** Electronic Message Centers are not allowed off premise, except on Billboards.
- B.** All Electronic Message Centers must have an automatic dimmer to reduce Sign intensity after dark.
- C.** Light intensity may not exceed that produced by fifty-four (54) watts of incandescent lighting for daytime usage. An automatic dimmer must be installed to reduce nighttime intensity to that produced by thirty (30) watts of incandescent lighting. Light emitting diodes, magnetic discs and other lighting types may be used if the light intensity is not greater than that produced by incandescent lighting.
- D.** An Electronic Message Center may not flash or scintillate except to change the displayed wording to different wording.
- E.** Any display on the Electronic Message Center must remain lighted for at least two seconds.

- F. An Electronic Message Center located within five hundred (500) feet of a residential area, or as otherwise determined by the Planning Commission, may not operate between the hours of ten p.m. and six a.m. of the following day.
- G. For a minimum of five percent of the time the Sign is in use, the Electronic Message Center shall be devoted to public service messages.

17.08.490 - Electric Awning Signs.

The following requirements apply to electric awning Signs:

- A. All frames shall be made of tubular or structurally shaped steel or aluminum with finishes or coatings as required to ensure against corrosion.
- B. Vinyl fabric coverings shall be fourteen (14) ounces per yard minimum weight with certification as to tensile strength and flame resistance to meet adopted building and fire code standards.
- C. Fastenings and/or structural attachments to Buildings shall be attached to structural members and of sufficient size and strength to meet adopted building code standards.
- D. Letter copy on electric awning Signs shall be applied with manufacturer approved processes and may not exceed forty-five (45) percent of the total face area.
- E. Electric awning Signs conform to the size and area requirements of this Chapter, except that only the copy area of an electric awning Sign is used to compute these limitations. The remaining portion is considered awning area only.
- F. Electric awning Signs are restricted to single-store Buildings or to the first level only of multi-Story Buildings.
- G. Back lighting shall be sufficient to light the Sign and provide down lighting but may not be so bright as to obstruct adjoining and surrounding Signs.
- H. Awning Signs shall be architecturally Compatible with their surroundings as determined by the Community Development Department. Any Applicant denied a permit on the basis of incompatibility may appeal that decision to the Administrative Law Judge.
- I. An electric awning Sign may project over a public Right-of-Way no more than two feet, except that the Sign may not project more than four feet from the face of the Building.
- J. Minimum awning clearance from Grade to the bottom of the awning is eight feet.

Article V. - Billboards

17.08.510 - Purpose and Intent.

It is the purpose and intent of this Section to limit the number of Billboards in the City in order to improve driver safety, avoid impediments to redevelopment and enhance aesthetics. This Article and Chapter provides for the reasonable regulation of Billboards with the following intentions:

- A. Limiting negative impacts and providing for the protection of property values;

- B. Implementing goals and policies promoting pedestrian and traffic safety;
- C. Maintaining the desired gateway areas of the City;
- D. Protecting the views and vistas that enhance the City;
- E. Creating aesthetically pleasing Streetscapes, commercial districts and Freeway connections, and enhancing the aesthetics of existing Billboards;
- F. Encouraging business location;

Furthering the applicable elements of the City's General and Master Plans.

17.08.520 - Cap.

- A. The total number of Billboards allowed in the City shall be limited to the number of Billboards within the City legitimately in existence or for which permits were properly issued as of September 1, 2003.
- B. The total combined square footage of advertising area of all Billboards in the City shall be limited to the total combined square footage of advertising area of all Billboards within the City legitimately in existence or for which permits were properly issued as of September 1, 2003.
- C. The total combined height of all Billboards in the City shall be limited to the total combined height of all Billboards within the City legitimately in existence or for which permits were properly issued as of September 1, 2003.
- D. As the total number of Billboards, total combined square footage of advertising area of all Billboards and/or total combined height of all Billboards in the City decreases, the cap on the total number, total combined square footage of advertising area and total combined height of all Billboards within the City shall decrease correspondingly.

17.08.530 - Permits.

- A. Permits shall be required for all Billboard construction, including modifications, relocations and initial construction. Construction shall not commence without all required permits.
- B. Except as found in Subsection C of this Section, all permits issued for Billboard construction expire ninety (90) days after issuance. Renewals or extensions to issued permits shall not be allowed. Work not completed in the prescribed time frame requires a new permit.
- C. State Permits. If, in addition to a City permit, a state permit is required, the state permit must be obtained within one hundred twenty (120) days of issuance of the City permit or the City permit shall expire. The City permit shall expire ninety (90) days after the issuance of the state permit.
- D. Relocation of Billboards. Except for Billboards relocated by Conditional Use or provisions found in this Chapter, conforming and Nonconforming Billboards may be relocated only to sites within the City allowed pursuant to provisions of this Chapter and in compliance with all other restrictions in this Chapter. A Conditional Use permit may be granted by the Planning Commission following a public hearing to facilitate Development or redevelopment of a site. Prior to relocation of a Billboard, a permit to remove an existing conforming or Nonconforming Billboard must be obtained. A permit may be issued for construction of a Billboard at the relocation site only after completion of the removal of the existing Billboard.

- E. Permits Involving Modifications.** To eliminate nonconformity, visual clutter and antiquated Billboards, existing Billboards may be modified in accordance with this Section.
- 1. Conforming Billboards.** Modifications to conforming Billboards shall be made consistent with the requirements of this Chapter. Consistent with the cap imposed on the total square footage of advertising area and Billboard height set forth in this Chapter, if the conforming Billboard is of lesser height and/or contains less advertising area than is allowed under this Chapter, the height or advertising area of the Billboard may be increased to the maximum limits allowable only in exchange for the elimination of a Nonconforming Billboard within the City or a corresponding reduction in square footage of advertising area and/or height of a Nonconforming Billboard within the City. In addition, if a Billboard Sign Owner removes a Nonconforming Billboard from a surface Street, the footage may be used to increase the size of a conforming or Nonconforming Billboard on the interstate provided that the modified interstate Billboard does not exceed six hundred seventy-five (675) square feet in size exclusive of Embellishments.
 - 2. Nonconforming Billboards.** Modifications to Nonconforming Billboards may not increase the nonconformity with the exception of relocating square footage from a Billboard on a surface Street to a Billboard on the interstate. If a Nonconforming Billboard exceeds the height and/or advertising area limits of this Chapter, any modification to the Nonconforming Billboard shall bring it into compliance with the current height and advertising area limits. If the Nonconforming Billboard is of lesser height and/or contains less advertising area than is allowed under this Chapter, the height or advertising area of the Billboard may be increased to the maximum limits allowable only in exchange for the elimination of a different Nonconforming Billboard within the City or a corresponding reduction in square footage of advertising area and/or height of a Nonconforming Billboard within the City.
 - 3. Billboards Affected by Road Construction.** Billboards affected by road construction may be modified in accordance with state law and this Chapter.
- F. Removal by the City.** The City may remove Billboards as provided by state law without taking out a permit

17.08.540 - Location.

- A. Billboards may be allowed only as found herein.**
- 1. Billboards may be allowed in CC, CG and LI districts.** Billboards may be relocated within community reinvestment project areas created or existing under the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the Utah Code, as amended from time to time, following the process outlined within this Chapter.
 - 2. Prohibited Areas.** Billboards are not allowed in the following areas of the City, regardless of the underlying district:
 - a.** Within one hundred fifty (150) feet of any Residential Use as measured from the edge of the Sign face to the closest Property Lines;
 - b.** Within one hundred fifty (150) feet of any part of the I-15/I-80 interchange as measured from the edge of the Sign face to the closest Property Lines. The interchange shall be that

area which is one hundred fifty (150) feet from the Freeway property and lies within the area west of West Temple, east of 600 West, south of 2100 South and north of 2600 South;

- c. Five hundred (500) feet from any direction of the I-15/3300 South interchange as measured from the edge of the Sign face to the closest Property Lines;
 - d. Five hundred (500) feet from any direction of the SR 201/900 West interchange as measured from the edge of the Sign face to the closest Property Lines;
 - e. Five hundred (500) feet from any direction of the I-80/State Street interchange as measured from the edge of the Sign face to the closest Property Lines;
 - f. East of 200 East;
 - g. Within the transit-oriented district, except those areas specified in Subsection (A)(3) of this Section.
3. Billboards may be allowed in the following areas of the City by Conditional Use permit following the requirements as found in Chapter 17.05 but only for purposes of relocation from another site to accommodate Development.
- a. 3300 South from State Street to the Jordan River;
 - b. 2100 South from the Jordan River to State Street.
- B. Separation. Except by Conditional Use permit approval, the minimum distance between Billboards shall be five hundred (500) feet along the same side of the Street. The separation distance may be reduced to four hundred (400) feet by Conditional Use permit but only for purposes of relocation from another site to accommodate Development.

17.08.550 - Design and Construction Standards.

- A. Size of Advertising Area.
- 1. Billboard advertising shall not exceed six hundred seventy-five (675) square feet in area, sixty (60) feet in width or twenty (20) feet in height along Freeways (within one hundred (100) feet of the Freeway property). Billboard advertising shall not exceed three hundred (300) square feet in area, twenty-five (25) feet in width or fifteen (15) feet in height in other locations or areas of the City.
 - 2. The maximum size and height of the advertising area is exclusive of Embellishments.
 - a. Along Freeways, Embellishments may be allowed provided the Embellishment does not exceed thirty (30) percent of the advertising face of any Billboard and does not extend more than five feet above or to the side of the Billboard structure.
 - b. In other areas of the City, Embellishments may be allowed provided the Embellishment does not exceed fifteen (15) percent of the advertising face of any Billboard and does not extend more than five feet above or to the side of the Billboard structure.
- B. Height. The highest point of any Billboard shall be no higher than thirty-five (35) feet above the existing grade. If the Freeway, within one hundred (100) feet of the Billboard measured from the Freeway at the point at which the Billboard is perpendicular to the Freeway, is on a different grade

than the Billboard, then the highest point of the Billboard may be twenty-five (25) feet above the pavement elevation or any barrier wall at that location of the Freeway.

- C. Setbacks. All Setbacks shall be measured from the closest edge of any portion of a Billboard to the Property Line. The minimum Yard Setback from all Property Lines shall be five feet. The minimum Frontage Setback for Billboards shall be five feet, plus one additional foot for each foot in height over twenty-five (25) feet in height, up to the maximum height allowed.
- D. Lighting. Lighting shall be confined to the Sign face and not illuminate the night sky. Such lighting shall also conform to the illumination provisions of this Chapter.
- E. Supports. All Billboards shall be Detached Signs. Monopole construction is required unless the Community Development Department determines that special design or safety considerations exist that warrant differing support systems.
- F. Maintenance. All Billboards shall be continuously maintained both structurally and copy.
- G. Landscaping. All Billboards are to be located in a Landscaped Area. All Landscaped Areas are subject to design review standards. The "normal minimum" Landscaped Area is defined as an area equal to the size of the advertising area of the Sign or four hundred (400) square feet, whichever is the lesser amount.

17.08.560 - Nonconforming Billboards.

- A. Moving, Extensions or Alterations.
 - 1. A Nonconforming Billboard shall not be reconstructed, raised, moved, replaced, extended, altered or enlarged except in conformance with applicable requirements of this Chapter.
 - 2. Alteration shall not include the changing of copy or copy panels so long as the Structure remains the same.
 - 3. Repair or maintenance shall not be considered an Alteration.
 - 4. Removal of portions of a Billboard or extension of a Billboard adjacent to the Freeway, subject to permit approval, shall not be a violation of this Section if such removal brings the Sign more closely in compliance with the provisions of the Chapter and any extension does not increase the cap limits of this Title.
 - 5. Billboards nonconforming as to site requirements only (Setbacks, Landscaping, height, etc.) may be modified or relocated on site, after receiving appropriate permits, if such relocation or modifications brings the Billboard into compliance with the requirements of this Chapter.
- B. Termination of Nonconforming Billboards shall be after notice and if the Sign Owner has failed to bring the Billboard in question into compliance with this Chapter in a reasonable amount of time and a hearing as established by Utah Code Section 10-9a-213.

17.08.570 - Relocation.

- A. The Owner of an existing Billboard may remove the existing Billboard and relocate to an approved location as found in this Chapter only after permits are obtained as set forth in this Chapter and other provisions of this Chapter are complied with.

- B. Any relocation must not increase the cap limits as set forth in this Title.
- C. Relocations may be allowed as a result of road widening, Development proposals or voluntary request.

17.08.580 – Billboard Business.

- A. In order to equalize competition, to encourage business success, and to impose appropriate requirements and fees, all Billboards shall be considered a separate business and shall be subject to obtaining a business license and paying the required fee as established in the Consolidated Fee Schedule of the City. Companies or individuals with multiple locations may license as a single unit with a fee for each location.
- B. The City considers Billboards to operate as a separate business due to the following factors:
 - 1. Advertising space is rented/leased on each Billboard separately.
 - 2. Each Billboard is erected at a separate location requiring a separate rent/lease agreement.
 - 3. Billboards require regular inspections to assure continued compliance.
 - 4. Billboards create other administrative costs such as zoning approvals and enforcement activities.

Article VI – Special Exceptions.

17.08.610 - Purpose and Intent.

- A. A special exception is an activity or Use incidental to or in addition to the principal Use(s) permitted in a zoning district or an adjustment to a fixed dimension standard permitted as exceptions to the requirements of this Chapter which requires a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site.
- B. A special exception may or may not be appropriate in a particular location depending on the local impacts, and consideration of ways to minimize adverse impacts through special site planning and Development techniques.
- C. It is the intent of the allowances for special exceptions to foster fairness and flexibility in the regulations while yet maintaining the integrity of the purposes and intentions of the City's General and Master Plan and the zoning and other regulations of the City.

17.08.620 - Review.

- A. Except for those specifically allowed to be reviewed by the Community Development Department, the Planning Commission shall review Applications for special exceptions as allowed in this Chapter. Only those Signs specifically enumerated in this Chapter as eligible shall be considered for a special exception.

- B. Appeals of determinations of the City regarding special exceptions shall be reviewed by the .
- C. Special exceptions shall be limited to a time period as determined by the City. However, unless specifically approved otherwise by the City, actions in accordance with such approvals must be completed within six months of the date of approval. Failure to complete all actions approved, according to the conditions of approval, within the required time shall result in loss of the approval and subject the Applicant/Owner to the enforcement provisions of this Section. Applicants/Owners may request one and only one extension by filing such request with the Community Development Department prior to the expiration date. The Community Development Department shall review the reasons for the request and may grant, for any term not to exceed six months, or deny the requested extension.
- D. Special exceptions reviewed by the Planning Commission shall be reviewed following the requirements for a Conditional Use.

17.08.630 - Conditions on Special Exceptions.

- A. The City may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the special exception or upon public facilities and services.
- B. Conditions may include, but are not limited to, conditions concerning Use, construction, size and height, lighting, location, Landscaping, Screening and other matters relating to the purposes and objectives of this Chapter.
- C. Conditions shall be expressly set forth in the granting of the special exception.
- D. Compliance with Standards. The proposed exception shall comply with all additional standards imposed.

17.08.640 - Violation of Conditions.

Violation of any condition or limitation imposed shall be a violation of this Chapter and shall constitute grounds for revocation of the special exception.

17.08.650 - Applications.

An Application may be made by the Owner of the subject property or the Owner's authorized agent to the Community Development Department and must include such information as the Community Development Department determines is needed to adequately review the request.

17.08.660 - Decisions.

- A.** The City may approve the special exception, approve the special exception subject to specific conditions or deny the special exception. In making its determination, the City shall consider the items found herein and others as deemed appropriate for the request.
- B.** Appropriateness. No Application for a special exception shall be approved unless it is determined that the proposed special exception is appropriate in the location proposed based upon its consideration of the standards of this Chapter, other appropriate regulations and standards, the specific conditions for certain special exceptions and the ramifications related to the City's General and Master Plans.
- C.** Compliance with Ordinance and District Purposes. The proposed exception shall be in harmony with the general and specific purposes for which this Chapter was enacted and for which the regulations of the district were established.
- D.** No Substantial Impairment of Property Value. The proposed exception shall not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- E.** No Undue Adverse Impact. The proposed exception shall not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- F.** Compatible with Surrounding Development. The proposed exception shall be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring property in accordance with the applicable district regulations.
- G.** No Destruction of Significant Features. The proposed exception shall not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- H.** No Material Pollution of Environment. The proposed exception shall not cause material air, water, soil or noise pollution or other types of pollution.
- I.** Compliance with Design Review. The proposed exception shall be in compliance with the purpose, intentions and standards of the design review elements of the City.
- J.** Unusual Circumstances. In reviewing exceptions for unusual circumstances, the City may consider the following factors and others as the circumstances warrant:
 - 1.** Lot or Building size in relationship to others in the area;
 - 2.** The potential impact of the style and size of the Sign;
 - 3.** The special features of the location in relationship to the general area in which located;
 - 4.** The long-term effect on the purposes and intentions of the regulations and General and Master Plans of the City.

Chapter 17.09 — Nonconforming Uses and Noncomplying Structures

17.09.010 – Determination of Nonconforming or Noncomplying Status.

- A. Burden on Owner to Establish Legality.** The Owner bears the burden of establishing that any Nonconforming Use or Noncomplying Structure lawfully exists.
- B. Determination of Status.** The Community Development Director in consultation with the City Attorney shall determine in writing the Nonconforming or Noncomplying status of any property provided the Owner or his/her designee has submitted a complete Application for a certificate of legally existing Nonconforming status to the Community Development Department. Any decision made by the Community Development Director may be appealed within ten (10) calendar days of the decision.

17.09.020 — Authority to Continue.

- A. Continuation of Nonconforming Use.** Any lawful Nonconforming Use may continue subject to the standards and limitations of this Chapter.
- B. Continuation of Noncomplying Structure.** A Noncomplying Structure that was lawfully constructed prior to a contrary change in this Code may be used and maintained, subject to the standards and limitations of this Chapter.

17.09.030 — Abandonment or Loss of Nonconforming Use.

- A. Abandonment of Nonconforming Use.** A Nonconforming Use that is discontinued for a continuous period of at least one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed.
 - 1.** Abandonment may also be presumed if any of the following occur:
 - a.** a majority of the Primary Structure associated with the Nonconforming Use has been voluntarily demolished without prior written agreement with the City regarding an extension of the Nonconforming Use;
 - b.** the primary Structure associated with the Nonconforming Use remains vacant for a period of one (1) year;
 - c.** a less intensive or conforming Use has replaced the original Nonconforming Use and has continued for a period of at least one (1) year;
 - d.** once destroyed by fire or other casualty, a Nonconforming Use is presumed to be abandoned if a Building Permit for reconstruction of the Structure is not applied for within six (6) months from the date of destruction; or
 - e.** the City business license associated with any Nonconforming Use has been revoked.
 - 2.** Any party claiming that a Nonconforming Use has been abandoned shall have the burden of establishing the abandonment.

3. Any subsequent Use of the Building, Structure, or land must conform to the regulations for the district in which it is located.
- B. Rebuttable Presumption of Abandonment.** The property Owner shall have the burden of establishing that any claimed abandonment has not in fact occurred.

17.09.040 — Moving, Enlarging, or Altering Nonconforming Uses. No Nonconforming Use may be moved, enlarged, altered, or occupy additional land or Structures, except as provided in this Section.

- A. Enlargement.** A Nonconforming Use may not be enlarged, expanded, or extended to occupy all or a part of another Structure or site that it did not occupy on the date that the Use became Nonconforming. A Nonconforming Use may be extended through the same conforming Structure provided: (1) no structural alteration of the Structure is proposed or made for the purpose of the expansion; and (2) the parking demand is not increased.
- B. Exterior or Interior Remodeling or Improvements to a Structure.** Exterior or interior remodeling or improvements to a Structure containing a Nonconforming Use shall be allowed provided: (1) there is no expansion of the area of the Nonconforming Use; (2) the remodeling and improvements comply with all existing City Codes; and (3) all Landscaping complies with current City standards.
- C. Change of Nonconforming Use to another Nonconforming Use or a Conforming Use.** No Nonconforming Use may be changed to another Nonconforming Use. Whenever any Nonconforming Use is changed to a conforming Use, the Nonconforming Use is per se abandoned.
- D. Damage or Destruction of Structure housing Nonconforming Use.**
1. A Nonconforming Use shall not be resumed, and the Structure shall not be restored, unless it is restored to accommodate a conforming Use within a complying Structure, if:
 - a. a Structure that contains a Nonconforming Use is allowed to deteriorate to an uninhabitable condition and is not repaired or restored within six (6) months after written notice to the property Owner that the Structure is uninhabitable and that the Nonconforming Use will be lost if the Structure is not repaired or restored within six (6) months;
 - b. the property Owner has voluntarily demolished more than 50% of the Gross Floor Area of the Structure that houses the Nonconforming Use; or
 - c. a Structure that contains a Nonconforming Use is voluntarily razed or is required to be razed by law.
 2. If a Structure that contains a Nonconforming Use is involuntarily destroyed, in whole or in part, due to fire or other casualty and the Use has not been abandoned, the Nonconforming Use may be resumed and the Structure may be restored to the condition prior to the destruction, provided such work is started within six (6) months of such casualty, is completed within eighteen (18) months of work commencement, and the intensity of Use is neither increased nor changed.

17.09.050 — Noncomplying Structures. No Noncomplying Structure may be moved, enlarged, or altered, except in the manner provided in this Section.

- A. Repair, Maintenance, Alteration, and Enlargement.** Any Noncomplying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new noncompliance nor shall increase the degree of the existing noncompliance of all or any part of such Structure.
- B. Moving.** A Noncomplying Structure shall not be moved in whole or in part to any other location on the same or any other Lot unless the entire Structure shall thereafter comply with the regulations of the district in which it will be located.
- C. Damage or Destruction of Noncomplying Structure.**
 - 1.** If a Noncomplying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice is provided to the property Owner stating that the Structure is uninhabitable and that the Noncomplying Structure shall not be restored unless it is restored to comply with all regulations of the district in which it is located.
 - 2.** If the property Owner has voluntarily demolished, or is required by law to demolish, more than 50% of the Gross Floor Area of the Noncomplying Structure, the Structure shall not be restored unless it is restored to comply with all regulations of the district in which it is located.
 - 3.** If a Noncomplying Structure is involuntarily destroyed in whole or in part due to fire or other casualty and the Structure or Use has not been abandoned, the Structure may be restored to its original condition, and the Use may be resumed, provided: (1) such work is started within six (6) months of such casualty; (2) such work is completed within eighteen (18) months of work commencement; and (3) the intensity of Use is not increased.

17.09.060 — Ordinary Repair and Maintenance and Structural Safety.

The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Nonconforming Use or on a Noncomplying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

Chapter 17.10 – SUBDIVISION AND PLATTING

17.10.010 – Purpose, Policy, and Authority.

A. The purpose of this Chapter is to:

1. protect and provide for the public health, safety, and general welfare of the citizens of the South Salt Lake City;
2. facilitate and encourage efficient orderly growth and beneficial Development of all parts of the City;
3. provide for adequate light, air, and privacy, to secure safety from fire, flood, collapsible soils and other geologic hazards, and other danger, and to prevent insufficient infrastructure or overcrowding of the land and undue congestion of population;
4. protect the character and the social and economic stability of all parts of the City;
5. regulate future growth and Development within the City in a manner which promotes the physical integration of diverse housing forms, the preservation of South Salt Lake community values, and the social integration of residents from diverse backgrounds in accordance with the General Plan;
6. provide procedures and standards for the physical Development of Subdivisions and other Uses of land and construction of Buildings and thereon within the City including, but not limited to, the construction and installation of Streets, curbs, gutters, sidewalks, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public Rights-of-Way, Dedication of land and Streets, granting easements for Rights-of-Way, and to establish fees and other charges for the authorizing of Development and for the improvement of land and Buildings thereon;
7. protect and conserve the value of land throughout the City and the value of Buildings and improvements upon the land, and to minimize the conflicts among the Uses of land and Buildings;
8. guide public and private policy and action to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
9. provide the most beneficial relationship between the Uses of land and Buildings and the circulation of traffic, throughout the City, having particular regard for the avoidance of congestion in the Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and Buildings, and to provide for the proper location and width of Streets and Building Lines;
10. establish reasonable standards of design and procedures for Platting, Subdivisions, Re-Subdivisions, and Lot Line Adjustments, in order to facilitate the orderly layout and Use of land and to insure proper legal description and monumenting of all platted land;
11. ensure that public facilities are available and will have a sufficient capacity to serve the proposed Plat, Subdivision, Plat Amendment, Parcel Boundary Adjustment, or Lot Line Adjustment;

12. prevent the pollution or degradation of air, streams, and ponds, assure the adequacy of drainage facilities, and safeguard the water table;
13. minimize site disturbance, removal of native vegetation, and soil erosion;
14. encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
15. preserve the natural beauty of South Salt Lake City and to ensure appropriate Development to complement the natural features; and
16. provide for open spaces through the most efficient design and layout of the land, including the use of flexible Density or cluster-type zoning in providing for minimum width and Area of Lots, while preserving the Density of land.

B. Policy.

1. The Subdivision or Platting of land and the subsequent amendment of a Subdivision Plat, the adjustment of Lot Lines therein, is required for the orderly, planned, efficient, and economical Development of property within the City.
2. Development property shall be of such character that it can be used safely for Building purposes without danger to health or peril from fire, flood, landslide, mine subsidence, geologic hazards, or other menace.
3. Land shall not be subdivided, re-subdivided, platted, or adjusted until available public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, roads, trails, parks, public transportation facilities, and related improvements.
4. The existing and proposed Public Improvements shall conform to the Streets Master Plan, designated City Road Profiles, the Official Land Use Map, the International Construction Codes, the 2017 American Public Works Association Manual of Standard Plans, Utah Chapter (as further specified in this Chapter) and the capital budget and program of the City.

C. Authority.

1. The Planning Commission is the land use authority to review, approve, and deny Plats for subdividing land or platting a legal Development Lot within the corporate limits of the City.
2. The Planning Commission is the land use authority to approve Development in Subdivisions, Subdivision amendments, or Parcel Boundary Line or Lot Line Adjustments of land already recorded in the office of the County Recorder.
3. A Plat, Subdivision, Subdivision amendment, or Parcel Boundary Line or Lot Line Adjustment is void if the Plat, Subdivision, Subdivision amendment, Parcel Boundary Line or Lot Line Adjustment has not been recorded, or has been recorded with the County Recorder's office without a prior approval by the Planning Commission and signature by the Planning Commission Chair, or in the case of a Parcel Boundary Line or Lot Line Adjustment, without prior written approval by the Community Development Director.
4. A transfer of land that has not properly been subdivided, amended, or adjusted is voidable.

17.10.020 – Interpretation and Conflicts.

- A.** Interpretation. The provisions of these regulations are the minimum requirements for the promotion and preservation of the public health, safety, and general welfare.
- B.** Conflict with public and private provisions.
 - 1.** Public provisions. Where any provision of these regulations imposes a restriction different from that imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose a higher standard to protect the public health, safety, and welfare shall control.
 - 2.** Private provisions. Where the provisions of these regulations are more restrictive or impose higher standards or regulations than a private easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. The City does not enforce private covenants.

17.10.030 – Alteration or Amendment of Plats.

The Planning Commission may consider and resolve at a public hearing any proposed alteration or amendment of a Subdivision Plat, or Lot, including any proposed alteration to any Street, easement, or Alley that has been extinguished by law or, with the consent of its Owner, is proposed to be replaced with an equivalent Dedication. If the amended Plat is approved, signed by all property interest Owners, and recorded, the recorded Plat shall vacate, supersede, and replace any contrary provision in a previously recorded Plat on the same land.

17.10.040 – Vacation of Public Streets or Easements.

- A.** Street. State law governs the process required to vacate a Public Street. The process varies according to the nature of the City's property interest in the Street and the manner by which the property was acquired.
 - 1.** Typically, upon proper notice, Planning Commission recommendation, and a finding that the public and no person will be adversely affected by the vacation, the City Council may by Resolution, establish the fair market value basis for the purchase price of the vacated Right of Way. In most circumstances, upon payment of fair market value, the Street will be vacated from the center line of the Right of Way to each of the adjoining property Owners.
 - 2.** The Planning Commission shall incorporate the vacated Street into the adjoining Lots or Parcels by Plat (or Plat Amendment). The vacation shall not be effective until the Plat (or Plat Amendment) is recorded.
- B.** Utility Easement. State law governs the process to wholly vacate a utility easement. Amendments to utility easements can be made in the normal platting process, with the consent and mylar signature of the affected utility or utilities.

17.10.050 – Enforcement.

- A. No Owner, or Agent of the Owner, of any un-subdivided Parcel of land located in a proposed Subdivision, shall transfer or sell any such Parcel before a Plat of such Subdivision has been approved by the Planning Commission in accordance with the provisions of these regulations, signed by all required parties and filed with the County Recorder.
- B. The Subdivision of any Lot or any Parcel of land, by the use of metes and bounds description for the purpose of sale, Transfer, or lease is unlawful. However, subject to all of the requirements contained in these regulations, the City may approve metes and bounds descriptions for purposes of Parcel Boundary Adjustment, Lot Line Adjustment, or judicial process, resolving conflicting boundary descriptions, and the recombination (but not Subdivision or re-Subdivision) of historically platted Properties located within the Big Fields Survey.
- C. No Building Permit shall be issued for the construction of any Building or Structure located on a Lot or Plat that does not conform to these regulations.

17.10.060 – Prerequisite Conditions.

No land shall be subdivided until:

- A. The Owner or its Agent submits an Application for Subdivision to the Planning Commission through the South Salt Lake City Community Development Department;
- B. The Planning Commission provides proper notice, holds a public hearing, and approves the proposed Subdivision;
- C. All technical deficiencies with the proposed Subdivision Plat are resolved;
- D. All required improvements and Dedications are made and warranted free of liens or encumbrances or have been adequately assured and warranted;
- E. Conditions, Covenants, and Restrictions are approved as to form by the City Attorney;
- F. All fees, costs, and property taxes are paid;
- G. All required signatures are obtained on the approved Subdivision Plat mylar; and
- H. The approved and signed final Subdivision Plat is recorded.

17.10.100 – Subdivision Application Process.

- A. Preliminary Subdivision Plat. Preliminary Subdivision Plat approval is a required before Final Subdivision Plat approval for a Subdivision Application.
 - 1. Preapplication requirements. Before preparing the Preliminary Plat for a Subdivision, the Applicant should arrange for a pre-Application conference with the Community Development Department to discuss the procedure for approval of a Subdivision Plat and the general approval requirements regarding access, layout of Streets, availability of existing services, standards for Street improvements, storm water drainage, sewerage, fire protection, required mitigation of environmental impacts, required cleanup of environmental hazards within

Dedicated Rights of Way, standards for required public Dedication, resolution of adverse property interests and similar matters.

- 2.** Application procedure and requirements. Before subdividing land in a manner that requires a Preliminary Plat, an Owner of the land or the Owner's representative shall file an Application for approval of a Preliminary Plat. The Application shall be made on a form available at the office of the Community Development Department and shall include
 - a.** all information requested on the form;
 - b.** payment of the Preliminary Plat Application fee; and
 - c.** a trust deposit for out-of-pocket costs the City expects to incur as a result of processing the Application.
- 3.** Review of Preliminary Plat. The Community Development staff shall schedule the complete Preliminary Plat Application for review by the City's Development Review Committee. Staff will consider all input received by the Development Review Committee members, seek clarification and any additional required information from the Applicant, and when appropriate, prepare a proper notice of and a Planning Commission staff report for a public hearing and potential action on the Preliminary Plat Application.
- 4.** Planning Commission review of Preliminary Plat. The Planning Commission shall study the Preliminary Plat Application and the staff report, taking into consideration requirements of this Title.
- 5.** Public hearings. Subject to proper notice, the Planning Commission shall hold a public hearing on the Preliminary Plat Application.
- 6.** Preliminary approval. After the Planning Commission has reviewed the Preliminary Plat Application and the staff report, including any staff recommendations for conditions of approval, any testimony and exhibits submitted at the public hearing, the Applicant shall be advised of any required changes and/or additions to its proposed Preliminary Plat. One copy of the proposed Preliminary Plat shall be returned to the Applicant with the date of approval, conditional approval, or disapproval and rationale for the decision accompanying the Plat. The other copy shall be maintained in the Community Development Department files.
- 7.** Public Improvements. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and Public Improvements to be Dedicated, all infrastructure for water, fire, and utility improvements to be Dedicated, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Land Use Map, the Streets Master Plan, any applicable Master Planned Mixed-Use approval, the City Construction Standards and Specifications, and this Code.
- 8.** Completion/Assurances. An Applicant with a conditionally approved or approved Preliminary Plat Application shall—prior to receiving the City's signatures on the Final Subdivision Plat—be required to either:
 - a.** install and Dedicate the required Public Improvements and execute a one-year infrastructure Improvement Warranty with accompanying 10% cash deposit to assure the proper installation of the required Public Improvements; or

- b. provide an adequate improvement assurance for completing and Dedicating all required Public Improvements and for warranting the completed work for one (1) year after acceptance.
 - 9. Effective period of preliminary approval. The approval or conditional approval of a Preliminary Plat shall be effective for a period of one (1) year. An Applicant may request an extension of the approval or conditional approval of a Preliminary Plat by submitting a request in writing to the Community Development Department prior to expiration of the approval or conditional approval. After a properly noticed public hearing, the Planning Commission may approve the extension request if the Applicant is able to demonstrate no change in circumstance since the previous approval that would result in a denial of a new Preliminary Plat Application.
 - 10. Zoning Regulations. Every Preliminary Plat shall conform to the Land Use Regulations in effect on the date the Applicant is vested in its Application, provided the Applicant's Preliminary Plat approval or conditional approval has not expired without a valid extension to obtain Final Plat approval.
- B. Final Subdivision Plat.**
- 1. Accuracy. Final Plats shall be drawn according to an accurate and complete survey to second-order accuracy of the land to be Developed. A traverse of the exterior boundaries of the tract, and of each Block, when computed from field measurements on the ground shall close within a tolerance of one foot to twenty thousand (20,000) feet.
 - 2. Monuments. Prior to Final Plat approval, the Applicant shall install permanent survey monuments on the Property as required by the City Engineer.
 - 3. Subdivision Plat. Final Subdivision Plat approval is a required before recording Subdivision Plats as well as Condominium Plats.
 - 4. Final Plat Application procedure and requirements. The Final Plat Application shall be made on a form available at the office of the Community Development Department and shall include:
 - a. all information requested on the form;
 - b. payment of the Preliminary Plat Application fee; and
 - c. a trust deposit for out-of-pocket costs the City expects to incur as a result of processing the Application.
 - 5. Review of Final Subdivision Plat. The Community Development Director shall schedule the Final Plat Application for review by the Development Review Committee. The Community Development Department Staff will consider all construction drawings and specifications submitted by the Applicant, all conditions of Preliminary Plat Approval (as applicable), all input received by the Development Review Committee members, seek clarification and any additional required information including proposed Covenants, Conditions, and Restrictions (as applicable) from the Applicant, and prepare a staff report for a public hearing and potential for proposed action to the Planning Commission.
 - 6. Planning Commission Review of Final Subdivision Plat. The Planning Commission shall review the Final Subdivision Plat and the staff report, taking into consideration requirements of this Title, any Master Plan, the Streets Master Plan, the Site Plan, construction standards and specifications, and any environmental review pending on the Property. Particular attention

will be given to the arrangement, location, width, profile, and construction specifications of Streets, and their relation to sewer lines, storm water drainage, erosion, topography and natural features of the Property, location of Geologic Hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, requirements of the Preliminary Plat (if a Preliminary Plat was required), and requirements of the Official Land Use Map and Streets Master Plan.

- 7. Public Hearing and Planning Commission action.**
 - a.** The Planning Commission shall give proper public notice and hold a public hearing on the proposed Final Subdivision Plat.
 - b.** After closing the public hearing and considering the Final Subdivision Plat and proposed conditions of approval, the Planning Commission shall take action.
 - c.** If the Planning Commission approves the Final Subdivision Plat, the Planning Commission shall stipulate the period of time when the Final Plat shall be recorded and when the performance assurances shall be filed or the required improvements installed and warranted, whichever is applicable. No Plats will be approved or released for recording until necessary warranties have been established. In no event shall the period of time stipulated by the Planning Commission for completion of required improvements exceed one (1) year from the date of the Final Plat approval.
 - d.** Extension of Approval. Applicants may request a time extension of the Planning Commission approval by submitting a request in writing to the Community Development Department prior to expiration of the approval. The Planning Commission may grant an extension to the expiration date when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Land Use Regulations in effect or pending at the time of the extension request. A "change in circumstance" includes a physical change to the Property or its surroundings. Notice of the request for extension shall be provided consistent with the requirements for a Final Plat.
- 8. Good Cause.** The Planning Commission shall make a finding as to Good Cause prior to approving any new Plat or Plat Amendment.
- 9. Submission and Review.** After Planning Commission approval, one paper copy of the construction plans, a Word-formatted copy of the proposed Covenants, Conditions, and Restrictions, and one twenty-four inch by thirty-six inch (24" x 36") copy of the approved Subdivision Plat shall be submitted to the Community Development Department for its final review.
 - a.** No final approval shall be endorsed on the Plat until the staff's review has indicated that all requirements of Planning Commission approval have been met. The border line of the Plat shall be drawn in heavy lines leaving a space of at least one and one-half inches on the left side and at least one-half inch margin on the other sides. The Plat shall be so drawn that the top of the drawing faces either north or west, whichever accommodates the drawing best. All lines, dimensions, and markings shall be made on a mylar, or comparable material approved by the City, with approved waterproof black ink. The Plat shall be made to a scale large enough to clearly show all details, and in any case not

smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable.

- b. If the submitted, approved Final Subdivision Plat is incomplete, not in compliance with all requirements, or does not incorporate any required changes, the Community Development Department shall notify the Applicant and specify the respects in which it is deficient. The Community Development Department may refer the documents, Plats, and drawings to others for assistance in its review process.

10. City Engineer Approval. Throughout the process and prior to Plat recordation, the City Engineer shall review:

- a. any required environmental assessment of the property to confirm that all Dedicated land is free from environmental hazards,
- b. tentative Final Plat and construction drawings for compliance with the City Development Standards and Specifications,
- c. criteria set forth in this Title, and
- d. all other applicable ordinances of the City and the state of Utah.

If the Final Plat and construction drawings comply, the City Engineer shall sign the Final Plat and forward the Final Plat and construction drawings to the Community Development Department for processing. If the Plat and/or construction drawings do not comply, the City Engineer shall return the Plat and/or construction drawings to the Applicant with comments and provide a copy of comments to the Community Development Department. The Applicant shall be responsible for submitting all redlined Plats, plans, and construction drawings, along with corrected copies, to the City for re-review.

Prior to recordation of the Final Plat, the Applicant shall submit a current title report to be reviewed by the City. A "current title report" is considered to be one that correctly discloses all recorded matters of title regarding the property and is prepared and dated not more than thirty (30) days before the proposed recordation of the Final Plat.

- 11. City Attorney Approval.** Once the Planning Commission has approved the Final Plat, the City Attorney shall review the submitted Final Plat, Covenants, Conditions, and Restrictions (as applicable), signed Infrastructure Improvements Agreement (as applicable), current title report to assure all property interests are reflected on the Plat, and the adequacy of the security for insuring completion of the improvements to verify compliance with the City's Dedication and assurance requirements—including the requirement for encumbrance-free Dedications. The City Attorney may also review and require resolution by the Applicant of any title conflicts, public easements, protective covenants, other documents where applicable. Upon approval of the items specified in this Section, the City Attorney shall sign the Plat in the appropriate signature block and forward the Final Plat to the Community Development Department for further processing.

C. Parcel Boundary and Lot Line Adjustments.

- 1. The Community Development Director may approve without a Subdivision Plat Amendment a single Lot Line Adjustment between two (2) properly subdivided Lots, or a single Parcel

Boundary Adjustment between two Parcels, or a Parcel and a single Lot, if the Owners of each property demonstrate, to the satisfaction of the Community Development Director that:

- a. No new Developable Lot, Parcel, or unit results from the Adjustment;
 - b. All Owners of Property contiguous to the adjusted properties, or to properties owned by the Applicant(s) that are contiguous to the adjusted properties, including those separated by a public Right-of-Way, consent to the Adjustment;
 - c. The Adjustment will not result in remnant land;
 - d. The Adjustment and resulting Lots or Parcels comply with the requirements of their zoning district and are Compatible with existing Lot sizes in the immediate neighborhood;
 - e. Neither of the original Lots or Parcels were previously Adjusted without a Subdivision Plat;
 - f. Written notice was mailed to all Owners of Property within six hundred feet (600') of the Applicants' Property and neither any person nor the public will be materially harmed by the Adjustment; and
 - g. The City Engineer and Community Development Director authorizes the execution and recording of an appropriate deed or Plat, to reflect that the City has approved the Adjustment.
2. Extension of Approval. Applicants may request time extensions of the Adjustment approval by submitting a request in writing to the Community Development Department prior to expiration of the approval. The Community Development Director shall review all requests for time extensions of Adjustments and may grant up to a one-year extension when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Land Use Regulations in effect or pending at the time of the extension request. Change in circumstance includes physical changes to the Property or its surroundings. Notice shall be provided consistent with the requirements for Parcel Boundary and Lot Line Adjustments.
 3. If the Community Development Director denies the Adjustment, the Director shall inform the Applicant(s) in writing of the reasons for denial, of the right to appeal the decision to the Administrative Law Judge, and of the right to file a Plat Amendment Application.

17.10.110 – Signatures, Assurances, and Recording of the Plat.

- A. Signatures. The Final Plat shall include the notarized signatures of all property interest Owners, the Culinary Water Authority, the Sanitary Sewer Authority, all other service providers, the County Health Department (if the City considers Health Department approval necessary), the Chairman of the Planning Commission, the Community Development Director, the City Engineer, the City Attorney, the City Recorder, and the County Recorder.
- B. Notice to Proceed. Prior to commencement of construction of any Public Improvement or private improvement required to be built to public standards, the Applicant shall first obtain a Notice to Proceed from the Community Development Director or her designee.

- C. Completion/Assurances.** Before an Applicant conducts any Development, or records a Plat, the Applicant shall: (i) complete any required Landscaping or Infrastructure Improvements; or (ii) post an Improvement Completion Assurance or Performance Guaranty for any required Landscaping, Dedication, or Infrastructure Improvements.
- 1.** If the Applicant elects to install Infrastructure Improvements prior to Plat recordation, the City shall endorse its approval on the Plat after all public Dedications and conditions of Plat approval have been satisfied, the City Engineer has accepted all Infrastructure Improvements, and the Applicant has posted an Infrastructure Improvement Warranty, accepted by the City Attorney, and has deposited a 10% Warranty Assurance.
 - 2.** At any time prior to recording the Final Plat, an Approved Plat Applicant may post an Improvement Completion Assurance, equal to 100% of the City Engineer's estimate of the cost of completing all required Landscaping and Infrastructure improvements in the manner conditioned in the Final Plat Approval.
 - 3.** If an Applicant elects to post an Improvement Completion Assurance, the Applicant shall provide an Improvement Completion Assurance for:
 - a.** completion of 100% of the required Landscaping and Infrastructure Improvements; or
 - b.** if the municipality has inspected and accepted a portion of the Landscaping or Infrastructure Improvements, 100% of the incomplete or unaccepted Landscaping or Infrastructure Improvements.
 - 4.** The Improvement Completion Assurance (and any performance Guaranty is made for the benefit of the public.)
 - 5.** If an Applicant elects to post an Improvement Completion Assurance, the City shall endorse its approval on the Plat after the Improvement Completion Assurance has been approved by the City Attorney and all public Dedications and conditions of the Plat approval have been satisfied.
 - 6.** The City may withhold an otherwise valid Plat approval until the Owner of the land provides the City with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
 - 7.** A Subdivision Plat recorded without the required signatures is void.
- D. Inspection of Improvements – General Procedure and Fees.** The Planning Commission in consultation with or upon the advice of the City Engineer or Community Development Director, shall provide for inspection of required improvements during construction and insure their satisfactory completion.
- 1.** The Applicant shall, in accordance with the City's Consolidated Fee Schedule, pay to the City an inspection fee. The Final Subdivision Plat shall not be signed by the Chairman of the Planning Commission unless such fee (including any outstanding out-of-pocket costs) has been paid. These fees shall be due and payable upon demand of the City and no Building Permits or certificates of occupancy shall be issued until all fees are paid.
 - 2.** If the City Engineer finds upon inspection that any of the required Landscaping or Infrastructure Improvements have not been constructed in accordance with the City's

Construction Standards and Specifications, the Applicant shall promptly complete the improvements in accordance with the City's Construction Standards and Specifications.

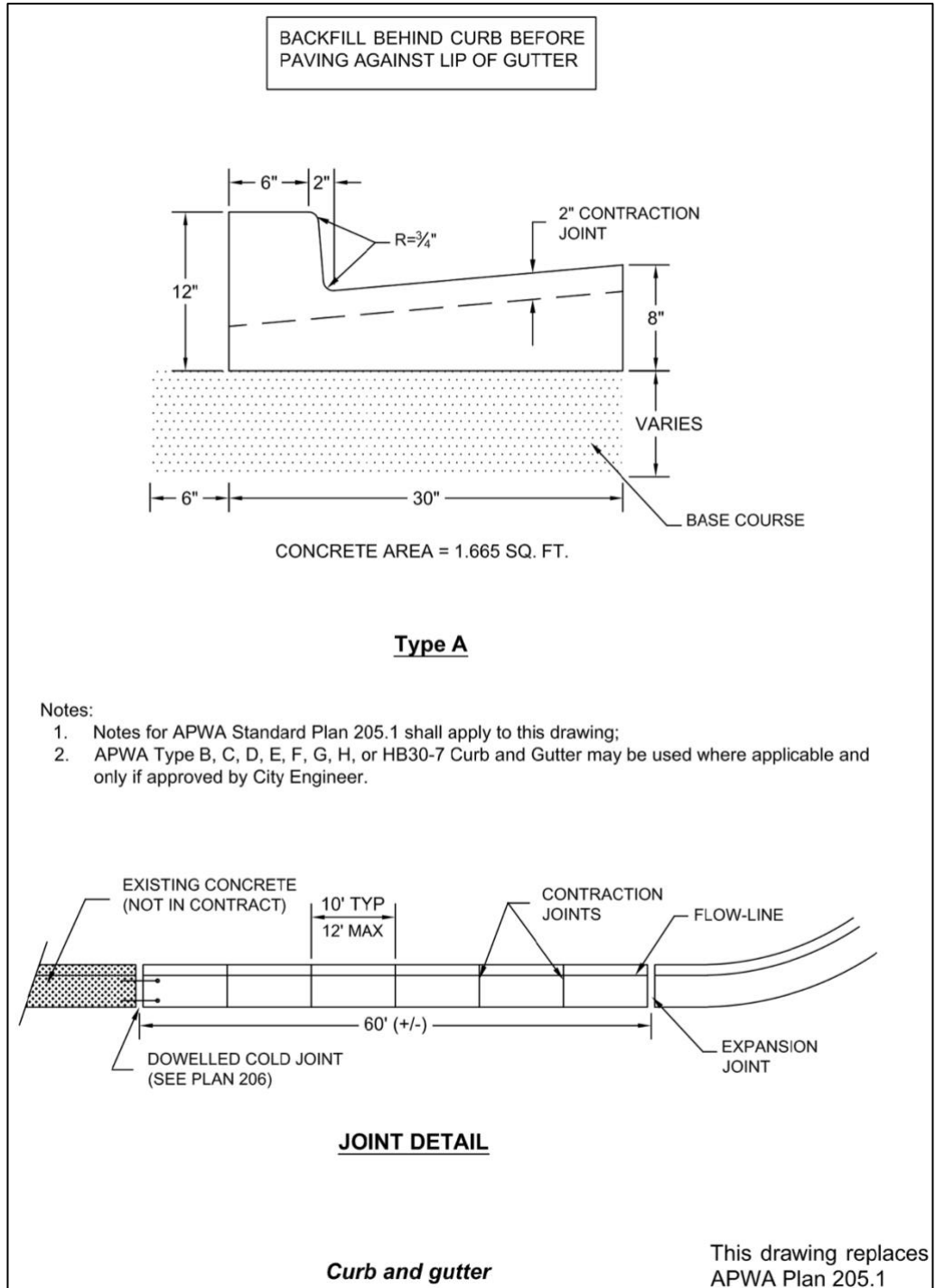
3. Wherever the cost of improvements is covered by a performance Guaranty, or an Infrastructure Completion Assurance, the Applicant is severally and jointly liable for completing the improvements according to the City's Construction Standards and Specifications.
 4. Maintenance of Improvements. The Applicant shall maintain all required public and private improvements on the newly subdivided Lots and provide for clean Streets and sidewalks until the City's acceptance of all public and required private improvements.
 5. Completion of Improvements. Before the Plat is signed by the Chairman of the Planning Commission, all Applicants shall be required to complete, in accordance with the Planning Commission's decision and to the satisfaction of the City Engineer, all the Street, sanitary sewer, and other improvements (e.g. storm drainage, trails, sidewalk, curb, gutter, Street signs, water lines, etc.) including Lot improvements on the individual Lots of the Subdivision as required, and as approved by the Planning Commission and the City Council, and to Dedicate all required Property and Public Improvements to the City or applicable special service district, free and clear of all environmental contamination, liens, and encumbrances on the Property and Public Improvements thus Dedicated.
 6. Certificate of Satisfactory Completion. The City will not accept Dedication of required improvements until the City Engineer has submitted a certificate stating that the required improvements have been satisfactorily completed, the Applicant's engineer or surveyor (as applicable) has submission of detailed "as-built" survey Plats of the Subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City Engineer, that the layout of the line and Grade of all Public Improvements is in accordance with the City approved construction plans for the Subdivision and that a commitment for a title policy or other acceptable evidence has been furnished to the City Attorney and City Engineer indicating that the improvements have been completed, are ready for Dedication to the local government and are free and clear of any and all liens and encumbrances.
 7. After the City Engineer has certified that all required improvements have been satisfactorily completed, and upon the City Engineer's approval and recommendation, the Planning Commission shall thereafter accept the improvements for Dedication in accordance with the established policy and procedure.
 8. The City Engineer may partially release or reduce an Infrastructure Assurance or a performance Guaranty by submitted a certificate stating that the partial release is limited to a functionally discrete portion of the required improvements that have been satisfactorily completed.
- E. Failure to Complete Improvement.
1. For Subdivisions or Plats for which no Infrastructure Assurance or performance Guaranty has been posted, if the improvements are not completed within the period specified by the Planning Commission, the approval shall expire.
 2. Where an Infrastructure Assurance or performance Guaranty has been posted and required improvements have not been installed as conditioned, the Community Development

Department may thereupon declare the Infrastructure Completion Assurance or other Guaranty to be in default and require that all the improvements be installed with funds secured by the Guaranty or the Completion Assurance.

- F. Recording of Plat. The City shall have exclusive authority to record all fully executed Final Plats.

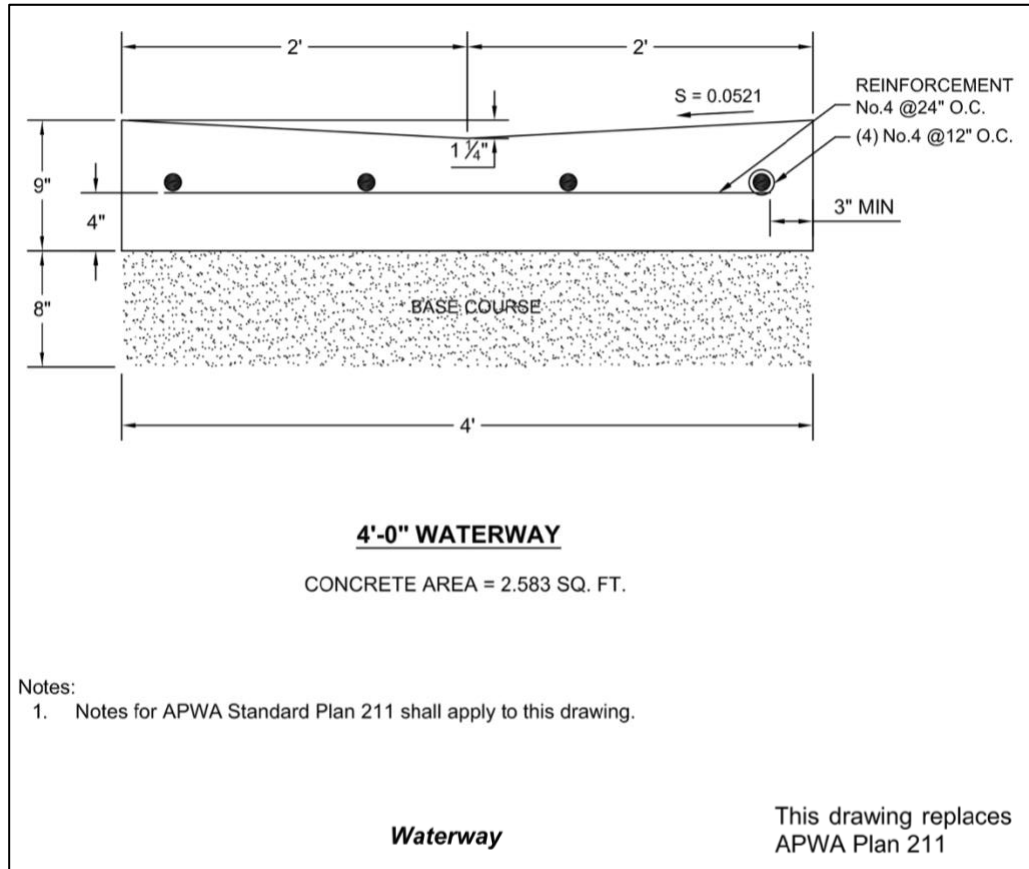
17.10.120 – Requirements for Improvements and Design.

- A. Compliance. In addition to the requirements established herein, all Subdivision Plats shall comply with the following law, rules, and regulations:
 - 1. All applicable statutory provisions.
 - 2. The Municipal Code.
 - 3. The Streets Master Plan, Official Land Use Map, public utilities plans and regulations, and Capital Improvements Programs, including all Streets, trails, drainage systems, and parks shown on the Official Map or Master Plan adopted or amended for the Subdivision.
 - 4. The rules of the Utah Department of Transportation if the Subdivision or any Lot contained therein abuts a state highway or Street.
- B. The South Salt Lake City Construction Specifications and Standard Drawings. All improvements in areas that will become public Rights-of-Ways and/or easements, or that will become the responsibility of a home owners' association shall meet the following requirements.
 - 1. The Utah Chapter, American Public Works Association (APWA) Manual of Standard Plans, current edition with all approved supplements is the City's general construction standard.
 - 2. The City has adopted refinements to the APWA standards that supersede the APWA Manual as provided below.
 - 3. Any variation, substitution, or exception from the standards in this policy must be authorized by the City Engineer or his/her designee. Any item of construction not covered by the provided standards must have plans and specifications must be approved by the City Engineer or his/her designee.
 - 4. City refinements to the APWA standards are as follows:
 - a. Roadway, curb, gutter, driveway, and sidewalk standards.
 - i. Plan 205.1: Curb and gutter. The City's standard plan is depicted below and replaces APWA Plan 205.1.

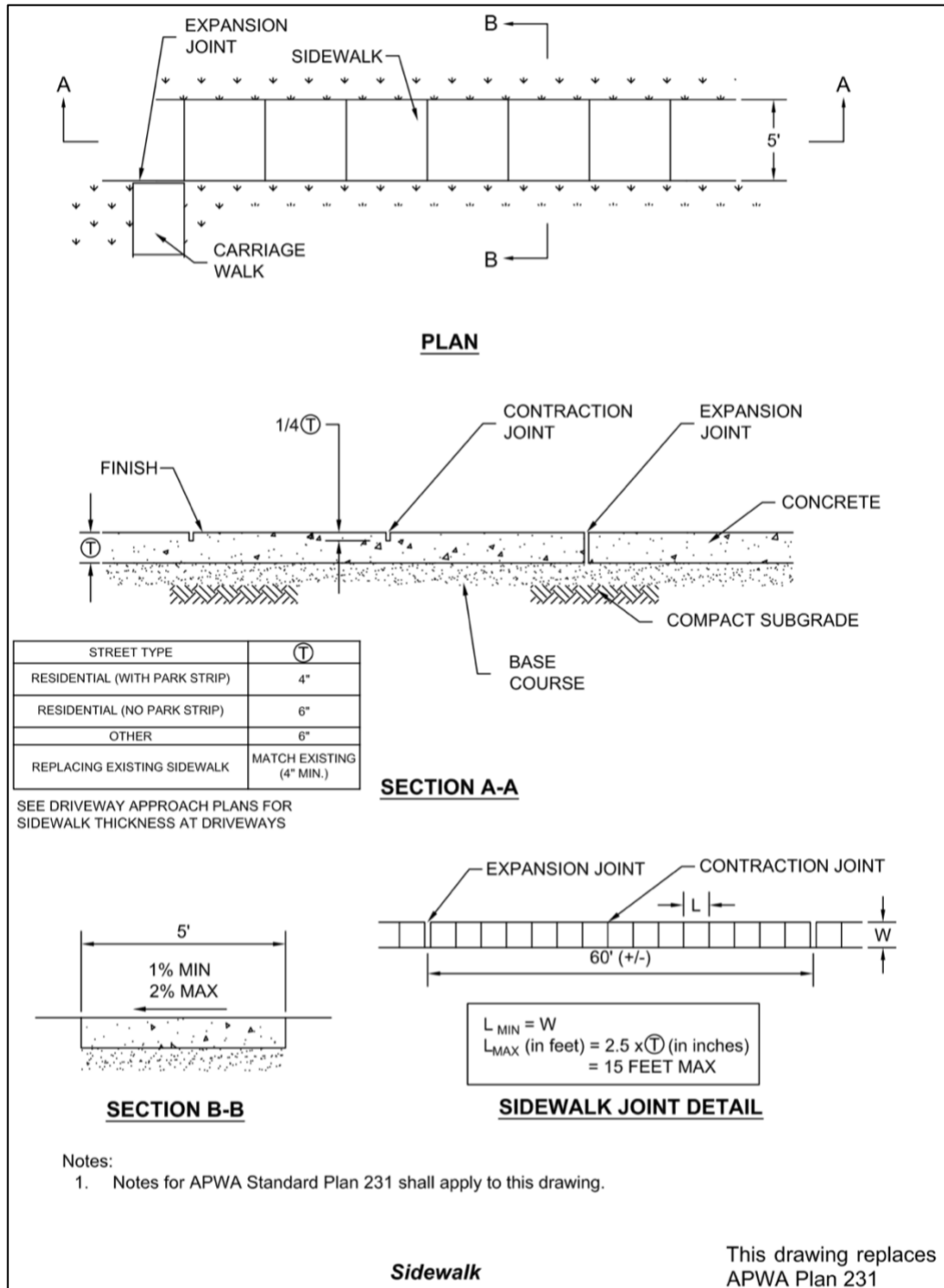


- ii. Plan 209: Curbs. No details from plan 209 are acceptable. The City of South Salt Lake standard is Type A, from plan 205.1.

- iii. Plan 211: Waterway. The City's standard plan is depicted below and replaces APWA Plan 211. The City of South Salt Lake standard shall be a four-foot (4') waterway. No other details are acceptable.

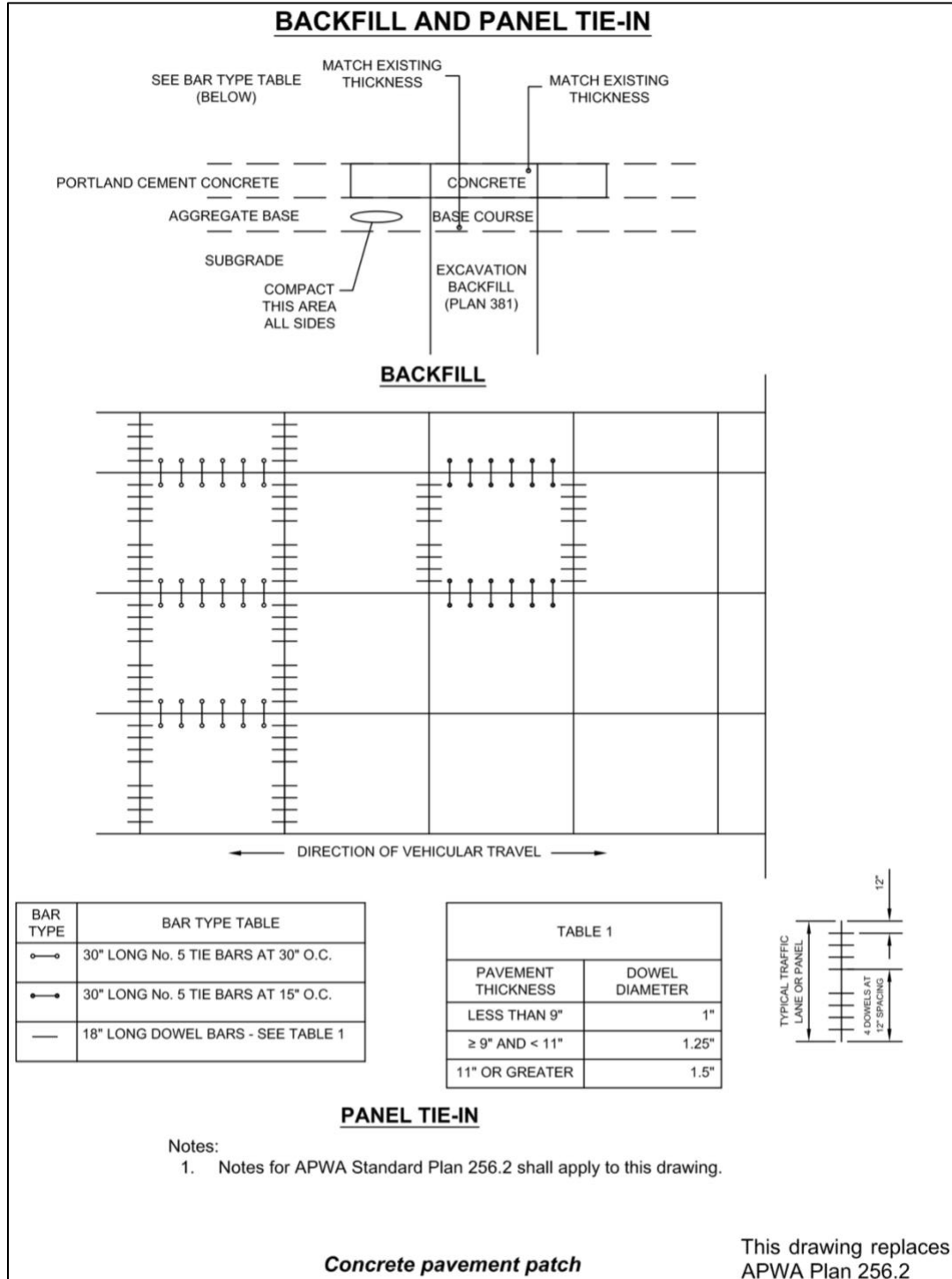


- iv. Plan 225: Open driveway approach. This plan is not acceptable and is deleted.
- v. Plan 229.1: Bridge driveway approach. This plan is not acceptable and is deleted.
- vi. Plan 229.2: Bridge driveway approach. This plan is not acceptable and is deleted.
- vii. Plan 231: Sidewalk. The City's standard plan is depicted below and replaces APWA Plan 231. The City of South Salt Lake only accepts sidewalk widths of five feet (5').

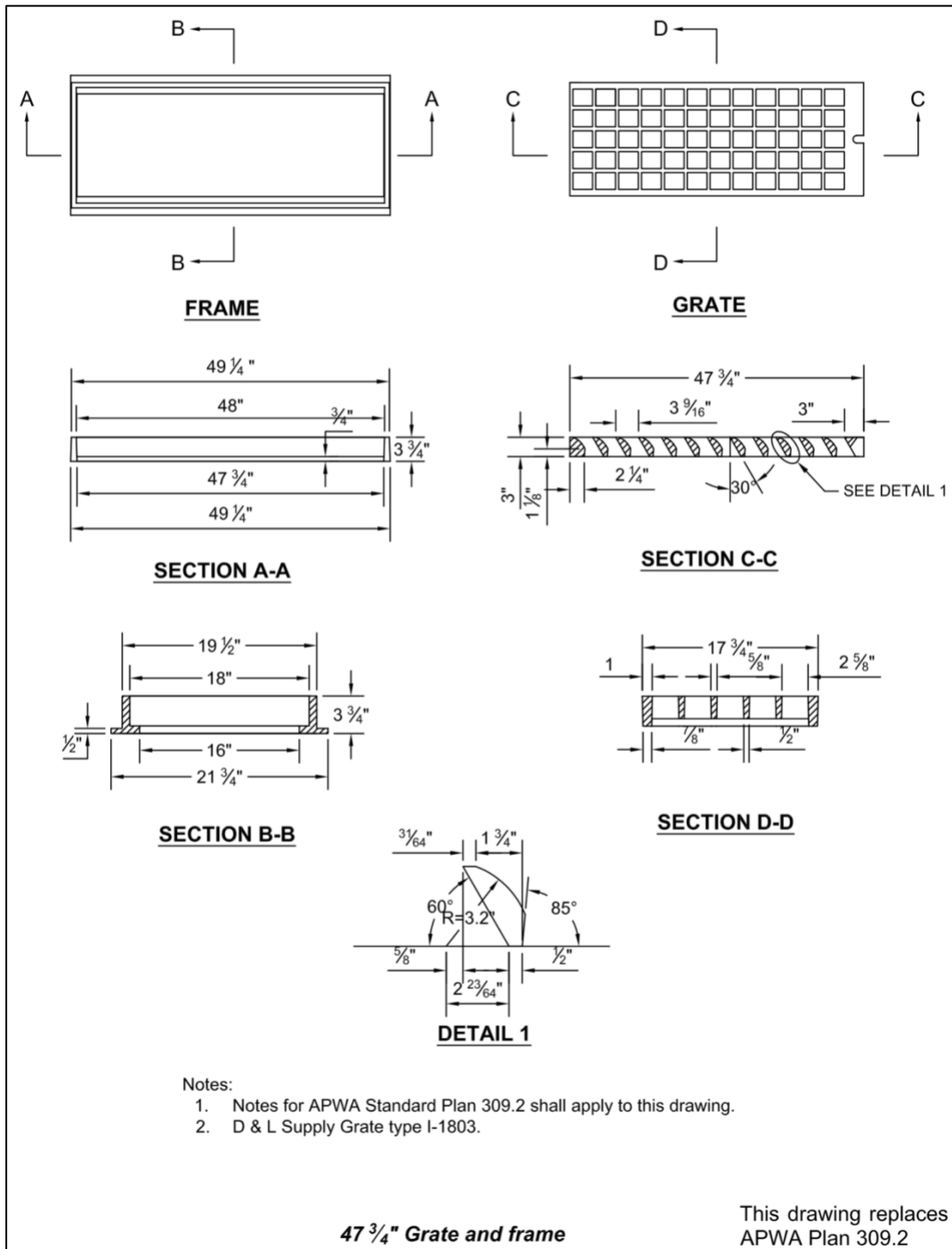


- viii. Plan 235.1: Corner curb cut assembly. The City of South Salt Lake standard is Example B. Example A may be acceptable, at the City Engineer's sole discretion, if Example B is not feasible for the particular project.
- ix. Plan 235.2: Corner curb cut assembly. This plan is not acceptable and is deleted.
- x. Plan 235.3: Corner curb cut assembly. This plan is not acceptable and is deleted.

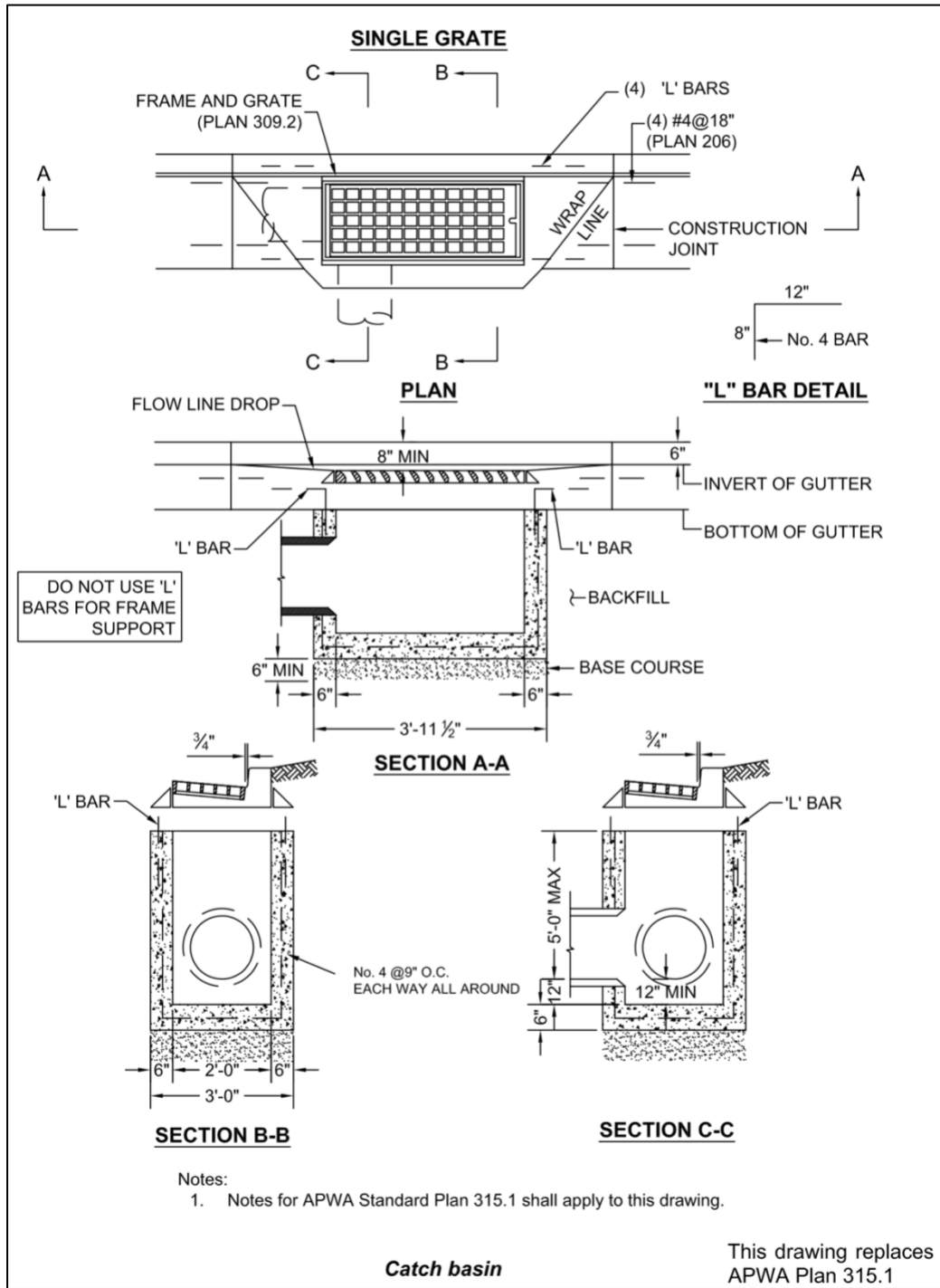
- xi. Plan 235.4: Corner curb cut assembly. This plan is not acceptable and is deleted.
- xii. Plan 256.1: Concrete pavement patch. This plan is not acceptable and is deleted.
- xiii. Plan 256.2: Concrete pavement patch. The City's standard plan is depicted below and replaces APWA Plan 256.2.



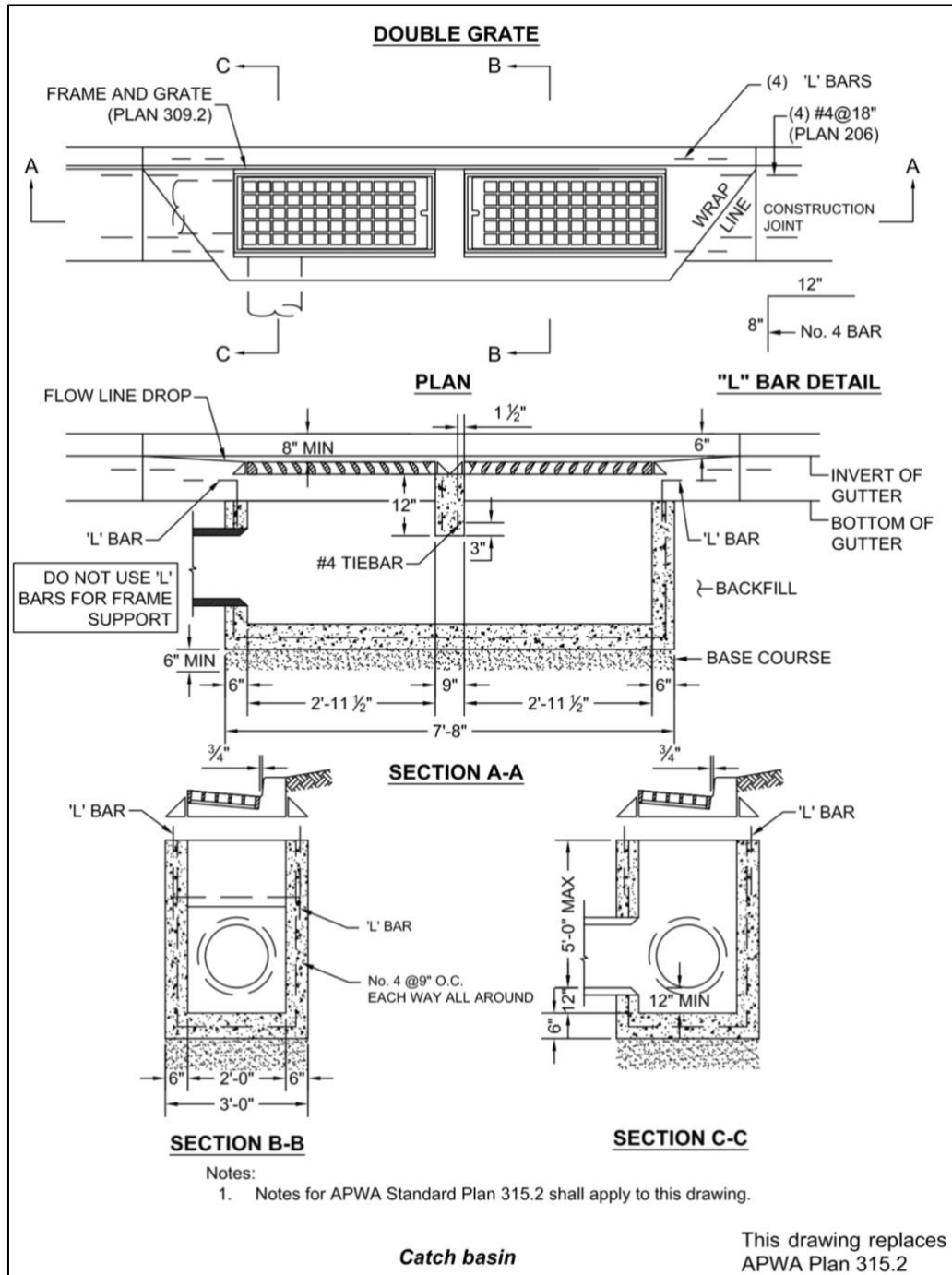
- b.** Drainage catch basins, inlets, outlets, and hardware standards.
 - i.** Plan 303: 44" Frame and cover. This plan is not acceptable and is deleted.
 - ii.** Plan 304: 48" Cover and frame. This plan is not acceptable and is deleted.
 - iii.** Plan 305.1: 51" Cover and frame. This plan is not acceptable and is deleted.
 - iv.** Plan 305.2: 51" Cover and frame. This plan is not acceptable and is deleted.
 - v.** Plan 305.3: 51" Cover and frame. This plan is not acceptable and is deleted.
 - vi.** Plan 308: 35 ½" Grate and frame. Curb hoods are not allowed.
 - vii.** Plan 309: 47 ¾" Grate and frame. The City's standard plan is depicted below and replaces APWA Plan 309.



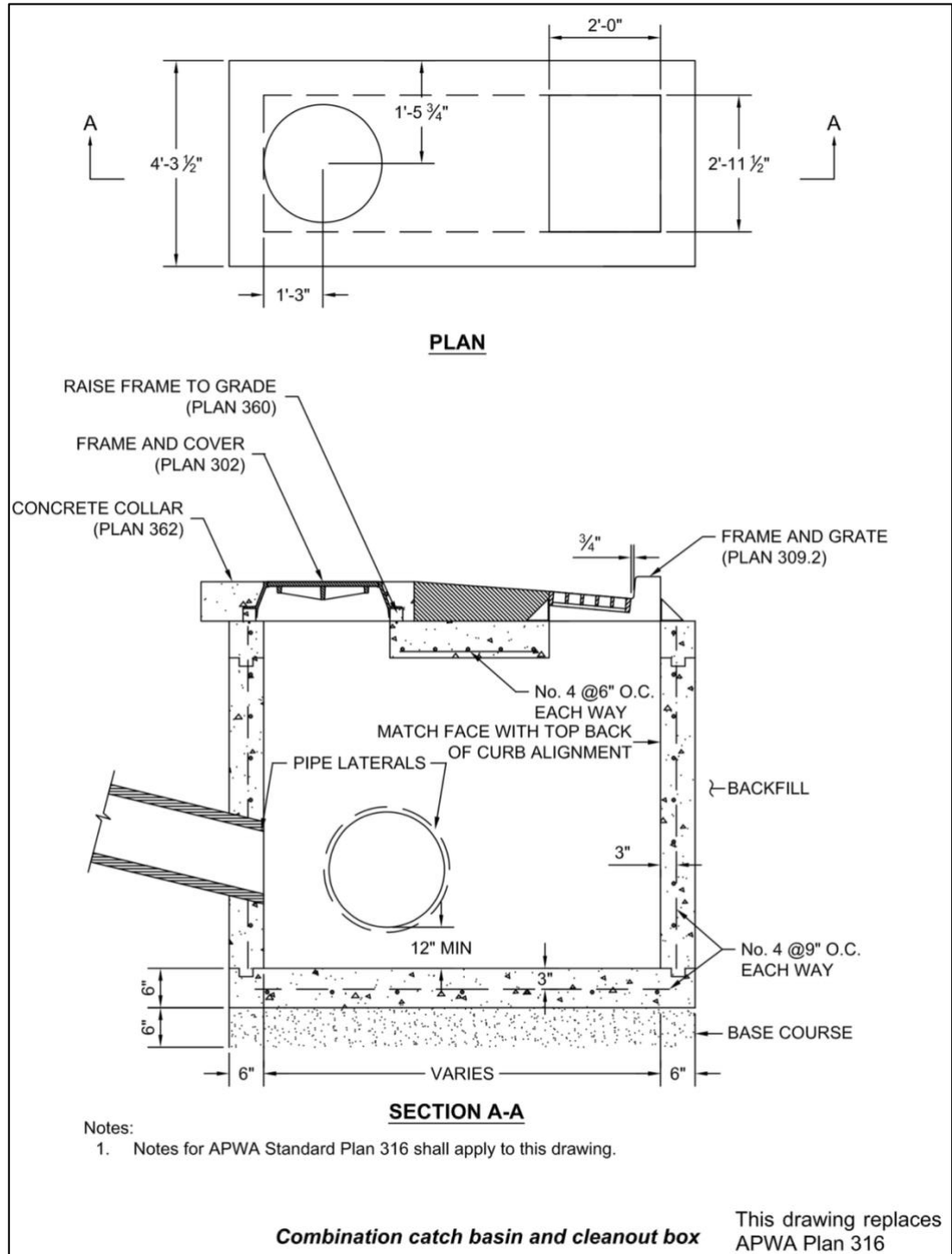
- viii. Plan 310: 48" Grate and frame. This plan is not acceptable and is deleted.
- ix. Plan 315.1: Catch basin. The City's standard plan is depicted below and replaces APWA Plan 315.1. Curb hoods are not allowed.



- x. Plan 315.2: Catch basin. The City's standard plan is depicted below and replaces APWA Plan 315.2. Curb hoods are not allowed.

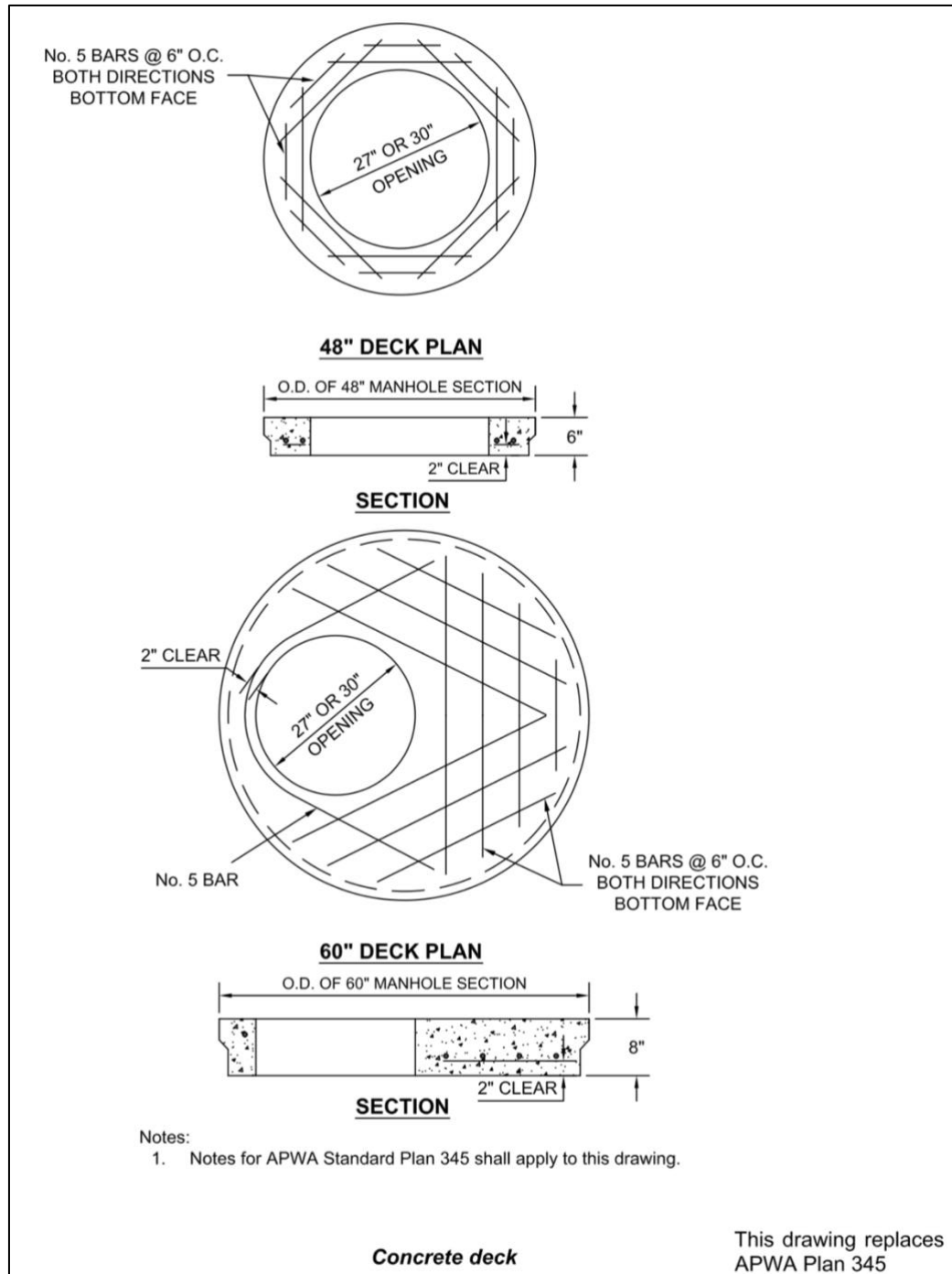


- xi. Plan 316: Combination catch basin and cleanout box. The City's standard plan is depicted below and replaces APWA Plan 316. Curb hoods are not allowed.

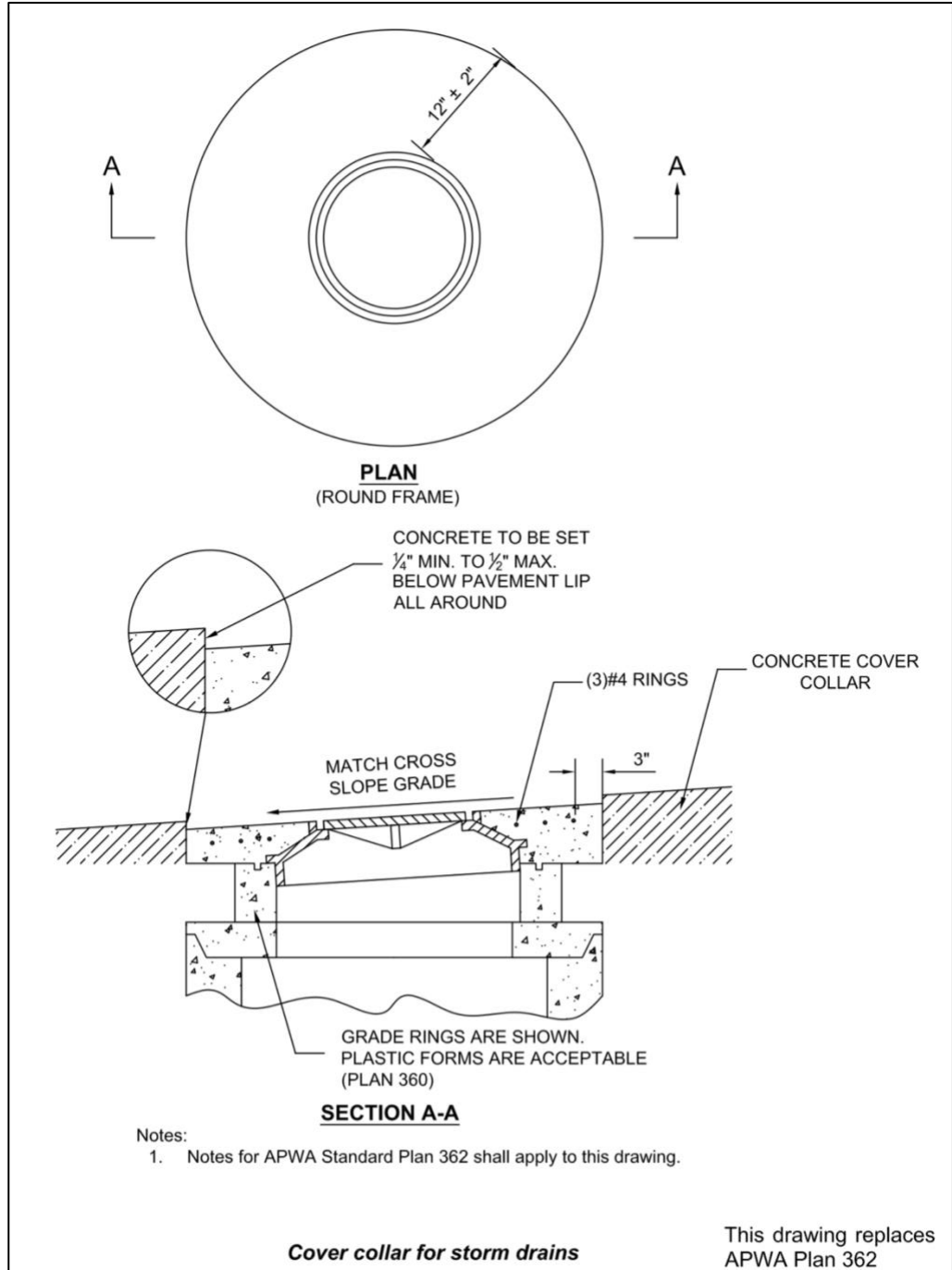


- xii. Plan 317: Curb face and inlet box. This plan is not acceptable and is deleted.
- xiii. Plan 322: Curb face outlet box. This plan is not acceptable and is deleted.
- xiv. Plan 331.1: Cleanout box. This plan is not acceptable and is deleted.
- xv. Plan 331.3: Cleanout box. This plan is not acceptable and is deleted.

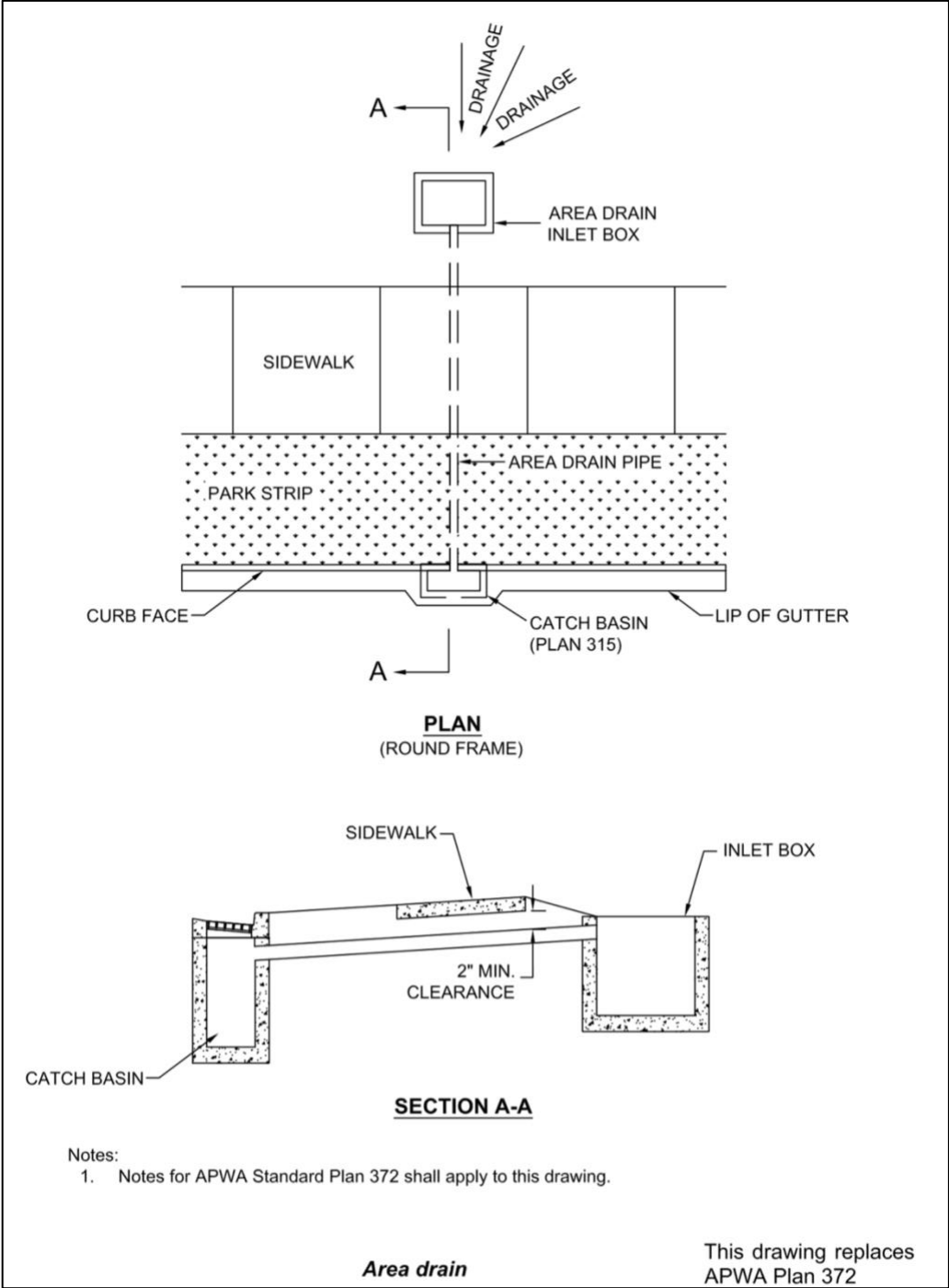
- xvi. Plan 345: Concrete deck. The standard requires a 30" opening. The City's standard plan is depicted below and replaces APWA Plan 345. The City prohibits a 60" deck plan with a 38"-40" opening.



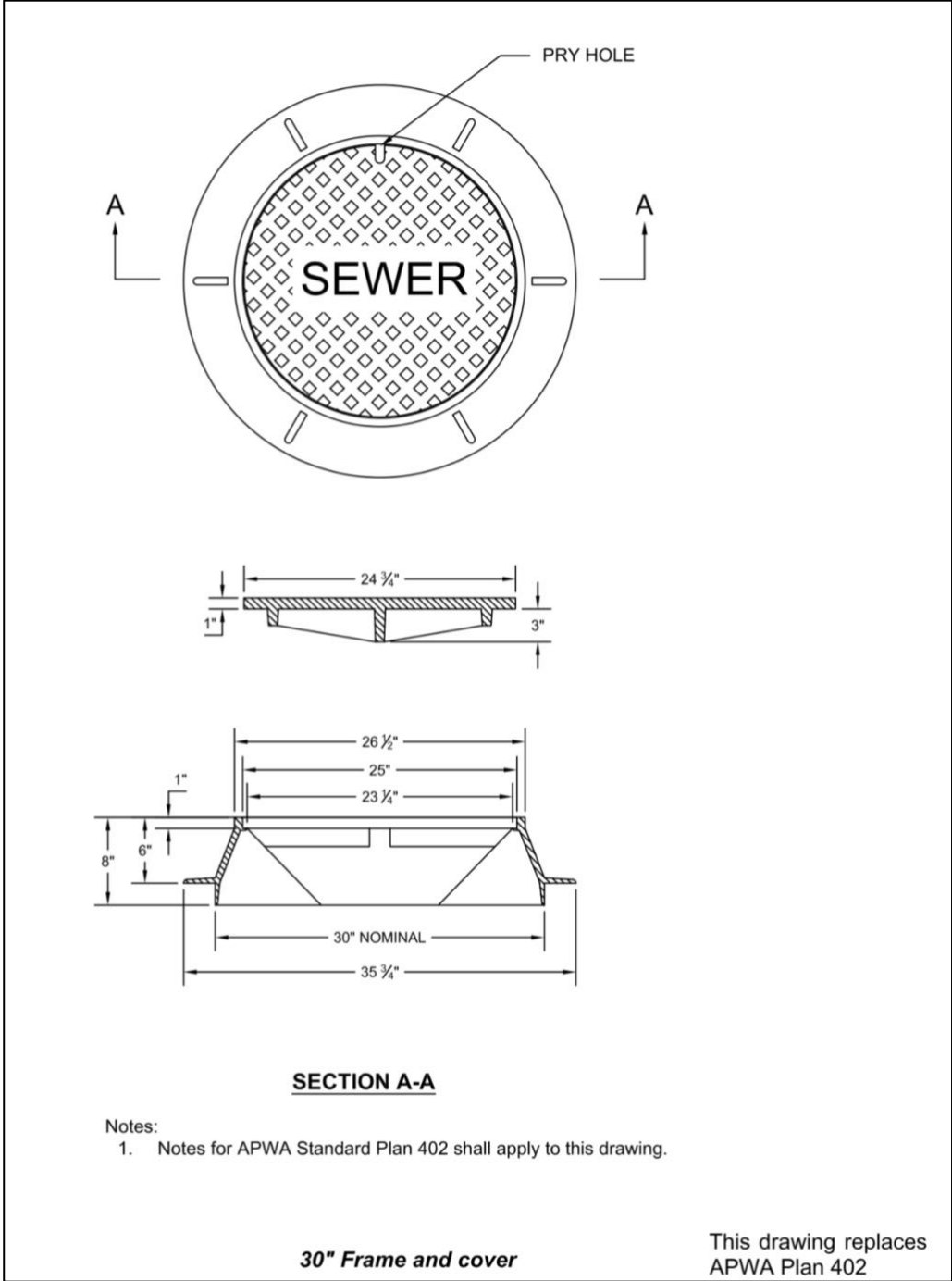
- xvii. Plan 362: Cover collar for storm drains. The City's standard plan is depicted below and replaces APWA Plan 362. The only acceptable detail is in Section A-A.



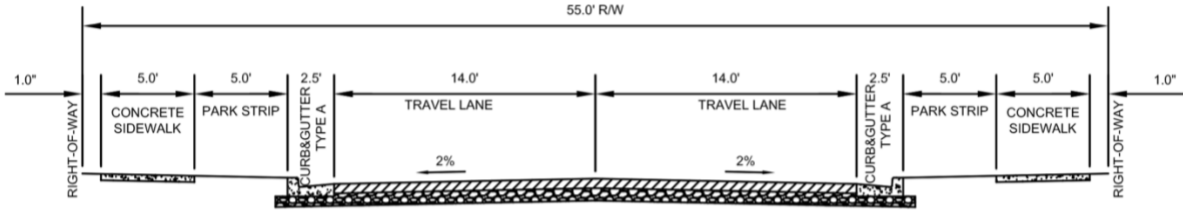
- xviii. Plan 372: Area drain. The City's standard plan is depicted below and replaces APWA Plan 372. Curb hoods are not allowed.



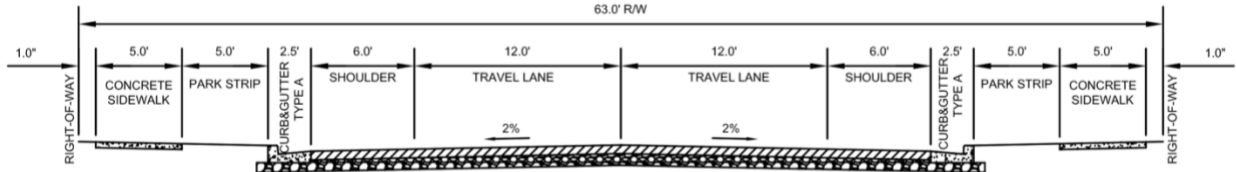
- xix. Plan 402: 30" Frame and cover. The City's standard plan is depicted below and replaces APWA Plan 402. The standard requires solid sewer covers. Sewer covers with holes are not acceptable.



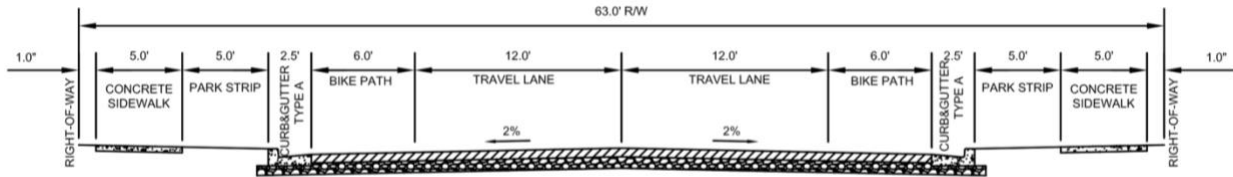
5. Standard Road Profiles. Each Subdivision shall Dedicate Public Streets according to the Streets Master Plan that meet the following applicable minimum road profiles:



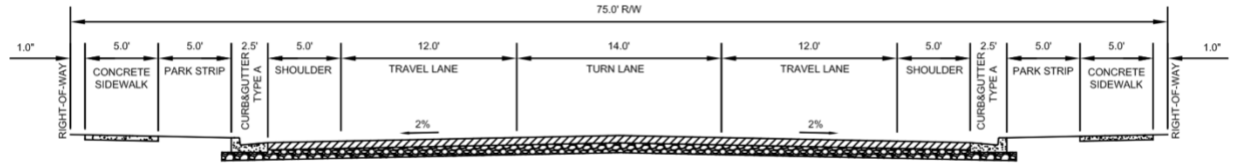
LOCAL
(RESIDENTIAL, NO ON STREET PARKING)



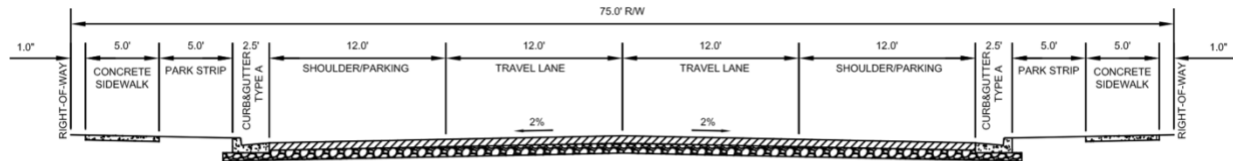
LOCAL
(RESIDENTIAL, ON STREET PARKING)



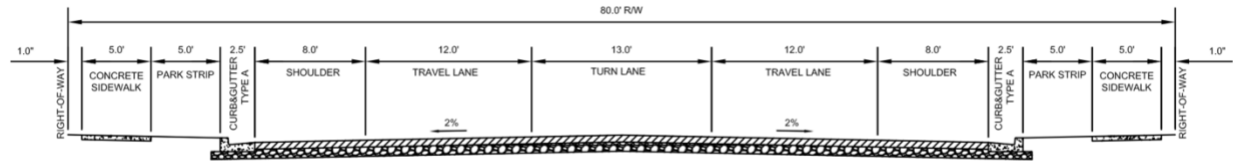
MINOR COLLECTOR - 2 L CONFIGURATION



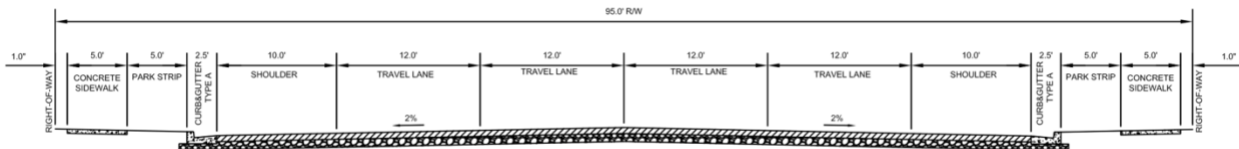
MAJOR COLLECTOR - 3 L CONFIGURATION



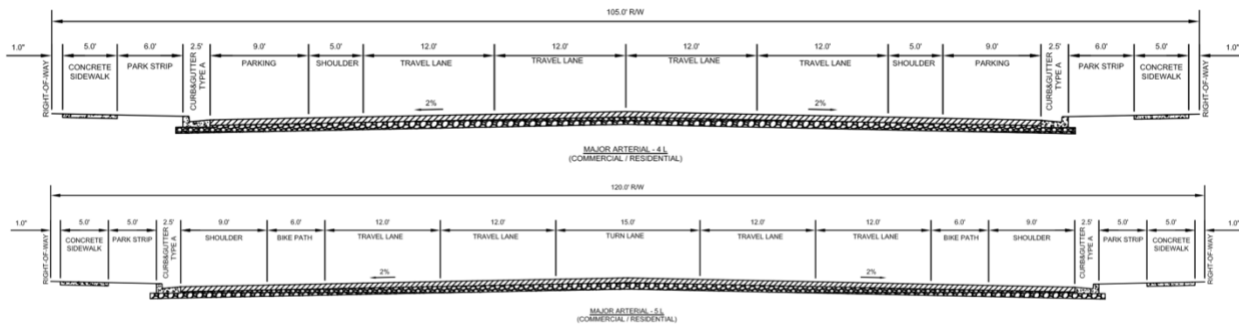
MINOR ARTERIAL - 2 L
(COMMERCIAL / RESIDENTIAL / INDUSTRIAL)



MINOR ARTERIAL - 3 L
(COMMERCIAL / RESIDENTIAL / INDUSTRIAL)



MINOR ARTERIAL - 4 L
(COMMERCIAL / RESIDENTIAL / INDUSTRIAL)



- C. Self-Imposed Restrictions. If the Owner places restrictions on any of the land contained in the Subdivision greater than those required by these regulations, such restrictions or reference thereto may be required to be indicated on the Subdivision Plat, or within restrictive covenants be recorded with the County Recorder simultaneously with the Plat in a form and substance approved by the City Attorney, the material terms of which may not be altered without prior Planning Commission approval.
- D. Restrictions Due to Character of The Land. Land that is unsuitable for Subdivision or Development due to flooding, improper drainage, potentially toxic wastes, wetlands, geologic hazards, utility easements, or other features that reasonably will be harmful to the safety, health, and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding Areas, shall not be subdivided or Developed unless adequate methods are formulated by the Applicant and approved by the Planning Commission, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Applicant. Without adequate remediation, such land shall be set aside or reserved for Uses that do not involve such a danger.

17.10.130 – General Subdivision Requirements.

- A. Subdivision Name. The proposed name of the Subdivision and all roadways contained therein shall not duplicate, or too closely approximate, the name of any other Subdivision or Street in the Area covered by these regulations or those of Salt Lake County, Utah. The Planning Commission shall have final authority to designate the name of the Subdivision and to select Street names.
- B. Survey Monuments. Prior to Final Plat Approval, the Applicant shall place permanent survey monuments in the Subdivision as required herein or as otherwise approved by the City Engineer.
 - 1. Survey monuments shall be installed in accordance with the South Salt Lake City Construction Specifications and Standard Drawings.
 - 2. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the Planning Commission recommends approval of the Final Plat unless a performance Guaranty is established in accordance with the provisions of this Code.
- C. Limits of Disturbance/Vegetation Protection. A separate plan that addresses Limits of Disturbance and vegetation protection during construction and re-vegetation of disturbed Areas will be required. This shall include a construction plan for all project improvements such as Streets and utilities and a commitment to replace Significant Vegetation in a ratio of four (4) four-inch (4")

caliper trees for each tree outside of the Limits of Disturbance that qualifies as Significant Vegetation.

- D. Soil Conditions. Consideration must be given to soil conditions and ground water existence and may include appropriate Setbacks or restrictions.
- E. Trails and Sidewalks. Trails and sidewalks shall be provided to allow efficient internal circulation as well as links to adjacent trail systems on other Properties. Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian or bicycle use. Construction of new trails will be required concurrently with the installation of other Public Improvements. Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall Trails Master Plan. In most cases, the homeowners are required to maintain the trails internal to their Subdivision.
- F. Limits of Disturbance/Vegetation Protection. Limits of Disturbance or Building Pad lines shall be shown on the Preliminary and Final Plats if the staff determines that there is Significant Vegetation on the Site or if it is important to clearly designate future Building locations. Limits of Disturbance or Building Pad lines with definitions as approved by the Planning Commission must be reflected on the Final Plat.
- G. Top Soil Preservation and Final Grading. Topsoil shall not be removed from residential Lots or used as spoil, but shall be redistributed so as to provide at least six inches (6") of cover on the Lots and at least four inches (4") of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.

17.10.140 – Subdivision Development Lot Standards.

- A. All Final Plats shall result in the creation of compliant Lots and Building sites.
- B. All Lots or Parcels created by a Final Plat shall have Frontage on a Public Street that has been Dedicated to the City and has been improved to the applicable City Road Profile according to City Engineer approved Construction Standards and Specifications.
- C. Property designated as Street Right-of-Way shall be separate and distinct from subdivided Lots adjoining such Street Right-of-Way.
- D. The minimum area and dimensions of all Lots shall conform to the requirements of this Code.
- E. The side boundary lines of all Lots, so far as possible, shall be at right angles to the Street which the Lots face, or approximately radial to the center of curves, if such Street is curved.
- F. Side boundary lines of Lots shall be approximately radial to the center of a Cul-de-Sac on which the Lots face.
- G. Corner Lots for Residential Use shall be platted wider than Interior Lots within the Subdivision to facilitate conformance with the required Front Yard Street Setback requirements of this Code.
- H. A Lot shall not be divided by a City boundary line.
- I. Double Frontage residential Lots are not permitted for Single-Family residential Subdivision.
- J. Building sites or Development envelopes shall be designed to allow for minimum separations between Structures.

- K.** Side Lot Lines shall be at right angles to Street lines, or radial to curving Street lines.
- L.** Dimensions of Corner Lots shall be large enough to allow for erection of Buildings, observing the minimum Front Yard Setback and Site Distance Triangles from both Streets.
- M.** Depth and width of Properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the Off-Street parking and loading facilities required for the type of Use and Development generally contemplated in the District.
- N.** New Single-Family Lots shall not Front on or access an Arterial or Collector Street.
- O.** If Access from an Arterial or Collector Street is necessary for new adjoining Lots, at a minimum, such Lots shall be served by a separate Local Street to limit potential traffic hazards on larger Arterial or Collector Streets.
- P.** Driveways shall be designed and arranged to avoid vehicles backing onto Streets. Single-Family homes may not back onto Arterial or Collector Streets.
- Q.** Lots shall be laid out to provide positive drainage away from all Buildings and individual Lot drainage shall be coordinated with the general storm drainage pattern for the Area. Drainage shall be designed to avoid surface concentration of storm drainage water from any Lot to adjacent Lots or Streets.

17.10.150 – Subdivision Layout Requirements.

- A.** General Layout Requirements.
 - 1.** Roads shall be graded and improved and conform to the South Salt Lake City Standards and Construction Specifications, and Standard Drawings and shall be approved as to design and specifications by the City Engineer, in accordance with the Construction Plans and Specifications required to be submitted prior to Final Plat approval.
 - 2.** In Developments with non-Residential components, the Streets, and other Access ways shall be planned in connection with the grouping of Buildings, location of rail facilities, and the provision of Alleys, truck loading and maneuvering Areas, and walks and parking Areas to minimize conflict of movement between the various types of traffic and with pedestrians.
 - 3.** Proposed Streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions.
- B.** Frontage on and Arrangement to Improved Roads.
 - 1.** No Subdivision shall be approved unless the Area to be subdivided has Frontage on and Access from an existing Street on the Streets Master Plan unless such Street is an existing state highway; or a Street shown upon a Subdivision Plat approved by the Planning Commission and recorded in the County Recorder's office. Such Street or highway must be suitably improved as required by the state highway rules, City regulations, specifications, or orders, or such improvements shall be secured by an Infrastructure Improvement Assurance, with the width and Right-of-Way and Road Profile required by this Chapter.
 - 2.** Wherever the Area to be subdivided is to utilize existing Street Frontage, such road shall be suitably improved as provided above.

3. All Streets shall be integrated with the thoroughfares and Dedicated Rights-of-Way established in the Streets Master Plan.
 4. All thoroughfares shall be configured to address specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing, proposed, and future land Uses.
- C. Road Design Considering Blocks.
1. Block lengths in Single-Family residential Areas should not exceed six hundred feet (600') and shall not be less than four hundred feet (400') in length.
 2. Wherever practicable, Blocks along Major Collector and all Arterial Streets shall be not less than six hundred feet (600') in length.
 3. Planning Commission may require the reservation of an easement through a Block to accommodate utilities, drainage facilities, and/or pedestrian traffic.
 4. Planning Commission may require improved pedestrian ways and crosswalks, not less than ten feet (10') wide, through the center of any proposed Development Block that is more than eight hundred feet (800') long.
- D. Access to/from Arterial or Collector Streets. Where a Subdivision borders on or contains an existing or proposed Arterial or Collector, the Planning Commission may require that Access to such Streets be limited by one of the following means:
1. The Subdivision of Lots to back onto the Arterial or Collector and Front onto a parallel Local Street; no direct Access from the primary Arterial or Collector Street, with Screening provided in a strip of land along the Rear Property Line of such Lots.
 2. A series of U-shaped Streets or short loops entered from and designed generally at right angles to such a parallel Street, with the rear boundary lines of their terminal Lots backing onto the Arterial or Collector Street.
- E. Construction of Dead-End Roads. The arrangement of Streets shall provide for the continuation of principal Streets between adjacent Properties to allow for convenient movement of traffic, effective fire protection, for efficient provision of utilities.
1. Dead End Road-Temporary. If the adjacent Property is undeveloped and the Street must be a dead-end Street temporarily, the Right-of-Way shall be extended to the Property Line. A temporary turnabout shall be provided on all temporary dead-end Streets, with the notation on the Subdivision Plat that land outside the normal Street Right-of-Way shall revert to abutting Property Owners whenever the Street is continued. The Planning Commission shall limit the length and use of temporary dead-end Streets in accordance with these regulations.
 2. Existing Dead-End Roads, Permanent. Where an existing road does not extend to the boundary of the Subdivision and its continuation is not required by the Planning Commission for Access to adjoining Property, its terminus shall normally not be nearer to such boundary than fifty feet (50'). However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A Cul-de-Sac turnaround shall be provided at the end of a permanent, existing dead-end Street in accordance with the Design Standards, Construction Specifications, and Standard Drawings. For greater convenience to traffic and more effective police and fire protection, existing dead-

end Streets shall be limited in length to six hundred and fifty feet (650') and no more than ten (10) equivalent residential units.

- F. Road Names.** The Subdivision Applicant, upon consent of the Planning Commission, shall name all roads at the time of Preliminary or Final Plat approval. Names shall be sufficiently different in sound and in spelling from other road names in Salt Lake County, Utah to prevent confusion. A road that is or is planned as a continuation of an existing road shall bear the same name.
- G. Road Regulatory Signs.** The Applicant shall erect or post acceptable Guarantees ensuring each road regulatory Sign and Street name Sign required by the City Engineer has been installed at all road intersections prior to the first Certificate of Occupancy. Street and road regulatory signs shall be designed according to South Salt Lake City Design Standards, Construction Specifications, and Standard Drawings.
- H. Street Lights.** Installation of Street lights is required for every Subdivision of land and shall be placed by the Applicant in accordance with South Salt Lake City Design Standards, Construction Specifications, and Standard Drawings as approved, in writing, by the City Engineer.

 - 1.** The Applicant shall pay to the City a Street light system development fee in the amount set forth in the City fee schedule, which amount, if necessary, shall be adjusted to cover the City's entire expense for the design, installation, and maintenance of a Street lighting system for the Development.
 - 2.** The City shall provide for the design and installation of the Street lighting system by contract with the Rocky Mountain Power (or its successor in interest) and shall pay the cost of electricity provided to the Street lighting system.
- I. Road Design Standards.** In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory Access to police, fire fighting, snow removal, sanitation, and road maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining Properties, the design standards for roads are hereby required to comply with the South Salt Lake City Development Standards, Construction Specifications and Standard Drawings, and Streets Master Plan.

 - 1. Road Surfacing and Improvements.** After a four-inch (4") quad conduit duct and sewer and water utilities have been installed, the Applicant shall compose and compact all road base, shall construct curbs, gutters, sidewalks, culverts, drains and bridges, and shall surface or cause to be surfaced roadways and the complete road profile installed. Said surfacing shall be of such character as is suitable for the expected traffic. Types of pavement shall be as determined by the City Engineer, based on the soils compaction test within the Right of Way. In all circumstances the City Engineer shall require at least 4" of asphalt upon untreated base course; native material must have a minimum CBR of 3.0. Adequate provision shall be made for culverts, drains, and bridges.
 - 2.** All road pavement, shoulders, drainage improvements and Structures, curbs, turnarounds, and sidewalks shall conform to the adopted Construction Standards and Specifications and shall be incorporated into the construction plans required to be submitted by the Applicant for Plat approval.
- J. Fire Access.** All occupiable Structures must meet the requirements of Appendix D of the currently enacted Fire Code.

K. Intersection Design Standards.

1. Streets shall be laid out to intersect as nearly as possible at right angles. A proposed intersection of two (2) new Streets at an angle within ten degrees of perpendicular is required. An oblique Street shall be curved approaching an intersection and shall be approximately at right angles for at least one hundred feet (100') there from. Not more than two (2) Streets shall intersect at any one point.
2. Proposed new intersections along one side of an existing Street shall, wherever practicable, coincide with any existing intersection on the opposite side of such Street. Street jogs with center line offsets of less than one hundred and fifty feet (150') shall not be permitted, except where the intersected Street has separated dual drives without median breaks at either intersection. Where Streets intersect with Arterial or Collectors Streets, their alignment shall be continuous. Intersections of major Streets shall be at least eight hundred feet (800') apart.
3. Minimum curb radius at the intersection of two (2) Local Streets shall be at least twenty feet (20'), and minimum curb radius at an intersection involving a collector Street shall be at least twenty-eight feet (28'). Alley intersections and abrupt changes in alignment within a Block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement and a safe Sight Distance Triangle.
4. Intersections shall be designed with a flat Grade wherever practical. At the approach to an intersection, a leveling Area shall be provided having not greater than a two percent (2%) Slope for a distance of sixty feet (60'), measured from the nearest Right-of-Way line of the intersecting Street.
5. The cross Slopes on all Streets, including intersections, shall be three percent (3%) or less.

L. Road Dedications and Reservations.

1. New Perimeter Streets. Street systems in new Subdivisions shall be configured to eliminate or avoid new perimeter half-Streets. The Planning Commission may authorize a new perimeter Street where the Applicant improves and Dedicates the entire required Street Right-of-Way width.
2. Widening and Realignment of Existing Roads. Where a Subdivision borders an existing narrow road or when the Streets Master Plan indicates plans for realignment or widening a road that would require use of some of the land in the Subdivision, the Applicant shall be required to improve and Dedicate at its expense such Areas for widening or realignment of such roads. Such Frontage roads and Streets shall be improved and Dedicated by the Applicant at its expense to the full width as required by these Subdivision regulations. Land reserved for any road purposes may not be counted in satisfying Yard or Area requirements contained in this Title.

17.10.160 – Drainage and Storm Sewers.

- A. General Requirements.** Each Plat shall make adequate provision for storm or flood water runoff in compliance with Title 13 and the Construction Specifications and Standard Drawings. The storm water drainage system shall be separate from and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method or other methods as approved by the City Engineer, and a copy of storm water system design computations shall be

submitted along with plans. When calculations indicate that curb capacities are exceeded at a point, catch basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every Lot and Block. On-Site storm water detention is required.

B. Nature of Storm Water Facilities.

- 1.** Location. Upon the recommendation of the City Engineer, the Planning Commission may require the Applicant to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the Subdivision. Such drainage facilities shall be located in the road Right-of-Way where feasible, or in perpetual unobstructed easements of appropriate width Dedicated to the City and constructed in accordance with Title 13 and the Construction Standards and Specifications.
- 2.** Accessibility to Public Storm Sewers.
 - a.** Underground storm sewer systems shall be constructed throughout the Subdivision and be conducted to an approved out-fall, maintained by the Owner. Periodic inspection of facilities shall be conducted by the City Engineer over the life of the Development.
 - b.** If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Planning Commission, the Applicant shall make arrangements for future storm water disposal by a public utility system at the time the Plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance Guaranty required for the Subdivision Plat.
- 3.** Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage Area, whether inside or outside the Subdivision. The Applicant shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the current MS4 permit and Construction Standards and Specifications assuming conditions of maximum potential permitted Development. The City Engineer must review, recommend modifications where applicable, and approve the proposed design prior to Plat approval.
- 4.** Effect on Downstream Drainage Areas. The City Engineer shall also require the Applicant's qualified engineer to study the effect of each Subdivision on existing downstream drainage facilities outside the Area of the Subdivision. City storm drainage studies together with such other studies as shall be appropriate, shall serve as a guide to any needed improvements required by the Development to City facilities prior to Development approval. No Subdivision shall be approved unless adequate storm/flood water drainage will be provided to an approved drainage watercourse or facility with capacity to serve the anticipated storm water flow.
- 5.** Areas of Poor Drainage. Whenever a Plat is submitted for an Area that is subject to periodic flooding, the Planning Commission upon recommendation of the City Engineer, may approve such Subdivision provided that the Applicant fills the affected Area of said Subdivision with appropriate structural base materials to an elevation sufficient to place the elevation of Streets and Lots at a minimum of twelve inches (12") above the elevation of the maximum probable 100 year flood event. The Plat of such Subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width that is sufficient in a time of high water to contain or move the flood water without damaging improved properties, including

City Streets and facilities. No fill shall be placed in the overflow zone nor shall any Structure be erected or placed therein.

6. Flood Plain Areas. The Planning Commission may, upon recommendation of the City Engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the Area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the Subdivision of any portion of the Property which lies within the flood plain of any river, stream or drainage course. These flood plain Areas should be preserved from any and all destruction or damage resulting from clearing, Grading, or dumping of earth, waste material, or stumps.
- C. Dedication of Drainage Easements.
1. General Requirements. Where a Subdivision is traversed by a watercourse, drainage way, channel, or stream, the Owner shall Dedicate to the City a storm water easement or drainage Right-of-Way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for drainage in the 100 year flood event. The existing drainage will be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
 2. Drainage Easements.
 - a. Where topography or other conditions make impractical the inclusion of necessary drainage facilities within road Rights-of-Way, perpetual unobstructed easements at least twenty feet (20') in width for such drainage facilities shall be provided across the platted Property outside the platted road lines and with satisfactory access to the road. Drainage easements shall be indicated on the Plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facility.
 - b. When a proposed drainage system will carry water across private land outside the Subdivision, appropriate drainage rights must be secured from the affected land Owner and must be indicated on the Plat.
 - c. The Applicant shall Dedicate, either in fee simple or by drainage easement, land on both sides of existing watercourses within the Subdivision.
 - d. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in Areas for Dedication, shall be preserved and retained in their natural state as drainage ways.

17.10.170 – Water Facilities.

- A. General Requirements.
1. The Applicant shall extend the public culinary water-supply system for the purpose of providing an adequate water-supply to the Plat that is capable of providing domestic water Use and fire protection for the proposed land uses within the Plat without diminishing the water-supply to land uses outside of the Plat.
 2. The Applicant shall install adequate water facilities, including fire hydrants, subject to the specifications of the City and Appendix C to the International Fire Code in effect in the state. All water mains shall be at least eight inches (8") in diameter.

3. Water main extensions shall meet the City's standards and shall be approved by the City Engineer, the City Water Manager and, where applicable, the culinary water provider.
 4. Fire flow shall be approved by the Fire Marshal, consistent with Appendix B of the International Fire Code in effect in the state.
 5. The location of all fire hydrants, all water and storage supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the Preliminary and Final Plat, and the cost of installing same shall be included in the performance Guaranty to be furnished by the Applicant.
 6. Prior to approval of the Subdivision Plat by the City Engineer, a determination shall be made by the City Water Manager and City Engineer as to the location and extent of facilities to be maintained by South Salt Lake City. Private facilities may be required to be so noted on the Plat
- B. Fire Hydrants.** Fire hydrants are required for all Plats. Fire hydrants shall be located no more than one thousand feet (1,000') apart and within one hundred and fifty feet (150') of any Structure and shall be approved by the City Fire Marshal and City Engineer in accordance with Appendix D of the International Fire Code in effect in the state. To eliminate future Street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed according to approved civil engineering plans before any final paving of a Street shown on the Subdivision Plat.

17.10.180 – Sewer Facilities.

- A. General Requirements.** The Applicant shall install sanitary sewer facilities in manner prescribed by the applicable sanitary sewer authority's construction standards and specifications. All plans shall be designed in accordance with their rules, regulations, and standards.
- B. Residential and Nonresidential Subdivisions.** Sanitary sewer facilities shall connect with the public sanitary sewer at sizes required by the sanitary sewer authority. No individual disposal system or treatment plants, private or group disposal systems, shall be permitted. Sanitary sewer facilities, including the installation of laterals in the Right-of-Way, shall be subject to the sanitary sewer authority's specifications, rules, regulations, and guidelines.

17.10.190 – Utilities

- A. Location.** Utility facilities including but not limited to gas, fiber, electric power, fiber, telephone, and cable TV, shall be located underground in new Subdivisions wherever underground location does not violate safety standards of the particular utility. Underground service connections for water and sewer shall be installed to the Street Property Line of each platted Lot at the expense of the Applicant, as shall adequate casings or conduits for fiber and all other underground utilities.
- B. Easements.**
 1. Easements centered on Rear Lot Lines shall be provided for private and municipal utilities; such easements shall be at least ten feet (10') wide. Proper coordination shall be established by the Applicant between the applicable utility companies for the establishment of utility facilities and easements to adjoining Properties.

2. Where topographical or other conditions make impractical the inclusion of utilities within the Rear Lot Lines, perpetual unobstructed easements at least ten feet (10') in width shall be provided along Side Lot Lines with satisfactory Access to the road or Rear Lot Lines. All easements shall be indicated on the Plat.
3. Where necessary to ensure proper Access and maintenance, easement widths shall be increased as required by the City Engineer for the type of Development proposed. Easements for water lines shall be a minimum of thirty feet (30') wide.

17.10.200 – Sidewalks, Trails, and Bike Paths.

The following are required Improvements:

- A. Sidewalks, Landscaping, bike lanes, curb, and gutter, shall be included within the Dedicated Right-of-Way of all roads, consistent with the applicable road profile, unless an alternate location has been specifically recommended by the City Engineer and approved by the Planning Commission.
- B. Trails, pedestrian paths, and bike paths shall relate appropriately to topography, require a minimum of Site disturbance, permit efficient drainage, and provide safe Access.
- C. Trails, pedestrian paths, and bike paths shall be provided by the Applicant in accordance with the Trails Master Plan and where otherwise necessary as determined by the Planning Commission. Trails should connect traffic generators such as schools, recreation facilities, commercial Areas, parks, and other significant natural features. Such trails shall be built to City specifications and easements shall be Dedicated for such trails. The trails shall be constructed at the time of road construction.

17.10.210 – Nonresidential Subdivisions

- A. In addition to the principles and standards for residential Subdivisions in this Chapter the Applicant shall demonstrate to the satisfaction of the Planning Commission that the Street, Parcel, and Block pattern proposed is specifically adapted to the Uses generally applicable in the District anticipated and other Uses in the vicinity.
- B. The following principles and standards shall be observed:
 1. Proposed industrial Parcels shall be suitable in Area and dimensions to the types of industrial Development anticipated.
 2. Street Rights-of-Way subbase, pavement width, and pavement depth shall be adequate to accommodate the type, gross vehicle weight and volume of traffic anticipated to be placed thereupon.
 3. Every effort shall be made to protect adjacent residential Areas from potential nuisance from a proposed commercial or industrial Subdivision, including the provision of extra depth in Parcels backing up on existing or potential residential Development and provisions for a permanently landscaped Buffer strip when necessary.

17.10.220– Specifications for Documents to be Completed

A. Preliminary Plat Specifications. A Preliminary Plat shall include the following:

- 1. General.** The Preliminary Plat shall be prepared by a licensed land surveyor at an engineers' scale not more than one inch (1") equals twenty feet (20'), may be prepared in pen, or pen and pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be twenty-four inches by thirty-six inches (24" x 36"). It should be noted that the map prepared for the Preliminary Plat may also be used during the preparation of the Final Plat and, therefore, should be drawn on mylar.
- 2. Name.**
 - a.** Name of Subdivision if Property is within an existing Subdivision.
 - b.** Proposed name if not within a previously platted Subdivision. The proposed name shall not duplicate the name of any Plat previously recorded in Salt Lake County, Utah.
 - c.** Name of Property if no Subdivision name has been chosen. This is commonly the name by which the Property is locally known.
 - d.** Name, address, including telephone number and email address, of the professional person(s) responsible for Subdivision design, for the design of Public Improvements, and for surveys.
 - e.** Proposed names of new Streets, subject to the approval by the Planning Commission.
- 3. Ownership.** Name and address, including telephone number, of legal Owner or Owner's Agent of the Property, a Property title report, and citation of last instrument conveying any attribute of title to each Parcel of Property involved in the proposed Subdivision, giving grantor, grantee, date, and land records reference.
 - a.** Citation and documentation of any existing legal Rights-of-Way or easements affecting the Property.
 - b.** Existing recorded covenants on the Property, if any.
 - c.** Name and address, including telephone number and email address, of the professional person(s) responsible for Subdivision design, for the design of Public Improvements, and for surveys.
 - d.** Copy of any environmental report prepared for the Property.
- 4. Description.** Location of Property by government Lot, section, township, range and county, graphic scale, north arrow, and acres.
 - a.** Location of Property Lines; existing easements; burial grounds; physical hazards; known geologic hazards; hazardous materials, flood plains, railroad Rights-of-Way; water courses; wetlands; each tree of six inches (6") or more in diameter (measured four feet (4') above ground level), groves of five (5) or more smaller trees, or clumps of oak or maple covering an area of fifty square feet (50 ft²), as measured to the canopy dripline; location, width, and names of all existing or platted Streets or other public ways within or immediately adjacent to the Property; and names of adjoining record Property Owners within six hundred feet (600') of any perimeter boundary of the proposed Subdivision.

- b. Location, sizes, elevations, excess capacities, and Slopes of existing sewers, water mains, culverts, other underground Structures, and hydrants within the tract and immediately adjacent thereto; existing permanent Building and utility poles and lines on or immediately adjacent to the Site and utility Rights-of-Way.
 - c. Approximate topography, at the same scale as the Preliminary Plat with at least two-foot (2') contour intervals.
 - d. The approximate location and widths of proposed Streets.
 - e. Preliminary proposals for connection with existing municipal water supply and sanitary sewer systems; and preliminary provisions for collecting, detaining, and discharging surface water drainage.
 - f. The approximate location, dimensions, and areas of all proposed and/or existing Lots.
 - g. The approximate location, dimensions, and areas of all Parcels of land proposed to be set aside for park or playground Use or other public Use, or for the common Use of Property Owners in the proposed Subdivision.
 - h. The location of temporary stakes to enable the Planning Commission and staff to find and appraise features of the Preliminary Plat in the field.
 - i. Whenever the proposed Preliminary Plat covers only a part of an Applicant's contiguous holdings, the Applicant shall submit, at the scale of no more than twenty feet (20') to the inch, a sketch of the proposed Subdivision Area, together with its proposed Street and trail system, and an indication of the probable future Street and drainage system of the remaining portion of the tract owned by the Applicant or its affiliates.
 - j. A vicinity map showing Streets and other general Development of the surrounding Area. The Preliminary Plat shall show all school and special service district boundary lines.
 - k. A plan designating Limits of Disturbance for each Parcel and for Subdivision improvements, such as utilities and roads.
5. Features.
- a. The location of Property with respect to surrounding Property and Streets, the names of all adjoining Property Owners of record or the names of adjoining Developments, the names of adjoining Streets.
 - b. Citation of any existing legal Rights-of-Way or easements affect the Property.
 - c. Existing covenants on the Property, if any.
 - d. The location and dimensions of all boundary lines of the Property to be expressed in feet and decimals of a foot.
 - e. The location of existing Streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, Buildings, parks, cemeteries, drainage ditches, physical hazards, identified hazardous materials, or bridges.
 - f. The location and width of all existing and proposed Streets and easements, Alleys, trails, and other public ways, and easement and proposed Street Rights-of-Ways and Building Setback lines.

- g.** The location, dimensions, and areas of all proposed or existing Lots.
- h.** The location and dimensions of all Property proposed to be set aside for park, playground, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the Dedication or reservation.
- i.** The name and address of the Owner or Owners of land to be subdivided, the name and address of the Applicant, if other than the Owner, and the name of the land surveyor.
- j.** The date of the map, approximate true north point, scale, and title of the Subdivision.
- k.** Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground.
- l.** Indication of the proposed Use of any Lot (i.e. Single-Family, two-Family, Multi-Family, Townhome) and all non-Residential Uses proposed by the Applicant.
- m.** All Lots in each Block shall be consecutively numbered. Reserved Lots shall be lettered in alphabetical order.
- n.** The following notation shall also be shown:
 - i.** Explanation of drainage systems and easements and Dedication of a public right of access to inspect or maintain such systems, if any.
 - ii.** Explanation of Site easements, if any.
 - iii.** Explanation of reservations, if any.
 - iv.** Owners' Dedication, if any, and Owners' consent to record as required by state law.
- o.** Any restrictions or requirements necessary to ensure solar access shall be defined.
- p.** All utility facilities existing and proposed throughout the Subdivision shall be shown on the Preliminary Plat or on accompanying engineering plans and specifications.
- q.** A plan designating Limits of Disturbance or Building Pads and utilities corridors and connections for each Parcel and for Subdivision improvements, such as utilities and roads.

B. Construction Plan Details.

- 1.** General. Construction Plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one-inch (1") equals twenty feet (20'), and map sheets shall be of the same size as the Preliminary Plat. The following shall be shown:
 - a.** Profiles showing existing and proposed elevations along the left and right edges of each road, and center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within one hundred feet (100') of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all Streets.
 - b.** Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitudes, Rights-of-Way, manholes, and catch basins; the locations of Street trees, Street lights, and Street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing

connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or Structures.

- c. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing Streets, sewers, drains, water mains, easements, water bodies or impoundments, streams, and other pertinent features such as wetlands, railroads, Buildings, features noted on the Official Land Use Map or Master Plans, at the point of connection to proposed facilities and utilities within the Subdivision, and each tree with a diameter of six inches (6") or more (measured four feet (4') above ground level), groves of five (5) or more smaller trees, or clumps of oak or maple covering an Area of fifty square feet (50 ft²), as measured to the canopy dripline. The water elevations of adjoining ponds, rivers, or streams at the date of the survey, and the approximate high- and low-water elevations of such ponds, rivers or streams. All elevations shall be referred to the South Salt Lake City Engineer's or U.S.G.S. datum plane. If the Subdivision borders a pond, river, or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high-water mark of such water ways.
- d. Topography at the same scale as the Preliminary Plat with a contour interval of two feet (2'), referred to sea-level datum. All datum provided shall be latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the Plat.
- e. All other specifications, details, and references required by City Design Standards, Construction Specifications and Standard Drawings, including a Site-Grading plan for the entire Subdivision.
- f. Notation of approval of the Preliminary Plat as follows:

_____ Date
Owner

_____ Date
City Attorney

_____ Date
City Engineer

_____ Date
Community Development Director

_____ Date
Planning Commission Chair

- g. Title, name, address, signature, and seal of professional engineer, and date, including revision dates.
- h. A Limits of Disturbance and revegetation plan.

C. Final Subdivision Plat Requirements

- 1. General.** The Final Plat shall be presented on reproducible mylar at the same scale and contain the same information required for a Preliminary Plat, except for any changes or additions required by the Planning Commission. All revision dates must be shown as well as the following:
 - a.** Notation of any self-imposed restrictions, and locations of any Building Lines proposed to be established in this manner, if required by the Planning Commission in accordance with these regulations.
 - b.** All survey monuments erected, corners, and other points established in the field in their proper places. The material of which the survey monuments, corners, or other points are made shall be noted at the representation thereof or by legend. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.
 - c.** Form for endorsements by the Planning Commission Chair, City Mayor, Community Development Director, City Recorder, City Engineer, City Attorney, culinary water authority, sanitary sewer authority, Salt Lake County Health Department (as applicable), all applicable utilities, and other entities as required by the City Engineer and the City Attorney.
- 2. Preparation.** The final Subdivision Plat shall be prepared by a land surveyor licensed by the state of Utah. The surveyor shall certify that the survey of the Property described on the Plat is in accordance with Title 17, Chapter 23, Section 17 of the Utah Code Annotated (1953, as amended) and has verified all measurements and has placed monuments as represented on the Plat.

17.10.230 – Assurance for Completion of Landscaping and Infrastructure Improvements.

- A. Costs of Improvements.** All required Landscaping and Infrastructure Improvements shall be completed by the Applicant.
- B. Assurance for Landscaping and Infrastructure Improvements.** The Applicant may post an Infrastructure Completion Assurance, in an amount estimated by the City Engineer, as sufficient to secure to the municipality the satisfactory construction, installation, and Dedication of any uncompleted portion of required Landscaping and Infrastructure Improvements and record a conforming the Final Plat prior to completion of all required Landscaping and Infrastructure Improvements. The Infrastructure Completion Assurance shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. The period within which required improvements must be completed shall be specified by the Planning Commission in the decision approving the Final Plat and shall be incorporated in the Assurance and shall not in any event exceed two (2) years from date of Final Approval.
 - 1. Reduction of Completion Assurance.** An Infrastructure Improvement Assurance shall be reduced upon actual completion and acceptance of Landscaping and Infrastructure Improvements to the ratio that the accepted Landscaping and Infrastructure Improvements bears to the total Landscaping and Infrastructure Improvements for the Plat.

2. Governmental Units. Governmental units to which these Assurances apply may file in lieu of said Assurance a certified resolution or ordinance from officers or agencies authorized to act on their behalf, agreeing to comply with the provisions of this Title.
- C. Prior to excavating or commencement of construction, the Applicant shall meet with the Community Development Director, the City Engineer, and other officials as required for a preconstruction meeting. The Applicant shall bring to the meeting all contractors responsible to build the Infrastructure Improvements associated with the project and to comply with a detailed construction management plan for the project.
 - D. Inspection of Improvements General Procedure and Fees. The Planning Commission, in consultation upon the advice of the City Engineer, shall provide for inspection of required Landscaping and Infrastructure Improvements during construction and insure their satisfactory completion. The Applicant shall, in accordance with the City's fee resolution, pay to the City an inspection fee and the Subdivision Plat shall not be signed by the Chairman of the Planning Commission unless such fee has been paid. These fees shall be due and payable upon demand of the City and no Building Permits or Certificates of Occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any of the required Landscaping or Infrastructure Improvements have not been constructed in accordance with the City's construction standards and specifications, the Applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by an Infrastructure Completion Assurance, the Applicant and the Guarantor, if any, shall be severally and jointly liable for completing the improvements according to approved plans and specifications. Prior to commencement of construction on any Public Improvement or private improvement required to be built to public standards, the Applicant shall first obtain a Notice to Proceed from the Community Development Director or her designee.
 - E. Maintenance of Improvements. The Applicant/Owner shall be required to maintain all required Landscaping and Infrastructure Improvements and provide for maintenance and snow removal on Streets and sidewalks until acceptance of said Landscaping and Infrastructure Improvements by the Planning Commission. If there are any certificates of occupancy on a Street not Dedicated to the City, the City may on twelve (12) hours-notice, plow the Street or effect emergency repairs and charge same to Applicant/Owner.
 - F. Completion of Improvements. Before the Plat is signed by the Chairman of the Planning Commission, the Applicant shall complete, to the satisfaction of the City Engineer, all the Street, sanitary sewer, culinary water, power, and other improvements (e.g. storm drainage, trails, sidewalk, curb, gutter, Street signs, water lines, etc.) and to Dedicate same to the local government, free and clear of all liens, environmental contamination, and encumbrances on the Property and Improvements thus Dedicated.
 - G. Certificate of Satisfactory Completion. Subject to maintenance provisions contained in this Chapter, the City will not accept Dedication of required improvements, or release or reduce an Infrastructure Completion Assurance, until the City Engineer has submitted a certificate to the Planning Commission stating that all required improvements have been satisfactorily completed and until the Applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed "as-built" construction drawings and survey Plats of the Subdivision, indicating location, dimensions, materials, and other information required by the Planning Commission and City Engineer, that the layout of the line and Grade of all Public Improvements is in accordance with the City approved construction plans for the Subdivision and that a commitment for a title policy or other acceptable evidence has been furnished to the City Attorney

and City Engineer indicating that the improvements have been completed, are ready for Dedication to the local government and are free and clear of any and all environmental contamination, liens and encumbrances.

- H. **Warranty.** Upon such approval and recommendation of the City Engineer, the Applicant shall submit an Infrastructure Improvement Warranty, warranting that the Infrastructure Improvements have been installed as described in the approved construction plans and specifications, and a 10% Cash Deposit.
- I. **Dedication.** Upon the City Engineer's certification, approval, and recommendation, and the City Attorney's approval of the Infrastructure Improvement Warranty and 10% Cash Deposit, the Planning Commission shall thereafter accept the improvements for Dedication in accordance with the established policy and procedure.
- J. **Issuance of Building Permits and Certificates of Occupancy.**
 - 1. **Building Permit.** For any recorded Subdivision for which the City holds a current Infrastructure Completion Assurance, but the Infrastructure Improvements are not yet accepted, the extent of utilities and Street improvements shall be adequate for emergency response and vehicular Access by the prospective occupant and by police and fire equipment, prior to the issuance of any Building Permit.
 - 2. **Certificate of Occupancy.** Where an Infrastructure Completion Assurance has been accepted for a Final Subdivision Plat, no Certificate of Occupancy for any Building in the Subdivision shall be issued prior to the completion of the Public Improvements and Dedication of same to the City, as required in the Planning Commission's final approval of the Subdivision Plat. This restriction can be waived upon Good Cause shown and adequate assurance revived.

Chapter 17.11 - Administration and Enforcement

17.11.010 – 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 with cause by the City Council. The terms of two commissioners shall expire each year except in the year that 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 Land Use Map, and amendments to the Land Use Map;
 - c. Amendments to land use ordinances;
 - d. Proposed Application processes and the delegation of power under the land use ordinance.
 - 2. The Planning Commission acts as land use authority as specified in this Code.
 - 3. The Planning Commission acts as appeal authority for certain Land Use Decisions, as specified in this Code.
 - 4. The Planning Commission may provide public notice of a pending ordinance by scheduling the matter for consideration or by declaring a pending ordinance in an open public meeting.

17.11.020 – Administrative Duties of Community Development Director.

- A.** The Community Development Director shall prepare staff reports for consideration by the Planning Commission and City Council and provides administrative support for the Planning Commission.
- B.** The Community Development Director accepts all and Use Applications and ensures they are forwarded to the designated Land Use Authority in a timely manner.

- C. The Community Development Director may propose amendments to the South Salt Lake City General Plan, Land Use and Development Code, and Official Land Use Map.
- D. The Community Development Director may provide public notice of a pending ordinance on the Public Notice Website.

17.11.030 – Land Use Authority Designations.

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

- A. **Planning Commission.** The Planning Commission is the land use authority on issues of: Subdivision and Subdivision Plat approval; vacating, altering or amending a Subdivision Plat; Conditional Use permit 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 district; and the issuance of a Building or demolition permit in a Historic and Landmark district.
- B. **Community Development Director.** The Community Development Director is designated as the land use authority on issues of Permitted Use Applications, Temporary Use permits, Sign permits, Home Occupation license approval, design review, reasonable accommodation, Nonconforming Use determinations, and decisions regarding amortization of legal, Nonconforming Uses. The Community Development Director issues Building Permits and business licenses.
- C. The Community Development Director may certify a design review Application or a Permitted or Conditional Use Application to the Planning Commission if the Community Development 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.

17.11.040 – 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 direct the Application to the proper land use authority for decision.
- C. **Director Authority Over Building Permits.** No Building Permit shall be issued without the regulatory 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 and any of the City's projected out of pocket costs are deposited into the trust account.

- E. **Expiration.** An Application shall expire if an Applicant fails to respond to a City request for information or revision to submitted materials for a period in excess of 180 days.

17.11.050 – Fees.

Fees for Applications and permit requests are established by resolution in the City's Consolidated Fee Schedule or by ordinance codifying such fees.

17.11.060 – 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 Land Use Map, a hearing before the Planning Commission is required;
 - 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;
 - 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 public hearing is not required by this Section or state law.
- C. **Public Meetings.** All Land Use Decisions made by the Planning Commission shall be rendered during open and public meetings. The Community Development Director may also conduct public meetings related to land use Applications or other land use issues when the Community Development Director deems it appropriate to do so.

17.11.070 – Public Notices.

- A. **Required Notice.** The land use authority shall schedule and hold any required public hearing or public meeting according to the provisions of this Code and state statute. Public notices for Land Use Decisions shall be given in accordance to state statute. The City shall provide notice of the date, place, and time of public hearings or public meetings within the timeframes established by this Section, or such lesser or greater time as provided by state law.
- B. **Mailed Notices.** Notice shall be provided by first class mail to property Owners and affected entities as established below:
 - 1. **Allowed Use Permits.** Notice shall be mailed seven days prior to the public meeting to any property Owners abutting and across a public Right-of-Way from the property on which the Conditional Use is proposed.

2. Conditional Use Permits and Design Review Approvals. Notice shall be mailed seven days prior to the public meeting to any property Owners within a three-hundred-foot radius of the Property Lines of the Plat on which the Conditional Use or design review is proposed.
 3. Right-of-Way Vacations. Notice shall be given in accordance to state statute. Notices shall be mailed ten days prior to the public hearing to the following parties:
 - a. Any property Owner whose property is accessed by the portion of the Right-of-Way that is proposed to be vacated.
 - b. Any property Owners within six hundred feet (600') of the portion of the public Right-of-Way that is proposed to be vacated.
 - c. All property Owners whose property is in between the portion of the Right-of-Way to be vacated and the nearest Street intersection.
 4. Subdivision Plat Approvals and Amendments to Subdivision Plats. Notice shall be given in accordance to state statute. Additional notices shall be mailed ten days prior to the public hearing to any property Owners within a six-hundred-foot (600') radius of the boundary of the proposed Subdivision Plat.
 5. Zoning and Future Land Use Map Amendments. Notice shall be given in accordance to state statute. Additional notices shall be mailed ten days prior to the public hearing to any property Owners within a six-hundred-foot (600') radius of the boundary of the proposed zoning or future Land Use Map amendment.
 6. Ordinance and General Plan Amendments. Notice shall be given according to state statute.
 7. Applicant/Agent Responsibility for Mailed Notices. An Applicant/agent seeking a decision by the land use authority for which a public notice is required shall submit to the City at the time directed by the Community Development Department, one set of printed address labels and a corresponding number of stamps and envelopes for mailed notices for property Owners as required by the municipal Code or state statute. It shall be the Applicant's sole responsibility to ensure that the list of property Owners and the address labels are accurate and complete. The list of property Owners shall be obtained from current records maintained by the Salt Lake County Recorder's Office. The City shall provide notice using the address labels and postage provided by the Applicant.
- C. Publication of Notices.** Notices shall be published by the following methods, unless otherwise provided for by state statute.
1. Public notices shall be published on the City's website and on the state's public notice website at least ten days prior to a public hearing, and at least seven days prior to a public meeting.
 2. Notices for public hearings shall be published in a newspaper of general circulation in the area at least ten days prior to the public hearing.
 3. A hard copy of any public notice issued by the land use authority shall be posted at City hall at least twenty-four (24) hours prior to a public hearing or a public meeting.

- D. Posting on Site.** Notification signage shall be posted on the property or land for which a Conditional Use permit, design review, Right-of-Way vacation, Subdivision Plat approval, amendment to a Subdivision Plat, or zoning or future Land Use Map amendment is considered. Notice shall be posted as directed by the Community Development Department and shall be clearly visible from the Right-of-Way. The sign(s) shall be provided to the Applicant/agent by the City and shall be posted by the Applicant/agent at least seven days prior to the scheduled public hearing or public meeting.

17.11.080 – Development Committee.

The Mayor may form a standing Development 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.

17.11.090 – Enforcement.

- A. Authority.** The Community Development Director is authorized to enforce the provisions of this Code through either criminal or civil proceedings.
- B. Delegation.** The Community Development 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 City 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 nuisance. 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.

Chapter 17.12 – Variances and Appeals

17.12.010 – Variances.

- A.** Where strict compliance with the provisions of this Title would cause an unusual and unnecessary hardship on the Applicant because of peculiarities regarding the size of the tract to be Developed, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, the Applicant may petition the Community Development Director for a variance from such provisions.
- B. Granting variances.** The Community Development Director may grant a variance only if:
 1. Literal enforcement of the Land Use Regulations would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Use Regulations;
 2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 5. The spirit of the land use ordinance is observed, and substantial justice done.
- C. Variance determinations.** In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (B)(1), the appeal authority may not find an unreasonable hardship unless the alleged hardship:

1. Is located on or associated with the property for which the variance is sought; and
 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 3. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (B)(1), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
 4. In determining whether or not there are special circumstances attached to the property under Subsection (B)(1), the appeal authority may find that special circumstances exist only if the special circumstances:
 - a. relate to the hardship complained of; and
 - b. deprive the property of privileges granted to other properties in the same zoning district.
- D. The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- E. Variances run with the land.
- F. The Community Development Director may not grant a Use variance.
- G. In granting a variance, the appeal authority may impose additional requirements on the Applicant that will:
1. Mitigate any harmful effects of the variance; or
 2. Serve the purpose of the standard or requirement that is waived or modified.

17.12.020 - Appeals.

- A. Except as provided below, appeals from Land Use Decisions shall be made using the administrative hearing process outlined in Chapter 2.22 of the City Code. A hearing request must be made in writing and must be received by the City Recorded no later than ten days following the date of the appealed action.
- B. An appeal from the Community Development Director's decision regarding an interpretation of this Title, or on any Land Use Application, shall be made to the Planning Commission by any person aggrieved by the interpretation or decision within 10 days of the Community Development Director's written Land Use Decision, stating each fact and every theory of relief on appeal.
1. The Planning Commission conducts each appeal *de novo*.
 2. The Planning Commission shall act as a quasi-judicial body and shall afford due process to the parties on appeal.
 3. Each party may prepare call such witnesses and present such evidence as it deems appropriate.
 4. Only witnesses called by a party may testify.

5. After hearing all evidence and legal arguments presented by the parties, the Planning Commission shall apply the plain language of the Code and issue written finding of facts, conclusions of law, and a decision on the merits of all theories of relief the appellant has raised in the appeal.
 6. If a Land Use Regulation does not plainly restrict a Land Use Application, the Planning Commission shall interpret and apply the Land Use Regulation to favor the Land Use Application.
 7. The Planning Commission shall reverse the decision of the Community Development Director only if the Director's decision is not supported by substantial evidence in the record or is otherwise arbitrary, capricious or illegal.
 8. Final Order of the Planning Commission acting as an appeal authority is a final decision, appealable to district court.
 9. Unless otherwise stated in the Planning Commission's final decision, an order following a de novo review vacates any official determination made by the land use authority.
 10. 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.
 11. Appeals to district court shall be made within 30 days of the final decision.
- C. Code Enforcement.** An appeal from any enforcement action under the provisions of this Title, shall be made to the Administrative Law Judge by any person subject to the enforcement action, stating each fact and every theory of relief on appeal.
1. The Administrative Law Judge conducts each appeal de novo.
 2. The Administrative Law Judge shall afford due process to the parties on appeal.
 3. Each party may prepare call such witnesses and present such evidence as it deems appropriate.
 4. Only witnesses called by a party may testify.
 5. After hearing all evidence and legal arguments presented by the parties, the Administrative Law Judge shall apply the plain language of the Code and issue written finding of facts, conclusions of law, and a decision on the merits of all theories of relief the appellant has raised in the appeal.
 6. The Administrative Law Judge shall reverse the decision of the Community Development Director only if the Director's decision is not supported by substantial evidence in the record or is otherwise arbitrary, capricious or illegal.
 7. The order of the Administrative Law Judge is a final decision, appealable to district court.
 8. Unless otherwise stated in the Administrative Law Judge's final decision, an order following a de novo review vacates any official determination made by the land use authority.
 9. 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.
 10. Appeals to district court shall be made within 30 days of the final decision.

Exhibit D

Chapter 3.11 - CONSOLIDATED FEE SCHEDULE

3.11.010 – Animal Services.

A. Licenses.

Altered* Dog	\$15.00/year
Discount for microchipped, altered dogs	\$5.00/year discount
Altered* Dog—Senior citizen (65+) (lifetime license)	\$20.00
Unaltered dog	\$40.00/year
Unaltered dog—Senior citizen (65+)	\$20.00/year
Guard dog (kept overnight at business)	\$120.00/year
Altered* Cat	\$15.00/year
Discount for microchipped, altered cats	\$5.00/year discount
Altered* cat—Senior citizen (65+) (lifetime license)	\$20.00
Unaltered cat	\$40.00/year
Unaltered cat—Senior citizen (65+)	\$20.00/year
Ferret (rabies vaccination and microchip required)	\$15.00/year
Service animal (altered*)	\$0.00
Nuisance animal license	Additional \$100.00 and proof of \$25,000.00 insurance

Exhibit D

Late fee (expired for more than 30 days)	\$10.00/month
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* Altered animals have been either spayed or neutered.

B. Permits.

Type of Permit	Initial	Renewal
Hobby/private cattery	\$75.00	\$30.00
Urban poultry	\$75.00	\$30.00
Beehive	\$75.00	\$30.00

C. Adoptions.

Dog (if received by City as pre-chipped, altered)	\$18.00
Dog (surgery and microchip upon adoption)	\$100.00
Cat (if received by City as pre-chipped, altered)	\$8.00
Cat (surgery and microchip upon adoption)	\$68.00
Scientific animals (adopter pays all veterinary fees)	\$20.00
Other (rabbit, bird, reptile, etc.)	\$10.00

D. Impounds.

Dogs and cats:	
First impound	\$25.00 + \$8.00/day
Second impound	\$50.00 + \$8.00/day
Third impound	\$150.00 + \$8.00/day

Exhibit D

Fourth and each subsequent impound	\$300.00 + \$8.00/day
Small livestock—Per animal (chicken, sheep, goat, rabbit, etc.)	\$30.00 + \$10.00/day
Large livestock—Per animal (horse, cow, llama, etc.)	\$60.00+ \$12.00/day
Sterilization deposit	\$100.00

E. Turnover.

Residents	
Licensed and rabies—Vaccinated dog or cat	\$0.00
Unlicensed and unvaccinated dog or cat	\$10.00
Litter (2 or more animals)	\$15.00
Non-residents (dog, cat, or litter)	\$50.00

F. Services.

Microchip	\$15.00
Animal trap deposit (refundable)	\$50.00
Euthanasia (resident cat/dog)	\$10.00
Euthanasia (non-resident cat/dog)	\$100.00
Carcass pickup—Current license/vaccination	\$0.00
Carcass pickup—No current license/vaccination	\$20.00

Exhibit D

Cremation (URNS NOT PROVIDED)	
Individual (single animal, ashes returned)	\$75.00
Communal (same owner, multiple animals, ashes returned)	\$75.00 + \$30.00 each additional
Disposal	\$20.00

3.11.020 – General fees.

A. Records and Information Services.

Research/compilation/duplication/redaction costs:	
The City charges the cost of redaction, compilation, research and duplication in excess of fifteen minutes, at the salary of the lowest paid employee who has the necessary skills and training to perform the request. This fee is incurred regardless of the format in which the documents ultimately will be produced.	
Paper copies	
B&W: 8.5 x 11" or 8.5 x 14" pages	\$0.25/page
B&W: 11 x 17" pages	\$0.50/page
Color: 8.5 x 11" or 8.5 x 14" pages	\$0.50/page
Color: 11 x 17" pages	\$1.00/page
Maps (depends upon size/color)	\$5.00—\$10.00
Electronic copies	
CD/DVD production	\$10.00/disc
Video cassette production	\$20.00/tape

Exhibit D

Audio cassette production	\$10.00/tape
Facsimile transmission	\$2.00 for 10 pages, additional pages \$0.50/page
E-mail transmission (files of less than 10 MB)	No additional charge

B. Administrative Hearings.

Administrative hearing filing fee	\$25.00
Copies of files and transcript for appeal from decision	\$15.00, plus actual costs of transcript preparation
Deposit required before City will arrange for transcript (applied toward ultimate cost of transcript)	\$75.00

C. Other Fees.

Returned check charge	\$20.00/check
Direct pay ACH return	\$20.00/return
Returned checks on xpressbillpay	
Invalid account/unable to locate account	\$8.00
Insufficient or closed account	\$14.00
Customer stop payment	\$29.00
Mailing	Actual cost
Notary service (if notary is available)	Free

Exhibit D

3.11.030 – Business licensing.

A. General License Fees.

Business license fees cover regulatory costs and partially recover disproportionate costs of providing services to the businesses in each category. Licenses are issued and the fee charged for a license period of one year.

Initial license application fees are prorated for the remainder of the year starting with the month of application unless otherwise provided in the Code. There is no prorating for businesses that close during the year.

Amusement Device	\$147.00
Automotive sales, repair, towing, rental, leasing	\$173.00
Bar Establishment, Tavern	\$1,550.00
Bowling alley, recreational establishment	\$1,354.00
Check cashing and pawn	\$422.00
Child Care Center	\$369.00
Construction, manufacturing, and contracted services	\$302.00
Convenience stores:	
No fuel pumps	\$1,860.00
Fueling with pre-pay required	\$2,281.00
Fueling without pre-pay required	\$4,318.00
Drug store	\$2,052.00
Equestrian Facility	\$180.00
Fast food	\$1,093.00
Financial	\$719.00
Golf	\$781.00

Exhibit D

Indoor sports training	\$1,720.00
Large grocery	\$1,818.00
Large retail	\$1,633.00
Live entertainment	\$147.00
Lodging:	
Long-term	\$147.00 + \$89.00/unit
Short-term	\$147.00 + \$7.00/unit
Markets, bakeries, and cafés	\$231.00
Mini-storage	\$147.00 + \$0.30/unit
Mobile food services	\$147.00
Mobile home park	\$147.00 + \$101.00/pad
Movie theatre	\$4,470.00
Moving and warehouse	\$312.00
Nursing home	\$147.00 + \$50.00/unit
Personal services	\$291.00
Professional and business services	\$225.00
Restaurant	\$432.00
Retail general	\$372.00
Sexually Oriented Business	\$1,550.00
Wholesale	\$366.00

Exhibit D

B. Rental Housing Licenses.

Single-family rental	\$375.00/unit
Reduced rate for good landlord certification	\$30.00 + \$30.00/unit
Duplex or triplex	\$101.00/unit
Reduced rate for good landlord certification	\$40.00 + \$30.00/unit
Owner-occupied duplex/triplex	\$60.00/unit
Reduced rate for good landlord certification	\$24.00/unit
Quadplex	\$150.00 + \$151.00/unit
Reduced rate for good landlord certification	\$100.00 + \$30.00/unit
Apartments (5+ rental units)	\$150.00 + \$151.00/unit
Reduced rate for good landlord certification	\$125.00 + \$30.00/unit
Good landlord certification reinstatement fee	\$100.00

C. Penalties.

Penalties are owed in addition to and separate from other license and regulatory fees.

Operating business prior to obtaining license	100% of fee
Late renewal (30 days past due)	50% of overdue fee
Late renewal (60 days past due)	100% of overdue fee
Doing business without a license	\$500.00

Exhibit D

D. Regulatory Fees.

Regulatory fees are in addition to the business license fees above. Regulatory fees are not pro-rated.

Alcoholic Beverage Uses	License - Initial	License - Renewal
City beer license – Off-Premise Beer	\$500.00	\$300.00
City beer license – Beer Wholesaler	\$2,000.00	\$1,000.00
City beer license – Beer Recreational	\$500.00	\$300.00
City beer license – Tavern	\$1,500.00	\$1,000.00
City beer license – Restaurant (Beer Only)	\$1,000.00	\$500.00
City liquor license – Restaurant (Limited Service)	\$1,250.00	\$750.00
City liquor license – Restaurant (Full Service)	\$1,750.00	\$1,000.00
City liquor license – Manufacturer	\$2,000.00	\$1,000.00
City liquor license – Banquet & Catering	\$1,000.00	\$500.00
City liquor license – Bar Establishment	\$2,500.00	\$1,750.00
City liquor license – Hotel	\$2,500.00	\$1,750.00
City liquor license – Liquor Warehouse	\$1,000.00	\$750.00
City liquor license – Package Agency	\$250.00	\$100.00

Exhibit D

City liquor license – Local Industry Representative	\$150.00	\$50.00
City special-use license – Educational	\$250.00	N/A
City special-use license – Industrial / Manufacturing	\$250.00	N/A
City special-use license – Religious	\$250.00	N/A
City special-use license – Scientific	\$250.00	N/A
City single event alcoholic beverage license	\$250.00	N/A

Sexually-oriented businesses	
Adult business	\$300.00
Semi-nude dancing bar	\$300.00
Employee/owner work card	\$25.00
Other fees	
Home occupation (Category II):	
New application	\$43.00
Renewal	\$18.00
New child care	\$249.00
Renewal child care	\$224.00

Exhibit D

Booth rentals in licensed Day Spa or Barber Shop / Hair Salon	\$18.00 each
Fire damage and close-out sale	\$25.00 for 30 days; \$10.00 for 30-day renewal
Fireworks stands	\$94.00 + \$50.00 deposit
Tobacco	\$30.00
Request for nuisance determination	\$50.00
Business license list (printed)	\$20.00

3.11.040 - Building, Planning, and Zoning.

B. Building Permits and Other Planning and Zoning Fees.

Building permit fees are calculated based upon the most current International Code Council Building Valuation Data (ICCBVD).

Plan review fees are calculated at sixty-five (65) of the total building permit fee, based upon the most current International Code Council Building Valuation Data (ICCBVD).

Refunds for permits issued will be limited to eighty (80) percent of permit, not later than one hundred eighty (180) days after the date of fee payment. No refunds for plan review costs will be given if the plan review has been conducted. A one-hour minimum fee will be charged on all building permits.

Certain routine or simple projects are eligible for an over-counter flat fee in lieu of a calculated fee, which schedule is maintained by the City at the Community Development Department.

Other fees:

State of Utah surcharge	1% additional
Consultant fees (expedited, complicated, or unusual structures or projects)	City's actual cost
Additional hourly fees (beyond three reviews)	\$56.00/hour
Inspection re-fee	\$56.00

Exhibit D

Commencing construction prior to issuance of permit	additional 100% of building fee
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C. Building Department.

Building Plan review deposits * (maximum)	Deposit
Residential	\$500.00
Residential remodel, attached/detached garage	\$500.00
Commercial building, Multifamily, Industrial	Full Plan Review Fee
Tenant improvements	Full Plan Review Fee
Miscellaneous	\$56.00

* Deposits shall be applied to the cost of the issuance of the permit provided that the building permit is issued within six months after submission of plans to be checked. If the building permit is not issued within six months, the deposit shall be forfeited.

Demolition permit (per building)	
Commercial demolition	\$60.00
Two-family or more	\$60.00
Single family/accessory building	\$30.00
Interior demo (plans and inspection required)	\$20.00
Sign permits (not including electrical work, if needed)	

Exhibit D

Building mounted	\$100.00
Freestanding (ground, pole, monument, etc.)	\$200.00
Billboard (off-premises sign)	\$500.00
Other fees	
3 rd and subsequent business license inspection	\$50.00/appointment
Certificate of Occupancy inspection	\$56.00/occurrence

D. Impact Fees.

Impact fees are applicable if construction is taking place within the specific fee's service area.

Culinary water impact fee	
¾" meter	\$733.00
1" meter	\$1,557.00
1.5" meter	\$5,690.00
2" meter	\$7,611.00
3" meter	\$16,664.00
4" meter	\$28,558.00
6" meter	\$46,676.00
Other meter connection	\$733.00/ERC, determined by director

Exhibit D

Impact fees are applicable if new Development is taking place within the specific fee's service area.

Sanitary sewer impact fee (meter size)	City multiplier	Impact fee
¾" meter	1.00	\$1,063.00
1" meter	2.12	\$2,259.00
1.5" meter	7.76	\$8,252.00
2" meter	10.38	\$11,038.00
3" meter	22.73	\$24,167.00
4" meter	38.96	\$41,417.00
6" meter	63.68	\$67,694.00

Parks impact fee	Fee per household
Single-family	\$1,677.00
Multi-Family	\$1,608.00

E. Fire Marshal Inspections.

Automatic sprinkler systems	
Up to 8,000 square feet	\$150.00
Over 8,000 square feet	\$300.00
Third and subsequent submittal	40% of prior fee
Clean agent systems/hood systems/paint booths	\$200.00

Exhibit D

Fire alarm systems	
Up to 5,000 square feet	\$120.00
Over 5,000 square feet	\$300.00
Tent and membrane structures	
Up to 700 square feet	\$120.00
Over 700 square feet	\$120.00 + (\$0.02/additional square feet)
State licensed healthcare	
Day care facility (6 or less children)	\$29.00
Day care facility (7 or more children)	\$58.00
Group homes, offices	\$58.00
Counseling services/group therapy	\$58.00
Nursing home facility	\$116.00
Greater than 10,000 square feet	Additional \$300.00
Fuel tanks	
1—2 tanks installed/removed	\$250.00/site
Additional tanks (3+)	\$200.00/tank
Re-inspection fee	\$100.00

F. Planning and Zoning Fees.

Allowed Use Applications	\$150.00
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Exhibit D

Conditional Use Applications	\$600.00 + \$10.00/unit
Subdivision and Platting	
Predevelopment review	\$50.00
Plat	\$1000.00 + \$20.00/lot
Recording fees	At City's cost
Vacating, altering, or amending a subdivision plat	\$1000.00
Development Review	\$500.00
Concept review	\$50.00
Design review—Planning Commission	\$500.00
Historic and Landmark Commission review	\$400.00
Design review—Design review committee	\$400.00
Other	
Zoning / Ordinance change request	\$1000.00
Variance	\$300.00
Non-conforming use determinations	\$500.00
General plan amendment	\$1000.00
Consultant fees (expedited, complicated, or unusual projects)	City's actual cost
Documents	

Exhibit D

Zoning map	\$10.00
General plan	\$20.00

3.11.050 – Administrative Enforcement.

A. Code Enforcement.

Civil fine for code violations	
First offense within 12 months	\$50.00
Second offense within 12 months	\$100.00
Third and subsequent offense within 12 months	\$200.00
Daily fine for failure to comply with notice of violation (each day is a new violation)	\$40.00
Administrative costs for physical nuisance abatement	\$100.00 + actual cost
Inspection fee for code violations	\$35.00
Itemized statement of costs late fee	\$15.00

B. Building Securing Permit.

Tier 1 (vacant)	No fee
Tier 2 (nuisance)	\$150.00/year
Tier 3 (boarded)	\$350.00/year
Tier 4 (compromised)	\$350.00/year + \$300.00 fine
Boarding without a permit fine	\$250.00

Exhibit D

Permit late fee (more than 60 days delinquent)	100% permit cost
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C. Illicit Discharge or Connection into Storm Water System.

Fine for negligent discharge of non-hazardous waste	\$75.00
Fine for negligent discharge of hazardous waste/sewage	\$250.00
Fine for intentional discharge of non-hazardous waste	\$150.00
Fine for intentional discharge of hazardous waste/sewage	\$500.00
Daily fines for failure to comply with notice of violation (each day represents a new violation)	
Non-hazardous discharge/connection	\$100.00
Hazardous or sewage discharge/connection	\$1,000.00

D. Violations of Posted Orders.

Unlawful to do business	\$500.00/day
Stop work order	
Contractor/manager/site supervisor	\$500.00
Employee of contractor	\$50.00
Property owner/tenant	\$50.00
Closed to occupancy	\$150.00/day

Exhibit D

3.11.060 – Courts, City Attorney, and Recreation.

A. Justice Court.

Fines and bails	As set by Utah Administrative Office of Courts
Filing fees	As set by Utah Code Ann. § 78A-2-301.5
Record production fees	As set by Utah R. Jud. Admin. 4-202.08
Traffic school tuition	\$50.00
Trust check processing fee	\$10.00
Fingerprinting fee	\$10.00

B. City Attorney.

Discovery in criminal cases *	
Class C/infraction-level cases	\$10.00
Other criminal cases	\$15.00
Audio/video/color copies/etc.	See Section 3.11.020
Debt-collection account administrative fee	\$25.00

* Fees in criminal cases shall not be assessed to or collected from defendants found indigent by the court in which their case is pending; however, duplicates/replacements of materials already provided to indigent defendants shall be charged at the standard rates above. Fee includes cost of mailing, and will provide all reports received by the prosecution office for the case requested.

C. Recreation.

Youth Programs (uniform, team photo, award, practices and games)	Enrollment fee*
One child	\$25.00
Second child in family	\$20.00

Exhibit D

Third and subsequent child in family	\$15.00
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* Scholarships covering all or part of youth program fees are available based upon income eligibility.

3.11.070 – Police Department.

A. Reports and Documents.

DI-9 (crash) reports	\$15.00 (provided at station)
Crash reports available at https://crashreport.utah.gov	\$9.50 (provided online)
Police reports (includes research/redaction costs)	
<50 pages	\$10.00
50—100 pages	\$20.00
101—200 pages	\$30.00
201+ pages	As quoted
Dashboard/body/security/other video/audio recording (including disc, research/redaction, staff time)	\$45.00 per recording device

B. Work Cards.

Work/ID card (sexually oriented businesses)	\$25.00
Duplicate work/ID cards	\$10.00

Exhibit D

C. Sex Offender Registration.

Sex offender registration fee	\$25.00
DNA collection fee	\$125.00

D. Police Equipment and Personnel

Police chief	\$80.00/hour
Deputy police chief	\$70.00/hour
Lieutenant	\$60.00/hour
Sargent	\$55.00/hour
Officer	\$50.00/hour
K-9 and handler	\$50.00/hour
SWAT unit	\$50.00/hour
Mobile Incident Command vehicle	\$40.00/hour

3.11.080 – Fire Department.

A. Hazardous Material Permits.

HM storage site category I	\$125.00
HM storage site category II	\$250.00
HM disposing/use site category I	\$125.00
HM disposing/use site category II	\$300.00
HM production/processing	\$350.00

Exhibit D

Explosive blasting permit (single event)	\$150.00
Explosive blasting permit (annual)	\$300.00
Fireworks aerial display	\$75.00
Fireworks proximate audience	\$55.00
Flame effects	\$55.00
Late penalty for lapsed permits (more than 90 days)	100% of fee

B. Hazardous Materials Incident Cost Recovery.*

Absorbent	\$8.00/container
Atmospheric monitoring	\$50.00
Barrier tape	\$17.00
Containment drum	\$186.00
Foam	\$30.00/container
Boom	\$40.00
Patch kit	\$100.00
Boots	\$15.00
Goggles	\$8.00
Neoprene boots	\$70.00
Nitrile gloves	\$15.00
Tyvek type suit	\$56.00
Level A suit	\$800.00

Exhibit D

Level B suit	\$110.00
Broom	\$25.00
Shovel	\$35.00

* Charges apply when fire department responds to an incident or event that requires the use of specialized hazardous materials, supplies, or equipment. Listed materials are not for sale.

C. Fire Equipment and Personnel *

Class A engine (4 firefighters/EMT's)	\$275.00/hour
Class A engine (2 firefighters/2 paramedics)	\$375.00/hour
85 ft. aerial platform ladder truck (2 firefighters/2 paramedics)	\$450.00/hour
Fire chief	\$80.00/hour
Deputy fire chief	\$70.00/hour
Battalion chief	\$60.00/hour
Captain	\$55.00/hour
Paramedic	\$50.00/hour
Hazmat technician	\$50.00/hour
Technical rescue technician	\$50.00/hour
Fire fighter	\$40.00/hour
Investigator/inspector	\$45.00/hour
Hazmat squad (2-handed)	\$175.00/hour + \$40.00/hour for each additional technician

Exhibit D

Grass truck/auxiliary	\$175.00/hour
Ground ambulance with crew	\$225.00/hour

* Charges apply when fire department responds to an incident/event that is extraordinary or is in the category of cost recovery. This applies to charges to be made to another city, county, forest service, etc. if the fire department responds to a wildfire. Whenever the fire department can bill for services rendered, these rates apply.

D. Ground Ambulance Transport and Phlebotomy.

Ambulance transportation rates and charges are calculated in the amount established by the state department of health through administrative rule regulating ambulance transport, mileage and surcharges.

Ambulance supplies are charged according to reasonable and customary standards in the profession.

Phlebotomy services for substance level testing shall be assessed through the medical billing process. This fee is charged separately from ambulance transportation.

E. Other Fees/Fines.

Gas tank removal or inspection	\$125.00/tank
Nuisance alarm/malicious call response fee	\$450.00
Fire reports (includes research/redaction costs)	\$20.00/report

3.11.090 – Public Works.

A. Permits.

Curb and gutter	\$0.25/square feet (\$50.00 minimum)
Sidewalk	\$0.25/square feet (\$50.00 minimum)
Street cut fee	\$0.25/square feet (\$150.00 minimum)
Excavation inspection	\$60.00

Exhibit D

B. Closures.

Sidewalk closure	\$50.00 per block per day
Lane closure	\$125.00 per lane per block per day
Full street closures	
Local street	\$150.00 per block per day
Collector street	\$200.00 per block per day
Arterial street	\$250.00 per block per day

C. Sewer Connection Fees.

Sewer connection	\$500.00 per connection
Sampling manhole	\$400.00 per manhole

D. Water Connection Fees.

Installation of 1" water meter by City	\$3,000.00
Meter purchases (all other sizes)	As per cost to City
Water connection inspection (includes excavation inspection)	\$240.00

E. Miscellaneous.

Inspection of new fire line installation (outside of building)	\$50.00 + excavation permit
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Exhibit D

Meter certification	As per cost to City
Fire flow test	\$150.00
Fire hydrant repair	\$3,500.00
Repair of broken riser valve	\$300.00
Tampered meter fine	\$300.00 + calculated monthly water usage
Tampered fire line fine	\$500.00 + calculated monthly water usage
Contractor hydrant meters (excludes water usage)	\$1,500.00 refundable deposit

3.11.100 – Utilities.

A. Water.

Culinary water	
Meter size (5,000-gallon allowance for all meters)	Minimum monthly fee *
0.75" meter	\$13.00
1" meter	\$21.00
1.5"	\$34.00
2" meter	\$49.00
3" meter	\$91.00
4" meter	\$138.00
6" meter	\$269.00
Metered hydrant use	\$91.00

Exhibit D

Excess water (all meter sizes and uses)	
Usage between 5,000 and 30,000 gal.	\$2.25 per 1,000 gallons
Usage greater than 30,000 gal.	\$2.75 per 1,000 gallons

*Includes monthly \$2.00 fluoride charge

Fire line	
3" line	\$13.65/month
4" line	\$18.15/month
6" line	\$27.22/month
8" line	\$36.29/month
10" line	\$45.36/month
12" line	\$54.44/month
16" line	\$72.58/month
22" line	\$99.80/month
36" line	\$163.31/month
Tampered fire line fee	\$100.00
Inspection of new fire line installation	\$50.00
Fire flow test	\$50.00

Exhibit D

Other fees	
Reconnection and new service reconnection	
Monday—Friday 8:00 a.m.—3:00 p.m.	\$25.00
Monday—Friday after 3:00 p.m.; any time on weekends or holidays	\$65.00
Tenant water deposit	\$75.00
Active deployment fee waiver	\$75.00/month waived
Bankruptcy deposits (based on prior 12 months' history)	60-day usage
Service of disconnection notice w/in 12 months of prior notice	\$15.00

B. Sewer and Industrial Waste.

User fee (all users)	Base fee
Base User Fee (calculated using average winter water usage or actual usage, whichever is greater) *	\$7.00 per 1,000 gallons

* New residential accounts are charged based on actual usage or for 5,000 gallons per unit per month until an average winter water usage amount is determined, whichever is greater. New accounts for multi-family residential dwellings are calculated using previous average winter water usage or 5,000 gallons per unit per month, whichever is greater. New business accounts are charged based on the average winter consumption for the previous business or the actual monthly consumption if the business type has changed, until a winter average history can be obtained. Average winter water usage may be prospectively adjusted during the year if the customer provides proof of leakage, repair, and data supporting lower water usage.

C. Industrial Waste Fee.

Additional fees for industrial waste:

Sewer connections, which are included in the categories below, will be subject to an industrial waste fee based on a strength multiplier. The base user fee will be multiplied by the following multiplier based on category:

Large grocery stores with meat/bakery functions	1.22
Nursing homes/care centers	1.23

Exhibit D

Restaurants/fast food/food preparation facilities	1.34
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D. High Strength Contributors Fee.

Certain connections are considered high strength contributors and will be assessed a strength component based on individual samples and the information below:

Additional fees for industrial waste	
Total suspended solids (TSS)	$(\text{Sample in mg/l} - 250) \times 8.34 \times (\text{sewer average in thousands of gals./1,000,000}) \times (\text{rate assessed by Central Valley})$
Biochemical Oxygen Demand (BOD)	$(\text{Sample in mg/l} - 200) \times 8.34 \times (\text{sewer average in thousands of gallons/1,000,000}) \times (\text{rate assessed by Central Valley})$

*Classification and frequency of sampling is determined by the City.

E. Cost Recovery Fees.

Sample costs	As per cost to City
Labor charge	
Composite	\$154.00/sample
Grab	\$77.00/sample

F. Household Waste and Recyclable Waste Containers.

Residential service (including one waste container, one recyclable)	\$10.00/month *
Additional waste container (waste or recycling)	\$10.00/month per additional can *
New can delivery fee/redelivery fee after nonpayment	\$25.00/trip

Exhibit D

Late payment fee	\$10.00
Special permit inspection fee	\$25.00

* Billing for owner-occupied homes will be sent quarterly, and billing for rental homes will be sent annually.

3.11.110 – Parks and Community Centers.

- A. Resident Rate.** The "resident" rate applies only in cases in which: (1) a person residing in the City of South Salt Lake schedules a facility for a private, personal or family event; (2) a business located in South Salt Lake schedules a facility for an employee social event. A person residing in the City or a business licensed in the City may not schedule a facility for an entity/organization/institute event or function or for a business enterprise at the "resident" rate.
- B. Non-profit.** The "non-profit" rate applies only in cases where a non-profit entity schedules a facility for purposes that do not include fundraising or revenue generation for the entity. Any non-profit entity that schedules a facility for purposes that include fundraising shall pay the "commercial" fee. A non-profit entity that collects a participation fee from those attending an event for the purpose of covering the cost of the event shall not be considered fundraising. Proof of non-profit 501(c)(3) status must be provided, such as a certificate issued by the state or the United States. Government agencies may receive the "non-profit" rate, upon request.
- C. Deposits.** The City may retain all or part of a deposit when the event causes damage to property, additional costs for clean up or room restoration, or if the event is cancelled less than fourteen (14) calendar days prior to the scheduled date. The City reserves the right to recover its costs if the deposit does not cover damage or other costs resulting from the event. If the event occupies the facility beyond the scheduled time, the deposit will be used to pay for additional time, in one-hour increments.
- D. Insurance.** All parties are required to demonstrate to the City adequate insurance coverage.
- E. Security.** For large or high-risk events, the City may require the requesting entity to provide appropriate security. A security plan may be required by the police department and is subject to approval by the police department.
- F. After Hours.** Any person or organization that receives approval to use facilities under this Section after normal hours of operation shall pay an additional, non-refundable fee of two hundred dollars (\$200.00) per hour for use of the facility. An offer by an organization or person to pay this additional fee does not obligate the City to schedule after hours events.
- G. Limited Waiver.** With the approval of the City Attorney, rental fees under this Section may be waived where the requested and scheduled use of facilities supports a free expression event, and where: (1) the meeting is open to all members of the community; (2) no fee or admission charge is required to attend; and (3) no donation are accepted or expected.
- H. City Departments.** City departments shall not be charged a rental fee for use of any parks or facilities. However, City departments must comply with facility scheduling and use requirements.

Exhibit D

City departments shall also be responsible for costs associated with damage or excessive maintenance relating to the department's use.

- I. **Limited Fee Reductions.** A forty-percent reduction in rental fees for a community center facility is authorized where the scheduling party pays in advance a non-refundable payment for scheduled time of ten or more hours in any one calendar month. A twenty-percent reduction in rental fees for a community center facility is authorized where the scheduling party pays in advance a non-refundable payment for scheduled time of five to nine hours in any one calendar month.
- J. **Conferences or Large Events.** For a conference or large event, where an organization intends to use a group of rooms and/or facilities at any of the City's community centers and parks, the overall rate for such multi-room/facility use shall be reduced by forty (40) percent of the cumulative rental rate of the several rooms and facilities. In such cases, the required fee must be paid in advance and will be non-refundable.
- K. **Community Parks.**

Fitts Park Facilities (per day)	Resident	All others
Lions Pride Pavilion	\$30.00	\$60.00
Wandamere Pavilion	\$25.00	\$50.00
Xango Pavilion	\$20.00	\$40.00
Swire Pavilion	\$25.00	\$50.00

L. Community Centers.

Columbus Community Center	Hourly Rate	Deposit
Auditorium		
Commercial	\$140.00	\$200.00
Non-profit	\$100.00	\$200.00
Resident	\$80.00	\$200.00
Kitchen (available for rent with auditorium only)		\$80.00/reservation
Patio		

Exhibit D

Commercial	\$90.00	\$200.00
Non-profit	\$65.00	\$200.00
Resident	\$25.00	\$200.00
Gymnasium for sports		
Commercial	\$100.00	\$200.00
Non-profit	\$25.00	\$200.00
Resident	\$25.00	\$200.00
Tables and chairs for events in gym		\$40.00/reservation
Gymnasium for events		
Commercial rate	\$160.00	\$200.00
Non-profit rate	\$140.00	\$200.00
Resident	\$100.00	\$200.00
Meeting rooms 101,104,105		
Commercial rate	\$50.00	\$200.00
Non-profit rate	\$35.00	\$200.00
Resident rate	\$25.00	\$200.00
Meeting rooms 106, 102/103		
Commercial rate	\$75.00	\$200.00
Non-profit rate	\$50.00	\$200.00
Resident rate	\$40.00	\$200.00

Exhibit D

Meeting accessories and equipment (per day)		
TV/VCR/DVD equipment		\$25.00
Microphone and speaker		\$35.00
Dry erase board		\$15.00
Projector		\$25.00
Piano		\$20.00
All linen for tables		\$10.00/linen
Napkins		\$0.50 each
Central Park Community Center (PAL)	Hourly Rate	Deposit
Gymnasium for Sports		
Commercial	\$100.00	\$200.00
Non-profit	\$25.00	\$200.00
Resident	\$25.00	\$200.00
Gymnasium for events		
Commercial	\$160.00	\$200.00
Non-profit	\$140.00	\$200.00
Resident	\$100.00	\$200.00
Athletic field		
Commercial	\$60.00	\$200.00
Non-profit	\$40.00	\$200.00

Exhibit D

Resident	\$30.00	\$200.00
Historic Scott School	Hourly rate	Deposit
Great Hall		
Commercial	\$50.00	\$200.00
Non-profit	\$35.00	\$100.00
Resident	\$25.00	\$100.00
Cottage		
Commercial	\$50.00	\$200.00
Non-profit	\$35.00	\$100.00
Resident	\$25.00	\$100.00
Board room		
Commercial	\$25.00	\$200.00
Non-profit	\$15.00	\$100.00
Resident	\$15.00	\$100.00
Studio		
Commercial	\$25.00	\$200.00
Non-profit	\$15.00	\$100.00
Resident	\$15.00	\$100.00
Patio and lawn		
Commercial	\$75.00	\$200.00

Exhibit D

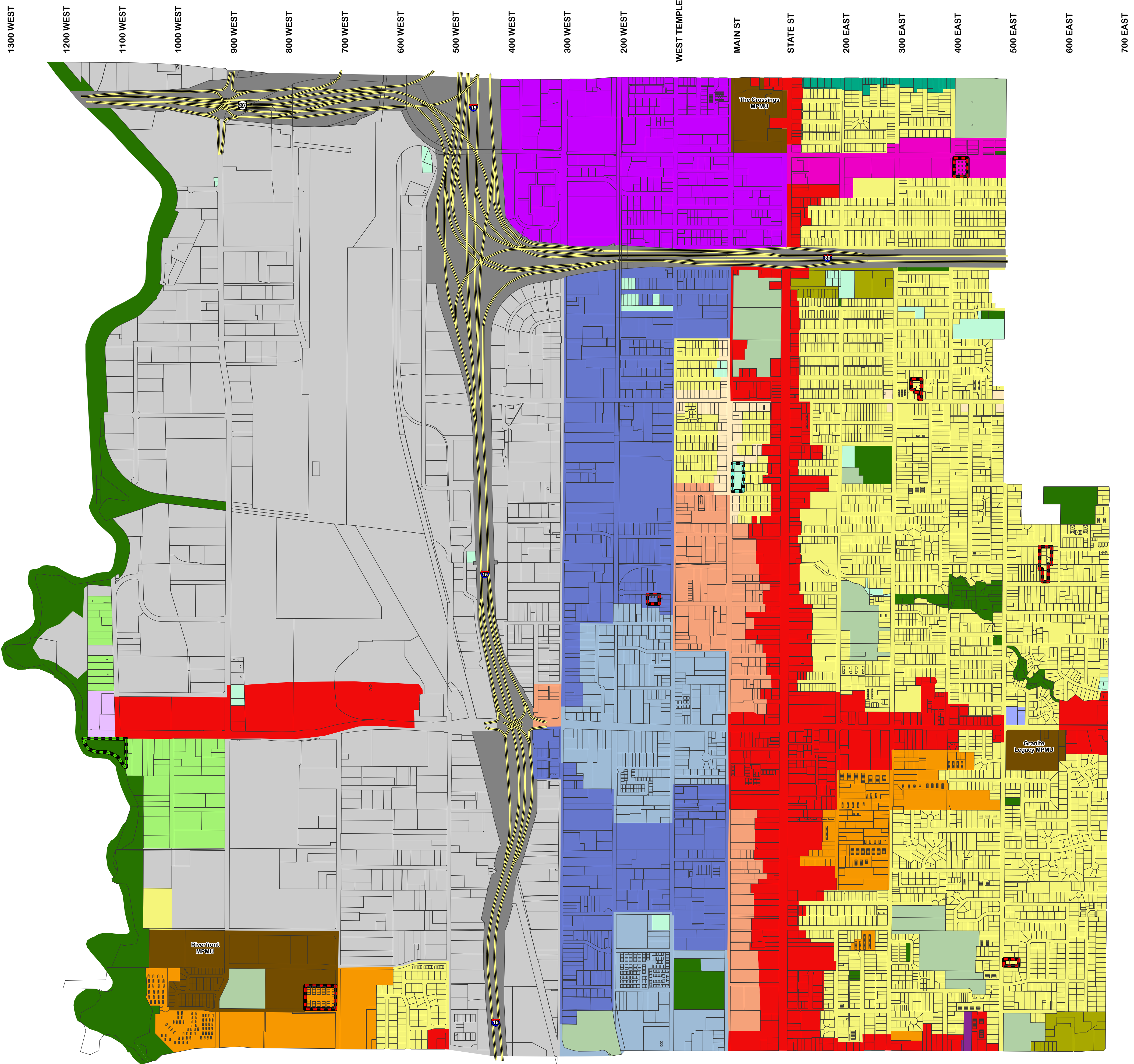
Non-profit	\$50.00	\$100.00
Resident	\$35.00	\$100.00

3.11.120 – Mayor Authority to Amend or Adjust Fees.

- A. The Mayor shall have authority to recommend new fees, as the Mayor deems necessary.
- B. Any fee added by the Mayor to this fee schedule shall be effective as specified by the enacting ordinance or resolution. The consolidated fee schedule shall thereafter be presented to the City Council as soon as possible to address the new fees.
- C. Upon a recommendation from the City Attorney, the Mayor under Section 3.11.110 may approve the use of facilities by a non-profit entity for less than the approved fee schedule where: (1) such entity agrees to provide the City needed/requested in-kind services; (2) the in-kind services are of equivalent value to the reduction in fee; (3) the in-kind services measurably reduce the cost to the taxpayers of previously planned and budgeted government services; (4) the in-kind services are included in an agreement between the City and the non-profit entity; and (5) the fee reduction will not apply to any non-profit activity or event that includes fundraising or generates revenue for the non-profit entity.

3.11.130 – Other Fees.

This consolidated fee schedule does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other resolutions, ordinances, or laws, except to effect modification of the fees reflected above. The fees listed in the consolidated fee schedule supersede present fees for the services specified, but all fees not listed remain in effect. Where this schedule imposes a higher fee than is imposed or required by existing provisions of resolutions, ordinances or laws, the provisions of this schedule shall control.



SOUTH SALT LAKE
CITY ON THE
MOVE

Zoning Map

Districts

- Business Park
- City Facility
- Commercial Corridor
- Commercial General
- Commercial Neighborhood
- Downtown District
- East Streetcar Neighborhood
- Flex
- Granite Lofts Townhome
- Historical & Landmark
- Jordan River
- Master Planned Mixed Use
- Mixed Use
- Open Space
- Professional Office
- R-1
- Residential Multiple
- School
- TOD
- TOD Core

Zone Overlay

- SSLC-PD Overlay
- NCPP Overlay
- PUD Overlay

2100 SOUTH
2200 SOUTH
2300 SOUTH
2400 SOUTH
2500 SOUTH
2600 SOUTH
2700 SOUTH
2800 SOUTH
2900 SOUTH
3000 SOUTH
3100 SOUTH
3200 SOUTH
3300 SOUTH
3400 SOUTH
3500 SOUTH
3600 SOUTH
3700 SOUTH
3800 SOUTH
3900 SOUTH

