

Council Meeting of December 4, 2019

Workshop Agenda Item No. 10a

REQUEST FOR COUNCIL WORKSHOP

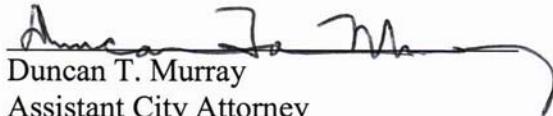
SUBJECT: Workshop Discussion regarding an Ordinance Amending 2009 West Jordan Municipal Code Title 12 (Sign Regulations), Title 13 (Zoning Regulations), Title 14 (Subdivision Regulations), and Title 15 (Permit Processing) regarding the change to the Council-Mayor Form of Municipal Government.

SUMMARY: This Ordinance would update certain chapters and articles of the **Sign, Zoning, Subdivision, and Permit Processing Titles**, to comply with the change to the Council-Mayor Form of Municipal Government.

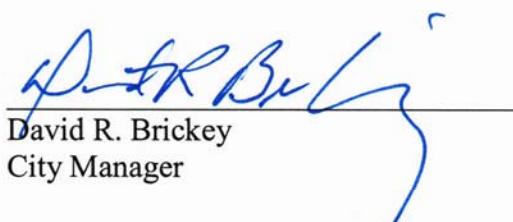
WORKSHOP

DISCUSSION ONLY: No action to be taken at this meeting; may be placed on the December 11th Council Agenda for a Public Hearing and action.

Prepared and Presented by:


Duncan T. Murray
Assistant City Attorney

Authorized for Council Consideration:


David R. Brickey
City Manager

Legislative

Title 12

SIGN REGULATIONS

Chapter 1

GENERAL PROVISIONS

12-1-1: SHORT TITLE:

This title shall be known as the *CITY OF WEST JORDAN SIGN REGULATION ORDINANCE*. (2009 Code)

12-1-2: PURPOSE AND SCOPE:

Because the city is a large, diverse and rapidly expanding municipality, the city council finds that consistent sign control is necessary. The provisions of this title are made to establish reasonable, objective and constitutional time, place, and manner regulations for all signs in the city which are visible to the public. Within those legal constraints, sign regulations adopted under this title are necessary to: protect the general public health, safety, welfare, convenience and aesthetics; to protect and enhance property values; and to protect and enhance the natural setting of the city. At the same time, this title is also intended to reasonably serve the public's need to be given helpful directions and to be informed of available products, businesses and services. (2001 Code § 89-6-1101)

12-1-3: INTERPRETATION:

In interpreting and applying this title, the sign area requirements contained herein are declared to be the maximum allowable for the purpose set forth. The type of signs allowed by this title is fully described and sign types not specifically set forth within this title are prohibited. This title shall not nullify the more restrictive provisions of covenants, agreements, easements, deed restrictions, ordinances or laws, but shall prevail over such provisions which are less restrictive. (2009 Code)

12-1-4: DEFINITIONS:

In this title, the terms, phrases, words and their derivatives shall have the meaning as stated and defined in this title, unless the context indicates a contrary meaning. Terms defined in title 14 of this code, the city subdivision ordinance, and title 13 of this code, the city zoning ordinance, shall have the same meaning when used in this title.

A-FRAME SIGN: A freestanding, permanently permitted portable sign usually constructed of two (2) separate sign faces attached at the top.

ABANDONED SIGN: A sign that is left on property for a period of time in excess of forty five (45) calendar days after the business or use that it advertises has moved to another location or ceased doing business.

ANIMATED SIGN: A sign with parts or sections having physical movement or revolution up or down, around, or sideways that changes at intervals of less than sixty (60) seconds, but not including time and temperature signs or electronic message centers.

AWNING SIGN: A sign constructed of a framework that is mounted to a building or canopy. The framework is usually covered with a light fabric that may be translucent. The awning cover may contain advertising or identifying copy, graphics or design and may be backlit. Awnings used strictly as protective structures for windows and doors and having no sign copy or design are not signs and may display the building address only.

BACKLIGHTED SIGN: A sign with the light source positioned inside or behind the sign face, such as behind raised letters and awnings or inside sign cabinets, the lighting source of which is not itself visible to the observer.

BANNER: Any cloth, bunting, plastic, paper or similar material used for temporary advertising which is attached to or appended from a building.

BENCH SIGN: A sign that is applied to the back of a bench located at a bus stop designated by the Utah transit authority.

BILLBOARD OWNER: The owner of a billboard in the city of West Jordan.

BILLBOARD SIGN: A billboard sign (digital display) and/or a billboard sign (nondigital display) as the context may require.

BILLBOARD SIGN (Digital Display): A freestanding ground sign with a changing digitally created and electronically controlled message face designed or intended to direct attention to a maximum of six (6) businesses, products or services, during any five (5) consecutive minutes of image change, which products or services are not sold, offered or existing on the property where the billboard is located. A billboard sign shall have no more than two (2) message display faces, which must be back to back. Billboard sign structures with two (2) or more faces side by side, or one on top of the other, are prohibited.

BILLBOARD SIGN (Nondigital Display): A freestanding ground sign designed or intended to direct attention to a maximum of two (2) businesses, products or services that are not sold, offered or existing on the property where the billboard is located. A billboard sign shall have no more than two (2) message display faces, which must be back to back. Billboard sign structures with two (2) or more faces side by side, or one on top of the other, are prohibited.

CHANGEABLE COPY SIGN: A sign, other than a billboard sign, on which the text or copy is changed manually or electronically.

CLEAR VISION ZONE: Corner areas at intersecting streets and driveways in which unobstructed vision of motor vehicle operators is maintained and which are subject to the limitations set forth in section 13-8-4 of this code.

CONFORMING SIGN: A sign that meets all provisions of this title.

CONSTRUCTION SIGN: A sign, on premises or off premises, which directs to, identifies or describes the development or construction of, a use, building or buildings which are planned or currently under way, located within the city boundaries.

CONVERT: "Converted" and "conversion" refers to any billboard sign face that is changed from its existing, nondigital or nonelectronic display to an electronic display sign. Any existing billboard sign (nondigital display) that is remodeled, repaired, or maintained in such a way as to become a billboard sign (digital display), in whole or in part, shall be considered a conversion to a billboard sign (digital display).

COPY: The wording on the display surface of a sign.

DIRECTIONAL SIGN: A sign limited to directional messages such as one way, entrance and exit. Business identification may be allowed.

DIRECTORY SIGN: A variation of a monument or wall sign on which the names and locations of occupants or the use of a building or property are identified, but which does not include any advertising message.

DWELL TIME: The time that text, images and graphics on a billboard with a digital display remains static before changing to a different text, images or graphics on a subsequent sign face.

ELECTRONIC MESSAGE SIGN: A display consisting of an array of light sources, panels or disks that are electronically activated.

EXTENDING SIGN: A sign that projects more than twenty four inches (24") from a wall.

FREESTANDING SIGN: A sign that is self-supported by poles, pylons or other structural supports mounted in the ground.

FREEWAY ORIENTED SIGN: An on premises sign located on a regional commercial SC-3 site which is adjacent to a limited access highway or freeway.

ILLEGAL SIGN: Any sign that violates any of the city of West Jordan ordinances, or is determined to not be a conforming sign.

ILLUMINANCE: The amount of light falling on an object or the measurement of such light.

ILLUMINATED OR LIGHTED SIGN: A sign equipped with artificial lighting devices for the purpose of improving the sign's visibility.

ILLUMINATION: Illumination or "illuminated" means a source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign.

INDIRECT ILLUMINATION: A light source not seen directly.

INFLATED SIGN: Any advertising device that is supported by heated or forced air or lighter than air gases.

KIOSK SIGN: A structure with four (4) sides or less upon which a subdivision, planned residential development, homebuilder, multi-family development or public service sign panel may be mounted.

LOW MAINTENANCE SIGN: A sign composed of sign materials that do not require frequent replacement, painting or refurbishing as a result of exposure to the elements.

MAINTENANCE: To repair, refurbish, repaint or otherwise keep an existing billboard and its structure safe and in a state suitable for use, including signs destroyed or damaged by vandalism, an act of God, or casualty.

MAJOR PYLON SIGN: A freestanding sign, not more than twenty five feet (25') in height, supported by a single column having a width that is twenty five percent (25%) or more of the width of the sign.

MAJOR STREET CONSTRUCTION: The repair or reconstruction of a street where access to adjacent properties is restricted for more than seven (7) consecutive days.

MINOR PYLON SIGN: A freestanding sign, not more than twelve feet (12') in height, which is supported by a single column having a width that is twenty five percent (25%) or more of the width of the sign.

MONUMENT SIGN: A freestanding identification, advertising or business sign which is supported by a pole or base having a combined width greater than two feet (2') which is mounted permanently in the ground.

NAMEPLATE SIGN: A wall sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

NEIGHBORHOOD ENTRYWAY SIGN: A permanent sign used to identify the main entrance of a neighborhood located on collector and arterial streets, which is incorporated into an approved wall or fence.

NONCOMMERCIAL SIGN: Any sign that does not do any of the following:

- A. Advertise or promote, directly or indirectly, a product or service for profit or for a business purpose; or
- B. Directly or indirectly propose a commercial transaction.

OFF PREMISES SIGN: A sign indicating the availability of goods or services at a location other than the location of the sign.

ON PREMISES SIGN: A sign located on the property that it serves.

PEDESTAL SIGN: A portable sign supported by a column or columns and a base.

PLANNED CENTER GATEWAY SIGN: An on premises freestanding sign that is placed directly above a private driveway or private pedestrian walkway, and is supported by decorative columns with a masonry base that matches the architecture of the development that it serves. Planned center gateway signs are intended to serve as the primary identification of the main vehicular and pedestrian entry point(s) into a large campus style development with a common architectural theme, such as a major shopping center, vertical mixed use development, large office park, medical center or university.

PLANNED CENTER SIGN: A large freestanding sign designed or intended to direct attention to a variety of facilities or uses on properties containing two (2) or more lots or buildings and situated in a contiguous campus or business style environment. All planned center signs shall be supported by a pole or poles and mounted permanently to the ground by a brick or stone base not less than two feet (2') in height.

POLE SIGN: A freestanding sign which is supported by a pole or poles mounted permanently to the ground.

PORTABLE READER SIGN: A reader sign that is mounted on a portable framework and intended for temporary use.

PORTABLE SIGN: Any sign which is prominently displayed to identify, advertise, direct or promote any person, product, company, entity or service, and which is movable in nature such as A-frames, pedestal, signs on vehicles, banners attached to freestanding poles, or similar signs which are not permanently installed in the ground.

PROJECTING SIGN: A sign that is attached to and projects from a building, pole or other support.

PROMOTIONAL SIGN: A temporary device such as banners, streamers, flags, balloons, pennants, searchlights and inflated signs.

READER SIGN: A changeable copy display that allows for the manual or electrical changing of the copy or text.

ROOF SIGN: A sign which is supported wholly or in part by and which projects over a roof.

SCULPTURED SIGN: A freeform or three-dimensional sign that has a depth greater than two feet (2').

SIGN: Materials placed or constructed, or light projected, that: a) conveys a message or image; and b) is used to inform or attract the attention of the public. Some examples of "signs" are materials or lights meeting the definition of the preceding sentence and which are commonly referred to as signs, placards, A-boards, posters, billboards, murals, diagrams, banners, flags or projected slides, images or holograms, and also includes the structure, supports, lighting system attachments and other features of the "sign". The scope of the term "sign" does not depend on the content of the message or image conveyed.

SIGN ALTERATION: The changing or rearranging of any structural part, sign face, enclosure, lighting, coloring, copy (except on reader signs), graphics, component, or location of a sign.

SIGN AREA: The portion of a sign used for display purposes, excluding the frame and supports. Only one side of a double faced sign (covering the same subject) shall be used for computing the sign area when the signs are parallel (no greater than 2 feet apart) or diverge from a common edge by an angle not greater than thirty degrees (30°). For signs that do not have defined display areas, "sign area" shall be the area of the smallest rectangle or square that will frame the display.

SIGN CLEARANCE: The height of the lower edge of the face of a freestanding sign from the finished grade.

SIGN DENSITY: The concentration of signs in a given area, frontage, district or lot. "Density", as used in this title, will usually be defined in terms of numbers of signs per lot or frontage.

SIGN DESIGN: The form, features, colors and overall appearance of a sign structure.

SIGN DEVELOPMENT PLAN: A comprehensive plan for all signs proposed for a development, and may include a combination of site plans, architectural elevations and written specifications which illustrate and describe proposed location, height, design, colors and materials for such signs.

SIGN HEIGHT: The height of a sign measured from the elevation of the nearest sidewalk or, if there is no sidewalk, from the nearest curb or, if there is no curb, from the elevation of the nearest street paving surface.

SIGN LOCATION: The position on a property where a sign is to be placed.

SIGN SEPARATION: The horizontal distance between signs measured parallel with the street or curb.

SIGN SETBACK: The horizontal distance between the property line (front or side) and the closest edge of the sign structure.

SNIPE SIGN: A sign for which a permit has not been obtained which is attached to a public utility pole, service pole, supports for another sign, fences, trees, etc.

STRUCTURAL MODIFICATION: Any change other than incidental repairs that would prolong the life of the supporting members of the sign.

STRUCTURALLY MODIFY: As to a billboard sign, does not mean to convert the billboard sign.

SUSPENDED SIGN: A sign that overhangs a pedestrian walkway beneath a canopy, eave or awning.

TEMPORARY SIGN: Any sign intended to be displayed for a definite period of time. Examples of temporary signs include, but are not limited to, most noncommercial signs, A-frame signs, balloons, banners, garage/yard sale signs, real estate signs, or special event signs.

TWIRL TIME: The time that it takes for static text, images and graphics on a billboard with a digital display to change to a different text, images or graphics on a subsequent sign face.

UNIFIED COMMERCIAL DEVELOPMENT: A development that:

- A. is used primarily for commercial or industrial activities;
- B. is developed by a single developer, including successors, under a common development plan and may include phased development;
- C. consists solely of land that is contiguous;
- D. holds itself out to the public as a common development through signs and other marketing efforts; and
- E. received planning approval as described above.

UNIFIED COMMERCIAL DEVELOPMENT SIGN: A sign that:

- A. is erected within an approved unified commercial development;
- B. is erected within the outdoor advertising corridor; and
- C. advertises only the brands, logos, or trade names of businesses, products, services, and events that are available to the public at facilities on parcels within the boundaries of the unified commercial development.

UPGRADE: As to a billboard sign, does not mean to convert a billboard sign (nondigital display) to a billboard sign (digital display).

VEHICLE SIGN: A sign or advertising device that is attached to, painted on, placed upon, or supported by any truck, trailer, boat, other vehicle or portable structure conspicuously or regularly parked on or off premises expressly to attract attention to a business, product or promotion. This definition does not apply to signs or lettering on public transit vehicles, taxis or company vehicles operating during the normal course of business or parked in a legally designated on site parking space at the location of the company owning the vehicle.

VILLAGE CENTER ADVERTISEMENT SIGN: Pedestrian oriented signage located on a building facade and/or incorporated into the architecture of a building; displaying noncommercial content or advertising businesses, events, and other uses located within the same master planned development or environs.

WALL SIGN: A sign that is painted on or affixed to a building wall and projects less than six inches (6") from the wall. (2001 Code §§ 89-1-203, 89-6-1104; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 12-07, 4-4-2012; Ord. 13-04, 2-27-2013; Ord. 13-17, 4-24-2013; Ord. 14-22, 6-11-2014; Ord. 14-29, 8-27-2014; Ord. 16-33, 8-24-2016; Ord. 16-50, 11-16-2016; Ord. 19-30, 10-23-2019)

Chapter 2

APPLICATION OF REGULATIONS

12-2-1: CONFORMITY OF SIGNS:

12-2-2: CONSTRUCTION STANDARDS:

12-2-3: SIGN PERMIT:

12-2-4: FEES:

12-2-5: EXEMPT SIGNS FOR WHICH NO SIGN PERMIT REQUIRED:

12-2-1: CONFORMITY OF SIGNS:

No sign shall be erected, constructed, reconstructed, located, relocated, placed, replaced, restored, extended, enlarged, modified, altered or repaired except in conformity with this title and title 13 of this code. (2009 Code)

12-2-2: CONSTRUCTION STANDARDS:

All sign construction and use shall comply with the international building code, the national electrical code, this title, title 13 of this code, and all federal, state and other applicable city regulations, including those concerning power line and other utility clearances. (2009 Code)

12-2-3: SIGN PERMIT:

A. **Permit Required:** A sign permit shall be required prior to the erection, construction, reconstruction, location, relocation, placement, replacement, restoration, extension, enlargement, modification, alteration, repair or use of any sign within the city, except exempt signs described in section 12-2-5 of this chapter.

B. **Issuance Of a Permit:** The development services department or its designee is empowered to:

1. Issue permits to erect, construct, reconstruct, locate, relocate, place, replace, restore, extend, enlarge, modify, alter, repair or use signs which conform to this title and title 13 of this code; and

2. Determine that all sign applications conform to this title and title 13 of this code.

- C. Zoning District Approval: Before any sign permit shall be issued, the development **services** department or its designee shall review the sign application to determine compliance with title 13 of this code.
- D. Planning Commission Approval: Before a sign permit may be issued, planning commission approval shall be required as follows:
 1. A sign development plan for all nonresidential developments that require site plan review by the planning commission;
 2. Revised sign development plans for existing developments;
 3. Signs requiring a conditional use permit as identified in section 13-17-2 of this code;
 4. Historical monuments and markers in any zone;
 5. The renewal of expired off premises development signs; and
 6. Conceptual sign plans included in development plans for all mixed use developments in the WSPA zone.
- E. Zoning Administrator Approval: All other sign permits may be approved by the zoning administrator or his/her designee.
- F. Application Submittal: The following information shall be submitted to the development **services** department with the permit application:
 1. Monument and pole signs:
 - a. A site plan showing the relationship of the sign to buildings, other signs, and property lines and setbacks from public rights of way, intersections, easements and driveways;
 - b. Accurately dimensioned, scaled drawings showing height, color, dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street;
 - c. Details of sign construction, including electrical plan, foundation scheme, and value of the sign; and
 - d. Length of property street frontage.
 2. Wall Signs:
 - a. Scaled drawings showing dimensions of both the building face and the sign, sign composition and type of illumination;
 - b. An architectural elevation drawing of the sign on the building to show how the sign will appear from the street/parking area; and
 - c. Details of sign construction and attachment, including an electrical plan, if applicable.
 3. Temporary Signs:

a. Site plan showing the relationship of the sign to buildings, property lines and other signs; and setbacks from each public rights of way, intersections, easements, and driveways existing and adjacent to the property on which the temporary sign is to be situated. The site plan does not need to be professionally drawn; and

b. Length of requested period for display.

4. Bus Bench/Shelter Signs¹:

a. Written approval from the property owner of the proposed location for the bus bench/shelter. The property owner's approval shall be required whether the bench/shelter is to be located on private property or within an adjacent street right of way;

b. A letter of approval from the Utah transit authority;

c. A site plan, vicinity map and specifications for bus bench/shelters, as well as any improvements needed for the particular site;

d. A signed contract with the city for each bus bench/shelter sign located on public property; and

e. A fee, in an amount established by resolution of the city council.

5. Off Premises Development **And and** Private Directional Signs: Written consent from the owner of the property upon which the sign will be located.

6. Kiosk Signs:

a. Written approval from the property owner of the proposed location for the kiosk sign;

b. A letter of approval from UDOT, if applicable;

c. A kiosk location plan shall be prepared showing the site of each kiosk;

d. An approved kiosk location plan shall be resubmitted for approval every twelve (12) months; and

e. An annual fee, in an amount established by resolution of the city council.

7. Additional Information Required **For All for all** Sign Permits:

a. Proof of current city business license, where applicable;

b. Business address and phone number;

c. Address of real property owner and phone number;

d. General or electrical contractor license, phone number and address;

e. Estimated fair market value of the sign and its cost of manufacture or construction; and

f. Property owner approval.

G. Expiration **Of of** Permit:

1. All sign permits shall expire one hundred eighty (180) days following the date of issuance of the sign permit, unless the sign is fully constructed according to the plans submitted with the application for the sign permit.
2. Permits issued for bus bench/shelter signs, off premises development signs and kiosk signs are valid for only one calendar year. A change in the text of the sign on the bus bench/shelter sign or kiosk sign or a substitution of benches/shelters or signs on the kiosk shall not require the issuance of a new permit, if the bus bench/shelter or kiosk is placed in the same location as originally permitted.
3. Except for billboard signs, conditional use permits issued for all other signs may be revoked pursuant to section 13-7E-10 of this code. (2001 Code §§ 89-6-1102, 89-6-1106, 89-6-1108, 89-6-1110; amd. 2009 Code; Ord. 19____, ____-2019, Effective at 12 noon on January 6, 2020)

12-2-4: FEES:

- A. Fees as established by resolution of the city council shall be paid at the time of the issuance of the sign permit.
- B. A change in the text of the sign on the bus bench/shelter or the kiosk or a substitution of benches/shelters or the kiosk shall not require the payment of an additional fee, if the bus bench/shelter or kiosk is placed in the same location as originally permitted. (2001 Code §§ 89-6-1102, 89-6-1108; amd. 2009 Code)

12-2-5: EXEMPT SIGNS FOR WHICH NO SIGN PERMIT REQUIRED:

The following types of signs are exempt from the permit requirements of this title, but shall be in compliance with all other applicable provisions:

- A. On Premises Development Or Construction Signs: Two (2) on premises development or construction signs, each no larger than thirty two (32) square feet in area and not exceeding twelve feet (12') in height and which comply with the same size, location, spacing and display period standards as an off premises development sign, may be placed on real property on which new subdivisions or homes are being constructed. These signs must be removed once ninety five percent (95%) of the development has received a city certificate of occupancy.
- B. On Premises Real Estate Sign; Small Lots: Lots with less than two hundred feet (200') of frontage on a street may display one on premises sign per lot; provided, that the sign is: securely attached to the ground; advertises only that the home on the lot is for sale or rent, including signs titled "For Rent", "For Sale", "Open House", "For Lease", or similar signs; is no larger than eight (8) square feet in area; and does not exceed six feet (6') in height. "Open house" signs may only be displayed for the duration of the open house or eight (8) consecutive hours, whichever is less, and shall be removed within thirty (30) minutes after the conclusion of the advertised "open house".
- C. On Premises Real Estate Sign; Large Lots: Notwithstanding the number limit in subsection B of this section, lots with two hundred (200) or more feet of frontage on a street may display two (2) on premises signs per lot, which are no larger than sixteen (16) square feet in area. The other provisions of subsection B of this section shall apply.
- D. Temporary Residential Real Estate, Off Premises And Open House Signs: Off premises open house signs shall only be allowed where property in residential or agricultural zoning districts is being sold or leased, and shall be subject to the following:

1. The size of the sign shall not exceed four (4) square feet;
2. The number of signs is limited to one sign at the arterial street intersection closest in driving distance to the property for sale, and from thence, one additional sign at each intersection leading directly to the property;
3. The signs shall be displayed only during those hours when the realtor or seller or an agent is in attendance at the property for sale or lease;
4. The signs may be placed on private property only with the approval of the property owner/tenant, or in the park strip with the approval of the fronting property owner/tenant; and
5. The signs shall be less than thirty inches (30") in height if located in a park strip or less than forty eight inches (48") high if located on private property.

E. Noncommercial Signs:

1. Noncommercial signs, not exceeding eight (8) square feet in size, located on private property with the owner's permission. For purposes of this subsection, "private property" shall mean the area behind the sidewalk. If there is no sidewalk, then "private property" shall be the area measured eleven feet (11') from the back of the curb. If there is no curb, then eleven feet (11') from the edge of the asphalt or road base. The definition of private property in this subsection shall not apply to property abutting state rights of way.
2. The city shall not be liable for any signs placed in a state right of way. Noncommercial sign owners shall be solely responsible for verifying the boundaries of any such state right of way.

F. Temporary Sign For Seasonal Commerce: One 32-square foot, temporary sign placed in connection with a Christmas tree lot, fireworks stand or other temporary use that is approved and licensed by the city.

G. Vacant Property Signs: Signs on undeveloped or vacant property, including "No Dumping" or "No Trespassing" signs, provided the sign is eight (8) square feet or less in area.

H. Nameplates: A nameplate sign, provided the sign is no larger than two (2) square feet in area.

I. Directional Signs: Directional signs or signs located only on private property and not exceeding four (4) square feet in area, which serve to designate the location or direction to any use or structure on the premises such as signs titled "Entrance", "Exit", "Parking", "Restrooms", "No Smoking" or "Delivery".

J. Public Necessity Or Regulatory Signs: Public necessity or regulatory signs which warn or inform as required by law, if erected by or in behalf of public agencies.

K. Window Signs: Window signs, including posters, messages or displays painted or mounted on the interior side of a window; provided, that no more than fifty percent (50%) of the total window area on which the sign is located is covered.

L. Garage/Yard Sale Signs: Temporary home production or garage sale signs on private property in residential zones; provided, that the sign is no larger than four (4) square feet in area.

- M. Public/Quasi-Public Signs: Flags, banners or pennants of governments, public agencies or institutions.
- N. Civic And Nonprofit Events: Signs which announce events, activities or celebrations sponsored by, or conducted in conjunction with, the city, the county or the state.
- O. Interior Signs: Interior signs or signs used within buildings and not intentionally positioned to be visible from the outside.
- P. Temporary Signs Placed During Holiday Periods: In addition to the display periods specified in subsection 12-3-3O2 of this title, a business may display one banner, securely attached to the building facade, and one freestanding sign during the holiday periods specified below. Freestanding holiday signs shall not be larger than twenty four (24) square feet in size. The sign may be erected in front of the business on private property and shall be securely attached to the ground. One additional banner per business may be permitted for businesses located in a building having a front face of one hundred fifty (150) square feet or more. The holiday periods during which temporary banners and freestanding signs may be displayed are as follows:

Presidents' Day	4 days before the date of the holiday, on the holiday and 1 calendar day after the holiday.
Dr. Martin Luther King Jr. Day	4 calendar days before the date of the holiday, on the holiday and 1 calendar day after the holiday.
Memorial Day	4 days before the date of the holiday, on the holiday and 1 calendar day after the holiday.
Independence Day	June 30 through July 5.
Pioneer Day	July 20 through July 25.
Labor Day	4 calendar days before the date of the holiday, on the holiday and 1 calendar day after the holiday.
Columbus Day	4 calendar days before the date of the holiday, on the holiday and 1 calendar day after the holiday.
Veterans Day	4 calendar days before the date of the holiday, on the holiday and 1 calendar day after the holiday.
Thanksgiving	1 calendar day before the date of the holiday, on the holiday and 4 calendar days after the holiday.
Christmas/Hanukkah; New Year's Day	December 15 through January 2.

- Q. Art: Art or art forms that do not contain or imply any commercial message.
- R. Temporary Signs During Road Construction: Temporary signs displayed during periods of major road construction, as described in subsection 12-3-3P of this title, or any successor section.
- S. Handheld Signs: Commercial handheld signs; provided, that each is no larger than six (6) square feet in size, is displayed only during daylight hours, and is subject to the limitations in subsection 12-3-6B of this title.

T. New Building Construction, Temporary Signs: New building construction, temporary signs, shall be approved for thirty (30) days before the estimated date of certificate of occupancy, and last until fourteen (14) days after the certificate of occupancy is issued. Normal temporary sign ordinances apply. (2001 Code § 89-6-1103; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 12-07, 4-4-2012)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See also subsection 8-8-8 of this code and section 12-3-2 and subsection 12-3-3C of this title.

Chapter 3

SIGN REQUIREMENTS¹

12-3-1: GENERAL PROVISIONS:

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12-3-1: GENERAL PROVISIONS:

The following provisions shall apply to all signs:

- A. Minimum Side Yard Setback: Signs shall not be constructed in or project into any required side yard in any zone. Where no side yard is required, signs shall not be located closer than five feet (5') from the property line.
- B. Maintenance: Signs shall be kept in good repair and maintained in a safe and attractive condition. This includes the replacement of defective parts, repainting, cleaning and other acts for proper maintenance. The ground space within a radius of five feet (5') from the base of any sign shall be kept free and clear of all weeds, trash and flammable material. Sign maintenance does not mean altering a sign in any way without a sign permit.
- C. Repair Of Building Facade: Any building facade from which a sign is removed or on which a sign is repaired, changed or replaced shall be repaired, if damaged, within thirty (30) calendar days of removing the sign from the building.
- D. Highway Frontage: Limited access highway frontage shall not be considered frontage for purposes of this title.
- E. Signs In Residential Zones: Signs, other than nameplates and exempt signs, may only be used in residential zones as permitted in section 13-17-2 of this code.
- F. Clear Vision Zone: Any sign located in a clear vision area shall maintain required clearances as specified in section 13-8-4 of this code.

G. Minimum Clearance Of Signs: Where pedestrian traffic is anticipated near a sign, minimum clearance of not less than ten feet (10') shall be maintained from the bottom edge of a planned center gateway sign, projecting sign, suspended sign, pole sign, billboard or any similar sign to the final grade beneath the sign. The minimum clearance for signs near driveways or parking areas shall be fourteen feet (14').

H. Construction: All signs shall be constructed of durable, low maintenance materials. The area around all freestanding signs shall be landscaped. All wiring and similar components shall be concealed.

I. Illumination: External or internal lighting or backlighting shall be allowed for illuminated signs.

J. Urban Design Standards: All signs shall be designed and constructed in accordance with the following guidelines:

1. Signs shall be designed to incorporate colors, materials and architectural design that is compatible with the development that they serve. The supports or base of signs shall complement the overall design scheme or shall be enclosed with architectural coverings;
2. Sign locations should be integrated with other elements on the site and the adjacent streetscape:
 - a. Signs shall not be located so as to obscure signs on adjacent sites;
 - b. Signs will not be placed in an area that can confuse motorists and pedestrians and cause potential safety hazards;
 - c. Traffic directional signs should be placed to promote safe and efficient traffic flow; and
 - d. Signs should be oriented to promote readability and serve their intended function; and
3. Although landscaping may not initially appear to obscure a sign, it may significantly reduce or eliminate the sign's effectiveness unless taken into account in the planning stage. Signs should be placed so they are not obscured by landscaping when it has reached full maturity. (2001 Code § 89-6-1105; amd. 2009 Code; Ord. 16-50, 11-16-2016)

12-3-2: SIGN STANDARDS:

Sign Type	Sign Standards				
	Maximum Area	Maximum Height/Projection/Width	Density	Spacing	Front Setback
A-frame signs ¹	10 sq. ft. per sign face with a maximum of 2 sign faces	Height: 4'	1 per business	75' from any other sign	Signs must be within 20' of the primary entrance to the business
Animated signs	Integrated in the design of another approved sign and not to exceed 25% of the area of such sign	n/a	n/a	n/a	n/a
Awning signs ¹	Sign: 25% of the building facade	Height: 5' Projection: 3' or 33% of	n/a	n/a	Awnings shall not project into any public right

	Copy or design: 50% of the awning area	window height whichever is less			of way
Billboards ¹	300 sq. ft.	Height: 35'	See subsection 12-3-3D of this chapter for density	Not less than 500' from any other billboard	10'
Bus bench/shelter signs ^{1,2}	Bench sign: 16 sq. ft. Shelter sign: 22 sq. ft.	Bench sign height: 42" Shelter sign height: 6'	One at each UTA bus stop	500' from any other bench/shelter sign and 50' from any other freestanding sign, except pole signs. There is no required separation between pole signs and bus bench/shelter signs	A minimum distance between the front edge of the bench or shelter and the face of the adjacent curb of 48" on state roads and 24" on city streets
Changeable copy signs ¹	Integrated with another approved sign and not to exceed 30% of the area of such sign	n/a	n/a	n/a	n/a
Directional signs ¹	6 sq. ft. 6 sq. ft. per individual sign area on a single pole, if approved with a sign development plan	Height: 6' 12' if approved with a sign development plan	See Spacing	50' from any other freestanding sign, unless approved as part of a sign development plan	Public use directional signs may be located within public rights of way Other directional signs: 18"
Directory signs	50 sq. ft.	Height: 10'	1 for each primary entrance into a commercial, industrial or office complex	n/a	10'
Electronic/LED	Integrated with another approved sign up to 50% of sign area	n/a	n/a	n/a	n/a
Freeway oriented signs ¹	950 sq. ft. For master planned developments having 5,000 linear feet or more of frontage on a freeway, not more than 1 sign may be up to 1,500 sq. ft., including the area of any shopping center logo	Height: 50' For master planned developments having 5,000 linear feet or more of frontage on a freeway, not more than 2 signs may be up to 72' in height	See Spacing	1 sign for each 800' of highway frontage	n/a
Historical markers ¹	8 sq. ft.	Height: 6'	n/a	n/a	10'
Inflated sign display ¹	n/a	Height: 25'	1 per commercial complex or 1 for each business not located in a commercial complex	200' from any other freestanding sign	In compliance with setbacks of the zone in which the sign is located
Kiosk sign ¹	Overall kiosk sign:	Height: 12'	n/a	300' from any	n/a

	12' x 4'6" Sign panels: 7 (1' x 4')			other kiosk sign; 50' from any other freestanding sign	
Monument signs 4' or less in height ¹	20 sq. ft. The architectural element shall not be considered part of the sign area	Height: 4' above grade or 6' above the elevation of the nearest sidewalk, whichever is greater A domed, gabled shaped architectural element may extend 1' above the sign for a maximum height of 7' and may incorporate a building address but no other copy or logo shall be permitted within this area	1 for each agricultural sales or service business	n/a	4' except for corner properties and all driveways, where the minimum setback is 15'
Monument signs over 4' in height ¹	50 sq. ft. on sites with less than 250' of street frontage 78 sq. ft. on sites with more than 250' of street frontage The architectural element shall not be considered part of the sign area	Height: All monument signs shall sit on a base no greater than 2' in height. The sign itself shall not exceed 6' in height A domed, gabled or similar shaped architectural element may extend 1' above the sign for a cumulative height of 9' and may incorporate a building address but no other copy or logo shall be permitted within this area Width: The total width of the sign shall not exceed 13'	1 for sites having only 1 business For all other sites, as approved on a sign development plan	Not less than 100' from any other freestanding sign	4' except for corner properties and all driveways, where the minimum setback is 15'
Neighborhood entryway monument sign ¹	20 sq. ft.	Height: 4' above grade or 6' above the elevation of the nearest sidewalk, whichever is greater	2 per main entrance along collector and arterial streets for each planned development and subdivision	50' from other monument sign, 100' from any other entrance or pole sign	20'
Neighborhood entryway sign ¹	20 sq. ft.	Height: Incorporated into a wall to assume the approved wall height	2 per main entrance along collector and arterial streets	50' from other neighborhood entryway sign, 100' from any other monument or pole sign	10', outside of clear vision area
Off premises development signs ¹	32 sq. ft.	Height: 12'	1 sign per 100 residential units in a development	50' from any other freestanding sign or structure	18"
Planned center gateway sign ¹	n/a, except as dictated by maximum height and minimum vehicle/pedestrian clearances	Height: 30'	1 per 15 acres of total planned development area and included in an approved sign plan	150' from any other pole, pylon, planned center sign or planned center gateway sign, 100' from any monument sign and 50' from any other freestanding sign,	Support columns shall be placed outside of clear vision area

				except bus bench and bus shelter signs	
Planned center sign ¹	250 sq. ft.	Height: 25'	1 per frontage onto an arterial/collector right of way	200' from any other pole sign, 150' from any monument sign and 50' from any other freestanding sign, except bus bench and bus shelter signs	n/a
Pole signs ¹	80% of the street frontage of the lot upon which the sign will be located, up to a maximum of 200 sq. ft.	Height: 25'	1 sign per 200' of street frontage and 1 additional sign for developments with 400' or more of street frontage For corner lots, each frontage shall be computed separately	200' from any other pole sign, 150' from any monument sign and 50' from any other freestanding sign, except bus bench and bus shelter signs. There is no required separation between pole signs and bus bench/shelter signs	18"
Pylon sign, minor	64 sq. ft.	Height: 12'	Approved as an element of a sign development plan	Not less than 150' from any other freestanding sign	18"
Pylon sign, major	200 sq. ft.	Height: 25'	Approved as an element of a sign development plan	200' from any other pylon sign or pole sign, 150' from any monument sign, and 75' from any other freestanding sign	18"
Sculptured signs	As approved by planning commission	Height: 8' above grade or 10' above the elevation of the nearest sidewalk, whichever is greater	n/a	n/a	10'
Suspended signs	4 sq. ft.	n/a	n/a	n/a	n/a
Temporary promotional signs ¹	Wall banners: 40 sq. ft. Freestanding signs: 24 sq. ft.	Wall banners: n/a Freestanding sign height: 6'	Wall banners: 1 per business plus 1 additional banner for a business located in a building having a front face of 150 linear feet or more Freestanding signs: 1 per business. Sign shall be securely attached to the ground	Wall banners: n/a Freestanding signs: 25' from any other freestanding sign	Wall banners shall be securely attached to the building facade Freestanding signs: 18" Searchlights: 50' from the edge of any street pavement
Village center advertisement	15% of building facade; max. 100 sq.	No higher than second level/story of parking	As approved in the development	n/a	n/a

signs	ft./sign	structure or commercial building	plan		
Wall signs ¹	15% of each facade of a building	Height: n/a Projection from building: Not more than 18"	1 for each business occupying a building	n/a	n/a

Notes:

1. See section 12-3-3 of this chapter for exceptions and qualifications.
2. See also subsection 8-8-8B of this code, subsection 12-2-3F4 of this title and subsection 12-3-3C of this chapter.

(2001 Code § 89-6-1107; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 11-08, 3-23-2011; Ord. 14-29, 8-27-2014; Ord. 16-33, 8-24-2016; Ord. 16-50, 11-16-2016)

12-3-3: EXCEPTIONS AND QUALIFICATIONS FOR SPECIFIC SIGN TYPES:

- A-Frame Signs: The use of A-frame signs is limited to areas of high volume pedestrian traffic and is limited to normal business hours. A-frame signs shall be stored indoors at all other times. A-frame signs shall not be used outdoors when high wind or heavy snow conditions exist.
- Awning Signs: Awning signs may be displayed, if striping of not more than one color (including black and white) is used, and the background shall not be considered design space. Awnings placed on canopies or marquees are exempted from the twenty five percent (25%) limitation specified in section 12-3-2 of this chapter, but shall not exceed five feet (5') in height.
- Bus Bench Signs And Bus Shelter Signs²:
 - Placement: Only one double sided sign is permitted in a bus shelter. This sign shall be placed inside the shelter and shall be securely attached to the opposite wall of the shelter that faces oncoming traffic.
 - On Benches Prohibited: Signs shall not be placed on benches located inside bus shelters.
 - Insurance: For any bus bench or bus shelter sign, the company or person responsible for the bus bench or shelter sign shall enter into an agreement with the city, which must be approved by the city attorney. This agreement will require, among other things, that the company or person responsible for the bus bench or bus shelter sign provide to the city proof of liability insurance in the minimum amount of one million dollars (\$1,000,000.00), name the city as an additional insured, and indemnify and hold harmless the city from any and all injuries and defense costs arising from the placement or use of the bus bench or bus shelter sign.
 - Sign Permit Required: A sign permit shall be required for each bus bench sign and bus shelter sign, and all applications for a sign permit must include the following:
 - Written approval from the property owner of the proposed location for the bus bench/shelter sign is required and shall be submitted with the sign permit application. This approval shall be required whether the bench or shelter is to be located on private property or within an adjacent street right of way;

- b. A letter of approval from the Utah transit authority;
- c. A fee, in an amount established by resolution of the city council. The permit shall be valid for one calendar year. A change in the text of the sign on the bus bench/shelter sign or a substitution of benches shall not require the issuance of a new permit or the payment of an additional fee, if the bench/shelter is placed in the same location as originally permitted;
- d. A signed contract with the city for each bus bench or bus shelter sign located on public property; and
- e. Include a site plan, vicinity map and specifications for bus bench and shelters, as well as any improvements needed for the particular site.

5. Approval: Once an applicant has obtained approval for the location of the bus bench/shelter sign, the approval shall continue as long as the permit is maintained or until the property owner withdraws the approval in writing.

D. Billboard Signs:

1. Compliance With Law: Unless expressly provided otherwise, the erection, construction, reconstruction, location, relocation, placement, replacement, restoration, extension, enlargement, alteration, modification, upgrade, repair and maintenance of a billboard must comply with this title, title 13 of this code, and applicable state law.

2. Location: Billboard signs shall only be located on lots or parcels adjacent to streets that are adjacent to arterial streets as identified on the future roadway network map in the West Jordan master transportation plan, including Airport Road, Old Bingham Highway, New Bingham Highway and Bangerter Highway. Billboards shall not be allowed along the Mountain View Corridor.

3. Density: A billboard shall be considered a sign for the purpose of density on lots or parcels of land that qualify for a sign, except that if the billboard was located on the lot pursuant to a bona fide lease agreement with a third party prior to the installation of the pole sign, the billboard may remain upon the lot as a nonconforming billboard.

4. Residential, Mixed Use (Residential, Commercial, Office), Or Mixed Use Overlay Zone Prohibition: A billboard shall not be located within a residential zone or within a two hundred fifty foot (250') radius from a residential zone, except billboard signs along Bangerter Highway which shall not be located within a one hundred fifty foot (150') radius of a residential zone. A billboard sign (digital display) shall not be located closer than three hundred feet (300') from any residential zoning district boundary and shall not be located closer than five hundred feet (500') from any residential zoning district boundary if the billboard faces a residential area as determined through the conditional use permit review process. A billboard sign shall not be located within any mixed use or mixed use overlay zone, regardless of the underlying zoning classification. The minimum separation between billboard signs (digital display) and any other billboard sign shall be one thousand two hundred fifty feet (1,250'). The separation distance may be reduced where the planning commission finds that there are extenuating circumstances that justify a reduction in the separation requirement such as reducing the negative effects of ambient lighting or visual impacts on adjoining uses or mitigating safety concerns. In no case shall the minimum separation between billboards be less than seven hundred fifty feet (750').

5. Numerical Limit: The sum total of all conforming and nonconforming billboards in the city shall not exceed fourteen (14). Up to seven (7) of the fourteen (14) total billboards shall be located to the east of Bangerter Highway and up to seven (7) shall be located to the west of Bangerter Highway. Signs on lots or parcels directly adjacent to either side of Bangerter Highway can be counted toward the limit of seven (7) for either side of Bangerter Highway.

6. Expiration And Revocation:

a. The standards and requirements for revoking a conditional use permit set forth in section 13-7E-10 of this code shall not apply to this section. Whether conforming or nonconforming, a billboard and associated rights shall be terminated only pursuant to the provisions of this section and applicable state law.

b. If a billboard is conforming, any time after five (5) years from the date the billboard was approved, the planning commission may reevaluate the conditional use for the billboard to determine if conditions under which the permit was issued have changed and necessitates the revocation of the permit. Conditions shall be deemed to have changed if any of the following has occurred:

(1) The owner of the billboard has failed to keep the lot where the billboard is located free of weeds and litter;

(2) The owner of the billboard has failed to maintain the billboard in a safe condition, including, but not limited to, maintaining the billboard's borders, trims, faces, and its weight bearing and bracing structures; or

(3) Conditions included with the approval of the conditional use permit are not being met.

7. Repair, Rebuild, Restore, Modification:

a. A billboard owner may rebuild, maintain, repair or restore a billboard structure if it is damaged by casualty, an act of God, or vandalized.

b.

(1) A billboard owner may rebuild or take other measures to correct a mistake in the placement or erection of a billboard for which the city has previously issued a permit, if the proposed rebuilding or other measure is consistent with the intent of the permit.

(2) The city may deny a billboard owner's request to rebuild a billboard or take other measures to correct a mistake in the placement or erection of the billboard if the mistake resulted from an intentionally false or misleading statement by the billboard owner in the application regarding the placement or erection of the billboard.

c. A nonconforming billboard shall not be rebuilt or replaced by anyone other than the billboard owner.

d. A billboard owner may structurally modify or upgrade a billboard. If a billboard owner structurally modifies or upgrades a billboard, the billboard owner:

(1) May erect the billboard:

(A) To a height that is at least the same as, but no higher than, the previous use or structure, unless the city ordinances allow or the city consents to a higher structure; and

(B) To a height and angle to make it clearly visible to traffic on the main traveled way of the street or highway on which the billboard is located; and

(2) May install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before its relocation; and

(3) Shall comply with the Utah outdoor advertising act, Utah Code Annotated title 72, chapter 7, part 5, to the extent applicable.

8. Relocation:

a. Correcting Mistakes:

(1) A billboard owner may relocate a billboard to correct a mistake in the placement or erection of the billboard for which the city has previously issued a permit, if the relocation is consistent with the intent of the permit.

(2) The city may deny a billboard owner's request to relocate a billboard to correct a mistake in the placement or erection of the billboard if the mistake resulted from an intentionally false or misleading statement by the billboard owner in the application regarding the placement or erection of the billboard.

b. Relocation To Commercial, Industrial Or Manufacturing Zones:

(1) A billboard owner may relocate a billboard into any commercial, industrial or manufacturing zone within the city boundaries, if the relocated billboard is:

(A) Within two thousand six hundred forty feet (2,640') of its previous location;

(B) No closer than five hundred feet (500') from an off premises sign existing on the same side of the street or highway; and

(C) The city and the billboard owner agree on a location that is mutually acceptable.

(2) If a billboard owner relocates a billboard under this subsection, the billboard owner:

(A) May erect the billboard:

(i) To a height that is at least the same as, but no higher than, the previous use or structure, unless the city ordinances allow or the city consents to a higher structure; and

(ii) To a height and angle to make it clearly visible to traffic on the main traveled way of the street or highway on which the billboard is located; and

(B) May install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before its relocation; and

(C) Shall comply with the Utah outdoor advertising act, Utah Code Annotated title 72, chapter 7, part 5, to the extent applicable.

9. Eminent Domain: The city shall be considered to have initiated the acquisition of a billboard structure by eminent domain if the city prevents a billboard owner from:

- a. Rebuilding, maintaining, repairing or restoring a billboard structure that is damaged by casualty, an act of God, or vandalism;
- b. Relocating, rebuilding, or taking other measures to correct a mistake in the placement or erection of a billboard for which the city has previously issued a permit, if the proposed relocation, rebuilding or other measure is consistent with the intent of the permit;
- c. Structurally modifying or upgrading a billboard; or
- d. Relocating a billboard into any commercial, industrial or manufacturing zone within the city boundaries, if the relocated billboard is:
 - (1) Within two thousand six hundred forty feet (2,640') of its previous location;
 - (2) No closer than five hundred feet (500') from an off premises sign existing on the same side of the street or highway; and
 - (3) The city and the billboard owner cannot agree to a mutually acceptable location within sixty (60) days after the billboard owner submits a written request to relocate the billboard.

10. Termination/Removal:

a. The city may terminate a billboard and associated property rights pursuant to Utah Code Annotated section 10-9a-512, or its successor.

b. Notwithstanding subsection D10a of this section, the city may remove any billboard without compensating the billboard owner if:

- (1) The development **services** department or its designee determines:
 - (A) By clear and convincing evidence that the billboard owner intentionally made a false or misleading statement in the billboard owner's permit application regarding the placement or erection of the billboard; or
 - (B) By substantial evidence that the billboard:
 - (i) Is structurally unsafe;
 - (ii) Is in an unreasonable state of repair; or
 - (iii) Has been abandoned for at least twelve (12) months; and
- (2) The city notifies the billboard owner in writing that:
 - (A) The billboard meets one or more of the conditions listed in subsection D10b(1) of this section;
 - (B) Upon written request, the billboard owner is entitled to a hearing as set forth in subsection D11 of this section to explain why the billboard shall not be removed;

(C) The billboard owner shall remedy the condition or conditions within the time period set forth in subsection D10b(3) of this section; and

(3) The billboard owner fails to remedy the condition or conditions within:

(A) Ninety (90) calendar days after receipt of the city's written notice, unless the city's intent to remove is because the billboard is structurally unsafe; or

(B) If the billboard is structurally unsafe, ten (10) business days after receipt of the city's written notice or a longer period if necessary because of a natural disaster; and

(4) Upon hearing or an opportunity for a hearing as provided in subsection D11 of this section it is found:

(A) By clear and convincing evidence that the billboard owner intentionally made a false or misleading statement in the billboard owner's permit application regarding the placement or erection of the billboard; or

(B) By substantial evidence that the billboard:

(i) Is structurally unsafe;

(ii) Is in an unreasonable state of repair; or

(iii) Has been abandoned for at least twelve (12) months.

11. Hearing:

a. Within five (5) calendar days after receipt of the notice required by subsection D10b(2) of this section, the billboard owner shall request in writing a hearing to explain why the billboard should not be removed.

b. If no hearing is requested within the time provided in subsection D11a of this section, the city's findings under subsection D10b(4) of this section shall be deemed established, and the city shall be entitled to remove the billboard.

c. If a hearing is requested, the city shall schedule a hearing within five (5) calendar days after receiving the written request.

d. The billboard owner shall have the burden of proving why the billboard should not be removed.

e. The city shall not remove the billboard if none of the conditions in subsection D10b(4) of this section have been met.

12. Hearing Board: The ~~city manager~~ ~~mayor~~ shall hear and decide all issues regarding the removal of billboards in accordance with subsections D10b and D11 of this section or, alternatively, may appoint one or more persons to hear such matters, ~~with the advice and consent of the city council~~. Whether as an individual or when constituted of more than one person, the person or persons designated shall be designated as the hearing board.

13. Billboard Signs (Digital Display): In addition to subsections D1 to D12 of this section, all billboard signs (digital display) shall meet the following standards unless contrary to the provisions of applicable state or federal law:

a. New billboard signs (digital display) are limited to a "double sided" configuration (i.e., 1 sign face or display area mounted on opposite sides of the same support structure so that both sign faces are at the same elevation and are effectively not visible at the same time from any vantage point as reasonably determined by the city).

b. A billboard sign that is converted to a billboard sign (digital display) shall not be larger or taller in height, width or display area than the sign from which it was converted. The planning commission may increase the height of the sign to the maximum allowed under section 12-3-2 of this chapter where the planning commission finds that safety is a concern. A single faced sign may not be converted to a double faced sign.

c. Each electronic display area capable of showing a separate electronic message shall be considered to be a separate billboard with an electronic digital display including those sharing the same support structure.

d. The text, images and graphics on a billboard sign (digital display) shall be static and complete within themselves, without continuation in content to the next image or message or to any other sign. Serial messages that require multiple passes or multiple signs to comprehend the message are prohibited.

e. All text and images must be of a size and shape to not cause drivers to reduce speed or become unreasonably distracted in order to comprehend the message. The city's focus under this subsection shall be the method (in terms of letter size and other quantifiable physical attributes) used to convey a message on a billboard sign (digital display) rather than the content of such message.

f. A billboard sign (digital display) shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade in or fade out or any other imitation of movement or motion, or any other means not providing constant illumination.

g. The transition from one static display to another must be effectively instantaneous, with a twirl time not exceeding 0.25 second.

h. Every billboard sign (digital display) shall be equipped with a mechanism that automatically controls the sign's display period at all times as provided in this section. The dwell time for each message on a billboard sign (digital display) shall be at least eight (8) seconds, such that each message shall be illuminated and static for at least eight (8) seconds before transitioning to a new static display.

i. A billboard sign (digital display) shall comply with the following illuminance requirements:

(1) No billboard sign (digital display) shall cause illuminance in excess of three-tenths (0.3) foot-candle above ambient light as measured perpendicular to the billboard at a distance in feet calculated as follows:

(A) The square root of the product of 100 multiplied by the sign face area (a) (in square feet).

$$\sqrt{a \cdot 100}$$

For example, if the billboard sign's (digital display's) electronic sign face measures ten feet by thirty feet (10' x 30') (300 square feet), then the illuminance caused by such use could not exceed three-tenths (0.3) foot-candle above ambient light at a perpendicular distance of 173 feet from the billboard sign (digital display) sign face.

$$\sqrt{300 \cdot 100} = 173$$

j. Every billboard sign (digital display) shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's illuminance as provided above in direct correlation with natural ambient light conditions at all times.

k. A billboard sign (digital display) may not be illuminated, lit or operated between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. if it is oriented toward and located within three hundred feet (300') of any property zoned or occupied for a residential use unless the message is an emergency public safety warning or alert, such as an "Amber Alert".

l. The following certifications are additional conditions of approval or continuation of any billboard sign (digital display):

(1) Within ten (10) calendar days after a billboard sign (digital display) is first placed into service, a written certification shall be submitted to the city from the owner/applicant that the sign has been tested and complies with the motion, dwell time, twirl time, illuminance and other requirements of this section.

(2) Based on complaints received, or for other reasonable cause, the city may from time to time require the owner or operator of a billboard sign (digital display) to provide, within ten (10) calendar days after receipt of the city's written request, an updated written certification that the sign has been retested and has been repaired or modified, as necessary, to comply with the requirements of this section.

(3) The city also may, at its option, from time to time verify a billboard sign's (digital display's) compliance with the requirements of this section, including by selecting and engaging qualified experts to measure the sign's illuminance and indirect illuminance. If the city reasonably determines that a billboard sign (digital display) is not in compliance with such requirements, then the owner or operator of the sign shall correct the noncompliance within ten (10) calendar days after written notice from the city, and shall reimburse all of the city's costs reasonably incurred in connection with such determination.

m. Any billboard sign (digital display) not conforming to the requirements of this section is prohibited.

E. Directional Signs:

1. Off premises private directional signs are permissible only in cases where, due to its unusual location, a business is not easily seen from or is not located near a street.

2. Private directional signs shall contain only the name or logo of an establishment or directions such as "parking", "drive-through" or "exit".

F. Freeway Oriented Signs: Freeway oriented signs shall only be approved in conjunction with an overall sign plan for a regional shopping center.

- G. Historic Monuments And Markers: Historic monuments and markers shall be constructed of masonry or noncorrodible metal materials, or other materials as approved by the planning commission.
- H. Home Occupation Signs³: Advertising signs shall be limited to one unanimated, nonilluminated wall sign for each dwelling. The sign shall be placed either in a window or on the exterior wall on the front of the dwelling and shall not have an area greater than two (2) square feet. Minimal mailbox identification is permitted.
- I. Inflated Sign Displays:
 - 1. Display Period: Inflated signs may be displayed for no longer than fourteen (14) consecutive days per calendar quarter, and no longer than thirty (30) days during a grand opening.
 - 2. Safety: Inflated signs shall be placed upon and securely tethered to the ground and shall be located in a manner that it shall not obstruct the use of public rights of way or otherwise constitute a safety hazard. Flammable gases shall not be utilized for inflated signs.
- J. Monument Signs:
 - 1. Height: The height of a monument sign may vary depending on the grading of landscaping upon which the sign is located. However, the combined height of the sign plus any landscape berthing shall not exceed eight feet (8') above the elevation of the nearest sidewalk. The entire frontage of the site which the sign serves, not just the sign location, must have berthing incorporated into the landscape design.
 - 2. Construction: Monument signs in A, BR-P, P-O, M-P and P-F zones shall be constructed of brick or masonry materials which match the buildings identified by the monument sign, and shall be designed to be harmonious with the building architecture.
 - 3. Copy Content: Copy of individual monument signs in A, BR-P, P-O, M-P and P-F zones shall consist only of the name and address of the occupant. Additional information may be displayed in an electronic message sign or changeable copy sign.
- K. Off Premises Development Signs:
 - 1. Sign Density Interpretation: The density standard of one sign per one hundred (100) residential units shall mean the following: One sign is allowed for a development with up to one hundred (100) residential units; an additional sign is allowed for a development with between one hundred one (101) and two hundred (200) residential units; a third sign is allowed for a development with between two hundred one (201) and three hundred (300) residential units, and so forth.
 - 2. Illumination: Off premises construction or development signs shall not be illuminated.
- L. Kiosk Signs:
 - 1. Limited Purposes: Sign panels on kiosks may be permitted for the purpose of providing directional information to community facilities, homebuilders, residential developments under construction and multi-family homebuilders, developments and for those subdivisions, planned residential developments and multi-family developments having final recordation.
 - 2. Location:

- a. Kiosks shall be located only on private property;
- b. Kiosks shall not be located in clear vision areas at intersections or driveways and shall not obstruct sidewalks, roadways or other locations where the signs may pose a hazard to motorists or pedestrians; and
- c. Kiosks proposed on property adjacent to state roads shall comply with all applicable state provisions governing the location and site development standards for such advertising.

3. Construction And Materials:

- a. Kiosks and sign panels shall be constructed of metal, fiberglass or rigid plastic/vinyl materials;
- b. Each kiosk frame shall be constructed of steel;
- c. The individual kiosk signs shall not exceed one foot (1') in height and four feet (4') in width;
- d. Kiosks shall not exceed twelve feet (12') in height and four feet six inches (4'6") in width;
- e. The minimum and maximum number of sign panels on each side of the kiosk shall be at least two (2), but no more than seven (7) signs;
- f. Kiosks shall be securely fastened to the ground;
- g. Upon removal of a kiosk, the site shall be restored to its prior condition or better;
- h. The header of the kiosks shall be painted with the city logo and all surfaces of the sign and lettering shall be in colors approved by the city planner or his/her assignee;
- i. Changeable copy, internal illumination, ground mounted lights, overhead lights, exposed neon, pan channel letters, cabinet and painted signs are prohibited; and
- j. All street improvements for the property on which the kiosk is located shall be completed, including all curbs, gutters and sidewalks.

M. Pole Signs: Notwithstanding the density standards for pole signs listed in section 12-3-2 of this chapter, the owner or lessee of a pad site contained within a nonresidential development for which a sign development plan has been approved, shall not be permitted to have a pole sign upon the pad site solely by reason of the frontage, unless the pole sign was approved as part of the sign development plan. Pole signs shall be located as close to the midpoint of a lot or development as possible.

N. Temporary Signs:

1. All temporary signs shall be securely attached to a building or to the ground.
2. There shall be no specific spacing requirement between freestanding temporary signs and other temporary or permanent signs. However, signs shall be placed as far apart as possible in order to provide equal visibility for all signs. Signs shall not be placed so as to block the view of or obscure another sign.

3. Except for the signs permitted by subsection P of this section, no sign shall be located within a street right of way or within clear vision areas at intersections of streets or intersections of streets and driveways.

O. Promotional Signs:

1. Portable Signs Not Included: Promotional signs do not include portable signs.

2. Display Period: A temporary sign permit may be issued for promotional signage and is valid for a period not to exceed thirty (30) consecutive calendar days. However, no such permit may be issued for the same property or business more than four (4) times during any calendar year or for longer than sixty (60) consecutive days within the first year of a business's grand opening. A minimum of fourteen (14) days shall elapse between each display period.

3. Searchlights: Searchlights shall be directed upward at an angle of at least forty five degrees (45°) and operated only between dusk and eleven fifty nine o'clock (11:59) P.M.

4. Promotional Signs In P-O Zones: The use of a promotional sign in P-O zones shall be limited to one promotional sign at any given time regardless of the number of businesses occupying the building on the individual parcel.

P. Use Of Temporary Signs During Periods Of Major Street Construction:

1. During times of major street construction along arterial and collector roads, temporary, portable signs may be placed in the public right of way to mark points of ingress and egress. Such signs may include the messages "Business Access Only" or "Open For Business". The temporary sign may also include an arrow directing patrons to a specific driveway or alternate entrance and/or the name or logo of the business.

2. The maximum display period for temporary signs used during periods of major street construction shall be for a period not to exceed sixty (60) days beyond substantial completion of construction. The starting date for display of a temporary sign shall correlate with the commencement date of major street construction.

3. Businesses may qualify for these exceptions if the said business is:

a. Materially impacted by major street construction.

b. Located on an arterial or collector right of way.

c. Located within a half mile radius of the boundary (limits) of street construction.

4. A temporary sign displayed during periods of major street construction shall not obstruct the use of a public right of way, impede regular street construction work, obstruct a clear vision area of a street intersection, and/or create a direct or indirect safety hazard to pedestrians or vehicles.

5. The maximum number of temporary signs used during periods of major street construction shall be limited to one temporary double sided sign per business.

6. The size, height, density and spacing of a temporary sign used during periods of major street construction shall be the same as directional signs, section 12-3-2 of this chapter. The location of such a sign shall not extend beyond the frontage of the property that is affected by construction or beyond the nearest accessible driveway.

7. All signs shall be securely anchored to the ground.

The boundary and scope of impact will be approved by city council after a recommendation from city staff.

Q. Wall Signs In BR-P, P-O Zones: Wall signs in BR-P and P-O zones shall consist only of the name of the occupant of the building.

R. Neighborhood Entryway Signs:

1. Subdivisions or planned residential developments of less than five (5) acres with final approval may not utilize a "neighborhood entryway sign", as defined in section 12-1-4 of this title, but may utilize one monument sign per entrance.

2. Subdivisions or planned residential developments of five (5) or more acres with final approval may utilize "neighborhood entryway signs", as defined in section 12-1-4 of this title, or monument signs. However, the use of neighborhood entry signs shall prohibit the use of monument signs, and the use of monument signs shall prohibit the use of neighborhood entry signs.

3. If neighborhood entryway signs are utilized, the maximum number of signs on each side of an entry point shall be one sign.

4. If monument signs are utilized, the maximum number of signs on each side of an entry point shall be one single sided monument sign. A double sided monument sign is permitted on only one side of the entrance or in a center median.

5. All neighborhood entryway and monument signs shall be architecturally compatible with on site signs, structures and streetscape walls.

6. All planned residential developments shall incorporate landscaping into the signage and obtain planning commission approval of it in the planned residential development plan approved by the planning commission.

7. Changeable copy, internal illumination, exposed neon, pan channel letters, cabinet and painted signs are prohibited.

S. Changeable Copy Signs In P-O Zones: Changeable copy signs will only be allowed to be placed in monument or pole signs within the P-O zone district.

T. Planned Center Signage And Planned Center Gateway Signs: Planned center signs and gateway signs shall be applied to projects serving a variety of facilities and uses where the buildings are distributed in a contiguous campus, regional business center, research park, or large planned development type of setting. The purpose of this type of signage is to advertise businesses along major rights of way in a campus type of setting, where due to the scale of uses on several properties, larger on campus signage is warranted and necessary.

1. Location: The placement and location of a planned center sign or gateway sign is subject to review by the zoning administrator through an administrative conditional use permit process. The intent is to allow for such a sign or sign(s) to direct people and traffic to a large campus or regional business center. It is considered an on premises sign. The planned center sign and gateway sign is common to all properties in the campus and may be located on any lot or common area within the campus. The intent is to allow signage that displays only those businesses and facilities located within the campus or business center.

2. Base: Planned center signs and gateway signs shall incorporate a brick or stone base that is no less than two feet (2') in height. Alternative materials of equal quality and durability may be substituted for brick or stone if approved by the zoning administrator. Aluminum, stucco and/or concrete shall not be considered for material substitution.

U. Hearing and Notice Procedures for Modifying Sign Regulations:

1. Consistent with Utah Code Annotated section 10-9a-213, or successor provisions, prior to any hearing or public meeting to consider a proposed land use regulation or land use application modifying sign regulations for a unified commercial development sign within any unified commercial development, notice of the proposed unified commercial development sign shall be given to:

- a. each property owner within a 500-foot radius of the sign site;
- b. a municipality or county within a 500-foot radius of the sign site;
- c. any outdoor advertising permit holder described in Utah Code Annotated subsection 72-7-506(2)(b), or successor provisions; and
- d. the notice shall include the schedule of public meetings at which the proposed changes will be discussed.

2. The City shall require the property owner or applicant to commence in good faith the construction of the commercial or industrial development within one year after the installation of the unified commercial development sign. (2001 Code §§ 89-6-502, 89-6-1108; amd. 2009 Code; Ord. 11-10, 4-6-2011; Ord. 12-07, 4-4-2012; Ord. 13-17, 4-24-2013; Ord. 14-22, 6-11-2014; Ord. 14-29, 8-27-2014; Ord. 16-50, 11-16-2016; Ord. 19-30, 10-23-2019; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

12-3-4: SIGNS IN CITY CENTER SUBDISTRICTS AND WSPA MIXED USE ZONING DISTRICT:

The following regulations apply to all signs in all city center subdistricts and the WSPA mixed use zone:

A. Types: The types of signs shall be limited to:

1. Blade signs (projecting over sidewalk);
2. Window signs (painted on glass or hung behind glass);
3. Logo signs (symbols, shapes);
4. Wall signs over entrances;
5. A-frame signs;
6. Monument signs under six feet (6');
7. Village center advertisement signs.

B. Requirements: The signs shall:

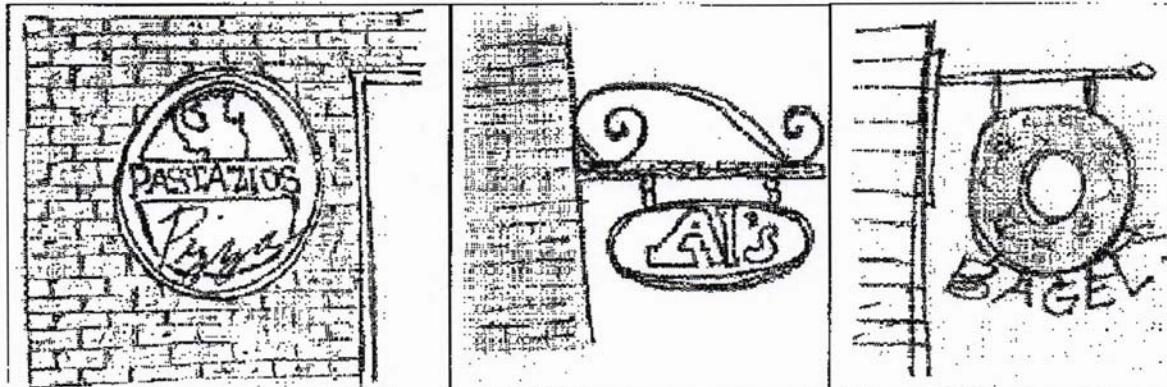
1. Be oriented to pedestrians, rather than people in vehicles;
2. Be artistic and bold in form, expressive and individualized;

3. Convey the product or service being offered without overpowering other building or business signs; and
4. Comply with all other provisions in this title to the extent applicable unless expressly excepted by this section.

C. Ornamental Support Brackets: Projecting signs supported by ornamental brackets in the city center subdistricts are strongly encouraged. (2001 Code §§ 89-3-1012, 89-3-1110; amd. 2009 Code; Ord. 10-20, 7-28-2010)

12-3-5: TRANSIT STATION OVERLAY DISTRICT SIGN REGULATIONS:

A comprehensive sign program is required for each station community planning area that establishes a uniform sign theme. Signs shall share a common style (e.g., size, shape, material). In the mixed use area, all signs shall be wall signs, cantilever signs, A-frames, village center advertisement signs, or in the form of awnings. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed eight (8) square feet. Billboards, banners and pole signs are not permitted in any station community planning areas, however, pole and building flags are permitted. Window signs will be allowed under the conditions they only cover twenty five percent (25%) of the window area.



(2009 Code; amd. Ord. 10-20, 7-28-2010)

12-3-6: PROHIBITED SIGNS:

The following signs are prohibited:

- A. Portable Signs: Portable signs and signs not permanently installed in the ground or on a pole or building, except as specifically allowed by this title.
- B. Signs On Public Property: Signs located on public property; within street rights of way, including sidewalks; or those attached to any structure or appurtenance on public property; however, the following signs may be displayed on public property subject to the provisions of this title: 1) public necessity signs, traffic regulatory signs, and directional signs related to public uses and facilities installed by a governmental agency; 2) temporary signs, placed during major street construction as described in subsection 12-3-3P of this chapter; 3) handheld signs, no larger than six (6) square feet in size, displayed by individuals on traditional public fora, including public sidewalks, in such a way that the sign does not unreasonably impede or inhibit pedestrian and other traffic on or over the public property; impede or inhibit ingress or egress to buildings or other areas which must be accessed from or over the public property; or subject to constitutionally protected rights, create a hazard, or which unreasonably restricts the lawful use of the public property by others; and 4) bus bench and bus shelter signs, subject to the provisions of subsection 12-3-3C of this chapter.

- C. Home Occupation Signs: Home occupation signs, except for nameplate signs.
- D. Signs Which Distract: Signs which simulate or imitate in size, coloring, lettering or design any traffic sign or signal, or use the words "stop", "yield", "danger" or any other words, phrases, symbols or characters in such a way as to interfere with, mislead or confuse drivers.
- E. Reader: Portable reader signs.
- F. Obsolete Or Abandoned Signs: Conforming sign structures may remain on a site but all sign copy shall be removed and the sign shall be covered with a durable opaque material to prevent deterioration during the period in which the sign structure is unused.
- G. Flashing Signs: Signs with flashing or strobelike lighting effects.
- H. Signs With Sound Emitting Devices: Any sign equipped with any device which creates or amplifies sound.
- I. Extending: Extending signs.
- J. Clear Vision Zone: Signs in clear vision zone.
- K. Snipe: Snipe signs.
- L. Vehicle: Vehicle signs.
- M. Roof Signs: Any sign mounted on the top of, or roof of, any building or structure.
- N. Noncomplying Signs: Any other sign not complying with the provisions of this title, title 13 of this code, or any prior ordinance. (2001 Code § 89-6-1104; amd. 2009 Code)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See section 13-17-2 of this code for types of signs permitted in each zoning district.

Footnote 2: See also subsection 12-2-3F4 of this title and section 12-3-2 of this chapter.

Footnote 3: See also subsection 13-11-2J of this code.

Chapter 4 **NONCONFORMING SIGNS**

12-4-1: LEGAL NONCONFORMING SIGNS:

12-4-2: REMOVAL:

12-4-3: UNLAWFUL SIGNS:

12-4-4: BILLBOARDS NONAPPLICABLE:

12-4-5: MATERIALS ENHANCEMENT:

12-4-1: LEGAL NONCONFORMING SIGNS:

Any sign lawfully erected prior to January 1, 2005, that exceeds the limitations of this title shall be deemed legal, but nonconforming. Legal nonconforming signs are an accessory structure to the principal use on the lot and shall become illegal by the occurrence of the earliest of any of the following events:

- A. Any modification of the sign, except for:

1. Normal maintenance necessary to retain its original appearance;
2. A change of copy or wording; or
3. Replacement or material enhancement expressly allowed by this title (including by section 12-4-5 of this chapter);

B. Removal of the sign, except for when done for purposes of normal maintenance, in which case the sign must be replaced within fourteen (14) calendar days after removal for maintenance;

C. Destruction, remodeling, repair or other construction related to the sign or of the building having a business subject to advertising on said sign caused by deterioration, fire, calamity or other event, to an extent that the cost of said remodeling, repair or other construction work exceeds fifty percent (50%) of the original cost (adjusting for inflation) of said building or sign subject of such work; or

D. A change of an occupancy classification of use is made, as defined in the City Building Code, in the building and which change results in a materially higher intensity of use on the lot or in the building above that which legally existed on or before September 1, 2005.

E. Abandonment for a time period of twelve (12) months or more. For purposes of this chapter, abandonment means failure to maintain a current advertisement or message. (2001 Code § 89-6-1109; amd. 2009 Code; Ord. 17-47, 8-9-2017)

12-4-2: REMOVAL:

Upon becoming nonconforming and illegal, any nonconforming sign shall be immediately removed or made to comply with all requirements of this title and title 13 of this Code. Nonconforming signs which are not removed shall be subject to the enforcement provisions of chapter 5 of this title. (2001 Code § 89-6-1109; amd. 2009 Code; Ord. 17-47, 8-9-2017)

12-4-3: UNLAWFUL SIGNS:

Any sign unlawfully erected prior to January 1, 2005, shall be deemed to be nonconforming and shall be immediately removed. (2001 Code § 89-6-1109; amd. 2009 Code)

12-4-4: BILLBOARDS NONAPPLICABLE:

This chapter does not apply to billboards. (2001 Code § 89-6-1109; amd. 2009 Code)

12-4-5: MATERIALS ENHANCEMENT:

Except as set forth herein, for any sign that is determined to be legal non-conforming by this title, the existing sign or materials may be replaced by a new sign or materials that are of higher quality.

- A. The overall height, sign area, and width of the new sign shall not exceed that of the existing sign. Permit plans shall provide these dimensions for the existing sign.
- B. New materials applied to an existing sign shall not increase the size of the existing sign beyond the thickness of one layer of the new materials.
- C. New architectural features may be added to enhance the appearance of the existing sign and shall not extend more than one foot (1') beyond any surface of the sign.

- D. The new or existing sign shall remain in the exact same location and placement.
- E. The new materials shall be of a higher quality and durability than the materials that are currently on the existing sign.
- F. The materials and design of the sign shall be reviewed by the West Jordan Design Review Committee.
- G. All legal non-conforming signs within the City Center-Core (CC-C) Zone shall not be replaced or enhanced in any way, but shall be subject to all other requirements of this title. (Ord. 17-47, 8-9-2017)

Chapter 5 ENFORCEMENT

12-5-1: AUTHORITY TO ENFORCE:

12-5-2: REMOVAL OF SIGNS:

12-5-3: SERVICE OF NOTICE:

12-5-4: COSTS OF REMOVAL:

12-5-5: CONFISCATION AND DESTRUCTION:

12-5-6: PROSECUTION OF VIOLATIONS:

12-5-1: AUTHORITY TO ENFORCE:

- A. Procedure: The code enforcement division or its designee shall have authority to enforce this title. In performance of that duty, the code enforcement division may:
 1. Determine Conformance: Ascertain that all signs and the erection, construction, reconstruction, location, relocation, placement, replacement, extension, enlargement, modification, alteration, restoration, repair and use of all signs are in conformance with this title.
 2. Issue Citations And Complaints: Issue citations and/or commence civil complaints against violators of this title.
 3. Remove Signs: Remove any sign in accordance with this title.
 4. Confiscate Signs: Confiscate any signs that are removed under this title.
- B. Legal Action Authorized: The code enforcement division may take any appropriate legal action to prevent, restrain, correct, or abate any violation of this title. (2001 Code § 89-6-1110; amd. 2009 Code)

12-5-2: REMOVAL OF SIGNS:

The code enforcement division may remove signs as follows:

- A. Unsafe Signs Or Signs In Disrepair: Any sign, including bus benches and shelters, that is in disrepair, unsafe, unstable, or otherwise creates a safety hazard shall be repaired or removed by the owner within twenty four (24) hours after being served with written notice by the city. Any sign, including bus benches and shelters, which is not repaired or removed within the twenty four (24) hour period, shall be removed immediately without further notice to the owner.
- B. Signs On Public Property: Any sign illegally on public property, as described in subsection 12-3-6B of this title, shall be removed immediately without notice to the owner.
- C. Signs Without A Permit: Signs installed without a permit shall be removed immediately without notice to the owner and shall be assessed a penalty of one hundred dollars (\$100.00) or double the normal sign permit fee, whichever is greater, at the time the owner of the sign makes application for a sign permit.
- D. Withdrawal Of Consent: If a property owner upon whose property a sign or bus bench or shelter is placed withdraws, in writing, his or her consent to the placement of the sign or bus bench or shelter, the sign or bus bench or shelter shall be removed within thirty (30) calendar days of the date the property owner withdraws his or her consent. If the sign or bus bench or shelter is not removed within the above described time period, the city may remove the sign or bus bench or shelter immediately without further notice to the owner.
- E. Abandoned Signs: Any abandoned sign may be removed within seven (7) calendar days after the owner is served with written notice.
- F. Illegal Signs: Any sign in violation of this title and title 13 of this code, may be removed immediately if the illegal sign is not brought into compliance within seven (7) calendar days after the owner is served with written notice.
- G. Immediate Removal: Notwithstanding any provision in this title, any sign that creates an immediate safety hazard to persons or property may be removed or repaired immediately by the city, without notice to the owner. (2001 Code §§ 89-6-1102, 89-6-1110; amd. 2009 Code)

12-5-3: SERVICE OF NOTICE:

Notice required under this chapter may be served by personal service; or mailing notice to the person, firm or corporation by certified mail. If service of notice is performed by mailing as provided in this section, the Code Enforcement Division must also cause a copy of said notice to be posted on the sign installation for ten (10) days. (2001 Code § 89-6-1110; amd. 2009 Code)

12-5-4: COSTS OF REMOVAL:

The costs of removal of a sign by the City shall be borne by the owner of the sign and of the property on which it is located. Therefore, the City may bring any action for recovery allowed by law and may seek recovery of all costs, including attorney fees, incurred in bringing such an action. (2001 Code § 89-6-1110; amd. 2009 Code)

12-5-5: CONFISCATION AND DESTRUCTION:

After impounding a sign, the City shall make a reasonable effort to identify and contact the owner of the sign in order to notify them of the reason why the sign was impounded, the location where the sign may be retrieved if the owner wishes to do so, and the time period within which the sign must be retrieved. Notification may be provided in person or by U.S. mail. After the owner is notified of the impoundment, the City shall store the sign for fourteen (14) calendar days. The person responsible for the sign may claim it only after paying an impound fee as established by resolution of the City Council. If after fourteen (14) days the sign has not been claimed, it will be destroyed. (2001 Code § 89-6-1110; amd. 2009 Code)

12-5-6: PROSECUTION OF VIOLATIONS:

Any violation of this title may be prosecuted administratively as provided in title 16 of this Code, and/or as a Class B misdemeanor. (2001 Code § 89-6-1110; amd. 2009 Code; Ord. 12-10, 4-25-2012, eff. 7-1-2012)

Chapter 6

APPEALS AND AMENDMENTS

12-6-1: APPEALS:

12-6-2: TEXT AMENDMENTS:

12-6-1: APPEALS:

Appeals of decisions implementing or interpreting the provisions of this title shall be made pursuant to the appeals provisions set forth in title 15, chapter 5 of this code. (2009 Code; amd. Ord. 13-17, 4-24-2013)

12-6-2: TEXT AMENDMENTS:

Amendments to any portion of the text of this title shall be made in accordance with the provisions set forth in title 13, chapter 7, article D of this code. (Ord. 13-17, 4-24-2013)

Legislative

Title 13 ZONING REGULATIONS

13-1-9: CERTIFICATE OF OCCUPANCY AND ZONING COMPLIANCE:

- A. **Unlawful To Occupy:** It is unlawful to use or occupy, or to permit the use or occupancy of, any building, property or premises prior to approval of a certificate of occupancy and zoning compliance (hereinafter referred to as "certificate") for the property development, premises and/or building by the city. It is unlawful to occupy, or to allow the occupancy or use of, any property development, premises or building that has a materially different design or greater intensity of use or different occupancy than specifically provided for in the approved certificate.
- B. **Certificate Of Occupancy And Zoning Compliance:** A certificate of occupancy and zoning compliance shall be issued by the city **manager administrator** or a designee after a real property development and/or building is completed and has passed final inspection. A temporary certificate not to exceed a period of six (6) months may be issued if the city **manager administrator** or his designee makes a written determination that conditions of zoning, site plan or other required approvals have been substantially met, but that acceptable circumstances have prevented or necessitated a delay in the installation of certain improvements required by the approved site plan, and that such delay will not create a hazard or safety concern. During the months of October to April, a cash bond equal to one hundred percent (100%) of estimated completion costs shall be required prior to issuance of the temporary certificate. During the months of May to September, a cash bond equal to one hundred fifty percent (150%) of the estimated completion costs shall be required prior to issuance of the temporary certificate. A new certificate shall be required any time there is a change of design, use or occupancy classification.
- C. **Inspection And Release Of Bond:** When a cash bond has been posted with the city, an inspection must be scheduled with city staff to determine that all conditions of zoning, site plan, or other required approvals have been met. Once the city **manager administrator** or his designee has determined that all conditions to the approval of the project have been met, the cash bond may be released and permanent occupancy and/or use granted. If conditions have not been met at the end of the six (6) month period, permanent occupancy will not be granted and the cash bond will be retained by the city. The retained funds shall be expended for the purpose of completing the required work which may be completed by city staff, contractor hired by the city, or others at the city's discretion and with city approval. Funds not expended for completion of the work shall be returned to the party who posted the bond.
- D. **Failure To Obtain Certificate Of Occupancy And Zoning Compliance:** Occupation without obtaining a certificate of occupancy and zoning compliance or allowing to be occupied or used any residential, commercial, industrial or institutional property development and/or building, or premises, or for changing the use or occupancy classification as provided for in the certificate issued under this title, shall be a violation of this title, subject to prosecution as provided in this code.

E. Nuisance: The occupancy or use of any real property development and/or building for which a certificate has not been issued is hereby declared to be a nuisance and may be abated as such. It shall also be a nuisance for any real property development and/or building to be used or occupied with greater intensity or different use or design than authorized in its permits and certificates. (2001 Code § 89-1-109; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-2-1: RULES OF CLARIFICATION:

A. General: All provisions, terms, phrases and expressions contained in this title shall be liberally construed in accordance with the purposes of this title.

B. Computation Of Time: The time within which an act is to be done shall be computed by excluding the first day and including the last day. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded. The following time related terms shall have the meanings ascribed below:

1. "Day" means a calendar day unless working day is specified.
2. "Week" means seven (7) calendar days.

C. Fractional Numbers: When using fractional numbers, the following shall be used for clarification:

1. Except in acreage or density calculations, any numerical computation or measurement resulting in a fractional number, shall be rounded to the nearest whole number (a decimal of "5" in the tenth or hundredth positions shall be rounded up).
2. In the case of density or acreage calculation, any numerical computation or measurements shall be rounded to the nearest tenth (a decimal of "5" in the hundredth position shall be rounded up).

D. Conjunctions: Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events shall apply.
2. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.
3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

E. Delegation Of Authority: Whenever a provision appears requiring the city manager administrator, head of a department, or some other officer to do some act or perform some duty, it shall be construed to authorize the city manager administrator, head of the department, or other officer to designate, delegate and authorize subordinates to perform the required act or duty, unless the terms of the provision or section specify otherwise.

F. Mandatory And Discretionary Terms: The terms "shall" and "must" are always mandatory. The term "may" is permissive.

G. Nontechnical And Technical Words: Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. Public Officials, Bodies And Agencies: All public officials, bodies and agencies to which reference is made are those of the city unless otherwise indicated.

- I. Tense: Words used in the past or present tense include the future as well as the past or present unless the context clearly indicates the contrary.
- J. Text: In case of any difference of meaning or implication between the text of this title and any drawing or figure, the more restrictive requirement shall apply.
- K. This Zoning Title Is Permissive: This zoning title prohibits all uses except those expressly permitted. To the extent this title uses prohibiting language, it is illustrative only, and it shall not be construed to mean that uses not expressly prohibited are allowed. (2001 Code § 89-1-201; amd. 2009 Code, Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

13-2-3: DEFINITIONS:

As used in this title, the words, terms and phrases defined in this section shall have the following meanings, unless the context clearly indicates a contrary meaning. Terms defined in title 12, "Sign Regulations", and title 14, "Subdivision Regulations", of this code shall have the same meaning when used in this title.

ACCESSORY BUILDING OR ACCESSORY STRUCTURE: A building or structure that is subordinate and incidental to the main building on the lot.

ACCESSORY LIVING QUARTERS: An area detached from the principal dwelling unit provided for guests, relatives or domestic employees of the occupants of the principal dwelling, which may include cooking, sleeping and sanitary facilities, and which is not leased or rented, except to family members related by blood, marriage or adoption. The term shall not include "apartment" or "dwelling unit".

ACCESSORY USE: A use which is incidental and subordinate to a prescribed permitted use within any respective zoning provisions.

ACTIVE AND INDEPENDENT ADULT COMMUNITY: A community or living facility designed specifically for seniors fifty five (55) years of age and older which typically contain recreational amenities and support services which provide for social interaction and mutual support in a common interest. This type of housing is designed for seniors who are healthy, active and capable of completely independent living, but may provide limited support services, such as medical or convenience services.

ADVANCED LIFE SUPPORT (ALS): The functional provision of advanced airway management, including intubation, advanced cardiac monitoring, manual defibrillation, establishment and maintenance of intravenous access, and drug therapy.

AGRICULTURAL SALES AND SERVICE: An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, propane, butane, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. This definition shall also include greenhouses which are used for wholesale and/or retail purposes.

AGRICULTURE: The growing of plants, crops, trees and other agricultural or forestry products, raising livestock or other commercial agricultural enterprises.

AIRPORT: Any public or privately owned or operated ground facility designed to accommodate landing and takeoff operations of fixed wing and rotary aircraft, including all necessary runways, taxiways, helipads, terminals, terminal services, aircraft storage and tie down areas, hangars, operation facilities, maintenance facilities and associated equipment storage, navigational aids, weather facilities, communication facilities, other necessary buildings and structures that are incidental to airport operations and open spaces.

AIRPORT HAZARD: Any structure or object or natural growth located on or in the vicinity of the airport, or any use of land near the airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at the airport, or is otherwise hazardous to such landing or takeoff aircraft.

AIRPORT HEIGHT: For the purpose of determining the height limits in all zones set forth in this title and shown on the zoning map, means vertical distance above the airport runway, unless otherwise specified.

AIRPORT REFERENCE POINT: The point established as the approximate geographic center of the airport landing area.

ALLEY: A public thoroughfare for the use of pedestrians and vehicles that affords, or is designated or intended to afford, a secondary means of access to abutting properties.

ALLUVIAL FAN FLOODING: 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.

ANIMAL CREMATORIUM: An establishment engaged in the preparation of deceased domestic animals for cremation in properly installed, certified apparatuses intended for use in the act of cremation. Animal crematoriums may include storage of caskets, urns and related supplies.

ANIMAL HUSBANDRY: The use of land for dairying, animal raising and general nurturing of animals, including breeding, pasturing and ranching.

ANIMAL SPECIALTIES: The production of small animals and associated products. Typical uses include chicken and turkey raising, egg production, apiaries and aviaries.

ANNUAL FLOWERING PLANTS: Flowering plants which have a life span of only one growing season outdoors.

ANTENNA: A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

ANTENNA, MICROCELL: A wireless telecommunications or low power radio antenna or similar equipment that typically serves a limited local radius and may be attached to an existing utility pole located within the public right of way. Typical applications include, but are not limited to, antennas mounted on overhead power poles, utility substations, and light poles. Any pole or structure that is owned or managed by the city of West Jordan or any other public entity is excluded from this definition.

ANTENNA, MONOPOLE COLLOCATION: The attachment of one or more antennas, antenna arrays, support structures and/or other associated equipment to an existing monopole that is in addition to the number of antennas, arrays, supports and/or equipment that was originally approved.

ANTENNA, ROOF MOUNTED: An antenna or series of individual antennas mounted to the flat roof surface of a building.

ANTENNA, STEALTH: An antenna or series of individual antennas that are completely concealed from the view of the general public within an existing structure.

ANTENNA, WALL MOUNTED: An antenna or series of individual antennas mounted against the vertical exterior wall of a building.

ANTENNA, WHIP: An antenna, cylindrical in shape that can be directional or omnidirectional and vary in size depending upon the frequency and gain for which it is designed.

APEX: 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.

AREA OF SHALLOW FLOODING: A designated AO, AH, AR/AH, AR/AO or VO zone on the City's flood insurance rate map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three feet (3') 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: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as flood insurance rate map (FIRM) Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

ASSISTED LIVING FACILITY: Housing typically for elderly persons age seventy five (75) and older who may or may not require assistance with daily living activities. These facilities often provide limited to intensive services but require residents to have at least partial mobility, reasonable good health and be capable of performing most routine living tasks and functions.

ATHLETIC FIELD: A developed recreational area for indoor or outdoor recreational games that may contain a playground as well as fields for competitive sports such as baseball, football, lacrosse or soccer. Bleachers or grandstands may be provided.

AUCTION: Any sale where tangible goods, wares or merchandise is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.

AUDITORIUM OR STADIUM: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

AUTOMATED CAR WASH: A car wash facility with sufficient automation to independently pull a vehicle through a washing portal without driver intervention.

BAIL BOND SERVICE: An establishment which provides sureties to procure the release of persons under arrest by becoming responsible for their appearance at the time and place designated.

BANK OR FINANCIAL INSTITUTION: An organization involved in deposit banking, finance, investment, mortgages, trusts and the like. Typical uses include commercial banks, credit unions, finance companies and savings institutions. This definition also includes automated teller machines. This definition excludes check cashing credit services, bail bonds and pawnshops.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BASIC INDUSTRY: An establishment engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials or a use engaged in storage of, or manufacturing processes utilizing, flammable or explosive materials or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, slaughterhouses, steelworks, and tanneries.

BED AND BREAKFAST: An owner occupied structure that provides lodging rooms in which meals are provided to overnight guests, and that is open to the traveling public for a stay not to exceed twenty (20) days.

BERM: A mound of earth, generally two feet (2') to six feet (6') high, used to shield, screen and buffer undesirable views and to separate land uses.

BLOCK: Land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.

BLOOD BANK: An establishment primarily engaged in collection, storing and distributing blood and blood products.

BREWPUB: A restaurant that prepares handcrafted natural beer as an accessory use intended for consumption on the premises. Production capacity shall be limited to less than two thousand (2,000) barrels (1 barrel equals 31 gallons) per year. The area used for brewing and/or bottling shall not exceed thirty percent (30%) of the total floor area of the restaurant space.

BUBBLER: An irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

BUFFER: An area or tract of land, which includes landscaping, berms, walls, fences and enhanced building setbacks, that are located between differing land uses to mitigate impacts of the more intensive use over the less intensive use.

BUILDABLE AREA: That portion or area of a lot or parcel which may be covered only with the principal dwelling, structure or approved use.

BUILDING: A permanently located structure for the shelter, housing or enclosure of any person, animal, article or chattel.

BUILDING ENVELOPE: The designated area on a lot or parcel within which a building or accessory structure must be contained. A building envelope is exclusive of undevelopable, setback and buffer areas.

BUILDING FAÇADE: Any exterior wall of a building, including windows, doors and mansard, but not including a pitched roof.

BUILDING, MAIN: The principal building on a lot or building site designed or used to accommodate the primary use to which the premises is devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one "lot", as defined in this section, shall be construed as constituting a main building.

BUILDING OFFICIAL: The city administrative employee charged with the enforcement of the building code (or other ordinances) as may be assigned by his or her department.

BUILDING PERMIT: The permit required for new construction and additions pursuant to this title.

BUS SHELTER: A covered three (3) sided structure intended to provide protection from the elements for people waiting for a bus at a designated UTA bus stop.

BUS TERMINAL: A building or premises for the transient housing or parking of commercial motor vehicles and for the pick up and discharge of fare paying intercity passengers. Accessory uses may include ticket offices, luggage checking facilities and similar uses.

BUSINESS, EQUIPMENT RENTAL AND SUPPLIES: An establishment primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to businesses rather than to individuals. This definition excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, and hotel equipment and supply firms.

BUSINESS SERVICE: An establishment primarily engaged in the display, storage and sale of goods or services used by office, professional and service establishments.

CAPITAL BUDGET: A separate budget dedicated to financing capital improvements.

CAPITAL FACILITIES: Any or all of the following facilities that have a life expectancy of ten (10) or more years:

- A. Water rights and water supply;
- B. Water treatment and distribution facilities;
- C. Wastewater collection and treatment facilities;
- D. Stormwater, drainage and flood control facilities;
- E. Roadway facilities;
- F. Parks, recreation facilities, open space and trails; and
- G. Public safety facilities.

CAR WASH: An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

CARPORT: A covered automobile parking space with at least two (2) sides open.

CEMETERY: Land used or intended to be used for the burial of the dead, including crematoriums and mausoleums.

CHECK CASHING CREDIT SERVICE: An establishment engaged in providing credit intermediation and related activities that facilitate the lending of funds, issuance of credit, or any other similar types of businesses licensed by the state pursuant to the check cashing registration act. Typical uses include check cashing services, payday advances/loans, short term loans, deferred deposit loans and title loans. This definition excludes banks and financial institutions, and investment companies.

CHURCH OR PLACE OF WORSHIP: Any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for the collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayers and discussions.

CITY: The city of West Jordan, Utah, a municipal corporation.

CITY CENTER: A traditional and urban downtown redevelopment area that has design features and a diversity and mix of uses not found in general commercial and office districts. Such uses include professional, residential, office, municipal and cultural buildings set in a more pedestrian friendly atmosphere.

CITY COUNCIL: The West Jordan City council.

CITY MANAGER ADMINISTRATOR: The city administrative employee charged with the daily operations of all city departments, who is also the supervisor of department heads (chief administrative officer).

CLEAR VISION ZONE: Corner areas at intersecting streets and driveways in which unobstructed vision of motor vehicle operators is maintained and which are subject to the limitations set forth in section 13-8-4 of this title.

CLUB: An organization or establishment providing meeting, recreational or social facilities as a private or nonprofit association, where alcoholic beverages may be provided along with entertainment. Typical uses provided and operated by a club include lodges, meeting halls, recreation centers and private social clubs.

CLUSTERING: A development or subdivision design that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally sensitive areas.

COLLEGE OR UNIVERSITY: An institution of higher education offering undergraduate or graduate degrees and including such accessory uses as dormitories and stadiums.

COMMERCIAL PARKING: A paved area or structure, other than a street, alley or driveway, specifically designed and developed for the parking of motor vehicles on a temporary basis, other than accessory to a principal use.

CONCRETE MASONRY UNITS (CMU): A type of building material used in the construction of walls, fences, building facades, etc., and includes dyed or tinted split faced and smooth faced block.

CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CONDITIONAL USE PERMIT: The permission granted by city authorities to use properties under special circumstances and with specific requirements and conditions attached.

CONDOMINIUM: The ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property.

CONDOMINIUM PROJECT: A real estate condominium project; a plan or project whereby two (2) or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale. This definition shall also mean the property when the context so requires.

CONICAL ROOF: A cone shaped roof.

CONSTRUCTION: The materials, architecture, assembly and installation of a building or structure.

CONSTRUCTION SALES AND RENTAL: An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the storage of construction equipment or materials on lots other than construction sites and may also include facilities for service and maintenance of equipment that is sold or rented. Typical uses include lumberyards, home improvement centers, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, construction and trade contractors' offices and storage yards, and public utility corporation storage yards. Equipment offered for sale or rental may include, but is not necessarily limited to, semitractors and trailers, backhoes, road graders, construction tractors, farm tractors, plows, combines, flatbed trailers, well drilling equipment, dump trucks, and other similar products or equipment.

CONTINUING CARE RETIREMENT FACILITY/COMMUNITY: A cluster of varied housing options to meet the spectrum of needs and interests ranging from active adults through assisted living, often including on premises skilled nursing facilities. These facilities'/communities' primary feature is the provision of "lifetime" supportive services at each stage of a senior's later life.

CONVALESCENT CARE FACILITY: An establishment providing bed care and inpatient services for persons needing regular medical attention, but excluding a facility providing surgical or emergency medical services, or providing care for mental illness or communicable disease. Convalescent care facilities may provide inpatient services to those of all ages.

CONVENIENCE STORE: An establishment serving a limited market area and engaged in the retail sale or rental, from the premises, of food, beverages and other frequently or recurrently needed items for household use, excluding gasoline sales.

CONVENTION CENTER: A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. Accommodations may include dining and recreation.

CORNICE: The projection at the top of a wall; the top course or molding of a wall when it serves as a crowning member.

CORRECTIONAL FACILITY: A facility providing housing and care for individuals legally confined for violations of law.

CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

CUL-DE-SAC: A street closed at one end by a paved turnaround area of sufficient size for convenient reversal of traffic movement.

CULTURAL SERVICE: A library, museum or similar public or registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

CUT: The excavation of land into a hillside to create a flat area or to steepen a bank.

DATA CENTER: Real and personal property consisting of a building or group of buildings or group of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, power and cooling equipment.

DAYCARE: An establishment that provides care, protection, and supervision for individuals on a regular basis away from their primary residences for less than twenty four (24) hours per day. The term does not include kindergartens, nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; facilities operated in connection with a shopping center, or other principal activity, where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or special activities programs, including athletics, crafts instruction and similar activities conducted on a periodic basis by civic, charitable and governmental organizations. For purposes of this title, there are three (3) types of daycare centers. In computing the occupancy of the categories of daycare centers listed below, all clients, including parents or children of the daycare provider and parents or children of employees, shall be counted:

- A. Daycare, General: A daycare center that provides care, protection and supervision for twelve (12) or more children per day.
- B. Daycare, Limited: A daycare center that provides care, protection and supervision for fewer than twelve (12) children per day.
- C. Adult Daycare:

1. Adult Daycare Center, Limited: An adult daycare center that provides supervision and care for up to five (5) persons.
2. Adult Daycare Center, General: An adult daycare center that provides supervision and care for six (6) or more persons.

DECIBEL (dB): A unit of measure used to express intensity of noise.

DECLARATION: The instrument by which property is submitted to the provisions of the Utah Condominium Ownership Act.

DEDICATION: The setting aside of land, by an owner, for any general and public uses, reserving for the owner no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property is devoted.

DENSITY, GROSS: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

DENSITY, NET: The number of dwelling units obtained by dividing the total number of dwelling units in a development by the area (in acres) upon which the dwelling units are proposed to be located. This calculation includes common open space, parks and associated recreational facilities within the area but excludes rights-of-way of publicly dedicated streets and private streets. The resulting number being the net dwelling units per net residential acre of land.

DEPARTMENT STORE: A business conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, exhibited and sold directly to the customer.

DEPTH: The least horizontal distance between the front and rear lot lines and the building.

DEVELOPER: The person, association or corporation developing or causing to be developed the property subject to the provision of this title. For the purposes of residential construction outside of a recorded subdivision, the applicant for the building permit shall be deemed to be the developer and shall comply with all applicable requirements of this title.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. "Development" also means the property being developed and/or subdivided, or the act, process or result of developing.

DEVELOPMENT ACTIVITY: 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 create additional demand and need for capital facilities.

DEVELOPMENT PLAN: A multidimensional presentation of a proposed development that reflects an area's location of buildings, parking arrangements, open space areas, densities, architecture and other similar features related to a master planned development site.

DEVELOPMENT SITE: The total area of:

- A. A "subdivision", as defined in title 14 of this code.
- B. A "planned development", as defined in this title.
- C. A tract, lot or parcel of land intended to be used as a residential, commercial, public, quasi-public, utility or other building site.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such an impairment or otherwise defined and covered by the Americans with disabilities act of 1990, 42 USC section 12102. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in section 102 of the controlled substances act, 21 USC 802.

DISTRIBUTION UNIFORMITY: A measurement of an irrigation system's ability to distribute water evenly over the surface of the landscape, calculated with the "lower quarter method" as used by the Irrigation Association, and expressed in terms of percentage, where zero percent (0%) is worst and one hundred percent (100%) is best.

DORMER: A vertical window projecting from the slope of a roof, usually provided with its own roof.

DRIP EMITTER: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

DWELLING OR DWELLING UNIT: A building or portion of a building designed or used for residential occupancy by one family, which has one kitchen and at least one bathroom. "Dwellings" do not include structures such as tents, motor homes, trailers, motels, motor lodges, and hotels which are designed for temporary or transient human occupancy.

DWELLING, PRINCIPAL: A building in which the primary and allowed use on a parcel or lot is for residential purposes.

DYED OR TINTED BLOCK: A block that has been colored during the manufacturing process so that if chipped or split (meaning split faced), the color is consistent throughout the block. This definition does not include painting, staining or other colorizing methods.

EARTH TONE COLORS: A color that is any of various rich warm colors of tans, browns or red browns, and muted tones of gray, green, or other natural colors found in dirt and rocks.

EASEMENT: That portion of a lot or lots reserved or granted for the present or future use to a person or agency other than the legal owner or owners of such property or properties. The easement may be for a temporary use under, on or above the surface of such lot or lots.

ELDERLY PERSON: A person who is sixty (60) years old or older.

ELEVATED BUILDING: A nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. "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 floodwaters. "Elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the national flood insurance program regulations.

EVAPOTRANSPIRATION: The quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month or year.

EVERGREEN: A plant having foliage that remains on the plant throughout the year.

EXISTING CONSTRUCTION: 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: 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 before the effective date of the floodplain management regulations first adopted by the city.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: 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).

EXTERIOR INSULATION FINISH SYSTEM (EIFS): A type of exterior building product used in surface finishing that is an insulated and waterproof composite similar to stucco.

EXTERNAL LIGHTING: Lighting which illuminates a building or structure from a remote position or from outside of the building or structure.

FAA: The federal aviation administration.

FACADE: That exterior side of a building which faces, and is most nearly parallel to, a public or private street. The facade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies and visible roof structures of one complete elevation.

FAMILY: As used in the terms "single-family" or "multi-family" means:

- A. Any number of persons living together in a dwelling unit, sharing common living facilities, who are related by blood, marriage, legal custody or adoption; or
- B. Up to five (5) unrelated adults living together in a dwelling unit, sharing common living facilities, and sharing possession, use, and responsibility of the entire unit and property associated with that unit, whose relationship is of a continuing nontransient domestic character, living as a single, self-governing housekeeping unit, without extensive supervision or control by a nonresident landlord, innkeeper, or property owner.

Up to two (2) other persons who are hired for compensation such as nannies, servants, gardeners, custodians or security guards may reside in the same premises with any family.

The term "family" shall not be applied to a special residential facility.

FAN LIGHT: A semicircular or fan shaped window with a radiating glazing bar system, usually found over entrance doors.

FARMERS' MARKET: The temporary/seasonal selling of homemade goods, homegrown vegetables and other similar items.

FENCE: A structure serving as an enclosure, barrier or boundary, which defines a private space and enhances the design of an individual site.

FENESTRATION: The arrangement, proportioning and design of windows and doors on a structure.

FILL: Depositing of land, added upon the surface of the ground, resulting in an increase in the natural surface elevation.

FIRE SUPPRESSION: The measures involved in controlling and extinguishing fires.

FIRST RESPONDER (EMS): Functional provisions of initial assessment (i.e., airway, breathing and circulatory systems) and basic first aid intervention, including CPR and automatic external defibrillator (AED) capability.

FIXED SPRINKLER HEAD: An irrigation head that does not rotate.

FLOOD DISCHARGE: The quantity of water flowing down a stream valley that is the result of the runoff from rainfall, snowmelt, or a combination of both, measured in cubic feet per second (CFS) or gallons per minute.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the federal emergency management agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

FLOOD, 100-YEAR: A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, 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.

FLOODPLAIN: The relatively flat area or lowlands adjoining a river, stream, watercourse, ocean or lake, which have been or may be covered by floodwater. For purposes of this title, "floodplain" shall be that area designated on the official floodplain map, which shall be based upon the intermediate regional floodplain as established by the U.S. army corps of engineers.

FLOODPLAIN MANAGEMENT: 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: 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 provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY): 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.

FLOOR AREA, TOTAL: The square foot area of a building, including any accessory buildings, measured from outside wall surfaces and including basements, garages, porches, utility rooms, stairways, recreation rooms and storage rooms, but excluding unroofed balconies and patios.

FREIGHT TERMINAL: A building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

FUEL BREAK: A strategically located strip or block of land, varying in width, on which vegetation has been modified to provide a safer place for firefighters to work and to help reduce the rate of fire spread.

FUNCTIONALLY DEPENDENT USE: 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 shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

FUNERAL HOME: An establishment engaged in the preparation of funeral services. Uses may include the preparation of the human deceased for burial or cremation for the display of the deceased and/or for ceremonies or services related thereto. "Funeral homes" may include facilities for cremation and/or embalming and for the storage of caskets, funeral urns, funeral vehicles and other funeral supplies. "Funeral homes" may also be known as funeral parlors or mortuaries. Use excludes animal crematorium.

GARAGE: A building designed and used for the parking or temporary storage of automobiles of the occupants of the premises, either constructed as attached to a principal structure or detached.

GARAGE, COMMERCIAL: A single or multi level structure used exclusively for the parking (public or private) of vehicles. Such a structure may be entirely below grade, stand alone or constructed as part of or connected to another commercial or multiple-family dwelling structure and use.

GARAGE, PRIVATE RESIDENTIAL: A single structure designed and used for the parking or temporary storage of vehicles belonging to and operated by the occupants of the premises, either constructed as an attachment to a principal structure or detached.

GARDEN CENTER: An establishment primarily engaged in the retail sales of horticultural specialties, such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

GASOLINE AND FUEL STORAGE AND SALES: The use of a site for bulk storage and wholesale distribution of flammable liquid, gas or solid fuel, excluding belowground storage that is clearly ancillary to an allowed principal use on the site.

GASOLINE SERVICE STATION: An establishment engaged in the retail sales of gasoline and petroleum products. This definition includes gasoline sales conducted as part of a convenience store.

GATED COMMUNITY: A residential neighborhood where access is controlled by means of a gate, guard, barrier or other similar improvement within or across a private street, lane or alley.

GATED COMMUNITY CONVERSION: An existing platted residential subdivision with existing public streets and public utilities that is converted into a gated community with private streets, lanes or alleys.

GAZEBO: A small open walled structure or other space with a view, usually found in a garden or yard, but may also be incorporated into the facade of a building.

GENERAL PLAN: A document adopted by the city council that sets forth general guidelines for proposed future development of the land within the city.

GOLF COURSE: A facility providing private or public golf recreation services and support facilities, excluding miniature golf facilities.

GOVERNMENT SERVICE: Any building or facility owned or operated by a government entity which provides services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

GRADING: The act or result of digging, excavating, transporting, spreading, depositing, filling, compacting, settling or shaping of land surfaces and slopes, and other operations performed by or controlled by human activity involving the physical movement of rock or soil.

GROUND COVER: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches (12").

GROUP HOME, LARGE: "Large group home" means a residential facility set up as a single housekeeping unit and shared by six (6) or more unrelated persons, exclusive of bona fide caregiver(s), who require assistance and supervision. A large group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment, along with habilitation or rehabilitation services for persons with disabilities. A large group home shall not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses. See the special additional provisions in section 13-8-20 of this title.

GROUP HOME, SMALL: "Small group home" means a residential facility set up as a single housekeeping unit and shared by up to five (5) unrelated persons, exclusive of bona fide caregiver(s), who require assistance and supervision. A small group home shall not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses. No group home (small) shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the city's business license authority.

HARDSCAPE: Patios, decks and paths. Does not include driveways and sidewalks.

HEALTH AND FITNESS FACILITY: A facility designed for the major purpose of physical fitness or weight reducing, which includes, but is not limited to, such equipment as weight resistance machines, indoor tracks, gymnasiums, whirlpools, saunas, swimming pools, showers and lockers.

HEIGHT OF BUILDING: The vertical distance measured from the average elevation of the finished grade adjacent to the point of measurement to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of the highest structural element of the building. Height, where not regulated in feet, shall be regulated by stories, and a story shall be equal to twelve feet (12') for purposes of measuring structures other than buildings.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC BUILDING: Any building listed in the national register of historic places, or on the Utah state register of historic sites, or otherwise determined to have historic or architectural significance by the planning commission.

HISTORICAL MARKER OR MONUMENT: A memorial sign describing or identifying a historical building or structure, or the site of a historical event.

HOME OCCUPATION: A business, profession, occupation or trade licensed to be conducted entirely within a dwelling pursuant to the business license ordinance. A "home occupation" is a residential accessory use so located and conducted that the average neighbor, under normal conditions, would not be aware of its existence.

HOSPITAL: An institution that offers services more intensive than those required for room, board, personal services and general nursing care; offers facilities and beds for use beyond twenty four (24) hours by individuals requiring diagnosis, treatment or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. This use may include offices for medical and dental personnel and central service facilities such as pharmacies, medical laboratories and other related uses.

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

HOUSEHOLD PET: Animals ordinarily permitted in the house and/or kept for company or pleasure, not for profit, such as dogs, cats or rabbits, but not including chickens, ducks, geese or other domestic farm animals, nor any animals which are likely to inflict harm or discomfort or endanger the health, safety or welfare of any person or property.

HUMAN SCALE: The relationship between the pedestrian and the built environment, which allows for and encourages interaction through the implementation of elements which offer walks through visually interesting and positive streets and spaces, creating opportunities for positive experiences, and providing a comfortable and safe environment in which people may interact. Buildings ranging in height from two (2) to six (6) stories, trees and pedestrian scaled signs and streetlights, textured pedestrian paths and semiprivate spaces all enhance this positive scale, thus deemphasizing the role of the automobile.

IMPACT FEE: A payment of money imposed upon development activity as a condition of development approval.

INTENSITY: The degree of a quantitative or qualitative measurement associated with a use of land or building which impacts surrounding property owners.

IRRIGATION CONTRACTOR: A person authorized by Utah state law to install landscape irrigation systems.

IRRIGATION DESIGNER: A person authorized by Utah state law to prepare irrigation plans, including landscape architects, architects, engineers, land surveyors and landscape contractors.

IRRIGATION PLAN: The irrigation plan shall be shown at the same scale as the planting plan. The irrigation plan shall show the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

JUNKYARD AND SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of parts for sale of machinery or vehicles not in running condition, or for the temporary impoundment of motor vehicles accessory to a towing service.

KENNEL¹: A licensed, commercial establishment where domestic animals are boarded or temporarily sheltered.

KIOSK: A freestanding structure located within a well traveled pedestrian circulation area and used for such things as posting of notices or advertisements, or for the sale of food, flowers, newspapers, or other goods as approved by the city.

KITCHEN: Any room and/or other place used or intended or designed to be used for cooking or for the preparation of food.

LANDSCAPE ARCHITECT: A person who holds a license to practice landscape architecture in the state of Utah.

LANDSCAPE DESIGNER: A landscape architect, professional engineer, land surveyor or architect, as set forth by state law.

LANDSCAPE IRRIGATION AUDITOR: A person who has been certified by the irrigation association to conduct a landscape irrigation audit (known as "CLIA" certification).

LANDSCAPE PLAN: The preparation of graphic and written criteria, specifications and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this title.

LANDSCAPE SETBACK: The area dedicated to street planting running parallel to the front of the property (or side of the property when adjacent to a public roadway) ten feet (10') in depth measured from the back of curb, or where curb is nonexistent, the right of way line. This area includes the park strip and sidewalk where they exist.

LANDSCAPE WATER ALLOWANCE: For design purposes, the upper limit of annual applied water for the established landscaped area. It is based upon the local reference evapotranspiration rate, the ETO adjustment factor and the size of the landscaped area.

LANDSCAPE ZONE: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A "landscape zone" can be served by one irrigation valve, or a set of valves with the same schedule.

LANDSCAPED AREA: All portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the irrigated landscaped area.

LANDSCAPED OPEN SPACE: The area behind the landscape setback, minus building footprint areas and minus ninety percent (90%) of the hard surface area (parking lots, etc.). The resulting computation shall be used to determine the number of trees required in commercial, business and industrial zones.

LANDSCAPING: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features such as rock, stone or bark chips; and structural features, including, but not limited to, fountains, reflecting pools, outdoor artwork, screen walls, fences or benches.

LARGE SCALE PUBLIC UTILITY: Means, but is not necessarily limited to, the following:

- A. Electric power transmission lines with a capacity of sixty nine (69) kilovolts or greater.
- B. Gas transmission lines with a design pressure of six hundred (600) psi or greater, and pipe diameter of sixteen inches (16") or larger.
- C. Water transmission lines with a capacity of two hundred (200) second feet or greater.
- D. Communication towers.
- E. Any rights of way, service driveways or accessory structures that are appurtenant to the uses listed in subsections A through D of this definition.

LATTICE TOWER: A self-supporting, multiple sided, open steel frame structure used to support telecommunication equipment.

LAUNDRY OR DRY CLEANING, LIMITED: An establishment providing household laundry and dry cleaning services, classified as low hazard in applicable codes, with customer drop off and pick up; or an establishment providing home type washing, drying and/or ironing machines for hire to be used by customers on the premises. This term "limited laundry and dry cleaning" excludes large scale dry cleaning activities permitted under the definition of "laundry services", as defined in this section.

LAUNDRY SERVICES: An establishment primarily engaged in the large scale cleaning of laundry, or that includes dry cleaning activities other than those classified as low hazard in applicable codes. The term excludes the limited laundry activities permitted under the definition of "laundry or dry cleaning, limited", as defined in this section.

LEVEE: A manmade 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.

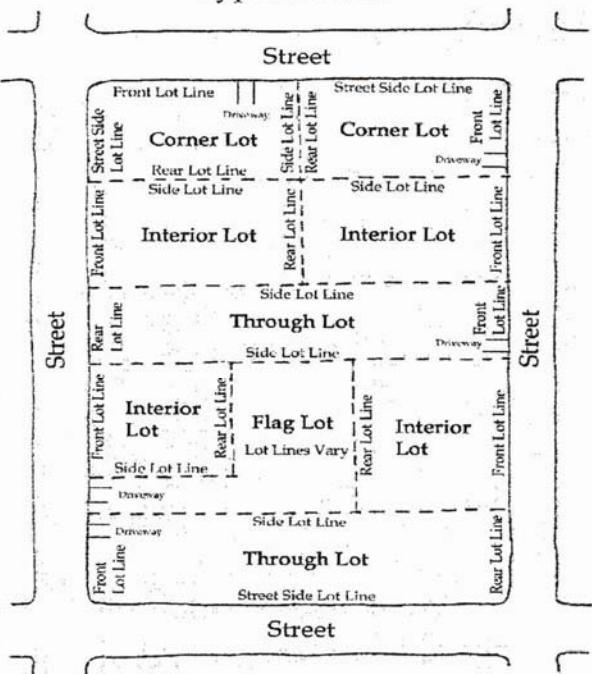
LEVEE SYSTEM: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LIQUOR STORE: An establishment primarily engaged in the sale of alcoholic beverages for off site consumption.

LIVING SPACE: The living space area, which shall be calculated from the horizontal exterior dimensions of all levels, excluding porches, garages, patios, decks and unoccupied structures.

LOT: A parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a recorded subdivision or a parcel of real property defined by metes and bounds containing not less than the minimum area and width required in the zone in which it is located, together with such yards, open spaces, lot width and area as required by this title.

Types of Lots



LOT AREA: The total area measured on a horizontal plane included within the lot lines of a lot or parcel of land.

LOT, CORNER: A lot situated at the intersection of two (2) streets, or a lot which occupies an interior angle of less than one hundred thirty five degrees (135°), formed by the intersection of two (2) streets.

LOT COVERAGE: The total horizontal area of a lot or parcel covered by any building or structure, which extends above the surface of the ground level and including any covered automobile parking spaces.

LOT DEPTH: The mean distance from the front lot line to the rear lot line.

LOT, DOUBLE FRONTAGE: A lot having frontages on two (2) parallel or approximately parallel streets.

LOT, FLAG: A lot, the bulk of which does not directly front onto a street, but is usually located behind another lot (or lots) and is only accessed from a public or approved private street through a narrow access drive that is also a part of the same lot.

LOT FRONTAGE: The distance a lot extends along a street usually measured along the front lot line.

LOT, INTERIOR: A lot fronted on one side by a street.

LOT, IRREGULAR: A lot of such a shape or configuration that technically meets the area, frontage and width depth requirements of this title, but is unusual in elongations, angles, curvilinear lines unrelated to topography or other natural features. Irregular shaped lots include triangle, gore or pie shaped lots.

LOT LINE ADJUSTMENT: The relocation of the property boundary line between two (2) adjoining lots or parcels with the consent of the owners of record.

LOT LINE, FRONT: A line separating a lot from a street.

LOT LINE, REAR: The line or lines most distant from and generally opposite the front lot line, except that in the case of an interior triangular or gore shaped lot, it shall be a constructive straight line ten feet (10') in length which is parallel to the front lot line or its chord and intercepts the two (2) side lot lines at points most distant from the front lot line.

LOT LINE, SIDE: Any lot boundary line which is not a front lot line or rear lot line.

LOT, THROUGH: A lot that fronts on two (2) or more public or approved private streets where at least two (2) of the frontages include both the front and rear of the lot. Additional street frontages may be present on the sides of the lot, thereby creating a corner lot in addition to a through lot.

LOT WIDTH: The distance between the side lines of a lot or parcel, measured at the front setback line.

LOW POWER RADIO SERVICE FACILITY OR WIRELESS TELECOMMUNICATIONS FACILITY: An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or (wireless) transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached. "Low power radio services facilities" include "cellular" or "PCS" (personal communications system) communications and paging systems.

LOWEST FLOOR: 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 nonelevation design requirements of this title.

MANUFACTURED HOME: A transportable factory built housing unit constructed on or after June 15, 1976, according to the federal home construction and safety standards act of 1974 (HUD code), in one or more sections, which in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet; is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities; includes plumbing, heating, air conditioning and electrical systems; and is identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. For floodplain management purposes, this definition also includes mobile homes, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, this definition does not include mobile homes, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MANUFACTURING, GENERAL: An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and manufacturing activities for the sole purpose of retail sales on the premises.

MANUFACTURING, LIMITED: An establishment engaged in the limited processing, fabrication, assembly and packaging of products utilizing processes that have no noise, odor, vibration or other impacts discernible external to the building.

MASONRY: Stone, brick, dyed block or split faced dyed concrete block. "Masonry" shall not include stucco.

MASS TRANSIT RAILWAY SYSTEM: A system of conveyance available to the public which provides high capacity, regional level transit service. "Mass transit railway systems" occupy either a separate right-of-way or a shared railroad right-of-way, and may include light rail, commuter rail, streetcar or trolley systems, and related system components. "Mass transit railway system" does not include transportation facilities such as passenger terminals, park and ride facilities, maintenance facilities or other auxiliary facilities.

MASSAGE THERAPY: Any establishment where a person, firm, association, or corporation engages in or carries on the activity of "massage", as defined in section 4-1A-2 of this Code and as regulated by the State of Utah Massage Therapy Practice Act, or its successor.

MEAN SEA LEVEL: For purposes of the national flood insurance program, the North American Vertical Datum (NAVD) of 1988, to which base flood elevations shown on the City's flood insurance rate map (FIRM) are referenced.

MEDIA SERVICE: An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television, film, or sound recording studios.

MEDIAN: An area in the approximate center of a public or private street that is used to separate the directional flow of traffic and may act as a landscape buffer, which may contain left turn lanes, and is demarcated by curb and guttering.

MEDICAL OR DENTAL LABORATORY: An establishment engaged in conducting basic medical or dental research and analysis. This term does not include a facility providing any type of in house patient services typically provided by hospitals and clinics.

MEDICAL SERVICE: An establishment providing therapeutic, preventive or corrective medical treatment on an outpatient basis by physicians, dentists and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks, and medical or dental laboratories.

MENTAL HEALTH CARE FACILITY FOR ELDERLY PERSONS: An institution providing primarily extended nursing care. Such a facility shall provide healthcare and support services exclusively for residents requiring twenty four (24) hour assistance with daily living due to a form of dementia or other similar mental health issue, normally associated with aging.

MICROBREWERY, RETAIL: A commercial business that manufactures on premises fermented malt beverages and handcrafted beer which are sold for consumption on premises or off premises according to Utah State law. A microbrewery shall sell at least sixty percent (60%) of the produced beverages on site as retail sales.

MILITARY FACILITY: A premises or facility owned and operated by the Federal or State government for civil defense or military purposes. Uses include command centers, military airfields, military bases, storage depots and training bases.

MINERAL EXTRACTION: Removal of sand, gravel, dirt or other nonferrous materials by grading or excavating.

MIXED USE DEVELOPMENT: A building or groups of buildings designed to encourage a diversity of compatible land uses, which include a mixture of two (2) or more of the following uses: residential, office, retail, service, recreational and other similar (nonindustrial) uses.

MOBILE HOME: A transportable, factory built housing unit built prior to June 15, 1976, in accordance with the State of Utah Mobile Home Code, which existed prior to the Federal Manufactured Housing and Safety Standards Act.

MOBILE HOME PARK: A parcel ten (10) acres or larger in size under single ownership designed and planned to accommodate the placement of mobile or manufactured homes on leased or rented pads or lots.

MOBILE HOME SUBDIVISION: A platted and recorded subdivision zoned and designed for mobile, manufactured or modular home use where mobile, manufactured or modular homes are placed on permanent foundations.

MODEL HOME: A dwelling unit which is temporarily used for display purposes as an example of dwelling units available for sale or rent in a particular residential development. Model homes may incorporate a sales or rental office. Model homes may not be occupied for purposes of a residence until such time that the temporary display of the dwelling unit has ceased and the model home has been converted into a residential dwelling unit by removing all sales and/or rental offices and restoring all required features, such as garage space.

MONOPOLE: A single cylindrical steel or wooden pole that acts as the support structure for antennas.

MOTEL: A building or series of buildings in which rentable sleeping accommodations are made available in rooms for rent, primarily for the lodging of automobile travelers. A motel may be distinguished from a hotel primarily through the provision of direct independent access from an adjoining parking area for each rental unit.

MOTOR HOME: A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel and use.

MOTOR VEHICLE: An automobile, truck, trailer, watercraft, motorcycle, off road vehicle, recreation vehicles, motor homes or other similar device in which a person or thing is, or can be, transported from one place to another.

MOTOR VEHICLE, NEW: A motor vehicle that has never been titled or registered and has been driven less than seven thousand five hundred (7,500) miles.

MOTOR VEHICLE SALE AND SERVICE: An establishment engaged in the retail or wholesale sale or rental, from the premises, of new or used motor vehicles. Such establishments may provide service and maintenance, such as emissions and inspections for motor vehicles.

MOTOR VEHICLE, USED: A vehicle that has been driven over seven thousand five hundred (7,500) miles.

MOW STRIP: A flat level edging, typically constructed of concrete, stone or brick, between a fence, wall, flowerbed and the lawn, making it easy to mow and edge the grass.

MULCH: Any material such as bark, wood chips or other loose materials and applied to the soil.

MULTI-STORY DWELLING: A dwelling built so that the first level (story) is on one level and covers the entire foundation or basement. Additional living space is built above the main level giving a second (or more) story(ies) to the house.

MULTIPLE-FAMILY DWELLING: A building constructed entirely on site, which is designed for occupancy by three (3) or more families or households living independently of each other and containing three (3) or more dwelling units.

NEW CONSTRUCTION: For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: 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 floodplain management regulations adopted by a community.

NONCONFORMING LOT: A lot that legally existed before its current zoning designation and because of subsequent zoning changes, does not conform to the lot size or other dimensional or property development standards applicable in the zone where the lot is located.

NONCONFORMING STRUCTURE: A structure that legally existed before its current zoning designation and because of subsequent zoning changes, does not conform to the setback restrictions, height restrictions or other applicable requirements of this title.

NONCONFORMING USE: A use of land that legally existed before its current zoning designation, has been maintained continuously since the time the zoning regulation governing the land changed, and because of subsequent zoning changes, does not conform with applicable requirements of this title.

NURSING HOME: A group living facility providing basic domiciliary services and semiskilled, rehabilitative nursing service for senior patients who have impaired mobility or health problems of a limited duration.

OFFICE: A building, room or department where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, paging and beeper services, and facsimile transmission services; post offices and express mail offices, excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.

ONE LEVEL DWELLING: A dwelling with one living level, built upon a foundation or basement or combination of the two (a rambler or split entry are typical of this type of dwelling).

OPEN LAND: Land designated as undevelopable, land to be preserved in its natural state, or as common or public open land to be used for visual relief or for recreational purposes.

OPEN SPACE: Any area or portion of vegetated land, either landscaped or essentially unimproved, which is used to meet human recreational, buffering or spatial needs, or to protect water, air or vegetation areas. Landscaping, walkways, patio areas, light poles and other ornamental features shall not be considered as obstructions for purposes of this definition.

OPERATIONS CENTER: A maintenance, repair or service facility operated by a local, state or federal government agency.

OUTDOOR RV, MOTOR HOME, TRAILER AND BOAT STORAGE FOR RESIDENTS OF A SENIOR HOUSING DEVELOPMENT: A parcel or lot located within a senior housing development which is used for the common storage of RVs, motor homes, trailers and boats which are individually owned by residents of the development. The parcel or lot shall be owned by either that development's homeowners' association or, if no HOA exists, the common owner of the development. Outdoor RV, motor home, trailer and boat storage does not include the storage of damaged, wrecked or inoperable vehicles, RVs, motor homes, trailers or boats.

OUTSIDE STORAGE AND OPERATIONS: The accessory storage (and any permissible operation associated with such storage) of products, merchandise, containers, materials, business equipment and business vehicles (exceeding a gross vehicle weight of 20,000 pounds or 10 tons). This definition excludes uses classified as vehicle and equipment repair, general and limited; motor vehicle sales and service, new and used; and garden center, outdoor.

PARK: A publicly or privately owned park, playground or other area or open space providing opportunities for active or passive recreational or leisure activities.

PARK AND RIDE LOT: An off street parking area or parking structure intended to provide for the peripheral collection of vehicles to accommodate commuter traffic into or out from a community.

PARK STRIP: The area within a street right of way located between the curb and sidewalk or, if there is no sidewalk, between the curb and private property line.

PARKING LOT: Five (5) or more contiguous parking spaces serving developments greater than a duplex.

PARKING, OFF SITE: The use of a lot for required or additional parking that is separate from the lot of the principal use.

PARKING, SHARED: The provision that two (2) or more uses in a development area may share parking facilities to fulfill their individual parking requirements because their prime operational hours do not overlap.

PARKING SPACE: An area designated within a parking area for the parking of a single motor vehicle.

PAWNSHOP: An establishment engaged in lending money on security of personal property, as well as selling property, which is not reclaimed.

PEDESTRIAN FRIENDLY: Street, site and building design that creates a safe, comfortable and aesthetic environment for people who are walking or biking. Pedestrian friendly developments shall place primary emphasis on the street sidewalk and on pedestrian access to site destinations, rather than on auto access and parking areas. Generally, buildings and their entrances shall be placed close to the street.

PEDESTRIAN SCALE: See definition of Human Scale.

PEDIMENT: A triangular section framed by a horizontal molding on its base and two (2) raking (sloping) moldings on each of its sides. Pediments are generally used as a crowning element for doors, windows, over mantels and niches, usually in conjunction with columns as a main entry feature.

PERCENT OF SLOPE: The slope of a designated area of land determined by dividing the vertical rise of a slope by the horizontal run of the same slope and converting the resulting figure into a percentage value as measured between contour lines on the referenced contour map.

PERENNIAL PLANT: Plants which have a life span of more than two (2) years but which become dormant each fall, losing all foliage, and generate new foliage and flowering buds the following spring and summer from the dormant root system.

PERMITTED USE: A use or occupancy of a building or a use of land which is allowed in the respective zones in this title without specific approval of the planning commission but which complies with provisions of the zone in which the use is to be conducted.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of the foregoing.

PERSONAL CARE SERVICE: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty shops and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. This definition includes permanent cosmetics when done in association with another permitted use such as beauty shops and nail salons, but excludes tattoo and body engraving services.

PERSONAL INSTRUCTION SERVICE: An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services involving instructional information. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, martial arts training, and swimming clubs.

PERSONS WITH DISABILITIES: The city adopts the definition of "disabled" from the Americans with disabilities act, the rehabilitation act, title 8 of the civil rights act and all other applicable federal and state laws.

PET GROOMER: An establishment engaged in both the hygienic care and cleaning of a pet.

PHASE: A distinct stage of development that can exist as a separate entity if the project does not continue to completion.

PLANNED COMMUNITY: An area which is characterized by mixed uses (i.e., residential, commercial, recreational and institutional) to create a more convenient and more effective integration of uses which may work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): A master planned, architecturally designed residential development where ordinarily applicable zoning requirements may be negotiated to allow flexibility and initiative in site and building design and location in accordance with the standards and requirements of this title and an approved PRD plan.

PLANTING PLAN: A landscape plan that clearly and accurately identifies and locates new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

PLAT: A map or other geographical representation of lands being laid out and prepared in accordance with this title and Utah Code Annotated.

PORICO: A covered walk or porch supported by columns or pillars.

POST OFFICE SUBSTATION: A facility or structure owned by the U.S. postal service and used for collecting, sorting and distributing of mail within several ZIP code areas and having limited retail services for the general public, such as the sale of stamps, postcards and postal insurance.

PRECIPITATION RATE: The depth of water applied to a given area, usually measured in inches per hour.

PRELIMINARY IRRIGATION SCHEDULE: Irrigation schedule prepared by a landscape designer or irrigation designer, included on irrigation plan, based on theoretical flow calculations.

PRESCHOOL: A facility or learning center for the organized instruction of children who have not reached the age for enrollment into kindergarten.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary extends two hundred feet (200') beyond each end of such runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary ends at each end of such runway. The width of the primary surface of a runway will be that width prescribed in part 77, section 77.25, of the federal aviation regulations (FAR), which is hereby incorporated by reference and made a part of this definition, for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINTING AND COPYING, LIMITED: A business establishment engaged in retail photocopying, reproduction, photo developing or blueprinting services.

PRINTING, GENERAL: The production of books, magazines, newspapers and other printed matter, as well as record pressing and publishing, engraving and photoengraving, but excluding "printing and copying, limited" uses, as defined in this section.

PRIVATE STREET: A privately owned and maintained access provided for by a tract, easement or other legal means.

PRODUCE STAND: A booth, stall or other area at which produce of a farm is sold to the general public.

PROTECTION STRIP: Any remainder of real property created by a subdivision, dedication or conveyance of any kind, which, because of its configuration, constitutes an undevelopable parcel of land, and serves as a buffer between a public right of way, and another parcel of real property.

PROTECTIVE SERVICE: A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

PUBLIC ENTITY: The city of West Jordan or a special district or local district, the county, the state of Utah, the United States federal government, or any other governmental entity or agency.

PUBLIC FACILITIES: Capital facilities owned by a local political subdivision.

PUBLIC RIGHT OF WAY: Any land, easement, or other interest therein, which, by deed, conveyance, agreement, dedication, usage, or other process of law, has been reserved for or dedicated to a public entity (the city, a special district or local district, the county, the state of Utah, the United States federal government, or any other governmental entity or agency) for the use of the general public for public purposes.

PUBLIC STREET: A street that is designated for public travel or is in public ownership.

RECEPTION CENTER: A facility which leases the premises for hosting weddings and other private events. The term "reception center" shall not include uses whose primary function is a restaurant or club.

RECOMMENDED IRRIGATION SCHEDULE: Irrigation schedule prepared by an irrigation auditor, based on actual sprinkler precipitation rate measurements and flow calculations, if necessary, to be used as a guide that may be adjusted as needed for landscape health and water conservation purposes.

RECREATION AND ENTERTAINMENT, INDOOR: An establishment offering recreation, entertainment or games of skill to the general public or members that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts, and amusement rides.

RECREATION AND ENTERTAINMENT, OUTDOOR: An establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, tennis courts, and amusement rides.

RECREATIONAL VEHICLE: A vehicle which is:

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

RECYCLING COLLECTION STATION: Outdoor freestanding containers which are designed to receive and store presorted recyclable materials not intended for disposal and which are available to the general public.

REFERENCE EVAPOTRANSPIRATION RATE OR ET₀: A standard measurement of environmental parameters which affect the water use of plants. ET₀ is expressed in inches per day, month or year, and is an estimate of the evapotranspiration of a large field of four (4) to seven inch (7") tall, cool season grass that is well watered. The average annual ET₀ for the Salt Lake Valley area is 31.18 inches.

REGULATORY FLOOD DISCHARGE: The discharge selected from the delineation of the floodplain, floodway and floodproofing requirements and floodplain regulations.

RENEWABLE ENERGY SYSTEM: A system which produces energy for on or off site consumption by a means other than carbon based power production. Renewable energy systems include wind, solar and geothermal energy production.

REPAIR SERVICE, GENERAL: An establishment providing repair services not included in the definition of "vehicle and equipment repair, general", or in the definition of "repair services, limited", as defined in this section.

REPAIR SERVICES, LIMITED: An establishment primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding automotive and equipment services uses. Typical uses include appliance repair shops, furniture repair and upholstery shops, watch or jewelry repair shops, and musical instrument repair shops.

RESEARCH SERVICE: An establishment engaged in research of an industrial, medical or scientific nature.

RESIDENTIAL ACCESSORY STRUCTURE/BUILDING: A detached building or structure clearly incidental to and located upon the same lot occupied by a primary building and subordinate in height, area and use to the primary building. "Residential accessory structures and buildings" may include garages, carports, patio covers, lawn mower/garden sheds, hobby rooms, satellite dishes, swimming pools, tennis courts, barbecue pits, flagpoles, and structural objects.

RESIDENTIAL DEVELOPMENT: Any development approved by the city for residential use.

RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME, LARGE: "Large residential substance abuse treatment home" means a residential facility for six (6) or more unrelated persons, exclusive of bona fide caregiver(s), and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A large residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies. Substance abuse facilities may not be located within five hundred feet (500') of a school or church, measured door to door in a direct line of travel. See the special additional provisions in section 13-8-20 of this title.

RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME, SMALL: "Small residential substance abuse treatment home" means a residential facility for up to five (5) unrelated persons, exclusive of bona fide caregiver(s), and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A small residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies. Substance abuse facilities may not be located within five hundred feet (500') of a school or church, measured door to door in a direct line of travel. See the special additional provisions in section 13-8-20 of this title.

RESPONSIBLE PERSON: A person who is responsible for causing or maintaining a violation of this title, or allowing such a violation to continue. The property owner, person with a legal interest in the real property, or person in possession of the real property shall be considered a "responsible person" in all cases.

RESTAURANT, FAST FOOD (GENERAL): An establishment with greater than two thousand two hundred (2,200) gross square feet of area engaged primarily in the "made to order" preparation of food for self-serve, walk up counter, or drive-through service. Consumption may be either on or off premises.

RESTAURANT, FAST FOOD (LIMITED): An establishment with two thousand two hundred (2,200) gross square feet or less of area engaged primarily in the "made to order" preparation of food for self-serve, walk up counter, or drive-through service. Consumption may be either on or off premises.

RESTAURANT, GENERAL: An establishment engaged primarily in the preparation of food and beverages for consumption on the premises, which derives not less than fifty percent (50%) of its gross receipts from the sale of food for consumption on the premises and where the design or principal method of operation consists of one or more of the following:

- A. A sit down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in nondisposable containers by a restaurant employee at the same table or counter at which such items are consumed; or
- B. A cafeteria or cafeteria type operation where foods and beverages generally are served in nondisposable containers and consumed within the restaurant; or
- C. A restaurant which may have some characteristics of a fast food restaurant, other than service to a customer in a motor vehicle, having floor area exclusively within a shopping center, sharing common parking facilities with other businesses within the center and having access to a common interior pedestrian accessway; or
- D. A catering or delivery operation where food is prepared and delivered to customers off site.

RETAIL: A business establishment devoted to the sale of goods or merchandise to the general public for personal or household consumption, or to small scale personal services incidental to the sale of such goods or merchandise.

RETAIL, GENERAL: An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified in another use category in this title. Typical uses include apparel stores, antique shops, art and hobby supply stores, bicycle shops, bookstores, clothing rental stores, department stores, discount stores, drugstores, electronic appliance stores, florists, food stores, furniture and appliance stores, gift and novelty shops, glass and mirror shops, hardware stores, jewelry stores, medical supply stores, music stores, optical retail sales, paint stores, pet stores, photocopying and blueprinting shops, photography supply stores, record, tape and video stores, sporting goods stores, toy stores, and variety stores.

RETAIL WAREHOUSE OUTLET: An establishment that is primarily engaged in the sale, resale or auction of retail goods and merchandise to the public in a manner that is incidental and accessory to the principal use of the business. Typical uses include indoor auctions or small scale liquidation sales of merchandise. The maximum area within the warehouse that can be utilized is ten percent (10%) of the gross floor area of the warehouse for general retail sales, and twenty percent (20%) for auctions and small scale liquidation sales. Required parking for the use shall be calculated in accordance with "retail, general use" per subsection 13-12-3B of this title.

RIDING ACADEMY OR RIDING STABLE: A commercial establishment for boarding, breeding, training or raising of horses not owned by the owners or operators of the establishment, rental of horses for riding, or other equestrian activities.

ROADWAY FACILITIES: Streets or roads that have been designated on an officially adopted subdivision plat, roadway plan or general plan, together with all necessary appurtenances. "Roadway facilities" include associated improvements to roadways only when the associated improvements are necessitated by new development and are not funded by the state or federal government.

ROOF MOUNTED ANTENNA: An antenna or series of individual antennas mounted on a flat roof, mechanical room, or penthouse of a building.

ROTOR SPRINKLER HEAD: An irrigation head that rotates (gear driven or impact head).

RUNOFF: Irrigation water that is not absorbed by the soil which flows onto other areas.

RUNWAY: A defined area on an airport used for landing and takeoff of aircraft along its length.

SCALLOP: A carved or molded ornament in the form of a series of curves resembling shells or segments of a circle.

SCHOOL, CHARTER: A school that meets the requirements of the Utah charter schools act, Utah Code Annotated title 53A, chapter 1a, part 5.

SCHOOL, K THROUGH 12: The use of a site or premises for private or public instruction of students from kindergarten through the twelfth grade, based on curriculum approved under the regulations of the state.

SCHOOL, VOCATIONAL: An establishment, for profit or not, offering regularly scheduled instruction in technical, commercial or trade skills, such as, but not limited to, business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology and similar types of instruction.

SECONDHAND STORE: A retail establishment, which engages in the purchase and resale of used goods, or the sale of used goods via consignment, such as clothing, furniture, appliances, books and other household items. Typical uses may include consignment shops and thrift stores.

SELF-SERVICE STORAGE WAREHOUSE: A building or group of buildings containing separate, individual and private storage spaces of varying sizes available for lease or rent for varying periods of time.

SENSITIVE HILLSIDE: Sloping terrain having average natural consistent topography of ten percent (10%) or greater.

SERVICE ESTABLISHMENT: A building, property or use which provides personal services directly to a consumer. Such services shall include, but not be limited to, barbershops, salons, laundry and dry cleaning establishments, tailoring shops, shoe repair and computer repair shops. A "service establishment" does not include major or minor auto repair, small engine repair, or any other use affiliated with automobile or engine service activity.

SETBACK: The required distance on a lot between a building and a property line, or designated right of way line. For lots without a principal structure present, the setbacks shall be the minimum required by district regulations. (See Lot and Yard definitions.)

SHADOW FLICKER: The shadows cast on the ground and surrounding structures by rotating wind turbine blades.

SHRUBS: Plants that are generally long lived woody plants that may be either evergreen or deciduous. They differ from ground covers in that they are generally over twelve inches (12") tall and do not generally form a uniform mat.

SIDELIGHT: A usually long fixed sash located beside a door or window; often found in pairs.

SIGNS: See definitions applicable to signs in title 12 of this code.

SINGLE-FAMILY DWELLING: A building constructed entirely on site, which is designed for only one family or household.

SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, outside storage, streets, sidewalks, curbs, gutters, signs, lighting, fences, and other features of existing or proposed construction or land use.

SLOPE: A portion of ground forming a natural or artificial incline, including a retaining wall.

SLOPE, STEEP: Slopes of thirty percent (30%) gradient or steeper, which, for the purpose of this code, is to be considered as undevelopable area.

SMALL EQUIPMENT RENTAL: The rental of equipment, excluding heavy construction vehicles and equipment, and may also include facilities for maintenance of equipment. Rental equipment may include, but is not necessarily limited to, medical equipment, party supplies, appliances, lawn and garden equipment, hand tools, power tools, moving trailers, and other similar products.

SOLAR ENERGY SYSTEM, BUILDING MOUNTED: An accessory structure that is roof mounted or wall mounted, with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings and/or uses located on the same property.

SOLAR ENERGY SYSTEM, GROUND MOUNTED: An accessory structure that is ground mounted panels, with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings and/or uses located on the same property.

SPECIAL RESIDENTIAL FACILITIES: An adult daycare, group home (large), residential substance abuse treatment home, and/or transitional home. It is a special purpose definition used to apply general requirements to each of its constituent facilities.

SPLIT LEVEL DWELLING: A dwelling built with levels of the home offset so that one level does not cover the entire foundation or basement.

STACKING: A space designated as a queuing area for motor vehicles waiting for entry into any drive-in facility, service bay or auto oriented use.

START OF CONSTRUCTION: Substantial improvement and the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as

dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE: The state of Utah.

STEALTH POLE: A monopole, along with its accompanying antennas and equipment, that is completely disguised as another object or structure with the purpose of being visually inconspicuous to the surrounding built and/or natural environment. Typical applications include, but are not limited to, flagpoles, light poles, field lights, water towers, trees, rocks, chimneys, clock towers, steeples, bell towers, dormers and other architectural components.

STORY: The space in a building between the surface of any floor and the surface of the next floor or roofline above; provided, however, that where the floor level of the first story is at least five feet (5') below the adjoining finished grade, the space shall be considered a basement and not counted as a story. A story shall be equal to twelve feet (12') for the purpose of measuring structures other than buildings.

STREET: A public right of way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and other ways.

STRUCTURE: Any building, shelter, sign, wall, fence, pole or other improvement constructed or installed and permanently attached to the ground.

SUBDIVISION: A "subdivision", as defined in Utah Code Annotated section 10-9a-103(51), as amended periodically.

SUBSTANTIAL DAMAGE: 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 percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This definition does not include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to assure safe living conditions, or any alteration of a structure listed on the national register of historic places or a state inventory of historic places.

SUNBURST: An ornamental motif resembling the rays of the sun found most often on the facades of late Victorian buildings.

TATTOO AND BODY ENGRAVING SERVICE: A personal service establishment furnishing tattoos and body piercing on the premises. This definition excludes permanent cosmetics when done in association with a permitted personal care service, such as a beauty shop or nail salon.

TEMPORARY DEVELOPMENT/CONSTRUCTION OFFICE: A temporary structure, such as a modular unit or trailer used as a temporary office facility. Purposes for temporary offices are restricted to the following uses: construction supervision offices on a construction site and temporary on site real estate offices for a development project.

TOPSOIL ANALYSIS: A report by a soils laboratory indicating soluble salts (dS/m or mmho/cm), pH, sand (%), silt (%), clay (%), texture class (sandy clay, clay loam, silty sand, etc.), organic matter (%), percent of coarse fragments (>2 mm diameter), and sodium adsorption ratio (SAR) for a given site. The soils report also includes recommendations for soil amendments.

TOPSOIL OPERATIONS: A business that screens excess dirt from development sites to be sold to the public or to be used on the site.

TOWER: A structure whose height is usually much greater than its width; may either stand alone or surmount a building.

TOWNHOME: A building containing a row of two (2) or more attached dwelling units, with each unit being separated from the adjoining units with vertical side walls that shall extend from the foundation to the roofline of the units which it serves and shall have no openings therein. Each unit shall have open space on at least two (2) external walls. The land directly under the footprint of each townhome shall be owned fee simple, with any remaining land not so owned being maintained by a homeowners' association.

TRANSIT ORIENTED DEVELOPMENT (TOD): A mixed use community within an average one-fourth (1/4) mile walking distance of a transit station and core commercial area. TODs mix residential, retail, office, and public uses in a pedestrian friendly and walkable environment, making it convenient for residents and employees to travel by transit, bicycle, foot or automobile.

TRANSIT STATION: Any structure or transit facility that is primarily used in conjunction with a local or regional transit system, for the purpose of loading, unloading or transferring passengers to other modes of transportation or to a different destination.

TRANSITIONAL HOME, LARGE: "Large transitional home" means a residential facility for six (6) or more unrelated persons, exclusive of bona fide caregiver(s), and licensed by the state of Utah, that provides twenty four (24) hour supervision and a peer support structure to help victims of abuse or crime acquire safety and strengthen the social and behavioral skills necessary to live independently in the community. Such programs provide supervision, counseling and therapy through a temporary living arrangement and provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A large transitional home can also arrange for or provide the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services, however, care shall be made available on request. A large transitional home shall not include any persons referred by the Utah state department of corrections. See the special additional provisions in section 13-8-20 of this title.

TRANSITIONAL HOME, SMALL: "Small transitional home" means a residential facility for up to five (5) unrelated persons, exclusive of bona fide caregiver(s), and licensed by the state of Utah, that provides twenty four (24) hour supervision and a peer support structure to help victims of abuse or crime acquire safety and strengthen the social and behavioral skills necessary to live independently in the community. Such programs provide supervision, counseling and therapy through a temporary living arrangement and provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A small transitional home can also arrange for or provide the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services, however, care shall be made available on request. A small transitional home shall not include any persons referred by the Utah state department of corrections. See the special additional provisions in section 13-8-20 of this title.

TRANSOM WINDOW: A small window or series of panes above a door, casement or window.

TRANSPORTATION SERVICE: An establishment which moves people or goods and services. Typical uses include taxicab service, passenger autos for rent with drivers, ambulance service, and parcel delivery service.

TRAVEL TRAILER: A vehicle, other than a motor vehicle, which is designed or used for temporary human habitation and for travel or recreational purposes, and which may be moved upon a public highway without a special permit or chauffeur's license without violating vehicle or traffic codes.

TREE: Any object of natural growth of height greater than eight feet (8').

TURF: A surface layer of earth containing mowed grass with its roots.

TWIN HOME: A building which is designed for occupancy by two (2) families or households living independently of each other, which share a common wall on separate lots.

TWO-FAMILY DWELLING: A building constructed entirely on site, which is designed for occupancy by two (2) families or households living independently of each other and containing two (2) dwelling units.

UNDEVELOPABLE AREA: An area of land that cannot be considered for development purposes due to its topography or natural conditions of the soil. For the purpose of this code, all natural slopes with a thirty percent (30%) or more gradient are to be considered as undevelopable areas.

UNIQUE CHARACTERISTICS: Elements of design that are regulated by this title, which can be modified for businesses or properties within a zone.

UNIT OF MEASURE: That basic gauging unit which can be quantified for measuring the impact of development on the capital facilities in question, and which can provide a fair and equitable method of assessing the demands for expanded capital facilities. Units of measure can relate to the amounts of property, improvements to property, or the inflow/outflow of people, products or waste, depending on the particular type of capital facility; and may include, but shall not be limited to, the following measuring devices:

- A. Acres of property.
- B. Square feet of hard surface (outdoor).
- C. Gallons per day.
- D. Trips generated.
- E. Square feet of floor area (indoor).
- F. Number of equivalent dwelling units (EDUs).

USE: The purpose for which a lot or structure is designed, arranged or intended, or for which it is occupied or maintained.

UTILITY, MAJOR: A facility, other than collection or distribution lines or supporting structures thereto, of any agency which, under public franchise or ownership, provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewerage, or other similar service. The term "utility" shall not be construed to include corporate or general offices, storage or service buildings/yards, gas or oil processing facilities/yards, manufacturing facilities, postal facilities, or high power broadcast radio antenna. Typical uses include cellular, television and microwave communication towers, electric generation plants or substations, railroad switch yards, reservoirs, sanitary landfills and water/wastewater treatment plants.

UTILITY, MINOR: Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as utility poles and lines, and structures not exceeding one hundred fifty (150) cubic feet in size and six feet (6') in height, which do not generate a discernable amount of noise, odor or vibration within any nearby residential district, and which comply with the setback requirements of the district in which they are located.

VACATING A SUBDIVISION PLAT: The termination of any interest in a recorded subdivision plat, in whole or part.

VARIANCE: A modification, granted by the board of adjustment, of a zone's requirement for height, bulk, area, width, setback, separation, or other numerical or quantitative requirement for a building or structure or other site improvements which are set forth in this title. For purposes of floodplain management a variance is a grant of relief to a person from a floodplain management requirement when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by the city's floodplain management rules (see chapter 6, article E of this title). (For full requirements see section 60.6 of the national flood insurance program regulations.)

VEHICLE AND EQUIPMENT REPAIR, GENERAL: An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including automobile body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, and paint and body shops.

VEHICLE AND EQUIPMENT REPAIR, LIMITED: An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services. Typical uses include businesses engaged in the following activities: electronic tune ups, brake repairs (including drum turning), air conditioning repairs, transmission and engine repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.

VETERINARY SERVICE: An establishment providing medical care and treatment for animals, which may include accessory grooming or boarding services.

VIOLATION: The failure of a structure or other development to be fully compliant with the city's floodplain management requirements in this title. A structure or other development without the elevation certificate, other certifications, or other evidence of required compliance is presumed to be in violation until such time as that documentation is provided.

WALL PLANE PROJECTION: A permanently attached architectural feature that extends from the predominant horizontal plane of a building. Wall plane projections may include, but are not necessarily limited to, columns, porticoes, pilaster, colonnades, porte-cocheres, or other architectural elements.

WALL PLANE RECESS: A nook, alcove, indentation, offset, niche, or other architectural feature that is inset into the predominant horizontal plane of a building.

WAREHOUSE: A use or facility engaged in the storage, distribution, and/or manufacturing of products, supplies, and equipment.

WASH: A natural dry creek bed or gulch that temporarily fills with stormwater after heavy rains.

WATER AUDIT: An on site survey and measurement of irrigation equipment and management efficiency, including sprinkler precipitation rate (PR), distribution uniformity (DU), suggested irrigation schedule, and recommendations to improve efficiency.

WATER CONSERVING PLANT: A plant that can generally survive with available rainfall once established, although supplemental irrigation may be needed or desirable during spring and summer months, as listed in the most recent version of the document "Water Wise Plants For Salt Lake City".

WATER SURFACE ELEVATION: The height, in relation to the North American vertical datum (NAVD), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WHOLESALE AND WAREHOUSING, GENERAL: An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major mail distribution centers, frozen food lockers, moving and storage firms, and warehousing and storage facilities.

WHOLESALE AND WAREHOUSING, LIMITED: An establishment that is engaged in the small scale storage and sale of goods to other businesses for resale, excluding self-storage warehouses, major distribution centers, motor freight terminals, moving and storage firms and similar high volume, high turnover facilities. Limited wholesale and warehouse area will generally be less than fifty thousand (50,000) square feet in area and operate during conventional business hours.

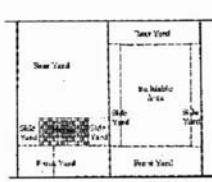
WIND ENERGY SYSTEM, MICROMODEL: A microscale wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics with a turbine diameter no greater than four feet (4') and is intended to generate electricity primarily for buildings and/or uses on the same property including primary structures, light poles or accessory structures. Micromodel wind energy systems are considered accessory to permitted structures.

WIND ENERGY SYSTEM, ROOFTOP MOUNTED: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which is mounted on and totally supported by the roof system of a primary structure and is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power.

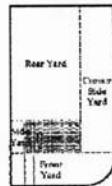
WIND ENERGY SYSTEM, SMALL: An accessory structure defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated nameplate capacity of not more than one hundred kilowatts (100 kW) and that is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power.

YARD: A required open space on a lot which is unoccupied and unobstructed by any structure or portion thereof, except for approved accessory structures otherwise allowed by this code, from the preexisting ground level upward toward the sky, except as otherwise provided in this title, between the building setback line and the most parallel property line. For more information on lot types, see definition of Lot.

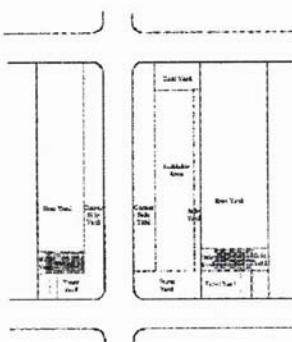
Interior Lot



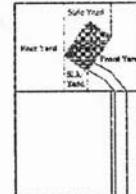
Corner Lot



Through Lots



Flag Lot



YARD AREAS ON FLAG LOTS: On flag lots, yard areas shall not include the access drive from the street to the bulk of the lot and the front yard shall be that portion of property to which the primary access to the principal structure on the property faces.

YARD AREAS ON IRREGULAR SHAPED LOTS: Irregular shaped lots include triangle, gore or pie shaped lots. The Zoning Administrator shall determine the yard areas for irregular shaped lots.

YARD AREAS ON THROUGH LOTS: The frontage onto a street that contains the primary access to the principal structure on the property shall be considered the front yard and the area behind the primary access to the principal structure shall be the rear yard. If vacant, the yard that is on the same side of the property that the majority of other principal structures on the same block front onto shall be considered the front yard.

YARD AREAS ON UNDEVELOPED PROPERTIES: For lots without a principal structure, required yard areas shall be the minimum setbacks required by district regulations.

YARD, CORNER LOT SIDE: On corner lots, the side yard that abuts a street shall be termed a corner side yard and extends between the closest point of the structure to the rear property line and between the corner side lot line and the closest point of the structure on the property.

YARD, FRONT: The required yard extending between the side lot lines across the front of a lot adjoining a public or approved private street. The depth of required front yard shall be measured at right angles to the front property line. The required front yard line shall be parallel to the front property line.

YARD MEASUREMENT: When measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. For new construction where lots abut a street that is designated a major street in the General Plan, all yards abutting such street shall be measured from a line which is half the proposed right-of-way width from the centerline or from the lot line, whichever provides the greater setback.

YARD, REAR: The required yard extending across the rear of the lot between side lot lines. The rear yard depth shall be measured from the rear property line to the nearest point of the principal structure on the property.

YARD, SIDE: The yard extending between the frontmost part of the structure to the rearmost point of the structure. The depth of a side yard shall be measured from the side property line to the closest point of the principal structure on the property.

ZONE: An area of the incorporated territory of the City which has been given a designation which provides for the regulation and restriction of the erection, construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land as set forth and specified in this title.

ZONING ADMINISTRATOR: A City employee responsible with interpreting and enforcing this title, granting zoning permits, and supervising the Planning Division zoning staff. (2001 Code § 89-1-203; amd. 2009 Code; Ord. 09-09, 3-10-2009; Ord. 09-12, 4-14-2009; Ord. 10-07, 2-2-2010; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-09, 5-14-2014; Ord. 14-31, 10-22-2014; Ord. 14-32, 10-22-2014; Ord. 16-06, 1-13-2016; Ord. 16-13, 3-9-2016; Ord. 16-31, 7-13-2016; Ord. 17-17, 3-22-2017; Ord. 17-34, 6-28-2017; Ord. 18-26, 7-11-2018; Ord. 19-17, 5-1-2019; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See [title 6, chapter 3](#) of this code for kennel regulations.

13-4-1: ENFORCEMENT AUTHORITY:

The **Community Development Director** **development services director** or his/her designee shall enforce this title. (2001 Code § 89-7-101; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-4-3: DUTIES OF DEVELOPMENT SERVICES DEPARTMENT:

The **Development Department** **development services department** or its designee shall:

- A. Investigate or cause to be investigated any purported violation of this title;
- B. Inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with this title; and
- C. Take any other action necessary to enforce compliance with this title. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-4-4: POWERS OF DEVELOPMENT SERVICES DEPARTMENT:

- A. To enforce this title, the **Development Department** **development services department** or its designee shall have the power to:
 1. Enter upon any property or premises to ascertain whether this title is being obeyed, if exigent circumstances or probable cause exists;
 2. Make reasonably necessary examinations and surveys, including, but not limited to, taking photographs, samples or other physical evidence;
 3. Obtain a search warrant if the owner, tenant or occupant refuses to allow entry;

4. Refer a violation to the Code Enforcement Division, the Police Department or other City code enforcement division, the police department or other city agent or employee duly authorized by the City Manager city administrator to issue citations;
5. Stop work;
6. By following the procedures in title 16 of this Code code, revoke any permit, plan, approval or other authorization granted by the Development Department, the Zoning Administrator, the Board of Adjustment, the Planning Commission, the City Council development services department, the zoning administrator, the board of adjustment, the planning commission, the city council, and any other City city officer;
7. Withhold from or deny to the original applicant or current owner, regardless of who is responsible for the violation, any future permits, certificates or other forms of authorization;
8. Issue a future permit, certificate or other form of authorization to an original applicant or current owner, regardless of who is responsible for the violation, subject to correction of the violation;
9. Enforce this title by injunction, mandamus or abatement;
10. Commence administrative enforcement, civil or criminal actions. The City city has sole discretion to decide whether to commence an administrative enforcement, civil or criminal case;
11. Seek enforcement without prior notice if delay in enforcement would seriously threaten the effective enforcement of this title or pose imminent danger to the public health, safety or welfare; and
12. Take any other action in law or equity available by State state law or City city ordinance.

- B. The powers in this section are cumulative.
- C. At the request of the Development Department development services department or its designee, the Code Enforcement Division, the Police Department, the City Attorney or other City code enforcement division, the police department, the city attorney or other city agent or employee duly authorized by the City Manager city administrator shall assist in the administration of the enforcement action authorized by this chapter. (2009 Code; amd. Ord. 12-10, 4-25-2012, eff. 7-1-2012; Ord. 19-, - - -2019, Effective at 12 noon on January 6, 2020)

13-4-5: VIOLATIONS:

It is a violation of this title to:

- A. Use any land, building or structure for any purpose or use not allowed in the zone in which such land, building or structure is located;
- B. Engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon without all of the required permits, approvals, certificates and other forms of authorization required by this title or other City city ordinance;
- C. Fail to comply with this title or any condition imposed by the Development Department, Zoning Administrator, Board of Adjustment, Planning Commission, City Council or other City officer development services department, zoning administrator, board of adjustment, planning commission, city council or other city officer;

- D. Interfere in any way with enforcement action under this chapter; and
- E. Fail to comply with any enforcement action under this chapter. (2001 Code § 89-7-103; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-4-10: NOTICE OF COMPLIANCE:

- A. The responsible person shall request an inspection when the violation has been corrected and obtain a notice of compliance from the Development Department development services department or its designee.
- B. If no inspection is requested, it is *prima facie* evidence that the violation remains on the property. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-4-12: ZONING ADMINISTRATOR:

- A. Designation And and Appointment: The Director of Development development services director may designate and appoint a staff person who shall be primarily responsible for administering and enforcing the provisions in this title, and related provisions in titles 14 and 15 of this Code. Such person shall be known as the Zoning Administrator zoning administrator. The terms Planning Director planning director, and/or City Planner city planner, if and where used in this Code, shall refer to the Zoning Administrator zoning administrator.
- B. Powers:
 1. Interpretation: The Zoning Administrator zoning administrator shall interpret this title to members of the public, City city departments, and to other branches of government, subject to general and specific policies established by the Planning Commission and City Council planning commission and city council. Upon request, the Zoning Administrator zoning administrator shall make a written interpretation of the text of this title pursuant to subsection C of this section.
 2. Administrative Duties: The Zoning Administrator zoning administrator shall accomplish, or cause to be accomplished, all administrative actions required by this title, including the giving of notice, holding of hearings, preparation of staff reports, and receiving and processing of appeals.
 3. Negotiation And and Advice: The Zoning Administrator zoning administrator may advise all persons making application for any project which requires approval by the Planning Commission or City Council planning commission or city council for the purpose of seeking compliance with the requirements of this Code code and best planning practices.
 4. Routine And and Uncontested Matters: The Zoning Administrator zoning administrator may decide routine and uncontested matters that would normally be heard by the Board of Adjustment or Planning Commission board of adjustment or planning commission. In doing so, the Planning Commission and Board of Adjustment planning commission and board of adjustment may establish guidelines for the Zoning Administrator zoning administrator to comply with in making such decisions.
 5. Determination For for Uses Not not Listed: The Zoning Administrator zoning administrator may make determination as to the classification of uses not specifically listed in this title.

a. An application requesting such determination shall be filed with the Zoning Administrator zoning administrator. The application shall include a detailed description of the use and other such information as may be required.

b. The Zoning Administrator zoning administrator shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title and shall make a determination of its classification based on his investigations. The determination shall state the zone classification(s) in which the use will be allowed and whether the use will be a permitted use or a conditional use in the zone(s).

c. The determination and all information pertaining to it shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the Office of the Planning and Zoning Division, of the Development Department office of the planning and zoning division, of the development services department.

6. Administrative Relief: The Zoning Administrator zoning administrator may allow limited relief from the application of certain standards required by this title. This relief shall be limited to the following:

a. Up to a ten percent (10%) decrease of the code requirement for brick or other architectural exterior materials in the district in which the subject property is located.

b. Up to a five percent (5%) decrease or increase in the off street parking requirements in the zoning district in which the subject property is located.

c. Up to a five percent (5%) increase in lot coverage or height by a structure, provided such increase does not result in an increase in approved density, will not result in the decrease in area of any existing parcel or lot, and will not result in reduction of required yard setbacks.

d. Up to a five percent (5%) decrease in the required area of a residential dwelling.

e. The substitution of landscape screening for fencing requirements provided the purpose and intent of the requirement is met and all property owners adjacent to where a fence is ordinarily required consent to the substitution.

f. Up to a ten percent (10%) reduction in the required side yard or back yard setback for accessory structures over ten feet (10') in height.

g. Up to a twenty percent (20%) reduction in planting area widths or landscape buffer area widths. Additional landscaping shall be added to the site to compensate for any approved reduction in buffer and planting area widths. In the case of residential buffer width reductions, additional trees within the residential buffer area may be required, up to the amount of trees required for the original buffer width.

h. An allowed modification of overall landscaping requirements if the proposed modification constitutes an innovative overall landscaping design which is superior to the landscaping that would result from strict application of chapter 13 of this title.

i. Up to a sixty (60) day extension of the twelve (12) month limit based on a developer demonstrating that a project is "under construction" within twelve (12) months of receiving a successful bid under the cap and grade criteria outlined in subsection 13-8-23C of this title.

7. Findings Necessary **To** Grant Administrative Relief: Prior to granting administrative relief, the zoning administrator shall find in writing that all of the following conditions exist for each application for relief:

a. The strict application of the regulation in question is unreasonable or the interpretation is difficult given the development proposal or the measures proposed by the applicant;

b. The intent of the zoning ordinance regulation in question is preserved; and

c. The granting of the administrative relief will not result in an adverse impact on surrounding properties.

8. Uncertainties: Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in case any other uncertainty exists, the location of zone boundaries shall be determined by the zoning administrator, subject to appeal as provided in this title.

C. Interpretation:

1. Written Interpretation: This section sets out procedures for formally interpreting the text of this title.

2. Application: An application for an interpretation request shall be submitted to the zoning administrator in a form established by the zoning administrator, along with any applicable fee to cover the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

3. Action **By The** **by the** Zoning Administrator: Within ten (10) days after the request for interpretation has been submitted, the zoning administrator shall review and evaluate the request in light of the text of this title, the official zoning map, the general plan, other relevant interpretations of this title and any other relevant documents; and render a written opinion.

4. Form: The interpretation shall be provided to the applicant and shall be filed in the official record of interpretations.

5. Official Record: The zoning administrator shall maintain an official record of opinions interpreting this title. The record of interpretations shall be a public record and shall be available for public inspection in the office of the zoning administrator during normal business hours. (Ord. 10-09, 2-24-2010; amd. Ord. 11-35, 11-22-2011; Ord. 13-07, 3-13-2013; Ord. 14-31, 10-22-2014; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-5-2: OFFICIAL ZONING MAPS:

A. Zoning Districts: The location and boundaries of all zoning districts described in this title, including subsequent amendments, are shown on the map titled "zoning map of the City of West Jordan", which may also be referred to as "map", "the map", or "the zoning map". This map, including all boundaries, notations and other data shown thereon, is hereby adopted in its entirety and as may be amended from time to time. The territory within the **City** **city** shall be subject to the land use restrictions set forth for such zones, as shown upon the map.

B. Amendments: Amendments to the boundaries of a specific zoning district shown on the zoning map shall be accomplished in accordance with the provisions found in chapter 7, article D of this title.

- C. Updates: The City Manager city administrator or his designee shall update the zoning map as soon as possible after amendments are adopted by the City Council city council. Upon entering any such amendment on the map, the City Manager city administrator or his designee shall update the map or maps to indicate their latest revision. New prints of the updated maps may then be issued.
- D. Reference Copies: A print of all updated zoning maps shall be given to the City Clerk/Recorder city recorder to be filed and kept for historical reference. (2001 Code § 89-3-102; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-5-6: ZONING CONDITIONS:

- A. Conditions Or on Zoning Map Amendments: Although placing conditions on zoning map amendments is no longer permitted, to provide more specific land use designations and land development suitability, to ensure that proposed development is compatible with surrounding neighborhoods, and to provide notice to property owners of limitations and requirements for development of property, the City Council city council has in the past attached conditions to some zoning map amendments which amended, limited or restricted some or all of the following:
 1. Uses.
 2. Dwelling unit density.
 3. Building square footage.
 4. Height of structures.
 5. Buffering.
 6. Setback.
 7. Building materials and architecture.
- B. Map Notation: A zoning map amendment to which was attached any zoning condition is designated with the suffix "ZC" after the zoning classification on the zoning map and any such condition shall be on record with the City Clerk/Recorder city recorder.
- C. Effect Of of Declaration Of of Invalidity: If a court of competent jurisdiction declares any zoning condition invalid, the entire zoning map area of the amendment shall be void. Any deletion in or change to a zoning condition shall be considered an amendment to this title and shall be subject to the requirements of this chapter.
- D. Effect Or on Conditional Use Permits: The attachment of conditions to any zoning map amendment shall not prohibit or affect the applicability of the requirements imposed by a conditional use permit. (2001 Code § 89-3-106; amd. 2009 Code; Ord. 15-19, 7-22-2015; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-5B-4: MOBILE HOME PARKS:

A site plan shall be submitted for review by the planning commission prior to the issuance of a building permit or mobile or manufactured home move on permit for a mobile home park. The site plan shall be in conformance with chapter 7, article B of this title, other applicable provisions of this title and the subdivision ordinance, and the following standards and requirements:

- A. Any mobile home park shall have a minimum area of ten (10) acres. The area shall be in single ownership under individual or corporate control so that it can be developed as an integrated development under a single plan.

- B. The number of mobile or manufactured homes shall be limited to a maximum of six (6) units per acre. Mobile or manufactured homes may be clustered; provided, that the total number of units does not exceed the number permitted per acre multiplied by the number of acres in the development. Remaining land not used for mobile or manufactured homes, roads or parking shall be set aside and developed as recreation and service areas for common use and enjoyment of occupants of the park.
- C. The setback and spacing requirements of this article shall apply in all mobile home parks.
- D. Not less than eight percent (8%) of the gross area of any mobile home park shall be set aside for the joint use of occupants. The land covered by vehicular roadways, sidewalks and off street parking shall not be construed as meeting this requirement.
- E. Central recreation facilities shall be established in each mobile home park pursuant to the provisions of this title. The size of such recreation area shall be at least two hundred (200) square feet for each mobile home lot or mobile home space within the development. The area of the recreation space may contain picnic facilities, community clubhouses, swimming pools, tennis courts and similar facilities provided exclusively for recreation purposes.
- F. Each mobile or manufactured home shall have on the same site two (2) paved parking spaces for automobiles. All parking spaces shall be paved with asphalt or concrete and shall be provided with a paved access from an approved street.
- G. Mobile or manufactured home spaces within a mobile home park shall not be used for transient trailer sites. Such spaces shall be occupied only by mobile or manufactured homes which are placed upon piers or jacks and attached to public utilities. No lot or space shall be rented or leased for a period less than thirty (30) days.
- H. A lighted directory map showing streets, lot numbers and location of the manager's office and other facilities in the mobile home park shall be clearly displayed at the entrance of any mobile home park, but not closer than fifty feet (50') from the designated right of way line of a public street.
- I. Every mobile home park shall include a permanent building for office and administrative use. The building may include a single-family dwelling for the exclusive use of the owner or manager.
- J. Skirting materials shall be provided entirely around the periphery of each mobile or manufactured home to conceal the open area beneath the structure. The skirting material shall be of durable construction and shall be compatible with the exterior finish of the mobile or manufactured home unit.
- K. All parks shall be provided with safe, convenient, all season pedestrian access of at least three feet (3') in width. The access shall provide both a common walkway system and individual walks to each unit.
- L. The owner or joint owners of a mobile home park shall ensure proper maintenance of all landscaping, fencing, grounds, utility services, lighting and storm drainage, and otherwise comply with provisions of all city ordinances regarding buildings and uses of land.

M. Additions or attachments to mobile or manufactured homes in mobile home parks such as carports, covered patios, screen rooms or approved manufactured additions which meet HUD construction standards for mobile or manufactured homes may be approved by the city manager administrator or his designee. The planning commission may by conditional use permit authorize other additions and attachments. (2001 Code § 89-3-304; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-5J-10: DEVELOPMENT PLAN PROCESS:

A. Development Plan Review: The steps outlined in this section and section 15-3-8 of this Code shall be followed in connection with an application for approval of a development plan, along with the required fees and other specific processes required by this Code to complete a specific project.

B. Development Plan Submittal Requirements:

1. Preapplication Conference: A preapplication conference shall be held with the City staff in order for the applicant/developer to become acquainted with the development plan process and submittal requirements. City staff will give feedback on the proposed project based on the information that is presented as a result of the proposed project. To be scheduled for a preapplication conference, the applicant/developer shall submit a concept site plan of the proposed development, submitted in accordance with the concept site plan checklist as provided by the Office of Development Assistance development services department.
2. Master Development Plan: Following the initial preapplication conference and review of the conceptual master development plan, a master development plan shall be prepared and submitted. The intent of the master development plan is to illustrate the area(s) within a specific geographic boundary which are intended to be a part of a single, cohesive large development. In general, the master development plan is intended to act as a project's guiding document for all future development (consisting of subdevelopments) where more detailed planning will follow with submittal and approval of subarea plans. The Planning Commission shall forward a recommendation to the City Council regarding the master development plan, where in turn, the plan shall then be approved, conditionally approved, or denied by the City Council. Upon approval, the master development plan shall be the sole guiding document for all subsequent development within the defined master plan area.
3. Preliminary Subarea Development Plan: Following review and approval of the master development plan, the applicant/developer shall submit a subarea development plan, accompanied by all required application information.

It is during the subarea plan review process that bonus density may be awarded. Bonus density awarding and vesting can occur through the following methods:

- a. Bonus Density Awarding:
 - (1) A subarea development plan shall be submitted either following or concurrent with the master development plan. The master development plan must accompany a separate preliminary subarea development plan. The preliminary subarea development plan will provide the framework and detailed information for each specific area (phase) within the project. The density bonus shall be awarded as part of the approval of the preliminary subarea development plan.
 - (2) To achieve bonus density awarding, the master development plan and/or the preliminary subarea development plan shall include the following information:

(A) Preliminary Subarea Development Plan Report: The preliminary subarea development plan shall cover the overall objective and direction of the proposed project ready for both density bonus awarding and approval. The plan shall go into full detail of the intent of the project and shall give the City a clear idea of the resulting product. The report shall include the following information:

(i) Scope: An introduction to the development, which explains the land use and zoning characteristics, the overall project area, the number of proposed dwelling units, the number of phases, and the inclusion of mixed use areas, parks, schools, trails and special amenities.

(ii) Location: Location explanation, explaining the overall location of the project (where each phase is located in comparison to the approved master plan), and the location of differing proposed land uses.

(iii) Land Features: Description of the existing physical features of the land, such as the location of drainage canals, irrigation canals, floodplains, steep slopes, existing infrastructure, grade, ditches, easements, etc.

(iv) Improvement And Amenities Installation: Explanation in full detail (also using visual references if possible), concerning the intent to install development improvements and amenities. For those developments seeking density bonuses, improvements and amenities shall be in accordance with section 13-5C-8 of this chapter and section 13-5J-6 of this article. This portion of the report shall not only list those improvements and amenities to be installed for density bonus purposes, but explanation shall also be given as to how the required development improvements and amenities will be met and to what extent. This portion of the report shall explain which development improvements and amenities are being selected for density bonus purposes by the developer; wherein, it is essential that the report explain what effort will be made to meet each specific criterion. Since percentage points will be given for density bonus purposes based on the type of improvement and amenity being installed in a development, the report shall explain:

(a) Exactly how the criterion is being met.

(b) The purpose of the improvement or amenity.

(c) How the improvement or amenity serves the development and justifies an increase in density.

(d) What is being installed to meet the criterion (giving the number, type and/or placement of each type of improvement or amenity feature, i.e., how many traffic calming devices).

(v) Zoning Regulations: Explain how the City zoning regulations apply to the proposed development, detailing that either: standard zoning setbacks based on the type of structure will be met; or that setbacks will be determined in review of the development and approved by the City Council in their review of the preliminary development plan and/or the subarea development plan and the recording of the subdivision plat. This portion of the report shall also explain:

- (a) Minimum and average lot area.
- (b) Maximum and average height of each proposed structure type.
- (c) Setback information based on garage placement. Upon request by the Zoning Administrator, a plan will need to illustrate how a specific dwelling type fits within the boundaries of a given lot without exceeding bulk and setback standards.
- (d) Minimum living area per each proposed structure type.
- (e) Maximum and average height of each proposed structure type.
- (f) How the zoning requirements of this article and of this title in general are being met.
- (vi) Buildings And Structures: Explain in detail the number and placement of each dwelling/structure type (i.e., single-family, two-family, multi-family, etc.). There shall be a direct reference on the plan to specific building types; wherein, building elevations shall be easily referenced.
- (vii) Fencing And Wall: Explain all fencing/wall restrictions and/or requirements for the proposed development. Indicate placement, height, type and maintenance responsibilities. An elevation of each type of proposed wall or fence is required.
- (viii) Lighting: Explain all pedestrian lighting restrictions and requirements for the proposed development. Indicate placement, height, style and maintenance responsibilities. An elevation/profile of each type of proposed light, light base and fixture is required.
- (ix) Public And Private Use Areas: Explain in detail those areas which will serve as either public or private use areas, be it for recreational, open space, park, school or public utility purposes. This portion of the report shall explain where maintenance responsibilities lie with respect to the use area.
- (x) Landscaping: Explain in detail the proposed network of landscaping for the proposed project, identifying the location, amount and purpose of the landscaping (i.e., buffer, passive recreation, etc.).
- (xi) Specification Of Improvements For Reimbursement: Explain and specify all improvements, facilities and amenities to be funded, constructed and requested for City reimbursements within the development.

b. Preliminary Subarea Development Plan Drawings: Accompanied with the preliminary subarea development plan report, either as appendix items or inserted throughout the report, shall be detailed renderings and drawings of that area within the project ready for approval. The following information shall be provided:

(1) Updated And Approved Concept Plan: The detailed and approved copy of the City Council approved concept master plan. If the overall project is intended to be approved in phases, the attached concept development plan shall illustrate the overall master planned project area while outlining the phase which is being considered for preliminary subarea development plan approval and possible bonus density awarding.

(2) Existing Conditions: The existing land use and zoning surrounding the proposed development, showing the location of all abutting structures within a one hundred foot (100') perimeter of the site (if any), inclusive of all abutting property owner names.

(3) Site Plan: A detailed preliminary site plan shall be submitted in accordance with this subsection B, and accompanied by the appropriate site plan checklist as provided by the Office of Development Assistance development services department.

(4) Exterior Design: Exterior design drawings for all proposed residential and mixed use buildings, structures, monuments and gateway features, presented as exterior perspectives or exterior elevations. All sides of every building or structure shall be presented for review and approval purposes. Example exterior elevations should be provided for all proposed structures, where also a building footprint for each lot shall be represented.

(5) Building Envelope: For residential developments, the preliminary development plan shall show the proposed building envelope of every lot in the subdivision, inclusive of lot dimensions.

(6) Street Layout: Street layout system inclusive of renderings of traffic calming measures. The design and cross section of each proposed roadway shall match that as proposed within the approved master development plan.

(7) Parking Layout: Dimensioned parking layout showing the location of individual parking stalls, all ingress and egress areas, emergency lanes, medians, etc.

(8) Existing Services: The location of existing services, including water, sanitary sewer and storm sewer, also indicating the availability of electricity and gas.

(9) Preliminary Subdivision, Condominium Plat: Copy of a legible preliminary subdivision or condominium plat in accordance with title 14 of this Code, and accompanied by the appropriate checklist as provided by the Office of Development Assistance development services department.

4. Final Development Plan: Following all preliminary approvals, the applicant/developer shall submit a final development plan for the subarea planned project area, accompanied by any other required process information (i.e., subdivision plat, site plan, etc.). The plan shall be submitted in the same format as outlined in this section. All submitted text and drawings shall reflect any changes, modifications, updates and references resulted from the master development plan, subarea development plan, site plan, subdivision/condominium plat, and/or conditions of approval as set by the City Council; however, all documents attached within the plan shall be represented in final format (i.e., no references to preliminary documents). Any major design changes related to roadway placement, product type, density, and/or amenities, shall require an amendment to the preliminary development plan in accordance with this section.

C. Ownership At Time Of Application: All property subject to a development plan review shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

D. Expiration Of Development Plans:

1. Master Development Plan And Preliminary Subarea Development Plan Expiration: Preliminary approval of a master development plan or subarea development plan shall remain valid for a period of two (2) years upon receiving approval by the City Council; wherein, the allowable maximum density, derived from the approval of the plan shall become void by resolution from the City Council. Upon expiration of a development plan and the invalidation of density for the project, the density for the defined project area shall revert to the base density for the underlying zoning district and the zoning designation shall revert back to the previous zone established prior to the concept development plan approval.

2. Final Development Plan Expiration: A final development plan shall remain valid for a period of three (3) years upon receiving approval by City staff or the Planning Commission; wherein, the allowable maximum density, derived from the approval of the preliminary development plan, shall become void by resolution from the City Council. Upon expiration of the final development plan and the invalidation of density for the project, the density for the defined project area shall revert back to the base density for the underlying zoning district. On multiphased developments, substantial completion of the phases shall ensure the validity of the final development plan; wherein, a phased development may continue and be considered "active" so long as the last approved phase in the development is not left dormant for more than a three (3) year period.

3. Extension: One (1) 6-month extension may be granted by the Zoning Administrator for either the preliminary or final development plan if the applicant/developer provides adequate justification for such an extension.

E. Variations From Approved Plans And Development Standards:

1. The Zoning Administrator may allow minor variations of an approved development plan.

2. The applicant/developer shall submit a written request for a variation to the Zoning Administrator. The request shall specify the exact nature of the variation or modification request, also explaining how the variation will not affect the overall intent and purpose of the approved development plan.

3. The Zoning Administrator may reject any variation request that fails to include required information. The Zoning Administrator is authorized to grant a variation upon a determination that the variation:

a. Is consistent with the intent of this article.

b. Does not increase the overall allowable maximum density as granted in the development plan (through a significant modification to an approved and pledged improvement and/or amenity installation).

c. Does not affect an approved preliminary or final site plan.

d. Does not affect an approved preliminary or final subdivision or condominium plat.

4. Significant variations or modifications shall require that the applicant/developer apply for an amendment to the development plan; wherein, an application, filing fee and resubmittal of all necessary information, per subsection B3 of this section, shall be required.

5. If, after a development plan is approved for an area, a subdivision, site plan, and/or other land use application(s) for a given phase(s) of said area is/are submitted with a variation(s) from the development plan, the variation(s) may be deemed, as determined by the Zoning Administrator, as a minor variation(s) if all of the following applicable provisions exist:

- a. The same uses (residential, commercial, office space, medical, etc.) exist; and
- b. All footprints, setbacks, and other requirements of City ordinances, standards, regulations, etc., are met; and
- c. The heights of the buildings are the same or lower than in the approved development plan; and
- d. The density of the housing units, if any, is the same or lower than in the approved development plan; and
- e. The amount of office space, commercial space, or other similar required space, if any, is the same or more than in the approved development plan; and
- f. The amount or number of improvements and amenities, if any, is the same or more than in the approved development plan; and
- g. All other similar measurable criteria are the same or more or "better", as determined by the Zoning Administrator, in the application(s) compared to the approved development plan (with owner-occupied residential units being deemed to be better than leased or rented residential units).

6. If: a) after a development plan is approved for an area, a subdivision, site plan, and/or other land use application(s) for a given phase(s) of said area is/are submitted with a variation(s) from the development plan; and b) all the variation(s) is/are deemed by the Zoning Administrator to be minor variation(s); and c) said minor variation(s) include a reduction in the number of residential units; then the number of reduced units shall not be transferred to the other phase(s) of said area, unless the development plan or other City Council action expressly and specifically allows otherwise. (2001 Code § 89-3-1111; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 13-11, 3-27-2013; Ord. 16-21, 5-11-2016; Ord. 17-33, 6-28-2017; Ord. 19____, ____-2019, Effective at 12 noon on January 6, 2020)

13-6A-3: OFFICIAL AIRPORT OVERLAY MAP:

- A. Lands ~~To~~ to Which ~~The~~ ~~the~~ Zones Apply: The airport overlay zones shall be applied to all land within the airport overlay zone designated on the zoning map, as periodically amended.
- B. Establishment ~~Of~~ ~~of~~ Official Airport Overlay Map: The official airport overlay map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this title. The official airport overlay map is based on the airport area of influence as established by Salt Lake City Corporation, owner of the Salt Lake City Municipal 2 Airport, in conjunction with the federal aviation administration, and shall be on file in the offices of the city ~~clerk~~/recorder and the development services department.
- C. Rules ~~For~~ ~~for~~ Interpretation ~~Of~~ ~~of~~ Airport Overlay Boundaries: Boundaries of airport overlay zones shall be determined by scaling distances on the official airport overlay map. Where interpretation is needed as to exact location of airport overlay zone boundaries, the zoning administrator shall make the necessary interpretation, subject to appeal to the board of adjustment as provided in this title.

D. **Warning And and Disclaimer Of of Liability:** This article does not imply that areas outside the airport overlay boundaries or land uses permitted within the overlay zones will be free from noise or hazards related to airport activities. Therefore, this article shall not create liability on the part of the city or its officers or employees for any damages that result from reliance on this article, or any administrative decision made under this article. (2001 Code § 89-4-103; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-6C-6: RESULTS OF HISTORIC DESIGNATION:

A. **Land Use Consideration:** Properties designated to the historic landmark register may receive special consideration to encourage their preservation.

B. **Building Code:** In the event of rehabilitation of the property, local building officials will consider waiving certain code requirements in accordance with the international building code, or any successor provision, which deals with historic buildings.

C. **Financial Aid:** Owners of historic landmarks may seek assistance from the historic preservation commission in applying for grants or tax credits for rehabilitating their properties.

D. **Review Exterior Work:** Proposed exterior work on historic landmarks is subject to the review and approval of the historic preservation commission. The purpose of this review is to advance the preservation of historic properties. This review applies to individually designated landmark properties or any property, contributing or noncontributing, located in the landmark designated historic area or district and applies only to exterior work that requires a building permit, sign permit or demolition permit. In order to facilitate this review:

1. Applications for building, demolition or sign permits pertaining to historic areas, districts, sites or buildings shall be forwarded to the building inspection division of the development services department, prior to their issuance.
2. A building permit applicant shall file a request for a certificate of historic appropriateness with the historic preservation commission on a form furnished by the historic preservation commission.
3. At its next scheduled meeting, the historic preservation commission shall review the application and proposed work for compliance with the development standards and design guidelines of this article. Applicants whose proposed projects comply with the provisions of this article shall be issued a "certificate of historic appropriateness" within ten (10) days, which authorizes the issuance of the appropriate permit. Applicants whose proposed projects are found to be in noncompliance with this article shall be offered a negotiating period of sixty (60) days, during which time the historic preservation commission and applicant shall explore all options for an acceptable solution. These may include the feasibility of modifying the plans, using the historic landmark for alternative purposes, and reselling the property to another party. The historic preservation commission may extend the negotiating period an additional sixty (60) days for the purposes described above, if deemed necessary to accommodate a potential solution. If no solution has been agreed upon at the conclusion of either applicable negotiating period, the certificate of historic appropriateness will be denied and the city building official shall not issue any building permit.

E. **Certificate Issued Because Of of Economic Hardship:**

1. The historic preservation commission shall approve a certificate of appropriateness for a landmark property, if the owner has presented substantial evidence demonstrating that unreasonably economic hardship will result from denial of the certificate of appropriateness.

2. In order to sustain a claim of unreasonable economic hardship, the historic preservation commission may require the owner to provide information demonstrating that the property is capable of producing a reasonable economic return for the owner. However, a demonstration of economic hardship by the owner shall not be based on conditions resulting from wilful or negligent acts by the owner, purchasing the property for substantially more than market value at the time of purchase, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements. (2009 Code; amd. Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

13-6C-8: DEVELOPMENT STANDARDS AND DESIGN GUIDELINES:

The following standards and guidelines shall be used in determining the historic appropriateness of any application pertaining to historic landmark properties, including individually designated landmark properties and both contributing and noncontributing properties in landmark designated historic areas or districts:

- A. **Review:** The historic preservation commission shall review each application using the criteria in this section, as supplemented by the U.S. secretary of the interior's 1990 standards for rehabilitation and guidelines for rehabilitating historic buildings, or its amended or successor provisions. If the historic preservation commission finds the application to be in substantial compliance with these provisions, it shall timely issue a certificate of appropriateness and immediately forward a copy to the development **services** department or its designee and the applicant.
- B. **Standards And and Guidelines:**
 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, its site and environment.
 2. The historic character of a property shall be substantially retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 3. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
 4. Most properties change over time and those changes which have an acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 6. Encourage and facilitate rehabilitation work, especially on the exterior and the principal facade of historic structures to facilitate preservation of existing historic features.
 7. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. It should avoid "dressing up" buildings by adding features based on speculation regarding historicity. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
 8. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

9. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

10. New additions, exterior alterations or related new construction should be subordinate to the original building and shall not destroy historic materials that characterize the property. New work shall be differentiated from the old and, where practical, it should be lower in height, attached to the rear, set back along the side, and subordinate in scale and architectural detailing. New work shall be compatible with the massing, size, scale and architectural features of the old and undertaken in a method and manner that protects the historic integrity of the property and its environment.

11. New additions and adjacent or related new construction shall 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.

12. Avoid demolition of landmark and contributing buildings because they are a finite resource and cannot be replaced.

13. Provide that vacant buildings be weather and vandal proofed, in order to minimize further deterioration and the threat to public safety.

14. Avoid moving buildings, especially to create artificial groupings of historic buildings. If buildings must be moved, the new site should be similar to the original site and the original setback and orientation of the building on the lot should be replicated.

15. Provide that height, width, setback, roof shape, and the overall scale and massing of new buildings, are compatible with surrounding historic buildings and the overall streetscape.

16. Provide that materials on at least the primary facades should be similar to original materials on facades of surrounding historic buildings. These will usually be brick, stucco, stone or wood siding, depending on the specific characteristics of the district.

17. Provide that architectural details, including wood or metal trim, porches, cornices, arches, window and door features do not replicate historic features on surrounding historic buildings.

18. Provide that window and door openings are similar in size and orientation, vertical or horizontal, to openings on historic buildings and should take up about the same percentage of the overall facade as those on surrounding historic buildings.

19. Provide that the relationship of the width to the height of the principal elevations are in scale with surrounding structures and streetscape. Wider new buildings may be divided into segments that more closely resemble the facade widths of historic buildings.

20. Provide that the roof shape of a building is visually compatible with the surrounding structures and streetscape. Unusual roof shapes, pitches or colors are discouraged. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-6E-4: OFFICIAL FLOODPLAIN OVERLAY MAP:

A. Lands ~~To~~ to Which ~~The~~ ~~the~~ F-P Zone Applies: The F-P zone shall be applied to all lands within the jurisdiction of the city shown on the FIRM maps as being located within the boundaries of an area of special flood hazard.

- B. Adoption **Of** of Official Floodplain Overlay Maps: The FIRM maps and all explanatory matter thereon, on file in the offices of the city **clerk**-recorder and the development **services** department, and any revisions thereto, are hereby adopted by reference as the official floodplain overlay maps for the city and declared to be a part of this article.
- C. Rules **For** **for** Interpretation **Of** of Floodplain Boundaries: Scaling distances on the official floodplain map shall determine the boundaries of the floodplain. When interpretation is needed as to the exact location of the boundaries of the floodplain (for example, where a conflict exists between a mapped boundary and actual field conditions) the zoning administrator shall make the necessary interpretation, subject to appeal to the board of adjustment as provided in this code. The board of adjustment shall use the floodplain information reports as a guide in interpreting boundaries. (2001 Code § 89-4-604; amd. 2009 Code; Ord. 10-07, 2-2-2010; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-6E-9: DEVELOPMENT STANDARDS:

All new construction and substantial improvements shall be constructed using methods, materials, and practices that minimize flood damage.

- A. Areas **Of** **of** Special Flood Hazard: In all areas of special flood hazard where base flood elevation data have been provided, the following standards shall apply:
 1. New construction and substantial improvement of any residential structure, and placement of manufactured homes, shall have the lowest floor, including basement, elevated above the base flood elevation.
 2. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certifications shall be provided to the city **manager** **administrator** or designee.
- B. Buildings Or Structures: Buildings or structures shall have a low flood damage potential and if permitted shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters. So far as practicable, buildings or structures shall be placed approximately on the same flood flow lines as those of adjoining structures. Whenever possible, buildings or structures shall be constructed with longitudinal axis parallel to the direction of flood flow.
- C. Structural Storage Facilities: Any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety and welfare shall be located so as to ensure that the facilities are situated above the base flood elevation or adequately floodproofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into floodwater.
- D. Flood Protection Standards: Commercial buildings and structures located with any floor (including basement floor) at an elevation equal to or below the regulatory flood level within a designated floodplain shall conform to the following flood protection standards:

1. Buildings or structures shall be firmly anchored and mass or weight shall be added to prevent flotation.
2. Service facilities such as heating and air conditioning equipment shall be constructed at or above the base flood elevation or shall be floodproofed.
3. Walls shall be reinforced to resist water pressures.
4. Paints, membranes or mortars shall be used to reduce seepage of water through walls.
5. Construction of water supply and waste treatment systems shall be designed to prevent the entrance of floodwaters.
6. Buildings and structures shall be constructed to resist rupture or collapse caused by water pressure or floating debris.
7. Valves or controls shall be installed on sanitary sewer and storm drains to permit the drains to be closed to prevent backup of sewage and stormwaters into buildings or structures. Gravity drainage in basements may be eliminated by mechanical devices.
8. All electrical equipment, circuits and installed electrical appliances shall be located and installed in a manner which will ensure that they are not subject to flooding.

E. Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

F. Manufactured Homes: All manufactured homes shall be installed using methods and practices that minimize flood damage. Methods of anchoring may include, but are not limited to, over the top and frame ties to ground anchors. This requirement is in addition to applicable anchoring requirements for resisting wind forces. All manufactured homes that are placed or substantially improved in the R-M zone (residential, mobile home) shall be elevated and adequately anchored on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one foot (1') above the base flood elevation.

G. 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 professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two (2) 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.
2. The bottom of all openings shall be no higher than one foot (1') above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

H. Recreational Vehicles: Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days,
2. Be fully licensed and ready for highway use, or

3. Meet the floodplain development permit requirements and the elevation and anchoring requirements for "manufactured homes" in this title. 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. (2001 Code § 89-4-609; amd. 2009 Code; Ord. 10-07, 2-2-2010; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-6E-10: VARIANCES IN F-P ZONES:

- A. The board of adjustment shall hear and render judgments on requests for variances from the requirements of this title.
- B. The board of adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the city engineer in the enforcement or administration of this article.
- C. Any person or persons aggrieved by the decision of the board of adjustment with respect to an F-P zone, may appeal such decision to the city council district court on the record developed by the board of adjustment, and not de novo. Any appeal from the city council will be governed by title 15 of this code.
- D. The city engineer shall maintain a record of all actions involving an appeal and shall report variances to the state and/or federal emergency management agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the national register of historic places or on the state's corollary listing, without regard to the procedures set forth in the remainder of this section.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection 13-6E-7B7 of this article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this article, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- J. Prerequisites for granting variances:
 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 2. Variances shall only be issued upon:

- a. Showing a good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other provisions of this code or state or federal law.

3. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be allowed by the board of adjustment for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- 1. The floodplain development variance criteria provided in this title are met, and
- 2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. 10-07, 2-2-2010; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7B-2: SUBMITTAL REQUIREMENTS:

A. Exceptions ~~To~~ to Preliminary And and Final Site Plan Reviews: Preliminary and final site plan reviews are required for all developments in all zones, except as provided below:

- 1. Residential Construction: Site plan review and the associated fees shall not be required for residential dwellings in the residential or agricultural zones.
- 2. Accessory Buildings And and Additions: Site plan review and the associated fees shall not be required for accessory buildings or main building additions in residential or agricultural zones. Site plan review and the associated fees shall not be required for up to two (2) accessory buildings or main building additions per lot in other zones; provided, that the proposed construction meets the following criteria:
 - a. The floor area of each proposed accessory building or main building is not larger than twenty five percent (25%) of the floor area of the existing main building to a maximum of five thousand (5,000) square feet.
 - b. Each proposed accessory building or main building addition meets all zoning requirements.
 - c. Each proposed building or main building addition is architecturally compatible with the existing main building.
- 3. M-1 Site Plans: If a subdivision plat is required, a final plat, as required by the city subdivision ordinance, must be completed before site plans in the M-1 zone may be reviewed by the city planner. If the city planner determines that the proposal is of significant size or complexity to warrant review by the planning commission, the developer shall follow the procedures for site plan review by the planning commission.

B. Application; Submittal Requirements: Any person or entity who seeks development shall submit an application on the official form provided by the development services department. Submittal requirements shall be as established administratively by the department and shall include, but not be limited to: 1) evidence of ownership or the type of controlling interest in the property; 2) legal description of the property; 3) property owner; 4) the present zoning classification; 5) the proposed use of the property; and 6) a scaled diagram of the subject parcel and surrounding area. The applicant shall submit the application, together with the applicable fee, to the development services department. Applications shall not be reviewed without the written consent of the property owner except as provided herein. The burden of proof for all applications shall be the responsibility of the applicant. (2001 Code § 89-5-302; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7C-2: APPLICATION PROCESS:

Applications shall be made in the Office of the Development Department office of the development services department. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7C-3: SUBMITTAL REQUIREMENTS:

Any person or entity who seeks development application shall submit an application on the official form provided by the Development Department development services department with required documentation specified by guidelines provided by the Development Department development services department. Submittal requirements shall be as established administratively by the department and shall include, but not be limited to: a) evidence of ownership or the type of controlling interest in the property; b) legal description of the property; c) property owner; d) the present zoning classification; e) the proposed use of the property; and f) a scaled diagram of the subject parcel and surrounding area. The applicant shall submit the application, together with the applicable fee, to the department. Applications shall not be reviewed without the written consent of the property owner except as provided herein. The burden of proof for all applications shall be the responsibility of the applicant. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7C-4: AUTHORIZED APPLICANT:

A. Land Use Map Amendment: An applicant for an amendment to the land use map on any property shall be one of the following:

1. The owner of the property;
2. One or more joint owners of property who own individually, or as a group, a majority interest in the property;
3. Both of the property owners where property is held in joint tenancy;
4. Seventy five percent (75%), or more, of the owners of property in the area covered by the application when the application covers more than one property; or
5. The Development Department development services department, the Planning Commission or City Council planning commission or city council on its own motion.

B. General Plan Text Amendment: The applicant for an amendment to change the text of the General Plan general plan shall be the Development Department development services department, the Planning Commission or City Council planning commission or city council on its own motion. If an applicant for such an amendment, in the applicant's discretion, submits an application primarily because of the request of an "outside party", then said outside party shall pay a filing fee (but shall not submit an application) according to the consolidated fee schedule, as if said outside party was an applicant.

C. Signature And Quarterly Map Meeting Required: When the application is initiated by someone other than the Development Department development services department, the Planning Commission or City Council planning commission or city council, then:

1. The application shall be signed by the authorized applicant or an agent of any authorized applicant. The authority of the agent must be in writing, notarized, and filed with the application. The signature of such agent shall have the same force and effect as if the application were signed by the principal; and
2. The application shall be placed on a Planning Commission planning commission quarterly map meeting agenda as follows (unless the application is for a General Plan general plan land use map amendment which apparently conforms to and is apparently consistent with the current zoning map):

Date Of Filing Of Complete Application	Date Of Planning Commission Public Hearing/Meeting ¹	Date Of City Council Public Hearing/Meeting ²
January 1 to March 31	Last meeting of April	Soonest available meeting
April 1 to June 30	Last meeting of July	Soonest available meeting
July 1 to September 30	Last meeting of October	Soonest available meeting
October 1 to December 31	Last meeting of January	Soonest available meeting

Notes:

1. Last regular or last special meeting of the month, or as otherwise scheduled.
2. Unless otherwise required by law, the soonest available City Council city council meeting that is at least 20 days after the Planning Commission planning commission quarterly map meeting, but preferably only 1 application (for a General Plan general plan land use map amendment and/or zoning map amendment) from the quarterly map meeting to be placed on a given City Council city council meeting agenda.

D. Updates: The City Council city council shall prepare a comprehensive update to the General Plan general plan at least once every five (5) years. (2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7D-2: APPLICATION PROCESS:

Applications shall be made in the Office of the Development Department office of the development services department. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7D-3: SUBMITTAL REQUIREMENTS:

Any person or entity who seeks development application shall submit an application on the official form provided by the Development Department development services department with required documentation specified on guidelines provided by the Development Department development services department. Submittal requirements shall be as established administratively by the Development Department development services department and shall include, but not be limited to: a) evidence of ownership or the type of controlling interest in the property; b) legal description of the property; c) property owner; d) the present zoning classification; e) the proposed use of the property; and f) a scaled diagram of the subject parcel and surrounding area. The applicant shall submit the application, together with the applicable fee, to the Development Department development services department. Applications shall not be reviewed without the written consent of the property owner except as provided herein. The burden of proof for all applications shall be the responsibility of the applicant. (2009 Code; amd. Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

13-7D-4: AUTHORIZED APPLICANT:

- A. Zoning Map Amendment: An applicant for an amendment to change the zoning on any property shall be one of the following:
 1. The owner of the property;
 2. One or more joint owners of property who own individually or as a group, a majority interest in the property;
 3. Both of the property owners where property is held in joint tenancy;
 4. Seventy five percent (75%), or more, of the owners of property in the area covered by the application when the application covers more than one property; or
 5. The Development Department development services department, the Planning Commission or the City Council planning commission or the city council on its own motion.
- B. Zoning Text Amendment: The applicant for an amendment to change the text of this title shall be, the Development Department, the Planning Commission or the City Council development services department, the planning commission or the city council on its own motion. If an applicant for such an amendment, in the applicant's discretion, submits an application primarily because of the request of an "outside party", then said outside party shall pay a filing fee (but shall not submit an application) according to the consolidated fee schedule, as if said outside party was an applicant.
- C. Signature And and Quarterly Map Meeting Required: When the application is initiated by someone other than the Development Department, the Planning Commission or City Council development services department, the planning commission or city council, then:
 1. The application shall be signed by the authorized applicant or an agent of any authorized applicant. The authority of the agent must be in writing, notarized, and filed with the application. The signature of such agent shall have the same force and effect as if the application were signed by the principal; and
 2. If the Zoning Administrator zoning administrator determined that the application for an amendment to change the zoning apparently does not conform to and is apparently not consistent with the purposes, goals, objectives and policies of the adopted General Plan general plan and/or land use map, then the application shall be placed on a Planning Commission planning commission quarterly map meeting agenda as follows:

Date Of Filing Of Complete Application	Date Of Planning Commission Public Hearing/Meeting ¹	Date Of City Council Public Hearing/Meeting ²
January 1 to March 31	Last meeting of April	Soonest available meeting
April 1 to June 30	Last meeting of July	Soonest available meeting
July 1 to September 30	Last meeting of October	Soonest available meeting
October 1 to December 31	Last meeting of January	Soonest available meeting

Notes:

1. Last regular or last special meeting of the month, or as otherwise scheduled.
2. Unless otherwise required by law, the soonest available **City Council city council** meeting that is at least 20 days after the **Planning Commission planning commission** quarterly map meeting, but preferably only 1 application (for a **General Plan general plan** land use map amendment and/or zoning map amendment) from the quarterly map meeting to be placed on a given **City Council city council** meeting agenda.

(2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7E-2: APPLICATION PROCESS:

Applications shall be made in the office of the development **services** department. (2009 Code, amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7E-3: SUBMITTAL REQUIREMENTS:

Any person or entity who seeks development application shall submit an application on the official form provided by the development **services** department with required documentation specified on guidelines provided by the development **services** department. Submittal requirements shall be as established administratively by the development **services** department and shall include, but not be limited to: a) evidence of ownership or the type of controlling interest in the property; b) legal description of the property; c) property owner; d) the present zoning classification; e) the proposed use of the property; and f) a scaled diagram of the subject parcel and surrounding area. The applicant shall submit the application, together with the applicable fee, to the development **services** department. Applications shall not be reviewed without the written consent of the property owner. The burden of proof for all applications shall be the responsibility of the applicant. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7E-4: ADDITIONAL SUBMITTAL REQUIREMENTS:

The planning commission or development **services** department may require an applicant to provide an analysis of any impacts (traffic, environmental, utilities, public safety, and infrastructure) affecting the health, safety or general welfare of persons residing or working within the neighborhood of the proposed use. (2009 Code, amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7E-10: REVOCATION:

A conditional use permit may be revoked by the **community** development **services** director after review and recommendation by the planning commission. The planning commission shall hold a hearing prior to recommending the revocation of a conditional use permit. Any recommendation of the planning commission and any final decision by the **community** development **services** director to revoke a conditional use permit shall require a finding of one or more of the following:

- A. The conditional use is a nuisance or is detrimental to the public health, safety or welfare;
- B. The conditional use permit was obtained by fraud;
- C. The conditional use for which the permit was granted has been altered;
- D. The conditional use for which the permit was granted has ceased or has been suspended for six (6) months; or
- E. The conditions of the permit have not been complied with.

The final decision of the development services director may be appealed, as per section 15-5-6.
(2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7F-3: APPLICATION REQUIREMENTS:

A complete application for a temporary use permit, if issued by the zoning administrator or designee, shall be filed with the development **services** department at least ten (10) working days prior to the date of commencing operation. A complete application for a temporary use permit reviewed by the planning commission shall be filed with the development **services** department at least thirty six (36) working days prior to the date of commencing operation. The following information must be submitted along with the application form for a temporary use permit and applicable fees:

- A. A site plan drawn at a scale of one inch equals twenty feet (1" = 20') that shows the address, setbacks, the location of the temporary use, other structures on the lot, and access from a public street. A detailed site plan of the area to be occupied by the temporary use, drawn at a scale of one inch equals ten feet (1" = 10') shall also be submitted showing parking areas, pedestrian circulation, trash and temporary toilet locations, locations and type of temporary structures, sign location, and utility locations;
- B. Verification that the temporary use is located on a property with public and/or private improvements (hard surface parking areas, power, toilet facilities, parking, water, etc.) adequate to support the temporary use;
- C. An affidavit of owner's authorization showing that the applicant has the right to establish the temporary use on the lot;
- D. A plan for trash removal and restoration of the site to its prior condition after the temporary use has been terminated;
- E. Plans for all temporary structures to be located on the site; and
- F. Proof of adequate liability insurance as required. (2001 Code § 89-5-405; amd. 2009 Code § 13-7F-2; Ord. 10-09, 2-24-2010; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7F-4: TEMPORARY USE REVIEW CRITERIA AND DESIGN STANDARDS:

All temporary uses and structures associated with the temporary use shall meet the following review criteria and design standards:

- A. **Parking Lots:** All parking lots must be surfaced with an approved material designed to prevent accumulation of water and the tracking of mud from the site. In no case shall parking for a temporary use decrease the required parking stalls for an existing site;
- B. **Toilet Facilities:** Toilet facilities must be available for public use on site. If temporary toilets are used, the applicant shall provide documentation as to who will maintain these facilities in a sanitary manner;
- C. **Electrical Power:** Any electrical power to the site must be located so as to not present any hazard to the public and must be inspected by the city building department;
- D. **Detailed Plans:** Plans for all temporary structures and uses shall be in sufficient detail to determine the type of structures and the techniques to be used to provide stability and safety to the public. Sufficient setbacks from property lines, parking, traffic and other structures shall be required to assure safety of the public;
- E. **Anchoring:** Inflatable structures and temporary membrane structures (tents) must be anchored in an approved manner to prevent wind or other severe weather from collapsing the structure;
- F. **Tethering:** Hot air balloons or inflatable advertising devices must be tethered securely to avoid such devices from breaking free or otherwise causing property damage or injury to the public, must meet applicable building codes and must be inspected for compliance;
- G. **Structure Materials:** Temporary structures such as produce stands, sun shelters, food and beverage carts, etc., must be of durable materials and constructed to withstand weather and must meet applicable building code requirements. In some cases, an inspection of the structure may be required;
- H. **Pedestrian Circulation:** Pedestrian circulation must be identified on the site and clearly marked so as to avoid conflicts with parked vehicles and/or adjacent streets serving the site. If deemed necessary by the fire department and/or the police department, fencing shall be provided to provide pedestrian safety;
- I. **Parking Stalls:** The number of parking stalls to serve the temporary use shall be determined by the development services department based on parking requirements of similar land uses;
- J. **Inspections; Business License:** Prior to commencing the operation of a temporary use, an inspection of the site by the fire department and building and safety department is required. In some situations, the police department shall also inspect the site. If permits from any of these city departments are required, the business shall not commence until approval of said permits. A business license is also required and shall not be issued until the site and/or buildings have been approved by all applicable city departments;
- K. **Financial Guarantee:** A cash escrow or other financial guarantee may be required if deemed necessary to ensure that the site is returned to an acceptable condition upon the termination of the temporary uses; and
- L. **Occupancy:** A permanent structure used in conjunction with a temporary use must meet occupancy and safety requirements for the specified use from the building and safety and fire departments. (2001 Code § 89-5-405; amd. 2009 Code § 13-7F-3; Ord. 10-09, 2-24-2010; Ord. 19-____, ____-____-2019, Effective at 12 noon on January 6, 2020)

13-7F-11: REVOCATION:

A temporary use permit may be revoked by the **community** development **services** director after review and recommendation by either the planning commission or the zoning administrator. A planning commission hearing shall be held prior to recommending the revocation of a temporary use permit lasting longer than thirty (30) days. The zoning administrator shall review revocations for temporary use permits of thirty (30) days or less, Christmas tree sales, fireworks stands or temporary staging areas for construction work conducted by and in association with a public agency or public utility. Any recommendation of the planning commission or zoning administrator and any final decision by the **community** development **services** director to revoke a temporary use permit shall require a finding of one or more of the following:

- A. The temporary use is a nuisance or is detrimental to the public health, safety or welfare;
- B. The temporary use permit was obtained by fraud;
- C. The temporary use for which the permit was granted has been altered;
- D. The conditions of the permit have not been complied with;
- E. Temporary structure(s) and/or facilities are located in a different area from the area specified on the submitted site plan. (Ord. 13-17, 4-24-2013; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7G-2: PETITION; REQUIRED INFORMATION:

Any person seeking a variance shall submit to the development **services** department a written petition containing the following information:

- A. An application for a variance on a form provided by the city, accompanied by a filing fee as established by resolution of the city council;
- B. A statement citing specific reasons and justification for the variance based on the criteria established in section 13-7G-3 of this article;
- C. A detailed site plan at a scale of one inch equals twenty feet (1" = 20') or larger, which shows the dimensions of the lot, building setbacks, existing or proposed buildings on the lot, and adjacent property owners. The area of the requested variance shall be highlighted on the site plan;
- D. If the variance is requested to allow construction of a new building, building addition or structure, conceptual architectural elevation for such building, building addition or structure; and
- E. A list of all property owners within a radius of three hundred feet (300') of the boundaries of the subject property. The list shall be based on the most current assessment rolls prepared by the Salt Lake County assessor and shall be accompanied by addressed, stamped, envelopes ready for mailing to all names on the list. (2001 Code § 89-5-406; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-7H-2: DEVELOPMENT PROCEDURE:

- A. Site Plan: The developer, owner or builder of a residential structure which will be constructed in a location outside the confines of a recorded subdivision or other approved development shall submit to the development **services** department and the city engineer two (2) copies of the proposed site plan of the development. The site plan shall be approved by the development **services** department and the city engineer prior to the issuance of a building permit. The site plan shall show the:

1. Location and size of existing and proposed culinary water and sanitary sewer utilities;
2. Location of the nearest fire hydrant and provision for additional hydrants and water lines as required by the fire department;
3. Location of any existing irrigation systems, including, but not limited to, open ditches, pipes and culverts;
4. Location of proposed or existing curbs and gutters and sidewalks;
5. Location of existing edge of pavement for all abutting streets;
6. Locations and dimensions indicating the proposed and/or existing buildings on the site;
7. North arrow and drawing scale;
8. Names of abutting property owners and city streets; and
9. Method of providing for adequate site drainage.

B. Compliance With Subdivision Ordinance: The developer, owner or builder must also submit proof that the parcel to be developed is in compliance with the city subdivision ordinance and is not a new lot created through a lot or parcel split.

C. Development Standards: The builder, owner or developer of property subject to this article shall comply with the following development standards:

1. In planning for the construction of buildings, the builder shall take into account the normal flow of stormwater, topography and existing stormwater control facilities. Where flooding may be a problem, driveways that slope down from the sidewalk to a garage entrance shall not be permitted.
2. The owner, builder or developer shall install curb, gutter and sidewalk. Design and construction of improvements shall be in compliance with the city public improvement standards, specifications and plans manual.
 - a. The curb, gutter and sidewalk shall be installed concurrently with construction of the residence if these improvements exist on either of the adjacent lots or if at least twenty five percent (25%) of the lots on the same block have existing curb, gutter and sidewalk. If a block is not defined by intersecting streets, the twenty five percent (25%) rule will apply to all properties within five hundred feet (500') in each direction along streets from the property lines of the subject lot.
 - b. If the owner, builder or developer is not required to install curb, gutter and sidewalk concurrently with construction of the residence pursuant to subsection C2a of this section, the owner, builder or developer shall provide a bond guaranteeing performance, meeting the requirements of title 8, chapter 3, article C of this code.

D. Exception: The only exception to this section will be when a residence is built in a subdivision that was previously approved without a requirement for curb, gutter and sidewalk.

E. Road Base, Asphalt: As a condition of the issuance of a building permit, any developer, builder or owner who develops or builds property fronting on or adjacent to an existing paved city or private street shall install road base and asphalt from the existing edge of pavement to the new curb and gutter. Installation of the road base and asphalt shall comply with the city public improvement standards, specifications and plans manual. (2001 Code § 89-5-502; amd. 2009 Code, Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-8-23: ANNUAL CAP ON MULTI-FAMILY DEVELOPMENT APPLICATIONS:

A. Purpose: The Comprehensive General Plan comprehensive general plan supports a housing ratio of eighty three percent (83%) single-family residential to seventeen percent (17%) multi-family residential ("the General Plan ratio"). Notwithstanding the General Plan general plan, the City city establishes a ratio of seventy seven percent (77%) single-family residential to twenty three percent (23%) multi-family residential for the purpose of this section.

The City of West Jordan has adopted a cap and grade procedure to ensure the orderly growth of the City city and foster a housing mix that is consistent with the General Plan general plan.

B. Exemptions: The following types of two-family and multi-family housing are not subject to the annual cap or to the timing requirements of this section:

1. Residential housing developments in compliance with the General Plan general plan that are:

a. Multi-family housing (2 or more housing units) in a Transit Station Overlay District (TSOD).

b. Senior housing for age fifty five (55) and older.

c. Multi-family housing for disabled persons.

d. Low and moderate income housing owned by a nonprofit or a local housing authority.

e. Multi-family housing as part of a master planned community that meet the following provisions:

(1) Master plan shall be a minimum of seventy five (75) undeveloped acres and be zoned PC or PRD.

(2) Two-family and multi-family housing not exempt by the provisions listed in subsections B1a through B1d of this section, shall comprise no greater than seventeen percent (17%) of the total number of dwelling units in the approved master development plan.

(3) Two-family and multi-family housing units not exempt by the provisions listed in subsections B1a through B1d of this section, shall be individually owned as either condominiums or townhomes.

f. Twin homes on a vacant parcel(s) or lot(s) in an existing R-2 Zone, as long as all of the following criteria are met:

(1) The R-2 zoning has continuously existed since October 22, 2014; and

(2) The parcel(s) or lot(s) has/have been continuously "vacant" (no dwelling unit(s) constructed thereon) since October 22, 2014.

g. Multi-family housing (2 or more units) in an Interchange Overlay Zone (IOZ).

C. Selection Process: Each year on January 15, the **City city** shall publicly announce the number of multi-family housing units that are available to be constructed based on the ratio set out in subsection A of this section. The available cap will be determined each year based on the following mathematical calculation:

A minus B = the available number of units under the cap.

A equals 29.87 percent of the total single-family residential units that have received a building permit as of December 31 of the immediately preceding year.

B equals the total number of multi-family residential units (including housing exempted by subsection B of this section) which have been constructed or are under construction. For purposes of this section, "under construction" means utilities such as sewer lines and storm drains are being installed.

If there is an available number of units ("cap") announced, interested applicants are invited to submit a proposed multi-family land use application to the **City Development Department development services department** during the next thirty (30) calendar days using all or a part of the available cap. The **Planning Commission planning commission**, upon recommendation of staff, shall judge the submitted proposed applications based on the criteria contained in subsection D of this section and shall announce the successful proposal(s) that, alone or together, will consume the available cap (each a successful proposer) for the succeeding twelve (12) calendar months.

The **City city** shall promptly notify the successful proposer(s) and the nonsuccessful proposers of the decision within forty five (45) calendar days of January 15.

A successful proposer is required to promptly submit a complete application package within sixty (60) calendar days of January 15, and to diligently move the application process along to completion in response to staff comments and requests. The intent with any successful proposer is that the project is constructed or "under construction", as defined above, within twelve (12) calendar months following January 15.

D. Application ~~for for~~ Multi-Family Development Evaluation: Each application for competitive evaluation of a multi-family development ("project") shall be given a point rating pursuant to this section.

E. General Plan Compliance: Each application shall comply with the City of West Jordan **General Plan general plan** as a prerequisite for the point rating evaluation.

F. Evaluation Criteria: The **City city** shall calculate the total number of points for the project based on the criteria in this section and provide a written analysis justifying the expected number of points achieved. City staff will forward all applications together with the total number of points achieved for each project to the **Planning Commission planning commission**, together with a staff recommendation, for a final decision. The **Planning Commission planning commission** shall determine the successful proposer in the event of a tie through a flip of a coin in an open hearing.

		<u>Points</u>
1.	Location Of Project (Maximum 10 Points):	
a.	Project abuts existing development on at least 3 sides.	5

	b.	Project abuts existing development on 2 sides.	3
	c.	Project abuts existing development on 1 side or is surrounded by developed properties in close proximity.	2
	d.	Project is located within 1/4 mile of existing or planned public transit facility (rail or bus).	5
	e.	Project is located within 1/2 mile of existing or planned public transit facility (rail and bus).	3
2.	Fire Protection And Emergency Assistance (Maximum 5 Points):		
	a.	Project is within 1 1/2 miles of a fire station.	5
	b.	Project is within 2 miles of a fire station.	3
	c.	Project is within 2 1/2 miles of a fire station.	1
3.	Police/Safety (Maximum 5 Points):		
	a.	Additional safety amenities such as elimination of blind corners, dead end alleys, additional lighting, video surveillance cameras, etc.	0 - 5
4.	Storm And Flood Control (Maximum 5 Points):		
	a.	Percent of impervious surface coverage including roof areas and all paved areas on the site. The coverage percentage excludes public streets. An analysis of the percentage of the total impervious area shall be submitted by the developer as part of an application.	
	Percentage of impervious surface:		
		Less than 15	5
		15 to 20	4
		20 to 25	3
		25 to 30	2
		30 to 35	1
		35 to 40	0
		40 to 45	-1
		45 to 50	-2
		More than 50	-3
5.	Water Distribution (Maximum 5 Points):		

	a.	No off site water pipeline system extensions or improvements are required beyond the project boundaries.	5
	b.	Project requires off site water pipeline extension of less than 500 feet.	3
	c.	Project requires off site water pipeline extension of more than 500 feet.	-1
	d.	Project requires a pumping station.	-3
6.	Wastewater Collection (Maximum 5 Points):		
	a.	No off site wastewater extensions or improvements are required beyond project boundaries.	5
	b.	Existing sewer system to serve project requires minor off site sewer extensions of less than 500 feet.	3
	c.	Existing sewer system to serve project requires off site sewer extensions of more than 500 feet.	-1
	d.	Project requires a wastewater pumping station.	-3
7.	Streets (Maximum 7 Points):		
	a.	Proposed project provides transit interconnectivity with existing streets.	2
	b.	Streetscape enhancements above and beyond Code requirements such as medians, wider park strips, innovative landscaping, bike lanes, larger street trees and/or pedestrian walkways, etc.	4
	c.	Full width street improvements.	1
	d.	Half width street improvements.	-1
	e.	Use of cul-de-sacs or dead end driveways.	-2
8.	Schools (Maximum 9 Points):		
	a.	Project is located within 1 1/2 miles of an elementary school and has a safe walking route.	4
	b.	Project is located within 1 1/2 miles of a middle school and has a safe walking route.	3
	c.	Project is located within 2 miles of a high school and has a safe walking route.	2
9.	Parks (Maximum 5 Points):		
	a.	Project located within 1/2 mile of a developed community	5

	park.	
	b. Project located within 3/4 of a mile of a developed community park.	3
	c. Project located within 1/2 mile of a neighborhood park.	3
	d. Project located within 3/4 mile of a neighborhood park.	1
10.	Energy Conservation And Savings (Maximum 5 Points):	
	a. The use of energy conservation features such as solar panels, insulation above minimum Building Code requirements and architectural features designed to minimize energy usage in the summer and winter.	0 - 5
11.	Site Design (Maximum 12 Points):	
	a. Preservation of existing environmentally sensitive areas such as vegetation, floodplains, major natural drainages and steep slopes.	1
	b. Curvilinear street design, where appropriate.	1
	c. Building mass, height and bulk in relationship to surrounding land uses, mix of unit sizes.	3
	d. Usable yard areas.	1
	e. Additional convenient guest parking areas.	2
	f. Unified site design theme such as streetlights, traffic signs, signage, landscape theme.	2
	g. The site is designed to minimize view obstruction for adjoining properties through building, height, orientation and placement.	2
12.	Landscaping (Maximum 9 Points):	
	a. Landscaping over and above the minimum zoning requirements such as larger trees, plant variety and density, minimal use of mulch or hardscape materials, preservation of mature ornamental trees and other existing vegetation.	0 - 5
	b. Preservation of existing ornamental trees and other existing vegetation.	2
	c. Covenants, conditions and restrictions establishing a homeowners' association, a Community Facilities District and/or other legal mechanism to ensure both on and off site maintenance of all landscaped areas.	2
13.	Non-City Maintained Open Space (Maximum 7 Points):	

	a. Open Space:	
	(1) Amount of common open space exceeds minimum standards of zone by 10%; or	1
	(2) Amount of common open space exceeds minimum standards of zone by 25%; or	2
	(3) Amount of common open space exceeds by 50% or more than the minimum standards of zone.	3
	b. Recreation Amenities:	
	(1) Private recreation facilities are provided beyond minimum legal requirements with passive recreational facilities such as benches, tables, open areas, community gardens and active areas such as fields, tot lots and exercise areas.	1
	(2) Substantial private recreation facilities are provided and overall recreational amenities well exceed minimum legal requirements such as the inclusion of swimming pools, clubhouses, and tennis courts.	2
	(3) Project develops and maintains a local or regional trail.	1

(Ord. 14-31, 10-22-2014; Ord. 14-34, 11-5-2014; Ord. 15-15, 6-24-2015; Ord. 16-15, 5-11-2016; Ord. 18-07, 2-28-2018; Ord. 19-33, 11-19-2019; Ord. 19____, ____-2019, Effective at 12 noon on January 6, 2020)

13-12-6: PARKING LOT AND RESIDENTIAL DRIVEWAY DESIGN STANDARDS:

- A. **Parking Plans:** Plans for any proposed parking area shall be submitted to the **Development Department** **development services department** at the time of application for site plan approval. If the project does not require site plan approval, the parking plan shall be submitted with an application for a building permit. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features of the proposed development.
- B. **Driveway Access To Public Street:** Every required parking area shall have unencumbered driveway access to a public street. Such access shall be through platted or recorded easements, reciprocal arrangements or other guaranteed means.
 - 1. Unless otherwise approved by the Planning Commission, all public driveways accessing a public road shall be located a minimum of fifty feet (50') from other driveways or streets. One-way driveways shall have a minimum width of twelve feet (12'). Two-way driveways and all driveways on developments of one acre or larger in size shall have minimum widths of twenty feet (20').
 - 2. Unless approved by the Planning Commission, parking lots shall not directly access arterial or collector streets but shall access such streets by way of an internal roadway system designed and constructed to City standards.

3. Nonresidential traffic on local streets should be minimized and directed out of neighborhoods. Parking lot access for nonresidential uses shall not be permitted from local or collector streets if adequate access is available to major streets.

C. Parking Lot Materials And Drainage:

1. In all zones except in agricultural, rural residential zones and single family residential zones as required by subsection 13-12-5E1 of this chapter, every lot or parcel used as a public or private parking area required by section 13-12-2 of this chapter shall be paved with asphalt or concrete and maintained to eliminate dust or mud.

2. Parking areas and driveways in agricultural and rural residential zones may have either paved or graveled surfaces.

3. Parking lots shall be graded and drained to dispose of all surface water. Surface water drainage shall not be permitted to cross a public sidewalk.

4. Concrete curb walls shall be provided at the perimeter of all permanent parking lots, around interior parking lot landscaping, and at the edges of driveways.

D. Parking Structures: Multilevel or basement parking facilities may be used; provided, that parking structures are treated as buildings for purposes of yard, lot, building, landscaping and other requirements of this chapter.

E. Lighting: Any lights used to illuminate a parking lot shall be arranged to reflect the light away from adjoining lots in all zones. Lights shall also be shielded to reduce or eliminate uplighting. Parking lot and security lighting shall not exceed a maximum of fifteen feet (15') in height, including lamp, pole and base, within one hundred fifty feet (150') of a residential district. Parking lot and security lighting should not exceed a maximum of twenty five feet (25') in height in nonresidential districts, except in SC-2 and SC-3 Commercial Zones, where such lighting shall not exceed forty two feet (42') in height. All light levels shall not exceed one foot-candle power at the property line.

F. Pedestrian Safety: To the maximum extent possible, pedestrians shall be separated from vehicles and bicycles. Where complete separation of pedestrians and vehicles and bicycles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting, or other means to clearly delineate pedestrian areas, for both day and night use.

1. Parking plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies and benches as described in the City bicycle and pedestrian plan.

2. Walkways shall link street sidewalks with building entries through parking lots. Such walkways shall be grade separated from the parking lot with a paved surface not less than six feet (6') wide.

3. Where necessary for primary pedestrian access to cross drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of the pedestrian access shall be continuous as it crosses the driveway. Any breaks in continuity shall be in the driveway paving and not in the pedestrian accessway. The pedestrian crossings must be well marked using pavement treatments, signs and landscaping.

G. Bicycle Facilities: Commercial, civic, employment and multi-family residential uses shall provide bicycle facilities meeting the following standards:

1. Bicycle parking spaces, equal to five percent (5%) of vehicular parking spaces, shall be provided in all developments.
2. For convenience and security, bicycle parking facilities shall be located near building entrances and shall be visible from the land uses they serve. However, such facilities shall not impede pedestrian or automobile traffic flow or cause damage to plant material from bicycle traffic.
3. Bicycle parking racks shall be designed to allow the bicycle frame and both wheels to be securely locked to the rack. The rack shall be of permanent construction, such as heavy gauge tubular steel with angle bars permanently attached to the pavement foundation. Bicycle parking areas shall be at least two feet (2') wide and five and one-half feet (5½') long, with additional back out or maneuvering space of at least five feet (5').

H. Urban Design Standards For Parking Lots:

1. Parking lots shall be buffered from adjacent residential properties and screened from streets so that cars are not visible below the average height of the headlights.
2. Access drives, internal circulation drives, parking areas and pedestrian walkways shall be designed to provide safety and convenience for both motorists and pedestrians and to ensure access for the physically disabled.
3. For office and retail commercial projects, every parking space shall be no greater than one hundred fifty feet (150') from a sidewalk leading to the building or from a building entrance, and a shade tree shall be placed every thirty feet (30') along the walkway except at driveway crossings.
4. Saving mature landscaping enhances street character. With the exception of safety considerations, location of driveway curb cuts for parking lots shall not cause the removal of mature landscaping.
5. Joint use of parking is encouraged in order to reduce trips. Access to and the location of new parking areas shall relate to adopted area plans, planned parking in the area, or to existing area parking schemes.
6. The number of curb cuts shall be minimized and pedestrian access enhanced. Surface parking design shall utilize shared access drives with adjacent, similarly zoned properties to reduce interference with pedestrians.
7. Parking facilities exist for many years and must integrate with the future surrounding uses. Parking lot design shall consider future planned and existing uses of adjacent sites. (2001 Code § 89-6-606; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 13-17, 4-24-2013)

I. Signs: All signs in residential districts shall comply with the provisions governing signs in this title and title 12 of this Code. (2001 Code § 89-3-307; amd. 2009 Code; Ord. 11-09, 4-6-2011; Ord. 11-35, 11-22-2011; Ord. 15-32, 11-4-2015; Ord. 18-35, 11-7-2018; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

13-13-1: PURPOSE AND SCOPE:

A. Purpose: The purpose of this chapter is to prescribe landscaping requirements that establish minimum standards and incentives to:

1. Improve the community's image and identity;
2. Enhance property values and buffer noncomplementary land uses;
3. Conserve water by improving irrigation efficiency and selecting water conserving plants;
4. Encourage innovation in design;
5. Improve long term landscape health and maintenance;
6. Improve ability of landscaped areas to accept stormwater to increase groundwater available to plants and decrease demands on stormwater systems;
7. Encourage a healthy urban forest and a diversity of plants suited to local conditions;
8. Improve community sustainability, including energy conservation, air quality and water quality; and
9. Improve the safety, comfort and aesthetics of public spaces by mitigating noise, glare and heat.

B. **Scope And Application:**

1. **Applicability:**

a. This chapter applies to new development and to building additions, expansion or intensification of use applications, filed after the effective date hereof, which results in a new landscaped area greater than one thousand (1,000) square feet. The landscaping and irrigation plans required by this chapter as part of a new development application shall be provided as a condition of building permit issuance. Only the expansion area shall be required to meet the current code in the case of building expansions.

(1) Single-family and two-family residences are subject only to subsection 13-13-11B1 of this chapter.

(2) City constructed parks, recreation and open spaces and recreation and open spaces for educational facilities in any zone are exempt from the provisions of this chapter.

C. **References:**

1. The city of West Jordan landscape guidelines handbook, referenced herein, includes information essential to meet the city's expectations and properly complete the landscape portion of a development application. This handbook is available at the city's development services department office or can be viewed on the city's development services department webpage. (2001 Code § 89-6-701; amd. 2009 Code; Ord. 11-01, 3-23-2011; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

13-13-5: LANDSCAPE PRESERVATION AND PROTECTION:

A. Preservation Of Existing Plants: Existing mature trees over six inches (6") caliper measured at four feet (4') above grade and other significant vegetation, including wetland and riparian areas on the site or in the public right of way shall be identified on the landscape plans, incorporated into the landscape design and be preserved and protected during construction. Existing trees that are preserved and incorporated into the landscape plan may be credited toward the minimum number of trees as specified in section 13-13-11 of this chapter. Trees must be in healthy condition, free of injury to receive this credit. Any tree that is not preserved or is significantly damaged during construction shall be removed and replaced with a tree of equal caliper or trees with combined equivalent caliper.

1. Exception: Trees and plants listed on the city of West Jordan noxious weeds list are exempt from this requirement and are not eligible for credits. This list is contained in the landscape guidelines handbook which is available at the city's development services department office or can be viewed on the city's development services department webpage. (2001 Code § 89-6-705; amd. 2009 Code; Ord. 11-01, 3-23-2011; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

13-13-6: MATERIALS AND STANDARDS:

A. Irrigation Systems: When landscaping is required, a permanent irrigation system shall be installed to help ensure survival of plants, unless the landscape plans specifically indicate that the plants will not require artificial irrigation for establishment or to remain healthy. All irrigation systems and components shall be selected and designed for the most efficient use of water. Microspray, bubblers, deep root watering systems and drip irrigation are suggested. Irrigation shall be designed and installed with suitable emitters or spray heads to avoid overspray beyond the area requiring irrigation.

B. Topsoil: Topsoil should be amended to support the long term health of the landscape plants.

C. Trees: Not less than seventy five percent (75%) of trees specified on the landscape plan shall be water conserving species selected from the city of West Jordan recommended plant list. Street trees in parking strips and parking lots shall be selected from the city of West Jordan street tree list. The recommended plant list and street tree list are contained in the landscape guidelines handbook which is available at the city's development services department office or can be viewed on the city's development services department webpage. At planting, all deciduous trees shall have a minimum trunk size of one and one-half inches (1.5") in caliper at four feet (4') above grade and all evergreen trees shall have a minimum height of five feet (5'). Vegetation, organic mulch or gravel shall be used around the base of trees and the trees shall be staked.

D. Shrubs, Herbaceous Perennial And and Ground Cover Plants: Not less than seventy five percent (75%) of shrubs, herbaceous perennial and ground cover plants specified on the landscape plan shall be water conserving species, selected from the city of West Jordan recommended plant list. All shrubs shall be two (2) gallon minimum and have a minimum height or spread of eighteen inches (18") depending on the plant's natural growth habit. All perennials shall be one gallon minimum. Ground cover crowns, plugs or containers shall be in a number and spacing sufficient by species to provide forty percent (40%) surface coverage at maturity.

E. Turf Grasses: Turf grasses shall comprise not more than twenty five percent (25%) of the total landscaped area. Use of water conserving grasses, selected from the city of West Jordan recommended plant list is encouraged. This list is contained in the landscape guidelines handbook which is available at the city's development services department office or can be viewed on the city's development services department webpage. Permeable artificial turf may be substituted for turf grass.

Turf grasses shall only be used in areas where the grade of the site is thirty percent (30%) or less. Turf shall provide one hundred percent (100%) coverage of the seeded or sodded area within one year.

1. Exception: Turf areas designed for active recreation at public and private parks, schools, churches, landscape berms in buffer areas, and golf courses are exempt from the twenty five percent (25%) maximum standard.

- F. Plant Coverage: Plants, including turf grasses, shall cover no less than forty percent (40%) of the ground surface of the required landscape area at maturity. Tree canopies are not included in this calculation. Tree requirements are outlined in sections 13-13-8, 13-13-9 and 13-13-10 of this chapter.
- G. Mulch: Bark, shredded plant material, compost, and gravel between one-fourth inch (0.25") and three inches (3") in diameter may be used as mulch for plants. Mulch shall be a minimum three inches (3") in depth and placed to prevent it from migrating out of the landscape area onto adjacent roads or walkways.
- H. Tree Grates: Tree wells with grates shall be provided in areas where paved surfaces surround the tree.
- I. Landscaped Areas Abutting Natural Open Space Areas: For projects located at the interface between urbanized areas and natural open spaces, plants shall be drought tolerant, blend with the native vegetation, be fire resistant or fire retardant, and be noninvasive. Plants included on the [Firewise Plants for Utah Landscapes Plant List](#) [firewise plants for utah landscapes plant list](#) are suggested for fire prone areas. This list is contained in the [Landscape Guidelines Handbook](#) [landscape guidelines handbook](#) which is available at the [City's Development Department Office](#) [city's development services department office](#) or can be viewed on the [City's Development Department](#) [city's development services department](#) webpage.
- J. Slopes: Areas with slopes greater than thirty percent (30%) shall be landscaped with deep rooting, water conserving plants for erosion control and soil stabilization. Turf grass is not permitted on slopes greater than thirty percent (30%).
- K. Detention Basins: Shall be covered with plants, ground cover or turf covering no less than fifty percent (50%) of detention basin area at maturity.
 - 1. Exception: Parking lots, sport courts and other paved surfaces that provide stormwater detention as a secondary purpose are exempt from this requirement.
- L. Stormwater Management: Sites shall be designed to maximize the amount of stormwater retained on site, and promote its infiltration into the soil to increase the soil moisture available to plants. Techniques to direct water into landscape areas, such as curb cuts, swales, rain gardens, depressions and detention basins shall be incorporated into the landscape design where possible.
- M. Intersection Sight Triangle: Landscaping within the right-of-way and in setback areas adjacent to street intersections and driveways shall adhere to the intersection sight triangle.
- N. Utility Equipment Screened: Unless otherwise approved by the [Zoning Administrator](#) [zoning administrator](#), all ground level utility equipment such as HVAC units, electrical cabinets and vaults shall be screened from view of streets, sidewalks or walkways to the greatest extent possible with plants that match or exceed the height of the unit. (2001 Code § 89-6-706; amd. 2009 Code; Ord. 11-01, 3-23-2011; Ord. 19-____, ____-2019, Effective at 12 noon on [January 6, 2020](#))

13-13-8: PARK STRIP LANDSCAPING:

A. Intent: The intent of these park strip landscaping standards is to uphold **City** **city** landscape design goals and also increase safety along roadways, prohibit materials that may cause harm or injury to pedestrians or vehicles, provide safe and convenient access across park strips to and from parking areas, allow access for repair and maintenance of public utilities, and uphold intersection sight triangle requirements of section 13-13-6 of this chapter. The park strip landscape requirements for single-family and two-family residential developments are contained in subsection 13-13-11B1b of this chapter.

B. Materials **And** **and** Installation:

1. Irrigation: All park strips that contain any plants or trees shall be irrigated. Irrigation shall meet the standards of sections 13-13-6 and 13-13-7 of this chapter.
2. Trees: Park strip trees shall be provided at the equivalent of at least one tree for each twenty five feet (25') of curb frontage. Trees may be clustered or spaced equally and shall be located to accommodate lighting, meters, fire hydrants, utility boxes, and clear vision zones. In cases where some of the required street trees cannot be placed at the minimum distance from clear vision zones, a reduction in the number of required street trees may be allowed by the **Zoning Administrator** **zoning administrator**. Street trees shall be located a minimum of ten feet (10') away from any public necessity or regulatory signs. Trees shall meet the size and growth requirements of section 13-13-6 of this chapter and shall be selected from the City of West Jordan street tree list. For a food manufacturing facility or food distribution facility, required park strip trees that are within three hundred feet (300') of overhead doors or loading docks may be located or relocated, in an equivalent number, to other landscaped areas on the site.
3. Tree Grates: Tree wells with grates shall be provided in areas where paved surfaces surround the tree.
4. Plants:
 - a. Not less than seventy five percent (75%) of shrubs, herbaceous perennial and ground cover plants used in the park strips shall be water conserving species, selected from the City of West Jordan recommended plant list. This list is in the Landscape Guidelines Handbook which is available on the **City's Development Department** **city's development services department** webpage or at the **City's Development Office** **city's development services office**. Plants shall meet the size and growth standards outlined in section 13-13-6 of this chapter.
 - b. Up to twenty five percent (25%) of the plant coverage in the park strip may be turf grass. Turf is not permitted in park strips with a slope greater than thirty percent (30%). Permeable artificial turf may be substituted for turf grass.
 - c. Plants shall be of sufficient number and spacing to provide forty percent (40%) surface coverage at maturity, not including tree canopies. For properties with two (2) or more street frontages, the adjacent park strip on each street frontage is calculated separately.
 - d. Plants in park strips shall not exceed thirty inches (30") in height. Plant spacing in park strips shall allow visual and physical access between the street and sidewalk as needed. Plantings that create solid barriers are prohibited. Thorn bearing plants are prohibited.
 - e. All landscaping in park strips shall comply with the intersection sight triangle requirements of section 13-13-6 of this chapter.

5. Mulch: Mulch shall meet the requirements of section 13-13-6 of this chapter.
6. Hardscape, Ornamental Gravel, Rocks And and Boulders: Gravel, rocks and boulders may be used as a landscape material on up to sixty percent (60%) of the park strip area. Mulch shall be sized and placed to prevent it from migrating out of the landscape area onto adjacent roads or walkways.

Pavers, pavement and other hardscape are permitted in park strips subject to the following limitations:

- a. Pavers: Ornamental concrete, brick or natural stone pavers, may be used in up to sixty percent (60%) of a park strip's area.
- b. Pavement: Asphalt is prohibited in park strips. Solid concrete pavement may be permitted in the following cases:
 - (1) As a pedestrian pathway, as outlined in this section; or
 - (2) In existing park strips under twenty four inches (24") in width.

c. Materials Near Street Trees: All paving materials shall be kept a minimum of twenty four inches (24") away from the outer edge of the trunk at expected maturity. This standard also applies to parking areas surrounding street trees.

7. Pedestrian Pathways: Pedestrian pathways are allowed to provide safe and convenient access across/through planted park strips between the street and sidewalk. Poured concrete or pavers may be used. The pathway shall be not more than five feet (5') wide and shall be located to provide the most direct route from the street to the sidewalk. The area of pedestrian pathways shall be included in calculating the percentage of nonplant material in the park strip.

8. Permanent Structures: Retaining walls, fences, steps and other similar structural encroachments are prohibited, unless specifically approved by the City city.

C. Adopted Streetscape Plans: A streetscape plan is required in those cases where a wall is required between a development and an arterial or collector street. The plan shall show in detail the landscape treatment of the space between the wall and the street curb line. A streetscape plan is also required for all commercial, office, manufacturing, institutional and multi-family residential developments that are five (5) contiguous acres and larger which abut arterial streets.

1. Where an adopted streetscape plan is in place, the developer shall follow such plan.
2. Where no adopted streetscape plan is in place, the developer shall coordinate with City city staff and receive approval from the Planning Commission planning commission through the subdivision or site plan process on development of a streetscape plan and on the installation of the irrigation system and plant materials.
3. Streetscape plan requirements for developed areas five (5) contiguous acres and larger along arterial streets are as follows:
 - a. Adjacent To to Residential Developments: Unless part of a previously approved master plan, development plan or streetscape plan, single-family and two-family residential developments adjacent to arterial streets shall contain a minimum ten foot (10') landscaped area, with plants arranged and approved by the City's Parks Department and the City's Urban Forester city's parks department and the city's urban forester. The required ten foot (10') landscaped area shall be installed by the developer following provisions contained in this chapter from the back of sidewalk to the adjacent property line. Xeric plants should be

used extensively and may be used exclusively and shall be used as much as possible. The required street wall shall be installed beyond the landscaped area adjacent to the property line. The required ten foot (10') landscaped area adjacent to single-family and two-family residential shall be dedicated to the City.

b. **Adjacent To to** Commercial, Office, Industrial, Institutional **And and** Multi-Family Developments: Unless part of a previously approved master plan, development plan or streetscape plan, commercial, office, industrial, institutional and multi-family developments adjacent to arterial streets shall contain a minimum ten foot (10') landscaped area. The required ten foot (10') landscaped area shall be installed between the back of sidewalk to the adjacent development line (parking area, building area, etc.) along the entire area adjacent to the arterial street. Decorative or retaining walls no greater than two feet (2') in height may be installed in this area. Decorative boulders may be installed in this area. The required ten foot (10') landscaped area adjacent to commercial, office, industrial and multi-family developments shall be installed and maintained by the commercial, office, industrial, institutional and multi-family development. This area may be counted as part of the development's overall landscaping percentage requirement. The landscaped area shall comply with the provisions governing landscaping in this chapter. Xeric plants should be used extensively and may be used exclusively and shall be used as much as possible. (2001 Code § 89-6-708; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-01, 3-23-2011; Ord. 13-17, 4-24-2013; Ord. 16-54, 12-21-2016; Ord. 18-12, 12-5-2018; Ord. 19-____-2019.)

Effective at 12 noon on January 6, 2020)

13-13-11: SPECIAL LANDSCAPE STANDARDS FOR SPECIFIC LAND USES:

A. Intent: All landscaping shall meet the special requirements of this section according to the specific land use zone requirements, in addition to the requirements of this title. When in conflict with other requirements of this title, the requirements of this section shall supersede.

B. Design Standards:

1. Single-Family And Two-Family Developments:

a. **Front Yard And Corner Side Yard Landscaped Areas:** All areas on residential lots located between the front lot line and the main building and between the main building and the lot line of a corner side yard of a corner lot, except driveways, parking areas, walkways, utility areas, approved decks, patios and porches, shall be landscaped with suitable trees, shrubs, ground covers, perennials, other landscaping materials and/or decorative paving. Plants, not including tree canopies, shall cover forty percent (40%) or more of the front or corner side yard landscape area at maturity. Permeable artificial turf may be substituted for turf in all single-family and two-family developments.

b. **Park Strip Landscaping For Single-Family And Two-Family Developments:**

(1) Intent: The intent of these park strip landscaping standards is to uphold city landscape design goals and also increase safety along roadways, prohibit materials that may cause harm or injury to pedestrians or vehicles, provide safe and convenient access across park strips to and from parking areas, allow access for repair and maintenance of public utilities.

(2) **Materials And Installation:**

(A) **Irrigation:** Plants or trees in all park strips shall be irrigated. All irrigation systems should be designed for efficient use of water using microspray, bubblers or drip irrigation systems. Parking strips less than eight feet (8') wide shall not be irrigated with pop up, fixed or rotor sprinklers.

(B) Trees: Each frontage shall have two (2) trees. The two (2) required trees may be planted in the front or corner side yard areas or in the park strip abutting the street. Trees planted in the park strip shall be selected from the city of West Jordan street tree list. This list is contained in the landscape guidelines handbook which is available at the city's development services department office or can be viewed on the city's development services department webpage. Trees planted on private property in the front or corner side yard are encouraged but not required to be selected from the city of West Jordan street tree list.

(C) Plants:

(i) Not less than eighty percent (80%) of shrubs, herbaceous perennial and ground cover plants used in the park strips shall be water conserving species, selected from the city of West Jordan recommended plant list. This list is in the landscape guidelines handbook which is available on the city's development services department webpage or at the city's development services department office. Turf may be used in park strips, however, the use of drought tolerant plants is strongly encouraged.

(ii) Plants in park strips shall not exceed thirty inches (30") in height. Plantings that create solid barriers are prohibited. Thorn bearing plants are also prohibited.

(D) Mulch: Bark, shredded plant material, compost, and gravel between one-fourth inch (0.25") and three inches (3") in diameter may be used as mulch for plants. Mulch shall be a minimum three inches (3") in depth and placed to prevent it from migrating out of the landscape area onto adjacent roads or walkways.

(E) Hardscape: Ornamental Gravel, Pavers, Mulch, Rocks, Boulders And Permeable Artificial Turf: Gravel, pavers (ornamental concrete, brick or natural stone), mulch, rocks, boulders (less than 18 inches high) and permeable artificial turf may be used as a landscape material. Gravel and rocks shall measure a minimum of one and one-half inches (1½") in diameter or larger.

(F) Pavement: Solid concrete pavement may be permitted in the following cases:

- (i) As a pedestrian pathway, as outlined in section 13-13-8 of this chapter; or
- (ii) In existing park strips under twenty four inches (24") in width;
- (iii) Asphalt is prohibited in park strips.

(G) Materials Near Street Trees: All paving materials shall be kept a minimum of twenty four inches (24") away from the outer edge of the trunk at expected maturity. This standard also applies to parking areas surrounding street trees.

(H) Intersection And Driveway Sight Triangle: Landscaping within the site right of way and in setback areas adjacent to street intersections and driveways shall adhere to the intersection sight triangle requirements as shown in the landscape guidelines handbook. Trees or plants or boulders exceeding eighteen inches (18") in height shall not be located in the site triangle.

(I) Permanent Structures: Retaining walls, fences, steps and other similar structural encroachments are prohibited, unless specifically approved by the city.

c. Adopted Streetscape Plans: A streetscape plan is required in those cases where a wall is required between a development and an arterial or collector street. The plan shall show in detail the landscape treatment of the space between the wall and the street curb line.

(1) Where an adopted streetscape plan is in place, the developer shall follow such plan.

(2) Where no adopted streetscape plan is in place, the developer shall coordinate with city staff and receive approval from the planning commission through the subdivision or site plan process on development of a streetscape plan and on the installation of the irrigation system and plant materials.

2. Multiple-Family Developments:

a. Landscaped Areas: Not less than forty percent (40%) of the total development site of a multiple-family project shall be landscaped. The front yard and side yards adjacent to public streets, except those portions devoted to driveways and sidewalks shall be landscaped.

b. Site Trees: A minimum of one tree per two thousand (2,000) square feet of landscaped area is required, in addition to any park strip, parking lot landscaping or landscaped buffer requirement.

c. Park Strip Landscaping: Park strip landscaping shall meet the requirements of section 13-13-8 of this chapter.

d. Parking Lot Landscaping: Parking lot landscaping shall meet the requirements of section 13-13-9 of this chapter.

e. Landscaped Buffer: A landscaped buffer is required for any multi-family development adjacent to an existing lower density residential development. Buffers shall meet the requirements of section 13-13-10 of this chapter.

3. Business/Research Park Zone:

a. Landscaped Areas: Landscaped areas shall comprise not less than twenty five percent (25%) of the site. The front yard and side yards adjacent to public streets, except those portions devoted to driveways and sidewalks, shall be landscaped.

b. Site Trees: A minimum of one tree per two thousand (2,000) square feet of landscaped area is required, in addition to any park strip, parking lot landscaping or landscaped buffer requirement.

c. Park Strip Landscaping: Park strip landscaping shall meet the requirements of section 13-13-8 of this chapter.

d. Parking Lot Landscaping: Parking lot landscaping shall meet the requirements of section 13-13-9 of this chapter.

e. Landscape Buffers: Landscape buffers may be required in areas that abut incompatible land uses or as visual barriers around parking and utility areas. Buffers shall meet the requirements of section 13-13-10 of this chapter.

4. Commercial And Professional Office:

a. Landscaped Areas: Landscaped areas shall comprise not less than fifteen percent (15%) of a commercial or professional office site. Front and side yards adjacent to a public street, except those portions devoted to driveways and sidewalks, shall be landscaped.

b. Site Trees: A minimum of one tree per two thousand (2,000) square feet of landscaped area is required, in addition to any park strip, parking lot landscaping or landscaped buffer requirement.

c. Landscaped Buffer: A landscaped buffer is required for any commercial or professional office adjacent to an existing residential development. Buffers shall meet the requirements of section 13-13-10 of this chapter.

5. Manufacturing Developments:

a. Landscaped Areas: Landscaped areas shall comprise not less than ten percent (10%) of a manufacturing site. A minimum of one tree per two thousand (2,000) square feet of landscaped area is required, in addition to any park strip, parking lot landscaping or landscaped buffer requirement.

b. Landscaped Buffers: A landscaped buffer is required for any manufacturing development adjacent to an existing residential development. Buffers shall meet the requirements of section 13-13-10 of this chapter.

6. Nonresidential Uses In Residential Districts (Such As School And Churches):

a. Landscaped Areas: Landscaped areas shall comprise not less than fifteen percent (15%) of a nonresidential site. Front and side yards adjacent to a public street, except those portions devoted to driveways and sidewalks, shall be landscaped.

b. Site Trees: A minimum of one tree per two thousand (2,000) square feet of landscaped area is required, in addition to any park strip, parking lot landscaping or landscaped buffer requirement.

c. Landscaped Buffer: A landscaped buffer is required for any nonresidential adjacent to an existing residential development. Buffers shall meet the requirements of section 13-13-10 of this chapter.

d. Exemption: Nonresidential uses in residential districts are exempt from the field inspection requirements of section 13-13-4 of this chapter. (2001 Code § 89-6-711; amd. 2009 Code; Ord. 11-01, 3-23-2011; Ord. 19____, ____-2019, Effective at 12 noon on January 6, 2020)

13-13-12: LANDSCAPE MAINTENANCE:

A. Intent: The developer, his successor and/or subsequent owners of a site for which landscape plans were required shall be responsible for the maintenance, repair and replacement of all landscaping elements. Park strips shall be maintained by the owner of property abutting city easements, rights of way and park strips.

- B. Irrigation Systems: Irrigation systems shall be maintained in good working condition and adjusted at least monthly or as frequently as required by the owner's manual to ensure optimal operation and efficient water use. Regular irrigation based on schedules prepared by the irrigation designer and/or auditor shall be provided.
 - 1. Malfunctioning systems that are no longer conveying water as specified shall be repaired or replaced within one month to ensure no plants are lost or damaged.
- C. Landscaping: All landscape plants shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Plants not in this condition shall be removed and replaced when necessary.
- D. Trees: Tree maintenance and pruning on private property shall be the responsibility of the property owner or tenant.
 - 1. For any tree in a park strip or within the landscape setback area where there is no park strip, property owners or tenants are not permitted to remove or conduct major pruning (20 percent or more of the crown), without prior approval from the city's urban forester. As a condition of such approval, the permittee may be required to replace the tree.
 - 2. Protect trees against damage caused by maintenance equipment, such as lawn mowers, weed trimmers, snowblowers and snowplows.
- E. Weed Control: Weeds shall be controlled to prevent their spread and maintain a neat appearance. Weeds listed on the West Jordan noxious weed list, shall be removed and shall not be included in any new landscape planting. This list is in the landscape guidelines handbook which is available on the city's development services department webpage or at the city's development services department office.
- F. Grounds Maintenance: Landscaped areas shall be kept free of refuse and debris.
- G. Clearance And Visibility:
 - 1. Trees adjacent to pedestrian walkways shall have a minimum canopy clearance of eight feet (8') above grade.
 - 2. Tree canopies that extend over street travelways shall be pruned to provide canopy clearance of at least fifteen feet (15') above street pavement in travel lanes and ten feet (10') above pavement in parking lanes.
 - 3. Plants in the intersection sight triangle described in section 13-13-6 of this chapter shall be pruned to maintain maximum heights specified in this standard. (Ord. 11-01, 3-23-2011; amd. Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

13-13-13: WATER CONSERVATION:

- A. Intent: The city intends to meter, monitor, and require adjustments to irrigation systems to improve awareness of water consumption, promote careful landscape design and maintenance, and encourage water conservation.
- B. Applicability: Applies to all properties that are required to build and maintain a separate water meter for landscape use.

- C. Establish Usage Baseline Landscape Water Allowance: The baseline landscape water consumption allowance shall be established for each month of the year using the water allowance worksheet in the city of West Jordan landscape guidelines handbook (available at the city's development services department office or on the city's development services department webpage).
- D. Monitoring: Water consumption records may be monitored monthly by the city. Businesses may receive an annual usage report by mail, with a comparison of their monthly landscape water allowance monthly allowance against actual water consumption data. Each month that a customer's water consumption exceeds one hundred thirty percent (130%) of the monthly landscape water allowance, the city may notify the property owner by mail.
- E. Irrigation System Adjustments: After the first month in which a landscape exceeds one hundred thirty percent (130%) of its monthly landscape water allowance, a free irrigation audit and timing clock adjustment is provided by the city upon owner's request. After the third month in which a landscape exceeds one hundred thirty percent (130%) of its monthly landscape water allowance, an irrigation audit and timing clock adjustment may be required by the city to determine if the water allowance should be adjusted and locate any leaks, maladjusted sprinkler heads, design flaws, or scheduling changes that should be made in order to meet the monthly allowance. (Ord. 11-01, 3-23-2011; amd. Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

13-15-2: APPROVAL AUTHORITY:

The city manager administrator or his designee may approve the following public utilities in any zone:

- A. Electric power transmission and distribution lines with a capacity of less than sixty nine (69) kV.
- B. Gas transmission and distribution lines with a design pressure of less than six hundred (600) psi and pipe diameter of less than sixteen inches (16").
- C. Canals and water transmission and distribution lines with a capacity of less than two hundred (200) second feet.
- D. Motor vehicle roads and driveways.
- E. Railroad tracks.
- F. Telephone lines.
- G. Cable television lines.
- H. Sewer lines.
- I. Any rights of way, service driveways or accessory structures which are accessory to the uses listed in this section. (2001 Code § 89-6-902; amd. Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

Legislative

Title 14

SUBDIVISION REGULATIONS

Chapter 1

PURPOSE AND APPLICABILITY

14-1-1: TITLE:

14-1-2: AUTHORITY AND PURPOSE:

14-1-3: APPLICABILITY:

14-1-4: STATE AND FEDERAL PROPERTY EXEMPT:

14-1-5: CONFLICTING PROVISIONS:

14-1-6: SEVERABILITY:

14-1-7: RELATIONSHIP TO THIS TITLE AND TITLE 15:

14-1-1: TITLE:

This title shall be known as the *CITY OF WEST JORDAN SUBDIVISION ORDINANCE* or *TITLE 14, WEST JORDAN MUNICIPAL CODE*. It may be cited and pleaded under either designation. (2001 Code § 87-1-101; amd. 2009 Code)

14-1-2: AUTHORITY AND PURPOSE:

- A. Authority: This title is adopted pursuant to the municipal land use development and management act, Utah Code Annotated section 10-9a-101 et seq., other applicable statutory law, and the police power authority inherent in local government as established and defined by state and federal common law.
- B. Purpose: The regulations and restrictions contained in this title are adopted and enacted to:
 1. Promote the health, safety, convenience and general welfare of the city and its present and future inhabitants;
 2. Encourage and facilitate the orderly growth and subdivision of the city and implement the goals and policies of the city;
 3. Provide adequate open space for light and air, prevent overcrowding of the land, and lessen congestion on the streets;
 4. Secure economy in municipal expenditures and encourage adequate provisions for transportation, water, sewage, schools, parks, and other public facilities and services; and
 5. Ensure safety from fire and other dangers. (2001 Code § 87-1-102; amd. 2009 Code)

14-1-3: APPLICABILITY:

This title shall apply to all property within the corporate limits of the city, except such property expressly exempted therefrom by the provisions of this title or other lawful exemption. (2001 Code § 87-1-103)

14-1-4: STATE AND FEDERAL PROPERTY EXEMPT:

Unless otherwise provided by law, nothing contained in this title shall be construed as giving the city jurisdiction over properties owned by the state or the United States. When state or federal law requires compliance with local regulations, this section shall not be construed to abrogate such requirement. (2001 Code § 87-1-104)

14-1-5: CONFLICTING PROVISIONS:

- A. CC&Rs, HOA Agreements **And and** Similar Covenants **Or or** Agreements: This title shall not nullify the more restrictive provisions of covenants and agreements like covenants, conditions and restrictions (CC&Rs), homeowners' association agreements and similar covenants and agreements.
- B. Substantive Ordinances: This title contains substantive ordinances governing its subject matter and scope. In the event of a conflict between the substantive terms of this title or between this title and the substantive terms of any other title, law, ordinance or rule, the more restrictive provision shall apply. (2001 Code § 87-1-105; amd. 2009 Code; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

14-1-6: SEVERABILITY:

The chapters, sections, paragraphs, sentences, clauses and phrases of this title are hereby declared to be severable. If any chapter, section, paragraph, sentence, clause or phrase of this title is declared invalid by a court of competent jurisdiction or deleted through amendment or repeal, such invalidation or deletion shall not affect the remaining parts of this title. (2001 Code § 87-1-106)

14-1-7: RELATIONSHIP TO THIS TITLE AND TITLE 15:

- A. Procedural Ordinances: Title 15 of this code is designed to contain procedural ordinances governing the procedures involved in the application of this title and other property development and use titles. The boundary between what is substantive and what is procedural is imprecise. Persons using this title should look for procedural requirements in this title and in title 15 of this code. The procedures, if any, contained in this title and those contained in title 15 of this code should be followed. If a procedural provision of this title clearly and obviously conflicts with a provision in title 15 of this code, the provision in title 15 of this code shall govern. (2009 Code)

Chapter 2

RULES OF CLARIFICATION AND DEFINITIONS

14-2-1: RULES OF CLARIFICATION:

14-2-2: DEFINITIONS:

14-2-3: PAYMENT OF FEES:

14-2-4: RELATIONSHIP TO CONTAMINATED SOILS PROVISIONS:

14-2-1: RULES OF CLARIFICATION:

The "rules of clarification" contained in section 13-2-1 of this code shall have the same meaning and application in this title. (2001 Code § 87-2-101; amd. 2009 Code)

14-2-2: DEFINITIONS:

The terms defined in title 12 of this code, the sign regulation ordinance, and title 13 of this code, the zoning ordinance shall have the same meaning and application in this title. (2001 Code § 87-2-102; amd. 2009 Code)

14-2-3: PAYMENT OF FEES:

Approval of all subdivisions, and the start of any soil disturbance or construction therein, shall be subject to the prior payment in full of all applicable application, review, permit and impact fees. (2001 Code § 87-2-103; amd. 2009 Code)

14-2-4: RELATIONSHIP TO CONTAMINATED SOILS PROVISIONS:

Title 5 of this code contains substantive environmental compliance requirements applicable to all subjects otherwise regulated by this code. Specifically, title 5, chapter 2 of this code applies to all land disturbance and land development applications filed with the city. Persons considering filing applications for land disturbance or land development should consult title 5, chapter 2 of this code, in addition to the applicable provisions of this title and titles 9, 10, 11 and 13 of this code. (2001 Code § 87-2-104)

Chapter 3

REVIEW PROCESS

14-3-1: APPROVAL REQUIRED:

14-3-2: APPLICATION FEES:

14-3-3: TYPES OF SUBDIVISIONS:

14-3-4: LOT LINE ADJUSTMENTS:

14-3-5: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS:

14-3-6: FINAL SUBDIVISION PLAT REQUIREMENTS:

14-3-7: FINDINGS FOR APPROVAL:

14-3-8: EXPIRATION OF SUBDIVISION APPROVAL:

14-3-9: COVENANTS, CONDITIONS AND RESTRICTIONS:

14-3-10: AMENDMENT OF APPROVED SUBDIVISION PLAT:

14-3-11: FINAL PLAT RECORDED PRIOR TO ISSUANCE OF BUILDING PERMITS:

14-3-12: SERVICES AVAILABLE PRIOR TO OCCUPANCY:

14-3-1: APPROVAL REQUIRED:

- A. Selling Lots Without Approval: It is unlawful and punishable as a class C misdemeanor for any person to sell or transfer any part of a larger tract or parcel of land which has not been approved according to the provisions of this title or otherwise exempted pursuant to state law.
- B. Recording Lots Without Approval: It is also unlawful and punishable as a class C misdemeanor for any person to record in the office of the Salt Lake County recorder any subdivision of land unless approved according to the provisions of this title or otherwise exempted pursuant to state law. This applies to all properties regardless of land use designation.
- C. Alteration **Of** **Land** **Prior** **To** **Final** **Approval**: Any person subdividing land shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the necessary approvals as outlined in this chapter have been obtained. (2001 Code § 87-3-101; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

14-3-2: APPLICATION FEES:

At the time application to subdivide is made, the owner/developer shall pay an application fee as adopted by resolution of the city council. (2001 Code § 87-3-102; amd. 2009 Code)

14-3-3: TYPES OF SUBDIVISIONS:

- A. Major Subdivisions: Major subdivisions are subdivisions consisting of eleven (11) or more lots and/or which require the dedication of any land for right of way or other public purposes.
- B. Minor Subdivisions:
 1. Minor subdivisions are subdivisions consisting of ten (10) lots or less.

2. Minor subdivisions may be approved without a plat by the zoning administrator if:
 - a. The zoning administrator certifies in writing that:
 - (1) The city has provided notice as described in title 15 of this code; and
 - (2) The proposed subdivision:
 - (A) Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;
 - (B) Has been approved by the culinary water and sanitary sewer authorities;
 - (C) Is located in a zoning district; and
 - (D) Conforms to all applicable ordinances or has properly received a variance; and
 - b. The minor subdivision application is uncontested.
3. If a minor subdivision application is approved by the zoning administrator, as described in subsection B2 of this section:
 - a. The boundaries of each lot or parcel in the minor subdivision shall be graphically illustrated on a record of survey map;
 - b. The record of survey map shall be approved by the same officers designated by the city to approve plats;
 - c. The zoning administrator's written certification of approval required by subsection B2a of this section shall be attached to the record of survey map; and
 - d. The record survey of map shall be recorded with the county recorder.
4. If a minor subdivision application is contested, it shall be processed, reviewed and approved like a major subdivision. (2001 Code § 87-3-103; amd. 2009 Code)

14-3-4: LOT LINE ADJUSTMENTS:

- A. Requirements **For** **for** Approval: Lot line adjustments may be approved by the zoning administrator; provided, that:
 1. No property or part of a property needed to meet the width, yard, area, coverage, parking, frontage or other requirements for a building lot may be transferred, sold, bequeathed or leased apart from such lot, unless other space so complying is provided;
 2. No land shall be sold which will result in a lot being created for building purposes that does not comply with the requirements of the zoning ordinance;
 3. The lot line adjustment will not affect any street right of way; and
 4. The lot line adjustment will not create any new lots.
- B. Application Requirements: Applications for lot line adjustments shall be submitted to the zoning administrator and shall include the following:

1. A completed application form filed jointly by the owners of the two (2) affected lots;
2. A fee as established by resolution of the city council;
3. Three (3) copies of a survey, prepared by a licensed land surveyor or professional engineer, showing the two (2) affected lots, the location of existing buildings on the lots, the proposed location of the new lot line, and the size of the two (2) lots before and after the lot line adjustment. The survey shall be accurately drawn to scale and shall be certified by the surveyor or engineer who prepared it; and
4. An agreement between the record owner of the adjoining lots consenting to relocation of the property boundary line. (2001 Code § 87-3-104; amd. 2009 Code; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

14-3-5: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS:

The preliminary plat submittal shall include the following:

- A. Planning commission application;
- B. Preliminary review fees as provided in section 14-3-2 of this chapter, established by resolution of the city council, which entitles the owner/developer to two (2) preliminary reviews if necessary;
- C. Eight (8) copies of the preliminary plat for the entire project area drawn on a twenty four inch by thirty six inch (24" x 36") sheet, at a scale not exceeding one inch equals one hundred feet (1" = 100'), and one copy of the preliminary plat reduced to fit on an eight and one-half inch by eleven inch (8 $\frac{1}{2}$ " x 11") sheet; and
- D. The preliminary plat shall include a preliminary grading plan and all other applicable information required by the city public improvement standards, specifications and plans manual. (2001 Code § 87-3-106; amd. 2009 Code)

14-3-6: FINAL SUBDIVISION PLAT REQUIREMENTS:

A. General Requirements:

1. The final plat drawing shall reflect compliance with all city ordinances and all planning commission requirements as specified in the preliminary plat approval.
2. The area of the final plat shall correspond to the boundaries of the approved preliminary plat and any phasing line which may have been designated as part of the preliminary plat approval. Plats which do not meet the above requirements may require an amendment to the approved preliminary plat.

B. Final Plat Submittal Requirements: The final plat submittal shall include the following:

1. Final plat application;
2. Final review fee, as established by resolution of the city council;
3. An original twenty four inch by thirty six inch (24" x 36") mylar print, eight (8) full size copies, drawn to a scale not exceeding one inch equals one hundred feet (1" = 100') and one eight and one-half inch by eleven inch (8 $\frac{1}{2}$ " x 11") reduced copy of the final plat for the subdivision phase to be recorded. The final plat shall contain all applicable information required by the city public improvement standards, specifications and plans manual;

4. Department approval of subdivision construction plans, including, but not limited to, city engineer review that the proposed subdivision will have appropriate connections to the city water and sewer utility systems, and its water meter and pipe design has due regard to the public health, safety and welfare;
5. A preliminary title report;
6. If included or required as a condition of subdivision approval, submit the original, notarized copy of the covenants, conditions and restrictions;
7. Stormwater pollution prevention plan (SWPPP) as required by the city engineer or designated representative; and
8. If applicable, tax clearance or the written obligation to assume and pay all taxes for any dedication as required in section 8-3D-1 of this code. (2001 Code § 87-3-107; amd. 2009 Code; Ord. 10-24, 8-25-2010)

14-3-7: FINDINGS FOR APPROVAL:

Preliminary and final subdivision plats shall be approved only if:

- A. The proposed plat conforms to, and is consistent with, the adopted goals, objectives and policies as set forth in the city general plan;
- B. The proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that proposed vehicular and pedestrian circulation is adequate to permit movement in a manner which is safe and efficient;
- C. Public facilities and services intended to serve the subject development, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, stormwater drainage systems, water supplies, wastewater, power, and refuse collection, are adequate to serve the site; and
- D. The proposed plat complies with all provisions of this title, the zoning ordinance and other development standards of the city. (2009 Code; amd. Ord. 13-33, 11-13-2013)

14-3-8: EXPIRATION OF SUBDIVISION APPROVAL:

- A. Preliminary Subdivision Plat: An approved preliminary subdivision plat shall remain valid for one year following the date of approval.
 1. A preliminary subdivision plat consisting of phases will remain valid provided a final plat on at least one phase is approved, recorded and developed within twelve (12) months of the date of preliminary approval, and provided each successive phase is approved, recorded and developed within twelve (12) months of the previous phase's recording date.
 2. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city. The decision of the zoning administrator may be appealed to the planning commission as provided in section 15-5-2 of this code.
- B. Final Subdivision Plat: An approved, unrecorded final subdivision plat shall remain valid for two (2) years. One 6-month extension may be granted by the zoning administrator if, upon written request by the owner/developer, the zoning administrator finds that the extension will not adversely affect the public health, safety or welfare of the city. (2001 Code § 87-3-108; amd. 2009 Code)

14-3-9: COVENANTS, CONDITIONS AND RESTRICTIONS:

- A. The owner/developer may establish covenants, conditions and restrictions (covenants) governing uses, development and maintenance standards for the subdivision. The proposed covenants shall be printed on good quality letter size (8½ inch by 11 inch) paper, printed on one side only. At least a two inch (2") margin shall be left at the top of the first page for use by the county recorder. The covenants shall be signed and acknowledged by all persons having an ownership interest in the parcel to be developed and encumbered by the covenants, and shall be notarized by a licensed notary public. If the property is held in trust, the trustee shall sign the covenants in addition to the equitable owners. If a partnership or corporation has ownership rights, an authorized corporate officer or partner may sign the covenants for and on behalf of the entity and the acknowledgment should so state.
- B. The covenants will be recorded by the city **clerk**-recorder. The owner/developer shall pay the recording fee for the recording of the covenants.
- C. Covenants are private agreements among property owners and are only enforceable by the owners. The city shall not enforce private covenants. (2001 Code § 87-3-109; amd. 2009 Code; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

14-3-10: AMENDMENT OF APPROVED SUBDIVISION PLAT:

Amendment of an approved subdivision plat shall follow the submittal requirements of section 14-3-6 of this chapter. (2001 Code § 87-3-110)

14-3-11: FINAL PLAT RECORDED PRIOR TO ISSUANCE OF BUILDING PERMITS:

- A. Recording **Of** **of** Final Plat: After final approval of a subdivision plat, filing of an improvement guarantee as required by title 8, chapter 3, article C of this code, and signing of the plat by the mayor, the plat shall be presented by the city **clerk**-recorder to the Salt Lake County recorder for recordation. Lots shall not be transferred, sold or offered for sale, and a building permit shall not be issued for any structure on a lot, until a subdivision has received final approval from the city, an improvement guarantee has been filed, and the final plat or metes and bounds description has been recorded.
- B. Exception **For** **for** Property Subject **To** **To** Eminent Domain: A building permit may be issued prior to recording the final plat, or metes and bounds description, if all of the following conditions are met:
 1. The building permit applicant has initiated an eminent domain proceeding to acquire the real property for development;
 2. The court has issued an order of immediate occupancy to the building permit applicant, a copy of which shall be submitted to the city by the building permit applicant;
 3. The court has ordered that the money deposited in the court in the eminent domain proceeding, pursuant to Utah Code Annotated section 78-34-9(3)(a), be paid to the property owner pursuant to Utah Code Annotated section 78-34-9(6)(a);
 4. All defenses in the eminent domain proceeding have been abandoned by the property owner pursuant to Utah Code Annotated section 78-34-9(6), and the only remaining issue in the eminent domain proceeding is a claim for greater compensation;
 5. The building permit applicant has prepared and signed a plat and received final plat approval from the city;

6. An authorized representative of the city has possession of the signed final plat for recording, at the city's sole discretion;
7. The building permit applicant agrees to provide a copy of the final order of condemnation to the city prior to recordation of the final plat;
8. The building permit applicant has submitted an improvement guarantee, if required by city ordinance;
9. The building permit applicant agrees, in writing, to indemnify, defend and hold the city harmless for all damages the property owner has sustained and all reasonable and necessary expenses actually incurred by the property owner because of the eminent domain proceeding, including attorney fees, if the eminent domain proceeding is abandoned pursuant to Utah Code Annotated section 78-34-16; and
10. All other requirements for issuance of a building permit have been met.

C. Notification **Of or** Abandonment: If the building permit applicant, under subsection B of this section, abandons the eminent domain proceeding pursuant to Utah Code Annotated section 78-34-16, it shall immediately notify the city.

D. Immediate Filing Required: The final subdivision plat will be recorded immediately upon notice that the eminent domain proceeding is complete. (2001 Code § 87-3-111; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

14-3-12: SERVICES AVAILABLE PRIOR TO OCCUPANCY:

No building which will depend on public or quasi-public services, including water, sewer, gas, electricity or fire protection, shall be occupied until infrastructure for such services is constructed, inspected, accepted and fully operational. (2001 Code § 87-3-113)

Chapter 4

CONDOMINIUMS

14-4-1: APPLICABILITY; GENERAL PROVISIONS:

14-4-2: CONDOMINIUMS SUBJECT TO PROVISIONS OF STATE LAW AND LOCAL CODES:

14-4-3: COVENANTS, CONDITIONS AND RESTRICTIONS:

14-4-4: RECORD OF SURVEY; DECLARATION:

14-4-5: CONDOMINIUM CONVERSION:

14-4-1: APPLICABILITY; GENERAL PROVISIONS:

- A. Applicability: This chapter establishes subdivision review procedures for condominium development and condominium conversions.
- B. Required Plans: The owner/developer of a condominium project or planned community shall submit preliminary and final plats in accordance with chapter 3 of this title. Site plans shall also be provided which illustrate proposed landscaping and improvements of the common open space, the intended use of the open space, and provide details of how the improvements thereon are to be financed and the area maintained. A condominium project must meet the requirements of this title, must assure proper use, construction and maintenance of open space facilities, and must result in a development that will benefit future residents of the condominium project, surrounding residents and the general public.
- C. Conditions Relating ~~To~~ To Open Space: The planning commission may place additional conditions or restrictions to ensure development and maintenance of the desired character of the subdivision. Plans for the disposition or reuse of property designated as open space shall be reviewed by the planning commission if the property is not maintained in the manner agreed upon or is abandoned by the owners.
- D. Open Space Easement: As assurance of continuation of common open space use in accordance with the plans approved by the planning commission, the owner/developer shall grant to the city an open space easement on and over the common open space prior to the recording of the final plat, which easement will not give the general public the right of access, but will provide that the common open space remains open. The easement shall allow the construction of structural recreational facilities by the homeowners' association as long as not more than thirty percent (30%) of the open space is occupied by such facilities. (2001 Code § 87-4-101; amd. 2009 Code; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

14-4-2: CONDOMINIUMS SUBJECT TO PROVISIONS OF STATE LAW AND LOCAL CODES:

A. State Provisions:

- 1. The subdivision, marketing for sale, sale, operation and amendments of a condominium project, or any unit thereof, is subject to the provisions of the Utah condominium ownership act, Utah Code Annotated section 57-8-1 et seq.

2. The definitions contained in the Utah condominium ownership act, Utah Code Annotated section 57-8-3, as amended periodically, are hereby incorporated as though set forth in their entirety.

B. Local Codes:

1. Nothing in subsection A1 of this section shall be construed to state or imply that a condominium project, unit, association of unit owners, or management committee is exempt from compliance with the zoning ordinances, building and sanitary codes, and similar subdivision regulations which have been adopted by the city.

2. No condominium project or any use, unit or structure within the project shall be permitted unless it complies with the city ordinances, regulations and codes. (2001 Code § 87-4-102; amd. 2009 Code)

14-4-3: COVENANTS, CONDITIONS AND RESTRICTIONS:

A. **May Be be** Established: The owner/developer may establish covenants, conditions and restrictions (covenants) governing uses, development and maintenance standards for the condominium.

1. The proposed covenants shall be typed on good quality letter size (8 1/2 inch by 11 inch) paper, printed on one side only. At least a two inch (2") margin shall be left at the top of the first page for use by the Salt Lake County recorder. The covenants must be signed and acknowledged by all persons having an ownership in the parcel to be developed and encumbered by the covenants and shall be notarized by a licensed notary public. If the property is held in trust, the trustee shall sign the covenants in addition to the equitable owners. If a partnership or corporation has ownership rights, an authorized corporate officer or partner may sign the covenants for and on behalf of the entity and the acknowledgment should so state.

2. The covenants will be recorded by the city **clerk**/recorder. The owner/developer shall pay the recording fee for the recording of the covenants.

3. Covenants are private agreements among property owners and are only enforceable by the owners. The city shall not enforce private covenants.

B. Homeowners' Association: To ensure maintenance of the common open space and other improvements where so required, the owner/developer shall cause to be incorporated under the laws of the state a homeowners' association prior to recording the final plat. By proper covenants running with the land and through the articles of incorporation and bylaws of the association, it shall be provided at a minimum that:

1. Membership in the association shall be mandatory for each lot purchaser, their guarantees, successors and assigns;

2. The common open space restrictions shall be permanent and not just for a period of years;

3. The association shall be responsible for maintaining liability insurance, paying general property taxes, and maintaining recreational and all other facilities;

4. All lot owners shall pay their prorated share of the costs of upkeep, maintenance and operation;

5. Any assessment levied by the association may become a lien on the real property of any homeowner; and

6. If the homeowners' association does not maintain the common open space and improvements as required, the city may, at its option, perform the maintenance or contract to have the maintenance performed. The city may recover all costs incident thereto by means of a lien against the involved properties of the members of the homeowners' association. (2001 Code § 87-4-103; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

14-4-4: RECORD OF SURVEY; DECLARATION:

A. Record **Of** Survey Map: The owner/developer shall provide a record of survey map in lieu of a final plat. The record of survey shall be prepared by a licensed surveyor on thirty four inch by twenty two inch (34" x 22") Mylar sheet, and shall include the following information:

1. A description of the land included within the project, including all angular and linear data along the exterior boundaries of the property;
2. The linear measurement and location of the exterior boundaries of the building or buildings, if any, located or to be located on the property, other than within the boundaries of any convertible lands;
3. Diagrammatic floor plans of the building or buildings, if any, built or to be built on the property, other than within the boundaries of any convertible lands, identifying each convertible space and physical unit contained within a building, including its identifying number or symbol, the official datum elevations of the finished or unfinished interior surfaces of the floor and ceilings, and the linear measurements of the finished or unfinished interior surfaces of the perimeter walls and the lateral extensions of every convertible space and unit;
4. A description or delineation of the boundaries of any unit or convertible space not contained or to be contained in a building or whose boundaries are not to be coextensive with walls, ceilings or floors within a building, other than units located within the boundaries of any convertible lands, including the horizontal (upper and lower) boundaries, if any, as well as the vertical (lateral or parametric) boundaries;
5. A distinguishing number or other symbol for every physical unit identified on the record of survey map;
6. The location and dimensions of all easements appurtenant to the land included within the project;
7. The label "convertible space" for each such space, if any;
8. The location and dimensions of any convertible lands within the condominium project. Each convertible land shall be labeled as convertible. If multiple convertible lands are intended, each shall be labeled with a different letter or number; and
9. The location and dimensions of any withdrawable lands, if any.

B. Declaration: A declaration, as required by Utah Code Annotated section 57-8-10, which shall include the following information, among other things:

1. A description of the building, if any, stating the architecture, the number of stories and basements, the number of units, the principal materials of which it is or is to be constructed, and a description of all other improvements contained or to be contained in the project;
2. A description of the common areas and facilities;

3. The name and residential or business address of a person authorized to receive service of process. The address provided shall be within the city or county in which the property is located;

4. If the condominium project contains any convertible land, the declaration shall also contain:

a. A statement of the maximum number of units that may be created within each convertible land; and

b. A statement of the extent to which any structure erected on any convertible land will be compatible with structures on other portions of the land within the condominium project in terms of quality of construction, the principal materials to be used, and the architectural style. (2001 Code § 87-4-104; amd. 2009 Code, Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

14-4-5: CONDOMINIUM CONVERSION:

A. Report **Of** **of** Property Condition: As an element of any application for a condominium which includes the conversion of existing structures, the owner/developer shall submit a report of property condition which is intended to ensure that the standards of the declaration appropriately address existing and future conditions related to maintenance, upkeep and operation, as referenced by Utah Code Annotated section 57-8-13, as amended.

B. Information Required: The report of property condition shall be submitted on a form provided by the city. After evaluating the report, the city may refer it back to the owner/developer for additional detail which the city deems necessary to adequately evaluate the physical condition of the building, equipment and premises. The report shall contain the following information:

1. The age of the building or buildings, with copies of original building plans and a disclosure of whether or not the actual building conforms to the plans;

2. The condition of structural elements, including roof, foundations, walls, mechanical systems, electrical system, plumbing system, and boiler and/or furnace. A plan showing which parts of the system will be maintained in common and which will be maintained by individual units;

3. The size of water service lines from meter to main and from main to buildings;

4. The size and location of sewer laterals;

5. The capacity of electrical service for each unit (amps);

6. The condition of paving materials on private streets (if any);

7. The condition of paving or surfacing material on driveways, parking areas, sidewalks, curbs and similar areas;

8. A detailed plan for parking and traffic circulation. This plan shall include a statement as to whether or not existing parking on the site is in compliance with current parking standards and, if not, how and where additional parking will be provided;

9. The condition of paint and/or exterior surfaces of all buildings and structures;

10. All known conditions constituting deficiencies; and

11. All known conditions which may require repair or replacement within five (5) years from the date of the report.

C. Report **Of** **of** Building Official: When application for condominium conversion is submitted, the chief building official shall make an inspection of the building to be converted to determine compliance with the life safety provisions of the international building code. Prior to planning commission consideration of the application, the building official shall prepare a report either specifying any deficiencies found relating to the existing building or verifying compliance with condominium construction standards. This report shall be submitted to the planning commission along with the report of property condition.

D. Notice **To** **to** Tenants: As part of the application to approve a condominium conversion where the building is occupied by tenants at the time of application, the owner/developer shall provide notice of intended conversion to the tenants by certified mail. Notice shall be provided at least ninety (90) days prior to the date tenants will be required to vacate the building and at least one hundred twenty (120) days before any construction associated with the conversion begins. The notice shall include the following information:

1. A statement of the intent of the owner to convert the building to a condominium;
2. The date by which tenants will need to vacate the building; and
3. The approximate date when construction will begin to convert the building.

E. Submission **Of** **of** Notice Verification: Prior to consideration of an application for condominium conversion by the planning commission, the owner/developer shall submit a copy of the notice, together with a list identifying the names and apartment or unit numbers for all tenants within the condominium conversion project. The notice and list shall also be accompanied by an affidavit certifying that all tenants within the condominium project were personally delivered a copy of the notice or sent a notice by certified mail and that the notices were in fact delivered. (2001 Code § 87-4-105; amd. 2009 Code; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

Chapter 5

DESIGN AND DEVELOPMENT STANDARDS

14-5-1: PUBLIC IMPROVEMENT STANDARDS, SPECIFICATIONS AND PLANS:

14-5-2: LOTS:

14-5-3: FLAG LOTS:

14-5-4: BLOCKS:

14-5-5: STREETS:

14-5-6: DEVELOPMENT OF LOTS ON PRIVATE STREETS:

14-5-7: SIDEWALKS:

14-5-8: LANDSCAPING:

14-5-9: UTILITIES AND UTILITY EASEMENTS:

14-5-10: SOILS:

14-5-11: MULTIUSE AND EQUESTRIAN TRAILS:

14-5-1: PUBLIC IMPROVEMENT STANDARDS, SPECIFICATIONS AND PLANS:

All subdivisions shall comply with the standards, specifications and plans in title 8 of this code, and the design and development standards in this chapter. (2001 Code § 87-5-101; amd. 2009 Code)

14-5-2: LOTS:

- A. Arrangement: All lots will be arranged and designed to comply with all requirements of this title.
- B. Size: All lots shall conform to the minimum area and width requirements for the zone in which the subdivision is located.
- C. Frontage: Each lot shall have frontage on a public street dedicated by the subdivision plat or on an existing public street. Lots having frontages on two (2) or more streets shall be prohibited, except for corner lots and lots in subdivisions which back onto arterial and collector streets outside of the subdivision boundary.
- D. Side Lot Lines: Side lines of lots shall be at approximately right angles to the street line or radial to the street line.
- E. All Land **To Be to be Included In Lots:** All land within the subdivision shall be included in building lots, designated open space, or within areas dedicated for public use. The subdivision shall not create lots or parcels that do not conform to the city ordinances.
- F. Survey Stakes: Survey stakes shall be placed at both front and back lot corners to identify the lot boundaries on the ground. Back lot corners shall be marked with a metal pipe or rod driven into the ground and front lot corners shall be identified with permanent plugs in the back of the curb. All lot corners shall be in place prior to the issuance of building permits and after the completion of all subdivision improvements. It shall be the responsibility of the lot owner to ensure that all lot corners are in place prior to the final inspection of the house.

G. Public Utilities: Public utilities are exempted from certain requirements of this code as provided in section 13-15-4 of this code. (2001 Code § 87-5-102; amd. 2009 Code; Ord. 14-08, 3-12-2014; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

14-5-3: FLAG LOTS:

Flag lots may be created in any single-family or agricultural zone, provided all of the following requirements are met:

- A. The owner/developer shall demonstrate to the city planner, **or** planning commission **or** city **council** that use of the subject lot cannot occur unless a flag lot is allowed because of topographic features, shape, location of the lot or surrounding development associated with the lot.
- B. The lot shall have at least twenty feet (20') of frontage on a dedicated public street. A minimum twenty foot (20') wide paved driveway shall provide access to the dwelling on the flag lot. Not more than one lot may be served by each driveway. The stem portion of the lot shall not exceed three hundred thirty feet (330') in length.
- C. The total area of the flag lot shall meet or exceed the minimum lot size required by the underlying zone, not including the stem portion, and shall meet or exceed the width requirement of the zone in which the lot is located.
- D. The lot shall meet all fire department standards for emergency access, turnaround, and fire hydrant proximity. A fire hydrant shall be located within two hundred fifty feet (250') of the location, or proposed location, of the dwelling on the lot.
- E. The address of the dwelling located on the flag lot shall be clearly visible from the public street that provides access to the flag lot. (2001 Code § 87-5-104; amd. 2009 Code; Ord. 13-17, 4-24-2013; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

14-5-4: BLOCKS:

- A. Length: The maximum length of blocks shall be one thousand feet (1,000') and the minimum length of blocks shall be two hundred feet (200'), unless otherwise approved by the city engineer.
- B. Width: The width of blocks shall be sufficient to allow at least two (2) tiers of lots or as otherwise approved by the planning commission due to topography, shape or surrounding development. (2001 Code § 87-5-105; amd. 2009 Code)

14-5-5: STREETS:

- A. Street Layout: Streets in new subdivisions shall connect to existing stub streets from adjacent subdivisions. If adjacent land is undeveloped, stub streets shall be provided at reasonable locations to provide convenient access for future development.
- B. Multiple Access Points Required: A minimum of two (2) points of ingress and egress are required for residential subdivisions unless the fire chief or his/her designee determines that more than one access point is not necessary to protect the public health and safety. The owner/developer may comply with this requirement by platting stub streets which will connect to future streets.
- C. General Design Principles:
 1. Public and private streets shall be designed to minimize cut through traffic in residential areas.

2. Local streets shall incorporate traffic calming measures to reduce vehicle speeds and promote pedestrian safety. Four-way intersections should be avoided.

3. Streets shall be designed to provide safe and convenient access between neighborhoods. Local streets should be extended to provide access between adjoining neighborhoods at appropriate intervals.

D. Compliance **With with** Transportation Master Plan: As a condition of subdivision approval, the owner/subdivider shall install street extensions and widening as recommended by the city transportation master plan.

E. Eminent Domain: Nothing in this section shall obligate the city to purchase rights of way or to exercise its right of eminent domain, or to create or recognize any right of inverse condemnation whatsoever.

F. Cul-De-Sacs: Unless otherwise approved by the city engineer, rights of way terminating in cul-de-sacs shall be no longer than four hundred fifty feet (450') in length. Turnaround areas, with a right of way diameter of one hundred feet (100') and a paved diameter of not less than eighty feet (80'), shall be provided at the terminus of all cul-de-sacs. When dead end streets providing access for one or more lots are proposed in a subdivision, adequate turnarounds shall be provided as follows:

1. Where a street dead ends into a subsequent phase of the same subdivision, a temporary, paved, eighty foot (80') diameter turnaround and permanent right of way easement shall be required.

2. Where a street dead ends at property that is not part of a subsequent subdivision phase, either a bubble inside the subdivision, as shown in the city standard drawings, or an asphalted eighty foot (80') diameter turnaround and permanent right of way easement on the adjacent property, shall be provided.

G. Streets Along Subdivision Boundaries: Streets along a proposed subdivision boundary shall be constructed to city standards and according to the city master transportation plan.

H. Half Streets: Half streets along subdivision boundaries or within any part of a subdivision are not permitted unless specifically approved by the city council **as part of a development agreement.**

I. Dedication: Except as provided in section 14-5-6 of this chapter, all streets shall be dedicated for use by the public.

J. Street Name **And and** Traffic Control Signs Required: The owner/developer shall install street name and traffic control signs to identify all public and private streets. Street signs shall be located at all intersections, including cul-de-sacs.

1. Streets may be given names in addition to numbers. When so named, street signs shall include both the name and street number. Names for streets must be approved by the city and by the Salt Lake County recorder.

2. All signs shall comply with the "Manual On Uniform Traffic Control Devices".

3. The owner/developer shall pay for and install traffic regulatory signs in accordance with the "Manual On Uniform Traffic Control Devices", as required by the city engineer.

K. Protection Strips:

1. Private Protection Strips Prohibited: Any subdivision, dedication or conveyance of any kind which results in the creation of a private protection strip is hereby declared to constitute an illegal subdivision of land.

2. City-Owned Protection Strips Allowed: City-owned protection strips are allowed for the purpose of distributing and recovering costs to benefiting properties related to off site improvements not covered by impact fees. Fees collected for the release of protection strips shall reflect the proportionate benefit of the developing property to the remainder value of the right of way and improvements.

L. Utilities Installed Before Paving: Asphalt paving operations shall not begin until all public utilities (electrical power, natural gas, telephone, cable television, culinary water, irrigation water, sanitary sewer, and storm sewer) are installed under the streets. Provisions shall be made for future installation of electrical power, traffic signal conduit, natural gas, telephone, and cable television through sleeves or conduits placed under the pavement. The owner/developer shall be responsible for coordinating the timely installation of these utilities. The owner/developer shall provide, at or before the preconstruction conference, written verification acceptable to the city engineer that the utilities have been notified of the locations available for installation of the utilities and the timetable for the street paving. (2001 Code § 87-5-106; amd. 2009 Code; Ord. 13-17, 4-24-2013; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

14-5-6: DEVELOPMENT OF LOTS ON PRIVATE STREETS:

A. Permitted: The development of lots on private streets may be approved by the planning commission where it finds that:

1. The lot is part of a condominium, planned development or multi-family development and otherwise has a sufficient access to a public street; or
2. The private street serves a limited, infill development which the planning commission finds cannot otherwise be practicably developed with lots on a public street.

B. Minimum Requirements: A private street shall meet the following minimum requirements:

1. The pavement width of the street shall comply with the city specifications for street pavement;
2. A clear area of five feet (5') is required on each side of the pavement, except in cases where lots adjoin only one side of the pavement. In such cases, a clear area of five feet (5') is required on the same side as the lots. Such clear area shall be free from bushes, trees and/or structures;
3. A sufficient turnaround at or near the end of the street shall be provided in order to accommodate emergency vehicles;
4. Private streets having paved travel width less than twenty eight feet (28') shall be posted with "No Parking" signs; and
5. No private street may be constructed as the direct linkage between two (2) public streets, except where approved by the planning commission. A traffic study acceptable to the engineering department may be required with any request to create such connection. (2001 Code § 87-5-107; amd. 2009 Code; Ord. 13-17, 4-24-2013)

14-5-7: SIDEWALKS:

A. Sidewalks in and around subdivisions shall provide convenient pedestrian access to transit stops along arterial or collector streets.

B. Where adjacent pedestrian circulation systems are existing or warranted, the developer shall provide sidewalk facilities. In industrial areas, sidewalks shall be provided on arterial and collector streets, unless approved otherwise by the planning commission. (2001 Code § 87-5-108; amd. 2009 Code; Ord. 11-35, 11-22-2011)

14-5-8: LANDSCAPING:

Landscaping of street rights of way, parks and common areas shall be provided by the owner/developer and installed according to approved streetscape plans and the city public improvement standards, specifications and plans manual. (2001 Code § 87-5-110; amd. 2009 Code)

14-5-9: UTILITIES AND UTILITY EASEMENTS:

All utilities shall be designed and constructed in accordance with section 8-2-4 of this code and with the following standards:

A. Public Utility **And and** Drainage Easements **On on** Lots: The owner/developer shall dedicate public utility, postal and drainage easements as follows:

1. Ten feet (10') across the front lot line;
2. Seven and one-half feet (7 $\frac{1}{2}$ ') across the back lot line;
3. Ten feet (10') across the back lot line of lots located on the perimeter of the subdivision;
4. Three foot by five foot (3' x 5') postal service easements, located on adjacent property lines and adjacent to the public right of way at such locations as approved by the city engineer after consultation with the city postmaster or designee for the location of neighborhood box units;
5. Drainage easements shall be required along the side lot lines between alternating lots. The accumulation of water from more than two (2) lots along interior lot lines shall not be permitted unless provision is made for the appropriate disposal of accumulated water; and
6. The city engineer may require public utility and other public easements at additional locations, or at different locations as reasonably necessary to accommodate other easements or public facilities.

B. Fire Protection:

1. Fire Hydrants: Fire hydrants shall be located as specified by the fire chief or designee. Fire hydrants shall be provided and installed in compliance with the city public improvement standards, specifications and plans manual.
2. Water Pressure: Where existing distribution pipelines are available for fire protection services, the owner/developer may connect to such pipelines. However, the city will not provide pressure and flow capacity greater than the capabilities of the existing system. Fluctuations in the existing system conditions may occur as the overall city system is modified. (2001 Code § 87-5-111; amd. 2009 Code; Ord. 10-03, 1-27-2010; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

14-5-10: SOILS:

- A. Geotechnical Report: A geotechnical report shall be prepared by a licensed geotechnical engineer and submitted to the city for any proposed subdivisions. The report shall be prepared in accordance with requirements of the city public improvement standards, specifications and plans manual. Recommendations in the report shall be incorporated into the design of the subdivision.
- B. Excavations **Or or** Fill Near Jordan River: Subdivision of land adjacent to the Jordan River or its natural tributaries, or within any marsh or wetlands of the Jordan River, which will result in any discharge of excavated or fill materials into the navigable waters of the Jordan River, shall require a permit from any state or federal agency having jurisdiction prior to the issuance of local permits. This determination shall be made as part of the staff review of a preliminary plat. The owner/developer shall comply with the rules, regulations and conditions imposed by any agency having jurisdiction over such channels. (2001 Code § 87-5-113; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

14-5-11: MULTIUSE AND EQUESTRIAN TRAILS:

- A. Multiuse **And and** Equestrian Trail Layout: Trails shall be required in all locations shown on the West Jordan trails map, and shall connect to existing trails from adjacent subdivisions.
- B. General Design Principles:
 1. All primary trail (drainage) corridors shall adhere with the standards and guidelines of the West Jordan "Parks, Recreation, Trails And Open Space Handbook" including required dedication widths, trail standards, fencing/wall requirements, and landscape requirements.
 2. Multiuse trails shall have a minimum twelve foot (12') paved section with a two foot (2') graded path on either side.
 3. Trails along a wash/creek shall be set back a minimum of ten feet (10') from the top of bank, which shall be a landscape buffer. If the wash/creek has a slope greater than three to one (3:1), a fence or other type of separation may be required, as determined by the city engineer and the planning commission. Fencing shall comply with the provisions of subsection 13-14-3D of this code, and shall be located within said landscape buffer.
 4. The equestrian trail shall be a minimum ten foot (10') graded path. Unless other construction material is approved by the city engineer the path shall be constructed of decomposed granite with a diameter of one-half inch (1/2") or less, to a depth of three (3) or four inches (4"), underlaid with a weed barrier fabric per subsection 13-7B-6G of this code. A minimum four and one-half foot (4 1/2') vegetative buffer shall be required from the multiuse trail and a nine and one-half foot (9 1/2') minimum vegetative buffer from the proposed or existing property lines.
 5. Pedestrian trails and equestrian trails should be located on opposite sides of the creek or wash.
 6. A minimum seven foot by fourteen foot (7' x 14') rest stop shall be provided every one-fourth (1/4) mile along the length of the trail. The minimum rest stop amenities shall be a bench, trash receptacle, trail signage and two (2) shade trees. All trees and manicured landscaping areas shall be irrigated.
 7. Trail landscaping shall be native to the area and provide a food source for wildlife. Refer to the West Jordan "Landscape Guidelines Handbook" for the type of landscaping to be used within the corridors.
 8. The landscape design shall be consistent with title 13, chapter 13 of this code.

9. Trails shall maintain a minimum vertical clearance of ten feet (10').
10. Unless otherwise approved by the planning commission, the open space corridor shall be separated from residential lots which back onto the space by a fence in accordance with subsection 13-14-3E of this code. (2001 Code § 87-5-116; amd. 2009 Code; Ord. 13-17, 4-24-2013; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

Chapter 6

ADMINISTRATION AND ENFORCEMENT

14-6-1: ENFORCEMENT AUTHORITY:

14-6-2: ISSUANCE OF PERMITS:

14-6-3: EXISTING LAWS AND ENFORCEMENT ACTIONS:

14-6-4: TYPES OF VIOLATIONS:

14-6-5: REMEDIES AND ENFORCEMENT POWERS:

14-6-1: ENFORCEMENT AUTHORITY:

This title shall be enforced by the **community** development **services** director or his/her designee. (2001 Code § 87-8-101; amd. 2009 Code; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

14-6-2: ISSUANCE OF PERMITS:

All department officials and public employees of the city who are vested with the duty or authority to issue permits shall conform to the provisions of this title and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this title. Any permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void. Any certificate or permit issued upon a false statement of fact which is material to the issuance thereof shall be void. (2001 Code § 87-8-102)

14-6-3: EXISTING LAWS AND ENFORCEMENT ACTIONS:

- A. This chapter does not invalidate any other title or ordinance. It shall be read in conjunction with those titles and ordinances as an additional remedy.
- B. Nothing in this chapter shall prohibit the continuation of previous enforcement action undertaken by the city. (2009 Code)

14-6-4: TYPES OF VIOLATIONS:

It is a violation of this title to:

- A. Use any land, building or structure for any purpose or use not allowed in the zone in which such land, building and structure is located;

- B. To engage in any subdivision of land and improvements thereon without all of the required permits, approvals, certificates and other forms of authorization required by this title or other city ordinance;
- C. Fail to comply with this title or any condition imposed by the development services department, zoning administrator, board of adjustment, planning commission, city council, or other duly authorized city officer.
- D. Interfere in any way with enforcement action under this chapter.
- E. Fail to comply with any enforcement action under this chapter. (2001 Code § 87-8-103; amd. 2009 Code; Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

14-6-5: REMEDIES AND ENFORCEMENT POWERS:

The city shall have the remedies, enforcement powers and penalties and use the enforcement procedures in title 13, chapter 4 of this code. (2001 Code § 87-8-104; amd. 2009 Code)

Legislative

Title 15

PERMIT PROCESSING

Chapter 1

GENERAL PROVISIONS

15-1-1: PURPOSE:

15-1-2: SCOPE:

15-1-3: ACTIONS EXEMPT FROM PROCEDURAL REQUIREMENTS:

15-1-4: DEFINITIONS:

15-1-5: CONSISTENCY:

15-1-6: INACTIVE APPLICATIONS:

15-1-1: PURPOSE:

- A. Purpose: The purpose of this title is to establish the procedures by which new developments within the city are reviewed, approved, permitted and amended. This title is intended to give a brief outline of the development review procedures.
- B. Development Processes Manual: The zoning administrator is authorized to develop and promulgate a development processes manual to assist city staff and developers in the processing of land development applications. In the event a provision of a development processes manual materially conflicts with the provisions of this title or of its related titles (titles 11, **12**, 13 and 14 of this code), the provisions of these titles will control. Details on the individual processes for each review process type of property development application can be found within the development processes manual.
- C. Application: This title shall govern the development process for the following types of property development:
 1. Site plans for multiple-unit and multiple-family residential, commercial, office, industrial and institutional projects, including condominium developments and conversions.
 2. Other property development types, including planned residential developments and planned communities.
 3. Use permits, including those for conditional uses, temporary uses, land disturbance, building permits and special exceptions.
 4. Subdivision applications, including residential subdivisions, lot line adjustments and condominiums.
 5. Development plan permits.
 6. Variances. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-1-2: SCOPE:

This title shall apply to all property within the corporate limits of the city that seek to alter its condition or use by development, subdivision or other change that requires a permit under this code, or any other ordinance or law, except such property expressly exempted therefrom by the provisions of this title or other lawful exemption. Unless another department has primary responsibility for processing a permit, the zoning administrator, or his or her designee, shall administer these provisions and may adopt such rules as will assist in administering these provisions. The process may be varied or altered by the zoning administrator or the planning commission as allowed within this title. (2009 Code)

15-1-3: ACTIONS EXEMPT FROM PROCEDURAL REQUIREMENTS:

Unless otherwise provided by law, nothing contained in this title shall be construed as giving the city jurisdiction over properties owned by the state or the United States. When state or federal law requires compliance with local regulations, this section shall not be construed to abrogate such requirement. (2009 Code)

15-1-4: DEFINITIONS:

The following words and phrases used in this title shall have the following meanings, unless a different meaning clearly appears from the context:

CONJUNCTIONS: Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions or events shall apply.
- B. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.
- C. "Either"..."**Or** or " indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

CONSISTENCY: The appropriateness of a specific development review process type in relation to a proposed development.

COURT: A court of original jurisdiction, district court or appeals court.

DAYS: Measured in calendar days, unless otherwise specified.

NOTICE: A signed letter or other written notice.

REASONABLE PERIOD OF TIME: A time frame dependent on the magnitude and complexity of a project, relating to the review process type for each type of application.

WRITTEN REQUEST: A signed letter to the city, which may be electronically delivered. (2009 Code
amd. Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

15-1-5: CONSISTENCY:

- A. **Review Process Will Address Consistency:** The project review process type shall address consistency between a proposed project and the applicable regulations or plan.
- B. **Determining Consistency:** Consistency should be determined through a review process type that integrates land use and environmental review. This review process type shall consider four (4) factors found in applicable regulations or plans:

1. The type of land use allowed;
2. The level of development allowed, such as units per acre or other measures of density;
3. Infrastructure, such as the adequacy of public facilities and services to serve the proposed project; and
4. The character of the proposed development, such as compliance with specific development standards.

C. Method: The city intends that this approach should be largely a matter of checking compliance with existing requirements for most projects, which are simple or routine, while more complex projects require more analysis. (2009 Code)

15-1-6: INACTIVE APPLICATIONS:

All applications for property development and/or use permits shall be actively pursued to a final decision by the city. If no activity has occurred on an application for one hundred eighty (180) days from the submittal date, the application will be deemed as inactive and the file closed. The applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause and reasonable belief that the application will be pursued to completion, the zoning administrator may grant a one-time ninety (90) day extension. (Ord. 11-35, 11-22-2011; amd. Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

Chapter 2

PROJECT PERMIT PROCESSING

15-2-1: CLASSIFICATION OF REVIEW PROCESS TYPES:

15-2-2: REVIEW PROCESS TYPE I; ADMINISTRATIVE DECISIONS:

15-2-34: REVIEW PROCESS TYPE II III; BOARD OF ADJUSTMENT:

15-2-43: REVIEW PROCESS TYPE III II; PLANNING COMMISSION DECISIONS:

15-2-5: REVIEW PROCESS TYPE IV; CITY COUNCIL, LEGISLATIVE ACTION:

15-2-6: REVIEW PROCESS TYPE V; CITY COUNCIL, QUASI-JUDICIAL DETERMINATION:

15-2-1: CLASSIFICATION OF REVIEW PROCESS TYPES:

- A. Authority **Of** **or** Zoning Administrator: If not otherwise specified by this code, the zoning administrator shall determine the proper review process type classification, as described below, for all development permit applications. If there is a question as to the appropriate review process type classification, the zoning administrator shall resolve it in favor of the higher classification number.
- B. Applicant Choice Between Individual **Or** **or** Concurrent Processing **Of** **or** Applications: An applicant whose application involves two (2) or more review process types may choose to process these parts concurrently under the highest numbered classification required for any part of the application, or may choose to process the parts individually under each of the classifications identified in this title. If the application is processed under the individual procedure option, the highest numbered classification must be processed prior to any lower numbered review. For any action requiring a legislative decision, including a change in the

general plan (review process type **V** **IV**), the legislative decision must be made prior to processing another land use permit application (review process types I through **IV** **III** and **V**). Exception: fee appeals (type V).

- C. Concurrent Type **II** **III** Applications: Review process type **II** **III** applications processed concurrently in accordance with subsection B of this section shall be heard and decided by the board of adjustment.
- D. City Council Decision Priority: In applying this section and elsewhere in this title, the city council is the highest ranking review process type classification, while an administrative decision is the lowest ranked review process type classification. (2009 Code; amd. Ord. 19-
____, ____ -2019, Effective at 12 noon on January 6, 2020)

15-2-2: REVIEW PROCESS TYPE I; ADMINISTRATIVE DECISIONS

- A. Appropriate Decision Maker **And** **and** Scope **Of** **of** Section: The appropriate **city staff or other** city designee as provided elsewhere in this code has authority to review and decide review process type I permit applications. These applications and approvals involve minor administrative land use decisions. The focus of this level of review is verification to determine compliance with this code and other applicable ordinances. Review process type I actions include the following administrative decisions:
 1. Building code review;
 2. Fire code review;
 3. Impact fees;
 4. Engineering construction plans;
 5. Sign permits;
 6. Home occupation permit;
 7. Administrative temporary use permit;
 8. Land disturbance permit;
 9. Encroachment permit;
 10. Zoning code occupancy permit;
 11. Business license;
 12. Major subdivision final plat;
 13. **Final development plan** **Amended subdivision plat**;
 14. Street opening;
 15. Temporary sign permit;
 16. Boundary line and lot line adjustments;
 17. Bus benches and shelters;
 18. Minor subdivision preliminary and final plat;

19. Stormwater permit;
20. Final site plan;
21. Sewer code permit;
22. Water code permit;
23. Zoning interpretation;
24. Street name;
25. Preliminary site plans in an M-1 zone (when no change to design standards are requested);
26. A determination of review process type classification;
27. An issue of conflict between a provision of this title and a provision in title 11, 12, 13 or 14 of this code;
28. Administrative conditional use permits and the associated public hearing;
29. Amended subdivision plat;
3029. Amended site plan; and
3130. Condominium plat, final and amended.

B. Referral To to Planning Commission: Any matter identified in subsection A of this section may be referred to the planning commission by the appropriate city designee decision maker.

C. Applicant Waiver Of of Further Action: Any person whose application for authorization to develop property has been referred to the planning commission by the zoning administrator may, in writing, consent to the staff recommendation and waive further action by the planning commission.

D. Conditions: Any necessary permits will only be issued subject to the terms of this title and other applicable titles (i.e., titles 11, 12, 13 and/or 14 of this code), and in conformance to any applicable conditions of approval. (2009 Code; amd. Ord. 10-09, 2-24-2010; Ord. 13-17, 4-24-2013; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-2-34: REVIEW PROCESS TYPE II III; BOARD OF ADJUSTMENT:

The zoning administrator may initially review and recommend a decision to the board of adjustment for the following applications:

- A. Variances Request for a variance from the terms of the land use ordinances;
- B. Expansion of a nonconforming structure;
- C. Appeals of property development and zoning code interpretations by a city designee; and
- D. Appeals from administrative decisions and planning commission decisions applying the land use ordinances and regulations. (2009 Code; §15-2-3 amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-2-43: REVIEW PROCESS TYPE III II; PLANNING COMMISSION DECISIONS:

ADMINISTRATIVE DECISIONS (A TO F):

- A. **Preliminary Subdivisions Plats:** Major subdivisions, condominiums, and condominium conversions require preliminary subdivision plat review by the planning commission. The planning commission shall act on completed subdivision plat applications as provided in this title and other applicable titles (i.e., titles 12, 13 and/or 14 of this code). If the planning commission finds that the proposed subdivision plat complies with the applicable requirements of this code, its approval of the application may be with or without conditions. If the planning commission finds that the proposed subdivision plat does not meet the requirements of this code, it shall not approve the application.
- B. **Vacating Subdivision Plats:** Review, public hearings and public notice of applications requesting vacation of all or part of a subdivision plat shall be consistent with Utah Code Annotated sections 10-9a-208 and 10-9a-608.
- C. **Conditional Use Permits:** Any conditional use permit application¹ not expressly assigned for administrative action by the zoning administrator in title 14 of this code must be approved by the planning commission.
- D. **Preliminary Site Plans:** Site plans, except for those in an M-1 zone when no changes to design standards are requested, require preliminary review by the planning commission. The planning commission shall act on completed preliminary site plan applications as provided in this title and other applicable titles (i.e., titles 12, 13 and/or 14 of this code). If the planning commission finds that the proposed preliminary site plan complies with the applicable requirements of this code, its approval of the application may be with or without conditions. If the planning commission finds that the proposed preliminary site plan does not meet the requirements of this code, it shall not approve the application.
- E. **Preliminary Phase Development Plans:** **Preliminary Phase** development plans shall be approved by the planning commission. Residential developments seeking to establish approval of density in a planned zoning district shall submit a phase development plan for each phase, to be approved by the planning commission, with subsequent consent from the city council.
- F. **Transportation Studies and Other Studies:** Official city studies which are not master plans and which are not a part of or an element to the general plan require planning commission approval.
- FG. **Referral To to Staff:** Subject to the limitation in subsection G of this section, the planning commission may refer any matter over which it has jurisdiction to the zoning administrator for review and approval. Such action shall be taken either by action of the planning commission or pursuant to duly adopted policies or procedures of the planning commission. The authority for such referrals may be revoked at any time by the planning commission. The city council may require that the council first approve any such referrals.

RECOMMENDATIONS TO CITY COUNCIL (H):

- GH. **Limitation:** Subsection F of this section shall not apply to any action the planning commission is required by law to take by following other procedures or protocols, including, but not limited to:
 1. General plan adoption and amendments;
 2. Land use ordinance adoption and amendments;
 3. Zoning map adoption and code amendments;

4. Adoption or amendments of any official maps;
5. Delegations Ordinances regarding delegations of power to an appropriate appeal authority; and
6. Master development plans. (2009 Code; amd. Ord. 10-09, 2-24-2010; Ord. 13-17, 4-24-2013; §15-2-4 Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-2-5: REVIEW PROCESS TYPE IV; CITY COUNCIL, LEGISLATIVE ACTION:

The city council shall review and decide the following applications, subject to prior review and action by the planning commission as otherwise required:

- A. Zoning map and code amendments;
- B. Establishment of zone;
- C. Annexations;
- D. General plan map and general plan text amendments, including general plan elements and amendments;
- E. Jurisdictional boundary adjustments;
- F. Development agreements, including master development plans, reimbursement agreements, and deferral agreements;
- G. Street/right of way vacation; and
- H. Modifications to design standards. (2009 Code; amd. Ord. 10-09, 2-24-2010, Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-2-6: REVIEW PROCESS TYPE V; CITY COUNCIL, QUASI-JUDICIAL DETERMINATION:

The city council shall review the decisions reached on the following types of applications in its quasi-judicial capacity. Findings of fact shall be affirmed if supported by substantial evidence in the record developed by the original decision body. Legal conclusions including the application of this code to facts shall be affirmed if correct:

- A. Appeals of planning commission decisions; from a fee charged in accordance with Utah Code Annotated section 10-9a-510.
- B. Appeals of staff decisions;
- C. Appeals of board of adjustment decisions.

Ex parte communications with applicants or other parties are not allowed in quasi-judicial matters. (2009 Code; amd. Ord. 10-09, 2-24-2010; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

Chapter 3

PERMITTING PROCEDURES

15-3-1: OVERVIEW OF REVIEW PROCESS:

15-3-2: OPTIONAL CONCEPT PLAN MEETING:

15-3-3: PROJECT PERMIT APPLICATION:

15-3-4: DETERMINATION OF COMPLETE APPLICATION:

15-3-5: PROJECT OWNERSHIP AT TIME OF APPLICATION:

15-3-6: INTEGRATED (CONCURRENT APPLICATION) PERMIT PROCESS:

15-3-7: CITY ACTION ON APPLICATIONS:

15-3-8: **MASTER** DEVELOPMENT PLAN REVIEW:

15-3-9: PUBLIC HEARING REQUIRED:

15-3-10: PUBLIC HEARING NOTICE REQUIREMENTS:

15-3-11: COMMENT PERIODS:

15-3-12: NOTICE OF DECISION REQUIREMENTS:

15-3-1: OVERVIEW OF REVIEW PROCESS:

- A. Description **Of of** Process: This section describes, in general terms, the process by which new development requests shall be reviewed by the City. The process may be varied or altered by the **City Planner** **city planner** or the **Planning Commission** **planning commission** as allowed within this title.
- B. Preapplication Conference: The developer contacts the **Development Department** **development services department** to be placed on the agenda for the weekly preapplication conference. The purposes of that conference are:
 - 1. To allow the developer to present a sketch plan and/or to describe the general nature of the proposed development;
 - 2. To better facilitate the development process by establishing initial contacts between the **City** **city** staff (principally the **Planning, Engineering and Fire Chief** **planning, engineering and fire chief** or designee **Offices** **offices**) and the developer;
 - 3. To clarify **City** **city** requirements in order to eliminate unnecessary delays or hardships to the proposed development; and
 - 4. To allow the **Zoning Administrator** **zoning administrator** to determine if the development request is for:
 - a. A **General Plan** **general plan** land use map amendment (other than one which apparently conforms to and is apparently consistent with the current zoning map); and/or
 - b. The rezoning of property (a zoning map amendment) which apparently does not conform to and is apparently not consistent with the purposes, goals, objectives and policies of the adopted **General Plan** **general plan** and/or land use map.
- C. Determination **Of of** Required Applications, Including Map Amendment Applications: The **Development Department** **development services department** determines and informs the developer which type of development applications will be necessary for the review of the proposed project (see subsections D through I of this section for specific types of developments and application requirements). If the proposed development requires:

1. A General Plan general plan land use map or General Plan general plan text amendment, then the procedures outlined in title 13, chapter 7, article C of this Code shall be followed; and

2. The rezoning of property (a zoning map amendment) or a text amendment of City city ordinances, then the procedures outlined in title 13, chapter 7, article D of this Code shall be followed.

D. Submittal Of of Application: The procedure for submitting an application is as follows:

1. The developer submits a completed application form and other required information. One application form may be used when several different reviews are to take place at the same time; however, a separate application is required for any subsequent review.

2. The Development Department development services department processes the application and distributes copies of the submittals to other City city departments. If Planning Commission planning commission review is required, the project may be scheduled on the next available Planning Commission planning commission agenda at the discretion of the City Planner city planner after consultation with the Chair chair of the Planning Commission planning commission. If the application is an uncontested, routine land use matter, upon a complete application and proper notice, it may receive informal streamlined review and action by the planning staff with the approval by the City Planner and City Engineer city planner and city engineer. Reviews and approvals required by other departments must be completed prior to an application being scheduled on a Planning Commission planning commission agenda. The staff shall not approve a final site plan or final plat until other departments and agencies have approved construction plans.

3. The City Planner city planner or the Planning Commission planning commission may require that a developer schedule a neighborhood meeting to discuss the proposal with surrounding property owners if the development appears large in scale or controversial.

E. Action On on Application: Following review of the application by the appropriate reviewing body, one of the following actions will be taken:

1. Approval of the request as presented;
2. Approval of a modification to the request;
3. Postponement of a determination where further information or input is deemed to be necessary; or
4. Denial of the request.

F. Final Staff Review: Following an action of final approval, the developer shall submit any additional information or make any additional corrections as required by City city ordinances and/or conditions of approval. City staff will then complete final review and approval of the proposed development. The following actions, if not completed earlier, may then take place:

1. Execute any required development letter;
2. Submit an executed improvement guarantee; and
3. Pay appropriate impact fees.

G. Submittal Of of Application And and Plans For for Building Permit: An application for a building permit is submitted with building plans. The building plans are then reviewed by City city staff for compliance with all appropriate laws, ordinances, regulations and any related condition of approval.

- H. Issuance **Of** **of** Building Permit: Upon approval of the building plans, and after receiving acceptable evidence from the **Finance Department** **finance department** that all: 1) building permit; 2) application and review; and 3) impact fees have been paid in full, the **City** **city** may issue and deliver the requested building permit.
- I. Preconstruction Conference: After plans are approved and inspection fees paid, but prior to commencement of development of any subdivision or the construction of any multi-unit residential, commercial, industrial, office or institutional building, a preconstruction conference shall be held between **City** **city** staff and the developer, the general contractor and major subcontractors. (2001 Code § 89-5-102; amd. 2009 Code; Ord. 17-41, 7-12-2017; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-3-2: OPTIONAL CONCEPT PLAN MEETING:

The developer may contact the **Development Department** **development services department** to schedule an optional concept plan meeting, and to pay any fees associated with such a meeting. At this meeting, the developer will provide a sketch plan and/or describe the general nature of the proposed development. The purpose of the concept plan meeting is to better facilitate the development process by establishing initial contacts between the **City** **city** staff and the developer, as well as seeking to clarify **City** **city** requirements in order to eliminate unnecessary delays to the proposed development. Concept plan meetings are strongly encouraged for projects which are large in scale or otherwise complex in nature. The **Development Department** **development services department** will assist the developer to determine which type of development applications will be necessary for the review of the proposed project. (See the staff development processes manual for specific application requirements.) If the proposed development requires the rezoning of property or an amendment of **City** **city** ordinances, the requirements of title 13, chapter 7, article D of this **Code** **code** shall be followed. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-3-3: PROJECT PERMIT APPLICATION:

The procedure for submitting an application is as follows:

- A. Filing Application: The developer shall schedule a submittal meeting with the **Development Department** **development services department** where they will submit a completed application form and other required information. One application form may be used when several different reviews are to take place at the same time; however, a separate application is required for any subsequent review.
- B. City Staff Processing: The **Development Department** **development services department** processes the application and distributes copies of the submittals to other **City** **city** departments. If **Planning Commission** **planning commission** review is required, the project may be scheduled on the next available **Planning Commission** **planning commission** agenda at the discretion of the **City Planner** **city planner**. If the application is an uncontested review process Type I land use matter, upon a complete application and proper notice, it may receive informal streamlined review and action by **City** **city** staff with approval by the **City Planner and City Engineer** **city planner and city engineer**. Reviews and approvals required by other departments must be completed prior to an application being scheduled on a **Planning Commission** **planning commission** agenda. The staff shall not approve a final site plan or final plat until other departments and agencies have approved construction plans.
- C. Neighborhood Meeting: The **City Planner** **city planner** or the **Planning Commission** **planning commission** may require that a developer schedule a neighborhood meeting to discuss the proposal with surrounding property owners if the development appears large in scale or controversial. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-3-4: DETERMINATION OF COMPLETE APPLICATION:

- A. No Review Without Complete Application: A complete application will be required prior to the development services department accepting the application for city staff review.
- B. Completeness Determined: Completeness shall be determined by the development services department during the prescheduled submittal meeting (see subsection 15-3-3B of this chapter). The criteria for completeness can be found for each application type within checklists, as outlined in the development processes manual. (2009 Code; amd. Ord. 19-____-____-2019, Effective at 12 noon on January 6, 2020)

15-3-5: PROJECT OWNERSHIP AT TIME OF APPLICATION:

All property subject to a preliminary master development plan review shall be in single entity or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-3-6: INTEGRATED (CONCURRENT APPLICATION) PERMIT PROCESS:

For projects which require multiple types of application approvals, a procedural review and decision on the various application approvals may be made by the appropriate approval bodies concurrently to the extent permitted by applicable code provisions, including, but not limited to, this title. This concurrent application permit process is at the option of the applicant, and should be used only in situations when the developer does not perceive a risk of conflicting decisions by the different approval bodies on the different application approvals of the concurrent application.

- A. Ranking Of of Application; Zoning Administrator May Deny Concurrent Processing: An application that involves multiple review procedures may be processed concurrently beginning with the highest numbered review process type required for the proposed project, unless the applicant requests that each application be processed individually. Based on the content and complexity of the application, the zoning administrator may grant or deny any request to process multiple applications concurrently.
- B. Consolidated Notice: For all projects which require multiple application approvals, the zoning administrator shall prepare a single consolidated notice or multiple notices as necessary. Staff review analysis may be contained in consolidated or separate reports. A decision shall be made for each application based on the criteria and findings for each action.
- C. Joint Hearing: Applications may be processed concurrently so long as a joint hearing can be held within the time periods specified in this title or the applicant consents to a later schedule date in the event that additional time is needed in order to combine the hearings.
- D. Coordination With with Other Agencies: The zoning administrator shall coordinate with other agencies, departments and divisions of the city in order to hold a joint hearing; provided, that:
 1. The city is not expressly prohibited by its own code or state statute from doing so.
 2. Sufficient notice of the hearing is given to meet each specific process's noticing requirements as set forth in this title or state statute.
 3. All necessary and required application information has been supplied by the applicant for each required process.
 4. The zoning administrator deems that the concurrent process and/or joint hearing is warranted, feasible and meets the requirements as set forth in this title. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-3-7: CITY ACTION ON APPLICATIONS:

A. Staff Reviews ~~To~~ to Conform ~~With~~ with Code: If a matter is referred to the development ~~services~~ department as permitted by this chapter, staff shall conform to any instructions or limitations contained in the referral and review the matter in accordance with the provisions of title 12, 13 and 14 of this code. Public hearings for administrative conditional use permits authorized for review and approval by staff shall follow procedures specified by subsection 15-3-9A of this chapter. The following matters shall be reviewed administratively. These matters are in addition to those listed as review process type I ~~and type II~~ applications:

1. Metes and bounds subdivisions for no more than two (2) lots.
2. Final site plans (except in PC, PRD and TSOD zoning districts).
3. Parking lots (except in PC, PRD and TSOD zoning districts).

B. Referral ~~To~~ to Planning Commission: Any matter identified as a review process type I action in subsection 15-2-2A of this title, may be referred to the planning commission by the staff. ~~A report of application approvals on the matters listed as a review process type I action in subsection 15-2-2A of this title shall be compiled by staff and forwarded to the planning commission in March, June, September and December of each year.~~

C. Action ~~On~~ on Application: Following review of the application by the appropriate reviewing body, one of the following actions will be taken:

1. Approval of the request as presented, if all applicable requirements have been met;
2. Approval of the request with modifications, if all applicable requirements have not been met;
3. Postponement of a determination where further information or input is deemed to be necessary; or
4. Denial of the request if all applicable requirements have not been met or if the application is not permitted by this code.

D. Public Hearing ~~For~~ for Minor Subdivisions: The zoning administrator shall conduct a public hearing for all minor subdivisions to be approved without a plat pursuant to this subsection, after notice as described in sections 15-3-9 and 15-3-10 of this chapter.

E. Final Staff Review: Following preliminary approval, the developer shall submit any additional information or make any additional corrections as required by city ordinances and/or conditions of approval. City staff will then complete final review and approval of the proposed development. The following actions may then take place:

1. Execute any development or reimbursement agreement.
2. Submit an executed improvement guarantee.
3. Pay appropriate impact fees.

F. Conditions ~~Of~~ of Approval: In the approval of any development, the planning commission or city staff may condition the approval by listing items which need to be met or addressed by the development, to the extent permitted by state law and this code. Such conditions may be included in order to:

1. Mitigate recognized impacts of the development on adjacent and nearby uses.

2. Call out a more specific design requirement or an exception to a design requirement where allowed by city code.
3. Emphasize a specific development standard or subsequent review required in this code (i.e., titles 12, 13 and 14 of this code).

G. Development Approval Criteria: Specific approval criteria for applications can be found in title 11, 12, 13 or 14 of this code, as applicable.

H. Submittal **Of of** Application **And and** Plans **For for** Building Permit: An application for a building permit is submitted with building plans at time of final development review. The building plans are then reviewed by city staff for compliance with all appropriate laws, ordinances, regulations and any related condition of approval.

I. Issuance **Of of** Building Permit: Upon approval of the building plans, final development plans and the payment of building permit fees, the building permit will be issued.

J. Submittal **Of of** Application **And and** Plans **For for** Land Disturbance Permit:

1. The city engineer shall review the application, plans and specifications, reports, documentation and information filed by an applicant for a land disturbance permit. If the city engineer determines that the application is incomplete, or that additional information is needed from the applicant regarding the proposed land disturbance activities, the city engineer shall notify the applicant in writing of such deficiencies or the need for additional information. The city engineer may also request review of the application, plans and specifications by other departments of the city for compliance with the laws and ordinances under their jurisdiction.
2. Once satisfied that the work described in an application for land disturbance permit and the plans and specifications filed with the application conform to the requirements of title 11 of this code, land disturbances and other pertinent laws and ordinances, all applicable fees have been paid, and all required bonds have been provided in accordance with this code, the city engineer may issue a land disturbance permit to the applicant.

K. Issuance **Of of** Land Disturbance Permit: The city engineer shall provide the applicant with a written decision, within thirty (30) days, regarding the approval or denial of the application for land disturbance permit and related plans, and shall provide the applicant with a copy of such decision. If the application is approved, a copy of the land disturbance permit will be provided to the applicant.

L. Preconstruction Conference: After plans are approved and inspection fees paid but prior to commencement of development of any subdivision or the construction of any multi-unit residential, commercial, industrial, office or institutional building, a preconstruction conference shall be held between city staff and the developer, the general contractor and major subcontractors. (2009 Code, amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-3-8: MASTER DEVELOPMENT PLAN REVIEW:

A. Preapplication Process: The applicant/developer shall have an initial preapplication conference with city staff. The applicant/developer at that time shall present to the city a conceptual development plan. After the preapplication conference, the city shall prepare a report, which will reference any issues, inconsistencies with policies or codes within the proposal; and also explain and suggest ways in which to resolve such concerns or problems with the proposed project.

B. **Preliminary Master** Development Plan Process: A **preliminary master** development plan shall be submitted and a report prepared by the applicant/developer indicating, in detail, the overall objective and intent of the proposed development, per the submittal requirements as outlined in section 13-5J-10 of this code. The city council shall approve, deny or modify the **preliminary master** development plan after receiving recommendation from staff and the planning commission. During the approval of the **preliminary master** development plan, the city council will determine the residential density for the project based on the density ranges indicated in the future land use map, the zoning ordinance, and the amount and type of amenities/improvements being proposed by the applicant/developer in the **preliminary master** development plan. For all residential developments, the city council shall adopt by ordinance the overall maximum density as approved. The conditions of the approval, including residential density, shall be valid for only the approved **preliminary master** development plan. Any substantial deviations, modifications or amendments to the approved **preliminary master** development plan which may increase the overall maximum density for a project may necessitate another review by the planning commission and approval from the city council. All other deviations, modification or amendments shall follow the regulations as outlined in subsection 13-5J-10E of this code.

C. **Final Development Plan** Process: A **final development plan** (along with application for a subdivision or site plan) may be reviewed by city staff. City staff shall prepare a report which will reference any issues, concerns, or conditions of approval with the **final development plan**. Once all revisions have been made and the city accepts the **final development plan**, final approval will be granted if standards and the requirements of this code are met. (Ord. 10-09, 2-24-2010; amd. Ord. 16-21, 5-11-2016; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-3-9: PUBLIC HEARING REQUIRED:

A. Public Hearing Defined: For purposes of this title, "public hearing" shall mean any special meeting, either required by law or deemed necessary by the city council, planning commission, board of adjustment or zoning administrator, for which public notice is required to solicit public input on matters under discussion. Notices of public hearings required by this title before the city council, planning commission, board of adjustment or zoning administrator shall be given in a manner as set forth in section 15-3-10 of this chapter.

B. Public Hearing Required: Utah Code Annotated title 10, chapter 9a, requires certain applications to go through a public hearing prior to any decision being made by the city. Those applications include, but are not limited to, the following:

1. General plan adoption and amendments;
2. Land use ordinance adoption and amendments;
3. Vacation, alteration or amendment of a public right of way;
4. Preliminary subdivisions and amendments;
5. Preliminary plats for multi-family, commercial or industrial developments;
6. Variances;
7. Conditional use permits. (2009 Code § 15-3-8; amd. Ord. 10-09, 2-24-2010)

15-3-10: PUBLIC HEARING NOTICE REQUIREMENTS:

A. Public Hearing Notice Standards: All public notices shall follow the standards found below, unless otherwise stated in this section:

1. Notice Time **And and** Scope: At least ten (10) days prior to the date of the public hearing, a notice of the hearing may be mailed to all property owners within three hundred feet (300') of the subject property; provided, that the notice for variances shall be to all property owners within one hundred feet (100'). The list of property owners shall be compiled from the most current assessment rolls prepared by the Salt Lake County assessor. Notice of public hearing shall be sent to property owners by mail for city initiated amendments to the zoning map.

2. Content **Of of** Public Hearing Notice: All notices of public hearings shall begin with the heading "Notice Of Public Hearing" in bold type at the top of the sheet, shall provide a brief explanation of the purpose of the hearing, the location of the subject property and shall indicate the date, time and location of the public hearing. If specific property or properties are the subject of the application, the address of such property shall also be included in the notice.

3. Notice **To to** Neighboring Property Owners **Is is** Courtesy: Public hearing notices mailed to neighboring property owners of a proposed action is a courtesy notice, and any defect in or failure to receive such a courtesy notice shall not affect or invalidate any public hearing or action by the city council or any board, administrator or commission.

B. Notice **Of of** Public Hearings **And and** Public Meetings **For for** Amendments **To to** Text **Of of** General Plan **Or or** Zoning Ordinance: Prior to conducting any public meeting before either the planning commission or city council relating to adopting, amending or repealing any part of the general plan or zoning ordinance, the following notice shall be provided:

1. Posted Notice: A notice of public meeting shall be posted in at least three (3) public places in the city or on the city website at least ten (10) days prior to the date of the public hearing.

2. Published Notice: A notice of public meeting shall be published on the state notice website pursuant to Utah code section 45-1-101 and in a newspaper of general circulation in the city at least ten (10) days prior to the date of the public hearing.

C. Notice **Of of** Public Hearings **And and** Public Meetings **For for** Amendments **To to** General Plan Land Use Map **Or or** Zoning Map: Notice of a public meeting to review amendments to the general plan land use map or zoning map shall be provided as follows:

1. Planning Commission: Ten (10) days prior to the date of a planning commission public meeting, a notice may be mailed to all property owners within three hundred feet (300') of the subject property. The list of property owners shall be compiled from the most current assessment rolls prepared by the Salt Lake County assessor.

2. City Council: Prior to holding a public meeting relating to an amendment to the general plan land use map or zoning map, a notice:

a. Shall be posted in at least three (3) public places in the city at least ten (10) days prior to the date of the public hearing;

b. Shall be published on the state notice website pursuant to Utah code section 54-1-101 and in a newspaper of general circulation in the city at least ten (10) days prior to the date of the public hearing; and

c. May be mailed to all property owners, as shown on the most current assessment rolls prepared by the Salt Lake County assessor, within three hundred feet (300') of the subject property.

- D. Vacating **Or or** Amending Subdivision Plat: Review, public hearings and public notice of applications requesting amendments to, or vacation of, all or part of a subdivision plat shall be consistent with Utah Code Annotated sections 10-9a-207 and 10-9a-608.
- E. Additional Notice: This section is not intended to preclude the giving of additional notice that may be deemed necessary by the planning commission, board of adjustment or city council. Each review body may have its own bylaws, rules, policies and procedures and these could provide additional noticing procedures not inconsistent with this title.
- F. Challenge **To to** Notice: If notice given under authority of this section is not challenged as provided by state law within thirty (30) days from the date of the meeting for which notice was given, the notice is considered adequate and proper. Failure of a property owner to receive mailed notice as provided in this section shall not invalidate any hearing or action taken pursuant thereto; provided, that the procedures in this chapter were followed. (2009 Code § 15-3-9; amd. Ord. 10-09, 2-24-2010; Ord. 11-30, 9-28-2011; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-3-11: COMMENT PERIODS:

The public comment period for any development application shall be from the date of the notice for a public hearing to the end of the public hearing for the development application. (2009 Code § 15-3-10; amd. Ord. 10-09, 2-24-2010)

15-3-12: NOTICE OF DECISION REQUIREMENTS:

- A. Notice **Of of** Decision: The city shall mail a written notice to the applicant advising that the application has been approved, approved with conditions or denied by the appropriate decision maker within a reasonable period of time from the date of decision. In the case of a public hearing, a copy of the minutes from the hearing shall be mailed to an applicant within a reasonable period of time after official approval of the meeting minutes.
- B. Content **Of of** Notice **Of of** Decision: All notices of decisions shall be in letter format and addressed to the applicant. The date of the meeting and the name of the reviewing body shall be given in the "regarding" line of the letter. A brief explanation of the purpose of the hearing shall be provided. Attached to the letter shall be a motion of the decision.
- C. Impact **And and** Other Fees: No decision approving a land development application shall become final and effective prior to the payment of all accrued and payable application, review, permit and/or impact fees, as provided in sections 3-7-17 and 14-2-3 of this code, and subsection 15-3-1H of this chapter. (2009 Code § 15-3-11; amd. Ord. 10-09, 2-24-2010; Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

Chapter 4

TIME LIMITS

15-4-1: DETERMINING TIME LIMITS:

15-4-1: DETERMINING TIME LIMITS:

- A. Applicant May Demand Determination: After a reasonable period of time to allow the city staff to diligently evaluate whether all ordinance based application criteria have been met, if application fees have been paid, the applicant may in writing request that the city provide a written determination either that the application is complete for the purposes of allowing subsequent review, or deficient with respect to application requirements.
- B. City Action Following Demand ~~For for~~ Determination: Within thirty (30) days of receipt of an applicant's request under this section, the city shall either:
 - 1. Mail a written notice to the applicant advising that the application is deficient with respect to a specified criterion, and stating that the application must be supplemented by specific additional information identified in the notice; or
 - 2. Accept the application as complete for the purposes of further processing by city.
 - 3. If notice is not timely mailed, the application shall be considered complete only for the purposes of further substantive review.
- C. Appeal ~~Of of~~ Demanded Determination: The applicant may raise and resolve in a single appeal any determination made under this section to the zoning administrator, including whether a reasonable period of time has elapsed.
- D. City Will Act ~~With with~~ Reasonable Diligence: The city shall review a complete application with reasonable diligence and shall approve, approve with conditions, or deny each application.
 - 1. After a reasonable period of time to allow the city to consider an application, the applicant may in writing request that the city take final action within forty five (45) days from date of service of the written request.
 - 2. The city shall take final action, approving, approving with conditions or denying the application, within forty five (45) days of the written request.
 - 3. If the city denies an application, or if the applicant has requested a written decision in the application, the city shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.
 - 4. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information shall not count towards the forty five (45) day response time. The period shall be calculated from the date the administrator notifies the applicant of the need for additional information until the earlier of: either the date the director determines whether the additional information satisfies the request for information; or twenty one (21) days after the date the information has been provided.
 - 5. If the administrator determines that the information submitted by the applicant is insufficient, the city shall notify the applicant of the deficiencies.

E. Exceptions **To to** Time Limits: The time limits established by subsection D1 of this section do not apply if a project permit application:

1. Requires an amendment to the general plan, zoning ordinance or other ordinance;
2. Involves the citing of a major public or utility facility;
3. Involves annexations of land to the city;
4. Involves capital facility projects of the city;
5. Involves municipal code amendments for general plan implementation;
6. Involves rezones dependent on change to the general plan;
7. Involves planned residential development or planned community development;
8. Involves project permits exempt pursuant to development agreement;
9. Involves street or other public right of way vacations;
10. Involves required reviews by, or information from, agencies outside the city;
11. Involves a development regulation;
12. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete.

F. Notice **Of of** Inability **Of of** City Action: If the zoning administrator is unable to issue a final decision within the specified time limits, written notice of this fact shall be provided to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. Decisions concerning time limits in this section are a review process type I matter.

G. Applicant May Consent **To to** Other Time Limits: Nothing in this section shall preclude the applicant and the zoning administrator agreeing on other time frames for action by the city with respect to one or more specific applications. (2009 Code; amd. Ord. 19-____-2019, Effective at 12 noon on January 6, 2020)

Chapter 5

APPEALS

15-5-1: GENERAL PROVISIONS:

15-5-2: APPEALS TO PLANNING COMMISSION:

15-5-32: APPEALS TO CITY COUNCIL:

15-5-43: APPEALS TO BOARD OF ADJUSTMENT:

15-5-5: APPEAL OF DECISION BY BOARD OF ADJUSTMENT OR PLANNING COMMISSION:

15-5-64: APPEAL TO BOARD OF BUILDING APPEALS:

15-5-75: APPEAL OF LAND DISTURBANCE PERMIT DECISION:

15-5-86: APPEAL OF CONDITIONAL USE PERMIT REVOCATION:

15-5-1: GENERAL PROVISIONS:

A. Application: An application specifying the reasons for an appeal shall be submitted in writing to the development services department within fifteen (15) days following the administrative decision, along with any applicable fee to cover the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

AB. Hearing Procedures: Hearing procedures shall be as set forth in the bylaws, rules, policies and/or procedures as may be adopted from time to time by the city council, planning commission and/or board of adjustment.

BC. Filing Deadline: All written documents and evidence from the applicant shall be received by the development services department at least thirty (30) calendar days in advance of the public hearing.

CD. Staff Report: A staff report and recommendation shall be available for inspection at least five (5) days prior to the hearing.

DE. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made.

EF. Appeal Authority: Appeals shall not be used to waive or modify the terms or requirements of this title. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-5-2: APPEALS TO PLANNING COMMISSION:

A. Right To Appeal: Any person, organization, corporation or governmental unit aggrieved by any final administrative decision of the zoning administrator or city engineer may appeal such decision to the planning commission, unless the particular action belongs before the board of adjustment as provided in section 15-2-4 of this title. The planning commission may affirm, modify, or overrule the administrative decision. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed pending a decision of the planning commission. All time references are established in calendar days.

B. Application: An application specifying the reasons for an appeal shall be submitted in writing to the development department within fifteen (15) days following the administrative decision, along with any applicable fee to cover the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

C. **Burden Of Proof:** The person or entity making the appeal has the burden of proving that an error has been made. (2009 Code; §15-5-2 Repealed, Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-5-32: APPEALS TO CITY COUNCIL:

- A. **Right Of Appeal:** Appeal may be made to the city council from any decision, determination or requirement of the planning commission or board of adjustment, from a fee charged in accordance with Utah Code Annotated section 10-9a-510, by filing a written notice of appeal, and payment of a fee as established by resolution of the city council, with the city clerk/recorder within fifteen (15) days from the date such decision, determination, or requirement was made. Such notice shall set forth in detail the action and grounds upon which the owner/developer, or other interested persons, deems themselves aggrieved.
- B. **Hearing On Appeal:** A hearing on the appeal shall be held by the city council within a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the city council. The appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing. After hearing the appeal, the city council may affirm, modify or overrule the decision, determination, or requirement appealed, and enter any such order or orders as are in harmony with the spirit and purposes of the applicable substantive code. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the city council. Appeal of land use decisions fees will be processed in accordance with city council rules, policies and procedures.
- C. **Burden Of Proof:** The person or entity making the appeal has the burden of proving that an error has been made. (2009 Code; § 15-5-3, amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-5-43: APPEALS TO BOARD OF ADJUSTMENT:

- A. **Right Of Appeal:** Appeals Other than for issues regarding fees, pursuant to section 15-5-2 above, or as otherwise set forth in this code, appeals to the board of adjustment may be taken by any person aggrieved by any administrative decision or action of city staff or the planning commission on matters pertaining to the interpretation and application of title 12, 13, 14, or 15 of this code. The appeal shall be filed within thirty (30) days following the decision at issue. The person filing the appeal shall file written notice with the zoning administrator and with the board of adjustment specifying the reasons for the appeal. The city staff associated with the issues of the appeal shall, without delay, transmit to the board of adjustment all papers constituting the record upon which the action appealed from is taken.
- B. **Burden Of Proof:** The person or entity making the appeal has the burden of proving that an error has been made.
- C. **Zoning Decisions:** Only zoning Zoning decisions applying to title 12, 13, 14, or 15 of this code may be appealed to the board of adjustment. A person may not appeal, and the board of adjustment may not consider, any zoning ordinance amendments. Appeals may not be used to waive or modify the terms or requirements of title 12, 13, 14, or 15 of this code.
- D. **Stay Of Proceedings:** An appeal to the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed that, by reason of facts stated in the certification, a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed except by a restraining order granted by the district court on application and notice and on due cause shown.

E. Time And and Notice Of of Hearing: The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the appeal as well as notice to the parties in interest, and shall decide the appeal within a reasonable time. Upon the hearing, a party may appear in person or by agent or by attorney.

F. Reverse Of of Decision: The concurring vote of three (3) members of the board of adjustment, according to its own rules, may shall be necessary to reverse any order, requirement, or determination of an administrative officer or to and may decide in favor of the appellant.

G. Other Possible Action: The board of adjustment, after reviewing the decision of city staff or the planning commission, may affirm, reverse, alter, or postpone any determination until further study can be conducted. This may include referring the matter back to city staff or the planning commission for additional review. (2009 Code; §15-5-4, amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-5-5: APPEAL OF DECISION BY BOARD OF ADJUSTMENT OR PLANNING COMMISSION:

A. Appeal Of Decision By Board Of Adjustment: Any person adversely affected by any decision of the board of adjustment shall have the right to appeal to the city council. In the petition, the plaintiff may only allege that the board of adjustment's decision was arbitrary, illegal or capricious. Petitions of board decisions must be filed within fifteen (15) days after the board of adjustment's decision is final. The city clerk recorder shall notify the members of the board of adjustment, in writing, at least five (5) days prior to the scheduled date of the hearing for said appeal. The city council, after reviewing the decision of the board of adjustment, may affirm, reverse, alter or postpone any determination until further study can be conducted. This may include referring the matter back to the board of adjustment for additional review.

B. Appeal Of Decision By Planning Commission: Any person, organization, corporation or governmental unit shall have the right to appeal to the city council decisions rendered by the planning commission in regard to conditional use permit applications and decisions alleged to have been made contrary to adopted ordinances, by filing in writing the reasons for said appeal with the city clerk recorder within fifteen (15) days following the date on which the planning commission rendered such decision. The city clerk recorder shall notify the members of the planning commission, in writing, at least five (5) days prior to the scheduled date of the hearing for said appeal. The city council, after reviewing the decision of the planning commission, may affirm, reverse, alter or postpone any determination until further study can be conducted. This may include referring the matter back to the planning commission for additional review.

C. Burden Of Proof: The person or entity making the appeal has the burden of proving that an error has been made. (2009 Code; amd. Ord. 10-09, 2-24-2010; §15-5-5 Repealed, Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-5-64: APPEAL TO BOARD OF BUILDING APPEALS:

A. Right Of of Appeal: Except with respect to notices of violation issued under title 16 of this Code, any person aggrieved by the action of a building official may appeal from any notice, order, or action of such official to the Board of Building Appeals board of building appeals by filing at the Office of the Zoning Administrator office of the zoning administrator a written appeal within thirty (30) days from the date of the order, decision or notice being appealed. The applicant shall follow the appeal procedures outlined in title 10, chapter 3 of this Code. A decision of the Board of Building Appeals board of building appeals may be further appealed to the City Council district court, pursuant to section 10-3-9.

B. Burden Of of Proof: The person or entity making the appeal has the burden of proving that an error has been made. (2009 Code; amd. Ord. 12-10, 4-25-2012, eff. 7-1-2012; §15-5-6, Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-5-75: APPEAL OF LAND DISTURBANCE PERMIT DECISION:

- A. Right Of of Appeal: Any person aggrieved of a final determination of the City Engineer city engineer in the issuance, denial, suspension, or revocation of a land disturbance permit may appeal such decision of the City Engineer city engineer to the City Council board of adjustment by filing a written appeal with the City Clerk/Recorder city recorder within thirty (30) days from the date of the City Engineer's city engineer's decision. The City Council board of adjustment will give written notice to the City Engineer city engineer, the appellant, and all other persons requesting the same, specifying the place, date and time of hearing the appeal.
- B. Burden Of of Proof: The person or entity making the appeal has the burden of proving that an error has been made.
- C. Administrative Enforcement: Notices of violation seeking denial, suspension, or revocation of a land disturbance permit may be challenged through the procedures in title 16 of this Code. (2009 Code; amd. Ord. 12-10, 4-25-2012, eff. 7-1-2012; §15-5-7, Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

15-5-86: APPEAL OF CONDITIONAL USE PERMIT REVOCATION:

The final action of the Development Director development services director revoking a conditional use permit, made pursuant to section 13-7E-10, may be appealed to the City Manager board of adjustment or his designee. A request for appeal must be filed in writing within fifteen (15) days. The City Manager board of adjustment shall render a written decision within a reasonable time. (Ord. 10-09, 2-24-2010; §15-5-8, amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)

Chapter 6

JUDICIAL REVIEW

15-6-1: JUDICIAL REVIEW OF BOARD OF ADJUSTMENT OR CITY COUNCIL DECISION:

15-6-1: JUDICIAL REVIEW OF BOARD OF ADJUSTMENT OR CITY COUNCIL DECISION:

Any person aggrieved by any decision of the board of adjustment or the city council (types III, IV, or V) may have and maintain a plenary action for relief from any district court whose jurisdiction includes the city; provided, that a petition for such relief is presented to the court within thirty (30) days after the rendering of the final decision on the matter in question by the city council. (2009 Code; amd. Ord. 19-____, ____-2019, Effective at 12 noon on January 6, 2020)