

TAYLORSVILLE UTAH



LAND DEVELOPMENT CODE

Installment 2 - Zoning Districts & Uses

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2600 West Taylorsville Blvd.
Taylorsville, UT 84129
801.963.5400

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Title 13: Land Development Code

Chapter 13.01 General Provisions

[see Installment 1: Administration and Procedures]

13.01.010 Title¹

This title shall be known, cited, and referred to as the "Taylorsville Land Development Code" and may also be cited or referred to as the "Land Development Code" or the "LDC."

13.01.020 Authority²

- A. This LDC is adopted by the city pursuant to its authority under the laws of the state of Utah, Utah Code §10-9a, the Taylorsville Code of Ordinances, and all other applicable authorities and provisions of Utah statutory and common law.
- B. Notwithstanding §13.01.080: *Transition from Prior Regulations*, whenever any provision of this LDC refers to or cites a section of the Utah Code and that section is later amended or superseded, this LDC shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.³

13.01.030 Effective Date⁴

This LDC shall become effective on [insert month/day/20__].⁵ All references in this LDC to the "effective date of this LDC" or to the "effective date" shall refer to that date unless otherwise stated.

13.01.040 Purpose⁶

This LDC is adopted to:

- A. Coordinate and ensure the implementation of the General Plan and its components through effective execution of development review requirements, adequate facility and services review, and other goals, policies, or programs contained in the General Plan, as amended.⁷
- B. Promote public health, safety, morals, comfort, convenience, general welfare, and crime prevention;
- C. Facilitate the orderly growth, development, and redevelopment of the city;
- D. Preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the city;

¹ From current 13.01.010. Updated reference from the "Development Code of the City of Taylorsville 2011" to "Taylorsville Land Development Code." Reworded for clarity.

² Replaces current 13.01.020. Expanded language.

³ New.

⁴ New.

⁵ The effective date will be determined at the adoption hearing for the new LDC. It is common for the "effective date" to be 3-6 months after the "adoption date" to allow staff sufficient time to update internal processes and to conduct trainings related to the new code.

⁶ From current 13.01.030. Revised for clarity and to eliminate repetitive statements. Statements D, E, G, H, I, K, L, N, O, P, and R are new. Did not carry forward 13.01.030(B): *Scope*.

⁷ Added "and its components."

- E. Encourage sustainable forms of development that reduce avoidable negative impacts on the environment;
- F. Stabilize property values and to enhance the economic well-being of the city and its inhabitants.
- G. Regulate and restrict the location and intensity of use of buildings, structures, and land for trade, industry, residence, and other uses;
- H. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
- I. Establish reasonable standards and procedures for subdivisions to further the orderly layout and use of land;
- J. Minimize the negative secondary impacts of sexually-oriented businesses by avoiding their undue concentration and by separating them from sensitive land uses;
- K. Minimize the negative secondary impacts of retail tobacco specialty businesses, non-depository financial institutions, the sale and distribution of alcoholic beverages, and any other land uses regulated by Utah Code;⁸
- L. Provide a safe, efficient, accessible, and connected system of transportation that supports and increases public transit, walking, and biking; improves automobile connections and enables alternate forms of people and goods mobility and delivery;⁹
- M. Facilitate adequate provision for water, drainage facilities, sewage, schools, parks, and other public requirements;
- N. Ensure protection from flooding or the causing of increased risk of flooding;
- O. Prevent and mitigate the pollution of air, water, and soil;
- P. Define the powers and duties of administrative officers and bodies and to establish procedures for the implementation and enforcement of this LDC;
- Q. Be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials;
- R. Establish corrective and punitive recourse for violations or noncompliance with this LDC;
- S. Establish a system of fair, consistent, and equitable regulations, standards, and procedures for timely review of all proposed land development within the city;
- T. Promote timely citizen involvement in land use decision-making; and
- U. Foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

13.01.050 Applicability and Jurisdiction

A. Applicability¹⁰

1. After the effective date of this LDC, no building or structure or any portion thereof, or use of land, whether existing or established after the effective date, shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished, or maintained except in accordance with the provisions of this LDC, except as otherwise provided in this LDC.
2. This LDC shall be read in terms of and shall be interpreted to include as an integral part thereof all other provisions of the Taylorsville Code of Ordinances which are necessary for an understanding of this LDC and the attainment of its purposes.

⁸ New.

⁹ New. Expanded current statement, "promote transportation options and accessibility."

¹⁰ From current 13.02.030(A) and 13.02.030(B)(1). Reworded for clarity.

B. Jurisdiction¹¹

This LDC shall govern all buildings, structures, and uses of land located within the corporate limits of the city and shall further apply to any and all legal annexations of land or additions made to the city subsequent to the adoption of this LDC.

13.01.060 Official Zoning Map¹²

- A. The location and boundaries of the zoning districts are hereby established on a map entitled "Official Zoning Map," as it may be amended from time to time, which accompanies and is hereby incorporated in and made a part of this LDC. The Official Zoning Map is a geographic coverage layer entitled "Zoning" that is maintained as part of the city's geographic information system (GIS) under the direction of the Community Development Director.
- B. The Community Development Director may authorize printed copies of the Official Zoning Map to be produced and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.
- C. The Official Zoning Map shall be on file and available for public inspection in the Community Development Department.

13.01.070 Rules of Interpretation¹³

A. Minimum Requirements

The provisions of this LDC shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this LDC, these provisions shall be held to be the minimum requirements for the protection and the promotion of the purposes established in §13.01.040: *Purpose*.

B. Conflicts or Inconsistency

1. Internal¹⁴

Unless otherwise specifically stated within this LDC, and unless the context clearly indicates the contrary, if two or more provisions of this LDC are in conflict or are inconsistent with each other, then the most restrictive provision shall apply, as determined by the Director following the interpretation procedure in §13.06.080C: *Administrative Interpretation*.

2. Federal, State, and Local

- a. Whenever a provision of this LDC imposes a greater restriction or a higher standard than is required by any state or federal law or regulation, or other county or city ordinance or regulation, the provision of this LDC shall apply, unless otherwise preempted by law.
- b. Whenever a provision of any state or federal law or regulation, or other county or city ordinance or regulation imposes a greater restriction or a higher standard than is required by this LDC, the provision of the state or federal law or regulation, or other county or city ordinance or regulation shall apply.

¹¹ New.

¹² New. **NOTE:** This section may be relocated to Chapter 13.02; Zoning Districts, as part of Installment 2.

¹³ New unless otherwise noted.

¹⁴ Replaces current 13.01.070. The new "interpretations" procedure is intended to formalize the review and interpretation process.

3. Private Covenants

- a. This LDC is not intended to revoke or repeal any easement, covenant, or other private agreement.
- b. Nothing in this LDC shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this LDC.
- c. Nothing in this LDC obligates the City to enforce the provisions of any easements, covenants, or agreements between private parties.

C. Headings, Illustrations, and Text

All illustrations in this LDC are intended to help the reader understand terminology and concepts used in this LDC, unless otherwise indicated. Illustrations are not drawn to scale and are not to be interpreted as examples of character or design that must be matched. In the event of a conflict or inconsistency between the text of this LDC and any heading, caption, figure, illustration, table, or map, the text shall control.

D. Computation of Time¹⁵

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, holiday observed by the city, or other day that city offices are not open, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, holiday observed by the city, or other day that city offices are not open. References to days are calendar days unless otherwise stated.

E. Delegation of Authority

If a provision in this LDC requires the Community Development Director (sometimes referred to as "Director) or other city official to perform an act or duty, that provision shall also include designated subordinates, unless specified otherwise.

F. Fractions

Where application of a numerical standard results in a fraction, the fraction shall be rounded as follows:

1. Where the resulting fraction includes one-half (0.5) or more, the fraction shall be rounded up to the nearest whole number; and
2. Where the fraction includes four-tenths (0.4) or less, the fraction shall be rounded down to the nearest whole number.

G. Rules of Word Usage

The following rules of word usage apply to the text of this LDC:

1. The particular shall control the general.
2. The words "shall" and "must" are always mandatory and not discretionary. The words "may" and "should" are permissive.
3. Unless the context clearly indicates otherwise, words used in a specific tense (past, present, or future) shall be construed to include all tenses; words used in the singular number shall include the plural, and the plural the singular; and, use of gender-specific pronouns shall be interpreted so as not to be limited to a particular gender.
4. A "building" or "structure" includes any part thereof unless the context clearly indicates otherwise.

¹⁵ Replaces current definition of "Days."

5. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
 - d. The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.
6. Terms not defined herein shall have the meanings customarily assigned to them in common, ordinary usage, except that legal or technical terms shall be interpreted in their legal or technical sense.

H. Meanings and Intent

The provisions, terms, phrases, and expressions in this LDC shall be construed according to the general purpose set forth in §13.01.040: *Purpose*, and the additional specific purpose statements set forth throughout this LDC. When, in a specific section of this LDC, a different meaning is given for a term defined for general purposes in this LDC, the specific section's meaning and application of the term shall control.

I. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

J. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

K. Titles and Headings

All titles and headings of articles, sections, subsections, or paragraphs of this LDC are to be used for convenience in arrangement only and shall not be construed to alter the intended meaning.

13.01.080 Transition from Prior Regulations¹⁶

A. Continuity of Provisions¹⁷

The provisions of this LDC, insofar as they are substantially the same as previously existing regulations relating to the same subject matter, shall be construed as restatements and continuations thereof and not new enactments. Any actions, proceedings, permits, or approvals commenced or issued pursuant to any previously existing ordinance shall not be affected by the enactment of this LDC.

B. General Transition Rules

¹⁶ New unless otherwise noted.

¹⁷ Replaces current 13.01.050. Revised for clarity.

In determining the applicability of this LDC with respect to land, uses, buildings, structures, permits, approvals, and applications for permits or approvals, existing immediately before the effective date hereof, the following rules shall apply.

1. Uses Rendered Conditional Use¹⁸

Each use that exists on the effective date of this LDC that is required by this LDC to obtain conditional use approval, but that was a permitted use prior to the effective date is deemed to have a conditional use approval to:

- a. Continue operation in structures and on land areas where the operation was conducted before the effective date of this LDC; and
- b. Expand operations without the need to obtain a conditional use approval, provided that the expansion complies with §13.03.050: *Use Definitions and Use-Specific Standards* and other requirements of this LDC.

2. Uses Rendered Nonconforming

When a use legally existed as a permitted use on the effective date of this LDC, or any amendment thereto, no longer classifies such use as a permitted use in the zoning district in which it is located, such use shall be deemed a legal nonconforming use and shall be subject to the provisions of §13.06.100: *Nonconformities*.

3. Buildings, Structures, and Lots Rendered Nonconforming

Where any building, structure, or lot legally existing on the effective date of the LDC does not meet all development standards set forth in this LDC, or any amendment thereto, such building, structure, or lot shall be deemed legal nonconforming and shall be subject to the provisions of §13.06.100: *Nonconformities*.

4. Previously Granted Approvals¹⁹

Any actions, proceedings, or completed applications received or issued pursuant to any previously existing ordinance shall not be affected by the enactment of this LDC and are subject to the expiration provision(s) in effect at the time approval was granted and subject to any specific conditions or provisions relating to expiration that are imposed upon the particular approval by the approving entity. Any change from the approved plan, including but not limited to, changes in use or development standards, shall be subject to the provisions of this LDC. In the event of a conflict between this section and §13.01.080C: *Violations Continue*, the provisions of §13.01.080C: *Violations Continue*, shall govern.

C. Violations Continue

Any violation of the previous ordinances and regulations may continue to be a violation under this LDC and be subject to penalties and enforcement under §13.06.110: *Enforcement and Penalties*, unless the use, development, construction, or other activity complies with the provisions of this LDC. The enactment of this LDC may not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of a previously existing ordinance occurring before the effective date of this LDC.

D. Effect of Change in the Law after Filing of Complete Application

1. Any complete application filed with the city prior to the effective date of this LDC, or amendments to this LDC, shall be governed by the regulations of the previous ordinance(s)

¹⁸ Replaces content from 13.02.170 related to conditional uses.

¹⁹ Replaces current 13.02.190.

that were in effect on the date of application submittal. The applicant may, at their own discretion, submit a written and signed statement requesting that the application submitted prior to the effective date of this LDC be reviewed in accordance with this LDC.

2. Any actions, proceedings, or permits commenced or issued pursuant to any previously existing ordinance shall be treated as legal nonconforming to the extent such activity does not conform to the current requirements of this LDC and shall be subject to the provisions of §13.06.100: *Nonconformities*.

13.01.090 General Plan²⁰

A. Purpose²¹

The purpose of the General Plan is to provide jurisdiction-wide policies to guide the major decisions of the city, including zoning decisions and other land use-related decisions pursuant to Utah Code §10-9a-4. The General Plan may include special focus components.

B. Relationship Between General Plan and this LDC²²

1. In accordance with Utah Code §10-9a-405, the General Plan is the principal land use policy document for the city. This LDC is the primary implementing document of the General Plan. Together, these documents establish guidelines and standards to regulate land use and development within the city.
2. When considering amendments to the LDC text and/or maps, the Planning Commission and City Council may give deference to the recommendations of the General Plan and any subsequent amendments.
3. Incongruence with the General Plan may be grounds for denying a development application.

C. Effect of General Plan and Official Maps

1. The city may adopt an official map as a component of the General Plan in accordance with Utah Code §10-9a-407. In addition, subarea plans are amendments to the General Plan and are designed to more specifically address areas that are unique within the city to inform a more deliberate approach to their proper development²³
2. No street, park, or other public way, ground, place, or space, publicly owned building or structure, or public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current General Plan.²⁴

²⁰ Replaces current 13.01.040 and Chapter 13.06. This proposed language clarifies how the LDC and General Plan work together to further the goals and objectives of the City. Did not carry forward 13.06.020: Plan Elements, rather than duplicating State Code language, references to the State Code have been provided in this section and in the General Plan Amendment Approval Criteria.

²¹ Replaces current 13.06.010. Rather than duplicating Utah Code language, a reference has been provided.

²² Replaces current 13.01.080 and 13.06.040. Utah Code § 10-9a-405 states that the General Plan is an advisory guide for land use decisions, and that the impact of such plan is determined by ordinance.

²³ Replaces current 13.06.060; and 13.06.070. The current LDC references the "Official Street Map" and "Official Parks, Recreation, and Trails Map." Rather than calling these out specifically, this draft proposes a "catch-all" statement that allows the city to adopt any "official map" as part of the General Plan. State Code §10-9a-407 provides language governing the effect such maps have on development proposals.

²⁴ From current 13.06.050.

13.01.100 Severability²⁵

Should any chapter, section, clause, or provision of this LDC be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the LDC as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

²⁵ From current 13.02.020.

Chapter 13.02 Zoning Districts

Commentary:

This chapter is based on the zoning district standards from the current Land Development Code (LDC) and introduces a revised lineup of zoning districts. Each district in this draft includes a purpose statement (most of which are new or revised), a district illustration, and lot/building dimensional standards. Any regulations governing the use of land (permitted and conditional uses) have been relocated to Chapter 13.03: *Use Regulations*.

As indicated in the [LDC Assessment Report](#), this draft proposes several updates to the current lineup of zoning districts to better align with and respond to the current and future needs of Taylorsville. Some existing districts are proposed to be consolidated, renamed, or eliminated. This draft also introduces three variations/flavors of multifamily and mixed-use zoning districts that would accommodate small- medium- and large-scale development. These districts are intended to accommodate a wider variety of housing types in areas and at scales that are appropriate. This draft also includes a new community facilities zoning district (CF).

Purpose Statements, Graphics, and Summary Tables: The district purpose statements are drafted based on current language in the LDC, existing built conditions, and language in the [General Plan](#). The supplemental graphics help illustrate the general character of the district and demonstrate the basic dimensional standards. In cases where zoning district consolidations resulted in inconsistent standards, staff generally opted for the more flexible or generous standard. Proposed changes to current standards are identified with footnotes throughout the document. All district dimensional standards will be revisited during the drafting of Installment 3: *Development Standards and Incentives*.

Housing Affordability:

From 2005 to 2021, the median sales price of a new detached single-family home in Salt Lake County rose from \$240,384 to \$507,441 (a 111 percent increase).²⁶ There is no debate that housing affordability has had a significant impact on Taylorsville and the nation. To aid in reducing the cost of housing, Taylorsville must increase both the supply and the diversity of housing types offered. One emerging best practice strategy employed across the U.S is re-introducing Missing Middle housing to residential and mixed-use areas that are close to services and employment.

The term “Missing Middle” housing includes a range of multi-unit or clustered housing types, compatible in scale with detached single-family homes, which help meet the growing demand for walkable urban living. These include single-family attached dwellings (townhouses), duplexes, triplexes, fourplexes, live/work units, and cottage developments, that have historically existed on scattered sites in low-rise walkable neighborhoods. Examples can be found at: <https://missingmiddlehousing.com>. This range of housing is called “Missing Middle” because they provide additional housing options to fill the affordability gap between (1) expensive single-family homes and (2) large apartment developments.

In many older neighborhoods these types of housing were historically present on scattered lots and were considered compatible in scale and character with their neighbors. Allowing house-sized duplexes, triplexes, and fourplexes in thoughtful locations can dramatically reduce the cost of land per dwelling unit, which can significantly reduce the housing costs. Allowing a wider variety of

²⁶ From “[The State of the State’s Housing Market](#),” published by the Kem C. Gardner Policy Institute (2021).

housing types also allows more people to live in the neighborhoods where they choose to live, and older residents have more options to “age in place” in the neighborhoods where they spent much of their lives. As an inclusive community with a General Plan that emphasizes both choice and equity, Taylorsville should embrace this concept.

The draft LDC introduces Missing Middle housing types in some residential and mixed-use zoning districts, subject to specific design criteria. The standards included in this draft are for discussion purposes, additional changes and revisions will be considered throughout the drafting and adoption process.

Residential Density: To help support a pedestrian- and transit-oriented environment, this draft introduces minimum residential density requirements in the mixed-use zoning districts. Research and literature suggest density plays a significant role in promoting walkability and transit use. The minimum densities proposed in this draft are based on research and literature from leading experts and have been tailored to respond to the desired scale and character of each mixed-use zoning district. Additionally, the Utah Legislature passed [HB462](#) in the 2022 General Session, which also requires minimum residential densities in areas adjacent to fixed guideway transit stations (BRT and TRAX). To be eligible for Housing and Transit Reinvestment Zone (HTRZ) incentives, a minimum density of 40 dwelling units per acre is required in areas adjacent to Bus Rapid Transit (BRT) stations.

Impervious Coverage: Taylorsville does not currently regulate impervious coverage standards for zoning districts; instead, impervious coverage is regulated indirectly through building setbacks and, for residential zones, maximum percentages of paved vehicle parking allowed. This draft introduces impervious coverage maximum in two forms: building coverage and total lot coverage. These standards are intended to limit the area of a lot that can be covered with impervious surfaces (buildings, paving, etc.), to improve stormwater quality and to reduce the volume of water entering the City's stormwater infrastructure. Maximum building coverages may also help preserve neighborhood character by limiting large and potentially intrusive building footprints. These standards are included for discussion purposes and will be revisited and/or adjusted as appropriate.

Build-to Standards: In some mixed-use and commercial zoning districts, a “build-to-range” standard is introduced. Rather than a strict “build-to-line,” these standards provide added flexibility for building placement while still achieving the overall goal of creating a pedestrian-friendly environment. For example, a build-to-range of 10 to 15 feet allows buildings to be appropriately placed to accommodate outdoor dining areas, plazas, landscaping, or other amenities while providing flexibility for addressing site constraints that may prohibit a building from being placed exactly on a build-to-line, such as utility boxes, easements, etc.

All build-to requirements are currently proposed to be measured from the current property line; however, the City may consider revising these build-to requirements to be measured from the proposed right-of-way line as defined in a Transportation Master Plan. For example, if a specific street cross-section and/or right-of-way width is defined in the Transportation Master Plan, then buildings would be placed according to the long-term plan to ensure consistency and to provide a mechanism for the City to implement the Transportation Master Plan (and street cross-sections) as properties redevelop.

Neighborhood Transition Standards: This draft largely carries forward current building height and setback standards aimed at ensuring development compatibility and neighborhood transitions; however, they could be improved to broaden their applicability. Standards specific to neighborhood transitions will be revisited during the drafting of Installment 3: *Development Standards and*

Incentives, so they better align with proposed revisions to landscaping, buffering, screening, fencing, and other site features.

13.02.010 Purpose²⁷

The city designates land use zone districts to promote compatibility between land uses, buildings and structures, efficient use of land, transportation options and accessibility, and crime prevention and safety. The districts classify, support, regulate, and restrict uses and encourage the location of compatible land uses close to one another. The district regulations provide development standards pertaining to the intensity of land uses and development, density, height, bulk of buildings and structures, area of yards, and other open areas between buildings and structures.

13.02.020 Zoning Districts Established²⁸

The following zoning districts are established by the City's adoption of the Official Zoning Map pursuant to §13.02.030.

Residential Districts	Section
SF-40 – Single-Family Residential	13.02.050A
SF-20 – Single-Family Residential	13.02.050B
SF-10 – Single-Family Residential	13.02.050C
SF-8 – Single-Family Residential	13.02.050D
SF-6 – Single-Family Residential	13.02.050E
SF-5 – Single-Family Residential	13.02.050F
R-MH – Residential Manufactured Home	13.02.050G
Multifamily Districts	
RD – Residential Duplex	13.02.060A
RM-S – Residential Multifamily Small-Scale	13.02.060B
RM-M – Residential Multifamily Medium-Scale	13.02.060C
RM-L – Residential Multifamily Large-Scale	13.02.060D
Mixed-Use Districts	
MU-S – Mixed-Use Small-Scale	13.02.070A
MU-M – Mixed-Use Medium-Scale	13.02.070B
MU-L – Mixed-Use Large-Scale	13.02.070C
Nonresidential Districts	
CN – Commercial Neighborhood	13.02.080A
CC – Commercial Corridor	13.02.080B
CR – Commercial Regional	13.02.080C

²⁷ From current 13.04.010.

²⁸ Replaces current 13.04.020; 13.04.030; 13.04.040; 13.04.050; 13.04.060; 13.04.070; and 13.04.080. This table summarizes all zoning districts in the city. Did not carry forward the Institutional Care (IC) zoning district in current 13.09 or the Hospital (H) zoning district in current 13.13.

EM-1 – Employment Corridor	13.02.080D
EM-2 – Employment Regional	13.02.080E
Other Districts	
CF – Community Facilities	13.02.090A
OS – Parks and Open Space	13.02.090B
SSD – Site-Specific Development	13.02.090C
Overlay Districts	
HRO – Historic Overlay	13.02.100B
SAO – Sensitive Area Overlay	13.02.100C
FPO – Floodplain Overlay	13.02.100D
DWO – Water Protection Overlay	13.02.100E
RDO – Redwood Road Design Overlay	13.02.100F
MDO – Mid-Valley Connector Design Overlay	13.02.100G
CDO – City Center Design Overlay	13.02.100H
BDO – Bennion Point Design Overlay	13.02.100I
WDO – West Point Design Overlay	13.02.100J

13.02.030 Official Zoning Map

A. Incorporation of Zoning Map²⁹

The location and boundaries of the zoning districts established in this LDC are shown upon the Official Zoning Map of the City of Taylorsville, which is on file in the Taylorsville Community Development Department and made a part of this LDC.

B. Zoning District Boundaries³⁰

Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

1. Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.
2. Zoning district boundaries indicated as following or being parallel to platted lot lines or city corporate boundary lines shall be construed as following or paralleling such lines.
3. Zoning district boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
4. Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall after the vacation be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all the vacated area.³¹

²⁹ From current 13.04.100 introductory paragraph. Reworded for clarity.

³⁰ From current 13.04.100. Reworded for clarity. Did not carry forward (E), regarding distances of boundary lines.

³¹ New.

5. A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in §13.02.100: *Overlay Districts*.³²
6. A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the overlay district standards.

C. Zoning District Boundary Clarification³³

1. If a zoning district boundary is unclear or is disputed, the Director shall determine the location of the zoning district boundary.
2. Any appeal of the Director's determination of the zoning district boundary shall be heard by the Hearing Officer pursuant to §13.06.080D: *Administrative Appeal*.

D. Amendments to the Official Zoning Map³⁴

Changes in the boundaries of any zoning district shall require an amendment to the Official Zoning Map pursuant to §13.06.070B: *Zoning Map Amendment (Rezoning)*; or §13.06.070C: *Rezoning to Site-Specific Development (SSD)*, as applicable. All changes in district boundaries shall be noted on the Official Zoning Map following approval by the City Council.

E. Annexations³⁵

1. All territory annexed to the city shall be classified in the SF-40 zoning district until a different zoning designation is assigned by the City Council.
2. The city may institute proceedings on its own motion to assign the newly annexed territory a zoning designation pursuant to §13.06.070B: *Zoning Map Amendment (Rezoning)*; or §13.06.070C: *Rezoning to Site-Specific Development (SSD)*, as applicable.

13.02.040 Organization of this Chapter³⁶

A. Base Zoning Districts

1. Content

§13.02.050 through §13.02.090 of this Chapter follow a common structure and describe the purpose and intended character of the zoning districts, the lot and building standards applying to development in the districts, and any district-specific development standards.

2. Graphics³⁷

For each base zoning district, this article includes an illustration depicting how the district's lot and building standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the standards that may apply to a particular development. If a standard shown in an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.

³² New.

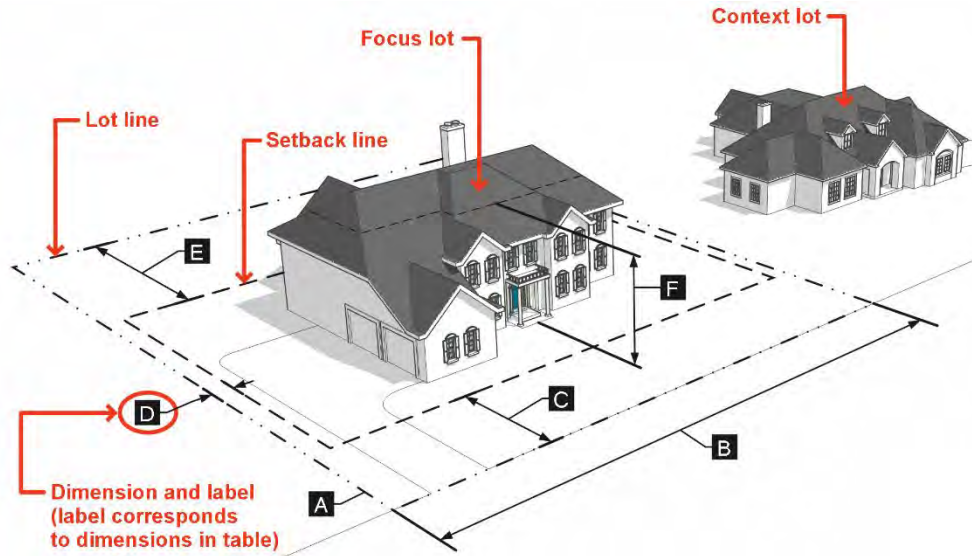
³³ From current 13.04.110. Reworded for clarity.

³⁴ Replaces current 13.05.020.

³⁵ New.

³⁶ New.

³⁷ **NOTE:** Graphics and photos to accompany zoning district purpose statements are in progress and will be included in the Consolidated Draft.



B. Overlay Zoning Districts

1. Overlay zoning districts are established by an amendment to the Official Zoning Map. They are superimposed over one or more underlying base zoning districts. If the standards for an overlay district expressly conflict with those for an underlying base zoning district or another overlay district, the more restrictive standards shall apply.
2. §13.02.100: *Overlay Districts*, identifies the overlay zoning districts and establishes each overlay district's purpose and the standards that modify those of underlying districts.

13.02.050 Residential Zoning Districts

A. SF-40 Single-Family Residential³⁸

1. Purpose

The SF-40 district is established to accommodate and preserve large-lot residential development of single-family detached homes on lots of at least 40,000 square feet. Secondary uses include limited agriculture, parks, community, educational, and accessory uses.

2. Dimensional Standards³⁹

Lot Dimensions (minimum)

A	Lot Area (sq ft)	40,000
B	Lot Width (ft)	110

Building Setbacks (minimum)

C	Front (ft)	30 [1]
D	Side (ft)	9 [2]
E	Rear (ft)	30
F	Street-facing garage (ft)	25 [1]

Other Standards (maximum)

G	Building Height (ft)		35
	Impervious Coverage (percent of lot area)	Building Coverage	
		Total Coverage	

Notes:

- [1] The setback for a lot on a cul-de-sac, elbow, or a secondary front yard on a corner lot may be reduced to 20 feet.
- [2] For interior lots, both side yards combined shall equal at least 20 feet.

Placeholder for District Illustration

³⁸ Renamed and carried forward current R-1-40 zoning district.

³⁹ From current 13.20.020 and 13.20.030. Modifications from current standards are noted.

B. SF-20 Single-Family Residential⁴⁰

1. Purpose

The SF-20 district is established to accommodate and preserve residential development of single-family detached homes on lots of at least 40,000 square feet. Secondary uses include limited agriculture, parks, community, educational, and accessory uses.

2. Dimensional Standards⁴¹

Lot Dimensions (minimum)

A	Lot Area (sq ft)	20,000
B	Lot Width (ft)	90

Building Setbacks (minimum)

C	Front (ft)	30 [1]
D	Side (ft)	7 [2]
E	Rear (ft)	30
F	Street-facing garage (ft)	25 [1]

Other Standards (maximum)

G	Building Height (ft)	35
	Impervious Coverage (percent of lot area)	Building Coverage
		Total Coverage

Notes:

- [1] The setback for a lot on a cul-de-sac, elbow, or a secondary front yard on a corner lot may be reduced to 20 feet.
- [2] For interior lots, both side yards combined shall equal at least 18 feet.

Placeholder for District Illustration

⁴⁰ This district consolidates the current R-1-30 and R-1-20 zoning districts. Where there were differences in numerical standards, the more permissive standard was carried forward, unless otherwise noted.

⁴¹ From current 13.20.020 and 13.20.030. Modifications from current standards are noted.

C. SF-10 Single-Family Residential⁴²

1. Purpose

The SF-10 district is established to accommodate and preserve residential development of single-family detached homes on lots of at least 10,000 square feet. Secondary uses include limited parks, community, educational, and accessory uses.

2. Dimensional Standards⁴³

Lot Dimensions (minimum)

A	Lot Area (sq ft)	10,000
B	Lot Width (ft)	80

Building Setbacks (minimum)

C	Front (ft)	30 [1]
D	Side (ft)	5 [2]
E	Rear (ft)	15
F	Street-facing garage (ft)	25 [1]

Other Standards (maximum)

G	Building Height (ft)	35
	Impervious Coverage (percent of lot area)	Building Coverage
		Total Coverage

Notes:

- [1] The setback for a lot on a cul-de-sac, elbow, or a secondary front yard on a corner lot may be reduced to 20 feet.
- [2] For interior lots, both side yards combined shall equal at least 16 feet.

Placeholder for District Illustration

⁴² This district consolidates the current R-1-15 and R-1-10 zoning districts. Where there were differences in numerical standards, the more permissive standard was carried forward, unless otherwise noted.

⁴³ From current 13.20.020 and 13.20.030. Modifications from current standards are noted.

D. SF-8 Single-Family Residential⁴⁴

1. Purpose

The SF-8 district is established to protect and enhance established single-family residential development on lots of at least 8,000 square feet. Secondary uses include limited parks, community, educational, and accessory uses.

2. Dimensional Standards⁴⁵

Lot Dimensions (minimum)

A	Lot Area (sq ft)	8,000
B	Lot Width (ft)	70

Building Setbacks (minimum)

C	Front (ft)	30 [1]
D	Side (ft)	5 [2]
E	Rear (ft)	15
F	Street-facing garage (ft)	25 [1]

Other Standards (maximum)

G	Building Height (ft)	35
	Impervious Coverage (percent of lot area)	Building Coverage
		Total Coverage

Notes:

- [1] The setback for a lot on a cul-de-sac, elbow, or a secondary front yard on a corner lot may be reduced to 20 feet.
- [2] For interior lots, both side yards combined shall equal at least 16 feet.

Placeholder for District Illustration

⁴⁴ Renamed and carried forward current R-1-8 zoning district.

⁴⁵ From current 13.20.020 and 13.20.030. Modifications from current standards are noted.

E. SF-6 Single-Family Residential⁴⁶

1. Purpose

The SF-6 district is established to provide moderately compact detached single-family residential development on lots of at least 6,000 square feet. Secondary uses include limited parks, community, educational, and accessory residential uses.

2. Dimensional Standards⁴⁷

Lot Dimensions (minimum)

A	Lot Area (sq ft)	6,000
B	Lot Width (ft)	55

Building Setbacks (minimum)

C	Front (ft)	25 ⁴⁸ [1]
D	Side (ft)	5 [2]
E	Rear (ft)	15
F	Street-facing garage (ft)	20

Other Standards (maximum)

G	Building Height (ft)	35
	Impervious Coverage (percent of lot area)	Building Coverage
		Total Coverage

Notes:

- [1] The setback for a lot on a cul-de-sac, elbow, or a secondary front yard on a corner lot may be reduced to 20 feet.
- [2] For interior lots, both side yards combined shall equal at least 12 feet.

Placeholder for District Illustration

⁴⁶ This district consolidates the current R-1-7 and R-1-6 zoning districts. Where there were differences in numerical standards, the more permissive standard was carried forward, unless otherwise noted.

⁴⁷ From current 13.20.020 and 13.20.030. Modifications from current standards are noted.

⁴⁸ Current code requires "side A" of corner lot to be 30 feet.

F. **SF-5 Single-Family Residential**⁴⁹

1. **Purpose**

The SF-5 district is established to provide moderately compact detached single-family residential development on lots of at least 5,000 square feet. Secondary uses include limited parks, community, educational, and accessory residential uses.

2. **Dimensional Standards**⁵⁰

Lot Dimensions (minimum)

A	Lot Area (sq ft)	5,000
B	Lot Width (ft)	40

Building Setbacks (minimum)

C	Front (ft)	25 ⁵¹ [1]
D	Side (ft)	3 [2] [3]
E	Rear (ft)	15
F	Street-facing garage (ft)	20

Other Standards (maximum)

G	Building Height (ft)	35
	Impervious Coverage (percent of lot area)	Building Coverage
		Total Coverage

Notes:

- [1] The setback for a lot on a cul-de-sac, elbow, or a secondary front yard on a corner lot may be reduced to 20 feet.
- [2] For interior lots, both side yards combined shall equal at least 12 feet.
- [3] Any structure located closer than five feet to any property line shall comply with applicable building codes for fire-rated walls. Eave projections shall not encroach more than six inches into the setback area.

Placeholder for District Illustration

⁴⁹ Renamed and carried forward current R-1-5 zoning district.

⁵⁰ From current 13.20.020 and 13.20.030. Modifications from current standards are noted.

⁵¹ Current code requires "side A" of corner lot to be 30 feet.

G. R-MH Residential Manufactured Home⁵²

1. Purpose⁵³

The R-MH district is intended to accommodate manufactured housing developments along with supporting and accessory uses such as management offices, maintenance buildings, laundry, and storage facilities for residents' use, and open or enclosed recreation areas in order to promote and preserve housing opportunities. The RM-H district is most appropriate adjacent to or in close proximity to arterial or collector streets.

2. Dimensional Standards

Lot Dimensions (minimum)		Entire Development	Individual Dwelling Site
A	Lot Area (sq ft)	435,600 [1] ⁵⁴ (10 acres)	4,000 ⁵⁵
B	Lot Width (ft)	---	40 ⁵⁶
Building Setbacks (minimum)			
C	Front (ft)	10 ⁵⁷	5 [2] ⁵⁸
D	Side (ft)	10 [3] ⁵⁹	7.5 [4]
E	Rear (ft)	10 [3] ⁶⁰	5 [5] ⁶¹
Other Standards (maximum)			
G	Building Height (maximum, ft)	25	12
	Maximum Density (units per acre) ⁶²	10 [6]	---
	Impervious Coverage (maximum, percent of lot area)	Building Coverage	
		Total Coverage	75

⁵² Renamed and carried forward current Manufactured Home Residential District (MH).

⁵³ New. Replaces current 13.20.080(A) and 13.22.010.

⁵⁴ Replaces current 13.20.080(B) which requires a minimum lot area of five acres. Carries forward current 13.22.030(A)(2) which requires a minimum of 10 acres.

⁵⁵ New. Replaces current 13.20.080(C).

⁵⁶ New. Replaces current 13.20.080(M).

⁵⁷ From current 13.22.040(A)(7). Additional language regarding required landscaping is included in the use-specific standards.

⁵⁸ From current 13.20.080(D).

⁵⁹ From current 13.22.040(A)(7). Additional language regarding required landscaping is included in the use-specific standards.

⁶⁰ From current 13.22.040(A)(7). Additional language regarding required landscaping is included in the use-specific standards.

⁶¹ Replaces current 13.20.080(F), which uses a different measurement convention for rear setbacks than for front and side setbacks. Updated from a 10-foot building-to-building separation to a minimum 5-foot setback measured from each individual site lease line to the outer edge of any overhangs or eaves.

⁶² From current 13.22.040(A)(1).

Notes:

- [1] The development may be located on two or more lots separated by a street or alley, when the cumulative total of said lots equal 435,600 square feet (10 acres) or more.
- [2] Measured from the sidewalk or roadway if there is no sidewalk. The minimum setback for a secondary front yard on a corner site is 10 feet for primary and accessory structures. The front setback applies to any attached appurtenances (e.g. add-ons, tongues, stairs, awnings, carports, roof overhang, etc.).
- [3] Where a manufactured home development abuts a Single-Family Residential zoning district, the minimum setback shall be 20 feet.
- [4] Measured from each individual site lease line to the outer edge of any overhangs or eaves. For interior lots, both side yards combined shall equal at 15 feet.
- [5] Measured from each individual site lease line to the outer edge of any overhangs or eaves. The minimum rear setback for accessory structures is three feet.
- [6] Units may be clustered provided the total number of units in the development does not exceed the maximum density. The remaining land not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of occupants of the development and visitors.

Placeholder for District Illustration

13.02.060 Multifamily Zoning Districts

Commentary:

This draft includes new purpose statements that replaces the general language in current 13.20.010(A) and (B). The proposed language is intended to be more specific to help code users understand the general character of each zoning district. Additional revisions to purpose statements will be made in coordination with the General Plan Update Project that is currently underway.

A new suite of multifamily districts is also introduced in this draft, replacing the current RM zoning districts. These new multifamily districts regulate size and scale of projects rather than solely relying on density metrics. This draft moves away from the relatively low density maximums and instead focuses more on building type and scale.

The dimensional standards for some districts have not yet been populated – these will be completed in conjunction with the drafting of Installment 3: *Development Standards*.

A. RD Residential Duplex⁶³

1. Purpose⁶⁴

The RD district is established to accommodate single-family detached, duplex, and twin home residential development in a neighborhood setting. Secondary uses include limited parks, community, educational, and accessory residential uses.

2. Dimensional Standards⁶⁵

Lot Dimensions (minimum)		Single-Family (detached)	Single-Family (attached) ⁶⁶	Duplex
A	Lot Area (sq ft)	8,000	4,000	8,000
B	Lot Width (ft)	70	35	37.5
Building Setbacks (minimum)				
C	Front (ft)	30 [1]	30 [1]	30 [1]
D	Side (ft)	5	5	5
E	Rear (ft)	15	15	15
F	Street-facing garage (ft)	25 [1]	25 [1]	25 [1]
Other Standards (maximum)				
G	Building Height (maximum, ft)	35	35	35
	Impervious Coverage (maximum, percent of lot area)	Building Coverage		
		Total Coverage		

Notes:

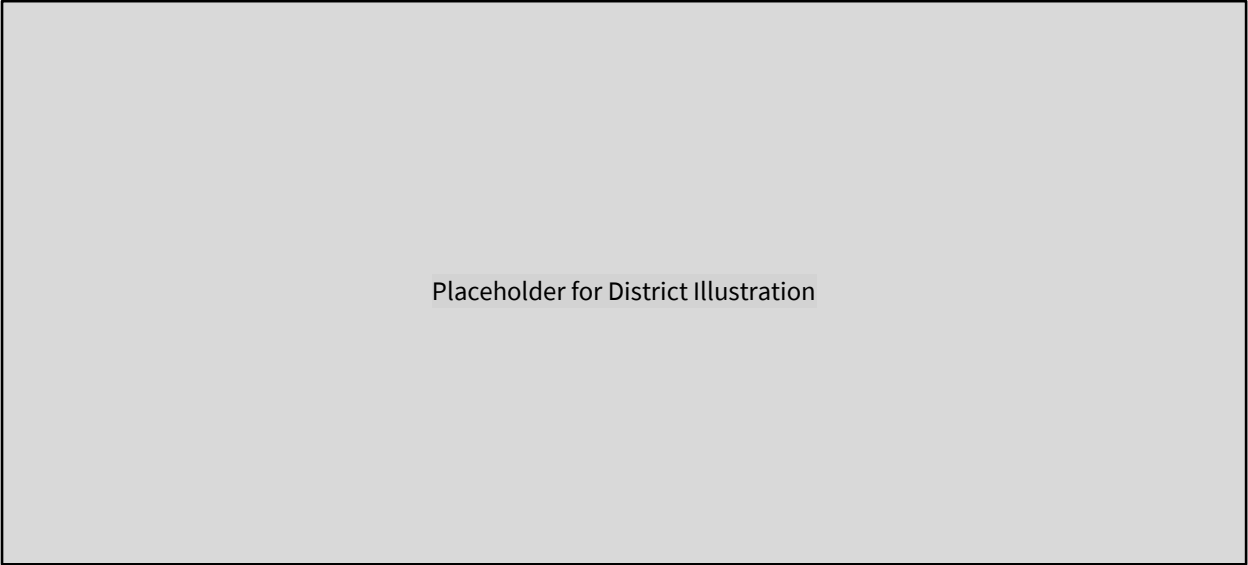
- [1] The setback for a lot on a cul-de-sac, elbow, or a secondary front yard on a corner lot may be reduced to 20 feet.

⁶³ This district consolidates the current R-2-10 and R-2-8 zoning districts.

⁶⁴ Replaces current 13.20.010(B).

⁶⁵ From current 13.20.020 and 13.20.030. Where differences in numerical standards exist between the two zones the more permissive standard was carried forward, unless otherwise noted.

⁶⁶ New. The current R-2-10 and R-2-8 districts do not address single-family attached dwellings (e.g., twin homes); however, there are several properties (e.g., Heatherglen) that have been converted from a duplex (two units on single lot) to a single-family attached dwelling (two connected units on individual lots).



B. RM-S Residential Multifamily Small-Scale⁶⁷

1. Purpose

The RM-S district is established to accommodate small-lot residential multifamily development. The RM-S zoning district encourages a variety of housing types that have a single-family form and character on a variety of lot sizes. Secondary uses include limited parks, community, educational, and accessory residential uses.

2. Dimensional Standards

Lot Dimensions (minimum)		Single-Family (detached)	Single-Family (attached)	Duplex	Triplex/ Fourplex
A	Lot Area (sq ft)	5,000	4,000	8,000	8,000
B	Lot Width (ft)	55	35	35	35
Building Setbacks (minimum)					
	Build-to Range (min-max, ft)	10-20			
	Building façade at build-to range (minimum percent)	60	75	75	60
D	Side (ft)	5	None [1]	5	5
E	Rear (ft)	15	15	15	15
F	Street-facing garage (ft)	25 [2]	25 [2]	25 [2]	25 [2]
Other Standards (maximum)					
G	Building Height (maximum, ft)	35	35	35	35
	Impervious Coverage (maximum, percent of lot area)	Building Coverage	60	60	60
		Total Coverage	70	90	70

Notes:

[1] Minimum separation between buildings shall be 10 feet.

[2] The setback for a street-facing garage on a secondary front yard on a corner lot may be reduced to 20 feet.

Placeholder for District Illustration

⁶⁷ Consolidates current RM-4 and RM-6 zoning districts.

C. RM-M Residential Multifamily Medium-Scale⁶⁸

1. Purpose⁶⁹

The RM-M district is established to accommodate a variety of compatible residential housing types including single-family detached, single-family attached, duplex, triplex, fourplex, and medium-scale multifamily dwellings. This district is typically characterized by moderately compact residential blocks and a variety of lot sizes. This district may be used as a transition between less-intense residential development and more-intense residential development and/or small-scaled mixed-use development. Secondary uses include limited parks, community, educational, and accessory residential uses.

2. Dimensional Standards

Lot Dimensions (minimum)			Single-Family (attached)	Duplex	Triplex/ Fourplex	Multifamily
A	Lot Area (sq ft)		4,000	8,000	8,000	
B	Lot Width (ft)		35	35	35	
Building Setbacks (minimum)						
	Build-to Range (min-max, ft)		10-20			
	Building façade at build-to range (minimum percent)		75	75	60	
D	Side (ft)		None [1]	5	5	
E	Rear (ft)		15	15	15	
F	Street-facing garage (ft)		25 [2]	25 [2]	25 [2]	
Other Standards (maximum)						
G	Building Height (maximum, ft)		35	35	35	
	Impervious Coverage (maximum, percent of lot area)	Building Coverage	60	60	60	
		Total Coverage	90	70	70	

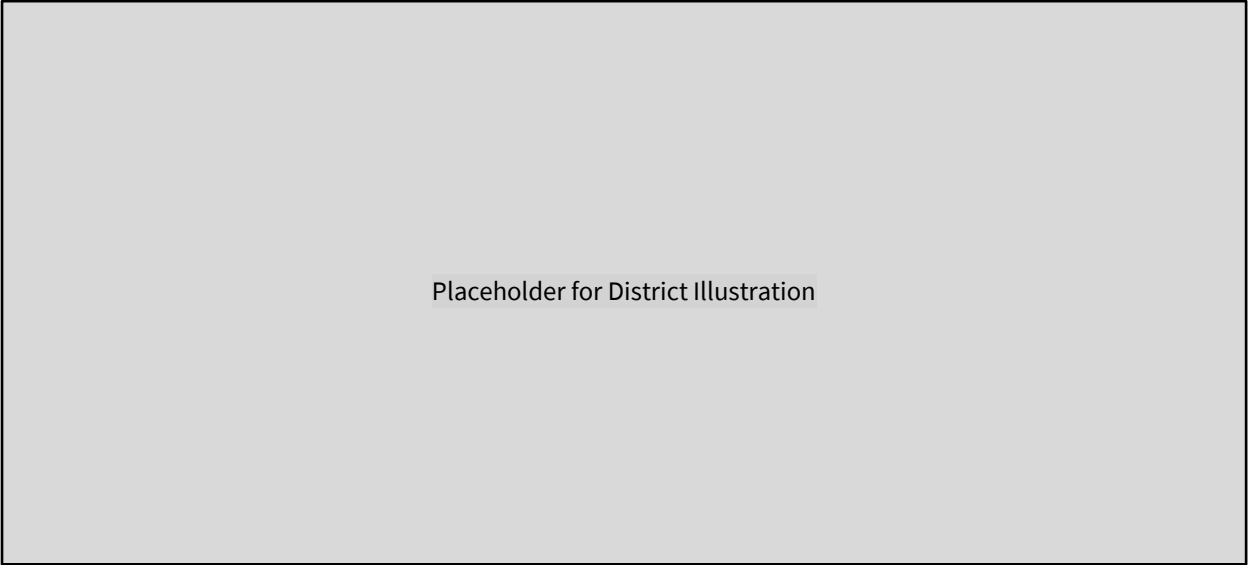
Notes:

[1] Minimum separation between buildings shall be 10 feet.

[2] The setback for a street-facing garage on a secondary front yard on a corner lot may be reduced to 20 feet.

⁶⁸ This district replaces current RM zoning districts that allow small- and moderate-scale multi-family development. Dimensional standards have been revised to move away from suburban-style development patterns that are auto-centric.

⁶⁹ New. Replaces current 13.20.070(A).



D. RM-L Residential Multifamily Large-Scale⁷⁰

1. Purpose⁷¹

The RM-L district is established to accommodate large-scale multifamily development. This district may be used as a transition between less-intense residential development and more-intense residential development and/or mixed-use development. Secondary uses include limited parks, community, educational, and accessory residential uses.

2. Dimensional Standards

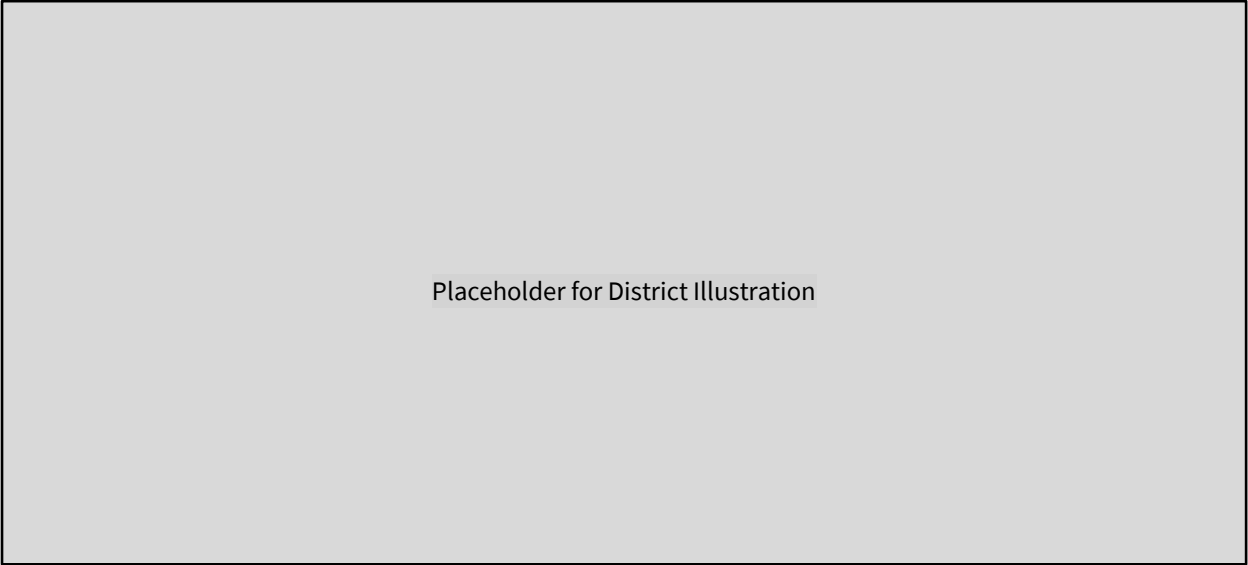
Lot Dimensions (minimum)		Triplex/ Fourplex	Multifamily
A	Lot Area (sq ft)	8,000	
B	Lot Width (ft)	35	
	Build-to Range (min-max, ft)	10-20	
	Building façade at build-to range (minimum percent)	60	
D	Side (ft)	5	
E	Rear (ft)	15	
F	Street-facing garage (ft)	25 [1]	
G	Building Height (maximum, ft)	35	
	Impervious Coverage (maximum, percent of lot area)	Building Coverage	60
		Total Coverage	70

Notes:

[1] The setback for a street-facing garage on a secondary front yard on a corner lot may be reduced to 20 feet.

⁷⁰ This district replaces current RM zoning districts that allow moderate- and large- scale multi-family development. Dimensional standards have been revised to move away from suburban-style development patterns that are auto-centric.

⁷¹ New. Replaces current 13.20.070(A).



13.02.070 Mixed-Use Zoning Districts

A. MU-S Mixed-Use Small-Scale⁷²

1. Purpose⁷³

The MU-S district is intended to accommodate small-scale mixed-use development that supports a pedestrian- and transit-oriented development patterns and that accommodates infill and redevelopment. This district allows for a variety of compatible residential, commercial, retail, office, service-oriented, and accessory uses, and is commonly located adjacent to areas where higher pedestrian activity is desired. Higher intensity uses are located adjacent to key corridors and transit facilities while lesser intense uses are located adjacent to residential districts. Additional standards are included to ensure that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

2. Dimensional Standards

[reserved]

Placeholder for District Illustration

⁷² New, expands the current Mixed-Use (MU) zoning district and language from current 13.23.260(A); (C); (D); and (E).

⁷³ Replaces current 13.04.120(H).

B. MU-M Mixed-Use Medium-Scale⁷⁴

1. Purpose

The MU-M district is intended to accommodate a mix of small- to medium-scale mixed-use development that promotes sustainable infill and redevelopment of older commercial sites, while ensuring that the site design, uses, and scale are consistent with adjacent residential neighborhoods. This district allows for a variety of compatible residential, commercial, retail, office, service-oriented, and accessory uses, and is commonly designed to allow for safe access by pedestrians, bicyclists, transit users, and motorists. Additional standards are included to ensure that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

2. Dimensional Standards

[reserved]

Placeholder for District Illustration

⁷⁴ New, expands the current Mixed-Use (MU) zoning district.

C. MU-L Mixed-Use Large-Scale⁷⁵

1. Purpose

The MU-L district is intended to support the most intensive, transit supportive development to create a unique, mixed-use, and integrated regional destination. This district allows for a mix of compatible residential, commercial, retail, office, service-oriented, and accessory uses, with a strong activity anchor focused around public transit stations. Development intensity in this district is intended to support an effective transit- and pedestrian-oriented environment that delivers a high-quality pedestrian experience, supports major civic events, and emphasizes a well-connected trail and open space system.

2. Dimensional Standards

[reserved]

Placeholder for District Illustration

⁷⁵ New, expands the current Mixed-Use (MU) zoning district and replaces current 13.04.120(J), the Transit Corridor District.

13.02.080 Nonresidential Districts

A. CN Commercial Neighborhood

1. Purpose⁷⁶

The intent of the CN zoning district is to allow for small-scale, low-intensity commercial, retail, office, service-oriented, and professional uses, and accompanying accessory uses, that serve primarily the surrounding neighborhood. This district is typically located along collector and arterial corridors and is designed to allow for safe access by pedestrians, bicyclists, transit users, and motorists. The CN district is intended to promote sustainable infill and redevelopment of older commercial sites, while ensuring that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

2. Dimensional Standards

[reserved]

Placeholder for District Illustration

⁷⁶ Consolidates and replaces the current Neighborhood Commercial (NC) and Limited Commercial (LC) zoning districts. The purpose statement language is derived from current 13.04.120(D) and (E) and 13.04.090.

B. CC Commercial Corridor

1. Purpose⁷⁷

The CC district is intended to accommodate general retail and other commercial and service uses, and incidental or accessory uses, where access requires good vehicular circulation, typically located on corners of arterial streets. Land uses are characterized by frequent visits of customers and clients. The CC district is intended to promote sustainable infill and redevelopment of older commercial sites, while ensuring that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

2. Dimensional Standards

[reserved]

Placeholder for District Illustration

⁷⁷ Consolidates and replaces the current Community Commercial (CC) and Boulevard Commercial (BC) zoning districts. The purpose statement language is derived from current 13.04.120(C) and (I) and 13.04.090. Did not carry forward applicable location language for the current BC zoning district.

C. CR Commercial Regional

1. Purpose⁷⁸

The intent of the CR zoning district is to allow for large-scale, high-intensity commercial, retail, office, service-oriented, and professional uses, and accompanying accessory uses. Development in this zoning district serves the broader region, often require large land area, and are typically located along major regional highways.

2. Dimensional Standards

[reserved]

Placeholder for District Illustration

⁷⁸ Replaces current Regional Commercial (RC) in 13.04.120(A) and language related to location in current 13.04.090. Did not carry forward current 13.04.120(B) referring to Regional Commercial Planned Unit Development (PUD).

D. EM-1 Employment Corridor⁷⁹

1. Purpose⁸⁰

The EM-1 district is intended to provide a mix of low-intensity employment focused uses such as offices, professional uses, flex space, and research and development. Secondary uses include supportive services such as small-scale retail and restaurants. The EM-1 district is intended to promote sustainable infill and redevelopment of older office sites, while ensuring that the site design, uses, and scale are consistent with adjacent development. Development may be arranged in a campus-like environment.

2. Dimensional Standards

[reserved]

Placeholder for District Illustration

⁷⁹ Replaces current Professional Office (PO) zoning district.

⁸⁰ Replaces current 13.04.120(F).

E. EM-2 Employment Regional⁸¹

1. Purpose⁸²

The EM-2 district is intended to provide a mix of high-intensity employment focused uses such as commerce, service, light manufacturing, processing, wholesaling, flex space, research and development, and offices. Secondary uses include supportive services such as small-scale retail and restaurants. Development may be arranged in a campus-like environment. Such locations and site improvements shall project a desirable appearance toward public streets and maintain compatibility with adjacent land uses.

2. Dimensional Standards

[reserved]

Placeholder for District Illustration

⁸¹ Replaces current Industrial (ID) and Research and Development (RD) zoning districts.

⁸² Replaces current 13.04.120(G) and (K).

13.02.090 Other Districts

A. CF Community Facilities⁸³

1. Purpose

The CF district is intended to accommodate public and semi-public uses (other than street rights-of-way). This district allows community uses such as public institutions, cultural centers, religious institutions, public safety facilities, schools, libraries, community centers, municipal buildings, and other incidental and accessory uses. Depending on the scale and impacts of the proposed use, additional mitigation may be appropriate when adjacent to residential districts.

2. Dimensional Standards

[reserved]

Placeholder for District Illustration

⁸³ New.

B. OS Parks and Open Space

1. Purpose⁸⁴

The OS district is designed to provide for an enhanced natural environment, protecting the city's limited natural and developed open spaces from further intrusions. In addition to providing active and passive recreational opportunities for the community, the district is intended to protect the scenic and environmental quality of sensitive natural areas. This district is generally owned by public agencies, however in some instances may include privately-owned and maintained open spaces.

2. Dimensional Standards

[reserved]

Placeholder for District Illustration

⁸⁴ Renamed and replaces current Open Space (OS) zoning district. Purpose statement replaces current 13.10.010(A).

C. Site-Specific Development (SSD) District⁸⁵

1. Purpose⁸⁶

The Site-Specific Development (SSD) district is intended to accommodate new and imaginative concepts in urban design and land development that require particular development standards and that are unique or have unusual characteristics not permitted by the standard zoning districts in this LDC. SSD districts offer greater flexibility than allowed by the strict application of this LDC in exchange for more creative and imaginative designs with a higher level of amenities and substantial added public benefit than would otherwise occur under the standard zoning districts. SSDs may also address challenges presented by specific site conditions. In this district, the location, use, and physical characteristics of structures, improvements, and open space shall all work together in furthering the goals and objectives of the Taylorsville General Plan.

2. Qualifying Standards⁸⁷

An application for rezoning to an SSD district shall only be considered if the application meets the following criteria, as determined by the City Council, upon recommendation from the Planning Commission:

- a. The proposed SSD district includes a minimum of two acres of contiguous land area;
- b. The proposed SSD could not be developed using conventional zoning districts or standards established in this LDC;
- c. Development on the property would be substantially constrained by unusual topographic or other natural features, and/or the use or combination of uses are appropriate for the site and are of a benefit to the community in general, and/or the site is constrained by difficult platting or ownership configuration, by an unusual or difficult impact from public utility structures or other public structures or facilities or a similarly unusual hardship condition exists;
- d. The land included in the proposed SSD is under single ownership or control. Single control of property under multiple ownership may be considered when the application includes enforceable agreements, covenants, or commitments that run to the benefit of the city and that the city may require to be recorded if the SSD is approved;⁸⁸
- e. Where residential dwelling units are proposed, a minimum of 15 percent of the total dwelling units must be permanently income-limited through a deed restriction to households earning less than 120 percent of the federal Housing and Urban Development Area Median Income (HUD AMI) for Taylorsville, Utah, unless the city otherwise adjusts or releases this requirement;⁸⁹
- f. The proposed SSD zoning district embraces several highly-valued design features, as determined by the City Council, upon recommendation from the Planning Commission, including but not limited to:⁹⁰

⁸⁵ **NOTE:** Staff is considering creating SSD qualifying standards for specific types of development (commercial, office, residential, mixed-use, etc.). This topic requires further discussion and may be implemented in future drafts.

⁸⁶ Replaces current 13.19.010(A).

⁸⁷ Replaces current 13.19.010(B) related to qualifying criteria for an SSD district. **NOTE:** These standards are new and require further discussion.

⁸⁸ New.

⁸⁹ New.

⁹⁰ New.

- (1) Centralized gathering and recreation spaces of an appropriate size for the entire development, or designed to serve an area larger than the entire development;
 - (2) Internally and externally connected park, trail, and open space system; and/or
 - (3) Protection of specific natural, environmental, or scenic resources or green spaces.
- g. The entire site proposed for SSD District classification shall be included in a development plan for review and approval.

3. District Designation⁹¹

When the land uses to be allowed in a specific SSD district are determined, a permanent suffix for the district shall be established that shall be shown on the Official Zoning Map. The suffix shall describe the dominant land use characteristic of the district:

- a. SSD-R (residential uses).
- b. SSD-X (mixed-use).
- c. SSD-C (commercial uses).
- d. SSD-E (employment uses).
- e. SSD-I (institutional uses).

4. Permitted Uses

A SSD is subject to the approval of the City Council and may include any uses permitted in any zone classification, provided that any combination of uses is planned in a manner compatible to each and to the surrounding environment.

13.02.100 Overlay Districts⁹²

Commentary:

The existing overlay districts have been carried forward from the current LDC; however, we anticipate several updates will be made to these sections in future drafts to simplify provisions and to reflect updated design and development standards. Below is a summary of items that may be considered moving forward.

Historic Resources Overlay. We recommend including general standards to help guide rehabilitation, restoration, reconstruction, additions, new construction, and other alterations that may impact the historic significance of a structure or landmark within designated historic resource overlay zones. These standards can begin more general in nature and be matured over-time as the need arises. This requires further discussion with staff and stakeholders.

Traditional Neighborhood Development Overlay. This district was not carried forward. While the principles of this overlay district are sound, we do not think the standards warrant an overlay district. Instead, we recommend that human-scale and pedestrian-friendly design be integrated into the general standards of the LDC in the zoning districts or geographical areas where it makes the most sense. The concepts and ideas included in the TND overlay can be extracted for more general or citywide application.

⁹¹ From current 13.19.010(D). Did not carry forward the SSD-RD (research and development); SSD-PO (professional office); and SSD-I (industrial) categories. SSD-I (institutional) and SSD-E (employment) are new and replace those not carried forward.

⁹² Did not carry forward current 13.12: Traditional Neighborhood Development Overlay Zone. **NOTE:** The standards from this chapter will be reviewed and incorporated into Installment 3: *Development Standards and Incentives*, as necessary.

Sensitive Area Overlay. This overlay district includes standards, guidelines, and criteria intended to minimize damage caused by flooding, erosions, and other environmental hazards and to protect the natural scenic character of the sensitive areas and ensuring the efficient expenditure of public funds. This section will be evaluated by staff and stakeholders to determine its relevance in Taylorsville and if an overlay zone is warranted. Several of the standards included in this overlay zone may be embedded in the general development standards of the LDC and be applicable for those areas that are deemed “sensitive.”

Floodplain Overlay. We do not propose a major rethink of the City's current floodplain overlay zone, but recommend its content be reorganized and clarified to improve user-friendliness. Any content related to decision-making bodies and review and approval procedures may be relocated to the corresponding sections in the LDC that address those topics. We will also evaluate the standards to ensure they are consistent with other development and design standards to ensure they are not conflicting or overlapping.

Drinking Water Source Protection Overlay. This overlay zone is intended to establish standards that prevent contamination of the public drinking water supply as a result of hazardous and toxic substances entering the groundwater, including wells not owned by the city. City staff is working with Taylorsville-Bennion Improvement District and other entities to ensure the standards are up-to-date and reflect the current and future needs of the city. Much of the content in this overlay is technical in nature and may be a good candidate for relocation to an external design manual that is referenced in the LDC.

Design District Overlays. These districts were established to enable elevated design quality standards for development in key areas of the City. These are intended to be carried forward with little change. Staff recommends that the boundaries of each design district overlay be clarified in the ordinance with updated images.

A. Purpose⁹³

1. The purpose of the Historic Resources Overlay (HRO) and the Design District Overlays (RDO; MDO; CDO; BDO; and WDO) is to provide regulations for those areas, districts, sites, streetscapes and buildings in the city which have been designated as having significant character, interest or value as part of the city's effort to ensure that development is done in a manner that best contributes to the economic well-being of the City of Taylorsville as well as the welfare and quality of life of its citizens.
2. New development, alterations to structures, alterations to landscaping, site improvements, or projects within the public right-of-way shall be harmoniously related to their surroundings, the terrain, the scale, and the architecture of existing buildings and streetscapes. Each design district established by City Council shall have its own design regulations that reflect the character of each district.

B. HRO – Historic Resources Overlay⁹⁴

1. Purpose

The purpose of the Historic Resources Overlay Zone is to provide regulations for those areas, districts, sites, and buildings in the City which have been designated as having

⁹³ From current 13.18.010.

⁹⁴ From current 13.18.020.

significant character, interest or value as part of the development, heritage, or cultural characteristics of the City, the State of Utah, or the Nation.

2. Duties of Community Development Department and Historic Preservation Committee

a. Community Development Department

The Community Development Department is hereby charged with the administration and enforcement of the provisions of this chapter.

b. Taylorsville Historic Preservation Committee

The Taylorsville Historic Preservation Committee, hereinafter Historic Committee, has been established to recommend to the City and aid property owners in maintaining and enhancing the worthwhile historical resources of the City. The duties of the Historic Preservation Committee are as follows:

- (1) To make recommendations to the City Council concerning the designation of historic areas, districts, landmark sites, and buildings of historic significance.
- (2) To make recommendations to the City Council on matters pertaining to historic resources.
- (3) To make recommendations to the City Council concerning guidelines for rehabilitation and new construction pertaining to historic resources and areas.
- (4) To aid property owners in maintaining and enhancing their properties in a manner consistent with adopted or otherwise established guidelines.

3. Designation of Historic Areas, Districts, Landmark Sites, and Buildings of Historic Significance:

a. Qualifications for Designation

An area, neighborhood, or district may be designated as a historic district. Any site, natural feature, structure, or building may be designated as a landmark site or building of historic significance if it has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the City, the State of Utah, or the Nation; and if it falls into one or more of the following categories:

(1) Historical Significance:

- (A) It is the location of, or is associated in a significant way with, a historic event which had a significant effect upon the community, City, State, or Nation.
- (B) It is associated in a significant way with the life of a person important in the history of the community, City, State, or Nation.
- (C) It is associated in a significant way with an important aspect of the cultural, political, or economic heritage of the community, City, State, or Nation.

(2) Architectural Significance:

- (A) It embodies the distinctive visible characteristics of an architectural style, period, or a method of construction.
- (B) It is an outstanding work of a designer or builder.
- (C) It contains elements of extraordinary or unusual architectural or structural design, detail, use of materials, or craftsmanship.
- (D) It portrays the environment of a group of people in an era of history characterized by a distinctive architectural style.

(3) Historic Area Significance

Because of its prominent location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of the City and contributed to the distinctive quality or identity of the City.

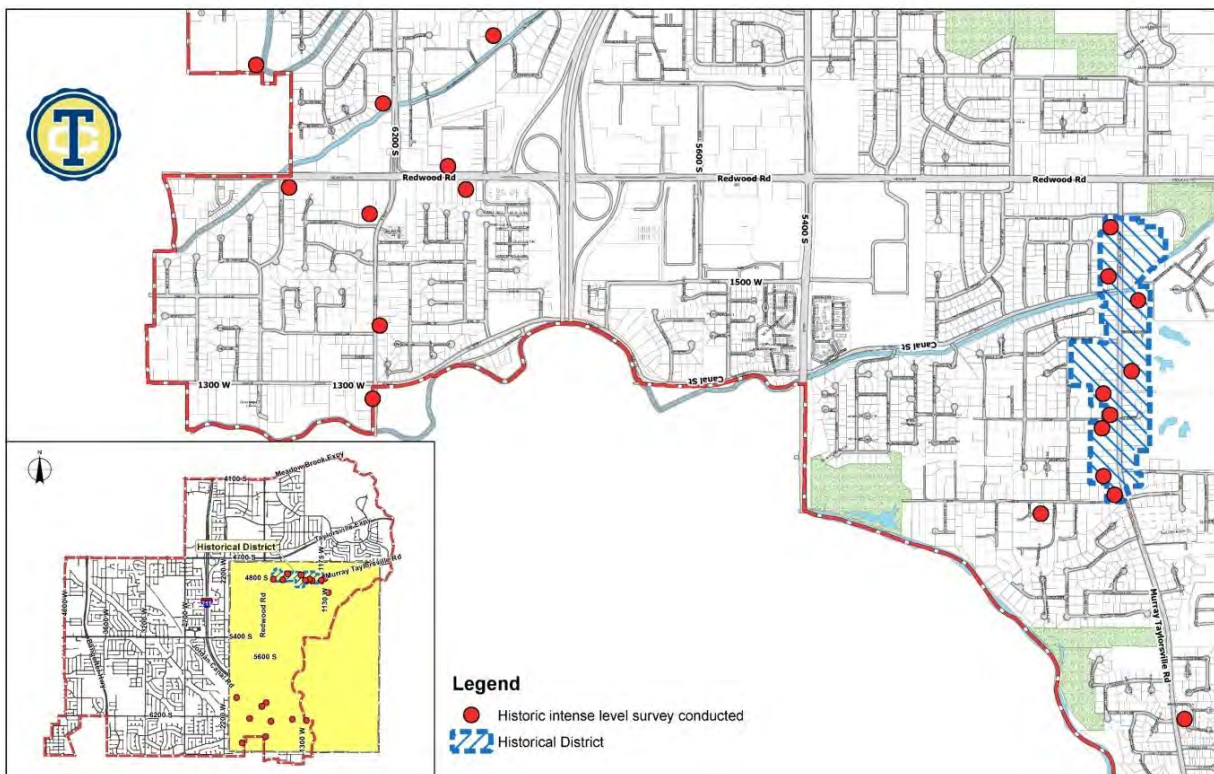
b. Procedure for Designation:

- (1) Any person, group, or association may nominate a prospective area, district, site, or building for formal designation and inclusion in the Taylorsville Historic Registry. Nominations shall be filed with the Community Development Department.
- (2) The Historic Committee shall review all nominations and make recommendations to the City Council.
- (3) Prior to an action by the City Council, a public meeting shall be held and notice of the public meeting shall be given as requested by this Development Code.
- (4) Following a determination of formal designation by the City Council, notice of the determination shall be mailed to the owners of property affected by the designation, together with a copy of this chapter and any pertinent development guidelines. Such designation shall also be entered in the Taylorsville Historic Registry.

c. Historic Taylorsville Registry

Contains a list of all districts, sites, and buildings in the City area which have been designated as having significant character, interest, or value as part of the development, heritage, or cultural characteristics of the community, City, State, or Nation (see [figure 1](#), "Historic Taylorsville Registry", of this section).

Historic Taylorsville Registry



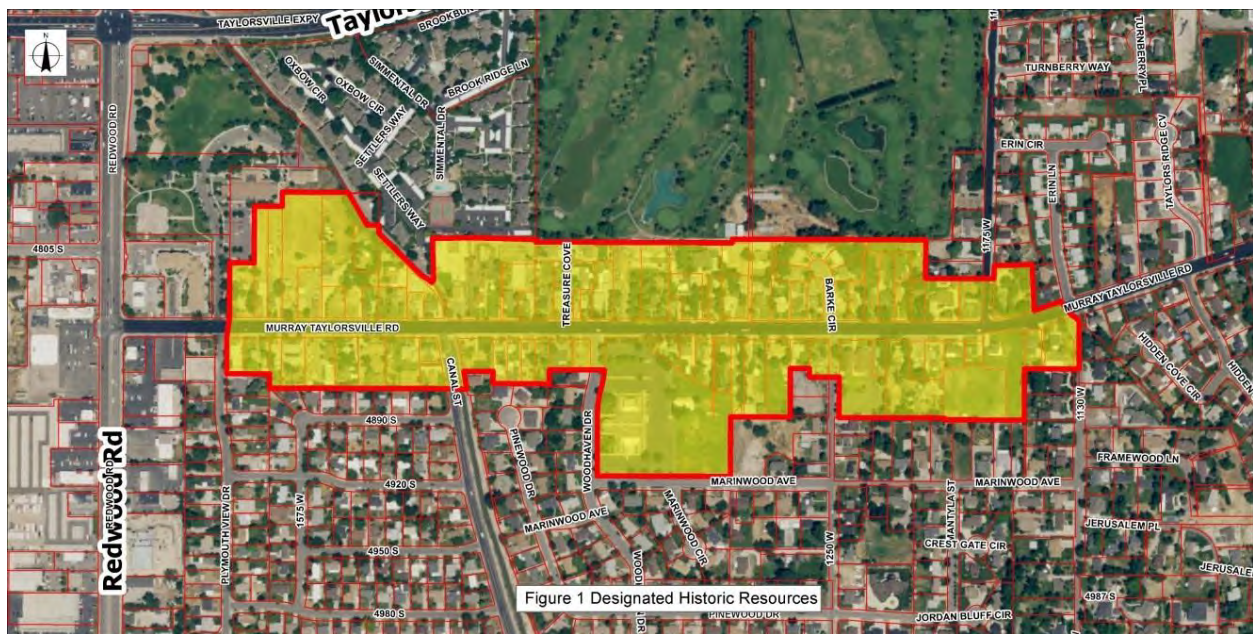
d. Designated Historic Resources:

(1) Historic Districts

Historic districts are generally smaller and more distinctive than historic areas. Historic districts will likely contain several landmark sites and buildings of historic significance. Historic districts generally:

- (A) Preserve buildings and related structures of historic and architectural significance.
- (B) Allow improvements to existing structures or new construction to be conducted without conflict and without eroding the scale and historic character of the neighborhood.
- (C) Preserve and enhance entryways into the historic neighborhood(s) through design and streetscape standards, where appropriate.

Those areas within the City which have been designated as historic districts are as illustrated in **figure 2** of this section.



(2) Landmark Sites and Buildings

Landmark sites and buildings of historic significance are distinctive individual sites. Designated sites and buildings are as listed in the Taylorsville Historic Registry on file with the Community Development Department.

e. Historic Development Guidelines:

(1) Establishment of Guidelines

Guidelines for exterior design criteria shall be adopted by the Planning Commission upon the recommendation of the Historic Committee to aid applicants in formulating plans for development or redevelopment relating to designated historic resources.

(2) Application of Guidelines

The guidelines shall apply to all modifications within any historic area, historic district, or landmark site of a building of historic significance for any of the following:

- (A) Any rehabilitation, restoration, or reconstruction of, or addition to, the exterior of any improvement.
- (B) A demolition or relocation of any improvement which is all or part of a building.
- (C) New construction.
- (D) Any sign placed on any building.
- (E) Construction of any new fence, wall, or major landscaping element.
- (F) Any alteration of an existing fence, wall, or major landscaping element.

(3) Compliance with Guidelines

Compliance with the adopted guidelines by any property owner shall be voluntary except in the case where a contract of compliance has been agreed to by the property owner of a building or site within a designated historic district, of a landmark site, or of a building of historic significance.

f. Demolition of Designated Historic Resources:**(1) Permit Processing Requirements**

When any application is made for a demolition permit for a building within a historic area or district, or a building of historical significance, the Director may delay approval of the demolition for a period of up to 30 days in order to:

- (A) Make a historical record, both written (history, floor plans, and elevations) and photographic, of the structure and site.
- (B) Review the condition of the building to determine the impact of the demolition to the neighborhood and the technical feasibility of preservation of the structure.
- (C) Allow the Historic Committee to consider and make recommendations regarding the application.
- (D) Make the owner aware of economic incentives available to rehabilitate historic resources.
- (E) Encourage the property owner not to demolish the building until an attempt can be made to locate either suitable tenants to make the building economically viable again or to find a purchaser who is willing to acquire and rehabilitate the structure.

(2) Permit Delays

Upon findings of fact by the Historic Preservation Committee or other groups identified by the Director, that preservation of the building is warranted and in the best interest of the City, the permit may be delayed for an additional 30-day period in order to find funding or other means to compensate the applicant for purchase of the building for its preservation.

(3) City Council Action

If the additional 30-day period identified in §13.02.100B.3.f(2) is not found to be adequate, a final 30-day delay may be instituted by the City Council.

C. SAO – Sensitive Area Overlay⁹⁵**1. Purpose**

This chapter shall provide standards, guidelines, and criteria having the effect of minimizing flooding, erosions, and other environmental hazards and protecting the natural scenic character of the sensitive areas and ensuring the efficient expenditure of public funds.

The standards, guidelines, and criteria established by this chapter shall include, but shall not be limited to, the following:

- a. The protection of the public from the natural hazards of stormwater runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.
- b. The minimization of the threat of consequential damages of fire by establishing fire protection measures.
- c. The preservation of natural features, wildlife habitat, and open space.
- d. The retention of natural features such as drainage channels, streams, hillside areas, ridgelines, rock outcroppings, vistas, trees, and other natural plan formations.
- e. The preservation and enhancement of visual and environmental quality by use of natural vegetation and the minimization of grading in hillside areas.
- f. The assurance of an adequate transportation system for the sensitive area to include consideration of the city's approved transportation plan. This system design will consider densities and topography with minimal cuts, fills, or other visible scars.
- g. The establishment of on site and off site traffic facilities that ensure ingress and egress for vehicles including emergency vehicles into all developed areas at any time.
- h. The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and preserve open space and natural landscape.
- i. The establishment of land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
- j. The encouragement of location, design, and development of building sites to provide maximum safety and human enjoyment while adapting the development to the best use of the natural terrain.
- k. The encouragement of the use of creative design teams composed of professional landscape, architects, engineers, and others.
- l. The encouragement of a regard for the view of the hillsides as well as a view from the hillsides.

2. Scope and Application**a. Application of the Sensitive Area Overlay Zone**

The sensitive area overlay zone includes areas of thirty percent (30%) or greater slope; floodplain, streams, lakes, ponds, and wetland areas; and areas with a high or moderate potential of damage from natural hazards such as surface rupture during an earthquake, liquefaction, or debris flow, and other similar environmental conditions. Such areas are designated on the map entitled the city of Taylorsville sensitive area overlay zone map. A copy of the map is available for review in the community development department. Regulations of this chapter may apply to an area outside of the mapped sensitive area overlay zone if the director determines that the environmental conditions of the subject

⁹⁵ From current 13.15. NOTE: This section has been carried forward as-is; however, s

area qualify it as a sensitive area, and the map shall thereafter be amended to include such area in the sensitive area overlay zone.

b. Effect of Provisions

This chapter makes provisions in addition to those set forth elsewhere in this code. In the event of conflict between such other provisions and the provisions of this chapter, the more restrictive provisions shall apply.

c. Special Regulation

- (1) Chapter 19.75 of the ordinances adopted and printed by Salt Lake County are hereby adopted by this reference. Copies of said printed ordinances are on file with the city for information and inspection by the public.

SPECIAL STUDY AREA REPORT REQUIREMENTS BASED ON SPECIAL STUDY AREA MAPS

Is A Site Specific Geologic Hazards Report Required Prior To Approval?

Land Use (Type Of Facility)	Surface Fault Rupture	Liquefaction Potential		Landslide, Debris Flow And Rockfall	Avalanche
		High And Moderate	Low And Very Low		
Critical and essential facilities as defined in section 19.75.020	Yes	Yes	Yes	Yes	Yes
Industrial and commercial bldgs. (1 story and <5,000 sq. ft.)	Yes	No ¹	No	Yes	Yes
Industrial and commercial bldgs. (>5,000 sq. ft.)	Yes	Yes	No	Yes	Yes
Residential single lots/single-family homes	Yes	No ¹	No	Yes	Yes
Residential subdivisions (>9 lots), and residential multi-family dwellings (4 or more units per acre)	Yes	Yes	No	Yes	Yes
Residential subdivisions (<9 lots), and residential multi-family dwellings (<4 units per acre)	Yes	No ¹	No	Yes	Yes

Notes:

1. Although a site specific investigation is not required, the owner is required to file a disclosure notice prior to land use approval.

3. Review and Approval Procedure

a. Development Review

To help expedite review of a development proposal, prior to submitting an application for development in a sensitive area, persons interested in undertaking development may meet informally with a member(s) of the community development department to become acquainted with the substantive and procedural requirements of this code.

If requested by staff, they shall attend a meeting where representatives from various departments involved in review of developments are generally present. This meeting is sometimes referred to as the development review meeting.

At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this code, the applicable building codes, and any other applicable ordinances or codes of the city and provide information concerning the city's review requirements and procedures.

b. Application

Prior to any development activity taking place within a sensitive area, an application for development must be submitted to the community development department and must contain the information and be in the format required by the applicable chapter(s) of this code (subdivision, site plan review, planned unit development, etc.). All reports shall be prepared by a qualified person licensed in the state of Utah to practice their specialty. If a license is not required, the person shall have demonstrated expertise in the field of practice. In addition to the application requirements set forth in other chapters of the code, applications for development in sensitive areas shall include the following as determined by the city engineer:

- (1) General development application form.
- (2) A topographic contour map, tied to a land-based survey with coloration, shading or hatching indicating areas within the development site with slopes of less than 10 percent, areas between 10 and 20 percent, areas between 20 and 30 percent, and areas of 30 percent or greater, with contour lines spaced no less than two feet apart vertically.
- (3) Location of the proposed project in relation to abutting public streets.
- (4) The total acreage, number of lots, and proposed density for proposed residential developments.
- (5) The total acreage, number of lots, and proposed density for proposed commercial developments.
- (6) Location and approximate size, in square feet, of the proposed lots including sensitive areas of 30 percent or greater slope and the usable land for each lot.
- (7) Location of known hazards, e.g., faults, natural drainage channels, debris flow, etc., and the boundaries of the 100-year floodplain, as applicable.
- (8) Location of other environmentally sensitive areas, including wildlife corridors.
- (9) Proposed location of structures in relationship to all environmentally sensitive areas.
- (10) A general geotechnical/geological report shall include the following components unless the city engineer determines a specific component is not applicable to the proposal:
 - (A) A soil characteristics component shall include data regarding the nature, distribution, and strength of soils within the project area as well as:
 - i. Unified classification of all soils with liquid limit, shrink-swell potential and general suitability for development.
 - ii. Estimate of the normal highest elevation of the water table.
 - iii. Flood history and potential, proximity to known floodplain area and drainage channels, springs, and other hydrological features.

- (B) A vegetation component shall include a slope stabilization and a revegetation report which shall comply with the water efficient landscaping ordinance and include:
 - i. Location and identification of existing vegetation.
 - ii. The vegetation to be removed and the method of disposal.
 - iii. The vegetation to be planted.
 - iv. Slope stabilization measures to be installed.
 - v. Analysis of the environmental effect of development including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.
 - vi. Topsoil stockpile areas.
- (C) A geologic conditions component shall be site specific and shall identify all known, suspected, and potential faults and other geologic hazards. Hazards may originate on or off site. They may have been previously mapped or unmapped. This component shall include, but is not limited to, the following:
 - i. Location of active and historical faults and a recommendation for a setback of proposed structures from the fault(s).
 - ii. Characteristics of the geological material and identification of anomalies of the terrain.
 - iii. Depth and geological evaluation of bedrock.
 - iv. Map of hazards or any features of interest.
 - v. Boring and test pit logs and trench reports.
 - vi. Slope stability analysis, including the angle of repose.
- (D) A debris flow hazard component shall be site specific and shall identify all known, suspected and potential hazards caused by the flow of rock, soil, organic material, and water in any combination of the above. The report will include, but is not limited to, the following:
 - i. Boring, test pit, and trench logs.
 - ii. Estimates of the number and frequency of past events and their thickness and volume.
 - iii. Estimates of the recurrence, depth, and impact forces of future events.
 - iv. Canal or waterway bank stability analysis.
- (E) A grading and drainage plan shall include a stormwater management and erosion grading plan on the methods by which surface water, natural drainages, flooding, erosion, and sedimentation loss will be accommodated during and after construction. The plan shall include the following information:
 - i. The grading plan shall show existing and proposed elevation contours, tied to a land based survey and shall include elevations, lines, and grades including the location and depth of all proposed cuts and fills of the finished earth surfaces using a contour interval of two feet or less. Access or haul road location, treatment, maintenance requirements, and limits of disturbance shall be included.
 - ii. The proposed area to be graded shall be clearly delineated on the plan, and the area amount stated in square feet.
 - iii. All calculations and any required details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains,

culverts, and other water management or soil erosion control measures shall be shown. Calculations shall employ predictions of soil loss from sheet erosion using the universal soil loss equation or appropriate equivalent. Equations should include factors of rainfall intensity and energy, soil erodibility, land slope and length of slope or topography, condition of the soil surface and land management practices in use, and surface cover, e.g., grass, woodland, crop, pavement, etc.

- (11) The city engineer may require trenching, boring, and test pits along with additional information for developments in the sensitive area overlay zone.
- (12) All reports shall identify any potential impacts or hazards resulting from construction or disturbance by the development and include written recommendations for construction of proposed improvements and other measures to mitigate potential impacts and hazards.
- (13) The city may require proposed lots, streets, and structures to be staked for field inspection.
- (14) All engineering calculations performed and acquired pursuant to the provisions of the ordinances of the city shall be made available to the city engineer, as a part of the review and approval process, so that the city engineer can better advise the planning commission.

c. Preliminary Review

- (1) Upon submittal of an application and all supporting information and attendance at a development review meeting, if necessary, the application for the development proposal shall be forwarded to the reviewing departments and agencies. They will review it preliminarily to determine if the application and plan, together with all supporting information, is complete and complies with all the requirements of this code, including the sensitive area development standards as set forth hereafter, and other applicable city and agencies' standards.
- (2) If the departments' and agencies' reviews determine that all required, necessary, and requested information has not been submitted, or that some of the specifics of the plan or information do not comply with the requirements of this code, the applicant will be notified in writing and/or on the plans of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised application, plan and all required, necessary and requested supporting information must be resubmitted after the appropriate additions and/or corrections are made in order to complete the application.
- (3) Upon resubmittal, the development proposal will again be forwarded to the reviewing departments and agencies. The applicant shall be required to resubmit the application for the development proposal and supporting documents to the city until all departments and agencies determine it is complete and complies with the requirements of this code and other applicable city and agencies' standards. Failure to submit complete information will result in written notification to the applicant that the application is incomplete, and the review cannot proceed further until all required, necessary, and requested information is submitted.
- (4) When the application is determined to be complete, all development proposals in sensitive areas will be submitted to the planning commission for preliminary review. The planning commission will review the development proposal, including staff

analysis of all supporting information and all requested supplemental information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation. The planning commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.

- (5) After all requested information has been received and reviewed by the planning commission, the planning commission will determine if preliminary review is complete and impose development requirements.

d. Final Approval

- (1) After the planning commission determines that preliminary review is complete and imposes development requirements, the applicant shall submit to the department a final development plan together with all supporting documents which comply with all requirements, corrections, additions, etc., required by the departments, agencies, and planning commission.
- (2) The department, together with the other reviewing departments and agencies, shall review the final development plan to determine compliance with all requirements, corrections, additions, etc. When the final development plan has been determined to be complete and in compliance with all requirements, all fees paid and guarantees posted, the plan shall be approved and signed by the appropriate city departments and officials.

e. Appeal

Any person adversely affected by a decision administering or interpreting the provisions of this chapter may, within 10 days, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made in the administration or interpretation of the provisions of this chapter.

f. Panel of Experts for Appeals of Geologic Hazard or Sensitive Areas

An applicant who has appealed a decision with respect to this chapter may request the city to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal. If the applicant makes a request for a panel of qualified experts, the city shall assemble the panel which shall consist of, unless otherwise agreed by the applicant and the city:

- (1) One expert designated by the city;
- (2) One expert designated by the applicant; and
- (3) One expert chosen jointly by the city designated expert and the applicant's designated expert.

A member of this expert panel assembled by the city may not be associated with the application that is the subject of appeal. The decision concerning the item under appeal shall be determined by a majority vote of the panel. The appellant shall pay one-half (1/2) of the cost of the panel.

4. Development Standards for Sensitive Areas**a. Standards for Sensitive Areas Containing 30 percent or Greater Slopes:****(1) Usable Land**

- (A) Single-family structures shall be located only upon areas constituting usable land, which area shall be fully contiguous, be at least 5,000 square feet in size, and have a minimum dimension, both length and width, of 50 feet.
- (B) All other structures, including clustered single-family, multi-family, commercial, industrial, institutional, and accessory structures, shall be located upon usable land as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.

(2) Setback Requirements

- (A) No dwellings or accessory structures shall be constructed within an average of 20 feet (no point being closer than 10 feet) of a continuous hillside slope (upslope or downslope) of 30 percent or greater. The City Engineer may require greater setbacks from the slopes based on geotechnical information.
- (B) All other structures which require a building permit, including commercial, industrial, institutional, and structures accessory thereto, shall be set back as may be determined through site plan review of the impacts of development and proposed mitigation measures to address those impacts including aesthetic concerns.
- (C) Structures requiring a building permit shall be set back no farther than 150 feet from a public or private street unless otherwise approved by the UFA.

(3) Trails

A trail may be constructed to access upper/lower portions of residential/commercial property subject to the following conditions:

- (A) No cut or fill of the hillside may be in excess of two feet. All cuts or fills shall be properly retained.
- (B) The trail should follow a meandering course and not use a direct line pathway to the desired location. Where possible, the trail should follow the natural contours of the hillside.
- (C) The trail shall be screened with native landscape materials.
- (D) The trail plan shall be submitted to the director and city engineer for review and must be approved prior to any construction and/or hillside cuts.

(4) Fencing

All fences located on slopes of 30 percent or greater shall be dark brown, dark green, or black wrought iron, aluminum, or vinyl coated chain-link to blend in with the native landscaping. In no case shall the following types of fences be allowed: uncoated chain-link, masonry, block, wood, or other site obscuring material.

b. Development Standards for All Sensitive Areas**(1) Maximum Impervious Material Coverage**

- (A) Upon which structures are located shall be 50 percent for those in residential zoning districts of SF-15 or below and 40 percent for those in zoning districts of SF-20 or above of the total lot area (excluding pad lots and clustered

subdivisions) including dwelling units, accessory buildings, patios, decks, and driveways, etc., provided, however, that the maximum impervious material coverage may exceed the allowable percentage upon review and approval of an exception by the director. The director shall use the following criteria when making a decision to increase lot coverage:

- i. The home is of comparable size to other homes in the general vicinity;
- ii. The increase is needed to create a safe drive access for the home; and
- iii. The increase is the minimum required to meet subsections **B1a(1) and B1a(2) of this section**.

(B) Upon which multi-family dwellings, commercial, industrial, institutional, pad lots, clustered subdivisions, and accessory structures are proposed shall be determined during site plan review and approved by the planning commission. The planning commission will base their decision on information received from the developer in relation to mitigation measures which can be imposed to handle excess runoff.

(2) Drainage And Erosion

(A) Lots shall be arranged so as to ensure adequate setbacks from drainage channels as determined by the city engineer after review of the submitted reports. No structures intended for human occupancy or as otherwise determined by applicable building code shall be allowed in the 100-year floodplain.

(B) Facilities for the collection of stormwater runoff shall be required to be constructed on development sites and according to the following requirements:

- i. Such facilities shall be the first improvement or facilities constructed on the development site with the exception of sewer and water lines.
- ii. Such facilities shall be designed to detain safely and adequately the maximum expected stormwater runoff for a 100-year storm (together with the stormwater discharge from the site not to exceed 0.2 cubic feet per second per acre or at a rate not higher than the flow rate before development of the site, whichever is less) on the development site for a sufficient length of time to prevent flooding and erosion during stormwater runoff flow periods.
- iii. Such facilities shall be designed to divert surface water away from cut or fill surfaces.
- iv. As much as possible, the existing natural drainage system shall be utilized in its unimproved state.
- v. Where drainage channels are required, wide shallow swales, lined with appropriate vegetation, shall be used instead of cutting narrow, deep drainage ditches.
- vi. Flow retarding devices, such as detention/retention ponds and recharge berms, shall be used, where practical, to minimize increases in runoff volume and peak flow discharge rate due to development. Areas which have shallow or perched groundwater or areas that are unstable shall be given additional consideration, and additional requirements may be imposed.

- (C) Construction on the development site shall be of a nature that will minimize the disturbance of vegetation cover, especially between December 1 and April 15 of the following year.
- (D) Erosion control measures on the development site shall be implemented to minimize the increased solids loading in runoff from such areas. An erosion control plan (the detailed design system to control stormwater erosion during and after construction) shall be included in the grading and drainage plan(s) described in this chapter.
- (E) The area of the watershed shall be used to determine the amount of stormwater runoff generated before and after construction as follows:

The rational method or other method as approved by the city engineer shall be used in computing runoff. The basic formula for the rational method is:

Q	= Runoff in cubic feet per second (cfs)
C	= Coefficient of runoff
I	= Average rainfall intensity during time of concentration for a 100-year return period in inches per hour. The time of concentration shall be defined as the time required for water to flow from the most remote point of the section under consideration to the point of collection or discharge
A	= Drainage area in acres

The following ranges for C value are typical examples. The actual C value used shall be approved by the city engineer.

Type of Development	Runoff Coefficient
Industrial and commercial	0.80 – 0.90
Residential	0.30 – 0.40
Parks	0.15 – 0.24
Agricultural	0.10 – 0.20

(3) Vegetation And Revegetation

- (A) Vegetation shall be removed only when absolutely necessary for the construction of buildings, roads, and filled areas.
- (B) All areas on development sites cleared of natural vegetation in the course of construction of off-site improvements shall be replanted with vegetation which has good erosion control characteristics.
- (C) New plantings shall be protected with a mulch material and fertilized in conjunction with the planting and watering schedule described in subsection B3e of this section.
- (D) The use of persons or firms having expertise in the practice of revegetation, e.g., licensed landscape architects or certified nurserymen, shall supervise the planting and installation of revegetation cover.
- (E) After the completion of off-site improvements, vegetation should be planted in all disturbed areas during the following time periods only:
 - i. March 15 through May 15; and September 15 through October 31.
 - ii. If irrigated, planting may be done during summer months.

- (F) Generally, no vegetation shall be removed on a continuous hillside, crest (upslope or downslope), with a slope 30 percent or greater. However, for uses such as trails and open space improvements, the City Engineer may approve designated areas of vegetation that can be removed or disturbed in conjunction with a revegetation or slope stabilization plan.
 - (G) Topsoil removed during site construction shall be reserved for later use on areas requiring vegetation or landscaping such as cut and fill slopes.
 - (H) All disturbed soil surfaces shall be stabilized or covered prior to November 1. If the planned impervious surfaces, e.g., roads, driveways, etc., cannot be established prior to November 1, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
 - (I) The property owner and/or developer shall be fully responsible for any destruction or damage of native or applied vegetation identified as necessary for soil retention and shall be responsible to replace such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation with varieties of vegetation approved by the director.
- (4) **Geology**
- (A) Dwellings and commercial buildings shall be set back from any active faults as required by the City Engineer.
 - (B) No dwellings, commercial buildings, or off-site improvements shall be allowed on any area considered to be susceptible to landslide, debris flow, or problems associated with perched or shallow groundwater, except as approved by the city engineer. Special requirements to mitigate the potential effects of such hazards may be imposed by the city engineer prior to approval of the project or issuance of building permits.
- (5) **Fire Protection**
- (A) Areas without a recognized water supply shall meet special requirements as established by the city, upon recommendation of the UFA.
 - (B) Each development site and building permit for lots, flag lots, and lots where the front setback is greater than 50 feet shall be reviewed by the UFA to see that it complies with applicable fire codes regarding access roadways for fire apparatus.
 - (C) Spark arresters shall be installed in every fireplace constructed for indoor or outdoor use as regulated by applicable fire codes.
 - (D) Development adjacent to public lands shall provide access to these lands for fire protection vehicles and equipment.
- (6) **Grading, Cuts, and Fill**
- (A) Exposed unstable surfaces of a cut or fill shall not be steeper than one vertical to two horizontal (1:2).
 - (B) All permanent fill shall be stabilized and finished to reduce risk associated with settling, sliding or erosion.
 - (C) The top and bottom edges of slopes caused by an excavation or fill up to ten (10) vertical feet shall be at a minimum of three horizontal feet from the property line or public right of way lines.

- (D) The maximum vertical height of all cuts or fills shall be 10 feet. Under exceptional circumstances, the director may approve cuts or fills in excess of 10 feet with a recommendation from the city engineer. Cuts or fills shall be measured from natural grade to finished grade. The burden of demonstrating exceptional circumstances shall be on the developer of the property, but may include:
 - i. Cutting or filling of areas designated as anomalies.
 - ii. Cutting to allow for required sight triangles.
 - iii. Areas previously modified, altered, or disturbed.
 - iv. Cuts or fills as required by the city engineer to mitigate any unsafe condition such as slopes exceeding 50 percent.
 - v. Unusual topographic features such as bowls or rises that do not exceed slope limitations but may inhibit sound construction.
 - vi. Other conditions as approved by the director.
- (E) All structures, except retaining walls or soil stabilization improvements, shall have a setback from the crest of the fill or base of the cut of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope.
- (F) No grading, cuts, fills, or terracing will be allowed on a continuous hillside of 30 percent or greater slope, crest (upslope or downslope) unless otherwise determined by the director upon recommendation of the city engineer.

(7) Streets and Ways

Streets, roadways, and private accessways shall follow as nearly as possible the natural terrain. The following additional standards shall apply:

- (A) At least two points of ingress/egress shall be provided for each subdivision or PUD project unless the project has one or more of the following:
 - i. A single cul-de-sac, hammerhead, or other approved turnaround approved by the UFA and the city engineer that complies with all development standards herein.
 - ii. An emergency access approved by the planning commission.
 - iii. The future extension of a stub street that will provide additional access, including a temporary turnaround approved by the UFA and city engineer.
- (B) Points of access shall be provided to all adjoining developed and nondeveloped areas for emergency and firefighting equipment. Driveways located upon each lot extending from a public or private street shall have sufficient width and design to admit and accommodate firefighting equipment in compliance with all city engineering and fire standards.
- (C) Cul-de-sacs shall not exceed 600 feet in length and shall have a turnaround with a back of curb line radius of at least 46 feet.
- (D) Stub streets that are longer than 150 feet shall have a temporary turnaround.
- (E) Centerline curvatures should not be less than a 100-foot radius on any curved street pattern unless otherwise approved by the city engineer.
- (F) Variations of the street design standards developed to solve special visual aesthetics and functional problems may be presented to the planning commission upon recommendation from the city engineer for consideration

and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.

- (G) Development sites which are adjacent to trails shall provide access to those trails. Parking areas at trailheads may be required by the planning commission.
- (H) The maximum amount of impervious surface for streets and roadways shall be 20 percent of the entire development site.
- (I) All streets or rights of way for vehicular traffic shall be subject to the following limitations:
 - i. The maximum grade of such streets or rights of way shall be 10 percent except that the City Engineer may grant approval for the construction of such streets or rights-of-way having a grade exceeding 10 percent, but the grade of such streets shall not, in any event, exceed 12 percent.
 - ii. Roads shall be designed and constructed pursuant to City standards.
- (J) **Architectural Design**
 - i. Buildings proposed for construction in the Jordan River corridor areas shall be designed to be visually compatible with the natural setting of the Jordan River corridor. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such materials as wood or composite materials such as hardiplank, brick (earth colors) and stone, with architectural grade asphalt shingle or tile, are considered to be most appropriate.
 - ii. The Director shall review the design and specified exterior materials and colors for all structures other than single-family dwellings. The design and materials shall comply with the City architectural design standards. Building permits for such structures shall not be granted until building materials and colors have been approved by the Director.

(K) **Developer/Property Owner Responsibility**

The developer/property owner shall be jointly and severally responsible for making all improvements in accordance with the development site approval.

(L) **Guarantee for Improvements**

In addition to the provisions requiring the posting of a guarantee as set forth elsewhere in the ordinances of the City, the property owner may be required by the Director and City Engineer to guarantee the completion of revegetation projects, the stabilization of grading sites, cuts and fill, and construction of stormwater runoff facilities.

c. **Jordan River Regulations**

In addition to those requirements specifically outlined in **chapter 17.10 of the Salt Lake County Code**, the Jordan River Basin has been identified and mapped by Salt Lake County as having a "high liquefaction potential". Because of this special characteristic of this area, a site specific natural hazards study for residential subdivisions, single-family structures, multi-family residential structures, industrial, and commercial buildings must be completed and accepted by the City Engineer before approval for required permits, licenses, and other approvals are issued. The study shall address the soil conditions of the property to be developed, the natural hazards that exist, and proposed mitigation

measures to mitigate, if possible, the natural hazards. If the natural hazard cannot be mitigated in a satisfactory manner, no approval shall be given by the City Engineer.

5. Exceptions

a. Previously Platted Lots

If a lot which contains or is adjacent to 30 percent or greater slopes was platted, approved, and recorded prior to the adoption of sensitive area (or similar) regulations either in Salt Lake County or the City and such lot does not comply with the City's current Sensitive Area Overlay Zone, a property owner may request a special exception from the Director to allow construction on the property at reduced or no setback from the 30 percent or greater slope. If it is determined that this exception applies, the lot will not be required to proceed through Sensitive Area Overlay Zone review though special requirements to protect the health, safety, and welfare of the lot owner and residents of the City will be imposed before the issuance of a building permit. A property owner may request this exception only if the lot complies with the following:

(1) Qualifications

Property which qualifies for the exception is limited to the following:

- (A) Subdivision lots approved and recorded prior to the enactment of sensitive overlay (or similar) regulations which were applicable to the property, or subdivision lots approved and recorded under different regulations than currently apply to the property; and
- (B) The lot contains or is adjacent to 30 percent or greater slope and cannot be built upon in compliance with the setbacks required by the Sensitive Area Overlay Zone in effect at the time the request is made; and
- (C) The lot does not have the amount of usable land area required by the Sensitive Area Overlay Zone in effect at the time the request is made; and
- (D) The slope is stable and suitable for construction as determined by the City Engineer; and
- (E) Measures can be imposed which mitigate or eliminate hazards created by construction near the slope; and
- (F) The development shall comply with all other requirements of this LDC and City Ordinances, including driveway slopes and cuts and fills, unless the a variance is approved in accordance with §13.06.080B: *Variance*.

(2) Required Information

The following information shall be submitted for review and recommendation of the Director and City Engineer prior to approval of a building permit:

- (A) Evidence that the lot was platted prior to the imposition of sensitive area overlay (or similar) regulations or in compliance with previous regulations.
 - i. Evidence shall include copies of the subdivision plat approval and recordation and copies of the regulations which governed the subdivision at the time it was approved and recorded.
 - ii. If it is claimed that no regulations were in effect at the time the subdivision plat was approved and recorded, a statement from the appropriate governmental entity that a search of their records was conducted and that no regulations were in effect.

- (B) A geotechnical report from a licensed civil engineer that identifies the following:
 - i. The depth of undisturbed soil below grade.
 - ii. Soil compaction and stability.
 - iii. Rockfall and debris flow potential.
 - iv. Angle of repose.
 - v. Conditions on or near the property which, if disturbed by construction, may create hazards to the property or adjacent property.
 - vi. Recommendations for construction and siting to assure safety of the development and adjoining properties from these hazards.
- (C) Before the construction of a structure, e.g., single-family dwelling, multi-family dwelling, commercial building, accessory structure, pool, etc., shall be allowed, an engineered plot plan stamped and signed by a licensed civil engineer, licensed surveyor, or licensed architect shall be submitted and include the following information:
 - i. Location of all existing and proposed structures.
 - ii. Existing and proposed contour lines at two-foot intervals.
 - iii. Retaining walls or other measures to address the safety of the subject and adjoining properties if determined necessary by the city engineer.
 - iv. Existing and proposed vegetation types and locations.

(3) **Building Permit Requirements**

The city engineer and director may impose requirements on the building permit as follows:

- (A) To mitigate or eliminate anticipated impacts from development.
- (B) For guarantees which are established specifically to ensure the completion and maintenance of the special exception requirements. The guarantee shall be established for a period of time to be determined by the director and the city engineer to assure that the mitigation measures are effective and remain in place and functional.
- (C) That a notice be recorded on the property with the county recorder that indicates the nature of the special exception, that mitigating measures have been imposed, and that those measures cannot be removed or altered without the prior review and approval of the city engineer and director.

(4) **Variance**

A property owner may request to build on the 30 percent or greater slope in accordance with §13.06.080B: *Variance*.

b. **Previously Disturbed or Developed Slopes**

A property owner whose property contains or is adjacent to 30 percent or greater slope(s) may request a special exception to allow construction at reduced setbacks or no setback from the slope or on the slope. A property owner may request the exception during the preliminary review or, upon individual lots, after final development approval.

(1) **Qualifications**

Property which qualifies for the exception is limited to the following:

- (A) The property contains or is adjacent to areas of 30 percent or greater slope; and
- (B) The slope was previously disturbed or altered; and
- (C) The disturbance or alteration was conducted legally either prior to the imposition of any sensitive area regulations on the property or was consistent with the sensitive area regulations in effect at the time the disturbance or alteration was conducted; and
- (D) The slope is stable and suitable for construction as determined by the City Engineer; and
- (E) Measures can be imposed which mitigate or eliminate hazards created by construction near to or additional disturbance or alteration of the slope; and
- (F) All development on the property complies with all other requirements of the current development code, such as driveway slopes and cuts and fills, maximum impervious coverage, etc.
- (G) No other exceptions or any variances are requested or necessary.

(2) **Required Information**

The property owner shall submit the following for review and recommendation of the Director and City Engineer to the planning commission:

- (A) All submittals required for preliminary and final review of property within a Sensitive Area Overlay Zone.
- (B) Evidence that the disturbance or alteration occurred legally prior to the imposition of sensitive area overlay (or similar) regulations or consistent with sensitive area overlay (or similar) regulations in effect at the time the disturbance or alteration occurred.
 - i. Evidence shall include copies of permits from the governmental entity that had authority to issue such permits at the time the alteration/disturbance took place accompanied by copies of any sensitive area (or similar) regulations in effect at the time of the disturbance or alteration.
 - ii. If copies of permits are not available, the following may be acceptable: credible evidence in the form of documents (including photographs) or sworn affidavits from an individual(s) with first-hand knowledge documenting when the work was done, by whom, and whether it was legal or not, together with written statements from the appropriate governmental entity that a search of their records was conducted and that either no permit was found, no permit was required, and/or no regulations were in effect, and that the work was consistent with all regulations in effect at the time it was performed.
- (C) A study and report from a licensed civil engineer which specifically addresses the slopes upon which the applicant is requesting reduced setbacks including geologic conditions, soils, vegetation, impacts of development (including aesthetics), and recommended mitigation measures for those impacts. (This information may be contained in the geologic report submitted with the application.)

(3) Planning Commission Determination

The Planning Commission may grant the special exception and establish a reduced setback from the 30 percent or greater slope, determine that no setback from the slope is required, or allow building on the slope if it finds that the property complies with all the qualifications for the exception listed above.

(4) Requirements Imposed

The Planning Commission shall impose requirements:

- (A) To mitigate or eliminate anticipated impacts from development.
- (B) For guarantees which are established specifically to ensure the completion and maintenance of the special exception requirements. The guarantee shall be established for a period of time to be determined by the Director and City Engineer to assure that the mitigation measures are effective and remain in place and functional.
- (C) That a notice be recorded on the property that indicates the nature of the special exception, that mitigating measures have been imposed, and that those measures cannot be removed or altered without the prior review and approval of the City Engineer and Director.

c. Determination of Anomalies for 30 Percent or Greater Slopes

The City Engineer shall review all requests for development on 30 percent or greater slopes to determine if anomalies exist. If an anomaly is determined to exist, the City Engineer shall forward to the Planning Commission a recommendation regarding development of the area affected by the anomaly. This recommendation will be made as part of the preliminary review of the project. The City Engineer shall consult the Public Works Department policy prior to making a recommendation.

6. Construction, Grading, Contour Map and Issuance of Building Permits

- a. There shall be no construction, development, or grading upon the development site located in the Jordan River corridor and wetlands if the slope is 15 percent or greater until final approval has been granted.
- b. Before construction of a structure upon a lot(s) shall be allowed, an engineered plot plan stamped, dated, and signed by a licensed civil engineer, licensed surveyor, or licensed architect, shall be submitted. The plot plan shall be drawn to a standard scale (at least 1 inch = 10 feet or other scale approved by the City Engineer) and shall be submitted to the Director or designated staff representative. The plot plan shall show lot lines, existing and proposed contours at two-foot intervals, location of proposed structures, walks, easements, decks, driveways, patio areas, etc. The plot plan shall also include vegetation, drainage, erosion controls, and location of limits of disturbance fencing (required) and be attached to the building permit.

D. FPO – Floodplain Overlay⁹⁶

1. Findings

- a. The flood hazard areas are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

⁹⁶ From current 13.16.

- b. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

2. **Statement of Purpose**

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; streets and bridges located in floodplains;
- f. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- g. Ensure that potential buyers are notified that property is in a flood area.

3. **Methods of Reducing Flood Losses**

In order to accomplish its purposes, this chapter uses the following methods:

- a. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- b. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- d. Control filling, grading, dredging, and other development which may increase flood damage;
- e. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

4. **Definitions**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

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.

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, or VO zone on a community's flood insurance rate map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one 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 zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

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.

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.

Development

Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

Elevated Building

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

In the case of zones V1-30, VE, or V, "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 met the standards of section 60.3(e)(5) of the national flood insurance program regulations.

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 adopted by a community.

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).

Flood Insurance Rate Map (FIRM)

An official map of a community, on which the federal emergency management agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community and all subsequent amendments and revisions thereto.

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 or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or 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 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

Land use ordinances, 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.

Floodplain or Flood Prone Area

Any land area susceptible to being inundated by water from any source (see definition of Flood Or Flooding).

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.

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.

Highest Adjacent Grade

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

Historic Structure

Any structure that is:

1. Listed individually in the national register of historic places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
2. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the secretary of the interior, or
 - b. Directly by the secretary of the interior in states without approved programs.

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.

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 requirement of section 60.3 of the national flood insurance program regulations.

Manufactured Home

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

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.

Mean Sea Level

For purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New Construction

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.

Recreational Vehicle

A vehicle which is:

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

Start of Construction

For other than new construction or substantial improvements under the coastal barrier resources act (Pub. L. 97-348), includes substantial improvement and means 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.

Structure

A walled and roofed building, including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.

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

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance

A grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see section 60.6 of the national flood insurance program regulations.)

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d) (3), (e)(2), (e)(4), or (e)(5) of the national flood insurance program regulations is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation

The height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

5. General Provisions

- a. The FPO shall apply to all areas of special flood hazard within the jurisdiction of the city.
- b. The areas of special flood hazard identified by the federal emergency management agency in a scientific and engineering report entitled, "The Flood Insurance Study For The City Of Taylorsville", dated September 25, 2009, and all subsequent amendments and/or revisions thereto, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.
- c. A development permit shall be required to ensure conformance with the provisions of this chapter.
- d. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.
- e. These standards are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- f. In the interpretation and application of this chapter, all provisions shall be:
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- g. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

6. Administration

a. Floodplain Administrator Appointed

The Director is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (national flood insurance program regulations) pertaining to floodplain management.

b. Duties and Responsibilities of Floodplain Administrator

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this chapter.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the federal water pollution control act amendments of 1972, 33 USC 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is NFIP coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with **subsection 13.16.050B of this chapter**, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this section.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR chapter 1, section 65.12, of the national flood insurance program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot (1'), provided that the community first applies for a conditional FIRM revision through FEMA (conditional letter of map revision).

c. Development Permit Application

Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured

homes, and the location of the foregoing in relation to areas of special flood hazard.

Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 13.16.070B of this chapter;
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- (5) Maintain a record of all such information in accordance with subsection B of this section.

d. Development Permit Approval or Denial

Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (10) The relationship of the proposed use to the comprehensive plan for that area.

e. Variance Procedures

(1) Appeal Authority

The appeal authority as established by the community shall hear and render judgment on requests for variances from the requirements of this chapter.

(2) Alleged Error

The appeal authority 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 floodplain administrator in the enforcement or administration of this chapter.

(3) Decision of Appeal Authority May be Appealed

Any person or persons aggrieved by the decision of the appeal authority may appeal such decision in the courts of competent jurisdiction.

(4) Records

The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the federal emergency management agency upon request.

(5) Exception

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the national register of historic places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this chapter.

(6) Lot Surrounded by Structures Below Base Flood Level

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 D of this section 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.

(7) Conditions

Upon consideration of the factors noted above and the intent of this chapter, the appeal authority may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.

(8) Designated Floodway

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Historic Structures

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.

(10) Prerequisites for Granting Variances:

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(A) Variances shall only be issued upon:

- i. Showing a good and sufficient cause;
- ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- iii. 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 existing local laws or ordinances.

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.

(11) Considerations

Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (A) The criteria outlined in subsections D1 through D9 of this section are met, and
- (B) 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.

f. Provisions for Flood Hazard Reduction

(1) New Construction and Substantial Improvements

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (A) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (B) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (C) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (D) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- (G) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(2) Floodproofing Requirements

In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsection 13.16.050B of this chapter; subsection 13.16.060B8 of this chapter; or subsection C3 of this section, the following provisions are required:

(A) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in subsection 13.16.060C of this chapter is satisfied.

(B) Nonresidential Construction

New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(C) 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:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one-foot above grade.
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(D) Manufactured Homes

- i. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- ii. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites:
 - 1) outside of a manufactured home park or subdivision;
 - 2) in a new manufactured home park or subdivision;
 - 3) in an expansion to an existing manufactured home park or subdivision;or

- vi. 4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- vii. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this subsection B4 be elevated so that either:
- viii. (1) The lowest floor of the manufactured home is at or above the base flood elevation, or
- ix. (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(E) **Recreational Vehicles**

Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:

- i. Be on the site for fewer than 180 consecutive days,
- ii. Be fully licensed and ready for highway use, or
- iii. Meet the permit requirements of subsection 13.16.060C of this chapter, and the elevation and anchoring requirements for "manufactured homes" in subsection B4 of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(3) **Standards for Subdivision Proposals**

- (A) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with subsections A and B of this section.
- (B) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of subsections 13.16.050C and 13.16.060C of this chapter; and the provisions of this section.
- (C) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to subsection 13.16.060B of this chapter or subsection B of this section.
- (D) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (E) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas,

electrical, and water systems located and constructed to minimize or eliminate flood damage.

(4) Areas Of Shallow Flooding

Located within the areas of special flood hazard established in subsection 13.16.060B of this chapter are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (A) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- (B) All new construction and substantial improvements of nonresidential structures:
- (C) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or
- (D) Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.
- (E) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in subsection 13.16.060C of this chapter, are satisfied.
- (F) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(5) Floodways

Located within areas of special flood hazard established in subsection 13.16.050B of this chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- (A) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (B) If subsection E1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
- (C) Under the provisions of 44 CFR chapter I, section 65.12, of the national flood insurance regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood

elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

g. Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000.00 or imprisoned for not more than six (6) months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

E. DWO – Drinking Water Source Protection Overlay⁹⁷

1. Title

The provisions of this zone shall be effective within the city and shall set prohibitions and restrictions to prevent contamination of the public drinking water supply in the city as a result of hazardous and toxic substances entering the groundwater, including wells not owned by the city. This zone shall be liberally construed to effect the purposes set forth herein.

2. Applicability

It shall be the responsibility of any person owning real property and/or owning or operating a business within the city boundaries to conform and comply with the applicable provisions contained in this zone. Ignorance of this provision shall not excuse any violations of the provisions of this zone.

3. Authority

The city has the authority to adopt this zone to facilitate compliance and management with drinking water source protection regulations pursuant to the land use and development act of the Utah Code Annotated, the Utah administrative code, and other such authorities and provisions as in the statutory and common law of the state of Utah.

4. Purpose and Intent

The purpose of this zone is to protect, preserve, and maintain existing and potential public drinking water sources in order to safeguard the public health, safety, and welfare of city residents and visitors. The intent of this zone is to establish and designate drinking water source protection zones and groundwater recharge areas for all sources of public drinking water within city boundaries. This zone establishes criteria for regulating the storage, handling, use, or production of hazardous or toxic substances within identified areas where groundwater is or could be affected by the potential contaminant source. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this zone apply to new development/redevelopment and/or handling, movement, and storage of potentially hazardous materials.

⁹⁷ From current 13.17.

The degree of protection afforded by this zone is considered adequate for regulatory purposes. This zone does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the city, any officer, or employee thereof for any damages to the public water supplies from reliance on this zone nor any administrative order lawfully made thereunder.

A notice to cease or an exemption issued under this zone shall not relieve the owner of the obligation to comply with any other applicable federal, state, regional, or local regulations, rules, ordinances, or requirements, nor shall said notice or exception relieve any owner of any liability for violation of such regulations, rules, ordinances, or requirements.

5. Extent and Designation of Recharge Areas and Protection Zones

a. Drinking Water Source Protection Zone Map

The extent of the recharge areas and the protection zones may be seen on the most current Drinking Water Source Protection Zone Map (DWSPZ map) on file in the city. The recharge area boundary lines have been located along streets and/or section lines for convenience of assessing which prohibition and restrictions apply to a specific property. This map shall be maintained by the applicable public utility providers, whose groundwater resources lay within the city boundaries and jurisdiction.

b. Designation of Recharge Areas and Protection Zones

The following recharge areas and protection zones are hereby designated within the city:

(1) Primary Recharge Area

As determined by the USGS (see DWSPZ map).

(2) Secondary Recharge

As determined by the USGS (see DWSPZ map).

(3) Protection Zone 1

Area within a 100-foot radius from a well.

(4) Protection Zone 2

Area within a 250 day groundwater time of travel (TOT) to a well. The margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer (see DWSPZ map).

(5) Protection Zone 3

Area within a three-year TOT to a well. The margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer (see DWSPZ map).

(6) Protection Zone 4

Area within a 15-year TOT to a well. The margin of the collection area, the boundary of the aquifer(s) which supplies water to the groundwater source, or the groundwater divide, whichever is closer (see DWSPZ map).

c. Determination of Location of Properties

In determining the location of properties and facilities within the areas and zones depicted on the DWSPZ map, the following rules shall apply:

- (1) Property located wholly or partially in a recharge area or a protection zone on the DWSPZ map shall be governed by the restrictions applicable to that recharge area or protection zone.
 - (2) Property located within more than one recharge area or protection zone as shown on the DWSPZ map shall be governed by the restrictions applicable to the most restrictive protection zone.
- d. **Review of DWSPZ Map**

The DWSPZ map shall be reviewed as deemed necessary. The basis for updating the map may include, but is not limited to, the following:

 - (1) Changes in technical or scientific knowledge in the areas of geohydrology, hydraulics, and geology.
 - (2) Changes in well field configuration.
 - (3) Changes in pumping rates for the well field.
 - (4) Development of new wells, well fields, and/or springs.
 - (5) Changes in water quality.
6. **Permitted Uses, Public Utilities Approval, and Not Permitted Within Recharge Areas and Protection Zones:**
 - a. **Releases**

No person shall discharge or permit the discharge of any regulated substances or petroleum products, whether treated or untreated, into soils, air, groundwater, or surface water in any recharge area or protection zone that may have a deleterious effect upon the groundwater in the city unless the release is in compliance with federal, state, and local regulations.
 - b. **Not Permitted and Restrictions**

The table in section 13.17.060 of this chapter is a summary matrix of potential contamination sources and their not permitted, permitted, or if permitted, city approval in the protection zones referenced in this chapter.
 - c. **Review of Development Plans**

All development plans that lie within the primary recharge area shall be reviewed by a registered geologist who has demonstrated expertise in the assessment of recharge rates. Any development that will result in a loss of the beneficial use of groundwater or that may have an adverse or negative effect upon local groundwater quality shall be rejected. Plans that are rejected may be revised by the developer and resubmitted to the city for subsequent review by a registered geologist.
7. **Management Strategies and Performance Standards**
 - a. **Toxic, Hazardous, and Other Materials Handling Regulations**

The general classes of substances to be regulated under this zone shall be those set forth in the generic regulated substances list which is presented in section 13.17.120 of this chapter, exhibit 1. The regulated identification and listing of hazardous materials (40 CFR part 261, subpart D) and list of extremely hazardous substances (40 code of federal regulations CFR part 355, appendices A and B) and which are in a form that they are, all or in part, capable of entering the groundwater. The use and storage of regulated substances in designated protection zones and recharge areas shall be allowed provided that the quantities of these substances do not exceed the reportable quantity for each

regulated substance as designated in 40 CFR 302 (pursuant to section 311 of the clean water act). An applicant may be exempted from the provisions of this section provided that he demonstrates to the city and to the Utah division of drinking water quality that the regulated substances pose no hazard to groundwater.

b. Storage Containers

All regulated substances shall be stored in suitable containers to reduce the chance for the substances to be accidentally introduced into the environment. These storage containers shall be product tight and, except where provided elsewhere in the zone, shall be provided with a means to control spillage (primary containment) and to contain or drain off spillage and fire protection water discharged in the storage area (secondary containment).

Storage containers which are stored outside must be covered or mounted to prevent the accumulation of rain or other water on the top of the container, or the degradation of the top, sides, or bottom of the container, in a manner that would lead to the reduction of the integrity of the container. Defective storage containers shall be removed from service for repair or disposal in accordance with local, state, and federal standards.

c. Secondary Containment

Where secondary containment is required, it shall be constructed of a material of sufficient structural integrity and composition to contain the required capacity of liquids and not be structurally weakened as a result of contact with the discharge of the regulated substance to be contained. The material shall be free of cracks, joints, gaps, or other imperfections which would allow leakage through the containment material.

The secondary containment system shall have sufficient capacity to contain ten percent (10%) of the volume of all containers and one hundred percent (100%) of the volume of the largest single container, whichever is greater, plus the design flow rate of the automatic fire extinguishing system (for 20 minutes) for the area or room in which the storage is located. If the storage area and/or containment area are open to rainfall, the secondary containment system must also accommodate the volume of a 24-hour rainfall as determined by a 25-year storm frequency. Liquid that accumulates in the secondary containment system shall be removed in as timely a manner as necessary to prevent overflow of the system. Nonhazardous liquids may be drained in accordance with applicable local regulations. If the collected material is a hazardous waste under title 40 part 261 of the code of federal regulations, it must be managed as a hazardous waste in accordance with all applicable requirements of parts 262 through 266 of that regulation.

Vacuum suction devices, absorbent scavenger materials, or other devices approved by the applicable public utility providers shall be present on site or available to facilitate the removal or further containment of spilled regulated substances. Devices or materials shall be available in sufficient magnitude so as to at least control and collect the total quantity of regulated substances that the containment system is designed to contain. Emergency containers shall be present and of such capacity to hold the total quantity of regulated substances plus absorbent material.

d. Regulated Substances Emergency Management Plan

An emergency plan shall be prepared and filed with the city indicating the procedures that will be followed in the event of the release of a regulated substance so as to control and collect all such spilled material in such a manner to prevent it from discharging into

any storm or sanitary drains or the ground. Facilities which have had, or appear to have had, unauthorized discharges to soil or groundwater shall be required by the city to submit a regulated substances management plan for the facility. The written plan will be used to demonstrate to the city that the facility owner or operator understands the procedures and has the proper equipment to handle regulated substances within the guidelines of this zone. The plan should not be implemented without the approval of the city.

e. Reporting of Spills

Any spill of a regulated substance in excess of the nonaggregate quantity thresholds established by the list of hazardous waste (40 CFR part 261, subpart D), 40 CFR appendix VIII - hazardous constituents and EPA designation reportable quantities and notification requirements for hazardous substances under CERCLA (40 CFR 302, effective July 3, 1986), shall be reported by telephone to the city and designated water utility within one hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the city within 15 calendar days of discovery of the spill.

f. Best Management Practices

Under the provisions of this zone, all potential contamination sources within the city shall incorporate and utilize best management practices (BMPs) in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter groundwater shall be construed within the context of this zone to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah division of drinking water quality and the U.S. environmental protection agency.

g. Underground Storage Tanks (USTs)

Installation of any new underground storage tanks used to store regulated substances for either residential or nonresidential activities in recharge areas and protection zones designated under this chapter shall require a secondary containment system for the tank and associated underground piping and an automatic leak detection system.

A permit from the Utah department of environmental quality, environmental remediation and response division shall be required for the removal or closure of USTs. The permit shall require that leaking tanks be pumped dry and removed from the ground by a state licensed company. If removal of the UST(s) is not feasible, the lines shall be disconnected and capped, and the tank shall be filled with an inert substance such as washed sand.

Best management practices implementation is required for all underground storage tanks.

h. Septic Tank System

No person shall place, maintain, or operate on site sewage disposal from a septic tank within the primary recharge area, zone 1, zone 2, or within 300 feet of any public street in which a public sewer is laid. Septic systems in zones 3 and 4 shall comply with the Utah state department of healthcare of waste disposal regulations, part IV and part V.

Nonresidential activities which have septic tank systems shall have installed a four-inch diameter vertical pipe with a locked cap or locked top in the top of the septic tank. This

monitoring pipe shall be located in a manner which will permit ready access by city or its designee personnel to extract representative samples to check for improper/unauthorized disposal of regulated substances.

A septic holding tank that does not discharge into the soil would be preferred. The contents of such a septic holding tank are removed and can be treated or disposed of at an appropriate facility.

i. **Sewage Collection, Transmission, and Disposal**

No person shall discharge treated or untreated sewage in any area not specifically designated for that purpose by the applicable public utilities providers. The owner of sanitary sewer, force main, gravity sewer, or lateral shall notify the city within twenty four (24) hours of discovering a break that may or does result in the leakage of sewage. Emergency telephone numbers will be prominently displayed on all sewage lift stations within zones 1, 2, 3, and 4, and the primary recharging area.

All leaking sewage collection and transmission pipes shall be repaired or replaced. New sewage collection and transmission pipes shall be installed according to acceptable construction standards and shall have routine inspections during and after construction.

No person shall place, maintain, or operate a wastewater treatment plant within zones 1 or 2.

j. **General Stormwater Management**

All future stormwater management systems to be constructed and implemented for facilities within the protection zones and recharge areas shall be permitted in accordance with applicable local, state, and federal laws and regulations.

The discharge of stormwater into drainage wells, open sinkholes, or sumps shall be prohibited without some form of treatment. This treatment shall be applied to at least the first 0.5 inch of runoff from the area tributary to the well or open sinkhole.

The clean water and stormwater regulations require municipalities and industries to identify, monitor, and limit urban runoff that may enter rivers, thus potentially affecting groundwater quality.

k. **Deicing Salt Storage and Application**

Deicing salt shall be stored on an impermeable pad and shall be covered or comply with an approved storm drain plan. Deicing salt application shall use best management practices and shall evaluate substitute products and technologies.

l. **Landfills**

Expansion or creation of new landfills is prohibited in the primary recharge area, zone 1, and zone 2. Existing landfills in the primary recharge area or in zone 1 shall be required to comply with the provisions of UAC R315-301-1 through 301-5. Landfills shall develop and implement a landfill monitoring program. The monitoring shall include the vadose zone and groundwater. If the monitoring detects contamination, the following corrective measures may be required:

- (1) Cover the landfill with suitable low permeability materials and minimize the application of supplemental water to reduce infiltration of moisture.
- (2) Install groundwater containment and treatment actions, additional monitoring, and erosion controls as required.

m. **Environmental Quality Monitoring**

Facilities which have had, or appear to have had, unauthorized releases to soil or groundwater shall be required by the city to monitor soil and groundwater in and adjacent to the facility. At the request of the city or public utility provider, the facility will submit a monitoring plan for review. The plan shall be implemented with the approval of the city. Facilities that undergo closure may be required to monitor soil and groundwater in and adjacent to the facility subject to closure. All costs associated with the closing and monitoring of the site will be paid for by the operator of the facility

8. **Table - Land Use Matrix for Potential Contamination Sources**

The following table identifies uses which have varying potentials to contaminate groundwater sources. These uses have been classified according to the risk of contamination in each protection zone as follows:

a. **Permitted uses (P)**

The risk of contamination is considered relatively low in the specified zone if regulatory requirements and best management practices are implemented and, therefore, the use is permitted.

b. **Requires approval (R)**

The risk of contamination is moderate in the specified zone. The use may be permitted only after review and approval by the City Engineer and applicable public utility providers. Approval is subject to implementation of best management practices and compliance with other reasonable conditions as may be established by the applicable public utility providers. The Utah division of drinking water quality shall review all requests before city approval is given.

c. **Not permitted (N)**

The risk of contamination is very high in the specified zone. The use is not permitted.

Stormwater: R-317-8-3.8(1)(a)

R-317-8-3.8(b)(c)+(d)

Pretreatment: Contact local wastewater plant

LAND USE MATRIX FOR POTENTIAL CONTAMINATION SOURCES

Potential Contamination Source	Protection Zone					Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zone 3 And 4	
Abandoned Wells	N	N	N	N	N	
Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	R	R	N	R	R	BMP – department of agriculture
Airport maintenance and fueling sites	R	R	N	R	R	
Appliance repair	P	P	N	P	P	
Auto operations and fleet vehicle maintenance facilities (commercial):	R	R	N	R	R	BMP – SL Co. health
Auto body	R	R	N	R	R	

Title 13: Land Development Code

Chapter 13.02 Zoning Districts

13.02.100 Overlay Districts

Potential Contamination Source	Protection Zone					Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zone 3 And 4	
Dealership maintenance and fueling sites	R	R	N	R	R	
Engine repair	R	R	N	R	R	
Oil and lube shops	R	R	N	R	R	
Rustproofing	R	R	N	R	R	
Tire	R	R	N	R	R	
Vehicle rental with maintenance	R	R	N	R	R	
Beauty salons	R	P	N	R	P	
Boat building and refinishing	R	P	N	R	R	
Car washes	R	R	N	R	R	Contact city
Cemeteries, golf courses, parks, and plant nurseries	R	R	N	R	R	
Chemical reclamation facilities	R	R	N	R	R	
Chemigation wells	R	R	N	R	R	
Concrete, asphalt, and tar companies	R	R	N	R	R	
Dairy farms and animal feed lots (more than 10 animal units)	R	P	N	N	P	
Dry cleaners (with on site chemicals)	R	R	N	N	P	
Dry cleaners (without on site chemicals)	P	P	N	P	P	
Embalming services	R	R	N	R	R	
Farm operations:						
Dump sites	N	R	N	R	R	
Maintenance garages	R	R	N	R	R	
Manure piles (<20 cubic feet)	R	R	N	R	P	
Food processing, meatpacking, and slaughterhouses	R	R	N	N	P	
Fuel, oil, and heating oil distribution and storage facilities	N	R	N	R	R	
Furniture stripping, painting, and finishing businesses	R	R	N	R	R	
Gasoline service stations (including underground storage tanks)	R	R	N	R	R	
Hospitals and medical, dental, and veterinary offices	R	R	N	R	R	
Industrial manufactures of: chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastic, fiberglass, silicone, glass, pharmaceuticals, and electrical equipment, etc.	N	R	N	R	R	

Title 13: Land Development Code

Chapter 13.02 Zoning Districts

13.02.100 Overlay Districts

Potential Contamination Source	Protection Zone					Best Management Practice(s)
	Primary Recharge	Secondary Recharge	Zone 1	Zone 2	Zone 3 And 4	
Industrial waste disposal/ impoundment areas	N	R	N	R	R	
Junk and salvage yards	N	R	N	R	R	SL Co. BMP
Landfills and transfer stations	N	R	N	R	P	
Laundromats	R	P	N	P	P	
Machine shops, metal plating, heat treating, smelting, annealing, and descaling facilities	N	R	N	R	R	
Mining operations:						
Radiological	R	R	N	P	P	
Sand and gravel excavation and processing	R	P	N	P	P	
Municipal wastewater treatment plants	R	R	N	N	P	
Photo processing and print shops	R	R	N	R	R	
RV waste disposal stations	R	R	N	N	P	
Railroad yards	R	P	N	P	P	
Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas	R	P	N	R	R	Follow manufacture's directions for use and storage
Residential underground storage tanks	N	R	N	R	P	
Salt and salt-sand piles	R	R	N	R	R	DEQ/UDOT BMP
Septic tank drainfield systems	N	R	N	N	R	
Stormwater detention basin and snow storage sites	R	R	N	R	P	
Sumps	R	R	N	N	R	
Toxic chemical storage and oil pipelines	N	N	N	N	N	
Wood preservative treatment facilities	N	R	N	R	R	

UAC:	Utah administrative code
UDDWQ:	Utah division of drinking water quality
UDOGM:	Utah division of oil, gas, and mining
UDSW:	Utah division of solid waste
RCRA:	Resource conservation and recovery act

9. Exclusions and Exemptions

Exclusions and exemptions shall not pertain to zones 1 and 2 within 100 feet from the well field in the recharge areas.

a. Exclusions

The following substances are not subject to the provisions of this chapter provided that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized release or cause contamination of the groundwater.

- (1) Required substances stored at residences that do not exceed 10 pounds or five gallons and used for personal, family, or household purposes.
- (2) Commercial products limited to use at the site solely for office or janitorial purposes when stored in total quantities of less than 20 pounds or 10 gallons.
- (3) Prepackaged consumer products available through retail sale to individuals for personal, family, or household use that are properly stored.
- (4) Water based latex paint.
- (5) Fertilizers and treated seed (except as noted in this section).
- (6) Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment, or similar applications when applied in accordance with manufacturer's instructions, label directions, and nationally recognized standards.
- (7) Compressed gases.
- (8) Substances or mixtures which may pose a hazard but are labeled pursuant to the federal food, drug, and cosmetic act.

b. Continuous Transit

The transportation of any regulated substance(s) through any protection zone or recharge area shall be allowed, provided that the transporting vehicle is in continuous transit.

c. Vehicular and Low Maintenance Fuel and Lubricant Use

The use of any petroleum product solely as an operational fuel in the vehicle or low maintenance fuel tank or as a lubricant in such a vehicle shall be exempt from the provisions of this section. These spent products shall be properly disposed of in compliance with applicable federal, state, and local regulations.

10. Enforcement, Violation, and Penalties**a. Inspections**

An authorized officer of the city or the Salt Lake Valley health department has the right to conduct inspections of facilities to determine compliance with this chapter. The authorized officer or the Salt Lake Valley health department shall inform the city, applicable public utility providers and other entities, as deemed appropriate, of the results of the inspection and whether violations were noted. The authorized officer of the city and/or the Salt Lake Valley health department shall enforce the provisions of this chapter. Noncompliance with the provisions of this chapter is a violation. If the facility is not complying with the requirements of this chapter, penalties (e.g., citations of noncompliance, orders to cease operations or administrative penalties) may be assessed. This chapter regulates businesses within the protection zones and primary and secondary recharge areas within the city.

b. Notice of Violations

Whenever it is determined that there is a violation of this chapter or the regulations promulgated pursuant hereto, the notice of violation shall:

- (1) Be in writing.
- (2) Be dated and signed by the authorized city agent that made the inspection or determined the violation.
- (3) Specify the violation(s).
- (4) Provide a specific date that the violation(s) will be corrected.
- (5) State that if the violation is not corrected by a specific date, a hearing may be requested.

If a potential contaminant source (PCS) is out of compliance with the provisions of this chapter, but does not pose an immediate threat to public health, then a written warning of violation may be issued within 30 days. The person has the opportunity to show a good faith effort to correct an unintentional violation within a reasonable amount of time. A cease and desist order shall be issued by the city if the PCS is found not to employ BMPs, and there is an immediate threat to public health and safety or if the violation is not corrected within the time frame specified in a written warning previously issued to the PCS. In the event the PCS fails to comply with a cease and desist order within the specified time period, the city has the authority to pursue legal action.

Any PCS or person found in violation of any provisions of this chapter will be served with a written notice stating the nature of the violation and providing a reasonable time frame for compliance. Violations of the provisions of this chapter constitute a misdemeanor, punishable as provided by law. In the event of a spill, leak, or discharge of a regulated substance and the city deems the activity to pose a real and present danger of contaminating surface or ground water which would normally enter the public water supply, the city has the authority under this section to cause cessation of said activity or use of regulated substance, require administrative controls to mitigate said danger and/or cause the provision of pollution control and abatement activities. A facility is in violation of this chapter if use of regulated substances in a protection zone or a primary or secondary recharge area exceeds 20 gallons or 160 pounds at any time. The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12 month period.

c. Appeals

Persons cited under the enforcement provisions of subsections A and B of this section shall be afforded a process for appealing the ruling of the city. If the appeal pertains to a written warning of violation requesting the PCS to correct an unintentional violation in a reasonable amount of time, the PCS can submit to the city a written statement demonstrating compliance or explaining a process for coming into compliance. This written response is required no later than 30 days from the date of issuance of the warning.

If the appeal pertains to a cease and desist order issued by the city, the PCS can submit a written appeal response no later than 10 days from the date of issuance of the order.

The written appeal shall contain:

- (1) Documentation of compliance; or
- (2) Response to specific violations cited in the cease and desist order and the remedial actions planned to bring the facility into compliance; and
- (3) Schedule for compliance.

Upon receipt of the written appeal, the city shall be required to review the appeal within 10 days of its receipt and respond to the PCS. If the city determines that the written response from the PCS is adequate and noncompliance issues are addressed, the PCS will be notified by mail and no further action will be required. If the city determines that the appeals response is inadequate, the PCS may request a hearing pursuant to the process set forth in chapter 13.34 of this LDC.

11. Other

a. Abrogation and Greater Restrictions

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other restrictions, including land use codes or development regulations conflict or overlap, whichever imposes the most stringent restrictions, shall prevail.

b. Disputes

Disputes arising from the delineation of DWSP zones and primary and secondary recharge areas shall be directed to the city engineer to review specific detailed delineation maps showing the boundaries. The boundaries have been defined for ease of implementation of this section, according to major city streets.

12. Liability

Any person subject to regulation under this chapter shall be liable with respect to regulated substances emanating on or from the person's property for all cost of removal or remedial action incurred by the city, Salt Lake Valley health department, and/or applicable public utility providers and for damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss from the release or threatened release of a regulated substance as defined by this chapter. Such removal or remedial action by the city and/or Salt Lake Valley health department and/or applicable public utility providers may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and cleanup, or disposal of regulated substances resulting from spilling, leaking, pumping, pouring, emitting, or dumping of any regulated substance or material which creates an emergency hazard or is expected to create an emergency hazardous situation.

13. Administration

The policies and procedures for administration of any protection zone or primary and secondary recharge area established under this chapter, including, without limitation, those applicable to nonconforming uses, exceptions, enforcement, and penalties, shall be the same as provided in any existing zoning ordinance in the city, as the same is presently enacted or may from time to time be amended.

14. Exhibit 1, Generic Regulated Substance List

- a. Acid and basic cleaning solutions Animal dips
- b. Antifreeze and coolants
- c. Arsenic and arsenic compounds Battery acids
- d. Bleaches and peroxide Brake and transmission fluid Brine solution
- e. Casting and foundry chemicals Caulking agents and sealants Cleaning solvents
- f. Corrosion and rust preventatives Cutting fluids
- g. Degreasing solvents Disinfectants

- h. Dyes
- i. Electroplating solutions Engraving and etching solutions Explosives
- j. Fertilizers
- k. Fire extinguishing chemicals Food processing waste Formaldehyde
- l. Fuels and additives
- m. Glues, adhesives and resins
- n. Greases Hydraulic fluid Indicators
- o. Industrial and commercial janitorial supplies Industrial sludges and still bottoms
- p. Inks, printing, and photocopying chemicals Laboratory chemicals
- q. Liquid storage batteries
- r. Medical, pharmaceutical, dental, veterinary, and hospital solutions Mercury and mercury compounds
- s. Metal finishing solutions Oils
- t. Painting solvents
- u. Paints, primers, thinners, dyes, stains, wood preservatives, varnishing, and cleaning compounds Pesticides and herbicides
- v. Photo development chemicals
- w. Plastic resins, plasticizers, and catalysts Poisons
- x. Polishes
- y. Polychlorinated biphenyls (PCBs) Pool chemicals
- z. Processed dust and particulates Radioactive sources Refrigerants
- aa. Roofing chemicals and sealers
- bb. Sanitizers, disinfectants, bactericides, and algacides Soaps, detergents, and surfactants
- cc. Solders and fluxes Stripping compounds Tanning industry chemicals
- dd. Transformer and capacitor oils and fluids Wastewater
- ee. Water and wastewater treatment chemicals

F. **RDO – Redwood Road Design District Overlay⁹⁸**

1. **Purpose**

The purpose of the Redwood Road Design District Overlay Zone (RDO) is to preserve the aesthetic quality of the Redwood Road corridor, to protect the public and private investment of existing improvements, and to ensure the continued viability of the Redwood Road corridor as a desirable location for economic investment.

2. **Administration and Enforcement**

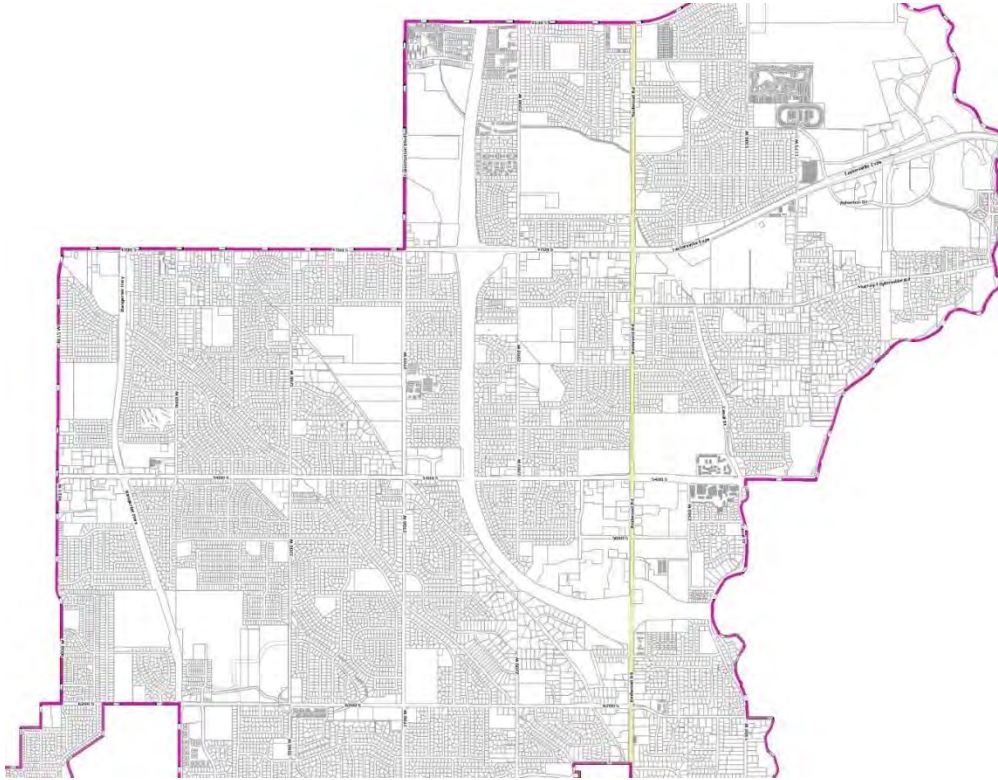
The Community Development Department is hereby charged with the administration and enforcement of the provisions of this overlay zone. Applications for right-of-way work on streetscapes, street furnishings, landscaping, and above ground utilities shall be consistent with adopted design standards and shall be reviewed and approved by the Community Development Department.

3. **Area Designated**

Areas designated in the Redwood Road Design District Overlay Zone are illustrated in **figure 3** of this section:

Figure 3

⁹⁸ Updated acronym from "RRDD" to "RDO."



The RDO shall include only those areas within the public right-of-way as illustrated in **figure 3** of this section. At the discretion of the City Council, based on a recommendation of the Planning Commission and compliance with all statutes and ordinances pertaining to public notice and public hearings, the boundaries of the RDO may expand beyond the public right-of-way.

G. **MDO – Mid-Valley Connector Design District Overlay⁹⁹**

1. **Purpose**

The purpose of the Mid-Valley Connector Design District Overlay Zone (MDO) is to preserve the aesthetic quality of the Mid-Valley Connector corridor, to protect the public and private investment of existing improvements, and to ensure the continued viability of the corridor as a desirable location for economic investment.

2. **Administration and Enforcement**

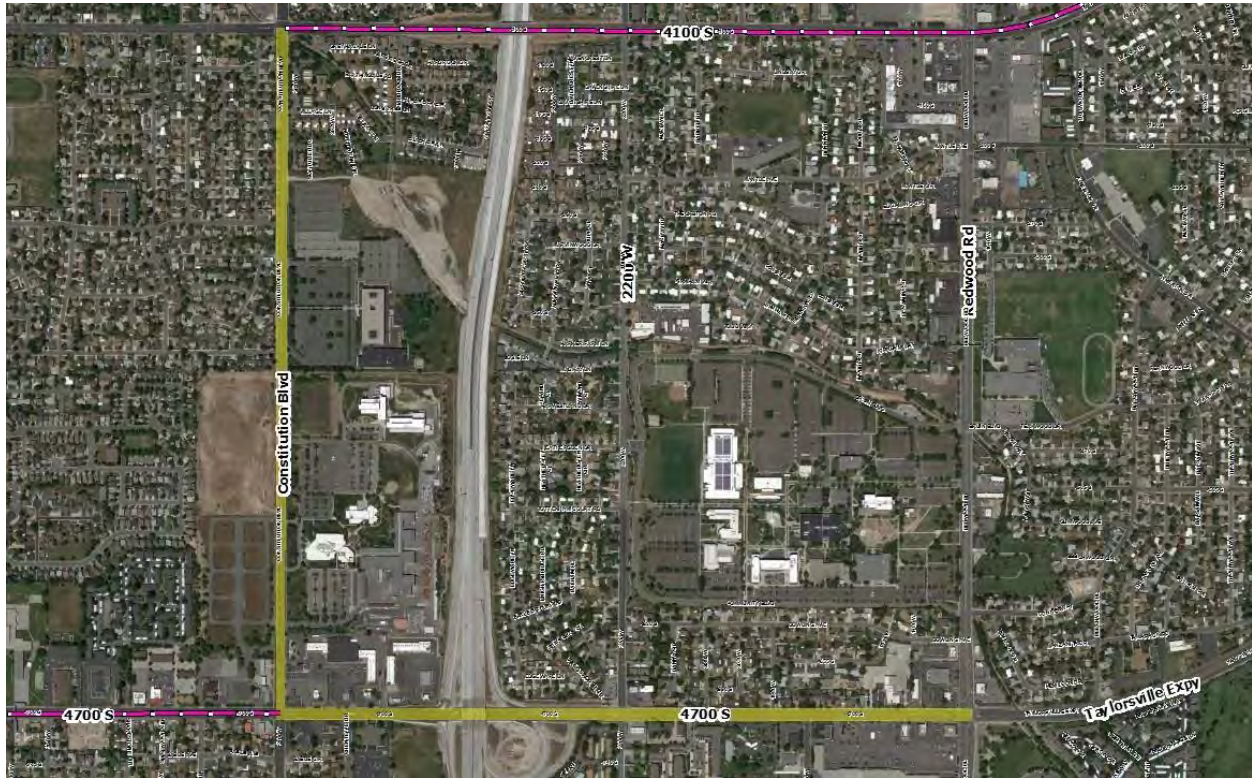
The Community Development Department is hereby charged with the administration and enforcement of the provisions of this overlay zone. Applications for right-of-way work on streetscapes, street furnishings, landscaping, and above ground utilities shall be consistent with adopted design standards and shall be reviewed and approved by the Community Development Department.

3. **Area Designated**

Areas designated in the Mid-Valley Connector Design District Overlay Zone are illustrated in **figure 4** of this section:

Figure 4

⁹⁹ Updated acronym from "MCDD" to "MDO."



The MDO shall include only those areas within the public right-of-way as illustrated in [figure 4](#) of this section. At the discretion of the City Council, based on a recommendation of the Planning Commission and compliance with all statutes and ordinances pertaining to public notice and public hearings, the boundaries of the MDO may expand beyond the public right-of-way.

H. CDO – City Center Design District Overlay¹⁰⁰

1. Purpose

The purpose of the City Center Design District Overlay Zone (CDO) is to preserve the aesthetic quality of the City Center District, to protect the public and private investment of existing improvements, and to ensure the continued viability of the corridor as a desirable location for economic investment.

2. Administration and Enforcement

The Community Development Department is hereby charged with the administration and enforcement of the provisions of this overlay zone. Applications for right-of-way work on streetscapes, street furnishings, landscaping, and above ground utilities shall be consistent with adopted design standards and shall be reviewed and approved by the Community Development Department.

3. Area Designated

Areas designated in the City Center Design District Overlay Zone are illustrated in [figure 5](#) of this section:

Figure 5

¹⁰⁰ Updated acronym from “CCDD” to “CDO.”



The CDO shall include only those areas within the public right-of-way as illustrated in [figure 5](#) of this section. At the discretion of the City Council, based on a recommendation of the Planning Commission and compliance with all statutes and ordinances pertaining to public notice and public hearings, the boundaries of the CDO may expand beyond the public right-of-way.

I. **BDO – Bennion Point Design District Overlay**¹⁰¹

1. **Purpose**

The purpose of the Bennion Point Design District Overlay Zone (BDO) is to preserve the aesthetic quality of the Bennion Point District, to protect the public and private investment of existing improvements, and to ensure the continued viability of the corridor as a desirable location for residential and economic investment.

2. **Administration and Enforcement**

The Community Development Department is hereby charged with the administration and enforcement of the provisions of this overlay zone. Applications for right-of-way work on streetscapes, street furnishings, landscaping, and above ground utilities shall be consistent with adopted design standards and shall be reviewed and approved by the Community Development Department.

3. **Area Designated**

Areas designated in the Bennion Point Design District Overlay Zone are illustrated in [figure 6](#) of this section:

Figure 6

¹⁰¹ Updated acronym from "BPDD" to "BDO."



The BDO shall include only those areas within the public right-of-way as illustrated in **figure 6** of this section. At the discretion of the City Council, based on a recommendation of the Planning Commission and compliance with all statutes and ordinances pertaining to public notice and public hearings, the boundaries of the BDO may expand beyond the public right-of-way.

J. **WDO – West Point Design District Overlay**¹⁰²

1. **Purpose**

The purpose of the West Point Design District Overlay Zone (WDO) is to enhance the aesthetic quality of the district, to protect the public and private investment of existing improvements, and to ensure the continued viability of the corridor as a desirable location for economic investment.

2. **Administration and Enforcement**

The Community Development Department is hereby charged with the administration and enforcement of the provisions of this overlay zone. Applications for right-of-way work on streetscapes, street furnishings, landscaping, and above ground utilities shall be consistent with adopted design standards and shall be reviewed and approved by the Community Development Department.

3. **Area Designated**

Areas designated in the West Point Design District Overlay Zone are illustrated in **figure 7** of this section:

Figure 7

¹⁰² Renamed from “5400 South/Bangerter Highway Commercial Design District Overlay Zone.”

Title 13: Land Development Code

Chapter 13.02 Zoning Districts

13.02.100 Overlay Districts



The WDO shall include only those areas within the public right-of-way as illustrated in [figure 7](#) of this section. At the discretion of the City Council, based on a recommendation of the Planning Commission and compliance with all statutes and ordinances pertaining to public notice and public hearings, the boundaries of the 5400 South/Bangerter Highway Commercial Design District Overlay Zone may expand beyond the public right-of-way.

Chapter 13.03 Use Regulations

13.03.010 Purpose

This section identifies the land uses allowed in Taylorsville's zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

13.03.020 Applicability¹⁰³

Uses permitted under this Chapter shall conform to the development standards provided elsewhere in this LDC and to the application procedures for development as applicable. For each zoning district or land use type additional regulations may apply as defined in this LDC. Uses shall also conform to any Overlay District requirements that are applicable. Uses permitted as a conditional use shall also comply with the requirements for conditional use permits as required in this LDC.

13.03.030 General¹⁰⁴

A. Explanation of Use Permission Abbreviations

1. **Uses Permitted By-Right**

"P" in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this LDC.

2. **Compliance with Use-Specific Criteria**

An "*" in a cell indicates that the use is allowed in the respective zoning district, provided that it meets the additional use-specific criteria cross-referenced in the right-hand column of that line in the table.

3. **Uses Permitted by Conditional Use Permit**

"C" in a cell indicates that the use is permitted in the respective zoning district only if a Conditional Use approval is granted pursuant to the procedure described in §13.06.050B: *Conditional Use Permit*. Approved conditional uses continue to be subject to all other applicable regulations of this LDC.

4. **Prohibited Uses**

A blank cell indicates that the use is prohibited in the respective zoning district.

5. **Accessory Uses**

"A" in a cell indicates that the use is only permitted in the respective zoning district as an accessory use.

6. **Temporary Uses**

"T" in a cell indicates that the use is only permitted in the respective zoning district as a temporary use.

B. Table Organization

In §13.03.040: *Table of Uses*, land uses and activities are classified into general use categories and specific use types based on common functional or physical characteristics. This classification

¹⁰³ From current 13.07.010 and 13.08.010(B).

¹⁰⁴ Replaces current 13.07.020(A) and 13.08.020(A).

provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within each use category.

C. Use for Other Purposes Prohibited¹⁰⁵

All uses not specifically listed are prohibited and shall be unlawful unless the Director has determined an appropriate use type for the unlisted use pursuant to the procedure in §13.03.030E: *Classification of New and Unlisted Uses*.

D. Required Licenses, Permits, and Operational Rules¹⁰⁶

1. All uses required by any unit of local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license, or permit in effect at all times, and failure to do so is a violation of this LDC.
2. All uses subject to the operational standards of a local, state, or federal government agency, including without limitation the regulations contained in the Taylorsville Code of Ordinances, shall operate in compliance with those standards and regulations at all times, and failure to do so is a violation of this LDC.

E. Classification of New and Unlisted Uses¹⁰⁷

New types of land uses will develop over time and such uses may seek to locate within the city. The following procedure shall apply if an application is submitted for a use type that is not specifically listed in §13.03.040: *Table of Uses*. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

1. The Director shall review the new and unlisted use to determine if it is materially similar to a listed use type by considering characteristics including the following: whether it includes dwellings, sales, processing, or storage; employment and operational characteristics; potential nuisances; requirements for public utilities; and transportation requirements.
2. If the Director determines that the new and unlisted use is materially similar to a listed use type, the new and unlisted use type shall be treated as being the same as the listed use type to which it is materially similar.
3. If the Director determines that the new and unlisted use is not materially similar to any listed use type, the application shall be forwarded to the Planning Commission for recommendation and to the City Council for a decision. The referral from the Director shall include recommendations regarding the following:
 - a. The zoning district(s) in which the use type should be allowed;
 - b. The parking ratio, existing or new, that should be applied to the use type;
 - c. The definition for the proposed use type;
 - d. Any other conditions or standards that should be adopted to ensure the proper development of the use type;
 - e. The use will not be detrimental to the public health, safety, or welfare;

¹⁰⁵ Replaces current 13.07.010(C) and the last paragraph of current 13.02.010.

¹⁰⁶ New. This new language replaces several paragraphs of the current code that specify that uses are not allowed unless approved by proper reviewing agencies. **NOTE:** Current 13.23.160 related to distance requirements for alcohol beverage establishments should be relocated to the Taylorsville Code of Ordinances, Chapter 5.24: *Alcohol and Beer*.

¹⁰⁷ Replaces current 13.07.020(B), (C), and (D); and 13.08.020(B), (C), and (D). Updated to require any new unlisted land uses to receive approvals through the zoning text amendment process. Current code authorizes the Director to make such determinations.

- f. The use shall not adversely affect the character of that district in which it is proposed to be established; and
 - g. The use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as permitted uses in that district.
4. New and unlisted uses shall be adopted by ordinance in accordance with the procedure outlined in §13.06.070D: *Zoning Text Amendment*.

F. Citywide Performance Standards¹⁰⁸

1. Hours of Operation¹⁰⁹

Any commercial use located within 250 feet of a residential zoning district, as identified in §13.02.020: *Zoning Districts Established*, where such commercial use desires to operate after 10:00 P.M. and/or before 6:00 A.M. shall require separate conditional use approval from the Planning Commission.

2. Finding of Dangerous or Objectionable Elements

No land or building shall be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical, or other disturbance; liquid or solid refuse or waste; or other substance, condition, or element, in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises.

3. Performance Standards Review

- a. In addition to meeting requirements for potentially dangerous or objectionable elements, the application for industrial use shall include a description of the proposed machinery, projects, and processes to be located at the development.
- b. If the proposed use may cause the emission of dangerous or objectionable elements, the application may be referred for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable environmental and performance standards specified in this code. The cost of such expert report shall be borne by the applicant.
- c. Within 20 days after receiving the aforesaid application or report, if a report was required, the city shall determine whether reasonable measures are proposed to be employed to assure compliance with the applicable environmental performance standards. On such basis, the city may authorize or refuse to authorize issuance of permits or may require a modification of the proposed plans, construction specifications, device or operation and shall so inform the chief building official.

4. Continued Compliance

Any permit so authorized and issued shall evidence only that reasonable measures are proposed to be taken. It shall not relieve the applicant of the responsibility of meeting all performance and environmental standards when the plant is actually in operation; and, in

¹⁰⁸ From current 13.23.250: *Industrial or Research Park Standards*, unless otherwise noted below. **NOTE:** The city is considering carrying forward these standards in a simplified way that applies to all uses citywide.

¹⁰⁹ From current 13.23.200. **NOTE:** Rather than requiring CUP review for uses in proximity to residential uses, the city is considering updating other buffering and development standards as part of Installment 3 to help address concerns associated with operating during late hours.

case of a failure to perform in accordance with the standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards are required to be made and shall be the sole responsibility of the applicant.

5. Continued Enforcement

- a. The Director shall investigate any purported violation of environmental or performance standards; and if necessary for such investigation, may request that the city employ qualified experts. If the city finds that a violation has existed or does exist, the Director shall cause notice to be served stating that compliance with the environmental or performance standards must be achieved within a specified period of time or the facility will be shut down.
- b. Should the violation of environmental or performance standards pose an immediate threat to public health, convenience, or welfare, the mayor may order the offending plant to cease operation until proper steps are taken to correct the conditions which cause the violation.
- c. The services of any qualified experts employed by the city to advise in establishing a violation shall be paid by the violator if said violation is established.

6. Enforcement of Environmental and Performance Standards

The determination of the existence of dangerous and objectionable elements shall be made at any point provided. However, measurements having to do with noise, vibration, odors, or glare shall be taken at the lot line of the establishment or use.

7. Noise

No use shall emit or cause the emission of sound from a stationary source such that one hour equivalent sound level (Leq) of resultant sound measurement at the lot line of the establishment or use exceeds by six dBA or more, the one-hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108 highway traffic noise prediction mode, or by other techniques at least as accurate as those set out in FHWA-RD-77-108. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 type 1, and the measurement procedure shall be compatible with that according to ANSI S1.13-1977, with the following adjustments:

a. Adjustment For Temporal And Tonal Characteristics Of Sound

If the sound has a pronounced audible tonal quality such as a whine, screech, buzz, or hum; or if the sound has an audible cyclic variation in sound level such as beating or other amplitude modulation, five dBA shall be added to the measured sound level to allow for increased subjective response to the sound.

b. Quasi-Steady Impulsive Sound

Where the sound is of a repetitive impulse nature so that a steady reading is obtained using the "slow response" setting on the sound level meter, then 10 dBA shall be added to the measured value to allow for the increased subjective response to the sound.

- (1) An adjustment may be made under only one of the paragraphs (a) or (b) above of these standards. In a case where both paragraphs apply, then paragraphs (a) above shall govern.
- (2) No use shall emit or cause or permit the emission of sound of an impulsive nature from a stationary source such that it results in an impulsive sound level at a point of

measurement in excess of 80 dBA or in a one-hour equivalent level (Leq) exceeding that one-hour equivalent (Leq) level caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD- 77-108 or equivalent method.

c. **Vibration**

No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the property line of the industrial use.

d. **Odors**

No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the property line of the industrial use or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

e. **Glare**

No direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the property line of the industrial use. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise regulated by the provisions of this code.

f. **Fire And Explosion Hazards**

All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited.

g. **Air Pollution**

No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.

h. **Liquid Or Solid Wastes**

No discharge at any point into a public sewer, private sewage system, stream, ditch, canal, or into the ground shall be allowed contrary to the Utah state water pollution control act, its amendments, the subsequent wastewater disposal regulations, or the Utah Code on solid waste disposal regulations.

13.03.040 Table of Uses

Commentary:

The proposed Table of Uses in this section is based on the current lists of permitted uses in Title 13, with several proposed consolidations and additions. The Table of Uses also reflects the new and renamed zoning districts listed in Chapter 13.02: *Zoning Districts*.

The existing use tables in Title 13 use inconsistent terminology to describe similar uses, which required significant consolidation and renaming of uses. Staff noted most issues related to naming of uses in the related definitions which appears after the table.

Many specific existing uses are grouped into new, more general use categories. In some instances, various individual uses have been consolidated to eliminate listing specific examples of the type of use and focus instead on the impacts of that use. In the residential section, new uses are proposed to promote diversification of allowed housing types and expand where those housing types are permitted. Obsolete use designations have been eliminated.

Proposed changes to the levels of permission for certain uses are based on one or more factors:

- To be consistent with stakeholder comments, the themes described in the Assessment Report, and/or current planning trends;
- Use-specific standards allow for a more permissive level of approval with less discretion. In many cases, the city may not want to finalize the appropriate level of permission for a particular use until after reviewing the entire draft of the new LDC. For example, updated multifamily development standards may influence the zoning districts in which that use is allowed, and by what process.

Use types labeled (NEW) generally mean that they are not listed in the current ordinance. This does not, however, mean that the use is new to Taylorsville. For example, four categories of “retails sales” are “new” because it more clearly defines several previously listed uses.

A Current Table of Uses has also been included in the project materials for Installment 2 containing a consolidated list of uses and their respective levels of permission as they exist in the current LDC. This supplemental table may serve as a helpful resource while reviewing this draft so one can compare current standards with proposed standards.

Each use in the Table now has a cross-reference which links to the definition and use-specific standards, where they exist. The cross-references facilitate greater ease of use and help to ensure that users don’t miss extra standards and regulations that apply to a proposed use by not knowing to look elsewhere in the LDC to find such standards, or not knowing where to find them. Many of the use-specific standards are carried forward from the current LDC but have been revised significantly for clarity and consistency. Additionally, some new use-specific standards are included to ensure compatibility with surrounding uses and to protect the general health, safety, and welfare of the community. These standards, whether existing or new, are indicated as such in the footnotes. The use-specific standards generally follow the same organization and order as the table of allowed uses.

Title 13: Land Development Code

Chapter 13.03 Use Regulations

13.03.040 Table of Uses

The final sections of this chapter address accessory and temporary uses and structures. Several updates to these standards are proposed as footnoted in those sections.

P = Permitted use C = Conditional Use Permit required A = Accessory use T = Temporary use * = Use-specific standards apply Blank cell = Prohibited use	Single-Family							Multifamily				Mixed-Use			Nonresidential					Other		Definition and Use-Specific Standards	
	SF-40	SF-20	SF-10	SF-8	SF-6	SF-5	R-MH	RD	RM-S	RM-M	RM-L	MU-S	MU-M	MU-L	CN	CC	CR	EM-1	EM-2	CF	OS		
Residential Uses																							
Household Living ¹¹⁰																							
Dwelling, single-family (detached) ¹¹¹	P*	P*	P*	P*	P*	P*		P*	P*			P*											13.03.050D.1
Dwelling, single-family (attached) ¹¹²								P	P	P		P	P										13.03.050D.2
Dwelling, duplex								P	P	P		P	P										13.03.050D.3
Dwelling, triplex (NEW)									P	P		P	P										13.03.050D.4
Dwelling, fourplex (NEW)									P	P	P	P	P										13.03.050D.5
Dwelling, multifamily ¹¹³										P	P	P	P	P									13.03.050D.6
Dwelling, live/work (NEW)												P	P	P									13.03.050D.7
Dwelling, manufactured home (HUD) ¹¹⁴	P*	P*	P*	P*	P*	P*	P	P*	P*														13.03.050D.8
Dwelling, mobile home ¹¹⁵																							13.03.050D.9
Manufactured home development ¹¹⁶							C*																13.03.050D.10

¹¹⁰ Did not carry forward "dwelling, earth sheltered," "dwelling, planned group," "planned unit development (residential)," "zero lot line development." Also did not carry forward uses with references to "transitional care" from the current Institutional Care (IC) and Open Space (OS) zoning district – similar uses will be included in the "Group Living" category below.

¹¹¹ Currently not permitted in the RM multifamily zoning districts, requires administrative CUP in mixed-use zone (MU).

¹¹² Renamed from "twin home." The updated definition allows for a traditional townhouse arrangement where each dwelling is on its own lot and shares a common wall.

¹¹³ Renamed from "dwelling, multiple-unit" and "dwelling, multiple-family." Currently administrative CUP in the multifamily (RM); mixed-use (MU); and transit corridor (TC) zoning districts.

¹¹⁴ Renamed from "manufactured home" to clarify that HUD-code standards apply to these dwelling units.

¹¹⁵ Currently permitted in the MH Manufactured Home zoning district. This housing type is not carried forward to eliminate the placement of new mobile homes that don't meet the HUD code. Did not carry forward current 13.11.060.

¹¹⁶ Renamed from "manufactured/mobile home park." Did not carry forward "mobile home" element. Currently "permitted" in the MH zoning district; however, current §13.22.030 requires Planning Commission review and approval.

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13.03.040 Table of Uses

P = Permitted use C = Conditional Use Permit required A = Accessory use T = Temporary use * = Use-specific standards apply Blank cell = Prohibited use	Single-Family							Multifamily				Mixed-Use			Nonresidential					Other		Definition and Use-Specific Standards
	SF-40	SF-20	SF-10	SF-8	SF-6	SF-5	R-MH	RD	RM-S	RM-M	RM-L	MU-S	MU-M	MU-L	CN	CC	CR	EM-1	EM-2	CF	OS	
Senior independent living (NEW)										P	P	P	P	P								13.03.050D.11
Group Living¹¹⁷																						
Assisted living facility ¹¹⁸									P*	P*	P*	P*	P	P	P*	P						13.03.050E.1
Continuing care retirement facility ¹¹⁹									P*	P	P	P	P	P	P	P						13.03.050E.2
Homeless shelter ¹²⁰																						13.03.050E.3
Fraternity or sorority house																						13.03.050E.4
Group care home FHAA, small ¹²¹ (NEW)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*								13.03.050E.5
Group care home FHAA, large (NEW)										P*	P*	P*	P*	P*								13.03.050E.5
Student housing or dormitory (NEW)										P	P	P	P	P								13.03.050E.6
Supportive housing, small ¹²²										C	C		C	C								13.03.050E.7
Supportive housing, large											C		C	C								13.03.050E.7
Public, Institutional, and Civic Uses																						
Community and Cultural Facilities¹²³																						
Arts or cultural center												P*	P	P	P	P	P	P	P	P		13.03.050F.1

¹¹⁷ Did not carry forward "education facility with housing;" and "residential healthcare facility."

¹¹⁸ Consolidates current "alzheimer's facility;" "assisted living facility;" "institutional care development facility;" "nursing care facility;" "nursing home;" "convalescent home;" and "skilled nursing care unit." Please refer to the *Current Use Table Reference* to compare existing and proposed levels of permission for the uses that were consolidated.

¹¹⁹ Replaces "congregate care facility" use.

¹²⁰ **NOTE:** Consider renaming? Displacement shelter? Homeless resource center?

¹²¹ Replaces current "transitional care development;" "rehabilitation/treatment facility;" and "social detoxification" uses as these persons are protected under the FHAA and are considered "disabled." These broad definitions capture all individuals protected by the federal Fair Housing Act Amendment (FHAA) rather than calling out elderly persons and disabled persons separately while incorporating protections related to the size/scale of the use rather than by describing the occupants. The small category limits occupancy to eight or fewer persons and the large category allows for occupancy of nine or more persons.

¹²² Replaces current "protective housing facility." Currently allows as a CUP in the R-2-10; R-2-8; and RM zoning districts.

¹²³ Did not carry forward "zoological gardens;" and "sheltered workshop."

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Chapter 13.03 Use Regulations

13.03.040 Table of Uses

P = Permitted use C = Conditional Use Permit required A = Accessory use T = Temporary use * = Use-specific standards apply Blank cell = Prohibited use	Single-Family							Multifamily				Mixed-Use			Nonresidential					Other		Definition and Use-Specific Standards
	SF-40	SF-20	SF-10	SF-8	SF-6	SF-5	R-MH	RD	RM-S	RM-M	RM-L	MU-S	MU-M	MU-L	CN	CC	CR	EM-1	EM-2	CF	OS	
Cemetery or interment facility																					C	13.03.050F.2
Club or lodge													C	C	C	P	P	P				13.03.050F.3
Crematorium																C			C			13.03.050F.4
Day care center, adult													P	P	P	P		C	C			13.03.050F.5
Day care center, child													P	P	P	P	P	C	P			13.03.050F.6
Events center, large														C		C	C	C	C			13.03.050F.7
Events center, small															C	C		C				13.03.050F.7
Funeral home or mortuary													C	C	P	P		C				13.03.050F.8
Jail or detention facility ¹²⁴																						13.03.050F.9
Park or open space, active ¹²⁵	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	C	13.03.050F.10
Park or open space, passive (NEW)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	13.03.050F.11
Public service facility ¹²⁶												C	P	P	C	P	P	P	P	P		13.03.050F.12
Religious assembly	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*		13.03.050F.13
Educational and Healthcare Facilities																						
Hospital ¹²⁷																		C	C			13.03.050F.14
Medical Office or Clinic												C	P	P	P	P	P	P	P			13.03.050F.15
School, college or university													C	C				P	P	P		13.03.050F.16

¹²⁴ **NOTE:** This use is currently not allowed in any zoning districts and may not be retained in this draft. Section 13.03.020(C) of this draft includes language clarifying that any uses not listed in the table are prohibited.

¹²⁵ Current code requires administrative conditional use review for public/private parks in all residential zoning districts and the Open Space (OS) district. **NOTE:** Staff is considering allowing this use as permitted subject to standards.

¹²⁶ Consolidates "public service" and "public facilities." Public service is currently allowed in all residential zoning districts with administrative conditional use review; however, accessory maintenance facilities are not permitted. Currently "permitted" in all nonresidential zoning districts.

¹²⁷ Did not carry forward the Hospital zoning district in current 13.13.010.

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Chapter 13.03 Use Regulations

13.03.040 Table of Uses

	Single-Family							Multifamily				Mixed-Use			Nonresidential					Other		Definition and Use-Specific Standards
	SF-40	SF-20	SF-10	SF-8	SF-6	SF-5	R-MH	RD	RM-S	RM-M	RM-L	MU-S	MU-M	MU-L	CN	CC	CR	EM-1	EM-2	CF	OS	
P = Permitted use C = Conditional Use Permit required A = Accessory use T = Temporary use * = Use-specific standards apply Blank cell = Prohibited use																						
School, public or private	P	P	P	P	P	P	P	P	P	P	P		C	C		C	C	C	C	P		13.03.050F.17
School, charter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		13.03.050F.18
School, vocational or trade												C	C	P	P	P	P	P	P			13.03.050F.19
Commercial Uses																						
Animal Uses																						
Kennel, commercial																C	C		P			13.03.050G.1
Pet grooming												P	P	P	P	P	P	P	P			13.03.050G.2
Veterinary hospital or clinic ¹²⁸													C*	C*		P*	P*		P*			13.03.050G.3
Entertainment and Recreation¹²⁹																						
Amenity center (NEW)	P	P	P	P	P	P	P	P	P	P	P	P	P	P								13.03.050G.4
Recreation facility, indoor ¹³⁰												P	P	P	P	P	P	P	P			13.03.050G.5
Recreation facility, outdoor ¹³¹													C	C		C	C	C	C			13.03.050G.6
Sexually oriented business																			P*			13.03.050G.7
Stadium (NEW)																				C		13.03.050G.8
Food, Beverage, and Lodging¹³²																						
Bar or dance club													C*	C*		C*	C*					13.03.050G.9
Bed and breakfast	C*	C*	C*	C*	C*	C*		C*	C*	C*	C*	C*	C*	C*	C*	C*						13.03.050G.10
Catering establishment (NEW)													C	C	P	P	P	P	P			13.03.050G.11

¹²⁸ Consolidates "veterinary hospital, small animal" and "animal hospital, veterinary office."

¹²⁹ Did not carry forward "skate park."

¹³⁰ Includes "athletic, tennis, and health club," where such facilities are indoors.

¹³¹ Includes "athletic, tennis, and health club," where such facilities are outdoors.

¹³² Did not carry forward "boarding house," as that use is not permitted in the city.

Title 13: Land Development Code

Chapter 13.03 Use Regulations

13.03.040 Table of Uses

P = Permitted use C = Conditional Use Permit required A = Accessory use T = Temporary use * = Use-specific standards apply Blank cell = Prohibited use	Single-Family							Multifamily				Mixed-Use			Nonresidential					Other		Definition and Use-Specific Standards
	SF-40	SF-20	SF-10	SF-8	SF-6	SF-5	R-MH	RD	RM-S	RM-M	RM-L	MU-S	MU-M	MU-L	CN	CC	CR	EM-1	EM-2	CF	OS	
Hotel, full service												C*	C*	P*	C*	C*	P*	P*	P*			13.03.050G.12
Hotel, limited service (NEW)													C	P		C	P	P	P			13.03.050G.13
Residence hotel (NEW)														C			C	C	C			13.03.050G.14
Restaurant												P	P	P	P	P	P	P	P			13.03.050G.15
Short-term rental ¹³³																						13.03.050G.16
Office, Business, Professional, and Personal Services¹³⁴																						
Bank or financial institution												P	P	P	P	P	P	P	P			13.03.050G.17
Nondepository institution																C*	C*		C*			13.03.050G.18
Fitness center, small							A		A	A	A	P	P	P	P	P	P	P	P	P		13.03.050G.19
Fitness center, large													P	P	P	P	P	P	P	P		13.03.050G.19
Office ¹³⁵												P	P	P	P	P	P	P	P			13.03.050G.20
Personal service, small (NEW)												P	P	P	P	P	P					13.03.050G.21
Personal service, large (NEW)													P	P	P	P	P					13.03.050G.21
Body art studio ¹³⁶														P*		P*	P*					13.03.050G.22
Retail Sales																						
Alcohol sales, off-premise consumption																P*	P*		P*			13.03.050G.23

¹³³ **NOTE:** This use requires further discussion.

¹³⁴ Did not carry forward "research park" or "research, business and scientific." Those uses are accounted for in the land uses listed in the table.

¹³⁵ Consolidates "business and professional office;" "office call center;" "office professional;" "office, administrative, corporate, and general;" "laboratories, development and testing;" and "research and development facility." This use includes call centers, which is currently identified as a separate use in the land use table and is less permissive in several current zoning districts.

¹³⁶ Renamed from "tattoo parlor." Currently allowed as an administrative conditional use in the Industrial (ID) zoning district. Expanded the permissions to allow this use in higher-intensity commercial districts, subject to proximity requirements (at least 500 feet from residential zoning districts and 1,000 feet from other body art studios).

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13.03.040 Table of Uses

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Flea market ¹³⁷																C						13.03.050G.24
Tobacco specialty business																C*	C*		C*			13.03.050G.25
Pawn shop																			C			13.03.050G.26
Retail sales ¹³⁸ , small (NEW)										C	C	P	P	P	P	P	P	P				13.03.050G.27
Retail sales, medium (NEW)											C		P	P	C	P	P					13.03.050G.27
Retail sales, large (NEW)													C	P		P	P					13.03.050G.27
Retail sales, big box (NEW)														P			P					13.03.050G.27
Transportation, Vehicles, and Equipment																						
Equipment sales or rental ¹³⁹																P*	P*		C*			13.03.050G.28
Parking facility, private ¹⁴⁰											C*	C*	C*	C*	C*	C*	C*	C*	C*	C*		13.03.050G.29
Parking facility, public ¹⁴¹											P	C	P	P	C	P	P	P	P	P		13.03.050G.30
Vehicle fuel station															C*	P*	P*		P*			13.03.050G.31
Vehicle repair, major																C*			C*			13.03.050G.32
Vehicle repair, minor ¹⁴²															P*	P*			P*			13.03.050G.33
Vehicle sales or leasing ¹⁴³																P	P		P			13.03.050G.34

¹³⁷ Currently allowed as an administrative conditional use in the Industrial (ID) zoning district.

¹³⁸ The general "retail sales" use includes "commercial retail sales and services;" "commercial, convenience store;" "commercial, specialty;" "convenience sales and services;" and "plant nursery." Did not carry forward current 13.23.220(E)(1), which limits the area of a building in the Professional Office (PO) zoning district that can be used for ancillary retail commercial uses. The updated retail thresholds limit the use of retail in the EM-1 zoning district to 5,000 square feet.

¹³⁹ Replaces "equipment sales and service;" and "auto, truck, RV, equipment sales and rental."

¹⁴⁰ Replaces "commercial parking garage;" "parking structure/terrace;" and "parking, underground."

¹⁴¹ Replaces "park and ride facilities" and "park and ride facilities on arterial streets."

¹⁴² Consolidates "automotive service (lube and oil)," "automotive service and repair, minor," and "automotive service station, nonmechanical."

¹⁴³ Consolidates "auto, light trucks, RV, all-terrain vehicle dealerships (new) – sales and service agencies;" "auto, light trucks, RV, all-terrain vehicle dealerships (used) – sales and service agencies;" "automobile rental and lease agencies;" and "automobile rental facility."

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13.03.040 Table of Uses

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Vehicle wash ¹⁴⁴															C*	P*	P*		P*			
Industrial Uses¹⁴⁵																						
Manufacturing and Processing¹⁴⁶																						
Commercial laundry facility (NEW)																			C			13.03.050H.1
Food production or processing																			P			13.03.050H.2
Manufacturing, low-impact ¹⁴⁷																C*			P			13.03.050H.3
Storage and Warehousing																						
Contractor's office (NEW)																			P			13.03.050H.4
Storage, self-service ¹⁴⁸																			C*			13.03.050H.5
Warehouse or wholesale facility																			P			13.03.050H.6
Utilities and Communication¹⁴⁹																						
Wireless telecommunication facility	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*		13.03.050I.1
Public utility station ¹⁵⁰	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*		13.03.050I.2
Solar energy system ¹⁵¹	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	A*		13.03.050I.3

¹⁴⁴ Consolidates "carwash" and "carwash and detailing shops."

¹⁴⁵ **NOTE:** Current 13.23.210 requires that any industrial use within 250 feet of a residential district obtain a conditional use approval from the Planning Commission. The city is considering not carrying forward this requirement and may revise it to require CUP review for specific industrial uses.

¹⁴⁶ Did not carry forward "industry, heavy" as it is not allowed in any zoning districts.

¹⁴⁷ Consolidates "assembly, high tech;" "industry, light;" "industry medium;" "recycling materials collection/drop-off facility;" and "prototype production facilities."

¹⁴⁸ Renamed from "storage (ministorage) facilities." **NOTE:** These standards are proposed for discussion and will likely be revised after further review/discussion.

¹⁴⁹ Did not carry forward current 13.11.190 related to standards for satellite dishes/earth stations that exceed four feet in diameter. Due to advancements in technology, these types of satellite dishes are no longer common.

¹⁵⁰ Currently not allowed in the Transit Corridor (TC) or Regional Commercial (RC) zoning districts.

¹⁵¹ Currently not allowed in any residential zoning district.

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13.03.040 Table of Uses

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Wind conversion ¹⁵²	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	A*		13.03.050L.4
Accessory Uses¹⁵³																						
Accessory dwelling unit, detached (NEW)	A*	A*	A*	A*	A*	A*		A*	A*			A*										13.03.060C.1
Accessory dwelling unit, internal	A*	A*	A*	A*	A*	A*		A*	A*			A*										13.03.060C.2
Accessory structures	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	13.03.060C.3
Drive-through																A*	A*	A*	A*	A*		13.03.060C.4
Farm animals	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								13.03.060C.5
Guesthouse	A*	A*	A*																			13.03.060C.6
Home occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								13.03.060C.7
Household pets	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								13.03.060C.8
Outdoor retail and display												A*	A*	A*	A*	A*	A*	A*	A*			13.03.060C.9
Outdoor storage (NEW) ¹⁵⁴																A*	A*	A*	A*	A*		13.03.060C.10
Swimming pool	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								13.03.060C.11
Temporary Uses¹⁵⁵																						
Construction support activities ¹⁵⁶	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	13.03.070C.1
Mobile food vending ¹⁵⁷												T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	13.03.070C.2
Portable storage container	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*								13.03.070C.3

¹⁵² Currently not allowed in any residential zoning district.

¹⁵³ Did not carry forward current 13.11.080 related to "half pipe ramps in residential districts" and current 13.11.130 related to "garage sales."

¹⁵⁴ New. The current code does not specify if outdoor storage is allowed. This draft would introduce the ability to have outdoor storage areas, subject to certain standards.

¹⁵⁵ Did not carry forward "temporary auto sales," "temporary trailer for retail sales and/or office space," or "special event (temporary) beer sales."

¹⁵⁶ Renamed from "construction office, staging areas, and equipment sheds."

¹⁵⁷ Renamed from "food trucks."

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Real estate sales or model home	T	T	T	T	T	T	T	T	T	T	T	T	T	T								13.03.070C.4
Seasonal sales ¹⁵⁸												T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	13.03.070C.5
Special event												T*	T*	T*	T*	T*	T*	T*	T*	T*		13.03.070C.6

¹⁵⁸ Replaces current "farmer's market," "produce stands," "roadside stands, temporary retail sales, and street vendors."

13.03.050 Use Definitions and Use-Specific Standards

- A. The use-specific standards listed in this section apply to those uses listed on the same line of the Table of Uses in §13.03.040: *Table of Uses*, regardless of their respective level of permission.
- B. Use-specific standards in this section apply to all zoning districts unless otherwise stated.
- C. Should any use-specific standards conflict with the standards in Chapter 13.04: *Development Standards & Incentives*, these use-specific standards shall govern, unless otherwise stated.

D. Residential Uses

1. Dwelling, Single-Family (Detached)¹⁵⁹

A dwelling unit on a permanent foundation designed and constructed for occupancy by one family (see definition of “family”) and located on a single lot or parcel that has no physical connection to a building located on any other lot or parcel. This definition includes modular dwelling units that are manufactured in accordance with the construction standards adopted in the Utah Uniform Building Standards Act.

a. Use-Specific Standards

- (1) A single-family detached dwelling shall contain at least 500 square feet, not including garages, subterranean basements, or similar spaces.¹⁶⁰
- (2) A single-family detached dwelling may contain an internal or detached accessory dwelling unit in accordance with the standards established in §13.03.060C.1 or §13.03.060C.2, as applicable.

2. Dwelling, Single-Family (Attached)¹⁶¹

Two or more attached single-family dwelling units attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family (see definition of Family) on its own lot or parcel.

3. Dwelling, Duplex¹⁶²

A single building on a single lot or parcel containing two dwelling units under one roof, each of which is occupied by one family (see definition of Family). This definition does not include an accessory dwelling unit associated with a single-family dwelling.

4. Dwelling, Triplex¹⁶³

A single building on a single lot or parcel containing three dwelling units under one roof, each of which is occupied by one family (see definition of Family). This definition does not include an accessory dwelling unit associated with a single-family dwelling.

¹⁵⁹ Consolidates current definition of “dwelling, single-family” and “modular home/unit.” This revised definition differentiates a detached from an attached home and clarifies the dwelling unit must be on a permanent foundation, on a single lot or parcel, and not connected to any other building on a different lot or parcel.

¹⁶⁰ Replaces the minimum dwelling size requirements in current 13.20.040. Many communities are moving away from requiring a minimum square footage for homes to remove barriers to affordable housing. This revised threshold allows for smaller homes while limiting smaller dwellings that would be out of character for single-family neighborhoods (e.g., tiny homes).

¹⁶¹ Replaces current definition of “twin home.” This definition is expanded to also include a townhouse product – the current definition of twin home is for two side-by-side dwelling units sharing a common wall, each unit on their own lot.

¹⁶² Replaces current definition.

¹⁶³ New.

5. Dwelling, Fourplex¹⁶⁴

A single building on a single lot or parcel containing four dwelling units under one roof, each of which is occupied by one family (see definition of Family). This definition does not include an accessory dwelling unit associated with a single-family dwelling.

6. Dwelling, Multifamily¹⁶⁵

One or more buildings or portion of buildings on a single lot or parcel that contains five or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway. Individual units may be owned as condominiums or offered for rent. Except for “Dwelling, Live/Work,” any number of dwelling units permitted within a vertical mixed-use building shall be considered a multifamily dwelling.

7. Dwelling, Live/Work¹⁶⁶

A dwelling unit containing an integrated living and working space in different areas of the unit, with direct access between uses and levels.

8. Dwelling, Manufactured Home (HUD)¹⁶⁷

A factory-built dwelling unit constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (42 U.S.C. Sec. 5401 et seq.), transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on-site, is 400 or more square feet, and that 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, and includes plumbing, heating, air conditioning and electrical systems. This definition does not include a “recreational vehicle;” “modular home;” or “dwelling, mobile home,” as defined in this LDC.

a. Use-Specific Standards¹⁶⁸

In the SF-40; SF-20; SF-10; SF-8; SF-6; SF-5; RD; and RM-S zoning districts, a manufactured home (HUD-code) dwelling unit shall be attached to a permanent concrete foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. Manufactured homes are required to provide a two-car garage (attached or detached) prior to occupancy of the structure. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the applicable building code.

¹⁶⁴ New.

¹⁶⁵ Consolidated current definitions for “dwelling, multiple-family” and “dwelling, multiple-unit.” Those terms seemed to be used interchangeably in the current LDC. Revised to clarify this use is for a single building with five or more dwellings – structures with fewer units would fall under the duplex, triplex, or fourplex use types. Last sentence is new.

¹⁶⁶ Replaces current definition of “live/work units.” This term is defined; however, it is not used in the current LDC.

¹⁶⁷ Replaces current definition of “manufactured home” and current 13.20.080(H). Updated and simplified to reference applicable federal standards.

¹⁶⁸ Expands current 13.11.050. Some language taken from Utah Code §10-9a-514 related to manufactured homes. This standard also replaces current 13.22.020(A)(1), which prohibits manufactured homes in areas outside of an approved manufactured home park, manufactured home subdivision, or manufactured home sales lot. The current standard is not consistent with the land use table permissions for “manufactured homes” in current 13.07.020(E).

9. **Dwelling, Mobile Home**¹⁶⁹

A transportable, factory-built structure, that is designed to be used as a single dwelling unit with or without a permanent foundation, that was manufactured prior to June 15, 1976, or does not otherwise comply with the rules of the United States Department of Housing and Urban Development (42 U.S.C. Sec. 5401 et seq.). This definition does not include "recreational vehicle;" "modular home;" or "dwelling, manufactured home (HUD-code)," as defined in this LDC.

10. **Manufactured Home Development**¹⁷⁰

A lot or parcel of land containing individual dwelling sites with required improvements and utilities that are leased or owned for the long-term placement of "manufactured home (HUD-Code) dwellings." This definition does not include an establishment primarily engaged in the sale of manufactured homes where unoccupied units are parked for inspection or sale.¹⁷¹

a. **Use-Specific Standards**

(1) **Conditional Use Permit**

In addition to the evaluation criteria specified in §13.06.050B.8.d: *Conditional Use Review Criteria*, the following shall be evaluated when reviewing a manufactured home development request:

(A) [reserved].¹⁷²

(2) **Subdivision Review**¹⁷³

A manufactured home development subdivision shall follow the review and approval process established in §13.06.060: *Subdivision Procedures*. In addition to the submittal requirements for a subdivision, the following shall also be submitted:¹⁷⁴

- (A) The proposed street and manufactured home space layout;
- (B) Site design of parks, playgrounds, and open spaces;
- (C) Tabulations showing percent of area to be devoted to open space, amenities, manufactured home and/or recreational vehicle storage, and total area to be developed;
- (D) Proposed location of parking spaces for residents, guests, and recreational vehicle storage for both manufactured home parks; and
- (E) Any other data that the Planning Commission or the Director may require.

¹⁶⁹ Replaces current definition of "mobile home." Updated for consistent terminology.

¹⁷⁰ From current Chapter 13.22: *Manufactured Home Parks*. Did not carry forward current 13.22.020(A) and (B), this language is captured in the use table and corresponding definitions. Did not carry forward current 13.22.030(A) regarding approval, paragraph (A)(2) and (A)(3) were carried forward and relocated to relevant sections. This land use required conditional use approval and is subject to applicable review criteria for CUPs. Other changes from current standards are footnoted throughout.

¹⁷¹ Replaces current definition of "manufactured/mobile home park" and "HUD Code." The current definition only refers to "mobile homes;" however the definition implies it would also include "manufactured homes." The proposed definition does not include "mobile homes" to eliminate the placement of new mobile homes in the city. Did not carry forward "divided into two or more manufactured home lots," as the standards require a minimum of 25 individual sites.

¹⁷² **NOTE:** Are there additional review criteria that should apply to manufactured home developments that aren't captured in the general review of CUPs?

¹⁷³ From current 13.20.080(I).

¹⁷⁴ List is from current 13.22.030(B)(1) through (5).

(3) Landscaping and Buffering

- (A) A minimum 10-foot landscape buffer shall be provided within the property limits of the development to afford privacy to the development. Areas adjacent to Single-Family Residential zoning districts shall include a minimum 20-foot landscape buffer.¹⁷⁵
- (B) A minimum of 18 percent of the manufactured home development shall be landscaped.¹⁷⁶
- (C) Areas within the development that are not covered by manufactured homes, hard surfacing, or buildings shall be landscaped. Such landscaping shall be permanently maintained.

(4) Parking and Access

- (A) Required vehicle parking shall be located on each individual dwelling site. All off-street parking spaces and driveways shall be hard surfaced.¹⁷⁷
- (B) Individual dwelling sites shall only have driveways providing vehicle access to interior streets.¹⁷⁸
- (C) Recreational vehicles may be stored in a manufactured home development provided the storage area is surrounded by a six-foot opaque fence and the storage area has direct access from within the development.¹⁷⁹
- (D) Internal roadways shall be of adequate width to accommodate anticipated traffic, but not less than the following, unless modified by the Planning Commission, upon recommendation from the City Engineer and Unified Fire Authority (UFA):¹⁸⁰
 - i. For two-way traffic, a minimum of 30 feet, measured from lease line to lease line.
 - ii. Any publicly dedicated rights-of-way shall meet city standards.
- (E) Manufactured home developments shall have a minimum of two points of vehicle ingress and egress to public rights-of-way.
- (F) Street and directional signs for all public and private streets shall meet city standards and shall be maintained and replaced as necessary to ensure legibility.

(5) Other Standards

- (A) A city business license shall be obtained in accordance with Title 5: *Business Licenses and Regulations*, of the Taylorsville Municipal Code, prior to the occupancy of any individual dwelling site.

¹⁷⁵ From current 13.22.040(A)(7). **NOTE:** This standard may be updated during Installment 3: *Development Standards and Incentives*, to reference buffer yards.

¹⁷⁶ From current 13.22.040(A)(2). **NOTE:** This seems like an odd percentage. Rather than requiring a minimum percentage of landscape area, does it make more sense to require a centrally located open space to serve as a recreational area for residents? A common metric is to require 4,500 square feet of open space per dwelling unit. Based on the minimum lot area of 10 acres and maximum density of 10 units per acre, this would result in at least 1.0 acres of open space.

¹⁷⁷ First sentence is new.

¹⁷⁸ New.

¹⁷⁹ From current 13.22.020(C).

¹⁸⁰ From current 13.22.040(A)(11). Currently requires modification through an approved planned unit development (PUD); however, this form of development is no longer applicable in Taylorsville. Revised to require review and approval from the Planning Commission.

- (B) A minimum of 25 individual dwelling sites shall be completed and ready for occupancy prior to occupancy of the development.
 - (C) Within 45 days of occupancy, each manufactured home shall be skirted. Shields may be used provided they are fire resistant, weatherproofed, well-painted, or otherwise preserved.
 - (D) Individual dwelling sites and units shall not be rented for a period of less than 30 days.
 - (E) All solid waste receptacles shall comply with the trash enclosure standards in §-¹⁸¹.
 - (F) Service buildings within the development shall be constructed to standard commercial practice and kept in good repair, as approved by the Chief Building Official.
 - (G) Storm drainage facilities shall be constructed to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development in accordance with the "Standards and Specifications and Details for Municipal Construction" (SSDMC).¹⁸²
 - (H) A manufactured home development shall provide individual utility services to every individual dwelling site, as required by city ordinances.
 - (I) In addition to meeting the above requirements and conforming to the other laws of the city, all manufactured home developments and individual dwelling sites shall conform to requirements adopted by all applicable federal, state, and local regulations.
- (6) **Accessory Structures**¹⁸³
- (A) Management offices, sales offices, storage, laundry, and other structures customarily accessory to manufactured home developments are permitted, provided that:
 - i. The accessory structure is located, designed, and intended to serve only the needs of the development; and
 - ii. The establishments located within the accessory structure present no visible evidence of their business nature to areas outside the development.
 - (B) Each individual dwelling site is allowed no more than one accessory structure in addition to a carport or garage.
 - (C) The total area of all accessory structures, including the area of detached or attached garages or carports, shall not exceed 10 percent of the individual dwelling site.
- (7) **Maintenance**
- (A) Maintenance of all areas and improvements owned in common by the individual dwelling site owners, such as clubhouses, common landscaping areas, recreational facilities, playgrounds, roads, sewer and water utilities, and

¹⁸¹ **NOTE:** This section will be drafted and the reference updated during Installment 3 of the LDC drafting. Additionally, any other references in this LDC that are highlighted in yellow will be updated during future drafts of the LDC.

¹⁸² **NOTE:** This standard will be updated after Installment 3 is drafted related to the development standards.

¹⁸³ New.

electrical systems shall be the responsibility of an owners' association created with articles of association and bylaws approved by the City Attorney.¹⁸⁴

- (B) Manufactured home developments and individual dwelling sites shall be maintained in a clean, orderly, and sanitary condition. The accumulation of any rubbish, waste, weeds, or other unsightly material shall constitute a nuisance and a violation of this LDC for which the city may direct removal of the manufactured home dwelling from the premises.
- (C) Adequate and reasonable guarantees must be provided for permanent retention of open space and for the maintenance of internal roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees shall be in the form as otherwise provided in this LDC for bonding for improvements.¹⁸⁵
- (D) The developer/owner(s) shall establish and appoint a development manager that is locally available and authorized to receive, process, and fully represent the interests of the owners with respect to management and maintenance of the mobile home development.

11. Senior Independent Living¹⁸⁶

A private age-restricted facility, also known as a retirement community, that provides its residents community dining with on-site meal preparation and service and transportation services, and may also include light housekeeping and/or recreational, enrichment, or socialization activities. These facilities do not provide any on-site health supervision or related care for residents. Senior Independent Living is considered a multifamily use and shall follow the multifamily development standards included in this LDC.

E. Group Living

1. Assisted Living Facility¹⁸⁷

A facility licensed by the State of Utah combining housing, supportive services, personalized assistance, and health care, designed to respond to the individual needs of those who need help on a 24-hour per day basis, with activities of daily living, such as dressing, grooming and bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but do not require hospitalization. This definition does not contain equipment for surgical care or for treatment of disease or injury and does not include "group care home FHAA." This definition includes alzheimer's facility; assisted living facility; institutional care development facility, nursing home, and skilled nursing care unit.

2. Continuing Care Retirement Facility¹⁸⁸

An establishment for care of the elderly that has common facilities and provides licensed intermediate and skilled nursing facilities for its residents, as well as other supportive services. This use generally includes a variety of housing types and provides a variety of

¹⁸⁴ From current 13.20.080(K).

¹⁸⁵ **NOTE:** Requires further discussion.

¹⁸⁶ New. Replaces current "congregate care facility" use.

¹⁸⁷ Replaces and consolidates current "alzheimer's facility;" "assisted living facility;" "institutional care development facility," "nursing care facility;" "nursing home;" and "skilled nursing care unit." Did not carry forward the limited capacity (up to 4 residents, excluding staff) and large capacity (more than 4 residents, excluding staff) designations. The size and scale of facilities will be regulated by the underlying zoning district standards.

¹⁸⁸ Replaces "congregate care facility."

levels of assistance and care so that its residents may obtain higher levels of care and service as they age without having to move to another residential care facility.

3. Homeless Shelter¹⁸⁹

A supervised private facility that provides charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary, or affordable shelter. This use may also include a kitchen and cafeteria.

4. Fraternity or Sorority House

A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, who are associated together in a fraternity/sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.

5. Group Care Home FHAA¹⁹⁰

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Utah, including but not limited to facilities providing housing for handicapped, mentally ill, or developmentally disabled persons. This includes

- a. "Group Care Home, FHAA Small" is a facility designed for and occupied by eight or fewer residents living together.
- b. "Group Care Home, FHAA Large" is a facility designed for and occupied by nine or more residents living together.

c. Purpose¹⁹¹

These standards are intended to comply with Utah Code and avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act and the Federal Fair Housing Act as interpreted by courts whose decisions are binding in Utah. If any facility, residence, congregate living, or other housing arrangement meets the definition of a "group care home FHAA" as set forth in this LDC, the requirements of this section shall govern the same notwithstanding any conflicting provision of this LDC or the revised Taylorsville Code of Ordinances. Except as provided herein, these standards shall not be construed to prohibit or limit other applicable provisions of this LDC, the revised Taylorsville Code of Ordinances, or other local, county, state, or federal laws.

¹⁸⁹ From current definition of "homeless shelter," modified slightly. Did not carry forward "transitional care housing facility."

¹⁹⁰ Replaces current "transitional care development;" "rehabilitation/treatment facility;" and "social detoxification" uses as these persons are protected under the FHAA and are considered "disabled." The following standards replaces current 13.11.070, which includes regulations for residential facilities for elderly persons and residential facilities for persons with a disability. This draft includes two broad categories – a "group care home, FHAA small" and "group care facility, FHAA large." These broad definitions captures all individuals protected by the federal Fair Housing Act Amendment (FHAA) rather than calling out elderly persons and disabled persons separately while incorporating protections related to the size/scale of the use rather than by describing the occupants. The small category limits occupancy to eight or fewer persons and the large category allows for occupancy of more than nine persons. The revised occupancy thresholds modify the current code standard which limits occupancy to three unrelated people (see current 13.11.070(F)(2)) unless a request for a reasonable accommodation is granted. The occupancy limit of eight persons is intended to reflect a household size that may be found in a single-family neighborhood and is intended to allow these uses by-right without needed to request a reasonable accommodation.

¹⁹¹ From current 13.11.070(A) and (B). Revised for clarity and consistency.

d. Use-Specific Standards

- (1) The group care home shall comply with building, safety, land use, and health codes or land use codes applicable to a similar dwelling in the zone in which the facility will be located, as well as the Americans with Disabilities Act, applicable state code standards and licensing requirements.
- (2) Minimum site development standards shall be the same as those for the dwelling unit in the zone in which the facility is located.¹⁹²
- (3) The facility shall be capable of being used as a group care home without structural or landscaping alterations that would change the structure's residential character.¹⁹³
- (4) In the RM-M, MU-S, and MU-M zoning districts, group homes shall not be designed for or occupied by more than 16 residents living together.¹⁹⁴
- (5) A group care home shall not be located within a residential structure unless the entire structure is used for the group care home facility.¹⁹⁵
- (6) The group care home shall not be made available to a person who has demonstrated by prior or current behavior, actions, and/or criminal incidents or convictions, that the person's tenancy would:¹⁹⁶
 - (A) Be a direct threat to the health or safety of other persons; or
 - (B) Result in substantial physical damage to the property of others.
- (7) Placement in a group care home shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- (8) To determine compliance with the standards in this LDC, the following information shall be submitted with a business license application to operate a group care home:¹⁹⁷
 - (A) An accurate description of the group care home operation, including the location, services that will be provided, type of clients that will be served; and the specific type of facility (as defined by State regulations) and by which agency it is regulated;
 - (B) The name, telephone number, and address of a person that may be contacted to answer questions related to the group care home;
 - (C) Sufficiently detailed site plans, building plans, and other information necessary to determine compliance with building, safety, and health regulations and standards applicable to similar residential dwellings permitted in that zone;
 - (D) Drawings or photographs depicting the elevations of all sides of all buildings;
 - (E) Number of residents, resident and nonresident staff, and expected/typical number of visitors per day;

¹⁹² From current 13.11.070(F)(1). Reworded for clarity and consistency, no substantive changes.

¹⁹³ New.

¹⁹⁴ New.

¹⁹⁵ New.

¹⁹⁶ From current 13.11.070(F)(3).

¹⁹⁷ From current 13.11.070(C)(2) and (E). The standards in current (C)(2) apply to the "notice of intent" which was not carried forward with this draft. Did not carry forward requirement to submit location and number of similar facilities; location of residences within 1,000 feet of the proposed site that are similar; nor the location of schools within 500 feet of the location. Rather than requiring the applicant to provide this information, city staff can find this information as part of the application review.

- (F) Type of operation - business, family, eleemosynary, charitable, or beneficial organization;
 - (G) Supervision hours and degree of supervision to be provided;
 - (H) Typical or average length of stay of the residents;
 - (I) Special accommodation(s), waivers, or exceptions requested or necessary, to extent thereof, and basis for need for the same, in accordance with the procedure established in §--- [reasonable accommodation].¹⁹⁸
 - (J) Dedicated off street parking to accommodate staff; and
 - (K) Any other information that the Utah Department of Human Services may require by administrative rule.
- (9) Prior to occupancy of a group care home, the person or entity licensed or certified by the Department of Human Services and/or the Department of Health to establish and operate the group care home shall:¹⁹⁹
- (A) Provide a certified copy of such license or certification to the City Recorder;
 - (B) Obtain a city business license, if required under applicable provisions of this LDC and the Taylorsville Code of Ordinances;
 - (C) Certify, in a sworn affidavit submitted with the application for a business license, that the facility complies with the Americans with Disabilities Act; and
 - (D) Certify, in a sworn affidavit submitted with the application for a business license, that no person will be placed or remain in the group care home who has demonstrated by prior or current behavior, actions, and/or criminal incidents or convictions, that such person's tenancy would be a direct threat to the health or safety of other persons, or result in substantial physical damage to the property of others. Such affidavit shall be supplemented and updated with an application for renewal of the business license.²⁰⁰
- (10) A group care home that is a substance abuse facility and is located within 500 feet of a school, shall provide, in accordance with rules established by the Department of Human Services under Utah Code §62A-2: *Licensure of Programs and Facilities*:²⁰¹
- (A) A security plan satisfactory to local law enforcement authorities;
 - (B) 24-hour supervision for residents; and
 - (C) Other 24-hour security measures.
- (11) A permit for a group care home is nontransferable and terminates if the structure:²⁰²
- (A) Is devoted to a use other than a group care home;
 - (B) Fails to comply with the requirements established in this LDC; or
 - (C) The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked.

¹⁹⁸ **NOTE:** The Consolidated Draft will include the procedure/process for obtaining a reasonable accommodation. That procedure will be based on current 13.11.070(G) and (H) and updated accordingly.

¹⁹⁹ Replaces current 13.11.070(F)(4).

²⁰⁰ Replaces current 13.11.070(F)(4)(c), clarifies and expands upon current standard.

²⁰¹ New.

²⁰² From current 13.11.070(D)(2). Reworded for clarity and consistency, no substantive changes.

(12) **Residential Zoning Districts**

In addition to the general standards in paragraph **Error! Reference source not found.** above, a group care home in a residential zoning district, as identified in §13.02.020: *Zoning Districts Established*, is subject to the following standards:

- (A) A group care home serving more than five persons shall not be located within 300 feet of any other group care home serving five or more persons. This distance shall be measured in a straight line from the nearest property line. This standard does not apply if the properties are bisected by a freeway or principal arterial street, as identified in the Taylorsville General Plan.
- (B) A group care home shall not be established in a non-conforming dwelling structure unless it is first converted to a conforming dwelling structure that is allowed in the underlying zoning district, pursuant to §13.03.040: *Table of Uses*.

6. **Student Housing or Dormitory**²⁰³

A building devoted exclusively to living facilities in which each person residing in each living unit shall be a duly registered student in any accredited school, college, or university, the spouse of such student, or a management employee.

7. **Supportive Housing**²⁰⁴

A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of persons requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence, whose right to live together is not protected by the federal Fair Housing Act Amendments, as amended and as interpreted by the courts, and that does not meet the definition of another use in this LDC.

a. This use includes and is not limited to:

- (1) An owner-occupied or nonprofit residential dwelling for the exclusive use of at least two but not more than eight persons, who, together with staff, live as a single housekeeping unit but do not require 24-hour medical or nursing care.
- (2) A shelter for persons experiencing temporary homelessness.²⁰⁵
- (3) A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.

b. **Supportive Housing, Large**

A facility designed for and occupied by eight or more residents living together.

c. **Supportive Housing, Small**

A facility designed for and occupied by no more than seven residents living together.

F. **Public, Institutional, and Civic Uses**

²⁰³ New.

²⁰⁴ Replaces current "protective housing facility." Definition is expanded to capture all persons that are not protected under the FHAA.

²⁰⁵ **NOTE:** This land use category could be crafted to encapsulate the sheltering of homeless persons, rather than calling out a specific use for that demographic.

1. Arts or Cultural Center²⁰⁶

A public, private, or non-profit facility or area that is open to the public and is intended for the display, appraisal, purchase, sale, loan, of art books, paintings, sculpture, or other works of original art that have architectural, artistic, cultural, literary, historical, or scientific value. Accessory uses can include meeting rooms or cafes. This definition includes aquariums, botanical gardens, sculpture parks, museums, art galleries, libraries, and performing arts centers.

a. Use-Specific Standards

In the MU-S zoning district, an arts or cultural center shall not exceed 5,000 square feet of gross floor area.²⁰⁷

2. Cemetery or Interment Facility²⁰⁸

Land dedicated or designated for the burial of human remains or pet animal remains, but not including facilities for embalming or cremation. Cemeteries may include accessory uses that supply services to the principal use, when operated in conjunction with and within the boundaries of cemetery grounds, including: columbaria; mausoleums; a facility for the manufacture of cement vaults; sale and engraving of grave markers; retail floral shop; or live plant nursery.

3. Club or Lodge²⁰⁹

A nonprofit membership organization that holds regular meetings, whose members pay annual dues, that is organized for a common interest, usually cultural, civic, religious, or social, and that has formal written membership requirements. A "club or lodge" may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage in professional entertainment for the enjoyment of members and their guests. There are no sleeping facilities. This definition includes social centers, fraternal organizations, and senior citizens centers, but does not include "fraternity or sorority house," or "sexually oriented business."

4. Crematorium²¹⁰

A facility containing equipment for the reduction of dead bodies to ashes by incineration within an enclosed building.

5. Day Care Center, Adult²¹¹

A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a period of less than 24 hours per day. This definition does not include "assisted living facility," "residential facility for elderly persons," residential facility for disabled persons," or "supportive housing."

6. Day Care Center, Child²¹²

A state-licensed facility that is not a private residence and that is operated for the whole or part of the day for the care of four or more qualified children, as defined in Utah Code §26-

²⁰⁶ Replaces definitions for "aquarium;" "botanical gardens;" "sculpture park;" and "art gallery."

²⁰⁷ New standard intended to maintain a small-scale character in neighborhood environments.

²⁰⁸ Replaces definition of "cemetery, columbarium, mausoleum." Clarified and expounded current definition.

²⁰⁹ Replaces definition of "social center, fraternal organizations, or senior citizens center."

²¹⁰ Replaces definition of "crematory, embalming facility."

²¹¹ Replaces definitions of "daycare, adult" and "daycare, elderly."

²¹² Replaces definition of "daycare, group." The current size threshold is 12; however, Utah Code does not require state certification until care is provided to more than four qualified children.

39-102. Such facility may be operated with or without compensation for such care, and with or without stated educational purposes. This definition includes child nurseries and preschools, but does not include "residential day care," as defined in this LDC.

7. Events Center²¹³

A commercial or non-profit facility entirely enclosed within a building devoted to the assembly of people for social, professional, or recreational activities such as meetings, weddings, conferences, and similar events. The facility may include eating and drinking facilities. This definition includes reception center.

a. Events Center, Large

A facility containing 10,000 or more square feet of gross floor area.

b. Events Center, Small

A facility containing less than 10,000 square feet of gross floor area and shall have a maximum total occupancy of 500 people.

8. Funeral Home or Mortuary²¹⁴

A place for the storage of human bodies prior to their interment (burial, cremation, aquamation, or other similar preparation), or a building used for the preparation of the deceased for burial and the display of the deceased and associated ceremonies prior to interment.

9. Jail or Detention Facility²¹⁵

A facility established by a law enforcement agency for the detention of adult or juvenile persons while being processed for arrest or detention, awaiting trial, or for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

10. Park or Open Space, Active²¹⁶

Areas for recreational uses that require constructed facilities for organized activities including playing fields, playgrounds, and ball courts. Accessory uses may include group picnic shelters, hard surfaced pathways, restrooms, parking lots, and similar facilities.

11. Park or Open Space, Passive²¹⁷

Areas for recreational uses related to the functions and values of a natural area that require limited and low-impact site improvements, including trails, signs, pedestrian bridges, seating,

²¹³ Replaces definition of "exposition hall/convention center" and "reception center." The current size threshold for an exposition hall/convention center is a facility designed to accommodate 5,000 or more people; staff recommends this be revised to a more objective building square footage metric. The "large" category will capture events with more than 500 occupants, while the "small" category will capture event facilities with less than 10,000 square feet and fewer than 500 occupants. The estimated occupant load for an assembly area is between 5-15 persons per square foot, depending on how the space is configured (standing only, chairs only, tables and chairs) (IBC Table 1004.5). Did not carry forward reference to the noise ordinance or limitations on consecutive or repeated events by the same applicant. **NOTE:** Aside from the size thresholds, staff is considering other standards that may apply to these uses.

²¹⁴ Replaces definition of "mortuary" and "funeral home."

²¹⁵ Replaces definition of "prison;" "community correctional facility;" "correctional facility;" "jail;" "juvenile detention facility;" "juvenile receiving center;" and "juvenile secure facility." None of these uses are currently allowed in the city, so it seems unnecessary to define them all if they are not permitted.

²¹⁶ Replaces definitions of "public/private park;" "playground;" "park, private;" and "park, public."

²¹⁷ New.

viewing blinds, and observation decks. Accessory uses may include drinking fountains, picnic tables, restrooms, parking lots, and similar facilities.

12. Public Service Facility²¹⁸

A building or facility housing the offices or operations of a department or agency of the city, county, state, or federal government, or a quasi-governmental, including but not limited to a building or facility that provides fire protection, police protection, or emergency medical services (not including a hospital or medical or dental clinic), together with incidental storage and maintenance of associated vehicles. This definition does not include “Jail or Detention Facility” or the underground and overhead distribution and collection systems providing utility services, such as water, gas, electric, telephone, cable TV, or sanitary or storm sewage drainage.

13. Religious Assembly²¹⁹

A facility that operates for the advancement of a theological philosophy and the practices and rituals associated with the beliefs, faith, or creed of a church, religious society, congregation, or religious denomination, when such practices or rituals are legal. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include religious education classes, meeting rooms, and childcare provided for persons while they are attending assembly functions. Examples include churches, mosques, synagogues, temples, or other places of worship.

a. Ancillary Uses

Ancillary uses such as parks, ball diamonds, pavilions, etc., shall not count toward landscaping on the religious assembly site, but shall stand alone and be considered as a separate site and subject to separate conditional use approval. Any such ancillary uses are subject to, but not limited to, the standards of this LDC (if applicable).

b. Procedure for Approval

All religious assembly sites are subject to site plan review in accordance with §13.06.050A: *Site Plan*.

c. Location of Sites

All religious assembly sites shall be located adjacent to streets which are a minimum of 50 feet wide. No religious assembly site shall be located where access is less than the above except for facilities which can show that patrons will come from the local neighborhoods so that traffic impacts are lessened. Religious assembly uses are encouraged to be located on corner lots.

d. Parcel Size

No minimum parcel size is required, however, the parcel chosen for a religious assembly use must be adequate to meet all applicable development standards including but not limited to: setbacks, landscaping, parking, site improvements, and roadway dedications.

²¹⁸ Replaces definition of “public service.”

²¹⁹ Replaces definition of “religious or cultural activity.” Standards from current 13.11.160. Updated standards to reference the revised categories of zoning districts (e.g., single-family residential, multifamily, mixed-use, and non-residential). Reworded some standards for clarity and consistency. **NOTE:** These standards may be updated in the Consolidated Draft to better integrate with Installment 3: Development Standards and Incentives.

e. Building Setbacks**(1) Nonresidential and Mixed-Use Zoning Districts**

- (A) Front setback shall be 30 feet measured from the front property line. If project fronts on more than one street, setback applies to all street frontages.
- (B) Side and rear setback shall be a minimum of 10 feet, measured from the property line. When located adjacent to a Single-Family or Multifamily zoning district, the minimum setback shall be 30 feet.

(2) Single-Family and Multifamily Residential Zoning Districts

- (A) Front setback shall be 30 feet measured from the front property line. If project fronts on more than one street, setback applies to all street frontages.
- (B) Side and rear setbacks shall comply with the setbacks of the underlying zoning district. The Planning Commission may require a larger setback to minimize impacts of larger structures.

f. Building Height

Maximum building height shall comply with the height maximums established in the underlying zoning district. The maximum height for structures adjacent to a Single-Family Residential zoning district shall be 35 feet (not including chimneys, steeples and the like).

g. Landscaping Setbacks

- (1) Front: 30 feet minimum from property line. (If on a corner lot in a Single-Family or Multifamily Residential zoning district, 20 feet on shorter setback side.)
- (2) Sides and rear: five feet minimum.
- (3) Landscaping in the front areas shall also include the park strip adjacent to the curb including grass and street trees (minimum two-inch caliper and spaced 30 feet on-center).
- (4) Landscaping shall also be required within parking areas where large expanses of asphalt occur. There shall be a minimum of one ten-foot-wide planter in any parking area with 125 or more linear feet of asphalt.

h. Fencing

Acceptable fence types shall include vinyl, precast concrete, decorative iron, architecturally designed brick or block.

i. Parking

- (1) All parking for church facilities shall be on-site.
- (2) No parking is permitted within the front landscape setback.

j. Trash Enclosures and Accessory (Maintenance or Storage) Buildings:

- (1) All trash bins shall be surrounded with six-foot-high masonry or precast enclosures to match the main building with solid metal gates. Trash enclosures may be combined with accessory (maintenance or storage) buildings. The setback of such structure shall be at least the same as the minimum required front landscape setback, but in no case shall trash enclosures be located any closer than 10 feet to a Single-Family or Multifamily Residential zoning district lot line or five feet to a Mixed-Use or Nonresidential lot line.
- (2) Accessory (maintenance or storage) buildings shall be built of the same materials as the main building (siding and roofing) to blend in with the entire project. Minimum

setbacks to the front property line(s) shall be the same as the main building. Buildings adjacent to a side or rear property line (other than a street side of the property), which are built of one-hour fire rated construction, can be considered an accessory structure and may be located within three feet of a side or rear property line.

k. Exterior Lighting

All exterior lighting shall be downlit and minimize any adverse impact on adjacent properties.

14. Hospital

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

15. Medical Office or Clinic²²⁰

A facility used exclusively by physicians, dentists, and other healthcare personnel for the treatment and examination of patients on an outpatient basis where patients are admitted for examination and treatment on an outpatient basis and where patients are not lodged overnight. This definition includes ambulatory surgical care, end stage renal disease facility, physical therapy, massage therapy, and outpatient care facilities.

16. School, College or University²²¹

An educational facility operated by the State of Utah that is authorized to award associate, baccalaureate, or higher degrees. The institution may also include on-site student, faculty, and/or employee housing facilities.

17. School, Public or Private²²²

A public or private institution that offers instruction in any of the branches of learning and study comparable to that taught in the public schools through high school level under Utah Code, including pre-school, pre-kindergarten, kindergarten, elementary school, and junior and senior high schools. This definition does not include "school, charter," "school, vocational or trade," or "school, college or university."

18. School, Charter²²³

An education facility as defined in Utah Code §10-9a-103, as amended.

²²⁰ Replaces and consolidates "healthcare facilities;" "medical and healthcare office;" "massage therapy;" and "soft tissue and physical therapy." This new definition captures all medical- and health-related treatment that is conducted on an outpatient basis (e.g., no overnight stays).

²²¹ New, derived from current definition of "schools, public."

²²² Replaces and consolidates current definitions for "school, public," and "school, private or quasi-public."

²²³ Replaces current definition.

19. School, Vocational or Trade²²⁴

A privately-owned educational facility with a curriculum that is not comparable to that taught in the public schools through the high school level and focused upon skills required in business, trades, or the arts. Examples include schools with curriculum related to beauty, modeling, dance, martial arts, gymnastics, and similar uses. This definition does not include “school, public or private” or “school, charter.”

G. Commercial Uses

1. Kennel, Commercial²²⁵

An establishment where any person engages in a business involving boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats or other domestic animals.

2. Pet Grooming²²⁶

A facility where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. This use does not include the overnight boarding of animals.

3. Veterinary Hospital or Clinic²²⁷

Facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The incidental temporary overnight boarding of animals that are recuperating from treatment is included in this definition. This definition does not include “kennel, commercial”

a. Use-Specific Standards²²⁸

- (1) If boarding is included as part of such treatment the boarding must be within a completely enclosed building. Outdoor kennel facilities are prohibited.
- (2) Kennels and/or boarding areas are limited to 50 percent of the gross floor area of the building.
- (3) The boarding of animals not under direct clinical care is prohibited.

4. Amenity Center²²⁹

A building or facility owned or operated by a corporation or homeowners association intended for a place of meeting, social, cultural, educational, or recreational purposes, to which membership or residency in a specific development or neighborhood is required for participation. Examples may include communal areas, swimming pools, health club facilities, media rooms, or the like.

5. Recreation Facility, Indoor²³⁰

Facilities for entertainment, sports, and recreational activities such as bowling, billiards, arcades, skating, swimming, tennis, teen clubs, escape rooms, and similar indoor activities taking place inside an enclosed building. This definition shall not include gambling devices,

²²⁴ Replaces and consolidates current definitions for “school, vocational or trade;” and school, commercial.”

²²⁵ Replaces current definition for “kennel.”

²²⁶ New.

²²⁷ Replaces current definition for “animal hospital, veterinary office.”

²²⁸ Standards taken from current definition of “veterinary clinic, small animal.” Updated to prohibit outdoor kennels.

²²⁹ New.

²³⁰ Consolidates and replaces definitions for “arcade entertainment;” “athletic club;” “recreation center;” “theater;” and “recreation indoor.”

adult motion picture theaters, adult entertainment businesses, or any other devices prohibited by law.

6. Recreation Facility, Outdoor²³¹

Commercial entertainment, recreation, or games of skill where any portion of the activity takes place outside of a building. Such activities include, but are not limited to, miniature golf, amusement parks, golf courses, golf driving ranges, drive-in theaters, and other similar uses. This does not include any activities offered by the public sector in a park or playground or activities involving motor vehicles, animals, overnight use, or ancillary outdoor open space or plazas within a commercial, office, industrial, or mixed-use development.

7. Sexually Oriented Business²³²

a. Purpose

It is the purpose and objective of these standards that the city establish reasonable and uniform regulations to prevent the location of sexually oriented businesses in areas deleterious to the city; to regulate the signage of such businesses; and to control the adverse effects of such signage. These standards are to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the limitations provided by provisions of the constitutions of the United States and the state of Utah.

b. Definitions

As used in these standards:

(1) Public Park

A park, playground, swimming pool, or athletic field which is under the control, operation or management of the state, a state agency, a county agency, or a municipality. For purposes of these standards, public park does not include golf courses.

(2) Religious Institution

A building which is used primarily for religious worship and related religious activities.

(3) School

A public institution of learning or instruction primarily catering to minors, which is accredited as such by the state of Utah. This definition shall include kindergartens, elementary schools, junior high schools, middle high schools, senior high schools, or any special institution of learning under the jurisdiction of the Utah state department of education, but shall not include home occupations represented as schools, trade schools, charm schools, dancing schools, music schools or similar limited schools, nor public or private universities or colleges.

(4) Sexually Oriented Business²³³

Shall have the same meaning as defined in **Title 5, Chapter 5.82** of the Taylorsville Code of Ordinances. This definition includes escort agencies, adult businesses, nude

²³¹ Replaces current definition of "recreation, outdoor."

²³² From current 13.11.150.

²³³ Consolidates verbiage taken from current land use table(s) and from current 13.36.200.

entertainment businesses, seminude dancing bars, outcall services, and nude and seminude dancing agencies.

c. Businesses Permitted; Restrictions:

- (1) Sexually oriented businesses shall be allowed, subject to the following additional restrictions:²³⁴
 - (A) No sexually oriented business shall be located within 660 feet from any residential zoning district, public school, public park, or religious institution. The above distance shall be reduced to 250 feet if the sexually oriented business is separated from any residential zoning district, public school, public park, or religious institution by any principal arterial transportation corridor as identified in the Taylorsville General Plan.
 - (B) The distance requirements for this section shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the public school, public park, religious institution, or residential zoning district.
- (2) Escort agencies shall be permitted only in zoning districts indicated in §13.03.040: *Table of Uses*, as an office use only.

d. Sign Restrictions

Notwithstanding anything contrary contained in §--- [sign regulations], signs for sexually oriented businesses shall be limited as follows:

- (1) No more than one exterior sign shall be allowed;
- (2) No sign shall be allowed to exceed 18 square feet;
- (3) No animation, flashing or strobing lights, shall be permitted on or around any sign, or on the exterior walls or roof of such premises;
- (4) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or in any area where they can be viewed from the sidewalk in front of the building;
- (5) Only flat signs shall be permitted;
- (6) Painted wall advertising shall not be allowed;
- (7) A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.

e. Severability

If any provision or clause of this section or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision, clause or application hereof, and to this end the provisions and clauses of this section are declared to be severable.

8. Stadium

A permanent facility for the staging of amateur and/or professional sporting events, concerts, or similar activities consisting of an open-air or enclosed arena/stadium and related support facilities.

²³⁴ Removed reference to current Industrial (ID) zoning district. Replaced references to agricultural or residential district with residential zoning districts. There are currently no agricultural zones in Taylorsville.

9. Bar or Dance Club²³⁵

A facility open to the public or operated as a private club open to members that is characterized by live or televised entertainment, dancing or the serving of alcoholic beverages. Food or packaged alcoholic beverages may be sold but are generally accessory to the primary use.

a. Use-Specific Standards²³⁶

Not permitted within 250 feet of a Residential Zoning District, as identified in §13.02.020: *Zoning Districts Established*, unless bisected by a principal arterial street, as identified in the General Plan.

10. Bed and Breakfast²³⁷

Means a single-family detached dwelling where transient lodging and meals are provided for compensation, that does not meet the definition of a “hotel, full service” or “hotel, limited service.” A bed and breakfast will typically provide overnight accommodations, limited food services, parking facilities, and open space in a natural setting.

a. Historic Resources Overlay (HRO) District²³⁸

Bed and breakfast establishments are a permitted use within the Historic Resources Overlay (HRO) zoning district; however, bed and breakfast establishments shall satisfy all the use-specific standards established in §13.03.050G.10.b, with the following modifications:

- (1) Conditional use permit review is not required.
- (2) Any references to the Planning Commission shall be substituted for the Director.
- (3) The bed and breakfast facility must comply with all applicable standards of the Historic Resources Overlay District, as provided in this LDC.

b. Use-Specific Standards²³⁹

These standards are established to provide regulations for bed and breakfast facilities. Bed and breakfast facilities may be allowed where the applicant can demonstrate compliance with the standards and procedures of this LDC and where they result in minimal impacts on adjacent residential properties and neighborhoods.²⁴⁰ The Planning Commission may grant a conditional use for a bed and breakfast facility provided the following requirements are satisfied.

(1) Conditional Use Permit Review²⁴¹

The granting of a conditional use permit for a bed and breakfast facility shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by the city.

²³⁵ Replaces current definition for “dance hall.”

²³⁶ From current 13.08.020(A) with revised language for consistency and clarity.

²³⁷ From current 13.11.100. Updated definition.

²³⁸ Relocated current 13.07.020(E) footnotes 1 and 4 related to use allowances for bed and breakfasts. Subparagraphs 1-3 are new and intended to clarify current standards related to the HRO overlay zone.

²³⁹ From current 13.11.100, substantive modifications from current standards are noted with footnotes throughout. Non-substantive edits/changes related to clarifying language and/or grammatical consistency are not called out.

²⁴⁰ From current 13.11.100 opening paragraph; reworded slightly for clarity.

²⁴¹ Did not carry forward current 13.11.100(A)(3) related to the revocation procedures for violation of a conditional use permit. That language is redundant and already outlined in the conditional use procedures in this LDC.

(2) Documentation Required

- (A) A letter of application sworn before a notary public shall be provided by the owner(s) stating that such owner(s) or live-in residential manager will occupy the facility, except for bona fide temporary absences.
- (B) Building plans and/or a floor plan identifying the interior layout of the bed and breakfast facility shall be provided.
- (C) A site plan of the property identifying existing and proposed improvements, including the building footprint, fencing, recreation areas, vehicle parking, and other relevant information as deemed appropriate by the Director.²⁴²

(3) Development Standards

- (A) The owner(s) of the property or live-in residential manager shall live within the facility except for bona fide temporary absences.
- (B) The location of a bed and breakfast facility shall have direct access to an arterial or collector through street, as identified in the General Plan. Said facility will typically be isolated from adjoining residential properties and will not unduly increase local traffic in the immediate neighborhood.
- (C) The location of a bed and breakfast facility shall be at least one-quarter (1/4) mile from any other bed and breakfast facility, unless it is determined by the Planning Commission that extraordinary circumstances warrant a shorter distance.
- (D) In no case shall the lot or parcel be less than 0.25 acres or 10,890 square feet in area, unless it is determined by the Planning Commission that the site is architecturally or historically significant to justify a smaller parcel. The parcel shall also be of sufficient size to be in scale with the size of structures, the number of people using the facility, parking areas, open space areas, etc.
- (E) The bed and breakfast facility shall be designed or modified so that, to the degree reasonably feasible, the appearance of the structure remains as a residential dwelling. Where possible, unique architecture is encouraged in keeping with the local area.
- (F) Signage for a bed and breakfast facility shall be discrete. Natural materials are encouraged for sign construction and should be architecturally compatible with the bed and breakfast facility. Signs shall be limited to no more than four square feet in area.
- (G) At least one off-street vehicle parking space shall be provided for each guestroom, in addition to vehicle parking for owners/employees of the facility.
- (H) The design and size of the bed and breakfast facility shall conform to all applicable standards in the Fire, Building, and Health Codes. The facility shall be licensed in conformance with all city ordinances.
- (I) Any other appropriate or more stringent conditions deemed necessary for bed and breakfast facilities protecting public health, safety, welfare, and the residential character of the neighborhood may be required by the Planning Commission, including but not limited to, additional setbacks, buffering, landscaping, and any other measure allowed by this LDC to mitigate impacts on adjoining residential properties.

²⁴² New.

11. Catering Establishment²⁴³

An establishment that prepares food on-site, then transports and serves the food off-site. On-site sale or consumption of food or beverages to patrons is prohibited.

12. Hotel, Full-Service²⁴⁴

A building or group of buildings providing transient lodging accommodations to the general public for compensation for periods of time not exceeding 30 consecutive days that includes ancillary facilities and services such as restaurants, meeting rooms, personal services, recreational facilities, daily housekeeping service, and 24-hour front desk service. This definition does not include "bed and breakfast," "hotel, limited service," or "residence hotel."

a. Use-Specific Standards

- (1) The entrance to each guest room shall only be gained from a completely enclosed area, except first floor units which may also have direct access from an interior courtyard or swimming pool area.
- (2) The structure shall contain a lobby, fitness center, full commercial kitchen and a minimum of 5,000 square feet of meeting facilities, and may contain a restaurant, business center, gift shop and other various personal services as accessory uses.
- (3) Not more than 30 percent of the rooms in a hotel or motel may contain a kitchenette or a parlor and sleeping area separated by a floor to ceiling partition.
- (4) Customary hotel services such as daily linen, maid services, and upkeep of furniture shall be provided.

13. Hotel, Limited-Service²⁴⁵

A building or group of buildings providing transient lodging accommodations to the general public for compensation for periods of time not exceeding 30 consecutive days and that is not classified as "hotel, full service" or "residence hotel."

14. Residence Hotel

Any hotel that offers more than five percent of its guest rooms for stays extending 30 consecutive days or more, or a multi-dwelling unit extended-stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term (30 days or more) occupancy. Accessory uses include meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests. This definition shall not include other dwelling units as defined by this LDC.

15. Restaurant²⁴⁶

An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops. Drive-through facilities may be allowed as an accessory use, subject to the standards of this LDC.

²⁴³ New.

²⁴⁴ Replaces current definition for "hotel." Did not carry forward "motel," which provides direct access to the outside from each lodging room.

²⁴⁵ New.

²⁴⁶ Replaces current definition for "restaurant."

16. Short-Term Rental²⁴⁷

[reserved]

17. Bank or Financial Institution²⁴⁸

A federal or state-regulated facility that provides financial and banking services to individuals and businesses. These services may include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. The definition does not include "non-depository institution," except where separately permitted. Accessory uses may include automatic teller machines (ATM) and offices.

18. Nondepository Institution²⁴⁹

A financial business, other than a depository institution such as a bank, credit union, mortgage lender or savings and loan association, that is registered by the State of Utah pursuant to the Check Cashing Registration Act or the Title Lending Registration Act. Specifically included are the following:

(1) Check Cashing Business:

- (A) A person or business that for compensation engages in cashing a check for consideration or extending a deferred deposit loan. "Check cashing business" does not include depository institutions, as defined by the State of Utah. "Check cashing business" also does not include a retail seller engaged primarily in the business of selling goods or services to retail buyers that cash checks or issue money orders for a minimum flat fee not exceeding one percent (1%) of the check or one dollar (\$1.00), whichever is the lesser, as a service fee that is incidental to its main purpose or business.
- (B) Cashing of checks for consideration or extending a deferred deposit loan and shall include any other similar types of businesses by the State pursuant to the Check Cashing Registration Act.

(2) Payday Loan Business

An establishment providing loans to individuals in exchange for personal checks or assignment of wages as collateral.

(3) Title Loan Business

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

(4) Deferred Deposit Lender

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

²⁴⁷ **NOTE:** This land use requires further discussion.

²⁴⁸ Replaces current definition for "business or financial services."

²⁴⁹ From current 13.11.180.

(5) Other

Also included are any other business that offers deferred deposit loans, title loans, check cashing services and loans for payment of a percentage fee exceeding one percent of the check or one dollar, whichever is the lesser, as a service fee that is incidental to its main purpose or business.

b. Use-Specific Standards

Nondepository institutions are subject to the following restrictions:

- (1) Shall not be located within 1,000 feet of the same type of use inside or outside the City geographical boundaries. This distance shall be measured in a straight line, without regard to intervening streets, from the entry door of each business.
- (2) Shall conform to the architectural design standards as described in **chapter 13.37, "Design Standards", of this title**. In addition to these guidelines
 - (A) The color of the building shall be restricted to earth tones or shall match the design theme of the center in which it is a part.
 - (B) At least 25 percent of the first floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.
 - (C) The use of bars, chains, or similar security devices that are visible from a public street or sidewalk shall be prohibited.
 - (D) The use of neon lighting shall be prohibited on the building exterior exclusive of building signage.
- c. Shall conform to the sign regulations as described in this LDC.
- d. Shall be limited to one nondepository institution per 10,000 in population to include all residents in the City. The total population figures shall be based on the U.S. Census Bureau's annual estimates.

19. Fitness Center²⁵⁰

Means a facility where members or nonmembers use equipment or space for the purpose of physical exercise, improved circulation or flexibility, and/or weight control. Facilities and activities can include running, jogging, aerobics, weightlifting, court sports, whirlpools, saunas, massage rooms, yoga, karate, dance and swimming, as well as locker rooms, showers, and lockers. This definition includes fitness training studios, exercise facilities, gymnasiums, and health clubs.

- a. "Fitness Center, Large" is a facility with more than 10,000 square feet of gross floor area.
- b. "Fitness Center, Small" is a facility with up to 10,000 square feet of gross floor area.

20. Office²⁵¹

A facility in which business, professional, administrative and/or clerical activities are conducted, including but not limited to insurance agencies, architects, lawyers, engineers, real estate offices, research centers, social services, testing laboratories, call centers, or insurance companies. This use also includes buildings used for scientific research, investigation, testing, experimentation, assembly, or repair; but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

²⁵⁰ Replaces current definition for "recreation, fitness center."

²⁵¹ Replaces current definition for "office;" "professional office;" and "office call center." This definition also includes current "research and development facility."

Examples include biotechnology, pharmaceuticals, and genetics research facilities or similar uses. This use does not include “medical clinic.” Accessory uses may include cafeterias, health and exercise facilities, or other amenities primarily for the use of employees in the firm or building.

21. Personal Service²⁵²

Establishments primarily engaged in providing services involving the care of a person or of the care or repair of his or her personal goods or apparel. Personal services usually includes but is not limited to: laundry, including cleaning and pressing service, cosmetic services, permanent makeup, barbershops, shoe repair, personal copying/shipping services, health spas, reiki; photographic studios, tailor/seamstress shop, indoor equipment/party/event rental, tanning salon, bicycle and sports equipment repair, small appliance repair, and similar uses. This definition does not include “commercial laundry facility.”

a. Personal Service, Small

A facility with not more than 10,000 square feet of gross floor area.

b. Personal Service, Large

A facility with more than 10,000 square feet of gross floor area.

22. Body Art Studio²⁵³

An establishment offering tattooing and/or body piercing services. Tattooing shall mean the permanent placement of designs, letters, figures, symbols, or other marks upon or under the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or other decoration. For the purposes of zoning, jewelry store or other retail facilities that provide piercing as an incidental and accessory use shall not be classified as body art studios. This definition does not include permanent makeup.

a. Use-Specific Standards

Body art studios shall not be located within 500 feet of any residential zoning district or within 1,000 feet of any other body art studio.

23. Alcohol Sales, Off-Premise Consumption²⁵⁴

An establishment that predominantly sells alcoholic beverages for off-premises consumption. This does not include “retail sales” (of any size) or “grocery or supermarket” in which alcoholic beverages make up a minority of the sales of the store.

a. Use-Specific Standards²⁵⁵

Alcohol sales, off-premise consumption facilities shall comply with licensing and certification requirements of the Utah Alcoholic Beverage Control Act (Utah Code Title 32B), as amended.

24. Flea Market

A market, indoors or outdoors, where any person or aggregation, congregation, or assembly of vendors offer for sale, trade, or barter any goods, regardless of whether they are new or

²⁵² New. Consolidates and replaces definitions for “cosmetic services;” commercial repair services;” “permanent makeup;” and “reiki.”

²⁵³ Replaces current definition for “tattoo parlor.”

²⁵⁴ Replaces current definition for “state liquor store.”

²⁵⁵ New.

used, from individual locations, with each location being operated independently from the other locations. The term does not include the outside display of merchandise as an incidental part of retail activities regularly conducted from a permanent building on sidewalks or other areas immediately adjacent to, and upon the same lot as, such building. The term also does not include merchandise sold at temporary events such as farmers' markets, festivals, or other special events at which the display and sale of merchandise is incidental to the primary cultural, informational or recreational activity.

25. Tobacco Specialty Business

a. Definition

A commercial establishment in which:

- (1) The sale of tobacco products accounts for more than 35 percent of the total annual gross receipts for the establishment;
- (2) Food and beverage products, excluding gasoline sales, is less than 45 percent of the total annual gross receipts for the establishment; and
- (3) The establishment is not licensed as a pharmacy under Utah Code §58-17b, pharmacy practice act; or
- (4) An establishment providing retail sales and services which exclusively or primarily involve the sale of tobacco products and related goods.

b. Use-Specific Standards²⁵⁶

- (1) Tobacco specialty business licenses shall not be issued if it is located within:
 - (A) 1,000 feet of a community location;
 - (B) 600 feet of another retail tobacco specialty business; or
 - (C) 600 feet from property used or zoned for agriculture or residential.
- (2) For purposes of these standards, the proximity requirements shall be measured in a straight line from the nearest entrance of the tobacco specialty business to the nearest property boundary of the community location, or agricultural or residential use or zone, without regard to intervening structures, roadways, city boundaries, or zoning districts.
- (3) For purposes of these standards, "community location" means: a public or private kindergarten, elementary, middle, junior high, or high school; a licensed childcare facility or preschool; a trade or technical school; a church; a public library; a public playground; a public park; a youth center or other space used primarily for youth-oriented activities; a public recreation facility; or a public arcade.
- (4) Tobacco specialty businesses shall conform to the architectural design standards as described in **chapter 13.37, "Design Standards", of this title**. In addition to these guidelines, the following will also be required:
 - (A) The color of the building shall be restricted to earth tones or shall match the design theme of the center in which it is a part.
 - (B) At least 25 percent of the first-floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.
 - (C) The use of bars, chains, or similar security devices that are visible from a public street or sidewalk shall be prohibited.

²⁵⁶ From current 13.11.230.

(D) The use of neon lighting shall be prohibited on the building exterior exclusive of building signage.

(5) Tobacco specialty businesses shall conform to the sign regulations as described in this LDC.

(6) Tobacco specialty businesses shall be limited to one specialty tobacco business per 10,000 in population to include all residents in the city. The total population figures shall be based on the U.S. Census Bureau's annual estimates. For the purposes of this section, population estimates shall be rounded down to the nearest 10,000.

26. Pawn Shop

Any person, firm, corporation, or business which loans money on deposit of personal property, or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property.

27. Retail Sales²⁵⁷

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This use does not include any form of retail sales or other use listed separately in §13.03.040: *Table of Uses*.

a. Retail Sales, Small

A facility or establishment with up to 5,000 square feet of gross floor area.

b. Retail Sales, Medium

A facility or establishment with between 5,001 and 15,000 square feet of gross floor area.

c. Retail Sales, Large

A facility or establishment with between 15,001 and 50,000 square feet of gross floor area.

d. Retail Sales, Big Box

A facility or establishment with more than 50,000 square feet of gross floor area.

28. Equipment Sales or Rental²⁵⁸

An establishment engaged in the display, sale, and rental of equipment, tools, supplies, machinery or other equipment used for building construction, manufacturing, farming or agriculture. This use includes the sale of farm-specific vehicles such as tractors, tillers, farm trailers, back hoes, graders, boom lifts, and front-end loaders, but not including car or truck rentals. This definition does not include "vehicle sales or leasing".

a. Use-Specific Standards

(1) Maintenance of equipment shall be conducted entirely within an enclosed building.

²⁵⁷ Replaces current definition for "commercial retail sales and services" and includes "plant nursery" and "auto parts sales." This use differentiates retail sales from personal services, which are separate land uses in this draft table of uses. Several levels of scale are included in this draft, to allow context and scale-appropriate retail uses in certain zoning districts.

NOTE: This definition could also include "secondhand goods store" since there are not significant differences between the land use impacts; however, this could also be called out as a separate land use.

²⁵⁸ New definition.

- (2) The storage of inoperable or wrecked equipment or materials outside of an enclosed building shall be prohibited.
- (3) Outdoor display of equipment for sale or rental shall only be permitted in the EM-2 zoning district and shall be contained on an improved surface such as asphalt or concrete. Equipment stored outside of an enclosed structure shall be screened from public view in accordance with § ---.
- (4) Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this LDC.

29. Parking Facility, Private²⁵⁹

As a principal use, the lease, operation, or management of a commercial surface parking lot, above-ground parking structure, or below-ground parking structure in which fees are charged. This use does not include overnight storage of vehicles.

a. Use-Specific Standards

A freestanding vehicle parking garage or a parking garage that is attached to but not located within the building envelope of a structure containing another primary use shall require conditional use permit approval pursuant to § ---.

30. Parking Facility, Public

As a principal use, the lease, operation, or management of a public-owned surface parking lot, above-ground parking structure, or below-ground parking structure in which fees may or may not be charged. This use does not include overnight storage of vehicles.

31. Vehicle Fuel Station²⁶⁰

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. Accessory uses may include convenience food and beverage sales and an automatic free-standing vehicle wash.

a. Use-Specific Standards²⁶¹

(1) Generally

- (A) A vehicle fuel station shall only be allowed on a lot or parcel with a minimum of 100 feet of frontage along an arterial street, as indicated in the Taylorsville General Plan. Access to the vehicle fuel station shall be gained from the arterial street.
- (B) No more than one two-way driveway shall be permitted per 100 linear feet of street frontage.

(2) Accessory Vehicle Washes

- (A) A car wash structure shall meet the minimum setback standards for the zoning district in which it is located.
- (B) Automatic car wash facilities may provide areas for vacuuming and drying of vehicles upon exiting the car wash structure. These areas shall be located where they do not obstruct circulation patterns of the site.

²⁵⁹ New.

²⁶⁰ Consolidates and replaces definitions for "automotive self-service station" and "automotive service station." Did not carry forward minor auto repair elements associated with automotive service stations.

²⁶¹ From current 13.23.180. Simplified and reworded.

- (C) A minimum of eight feet of space shall be provided between the exit of the car wash structure and any cross driveway to allow for sight distance of vehicles in the crossing driveway.

(3) Pump Island Canopy Design

- (A) Fuel pump island canopies shall be set back a minimum of 20 feet from all front property lines.
- (B) Each pump island shall include 40 feet of stacking space on-site. Pump island stacking shall not encroach upon required parking space back out areas (24 feet minimum) or two-way driveways for general site circulation (24 feet minimum).
- (C) All canopy illumination and lighting directed toward the ground shall be recessed into the canopy.
- (D) There shall be a minimum clearance of 13.5 feet to the bottom of the canopy above grade.
- (E) Vertical canopy fascia utilized for signage may not exceed four feet in height, and the height to the top of the vertical fascia may not exceed 20 feet from grade.
- (F) Pump island structural columns and canopy fascia shall use the same architectural materials as the main building, e.g., stone, brick, etc., and shall run from ground level to the bottom of the canopy.
- (G) Fuel tank vents shall be an integral part of the building design in terms of form, color, and texture.

32. Vehicle Repair, Major²⁶²

An establishment primarily engaged in vehicle repair, rebuilding, reconditioning, or mechanical servicing of motor vehicle engines, transmissions, frames, including auto body repairs, frame work, welding, and major painting. This definition does not include “vehicle fuel station;” “vehicle wash;” or vehicle repair as an accessory use to a “vehicle sales or leasing” facility.

a. Use-Specific Standards²⁶³

- (1) Maintenance of vehicles and equipment shall be conducted entirely within an enclosed building.
- (2) The storage of inoperable or wrecked vehicles, equipment, and materials outside of an enclosed building shall be prohibited.
- (3) The sale or leasing of vehicles shall be prohibited.
- (4) No more than one two-way driveway shall be permitted per 100 linear feet of street frontage.
- (5) Outdoor storage of more than four wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited. Areas in which autos, trailers, etc., are stored must be screened by a wall or opaque fencing with a minimum height of six feet. Vehicle storage and wall or fence enclosures are not allowed within the front setback of the facility.

²⁶² Replaces current definition for “automotive service and repair, major.”

²⁶³ Taken from current 13.23.190. Simplified and clarified.

33. Vehicle Repair, Minor²⁶⁴

An establishment primarily engaged in providing minor motor vehicle repair services such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, anti-theft devices, spoilers, sunroofs, headlight covers, and similar items. This definition does not include engine degreasing or other major repairs included in the definition for “vehicle repair, major.” This definition does not include “vehicle fuel station,” “vehicle wash,” or vehicle repair as an accessory use to a “vehicle sales or leasing” facility.

a. Use-Specific Standards

Vehicle repair, minor is subject to the same use-specific standards as vehicle repair, major, as established in §13.03.050G.32.a.

34. Vehicle Sales or Leasing²⁶⁵

An establishment that specializes in the sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition does not include salvage operations, scrap operations, vehicle impound yards, or private parking facilities available for short-term use. This definition includes accessory service, repair, and washing of vehicles being sold or leased in conjunction with the primary use.

35. Vehicle Wash

A facility for washing, cleaning, drying, and waxing of passenger vehicles, recreational vehicles, or other light motor vehicles. This definition includes a facility that is self-service or attended by an employee.

a. Use-Specific Standards

- (1) A vehicle wash shall only be allowed on a lot or parcel with a minimum of 100 feet of frontage along an arterial street, as indicated in the Taylorsville General Plan. Access to the vehicle wash shall be gained from the arterial street.
- (2) A vehicle wash shall not be located within 1,000 feet of another vehicle wash.²⁶⁶

H. Industrial Uses

1. Commercial Laundry Facility²⁶⁷

An establishment that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process.

2. Food Production or Processing²⁶⁸

A facility that produces food for human consumption in its final form. Such food is then distributed to retailers or wholesalers for resale on or off the premises.

²⁶⁴ Replaces current definition for “automotive service and repair, minor,” an “automotive service, nonmechanical.”

²⁶⁵ Replaces current definition for “auto, truck, recreational vehicle, and equipment sales or rental.”

²⁶⁶ New.

²⁶⁷ New.

²⁶⁸ New.

3. Manufacturing, Low-Impact²⁶⁹

Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, glazing contractor, repairing, servicing, storing, or wholesaling of goods or products, using parts previously developed from raw material. Low-impact manufacturing uses include only those uses that will not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within an enclosed building.

a. Use-Specific Standards

- (1) In the CC zoning district, retail sales associated with low-impact manufacturing is allowed; however, distribution, warehousing, and/or wholesaling activities are prohibited.
- (2) In the CC zoning district, low-impact manufacturing establishments shall be limited to 10,000 square feet of gross floor area.

4. Contractor's Office

A building used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This use may include showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal, and other material in connection with contracting services.

5. Storage, Self Service²⁷⁰

A building or group of buildings consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

a. Use-Specific Standards

(1) Layout and Design

All storage shall be contained within a fully enclosed structure and access doors to storage units shall be accessed from interior hallways.

(2) Operations

- (A) Self-service storage facilities within 150 feet of a single-family zoning district shall have operating and access hours not earlier than 7:00 a.m. and not later than 10:00 p.m.
- (B) The incidental retail sale of products associated with the business (e.g., boxes, moving supplies, locks, bubble wrap) is allowed.
- (C) No business activity other than the rental of storage units shall be conducted on the premises.

6. Warehouse or Wholesale Facility²⁷¹

A building for storage, wholesale, and/or distribution of goods and materials, supplies, and equipment that are manufactured or assembled off-site, and where all related activities are housed entirely within an enclosed building. This definition does not include the bulk storage

²⁶⁹ Replaces current definitions for "glazing contractor;" "industry, light;" "industry, medium;" and "recycling materials and collection/drop off." Did not carry forward language related to daily truck trips of 12 trips in 24 hours, or the provision for outdoor storage yards associated with the "medium industrial" category.

²⁷⁰ Replaces current definition for "storage (ministorage) facilities." **NOTE:** Additional discussion required. Additional standards could be incorporated to allow them subject to size limitations, specific locations, etc.

²⁷¹ Replaces current definition for "warehouse."

of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Accessory uses may include associated retail and office uses.

I. Utilities and Communication

1. Wireless Telecommunication Facility²⁷²

a. Definitions

The following definitions are specific to wireless telecommunications and small wireless facilities:

(1) **Antenna**

Any system of wires, poles, rods, arms, reflecting disks, or similar devices of various sizes, materials, and shapes, including, but not limited to, solid or wire mesh dish, horn, spherical, or bar configuration used for the transmission or reception of radio signals. Types of antennas include: mounted directly to the fascia or outside wall of a structure, existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.

(2) **Wall Mounted Antenna**

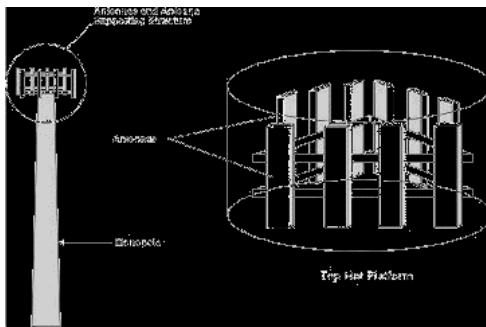
Any antenna mounted directly to the fascia or outside wall of a structure, existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.

(3) **Roof Mounted Antenna**

An antenna mounted directly to the roof of a building, mechanical penthouse or parapet enclosure wall which is on the rooftop of a building.

(4) **Top Hat Antenna**

A spatial array of antennas, generally located on a freestanding structure, where the visible width of antennas and antenna mounting structures are more than three feet (3') in width as viewed looking directly at the structure.



²⁷² From current 13.11.220. Did not carry forward current 13.11.190 regarding "satellite dishes/earth stations." The revised definition for "community facility" exempts satellite dishes less than 3 feet in diameter. **NOTE:** Additional standards regarding placement of residential satellite dishes will be included in Installment 3: *Development Standards and Incentives*.

- (5) **Whip Antenna**
An antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.
- (6) **Utility Pole Antennas**
Any antenna mounted directly to a streetlight pole. This definition shall not include poles carrying electrical lines, telephone lines or any other type of utility not specifically included above.
- (7) **Antenna Support Structure**
A structure the principal purpose of which is for location of antennas. Types of antenna support structures include:
- (8) **Monopole**
A freestanding antenna support structure placed directly on the ground used to support one or more antennas.
- (9) **Lattice Tower**
A self-supporting multiple sided, open steel frame structure used to support one or more antennas.
- (10) **Collocation**
A telecommunications facility comprising more than one telecommunications provider's antennas.
- (11) **Equipment Facility**
Any building, shelter or cabinet used by telecommunication providers to house switching, backup or other equipment at a telecommunications facility.
- (12) **Nonstealth Design**
Any antenna or equipment facility not camouflaged in a manner to blend with surrounding land uses, features or architecture. The design does not conceal the intended use of the telecommunications facility. A monopole with equipment facilities above ground and unscreened would be considered nonstealth.
- (13) **Residential Institutional Use**
A school, church, clubhouse or public building in a residential zone where stealth antennas may be permitted. This definition does not include residences or multi-family structures containing one or more residential units.
- (14) **Stealth**
Antennas, antenna support structures and equipment facilities camouflaged or designed to blend with surrounding land uses, features, and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility such as heavy landscaping, installing telecommunications facilities within existing buildings, or placing equipment facilities underground. A flush wall mount antenna painted the same color as the background, located on a building where the equipment facility is located inside said building would be considered stealth design.

- (15) **Telecommunications Facility**
An unmanned structure which consists of equipment, including antennas, antenna support structures and equipment facilities as defined herein, that transmit and/or receive voice and/or data communications through radio signals such as "cellular" or "PCS" (personal communications system) communications and paging systems.
- (16) **Small Wireless Facility (SWF)**
A wireless facility on which each wireless provider's antenna could fit within an enclosure of no more than six (6) cubic feet in volume and for which all associated equipment whether mounted on the pole or the ground is cumulatively no more than twenty eight (28) cubic feet in volume.
- (17) **Node**
Equipment at a fixed location that enables wireless communications between user equipment and a communications network.
- (18) **H-Frame**
A utility pedestal associated with an SWF, that contains a shut-off switch.
- (19) **Consolidated or Concealed Design**
An SWF or pole that is covered, blended, painted, disguised or camouflaged such that the SWF blends into the surrounding environment and is visually unobtrusive. A consolidated SWF will have equipment contained within the pole, shut-off switch mounted to the pole or inside the pole, painted to match surrounding streetscape, and minimal radio attachments.
- (20) **Provider**
A wireless infrastructure provider is a person that builds or installs wireless communication transmission equipment, a wireless facility or a wireless support structure; or a wireless service provider that provides wireless services or infrastructure.
- (21) **Utility Pole**
A pole or similar structure in the public right-of-way which is used to support power lines, telephone lines, street lights, traffic signs and signals, signage or other utilities and which could support the collocation of an SWF.
- (22) **Design District and Historic Resources Overlay Zone**
A group of buildings, streetscapes or corridors that have designated status under City, State or Federal law.
- b. **Use-Specific Standards**
- (1) **Purpose**
The purpose of this section is to address planning issues brought on by the rapid growth in demand for low power wireless telecommunications services. This section establishes provisions that deal with issues of demand, visual mitigation, engineering, residential impacts, health, safety, and facility siting.
- (2) **Application**
The requirements of this section apply to commercial and private wireless telecommunication facilities. For the purpose of this section and application

wireless telecommunication facilities or telecommunication facilities shall include but not be limited to small wireless facilities, monopoles, whip antennas, utility pole antennas, and roof and wall mounted equipment. All telecommunication facilities shall comply with the following regulations and all other ordinances of the City and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

(3) **Franchise Agreement**

- (A) A wireless telecommunication facility provider shall enter into a Franchise Agreement with the City prior to installation of facilities if the facility will be: a) located within the public right-of-way; b) collocated on public infrastructure; or c) collocated upon another franchisee's infrastructure. This agreement may not be assigned to any third party, contractor, or subsidiary under any circumstances without the written consent of the City.
- (B) A wireless telecommunication facility provider will be required to provide sufficient documentation to prove that it has the financial solvency to complete its proposed facilities installation and to operate and maintain its facilities. The City, at the City's sole discretion, will make a final determination as to whether provided documentation is sufficient to prove such financial solvency. Financial solvency may be proved by:
 - i. Providing financial statements for the wireless telecommunication facility provider;
 - ii. Providing an opinion letter from a certified public accountant or other financial advisor attesting to the wireless telecommunication facility provider's financial solvency; or
 - iii. Providing any other documentation in accordance to generally accepted practices of the local industry to prove financial solvency.
- (C) A wireless telecommunication facility provider will be required to provide a list of provider-approved, licensed contractors and sub-contractors the wireless telecommunication facility provider intends to use to install, operate and maintain its wireless telecommunication facilities. The wireless telecommunication facility provider shall have a continuing obligation to keep an updated list of contractors and subcontractors on file with the City at all times. The City shall not issue any permit to an applicant who is not listed on the approved contractor and sub-contractor list.

(4) **Bond**

The City shall require a wireless telecommunications facility provider to post a bond in accordance with applicable State and local law. The bond and applicable documentation must be submitted prior to issuance of permits.

(5) **Telecommunication Facility Master Plan Required**

A Master Plan shall be submitted for each type of telecommunication facility proposed by the applicant and shall include the entire above and below ground network. The network could consist of but is not limited to fiber, cable, conduits, vaults, boxes, pedestals, H-frames, poles, nodes, and wireless telecommunication facilities as well as supporting electrical and other utility connections. The Master Plan shall show proposed locations of future telecommunication facilities for the

next five years. The Master Plan shall include the rationale for each potential facility. Maps shall be utilized to graphically illustrate the coverage radius of each potential telecommunication facility. The Master Plan shall be submitted, along with a complete application, to the Community Development Department for preliminary review. The Development Review Committee shall make a recommendation regarding the Master Plan to the Community Development Director. Permits will not be granted without approval of the entire Master Plan network. A telecommunication facility Master Plan shall be completed for each type of telecommunication facility. The Master Plan shall include:

(A) **Rationale**

The rationale for the selection of the proposed telecommunication facility and a review of any feasible alternative sites for the proposed facilities. The Master Plan shall include:

- i. Technical reasons for the design of each proposed wireless telecommunication facility and efforts made to minimize impacts on the surrounding land uses,
- ii. A listing of other telecommunication facilities within the search ring which were evaluated, and
- iii. A statement of reasons why the final location for each wireless telecommunication facility was chosen.

Staff may request the search ring and propagation information for the proposed telecommunication facilities. The applicant shall justify that the telecommunication facilities comply with the City's general plan, as well as applicable Design Standards.

(B) **Collocation**

The Master Plan shall also examine the potential for collocation at an existing or the proposed telecommunication facility. If collocation is not possible at an existing telecommunication facility or if the proposed new telecommunication facility is not available for collocation, then the applicant shall include a written explanation why collocation is not possible.

(C) **Height**

The height of the antennas and antenna support structures shall be justified through a detailed written analysis that explains in nontechnical terms the reasons why service cannot be effectively provided unless at the requested height. If the proposed telecommunication facility is a roof mount or wall mount, the City may request that the study verify that the existing or proposed screening will screen from view all telecommunication facilities.

(D) **Equipment Facilities**

The Master Plan must include a detailed written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment facilities to be either:

- i. Located in an existing building; or
- ii. Designed using stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment facilities.

(E) Visual Analysis

The applicant shall submit a visual analysis which may include photo simulation, field mock up, or other techniques which identify the potential for visual impacts of the proposed telecommunications facility. The analysis shall consider views from public areas (streets, parks, etc.) and from private residences. The analysis shall assess the cumulative impacts of the proposed telecommunications facility and other existing or approved telecommunications facilities in the areas as provided by City staff and shall identify all mitigation measures consistent with the technical aspects and requirements of the proposed telecommunications facility. Proposed color and design shall be included in the analysis including pole attachments, wiring, conduit, pedestals and any other structures associated with the proposed telecommunication. All costs associated with this requirement are to be borne by the applicant.

(F) Independent Review

The city may, if it deems necessary, cause each telecommunications facility to be reviewed by a qualified radio frequency engineer. The purpose of the review is to determine if other locations are available to achieve an equivalent signal distribution and not significantly affect the operation of the telecommunications facility. Such a review may be required when an applicant indicates that no other acceptable location exists. The costs of any such review shall be borne by the applicant.

(6) Application Process

A complete application shall include an accurately scaled site plan showing the right-of-way; easements; authorization from property owners or applicable reviewing agencies; elevations including height justification; design and color; structural calculations; photo simulations; and other documents as deemed necessary by the city to assess compliance with this title. The applicant shall be required to sign an affidavit acknowledging that the approval of the wireless telecommunication facility is valid for one year and that the equipment shall be installed within one year from when the building permit was issued. If the applicant fails to install equipment within one year the applicant will need to re-apply to the city per the requirements set forth in this section.

(7) Permitted Uses

The following telecommunications facilities are classified as permitted uses. Any request for telecommunications facilities differing from the standards as allowed in this section shall require a technical necessity exception from the Planning Commission. All telecommunications facilities must comply with the City's general plan as well as the Design Standards. All permitted use equipment facilities listed in this section shall be located in an existing building, shall be designed using stealth technology, or shall utilize visual concealment measures to screen the appearance of the wireless telecommunication facility.

(A) City Property

Telecommunications facilities located on City owned property are allowed as a permitted use provided the facilities meet the standards as specified for each

type of facility as contained in this section, are compliant with the Design Standards, and the facility owner has entered into a Franchise Agreement with the City.

(B) Wall Mounted Antenna

Wall mounted antennas which comply with the following standards are allowed as a permitted use:

i. Locations

Located on a structure in a Commercial, Industrial, or Professional Office District.

ii. Mounting Method

Wall mounted antennas shall not extend above the wall line of the building or extend more than four feet horizontally from the face of the building.

iii. Stealth Design

Antennas, equipment facilities, and the antenna support structure shall be constructed with stealth design to match the color of the building or structure and to be architecturally compatible with the building or to match the color of the background against which they are most commonly seen.

(C) Roof Mounted Antenna

Roof mounted antennas which comply with the following standards are permitted uses:

i. Located on a structure in a Commercial, Industrial, or Professional Office District.

ii. Roof mounted antennas may be located on top of existing penthouses or mechanical equipment rooms provided the telecommunications facilities are enclosed by a structure that creates a visual screen. The screening structure and telecommunications facilities shall not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.

iii. For roof mounted antennas not mounted on a penthouse or mechanical equipment room, the telecommunications facilities shall be mounted at least five feet from the exterior wall of a building. For antennas mounted between five feet and 10 ten feet from the exterior wall, the maximum height of a roof mounted antenna is directly proportional to the distance the antenna is set back from the exterior wall up to a maximum height of 10 feet above the roofline of the building to which the antenna is attached.

iv. Telecommunications facilities shall be mounted at least five feet behind any parapet wall. For antennas mounted between five feet and 10 feet behind a parapet wall, the maximum height of the antenna is directly proportional to the distance the antenna is set back from the wall up to a maximum of 10 feet as measured from the top of the parapet wall.

v. Roof mounted telecommunications facilities shall be located only on a flat roof and shall be screened, constructed, and/or colored to match the

structure to which they are attached. Roof mounted telecommunications facilities for pitched roofs must receive a technical necessity exception.

- vi. A combination of both roof and wall mounted antennas are allowed on a building. The total area for all wall and roof mounted antennas and antenna support structures combined shall not exceed 40 square feet for each exterior wall of the building or a total of 160 square feet per building per carrier. A maximum of four walls shall be occupied by antennas. The total area is the sum of the area of each individual antenna face, the visible portion of the antenna support structure, and the equipment facility as viewed when looking directly at the face of the building. The total area for a roof mounted antenna shall apply to the closest exterior wall. Up to three carriers may utilize each building side for a maximum of four sides as a permitted use.
- vii. Antennas, equipment facilities, and the antenna support structure shall be constructed with stealth design to match the color of the building or structure and to be architecturally compatible with the building or to match the color of the background against which they are most commonly seen.

(D) **Collocation**

Collocation of wireless telecommunication facilities is a permitted use provided the equipment does not extend more than 12 inches from the existing structure and meets all the provisions as stated in the Design Standards.

(E) **Stealth Design**

Telecommunications facilities that incorporate stealth design technology and are located on a parcel in a Commercial, Industrial, or Professional Office District are a permitted use.

(F) **Conversion**

Conversion of existing flagpoles, light standards, athletic field lights, or other similar structures provided the structure's height is not increased more than 10 feet or unless approved by the Community Development Director as provided for in modified site plan review as described in this title are a permitted use.

(G) **Agreement**

All wireless telecommunication facility providers shall be required to enter into a Franchise Agreement prior to installing a telecommunication or small wireless facility in the City's rights-of-way. The Community Development Director shall review the provider's Master Plan prior to execution of any such franchise agreement.

(H) **Utility Pole Antennas**

Utility pole antennas which comply with the following standards are permitted uses. Equipment shall be designed and installed by the provider according to City Design Standards and the utility pole owner's specifications. Equipment may be located on existing utility poles within the right-of-way, provided prior written authorization from the utility pole owner has been provided. Mounted equipment shall have wiring contained within the pole or conduit.

Concealment measures such as color, material or design shall be used to minimize visual impact.

(I) **New Small Wireless Facilities**

Small wireless facilities may be located within the public right-of-way provided the nodes comply with the Design Standards and Design District and Historic Resources Overlay Zone requirements.

(8) **Technical Necessity Exception**

If an applicant cannot meet the standards for telecommunications facilities as provided for in subsection (7), "Permitted Uses", of this section for technical reasons, an applicant may request a technical necessity exception from the Planning Commission. If an applicant cannot or will not meet those standards for reasons other than technical reasons, the use is not allowed. The burden of proof for obtaining a technical necessity exception shall be placed upon the applicant. Telecommunications facilities which meet the following standards as determined by the Planning Commission may be granted a technical necessity exception:

(A) **General Plan and Ordinance Compliance**

Comply with the general plan, Design Standards and Design District and Historic Resources Overlay Zone requirements, if applicable.

(B) **Antennas In Multi-Family Zones**

Wall mount antennas, roof mount antennas, and stealth applications on structures containing 10 or more dwelling units and conversions shall require a technical necessity exception. Antennas on structures containing less than 10 units are not allowed. The antennas and their related antenna support structures and equipment facilities must meet the design standards for each respective telecommunications facility as referenced in subsection (7), "Permitted Uses", of this section.

(C) **Monopoles²⁷³**

Monopoles are not allowed in any zone within the City without a technical necessity exception being granted by the Planning Commission. Following are the minimum standards for a monopole to qualify for a technical necessity exception. The Planning Commission may impose additional requirements pursuant to the review standards in this title.

i. **Independent Review**

All applications requesting a monopole under the technical necessity exception provision shall complete an independent radio frequency engineering review of the proposed monopole telecommunications facility in relation to the requested height, alternative locations, other proposed telecommunications facilities, and existing telecommunications facilities. The cost of the independent review shall be borne by the applicant.

ii. **Antenna Sizing**

The maximum visible width of antennas and antenna support structures on a monopole shall not exceed eight feet in height or three feet in width

²⁷³ Did not carry forward current 13.11.220(H)(3)(f) related to monopole exceptions in PUDs.

as viewed looking directly at the monopole at the same elevation as the antennas and antenna support structure. Top hat design is not permitted.

iii. **Location and Minimum Setbacks**

Monopoles shall be allowed only in the rear yard area of any commercial or industrial lot which contains a commercial or industrial use or on City property. These structures shall not be located in a required landscaped area, buffer area or required parking area. No such antenna shall be located within 165 feet of a residential property line. However, the Planning Commission may reduce the required setback from a residential property line if practical difficulties are demonstrated by the applicant, (e.g., City park location, public buildings, etc.).

iv. **Height Limit**

Monopoles shall not project higher than 10 feet above the average building height to a maximum of 80 feet or, if there are no buildings within 300 feet, these monopoles shall not project higher than 10 feet above the average tree canopy height to a maximum of 80 feet, measured from ground level.

v. **Landscaping, Fencing, and Safety**

Monopoles shall, at minimum, be landscaped as per the requirements of the zoning district in which they are located. If there are no buildings immediately adjacent to the monopole and equipment facilities, all monopoles and equipment facilities shall be surrounded by dense tree growth to screen view of the facility in all directions. The Planning Commission may require additional landscaping or fencing as part of the site plan approval. The climbing pegs shall be removed from the lower 20 feet of the monopole.

(D) **Wireless Telecommunication Facilities on Private Property**

A technical necessity exception review by the Planning Commission may be required for wireless telecommunication facilities located on private property.

(E) **Additional Information**

Information concerning the following shall be submitted by the applicant and considered by the Planning Commission for all technical necessity exception requests:

- i. Compatibility of the proposed telecommunications facilities with the height, color and mass of existing buildings and utility structures.
- ii. Whether it is possible to locate the antenna on other existing structures with less aesthetic impact in the same vicinity such as other monopoles, small wireless facilities, buildings, utility poles, athletic field lights, parking lot lights, etc., without significantly impacting transmission or reception.
- iii. The location of the telecommunications facilities in relation to existing vegetation, topography, and buildings to obtain the best visual screening.
- iv. Whether the spacing between the proposed and existing telecommunications facilities creates detrimental impacts to adjoining properties or streetscapes.

- v. Substantial existing or proposed landscaping, including tree cover, to reduce visibility of telecommunications facilities.
- vi. Whether the telecommunications facility complies with the City's general plan and the Design Standards.

(9) **Equipment Facilities**

All equipment facilities shall be located in an existing building or designed whereby the incorporation of stealth design technology or other screening is utilized that readily conceals the appearance of the equipment facility. Small wireless facility H-frame pedestals are not considered equipment facilities. All power lines on the lot leading to the telecommunication facility shall be underground. If the Community Development Director does not require the applicant to place the equipment facility underground or utilize stealth design technology, then the telecommunications facility shall be fenced with a six foot vinyl coated chain-link fence or other fencing and landscaping as approved or required by the Planning Commission.

(10) **Design Districts and Historic Resources Overlay Zone**

Any telecommunications facility proposed within a Design District or Historic Resources Overlay Zone must meet the requirements of the overlay zone and the Design Standards. Telecommunication facilities proposed in these districts must be reviewed by the Director.

(11) **Prohibited**

The following telecommunications facilities are not allowed in any zone district:

- (A) Lattice towers.
- (B) Whip antennas on wall mounted support structures.
- (C) Any telecommunications facility not specifically listed in the permitted use subsection or not in compliance with the requirements for a technical necessity exception.

(12) **Nonmaintained or Abandoned Facilities**

The Community Development Director may require each nonmaintained or abandoned telecommunications facility to be removed when such a telecommunications facility has not been repaired or put into use by the owner, person having control, or person receiving benefit of such structure within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control, or person receiving the benefit of such structure.

If the structure upon which an antenna is placed, including, but not limited to, a utility pole, water tank, light pole, or building is no longer used or is proposed by the owner or operator of that structure to be removed or replaced, the antenna must be removed within 90 calendar days after notice from the city. Any replacement telecommunications facility, if necessary, is required to comply with the requirements herein or any subsequent amendment hereto.

(13) **Provider Requirements**

It shall be the provider's sole responsibility to remove, relocate and maintain wireless telecommunication facilities. The following shall be included in this provision:

- (A) The provider shall, at its own expense, remove a wireless telecommunication facility and associated equipment that is no longer needed by the provider.
- (B) If the provider abandons a wireless telecommunication facility or damages the right-of-way the provider shall, at its own expense, restore the right-of- way to reasonable standards as determined by the City.
- (C) The provider shall, at its own expense, be responsible for the removal and relocation of equipment in areas that interfere with a City improvement project. The City shall provide written notice including a reasonable timeframe to remove or relocate the equipment.
- (D) The City shall provide written notice to the provider regarding removal, relocation, maintenance, damage or repair of a wireless telecommunication facility; if the provider fails to take the required action within the time frame stated on the written notice the City shall take the required action. The City shall provide documentation to the provider for the cost of the required action, and it shall be the responsibility of the provider to pay for costs associated with the required action.

(14) Building Permits

Prior to the construction of any telecommunications facility, the applicant shall obtain building permits, road cut permits, and other permits as required by the City.

(15) Wireless Telecommunications Facilities Illustrations

The following illustrations are referred to in this section. They are meant to demonstrate graphically the intent of this section.

FIGURE 6 WALL MOUNTED ANTENNAS

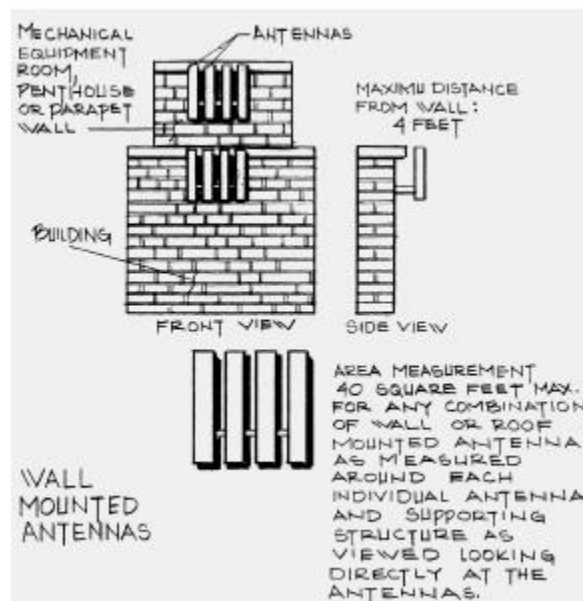


FIGURE 7: ROOF MOUNTED ANTENNAS

Title 13: Land Development Code

Chapter 13.03 Use Regulations

13.03.050 Use Definitions and Use-Specific Standards

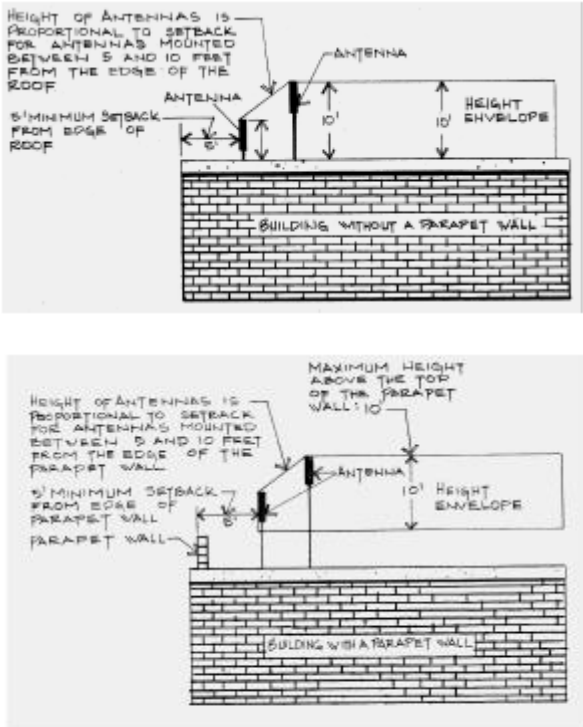
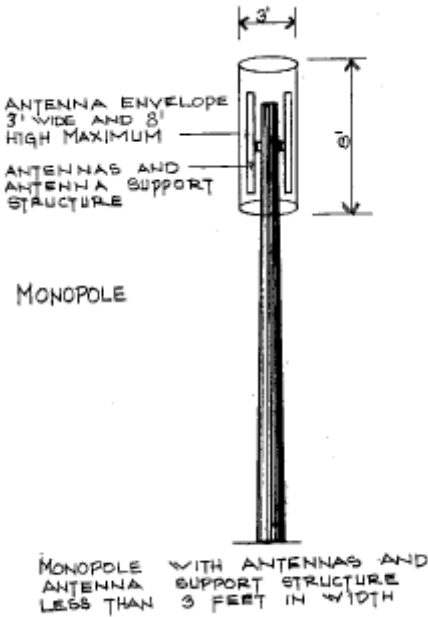


FIGURE 8: MONOPOLES



* Collocation to occur below original antenna

2. **Public Utility Station**²⁷⁴

a. **Definition**

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

b. **Use-Specific Standards**²⁷⁵

(1) **Applicability**

When it is desired to create a new lot or parcel of property and its primary use is to be a public utility station structure or structures, these standards shall apply.

(2) **Subdivision Of Property**

(A) **Lot Size and Dimensions**

Upon review and approval by the Planning Commission, the minimum size and dimensions of a lot or parcel shall be sufficient to meet the needs of the public utility station structure.

(B) **Frontage**

Lots and parcels are not required to have street frontage if there is a recorded perpetual access easement across adjoining property connecting to a dedicated and improved street right-of-way that is sufficient width to meet the needs of the public utility, as determined by the Planning Commission at the time of approval and that satisfies the requirements of public safety agencies.

(C) **Creation of Lot or Parcel**

Unless otherwise prohibited by Utah State Code, lots or parcels may be created as a lot or parcel within a recorded subdivision plat, or created by a recorded deed that describes the property by metes and bounds legal description.

(3) **Development Standards**

The following development standards shall apply to all lots or parcels created for public utility stations:

(A) **Location**

A public utility station shall be located no closer than 30 feet from any existing habitable structure or street. The station may not be located in the path of any planned street, as illustrated on the Taylorsville City master street plan.

(B) **Setbacks for Buildings 15 Feet or Less in Height**

- i. 30 feet from street right-of-way.
- ii. 10 feet for landlocked properties and all other property lines.

²⁷⁴ From current 13.11.240.

²⁷⁵ From current 13.11.240.

(C) **Setbacks for Buildings More than 15 Feet in Height**

The Planning Commission shall determine appropriate setbacks at the time of approval necessary to mitigate any detrimental impacts on surrounding residential use.

(D) **Maximum Building Height**

As permitted by the underlying zone height requirements.

(E) **Fencing**

- i. For lots or parcels with street frontage, a minimum eight foot (8') decorative, non-climbable wall shall be constructed a minimum of 25 feet from a public street, and along all property lines. Access gates shall be sight obscuring. Additionally, the requirements of section 13.23.070 of this title shall apply.
- ii. For lots or parcels without street frontage, a minimum six foot opaque and non-climbable screening fence and gate(s) shall be constructed along all property lines. Additionally, the requirements of section 13.23.070 of this title shall apply.

(F) **Architectural Standards**

Public utility stations shall be painted or constructed of materials with earth tone colors and shall be architecturally compatible with surrounding structures.

(G) **Landscaping**

All areas within public view are required to provide landscaping under the standards of the respective zone in which they are located. Properties with street frontage shall provide a minimum six foot deep landscaped planting bed in front of any fencing parallel to the street. Areas within enclosed fencing are not required to be landscaped, but all open areas shall be maintained clear of all weeds and debris.

(H) **Enclosure**

All unenclosed elements of the facility that are not housed in a building, and isolated minor elements such as pad mounted transformers, telephone pedestals, metering stations, and other equipment vital to the operation of the public utility station shall be contained within the screened portion of the lot or parcel.

(4) **Other Uses**

Other uses of the site, and accessory uses, including the storage of materials outside of an enclosed building, are prohibited.

3. **Solar Energy System**²⁷⁶

a. **Definition**

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

²⁷⁶ Renamed from "solar equipment." Standards from current 13.11.200.

b. Use-Specific Standards

These regulations shall apply to all solar heating developments, private or public, to the extent that design review is not preempted by State or Federal law.

(1) Review and Standards

All applications for building permits for structures with solar installations shall be forwarded to the Community Development Department for review and approval. The proposed installation will be reviewed to assure compliance with the following standards:

(A) Reflection of Sunlight

Collectors shall not reflect sunlight into neighboring windows.

(2) Height

The installation shall extend no higher than roof ridgeline, or on a flat roof, a parapet wall.

(3) Installation:

(A) Residential installation shall stand no more than two feet above the surface of the roof.

(B) Commercial installation shall stand no more than five feet above the surface of the roof and must be properly screened.

(4) Color

The color of collector frames shall be compatible with the roof.

(5) Piping

The piping shall blend with the surface to which it is attached.

(6) Measures to Conceal Visibility

The ends of the panel arrays shall be covered and mounting brackets shall blend with the roof and not be visible from the front yard.

(7) Administrative Review

The applicant shall provide the following documentation for building permit review:

(A) Site plan.

(B) Drawings showing existing building elevations.

(C) Landscaping and screening plans.

(D) The kind, color, and texture of materials to be used.

(E) Any other pertinent information determined to be necessary by the Director.

4. Wind Conversion²⁷⁷

a. Definition

Any device, such as a wind charger, wind turbine or windmill, that converts wind power to another form of energy.

b. Use-Specific Standards

Wind energy conversion systems shall meet the following standards:

(1) Minimum tower setback from any property line shall equal the height of the tower.

²⁷⁷ Renamed from "wind energy conversion system." Standards from current 13.11.210.

- (2) Towers shall meet main dwelling setbacks for the particular zone in which the tower is located.
- (3) There shall be sufficient safety measures to prevent the tower from becoming a climbing hazard.
- (4) Roof mounted units shall extend no more than six feet above the main roofline.
- (5) The tower shall not be located in a utility easement or right-of-way.
- (6) In the case of joint ownership of a tower, the structure may be located on any lot(s) as approved by the chief building official, provided the tower meets setback requirements mentioned above in respect to all perimeter properties.
- (7) The owner shall obtain a building permit and certification by a registered engineer as to the safety of equipment and installation.

13.03.060 Accessory Uses and Structures

A. Purpose²⁷⁸

1. The purpose of this section is to establish minimum standards for accessory uses and structures that are incidental and subordinate to primary uses. These standards are intended to minimize adverse impacts on surrounding properties and the community.
2. Accessory uses and structures are intended to allow property owners the full use of their property while maintaining the integrity and character of the area. To accomplish these goals, accessory uses and buildings shall be erected and used only for purposes that are clearly secondary and incidental to the primary use of the property and shall be located on the same lot with the primary use. Accessory uses and structures are subject to the standards in this section as well as any applicable standards for the associated primary use pursuant to §13.03.050: *Use Definitions and Use-Specific Standards*.

B. General Standards for All Accessory Uses and Structures²⁷⁹

1. The specific accessory uses and structures identified in §13.03.030: *General*, are allowed pursuant to the standards in this section.
2. In addition, all principal uses allowed in a zoning district pursuant to §13.03.030: *General*, shall be deemed to include those accessory uses, structures, and activities typically associated with that use, as identified in §13.03.050: *Use Definitions and Use-Specific Standards*, unless specifically prohibited in this section. Any reference to a permitted use shall include allowed accessory use(s).
3. Accessory uses and structures are subject to the standards in this section and any applicable standards for the associated principal use pursuant to §13.03.050: *Use Definitions and Use-Specific Standards*.

C. Accessory Use Definitions and Use-Specific Standards

1. Accessory Dwelling Unit (ADU), Detached²⁸⁰

A self-contained residential dwelling unit that is subordinate to and detached from the primary dwelling unit but located on the same lot or parcel. A detached ADU includes complete independent living facilities for one family, including permanent provisions for

²⁷⁸ Replaces current 13.11.020(A) and (C). The current standards are primarily geared toward residential accessory uses and structures; these new standards are intended to capture all types of accessory uses and structures.

²⁷⁹ Replaces current 13.23.020.

²⁸⁰ New.

living, sleeping, eating, cooking and sanitation including a separate kitchen and/or laundry facilities.

a. Use-Specific Standards

- (1) Detached ADUs shall comply with the requirements for accessory structures in §13.03.060B: *General Standards for All Accessory Uses and Structures*. Where one or more of the standards in §13.03.060B: *General Standards for All Accessory Uses and Structures* conflict with these use-specific standards, these use-specific standards shall govern.
- (2) A detached ADU shall only be allowed on a lot or parcel with an existing detached single-family dwelling. The lot or parcel must front on a public or private street with a minimum pavement width of 25 feet that has curb, gutter, and sidewalk the length of the front property line(s).
- (3) The minimum lot size required for construction of a detached ADU shall be 10,000 square feet. ADUs that are designed and constructed concurrently with the principal dwelling unit may be located on platted lots of any size.
- (4) Only one ADU is permitted per lot.
- (5) A detached ADU is not permitted on a flag lot.
- (6) A detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures shall not be permitted as a detached ADU.
- (7) The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, as their permanent residence. Application for an ADU shall include evidence of owner occupancy as provided in §13.03.060C.1.a(18).
- (8) A minimum of one off-street vehicle parking space is required for an ADU. This space shall be in addition to those required for the primary dwelling and shall comply with the City's parking standards.
- (9) The total area of the ADU shall be less than 40 percent of the square footage of the primary residence and in no case shall exceed 1,000 square feet.
- (10) Detached ADUs shall not contain more than two bedrooms.
- (11) Conversion of existing accessory buildings (such as detached garages) may only occur where the existing accessory building meets the setback requirements for a primary dwelling in the zone and meets the applicable building code.
- (12) ADUs shall not be used as short-term rentals. Any rentals shall be made for 30 days or more.
- (13) Installation of a separate utility meter to service an ADU is prohibited.
- (14) Establishing a separate mailing address for an ADU is prohibited.
- (15) ADUs shall comply with all applicable building, health, and fire codes.
- (16) The maximum height for detached ADUs is limited to 20 feet or the height of the principal dwelling, whichever is less.
- (17) Prior to occupancy of an ADU, a business license must be obtained in accordance with Title 5: *Business Licenses and Regulations*, of the Taylorsville Code of Ordinances and this LDC. An active business license shall be maintained for as long as the ADU exists. Upon sale of the property, the new owner shall be required to secure reauthorization of the ADU by receiving a new business license.
- (18) Application for an ADU shall include evidence of owner occupancy by submitting any two of the following:

- (A) Bank statement (dated within 60 days);
- (B) Court documents;
- (C) Current mortgage or rental contract;
- (D) Major credit card bill (dated within 60 days);
- (E) Property tax notice (statement or receipt dated within one year);
- (F) School transcript (dated within 90 days);
- (G) Utility bill (billing date within 60 days) (cell phone bills will not be accepted); or
- (H) Valid Utah vehicle registration or title.

- (19) The city may record a notice with Salt Lake County to alert the future owner of the regulations for the ADU.

2. Accessory Dwelling Unit (ADU), Internal²⁸¹

A self-contained dwelling unit within an owner-occupied detached single-family dwelling or located on an owner-occupied property that is incorporated within the detached single-family dwelling which maintains complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation including a separate kitchen and/or laundry facilities. An internal ADU is part of the single-family dwelling and is not a duplex or multi-family unit.

a. Use-Specific Standards

- (1) Internal ADUs shall only be allowed within the building footprint of a detached single-family dwelling. Internal ADUs shall not be allowed in a duplex, triplex, apartment, or any other structure that contains more than one dwelling unit.
- (2) A minimum of one off-street vehicle parking space is required for an ADU. This space shall be in addition to those required for the primary dwelling and shall comply with the City's parking standards.
- (3) Internal ADUs shall only be allowed on a lot containing 6,000 or more square feet. ADUs that are designed and constructed concurrently with the principal dwelling unit may be located on platted lots of any size.
- (4) An ADU shall not be allowed in a mobile home.
- (5) Only one ADU is permitted per lot.
- (6) The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, as their permanent residence. Application for an ADU shall include evidence of owner occupancy as provided in §13.03.060C.2.a(14).
- (7) ADUs shall not be used as short-term rentals. Any rentals shall be made for 30 days or more.
- (8) ADUs shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
- (9) Installation of a separate utility meter to service an ADU is prohibited.
- (10) Establishing a separate mailing address for an ADU is prohibited.
- (11) ADUs shall comply with all applicable building, health, and fire codes.
- (12) A building permit is required for the installation of any of the features listed below and any other construction related to the ADU. All construction must meet current building codes and shall, at a minimum, comply with the following standards prior to receiving a business license:

²⁸¹ From current 13.11.010(B).

- (A) Contain separate living facilities from the primary dwelling unit, including permanent provisions for living, sleeping, eating, cooking and bathing. (IRC 202)
 - (B) Provide ingress and egress to the ADU through a minimum 32-inch wide side-hinged door without requiring travel through a garage. (IRC 311)
 - (C) Provide wall and floor/ceiling fire separation between the ADU and the primary dwelling unit with at least half-inch gypsum or equivalent. (IRC 302.3)
 - (D) ADU occupants shall have access to the plumbing, HVAC, and electrical controls for the ADU. (IRC 1305.1 & 2005.2.1)
 - (E) Provide a written statement from a licensed HVAC professional stating the HVAC system is sufficient for the ADU and the primary dwelling unit. (IRC 1103.8 and 1105.4)
 - (F) Provide separation of electrical systems. The branch circuits supplying the ADU must be accessible to its occupants. (IRC 3705.8)
 - (G) Provide sleeping rooms with emergency openings. (IRC 310.1)
 - (H) Provide interconnected smoke and carbon monoxide detectors. (IRC 314.2.2 & 315.2.2)
- (13) Prior to occupancy of an ADU, a business license must be obtained in accordance with Title 5: *Business Licenses and Regulations*, of the Taylorsville Code of Ordinances and this LDC. An active business license shall be maintained for as long as the ADU exists. Upon sale of the property, the new owner shall be required to secure reauthorization of the ADU by receiving a new business license.
- (14) Application for an ADU shall include evidence of owner occupancy by submitting any two of the following:
- (A) Bank statement (dated within 60 days);
 - (B) Court documents;
 - (C) Current mortgage or rental contract;
 - (D) Major credit card bill (dated within 60 days);
 - (E) Property tax notice (statement or receipt dated within one year);
 - (F) School transcript (dated within 90 days);
 - (G) Utility bill (billing date within 60 days) (cell phone bills will not be accepted); or
 - (H) Valid Utah vehicle registration or title.
- (15) The city may record a notice with Salt Lake County to alert the future owner of the regulations for the ADU. The city shall, upon recording the notice, deliver a copy of the notice to the owner of the internal accessory dwelling unit. The notice shall include the following:
- (A) A description of the primary dwelling;
 - (B) A statement that the primary dwelling contains an internal accessory dwelling unit; and
 - (C) A statement that the internal accessory dwelling unit may only be used in accordance with Taylorsville's adopted land use regulations.

3. Accessory Structures

A detached, incidental subordinate building customarily incidental to and located upon the same lot occupied by the main use or building. Detached garages, free-standing carports, sheds, workshops, and barns are examples of accessory structures.

a. Use-Specific Standards²⁸²

²⁸² Replaces current 13.11.020(E) and (F). Simplified to include standards for structures 576 square feet or smaller, and 576 square feet or larger. New standards related to nonresidential and mixed-use properties. Did not carry forward the requirement for conditional use permit review. Other modifications noted below.

Title 13: Land Development Code

Chapter 13.03 Use Regulations 13.03.060 Accessory Uses and Structures

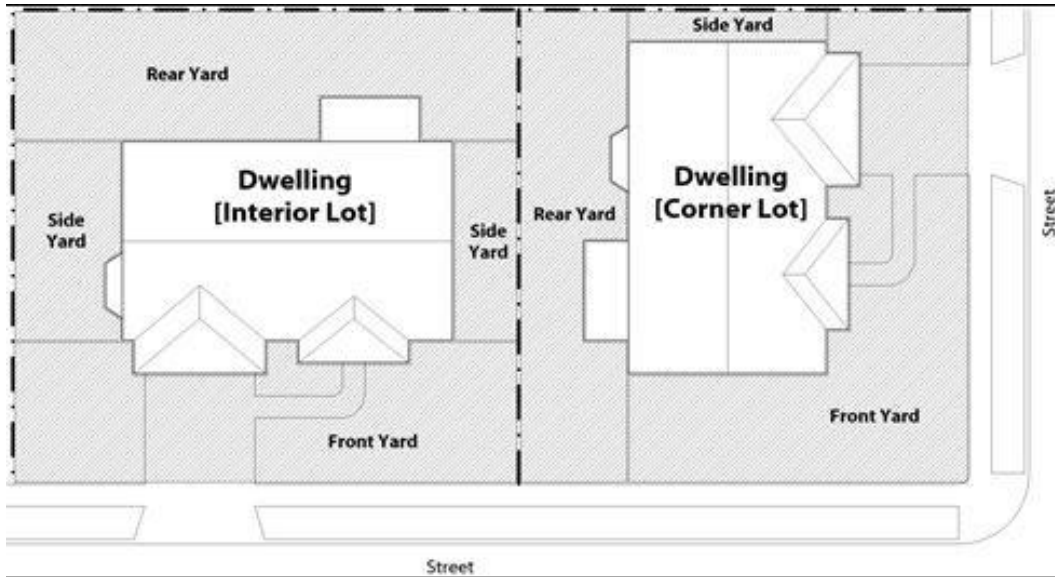
	Residential, 576 Square Feet or Less	Residential, More than 576 Square Feet or 2 stories	Nonresidential and Mixed-Use ²⁸³
Accessory Building Setbacks [1]			
Primary front building setback, minimum	Not permitted [2]	Not permitted [2]	Not permitted [2]
Secondary front building setback (corner lot), minimum	same as primary structure per underlying zoning	same as primary structure per underlying zoning	same as primary structure per underlying zoning
Side building setback, minimum²⁸⁴	5 feet [3] [4]	same as primary structure per underlying zoning	same as primary structure per underlying zoning
Rear building setback, minimum	5 feet [3] [4]	same as primary structure per underlying zoning	same as primary structure per underlying zoning
Distance from other buildings, minimum	6 feet	6 feet	6 feet
Accessory Building Standards			
Height, maximum²⁸⁵	16 feet	25 feet	25 feet
Footprint area, maximum (cumulative area of all accessory buildings)²⁸⁶	576 square feet or 25 percent of rear or side yard area (as applicable), whichever is less [4]	75 percent of primary structure footprint or 25 percent of rear or side yard area (as applicable), whichever is less [4]	15 percent of the cumulative square footage of the primary structure(s) footprint
Design Standards			
Exterior finish materials	n/a	Shall incorporate materials, scale, colors, architectural details, and roof slopes that are compatible with the primary structure. Metal siding as an exterior finish is not permitted.	Shall incorporate materials, scale, colors, architectural details, and roof slopes that are compatible with the primary structure(s). Except in the EM-2 zoning district, metal siding as an exterior finish is not permitted.
Required Permits	Accessory structures containing more than 200 square feet of floor area, utilities, or more than one story, shall submit a building permit application to the Taylorsville Building Department.		
Stormwater	All storm drainage from an accessory structure shall be contained on the same lot or parcel where it is located.		
Timing	No accessory structure shall be constructed or established on a lot or parcel unless there is a primary dwelling or building previously constructed, or being constructed, on the same lot or parcel.		
Utilities	Separate meter connections for electricity, water, sewer, or gas utilities are not permitted for accessory structures.		

Notes:

- [1] Accessory structures used for the keeping of livestock (not including chicken coops) shall not be constructed closer than 50 feet to any street, dwelling unit, or to any property line and one 100 feet to any neighboring dwelling unit.
- [2] Shall be located behind front wall of primary structure.
- [3] Accessory buildings shall not encroach upon any easement or right of way without proper written release or acknowledgment from all utility and drainage easement holders. Copy of such release/acknowledgment shall be presented at time of building permit application. Release of use of the easement does not remove any other requirements as stated in this code.
- [4] If an accessory structure is partially located in both a rear and side yard, the entire structure is deemed to be within the side yard and must comply with all applicable regulations for construction of an accessory structure located within a side yard.

²⁸³ New.

FIGURE 1 FRONT, SIDE, AND REAR YARD ILLUSTRATION



4. Drive-Through²⁸⁷

The following regulations shall apply to all drive-through facilities.

a. Adjacent To Residentially Zoned Property

Drive-through windows and queuing lanes adjacent to residentially zoned properties shall comply with the minimum building setbacks of the underlying zoning district.

b. Stacking Spaces

Queuing lanes shall be provided for all drive-through service windows.

(1) Minimum Stacking Spaces Required

The following number of stacking spaces shall be provided per queuing lane (these are in addition to the required parking space for each use):

²⁸⁴ Did not carry forward allowance for side and rear setbacks to be 3 feet, subject to fire code standards. Requiring the same setbacks as the primary residence for larger accessory buildings is new and is intended to minimize impacts on neighboring properties.

²⁸⁵ Carried forward the less permissive height standards instead of the 20-foot height that may be allowed through the conditional use process.

²⁸⁶ These new standards replace the tiered approach to size and height currently used. This allows for structures up to 576 square feet without additional design criteria or structures larger than 576 square feet subject to design criteria. **NOTE:** Staff is considering alternate standards to regulate maximum allowable size rather than basing it on percentage. Another approach is to limit accessory building size based on the impervious coverage allowances (if those standards are implemented).

²⁸⁷ From current 13.21.170.

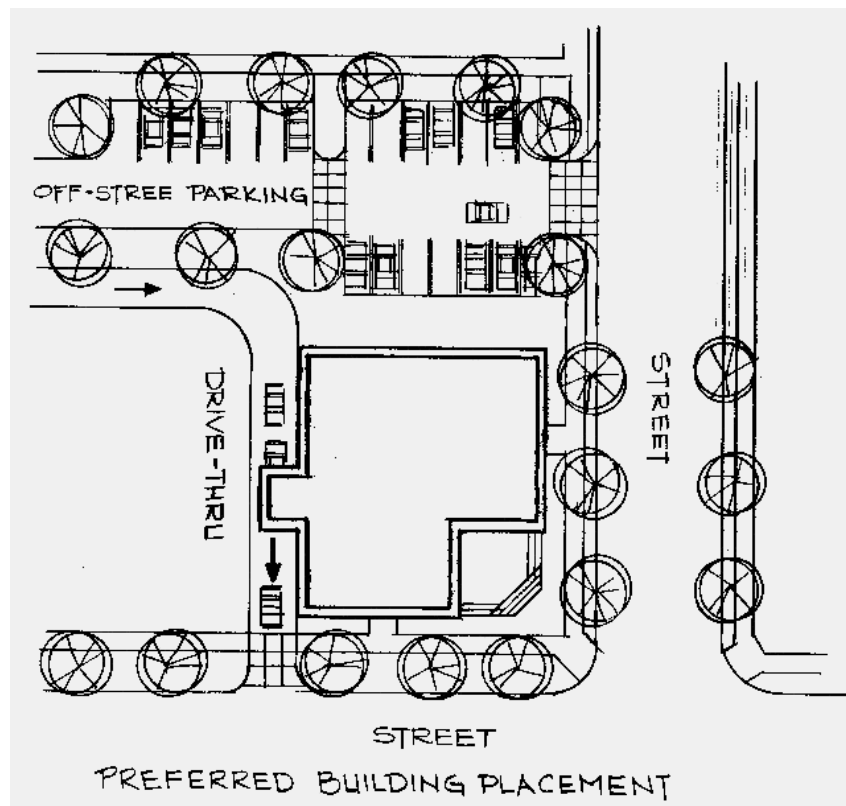
Land Use	Required Stacking Spaces
Car wash	4 spaces per bay or lane
Food and beverage uses	5 spaces per service lane
Other uses	3 spaces per service lane
Financial institutions	3 spaces per service lane

(2) **Queuing Lane Design Standards**²⁸⁸

- (A) Queuing lanes shall not be located adjacent to the primary pedestrian entrance nor block required back out areas for adjacent parking spaces.
- (B) Queuing lanes shall not be located between the building and the street.

c. **Speaker Boxes**

Speaker boxes designed to communicate from the ordering window/menu board shall not be audible on any residential property adjacent to the business and shall comply with applicable noise ordinances.



5. **Farm Animals**

Animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale and/or for family food production, education, or recreation. Farm animals are identified by these categories: large animals (e.g., horses and cattle);

²⁸⁸ Did not carry forward language "unless there is no alternative location."

medium animals (e.g., sheep, goats); small animals (e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons, and Vietnamese potbellied pigs). Swine/pigs are not permitted to be kept within the city except as specifically allowed.

a. **Use-Specific Standards²⁸⁹**

- (1) This section is established to provide regulations for domesticated farm animals within residential neighborhoods. Animal permits are not transferable and are subject to review upon substantiated and unresolved complaint.
- (2) Domesticated farm animals are permitted in accordance with §13.03.030: *General*, and the requirements below, unless otherwise prohibited or limited by this LDC or other regulation.
- (3) The keeping of farm animals shall be allowed only on lots or parcels with an occupied single-family detached dwelling unit.
- (4) The maximum number of farm animals per acre shall be cumulative between the categories of farm animals.

Animal Type	Pasture Size (minimum)	Animals per Acre (maximum)
Large farm animals	1.0 acres	2 per acre of pasturage
Medium farm animals [1]	0.5 acres	5 per acre of pasturage
Small farm animals	n/a	25 per acre of lot area
Animal Enclosure Standards²⁹⁰		
Front building setback, minimum	Must be located in the rear yard behind the primary dwelling	
Side building setback, minimum	50 feet	
Rear building setback, minimum	50 feet	
Distance from other dwellings, minimum	100 feet	

Notes:

- [1] Vietnamese potbellied pigs may be kept at a ratio of one animal per 0.5 acres of lot area, with a maximum of two potbellied pigs per lot. A hobby permit is required in accordance with Title 8 of the Taylorsville Municipal Code.

(5) **Outdoor Animal Domicile Structures²⁹¹**

- (A) Partially enclosed and/or roofed structures, e.g., barns, corrals, cages, pens, coops, kennels, and runs, etc., are encouraged to be provided and maintained for all animals kept outdoors. Such structures shall be located in the rear yard

²⁸⁹ Replaces current standards in 13.11.030 requiring R-1-40 zoning. Rather than determining animal allowances based on lot size, this table requires a minimum pasture size. Ratios of animals are generally carried forward, except that current code allows up to 50 small animals per 20,000 square feet of lot size – this seems like a lot.

²⁹⁰ Replaces current standards in 13.11.030(F). Current standards require only 30 feet from animal domiciles and neighboring dwellings. Did not carry forward standards allowing farm animals without a primary dwelling on the same lot.

²⁹¹ From current 13.11.030(F). Did not carry forward current 13.11.030(F)(2) allowing animal domicile structures for farm animals without a primary dwelling on a lot less than 40,000 square feet.

and shall be at least 30 feet from neighboring dwellings and comply with all other setback and yard regulations for accessory structures.

- (B) The facilities shall be placed in compliance with all animal regulations, noise and nuisance regulations, and Salt Lake County Health Department regulations and procedures, with the following exceptions:
- (C) All dog kennels and dog runs must be set back at least 10 feet from the property line and at least 40 feet from all neighboring dwellings.

(6) **Backyard Chickens**

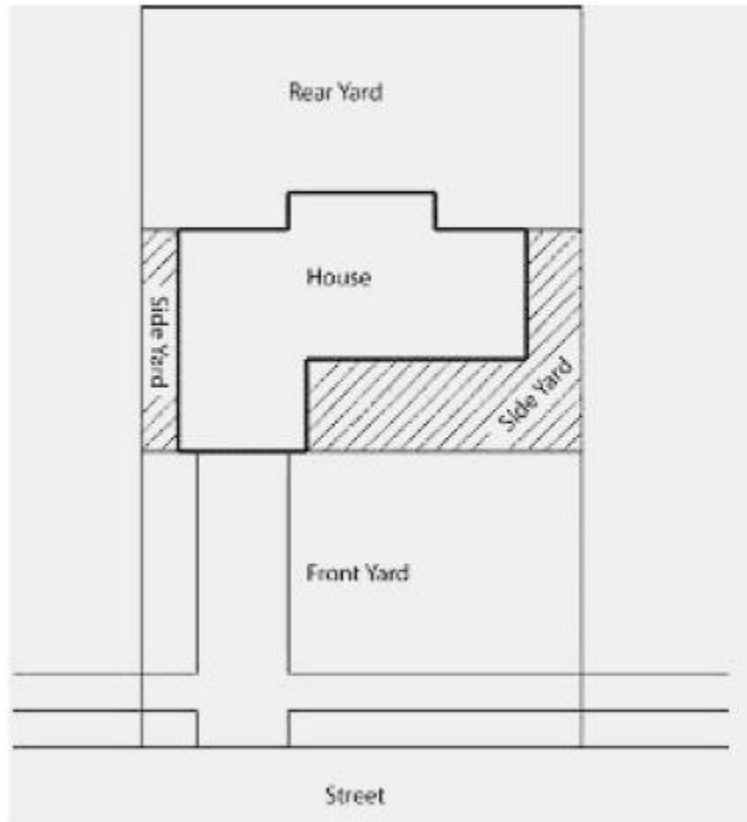
Persons may keep backyard chickens in accordance with the provisions of Title 8 of the Taylorsville Municipal Code.

6. **Guesthouse²⁹²**

- a. A guesthouse requires approval of an administrative conditional use permit in accordance with Chapter 13.33 of the Taylorsville Land Development Code.
- b. A guesthouse shall only be allowed as an accessory use to a detached single-family dwelling on a lot containing 15,000 or more square feet.
- c. Only one guesthouse is permitted per lot.
- d. A guesthouse shall be designed and constructed as to be compatible with the architectural components of the primary dwelling unit, e.g., exterior materials, color, and roof pitch.
- e. Installation of a separate utility meter to service a guesthouse is prohibited.
- f. Establishing a separate mailing address for a guesthouse is prohibited.
- g. The design and size of the accessory structure shall conform to all applicable Building, Fire, and Health Codes. The applicant shall obtain all necessary building permits prior to construction of the guesthouse.
- h. A minimum of one off-street vehicle parking space is required for a guesthouse. This space shall be in addition to those required for the primary dwelling and shall comply with the City's parking standards.
- i. A guesthouse shall be at least 10 feet from the side and rear property lines and six feet from the primary dwelling unit. If a guesthouse is attached to an existing accessory structure, the living space of the guesthouse shall be at least 10 feet from the property line.
- j. A guesthouse may be located within the rear yard or side yard, provided that it is located behind the front plane of the primary dwelling (see figure 1 of this section). If the guesthouse is located within the side yard, the side yard setback shall be the same as the minimum setback for the primary dwelling in the zoning district in which it is located.

FIGURE 1 SETBACKS AND NO BUILD AREAS (LOCATION)

²⁹² From current 13.11.010(C).



- k. The area of the guesthouse may not exceed 75 percent of the footprint area of the primary dwelling and have no more than one bedroom. This square footage will be considered part of the allowable square footage for the respective zoning district for accessory structures.
- l. A guesthouse shall be limited to a single story. Basements shall not be allowed within a guesthouse.
- m. A guesthouse may contain a full kitchen.
- n. A site plan and architectural elevations shall be submitted to the Community Development Department to determine compliance with the requirements herein prior to approval of an administrative conditional use. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.
- o. Existing accessory structures may be converted to a guesthouse provided that the proposed guesthouse complies with all development code standards and the adopted building codes. The number of required off street parking stalls shall not be eliminated with the conversion of an accessory garage.
- p. Applicants for guesthouses shall provide an affidavit, sworn before a notary public, stating that the owner of the property (titleholder) lives in the primary dwelling unit as their permanent residence and that the guesthouse may only be used for guests and shall not be rented. Upon approval of the administrative conditional use permit, the affidavit shall be recorded with Salt Lake County against the property to alert the future owner of the regulations for the guesthouse. Upon sale of the property, the new owner

shall be required to sign and record a new affidavit and secure reauthorization of the ADU by receiving a new administrative conditional use permit.

7. **Home Occupation**²⁹³

[reserved]

8. **Household Pets**²⁹⁴

Non-farm animals including dogs, cats, ferrets, rodents, birds, reptiles, fish, aquatic vertebrates bred to remain in a confined body of water, and any other species of animal that is sold or retained as a household pet (noncommercial), but not including livestock, poultry, rabbits, bees, skunks, nonhuman primates, and other species of wild, exotic, or carnivorous animals.

a. **Use-Specific Standards**

Persons may keep no more than two adult dogs or cats, of either species and no more than a total of four dogs, cats, or Vietnamese potbellied pigs in any combinations on a non-nuisance basis for family use only (noncommercial) in accordance with the provisions of Title 8 of the Taylorsville Municipal Code.

9. **Outdoor Retail and Display**²⁹⁵

The outdoor sale and display area of retail goods, produce, plants, handcrafts, and the like conducted on the same lot or parcel as the principal business with which such activities are associated.

- a. All outdoor display of merchandise shall be contained on an improved surface such as asphalt, concrete, or pavers, and such areas shall be limited to 15 percent of the gross floor area of the principal structure.
- b. Any outdoor display area shall not block ADA-accessible parking areas, parking lot access aisles, or sidewalk areas, and shall not reduce the number of parking spaces below any minimum requirement for the use in this LDC.
- c. In those zoning districts where §13.03.040: *Table of Uses* indicates that this is a temporary use:
 - (1) The temporary retail activity or outdoor display shall be associated with an approved retail primary use on the property;
 - (2) The temporary retail activity shall be of the same nature as the permanent retail activity conducted on the property;
 - (3) A temporary use permit shall be required and valid for a maximum of 45 consecutive days;
 - (4) A temporary use permit shall only be issued to the operator of the associated permanent retail use; and
 - (5) No property shall be issued more than one such temporary use permit in a calendar year.

²⁹³ Includes "artist studio." **NOTE:** Staff is currently working to revise the existing home occupation standards. Standards in this draft will be updated accordingly.

²⁹⁴ Replaces current definition.

²⁹⁵ Replaces current 13.23.080(B) and (C). These are new standards.

10. Outdoor Storage²⁹⁶

The storage of any material outside of an enclosed building for a period greater than 24 hours, including but not limited to storage of items awaiting processing or repair. This use does not include "Vehicle Sales or Leasing" or accessory "Outdoor Retail and Display" uses.

a. Use-Specific Standards

(1) General

- (A) Outdoor storage is permitted as an accessory use only. It may not be the primary or only use on a lot or parcel.
- (B) Outdoor storage shall be opaquely screened from public view pursuant to the screening standards in §---.
- (C) No materials shall be stacked higher than the top of a required screening device.

(2) Location

- (A) Outdoor storage areas shall be located in the rear yard. Outdoor storage shall not be located in front of the main building or within any required setback.
- (B) Material shall be setback from all property lines a minimum of five feet.
- (C) Outdoor storage shall not be located within any drainage or other type of easement;
- (D) Outdoor storage shall not be located within any required parking areas, parking spaces, loading areas, fire lanes, vehicular travel aisles, or customer pick-up lanes.

(3) Size Limitations

Outdoor storage shall not occupy an area exceeding 25 percent of the gross floor area of the primary use building on the site, or more than 10 percent of the lot area, whichever is less.

11. Swimming Pool²⁹⁷

A pool or spa constructed or installed below or above ground, located on private residential property, under the control of the property owner.

a. Use-Specific Standards

- (1) All swimming pools shall be located behind the front yard setback or front face of the primary building, whichever is greater.²⁹⁸
- (2) In no case shall the pool proper be constructed closer than five feet to any property line of the lot or tract on which it is situated.
- (3) All swimming pools shall be completely surrounded by a fence or wall at least six feet in height and all fence openings shall be gated and equipped with self-closing and self-latching device.

²⁹⁶ Definition is new. Replaces current 13.23.080(A); 13.23.220(H)(2)(b); and 13.23.080(D). The current code is not clear in where outdoor storage is allowed – or if it is allowed in any zoning district. This draft attempts to clarify when and where accessory outdoor storage is allowed.

²⁹⁷ Replaces current 13.11.090. Replaces current definition for "swimming pool, private." Did not carry forward standards related to semi-private swimming pool facilities.

²⁹⁸ New.

13.03.070 Temporary Uses and Structures²⁹⁹

A. Purpose³⁰⁰

The purpose of this section is to describe certain uses and structures which are permitted for a limited duration of time, subject to specified conditions. This section is intended to ensure that such uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.

B. General Standards for All Temporary Uses and Structures

The following standards apply to all temporary uses and structures.

1. All temporary uses shall require a Temporary Use Permit pursuant to §--- [Temporary Use Permit], unless otherwise specified in this LDC. Uses not specifically authorized in §13.03.040: *Table of Uses*, require approval under the procedure in §13.03.030E: *Classification of New and Unlisted Uses*.
2. All temporary structures shall require review and approval from the Building Department in accordance with applicable ordinances, standards, and codes.
3. The temporary use or structure shall not be detrimental to surrounding properties or to the public health, safety, or general welfare.
4. Permanent alterations to the site are prohibited.
5. Temporary uses or structures shall not occupy, impede, or block required pedestrian or vehicular circulation patterns, handicapped parking areas, designated walkways or sidewalk areas, bicycle lanes or bicycle parking areas, loading areas, drive aisles, fire lanes, or public rights-of-way.
6. A temporary use or structure shall not impede compliance with or violate any use-specific standards or conditions of approval applicable to a principal use on the site.
7. Temporary uses or structures shall not impede with normal operations of any permanent use located on the lot or parcel.
8. Off-street parking shall be sufficient to accommodate the proposed temporary use.
9. Temporary uses or structures shall not be located within a floodplain, nor may they disturb any sensitive or protected resources, or interfere with required site landscaping.
10. Sanitary facilities shall be available for waste disposal for protection of community health and safety.
11. Night lighting shall be compatible with adjacent uses, shielded and directed downward to avoid light spill onto adjacent properties.
12. Hours of operation shall be compatible with adjacent uses.
13. Signage must comply with applicable sign regulations.
14. Temporary businesses shall comply with the regulations of the Business Licensing Department.
15. No more than two temporary/special uses are allowed per site at one time.
16. Any temporary signs associated with a temporary use or structure shall be removed when the temporary use concludes or when the permit expires, whichever occurs first.
17. When a temporary use concludes, all disturbed areas shall be restored to a condition equivalent to or improved from that which existed prior to the temporary use.

²⁹⁹ This section replaces the current standards in 13.11.120; *Temporary/Special Uses*. Much of these are new and are common standards that tend to be effective for other communities in regulating temporary uses. **NOTE:** Additional edits may be necessary to tailor standards for Taylorsville, but these are a good starting point for discussions with staff.

³⁰⁰ Replaces current 13.11.120(A). Reworded for clarity and consistency.

C. Temporary Use and Structure Definitions and Standards

1. Construction Support Activities³⁰¹

A mobile trailer or any other temporary structure used by a construction contractor for office/headquarters purposes at the site of and for the duration of the construction of a structure or building project. This use also includes equipment storage, portable lavatories permitted on or adjacent to the construction site, or on lots or parcels owned or controlled by the owner of the lot or parcel on which the construction is taking place.

a. Use-Specific Standards

- (1) Construction support activities may only be approved for licensed contractors working on construction projects for which permits have been issued. They shall be located on the same lot or parcel and within the same project area where the work is being performed and shall not encroach into any public right-of-way.
- (2) Field or construction offices shall be required to meet all applicable state and local building and set-up codes.
- (3) The structure shall be set back at least five feet from any lot line and eight feet from the building or structure under construction.
- (4) The use shall only occur between 14 days before and 14 days after the construction activity. All temporary facilities shall be removed prior to issuance of a certificate of occupancy.
- (5) The structures shall not contain sleeping or cooking facilities.
- (6) Portable lavatories shall be located on-site and serviced regularly to minimize impacts to adjacent uses.
- (7) Upon failure to comply with these or any other applicable regulations, the Building Official may order the construction activities to be discontinued, until such time as adequate compliance is demonstrated.

2. Mobile Food Vending³⁰²

A business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and is readily movable, without disassembling, for transport to another location.

a. Use-Specific Standards

(1) Purpose

This section is established to provide regulation and design standards for permitted mobile businesses in commercial or industrial land use areas, except as otherwise allowed herein. These regulations are designed to expand the opportunity of various types of temporary mobile businesses in the City, while guiding them to appropriate locations, and ensuring they are conducted safely and in harmony with the surrounding land uses.

(2) General Requirements

The following requirements must be met for all mobile businesses. Provisions found in this section shall not apply to other uses identified as "temporary use" that are specifically regulated in this title.

³⁰¹ New.

³⁰² Replaces current definition for "food trucks/catering trucks as mobile businesses." From current 13.11.170.

- (A) No person shall operate a mobile business without obtaining a business license from the City of Taylorsville in accordance with this title. Licenses will expire on the earliest date of expiration of the required health or safety inspections, or one year from the date of issuance.
- (B) No alcohol shall be provided/sold by a mobile business.
- (C) Mobile businesses shall be allowed to operate on property within all commercial or industrial land use areas, in accordance with the provisions of this section. Each business shall abide by the following:
 - i. Property owner consent is required for every location a mobile business or street vendor desires to operate.
 - ii. Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses. The location and use of a site may not interfere with the existing parking demand and circulation of the surrounding development.
 - iii. Prior to operating a food truck or street vending business on a vacant lot (where there is no current licensed business with a permanent structure on-site) the improvements outlined within this title for temporary uses are required.
 - iv. If a mobile business will operate more than 10 hours a week at the same private property location a site plan submission to the City of Taylorsville will be required. The site plan shall include parking, traffic circulation patterns, pedestrian access, right-of-way, restroom facilities, distances between adjacent property owners and other materials deemed applicable by the Director for review.
- (D) Food trucks and street vendors may be allowed to operate in the public right-of-way in accordance with the provisions in this section and with written authorization from the City of Taylorsville or any other governmental agency with jurisdiction over the right-of-way. Authorization from UDOT will be required as part of the City review process for any mobile food business operating within a UDOT right-of-way. Each business seeking to operate within the public right-of-way shall abide by the following conditions and requirements.
 - i. A special events permit must be obtained from the City to operate a business in the right-of-way. Said permission may be granted if an applicant can demonstrate compliance with the regulations in this section.
 - ii. Mobile food businesses shall obey all on-street parking and traffic regulations as stated in State Statute and/or City ordinances.
 - iii. Parking on a sidewalk, park strip, or other landscaped area is not allowed.
 - iv. Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
 - v. The operator shall locate the vending window facing the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.

- vi. No mobile food business shall create a parking issue for the surrounding primary uses.
 - vii. No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.
 - viii. Mobile food businesses shall not operate on public streets where the speed limit exceeds 35 miles per hour, unless the roadway has been closed to vehicular traffic for a public event, nor locations that are otherwise deemed hazardous by the City Engineer.
 - ix. When locating on public property, each applicant for a license or renewal under this chapter shall submit, with the application, a certificate of insurance executed by an insurance company or association authorized to transact business in this State, showing that there is in full force and effect, for the full term of the license, general liability insurance in the amount not less than \$200,000.00 for personal injury to each person, \$500,000.00 for each occurrence, and \$500,000.00 for each occurrence involving property damage; or a single limit policy of not less \$500,000.00 covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with applicant's business and the coverage shall be primary. A current certificate of insurance shall be kept on file with the Business License Administrator at all times that applicant is licensed by the City verifying such continuing coverage and naming Taylorsville City, its officers, officials, and employees as additional insureds. The certificate shall contain a statement that the City will be given written notification at least 30 days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspensions or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time. In the case of a mobile food court, a certificate of insurance would be required for each vehicle.
 - x. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license.
- (E) It shall be unlawful for any mobile food business to operate adjacent to or in a public park, or in an OS Zone, without a temporary use permit from the City of Taylorsville. Authorization does not supersede or replace the requirement that the business obtain a Taylorsville City business license.
- (F) The business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage. Vendor must maintain clear, continuous sidewalk width of no less than four feet.
- (G) Must not be located within 10 feet of any fire hydrant; bus or transit stop; ADA parking space or access ramp; curb cut; or any other mobile food business or street vendor.
- (H) Must not be located within 30 feet from any intersection or driveway.

- (I) The business license, fire inspection certificate, and Health Department inspection must be displayed in a visible location on the vehicle, trailer, or cart. The vehicle, trailer, or cart must also have the license plate, proof of insurance coverage, safety inspection, and vehicular registration.
 - (J) The business may operate from several locations (both public and private) within the City under the same business license.
 - (K) All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than 12 hours within any 24-hour period at any one location, unless the Director approves a longer time on either public or private property. All vehicles, trailers, or carts must be removed from the public right-of-way or private property at the close of each business day. The hours of operation shall be restricted to 7:00 A.M. to 10:00 P.M., unless approved by the Director if one or more of the following conditions are met:
 - i. The extended hours are part of an approved special event.
 - ii. The location is a site that contains a business that has been approved for extended hours.
 - (L) The business shall not have or operate as a drive-thru.
 - (M) The mobile food vehicle, trailer, or cart shall be kept in a good operating condition and no peeling paint or rust shall be visible.
 - (N) Any auxiliary power required for the operation of the mobile food business shall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
 - (O) It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
 - (P) All garbage or other refuse generated from a mobile food business shall be disposed of properly. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash containers shall be provided for use of the business patrons. The mobile food business shall be responsible for cleaning up litter dropped or discarded prior to leaving the location.
 - (Q) Signage shall be allowed as part of the design of the vehicle, trailer, or cart itself or upon the canopy or umbrella. One menu board A-frame sign may be used with a maximum size of three feet by four feet. Signs shall not block or impede pedestrian traffic.
 - (R) Professional or personal services shall not be provided from a mobile food business or street vendor.
 - (S) All vendors are subject to the Taylorsville City Sales Tax for goods sold within the boundaries of the City. Vendors shall be required to keep accurate records of daily sales that occur within the City limits. Taylorsville City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Taylorsville City business license.
- (3) **Operation and Design**
Mobile food businesses shall comply with the following design and operational requirements:

- (A) Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the public right-of-way.
- (B) Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.

(4) **Street Vendor Carts**

Street vendor carts shall comply with the following design standards:

- (A) Umbrellas or canopies shall be a minimum of seven feet and a maximum of 10 feet above the sidewalk if they extend beyond the edge of the cart.
- (B) Umbrellas or canopies shall not exceed 100 square feet in area.
- (C) The cart shall not exceed three and one-half feet in width and eight feet in length, including the hitch. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five feet.

(5) **Special Events**

The restrictions of this chapter notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events. The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.

(6) **Failure To Comply**

Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in this title. Failure to comply may result in the suspension or revocation of a business license and is a Class B misdemeanor.

3. **Portable Storage Container**³⁰³

Any container, storage unit, pod, or other portable structure used for the storage of personal property of any kind, which is temporarily located on the same property as the primary building.

a. **Use-Specific Standards**

- (1) Portable storage containers may not be used for long-term storage.

³⁰³ New.

- (2) No more than one portable storage container may be stored on a lot or parcel with a residential use as long as the minimum required parking is maintained.
 - (3) The portable storage container shall be placed only on a paved surface and shall not encroach into the public right-of-way.
 - (4) A portable storage container may be located on a lot or parcel for a period not exceeding 30 consecutive days, from the time of delivery to the time of removal. Portable storage containers used in conjunction with a construction project with an active building permit may be allowed for the duration of the construction project on the same lot or parcel.
 - (5) Portable storage containers located within a mixed-use or nonresidential zoning district are allowed one permit per calendar year, with a limit of 180 days per lot or parcel.
 - (6) Each day that a portable storage container remains after the removal date shall constitute a violation.
 - (7) It is the obligation of the owner or user of the portable storage container to secure it in a manner that assures the safety of persons or property in the vicinity of the container.
 - (8) Portable storage containers may be allowed on multi-family residential properties.
4. **Real Estate Sales or Model Home**³⁰⁴
- A single-family dwelling in a developing subdivision located on a legal lot that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision. They are permitted to remain on the site of the development from 15 days before homes are offered for sale until 15 days after all homes or home sites within the development are sold.
5. **Seasonal Sales**
- A location temporarily used for the sale of goods or products associated with a seasonal or cultural event, such as the sale of Christmas trees, pumpkins, snow cones and shaved ice, firewood, plants, or seasonal produce. This use may also include a temporary farmers' market. Such sales are limited in duration and typically take place in locations not devoted to such sales for the remainder of the year.
- a. **Use-Specific Standards**³⁰⁵
- (1) Temporary use permits issued for seasonal sales shall be valid for a maximum of 30 consecutive days, with the possibility of two extensions, of up to 30 days each, not to exceed 90 days over a 12-month period.
 - (2) No more than three unique temporary use permits shall be issued for a single lot in a calendar year.
 - (3) Temporary tents, structures, or stands used for seasonal sales shall not exceed 150 square feet.
6. **Special Event**
- a. Temporary use permits for other special events not listed separately in §13.03.040: *Table of Uses*, including but not limited to temporary wholesale activities, festivals, concerts, carnivals, and traveling circuses, shall be valid for a maximum of 14 consecutive days.

³⁰⁴ Replaces current 13.11.140.

³⁰⁵ Replaces current standards for uses in 13.11.140(D).

Title 13: Land Development Code

Chapter 13.03 Use Regulations

13.03.070 Temporary Uses and Structures

- b. No property shall be issued more than six temporary use permits in a calendar year. Organized community events sponsored by the City of Taylorsville and located on publicly owned land is exempt from this requirement.

Chapter 13.04 Development Standards & Incentives

[stay tuned for installment 3]

Chapter 13.05 Subdivision Standards

[stay tuned for installment 3]

Chapter 13.06 Administration & Procedures

Commentary:

This Chapter consolidates the content in the current code related to the procedures by which applications for development projects are accepted, considered, and acted upon by local officials. Well-written regulations make it easy for staff, the development community, and elected officials to know exactly what is required for approval of applications and help ensure consistent administration over time.

This topic was heavily discussed during the project kickoff meetings, and so a summary of some of the key issues are provided below:

- The current organization is challenging; it can be difficult to find information and what applies to a particular property.
- There often is not a clear understanding of what procedures may be required for a particular project.
- The ambiguities in the current code and in how the procedures are administered creates extra challenges for predictability and thus projecting financing.
- Delegation of minor approvals to staff should be considered, where appropriate.
- A high level of detail is required in early submissions for many projects, resulting in applicants having to spend time and money early to prepare technical plans and studies to support applications for which they have little certainty will be approved.
- Timelines for review applications are not always consistent.
- A lack of clear and objective review criteria introduces the risk of inconsistent, unpredictable, and negotiated decision-making.

This new chapter intends to simplify and clarify existing standards and introduces new concepts. The commentary and footnotes throughout provide further information.

13.06.010 Purpose³⁰⁶

This Chapter 13.06: *Administration & Procedures*, identifies the types of permits, approvals, and processes that are required as part of this LDC.

13.06.020 Review and Decision-Making Bodies

A. Purpose³⁰⁷

This §13.06.020: *Review and Decision-Making Bodies*, sets forth the purpose, duties, organization, and powers of decision-making bodies responsible for the administration of this LDC.

B. City Council

See Chapter 2.12: *City Council*, of the Taylorsville Code of Ordinances.

C. Planning Commission³⁰⁸

³⁰⁶ New.

³⁰⁷ Replaces current 13.03.010. Simplified language.

³⁰⁸ From current 13.03.030(A).

1. Purpose

The Planning Commission shall make recommendations to the City Council and determinations as specified and delegated in this LDC. This does not include policy-making powers of the city that remain under the control of elected officials.

2. Creation and Membership**a. Membership and Alternates**

The Planning Commission shall consist of seven regular members and one alternate to be appointed by the City Council. The alternates shall attend all and may participate in meetings, but shall not vote on Planning Commission decisions unless serving in the place of a regular member. Funding for the Planning Commission shall be established annually by the City Council and may include a stipend for members and alternates for each official meeting attended.

b. Terms for Members

The terms of office for the members of the Planning Commission shall be four years commencing on July 1 of the year the appointment is made. The terms of office for the Planning Commission members shall be staggered at intervals to provide continuity. Vacancies for the term of any member whose term is not complete shall be filled for the unexpired portion of the term in the manner provided for in this section. A member whose term has expired shall continue to serve until a successor has been appointed and approved. Members of the Planning Commission may be removed as established by the city's administrative and legislative codes.

c. Selection of Members

Members of the Planning Commission shall be residents of the city with experience in related fields including planning, architecture, real estate, law, engineering, land development, finance, business, contracting, or substantial community involvement. Any member or alternate member of the Planning Commission relocating their primary residence outside the limits of the city shall resign their appointment within 30 days prior to their relocation, if possible. To promote geographical representation on the Planning Commission, one member of the Planning Commission shall be appointed from each City Council district, and two members, plus the alternate member, shall be appointed at-large. No more than two members of the Planning Commission shall be from any one City Council district.

3. Powers and Duties³⁰⁹

- a. In addition to any authority granted to the Planning Commission by Utah Code §10-9a-302, this LDC, and other ordinances of the city, the Planning Commission has the review and decision-making authority as provided in §13.06.030: *Summary Table of Review Procedures*.
- b. The Planning Commission shall also adopt rules that comply with applicable state law and city ordinances.

³⁰⁹ Replaces current 13.03.030(A)(3). The majority of content included in the current code is a duplication of state code. That language has been replaced with a reference to state code. Current 13.03.030(A)(3)(b): *Recommendation to Mayor*, was not carried forward – current policy requires that the Planning Commission forward plats and plat amendments to the Mayor for approval. Rather than having the Mayor be the approval authority articulated in the LDC, staff recommends the Mayor sign the plat (as is current practice) to demonstrate his/her approval of the plat document. All other PC powers and duties from this section have been included in the Summary Table of Review Procedures in §13.06.030 of this draft.

D. Community Development Director³¹⁰

In addition to any authority granted to the Community Development Director in Chapter 2.20: *Departmental Organization*, of the Taylorsville Code of Ordinances, the Community Development Director (sometimes referred to in this LDC as “Director,” or his or her designee has the review and decision-making authority as provided in §13.06.030: *Summary Table of Review Procedures*, as well as the following:

1. Interpretation and enforcement of this LDC.
2. Business license review, pursuant to Title 5: *Business Licenses and Regulations*, of the Taylorsville Code of Ordinances;
3. Ensuring building permits comply with this LDC;
4. Routine and uncontested matters as delegated in this LDC;
5. Other matters as established by the City Council;
6. Assist the Planning Commission and City Council in the development and implementation of the General Plan in accordance with Utah Code §10-9a-4, regarding the physical and economic growth of the City.
7. Provide staff, including secretarial assistance, to the Planning Commission and Hearing Officer. Staff assistance shall include attendance at regularly scheduled meetings and the preparation and publication of agendas and required public notices.
8. Act as a technical advisor to the Mayor, City Council, other city departments upon request, and other committees and commissions as the Mayor may designate.
9. Enforce all the provisions of this LDC, including court action when necessary; however, failure to do so shall not legalize any violation of such provisions. The Police Department is also hereby designated and authorized with enforcement of any nuisance provision of this LDC.

E. Floodplain Administrator³¹¹

The City Engineer³¹² is hereby appointed the Floodplain Administrator to administer and implement the provisions of this LDC and other appropriate sections of 44 CFR (national flood insurance program regulations) pertaining to floodplain management.

1. Duties and Responsibilities of Floodplain Administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- a. Maintain and hold open for public inspection all records pertaining to the provisions of this LDC related to activities within the floodplain.
- b. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

³¹⁰ From current 13.03.020; 13.03.030(B); and 13.02.050. Reworded for clarity. Did not carry forward 13.02.050(C) related to “design guideline review.” Those standards will be integrated into Phase 3 of the LDC drafting project. Did not carry forward specific reference to “home occupation review” as that is included in the business license review. Did not carry forward, “and shall prepare population and growth studies in support of the General Plan.” The reference to Utah Code is sufficient in requiring these studies if they are required by state statute. Did not carry forward current 13.03.040(B) designating the Director as an appeal authority for the purpose of reviewing and deciding matters as established by the City Council. The Hearing Officer should be the appeal authority for matters related to the LDC.

³¹¹ From current 13.16.060(A) and (B).

³¹² The current code designates the Community Development Director as the Floodplain Administrator; however, in practice the City Engineer is the body at the city to review such requests. This draft reflects current practice and transfers this authority to the City Engineer.

- c. Review, approve or deny all applications for development permits required by the adopted floodplain regulations in this LDC.
- d. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of The Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required.
- e. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- f. Notify, in riverine situations, adjacent communities and the state coordinating agency which is NFIP coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency.
- g. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- h. When base flood elevation data has not been provided in accordance with § --- [current 13.16.050B], the applicant shall submit any base flood elevation data and floodway data available from a federal, state or other source, so the Floodplain Administrator may administer the provisions of this LDC.³¹³
- i. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood within the community.³¹⁴

F. City Engineer³¹⁵

In addition to any authority granted to the City Engineer in Chapter 2.20: *Departmental Organization*, of the Taylorsville Code of Ordinances, the City Engineer, or his or her designee, is responsible for all city streets and associated improvements and civil engineering and shall perform such duties as may be required of them by law and such other duties as directed by the City Council, City Administrator, and this LDC.

G. Hearing Officer³¹⁶**1. Purpose**

To provide for just and fair treatment in the administration of local land use ordinances and to ensure that substantial justice is done, a Hearing Officer shall be appointed to exercise the powers and duties provided hereafter.

³¹³ Updated to require the applicant to submit information, this should not be the responsibility of the floodplain administrator.

³¹⁴ Revised last sentence striking "more than one foot" in reference to not increasing the base flood elevation within the community.

³¹⁵ New. There is currently no language in the code that specifies the authority of the City Engineer. **NOTE:** Chapter 2.20 of the Code of Ordinances currently does not identify the City Engineer as a "department head." This section needs to be updated either before, or in conjunction with the LDC to reflect the current structure and responsibilities of the city's administration, as they relate to this LDC. This statement also includes any duties and responsibilities referenced in the annual adoption of the organizational chart included in the city's budget ordinance.

³¹⁶ From current 13.03.040(A).

2. Creation and Appointment

The Hearing Officer shall be appointed or removed by the Mayor with the advice and consent of the City Council.

3. Procedures

- a. The Hearing Officer shall adopt rules that comply with all applicable state laws and city ordinances.
- b. Meetings shall be conducted in compliance with the requirements of state law and city ordinances concerning the keeping of minutes.
- c. The Hearing Officer shall make decisions on scheduled agenda items. Decisions of the Hearing Officer become effective at the meeting in which the decision is made unless a different time is designated by the Hearing Officer at the time the decision is made.
- d. All hearings of the Hearing Officer shall be open to the public.
- e. The Hearing Officer shall receive a stipend for each meeting.

4. Powers and Duties³¹⁷

In addition to any authority granted to the Hearing Officer by Utah Code §10-9a-701, this LDC, and other ordinances of the city, the Hearing Officer has the review and decision-making authority provided in §13.06.030: *Summary Table of Review Procedures*, as well as the following:

- a. Requests for variances from the terms of this LDC;
- b. Appeals from decisions where it is alleged that there is an error in the order, requirement, decision, or determination made by an administrative official or director in the enforcement or interpretation of this LDC. Appeals may not be used to waive or modify the terms or requirements of this LDC;³¹⁸
- c. All appeals of decisions regarding conditional uses;³¹⁹
- d. Appeals from a fee charged in accordance with Utah Code §10-9a-510; and
- e. Other matters as established by the City Council.

13.06.030 Summary Table of Review Procedures

The following table identifies the development applications authorized by this LDC, whether a public hearing notice is required, whether pre-application activities are required, and the role of city review and decision-making bodies.

³¹⁷ Reworded for clarity and consistency.

³¹⁸ Did not carry forward language stating that the hearing officer does not have authority related to the existence, expansion, or modification of nonconforming structures or nonconforming uses.

³¹⁹ Removed distinction of "administrative" and "nonadministrative" conditional use permits.

Title 13: Land Development Code

Chapter 13.06 Administration & Procedures

13.06.030 Summary Table of Review Procedures

R = Review **D** = Decision **A** = Appeal ✓ = required **blank cell** = not required
 * = Public Hearing Required ◇ = Public Meeting Required

Application Type		LDC Section	Pre-Application Meeting	Neighborhood Meeting	Public Hearing Notice			Review and Decision-Making Bodies				
					Published	Mailed	Posted	Community Development Director	City Engineer	Planning Commission	City Council	Hearing Officer
Development Permits and Procedures												
Site Plan		13.06.050A	✓					D [1]			A ◇	
Conditional Use Permit		13.06.050B	[2]					D [1]			A ◇	
Master Site Plan		13.06.050C	✓					D [1]			A ◇	
Floodplain Development Permit ³²⁰		13.06.050D							D		A ◇	
Grading & Excavating Permit		13.06.050E							D		A ◇	
Subdivision Procedures												
Administrative Plat		13.06.060C	✓					D [1]			A ◇	
Subdivision Plat	Preliminary	13.06.060D	✓			[3]		R		D ◇	[4] A ◇	
	Final Plat	13.06.060E						D [1]			[4] A ◇	
Plat Amendment or Vacation		13.06.060F	✓			[3]		R		D*	[4] A ◇	
Condominium Plat	Preliminary	13.06.060G	✓			[3]		R		D ◇	[4] A ◇	
	Final	13.06.060G						D [1]			[4] A ◇	
Property Line Adjustment		13.06.060H						D [1]			A ◇	
General Plan and Zoning Amendments												
General Plan Amendment [3]		13.06.070A	✓ [5]	✓ [5]	✓	✓	✓	R		R*	D ◇	
Zoning Map Amendment [3]		13.06.070B	✓ [5]	✓ [5]	✓	✓	✓	R		R*	D ◇	
Zoning Text Amendment [3]		13.06.070D	✓ [5]		✓		✓	R		R*	D ◇	
Rezoning to SSD District [3]		13.06.070C	✓ [5]	✓ [5]	✓	✓	✓	R		R*	D ◇	
Flexibility and Relief Procedures												
Minor Modification Review		13.06.080A		as required for associated application								
Variance Review		13.06.080B						R			D ◇	
Administrative Interpretation		13.06.080C						D	D [6]		A ◇	
Administrative Appeal		13.06.080D						R			D ◇	

³²⁰ **NOTE:** Content from current Chapter 13.16: *Floodplain Overlay Zone* will be reviewed and relocated to this section as appropriate during Installment 3 of the LDC update project.

R = Review **D** = Decision **A** = Appeal ✓ = required **blank cell** = not required
* = Public Hearing Required ♦ = Public Meeting Required

NOTES:

- [1] For any procedure designating the Community Development Director as the review and decision-making body, the Director may determine a public meeting is required pursuant to §13.06.040D.2: *Referral to Planning Commission*. If a public meeting is required, the meeting shall be noticed in accordance with §13.06.040F.4: *Public Meeting Notice*, and the Planning Commission shall be the decision-making body.
- [2] A pre-application meeting may be required in accordance with the thresholds and standards established in the application-specific procedures.
- [3] Additional noticing requirements may be required in accordance with the standards established in the application-specific procedures.
- [4] Proposals to vacate some or all of a public street or municipal utility easement shall be scheduled for a public hearing before the City Council and noticed in accordance with Utah Code §10-9a-208.
- [5] Not required for city-initiated applications, refer to the application-specific procedures.
- [6] The City Engineer may also make determinations in accordance with the application-specific procedures.

13.06.040 Common Review Procedures³²¹

Commentary:

This section consolidates all common review procedures and is new to Taylorsville. Much of the information in the current LDC is scattered and repeated for each application procedure, or it is not specified. The current regulations are also silent on many key stages of the application process – for example, who is authorized to submit an application for development and the process for determining whether an application is complete. There also is unnecessary duplication of some procedural information.

These common review procedures consolidate general steps that are applicable to multiple development application types with the intent to streamline and make relevant information easier to find. The application-specific procedures in §13.06.050 through §13.06.080 refer back to these common review procedures and note any modifications or additions.

A. Purpose

This section describes the standard procedures and rules applicable to all development applications, unless otherwise stated in this LDC. Common review procedures include seven steps, as described in §13.06.040B through §13.06.040H. Application-specific procedures in §13.06.050 through §13.06.080, identify additional procedures and rules beyond those in this section and clarify if a specific step does not apply to a particular application type.

B. Step 1: Pre-Application Meeting³²²**1. Purpose**

The pre-application meeting is intended to provide an opportunity for city staff and referral agencies to discuss details and potential impacts of proposed projects and to establish points of contact. Staff may review the zoning classification of the site, the applicable regulatory ordinances and materials, applicable procedures, and examine the proposed use

³²¹ New, unless otherwise noted.

³²² Replaces current 13.30.030(A) and (B) related to subdivision review processes. Renamed from "development review committee meeting" to "pre-application meeting" to help potential applicants understand the informal nature of the meeting and that it occurs prior to formal application submission.

and development of the property. Staff may advise the applicant in preparing the application and supporting documents as necessary.

2. Applicability

A pre-application meeting shall be required as indicated in §13.06.030: *Summary Table of Review Procedures*, and the application-specific procedures in §13.06.050 through §13.06.080.

3. Procedure

- a. A request for a pre-application meeting must be submitted to the Community Development Department in accordance with the Administrative Manual.³²³
- b. A schedule of meeting dates is included in the Administrative Manual as well as the request deadline for a pre-application meeting. Lack of adequate information may result in the request for a pre-application meeting to be postponed until sufficient information related to the request is provided.
- c. Staff will inform the person requesting the pre-application meeting of the time, date, and location of the meeting.

4. Effect

Any information or discussions held at the pre-application meeting shall not be binding on the city, referral agencies, or the person that requested the meeting. Discussions of potential conditions to mitigate impacts do not reflect actions by a decision-making body until and unless a decision-making body takes formal action to attach that condition to an application.

5. Other Meetings

This does not preclude an interested party from meeting with the Director and/or staff to discuss concepts, development, zoning, or other items as part of the owner or other party's due diligence or investigatory processes.

C. Step 2: Application Submittal and Processing³²⁴

1. Authority to Submit Application

- a. Unless expressly stated otherwise in this LDC, applications, permits, or processes under this LDC shall be submitted by:
 - (1) The owner, contract purchaser, or other person having a recognized property interest in the land on which development is proposed, as evidenced by a notarized letter or document signed by the owner or contract purchaser; or
 - (2) A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a notarized letter or document signed by the owner or contract purchaser.

³²³ **NOTE:** There are several references to an "Administrative Manual" in this draft LDC. The current code contains information that is either technical in nature or otherwise not necessary to carry forward within the body of the LDC. Examples include application submittal requirements, site plan content requirements, and allowed landscape species lists. Such information will be included in an "appendix" to the LDC to help reduce the overall length of the LDC and to consolidate such information in an easy-to-understand format. During this update project, staff will maintain a separate document including content from the current LDC that should be considered for relocation. This document will be presented for review during the "Consolidated Draft" phase of this project.

³²⁴ New unless otherwise noted.

- (3) If there are multiple owners authorized to submit the application, the owner of at least 50 percent of the land involved shall provide a notarized letter or document consenting to the application.
- b. The restrictions in this subsection (C)(1) do not apply to city-initiated applications pursuant to Utah Code and other applicable laws.³²⁵

2. Application Content

The application shall be submitted to the Community Development Department in a format acceptable to the Director, as described in the Administrative Manual.

- a. The applicant shall ensure that an application contains sufficient information to demonstrate compliance with this LDC and other applicable review criteria for which approval is sought.³²⁶
- b. The Community Development Department will not begin processing an application until the application materials submitted are determined to be complete and sufficient in accordance with §13.06.040C.3: *Determination of Application Completeness*.
- c. If the proposal is for a project to be developed in phases, the application shall be for all permits and approvals required for that phase of the project for which approval is sought.

3. Determination of Application Completeness

a. Applications

- (1) Upon receiving an application, the Director shall determine whether the application is complete. A complete application is one that contains all information and materials required by the Administrative Manual and this LDC, and that has sufficient detail and readability to evaluate the application for compliance with applicable review standards of this LDC.
- (2) An application shall not be accepted nor deemed to be complete until a pre-application meeting as required by §13.06.030: *Summary Table of Review Procedures*, has been satisfied and all required application fees, as established in Chapter 3.16: *Development Fees*, of the Taylorsville Code of Ordinances, have been paid.³²⁷

b. Incomplete Applications

- (1) Upon determining that the application is incomplete, the Director shall notify the applicant in writing of any submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a determination of completeness until the Director determines the application is complete.
- (2) An application shall not be reviewed for compliance with this LDC or scheduled for a public meeting or public hearing by any review or decision-making body until it is determined to be complete according to this section.
- (3) Upon determining that the application is complete, the Director shall accept the application for review in accordance with the procedures and standards established in this Chapter 13.06: *Administration & Procedures*.

³²⁵ Replaces current 13.05.020(C) and (D).

³²⁶ This standard is generally taken from current 13.02.050. This will ensure that application submittals provide staff with the necessary information to evaluate the request for compliance with this LDC.

³²⁷ From current 13.02.040. Revised to include more clarity.

4. Application Revisions

- a. An applicant may revise an application following a determination that the application is complete prior to any formal action taken by a review or decision-making body.
- b. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff, review, or decision-making bodies.
- c. All other application revisions, shall be processed as a new application except those that constitute only minor additions, deletions, or corrections to the request, as determined by the Director.

5. Abandoned Applications³²⁸

If a complete application has been reviewed and comments provided to the applicant for correction, but a resubmittal addressing staff-noted deficiencies has not been received within six months of staff providing the applicant with the comments, such application shall be deemed abandoned and all fees forfeited. The applicant may request, and the Director may grant one three-month extension to address staff-noted deficiencies. In extenuating circumstances, the Director may grant an additional six-month extension period beyond the three-month extension outlined above. If an application is abandoned, a new application shall be filed with the Community Development Department.

6. Application Withdrawal

- a. After an application has been accepted for review, the applicant may withdraw the application by submitting a signed letter of withdrawal to the Director before the city takes action by a vote of the decision-making body or by rendering an administrative decision.
- b. An applicant is not entitled to a refund of application fees for withdrawn applications; however, application fees may be refunded at the Director's discretion if staff and review agencies have not provide the applicant with review comments and a public notice has not been sent.³²⁹

7. Concurrent Applications

- a. Whenever an application requires review under the provisions of more than one permit, approval, or process, staff may schedule the review procedures and hearings so that review for each different permit, approval, or process can be scheduled on the same agenda, to the extent practicable.
- b. Review and decision-making bodies considering applications submitted simultaneously shall render separate recommendations and decisions on each application based on the specific standards applicable to each approval.
- c. Some forms of approval depend on the applicant having previously received another form of approval or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this LDC intends to accommodate simultaneous processing, applicants should note that each of the permits and approvals set forth in this LDC has its own timing and review sequence, and so as a result, concurrent filings are not guaranteed to expedite the respective timing and review sequences of any particular permit or approval.

³²⁸ This standard establishes a timeframe for which applications expire prior to a formal decision. This is intended to prevent an application from carrying on for several months/years prior to formal action.

³²⁹ **NOTE:** This is a new policy and may require an amendment to current 3.16.090 of the Code of Ordinances.

8. Authorization of Site Inspection³³⁰

By submitting an application, the applicant is authorizing city officials to inspect the subject property being considered for development at any reasonable time to obtain the information required for review of compliance with this LDC.

9. Examination of Application and Other Documents

Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of, or in opposition to, an application in the Community Development Department.

D. Step 3: Application Review³³¹

1. Referral to Staff and Review Agencies

Upon acceptance of an application in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*, the Director shall distribute the complete application to appropriate staff and review agencies, per the Administrative Manual.

2. Referral to Planning Commission³³²

- a. If §13.06.030: *Summary Table of Review Procedures*, authorizes the Director to make a decision, and the Director determines that the application is unusually complex, requires greater scrutiny or public involvement, or raises potentially unique or serious impacts on the city or the surrounding development and/or neighborhood(s), the Director may refer the application to the Planning Commission for decision pursuant to the same criteria that the Director would have been required to apply to that application. If the Director refers the application to the Planning Commission, the Director shall notify the applicant in writing and include an explanation of why the application has been referred to the Planning Commission.
- b. In cases where the Director refers the decision to the Planning Commission, a notice for a public meeting shall be provided in accordance with §13.06.040F.4: *Public Meeting Notice*.

3. Application Review and Revisions

The Director shall review the application and shall consult with applicable city departments and participating reviewing agencies with jurisdiction over public health and safety or required public services, as necessary. The Director shall submit recommendations and comments to the applicant in accordance with the Administrative Manual. The application will not move forward for further review until the Director determines that the applicant has adequately responded to the City's recommendations and comments, or the applicant requests that the application move forward without responding to the City's recommendations and comments.

³³⁰ From current 13.02.030(D)(1) and (2). Did not carry forward (D)(3) related to right of entry into a building, this is implied based on this language.

³³¹ Replaces current 13.30.030(D) related to subdivision review. Staff recommends this language be generally applied to all applications.

³³² Replaces current 13.23.030(A) indicating that commercial and industrial site plans may be subject to Planning Commission review as determined by the Director.

4. General Review Criteria³³³

All applications subject to Director review and/or decision as indicated in §13.06.030: *Summary Table of Review Procedures*, shall be subject to the following review criteria and shall only be approved if the request complies with these criteria.

a. Compliance with this LDC

The proposed use and development shall comply with all applicable standards in this LDC, unless the standard is lawfully modified or varied.

b. Compliance with the General Plan³³⁴

Streets, parks, or other public ways, ground, places, spaces, publicly owned buildings or structures, and public utilities, whether publicly or privately owned, shall conform to the current General Plan.

c. Compliance with Other Applicable Regulations

The proposed use and development shall comply with all other city regulations and with all applicable regulations, standards, requirements, or plans of the federal, state, and county governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property.

d. Compliance with Prior Approvals

The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan(s) for development and installation of public improvements and amenities.

e. Phased Development

If the proposal involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required by this LDC and other city ordinances to provide adequate public facilities and comply with the project's cumulative development to-date and shall not depend upon subsequent phases for those improvements unless approved by separate agreement.

E. Step 4: Neighborhood Meeting³³⁵

Commentary:

This process is new to Taylorsville and is intended to provide an early opportunity for developers to meet with local residents and business owners to introduce development proposals and concepts prior to significant investment. This step increases transparency and provides an opportunity for dialog between the developer and community prior to formal action. Some Taylorsville residents have expressed frustration that development proposals and important policy decisions appear to be "decided" before the meeting at which they are heard, and that public comment has little consequence because it is too late in the game. This process provides an opportunity for the developer and residents to engage in dialog before a formal recommendation or meeting is held.

³³³ New.

³³⁴ From current 13.06.050. This is a statement taken from Utah Code §10-9a-406. Compliance with the General Plan is not a standard review criteria for applications that are permitted "by-right." Discretionary and conditional approvals may be subject to compliance with the General Plan as identified in those specific procedures.

³³⁵ New.

1. Purpose

The purpose of the neighborhood meeting is to allow residents, businesses, and organizations in the area surrounding a proposed development project an early opportunity to learn about the project details and to provide feedback to the applicant before significant funds have been spent on project design and engineering.

2. Applicability

A neighborhood meeting shall be required as indicated in §13.06.030: *Summary Table of Review Procedures*, and the application-specific procedures in §13.06.050 through §13.06.080.

3. Notification

- a. The applicant shall send a written notification of the required neighborhood meeting to the Community Development Department and the record owner of each lot/parcel including both property owners within the city boundaries and property owners within adjacent jurisdictions within 300 feet of the subject property, based on the ownership records on file with the Salt Lake County Assessor's Office. The written notice shall be mailed (postmarked) at least 10 days prior to the neighborhood meeting date.
- b. The invitation should include the date, time, and location of the scheduled neighborhood meeting as well as information about the project to inform attendees regarding what is being proposed.
- c. The neighborhood meeting shall be held at least three weeks prior to the first public hearing scheduled for the application. Staff recommends the neighborhood meeting be held as early in the process as possible to allow adequate time to address public comments and concerns.

4. Meeting Specifics

- a. City staff may attend the neighborhood meeting but are not required to attend nor facilitate the meeting.
- b. The applicant shall present information about the proposed land uses, dimensional standards, location of buildings and structures, vehicle and pedestrian circulation, screening and buffering elements, and overall site layout and design. Detailed engineering is not required. The material presented shall be adequate to describe the project features without the need for the applicant to have retained architects, engineers, or consultants prior to the meeting.
- c. If a neighborhood meeting is required, and subsequent application submittals show that the proposed development is larger, taller, or contains significantly different land uses than those presented at the neighborhood meeting, the Director may require that an additional neighborhood meeting be held prior to formal action of the application.

5. Proof of Meeting Required

Details of the neighborhood meeting, including proof of notification, a meeting summary, and a list of meeting attendees, as well as copies of any exhibits used at the meeting, shall be provided to the Community Development Department prior to formal action of the application.

F. Step 5: Public Notice and Hearing³³⁶

³³⁶ Replaces current Chapter 13.35: *Notice Requirements*. This subsection summarizes the public notice requirements and criteria and clarifies noticing procedures. Noticing requirements for specific applications have been relocated from

1. Public Hearing Required Notice

- a. Specific notice requirements for each application are established in §13.06.030: *Summary Table of Review Procedures*, and the application-specific procedures in §13.06.050 through §13.06.080.
- b. Unless otherwise specified, notice for all public hearings shall be postmarked, posted, or published (as applicable) at least 10 calendar days prior to the date of the public hearing at which the item will be considered.

2. Public Hearing Scheduling³³⁷

- a. When a public hearing is required, the Director shall schedule the item for a public hearing in accordance with this LDC, state law, and other city ordinances.
- b. The Director may postpone the public hearing date until the application is deemed complete and in general compliance with the review criteria established for that application type. If the applicant fails to address review comments in accordance with §13.06.040C.5: *Abandoned Applications*, the application shall be deemed abandoned.
- c. The public hearing shall be scheduled to allow sufficient time to provide required notice and to prepare a staff report in accordance with §13.06.040D: *Step 3: Application Review*.

3. Format and Content of Public Notices

a. Content of all Notices³³⁸

Required notice shall, at a minimum:

- (1) Identify the applicant;
- (2) Identify the application type and file number;
- (3) Describe the nature and scope of the application;
- (4) Identify the property involved in the application request by including the address, parcel number, and/or legal description;
- (5) Identify the date, time, and location of the public hearing being noticed;
- (6) Indicate opportunity to appear and speak at the public hearing;
- (7) Indicate opportunity to submit written comments to be considered by the decision-making body prior to the start of the public hearing;
- (8) Identify where and when the application and associated materials may be inspected; and
- (9) Any other information as required by applicable federal, state, or local law.

b. Mailed Notice³³⁹

Unless otherwise specified in the application-specific procedures in §13.06.050 through §13.06.080, applications requiring mailed notice shall be postmarked at least 10 calendar days prior to the date of the public hearing at which the item will be considered, and shall comply with the following:

Chapter 13.35 to the specific section in this LDC addressing that application type. For example, General Plan applications require additional noticing beyond those found in this section; so, those additional standards are included in the specific procedures section for General Plan applications.

³³⁷ New. There are general statements in several sections of the current LDC that authorize the Director to forward the application to the Planning Commission after the application is "complete and in compliance with all requirements."

³³⁸ New. The current code is not specific in what information should be included in the notice. This content is taken from state code and current noticing practice.

³³⁹ Replaces current 13.35.020. This new language provides more clarity in the mailed notice procedure.

- (1) Notice of a public hearing shall be sent to the owner of the property for which the approval is sought.
 - (2) Notice of a public hearing shall be sent to the record owner of each lot/parcel including both property owners within the city boundaries and property owners within adjacent jurisdictions within 300 feet of the subject property of the hearing, based on the ownership records on file with the Salt Lake County Assessor's Office.
 - (3) Notice of a public hearing shall be sent to any other "affected entities," as defined in this LDC, entitled to receive written notice by mail under state law.
 - (4) In a proceeding involving an application for property that abuts unincorporated areas of Salt Lake County or separate municipalities, copies of the notice of public hearing shall be transmitted to the planning agency(s) of the governmental unit abutting such land.
- c. **Published Notice**
Unless otherwise specified in the application-specific procedures in §13.06.050 through §13.06.080, applications requiring published notice shall be published on the Utah Public Notice Website, created in Utah Code §63A-16-601, at least 10 calendar days prior to the date of the public hearing at which the item will be considered.
- d. **Posted Notice**
Unless otherwise specified in the application-specific procedures in §13.06.050 through §13.06.080, applications requiring posted notice shall be posted at least 10 calendar days prior to the date of the public hearing at which the item will be considered and shall be posted in at least three public locations within the city or on the city's official website.
- e. **Responsibility for Notice³⁴⁰**
The city shall be responsible for the accuracy of and proper publication, posting, and mailing of notice of the public hearing.
- f. **Minor Defects in Notice Shall Not Invalidate Proceedings³⁴¹**
 - (1) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
 - (2) Minor defects in notice shall be limited to typographical or grammatical errors that do not impede communication of the notice to affected parties.
 - (3) In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.
- g. **Inadequate Notice³⁴²**
If adequate notice in accordance with this section is not given to the interested parties, and this fact is confirmed by staff prior to action by the decision-making body, such application may be continued to a later date to allow proper notice to all interested parties.

³⁴⁰ Replaces current 13.35.010(A)(1).

³⁴¹ New.

³⁴² New.

h. Notice Challenge³⁴³

If notice given pursuant to this section is not challenged by the provisions of this LDC within 30 calendar days after the meeting or action for which notice is given, the notice is considered adequate and proper.

i. Public Hearing Procedures

- (1) Public hearings required by this LDC shall be conducted according to the rules and procedures established by the respective bodies and in compliance with the Taylorsville Code of Ordinances and state law.
- (2) Electronic meetings may be held pursuant to Utah Code §52-4-2, as amended.

4. Public Meeting Notice³⁴⁴

- a. Specific notice requirements for each application are established in §13.06.030: *Summary Table of Review Procedures*, and the application-specific procedures in §13.06.050 through §13.06.080.
- b. Each notice of a public meeting shall be at least 24 hours before the meeting and shall be:
 - (1) Published on the Utah Public Notice Website created in Utah Code §63A-16-601; and
 - (2) Posted in at least three public locations within the city; or
 - (3) Posted on the city's official website.
- c. Electronic meetings may be held pursuant to Utah Code §52-4-2, as amended.

G. Step 6: Application Decision and Action³⁴⁵**1. Director Decision**

- a. If an application is subject to a final decision by the Director, as indicated in §13.06.030: *Summary Table of Review Procedures*, the Director's decision shall be based on the review standards applicable to the specific application type. The Director may also refer any application to the Planning Commission in accordance with §13.06.040D.2: *Referral to Planning Commission*.
- b. The Director shall approve, approve with conditions, or deny the application based on the applicable review criteria listed in the application-specific procedures.
- c. The decision shall be provided to the applicant(s) in writing and shall clearly state reasons for a denial, or conditions of approval.
- d. Any appeal of an administrative decision shall be made pursuant to §13.06.080D: *Administrative Appeal*.

2. Director Recommendation**a. Staff Report**

Unless otherwise specified in the application-specific procedures in §13.06.050 through §13.06.080, if an application is subject to Director review and recommendation to another review or decision-making body as indicated in §13.06.030: *Summary Table of Review Procedures*, the Director shall prepare a written staff report that summarizes the proposal, findings, and staff recommendations.

³⁴³ From current 13.35.100.

³⁴⁴ From current 13.35.030(D). Updated to reflect current state code.

³⁴⁵ **NOTE:** This section may be updated in future installments to reflect any applicable state legislation related to shot-clock provisions for development applications.

b. Distribution and Availability of Application and Staff Report³⁴⁶

The Director shall submit a copy of the staff report to the applicant and the review and/or decision-making body and shall make the staff report and related materials available for public review prior to the public meeting or public hearing at which the application is scheduled to be heard.

3. Planning Commission Decision

- a. If an application is subject to a final decision by the Planning Commission, the application shall be subject to review, hearings, recommendations, and decisions as indicated in §13.06.030: *Summary Table of Review Procedures*, and the application-specific procedures in §13.06.050 through §13.06.080.
- b. For applications subject to a public hearing, the Planning Commission shall hold a public hearing in accordance with §13.06.040F: *Step 5: Public Notice and Hearing*, and state law.
- c. The Planning Commission shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (as applicable).
- d. The Planning Commission shall approve, approve with conditions, or deny the application based on the applicable review criteria listed in the application-specific procedures. The Planning Commission may also table or continue the item pursuant to adopted policies and procedures.
- e. The Planning Commission shall clearly state the factors considered in making its decision, as well as the basis or rationale for the decision. The Director shall notify the applicant in writing regarding the Planning Commission decision or action and shall clearly state reasons for a denial or conditions of approval.

4. Planning Commission Recommendation

- a. If an application is subject to a recommendation by the Planning Commission, the recommendation shall be based on the applicable review criteria listed in the application-specific procedures in §13.06.050 through §13.06.080.
- b. For applications subject to a public hearing, the Planning Commission shall hold a public hearing in accordance with §13.06.040F: *Step 5: Public Notice and Hearing*, and state law.
- c. The Planning Commission shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).
- d. The Planning Commission shall forward a positive or negative recommendation to the City Council based on the applicable review criteria listed in the application-specific procedures. The Planning Commission may also table or continue the item pursuant to adopted policies and procedures. If a Planning Commission motion fails, the item shall be referred to the City Council without a formal Planning Commission recommendation.
- e. The Planning Commission shall clearly state the factors and rationale considered in making its recommendation. The Director shall notify the applicant in writing regarding the Planning Commission recommendation and shall clearly state reasons for a negative recommendation or conditions of approval.

5. City Council Decision

- a. If an application is subject to a final decision by the City Council, the City Council's decision should be based on the applicable review criteria listed in the application-specific procedures in §13.06.050 through §13.06.080.

³⁴⁶ Taken from current 13.35.010, revised language.

- b. The City Council shall consider the application, relevant support materials, staff report, Planning Commission recommendation (if applicable), and any evidence and public comments.
- c. The City Council shall approve, approve with conditions, or deny the application based on the applicable review criteria listed in the application-specific procedures. The City Council may also table or continue the item pursuant to adopted policies and procedures.
- d. The Director shall notify the applicant in writing regarding the City Council decision or action.

H. Step 7: Post-Decision Actions and Limitations

1. Building or Grading Permit Approval³⁴⁷

- a. A building or grading permit shall not be issued until all permits, reviews, guarantees of improvement (bonds), or approvals required by this LDC have been secured.
- b. The securing of one required review or approval shall not exempt the recipient from the necessity of securing any other review or approval required by this LDC.

2. Expiration of Approval³⁴⁸

- a. An approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods listed in the application-specific procedures in §13.06.050 through §13.06.080.
- b. A change in ownership of the land shall not affect the established expiration time period of an approval, unless otherwise stated in this LDC.

3. Extension Requests³⁴⁹

- a. The original decision-making body may grant an extension of the original approval by no more than 12 months, following a written request from the applicant explaining reasonable cause for such extension, prior to the expiration date. The original decision-making body may also delegate approval authority for extension request(s) to the Director, when such delegation is included in the original motion to approve the application. The original decision-making body or the Director, as applicable, shall determine whether or not there is reasonable cause for the requested extension and grant the extension for the minimum time-frame necessary, based on the criteria below.
- b. In all requests for a time extension, the applicant shall provide substantial and verifiable evidence showing that:³⁵⁰
 - (1) In spite of the good faith efforts of the applicant, circumstances beyond their control have prevented the timely pursuit of the development and completion of the necessary requirements within the originally authorized time period; or

³⁴⁷ From current 13.02.030(B)(2). Did not carry forward language allowing a grading permit subject to Director approval, staff recommends any development permits be issued after proper entitlements are received (e.g., site plan, subdivision review).

³⁴⁸ Replaces current 13.02.060. The current code includes a 180-day (6 month) expiration period unless otherwise stated elsewhere in the code. Establishing specific expiration timelines for each approval procedure is preferred to avoid confusion and discrepancies.

³⁴⁹ Replaces current 13.33.090. The conditional use extension currently allows two extensions up to six months each, this has been modified to allow for one 12-month extension, applicable to all applications (unless otherwise stated in the application-specific procedures). This also clarifies that the original decision-making body may delegate authority to grant extensions to the Director, when such language is included in the original motion.

³⁵⁰ New.

- (2) The applicant has completed substantial property improvements, incurred substantial nonrecoverable monetary expenditures or commitments, or has completed supporting development improvements, or retained the services for preparation of supporting data in reliance upon the approval of the request.
 - (3) In either instance, the applicant is, in good faith, continuing to diligently pursue implementation of the development to the degree authorized by the city and the applicant shall be current on all city fees and has no code violations or environmental, health, or safety issues existing on the property.
 - c. In extenuating circumstances, the original decision-making body or the Director, as applicable, may grant an additional six-month extension period beyond the 12-month extension outlined above, subject to the same criteria established in paragraph (b) above.³⁵¹
 4. **Bound by Submissions**³⁵²

A recipient of any permit or approval under this LDC shall be bound by the representations and information submitted in the original application and in any revision, amendment, or supplement to the original application that is provided to the review and decision-making body prior to issuance of the permit or other approval, except with respect to any detail required as a condition of approval by the decision-making body.
 5. **Modification or Amendment of Approval**³⁵³

The following provisions apply to all proposed modifications or amendments of approvals previously granted by the city unless another provision of this LDC provides different standards, criteria, or procedures for modifications or amendments to specific types of approvals.

 - a. **Minor Changes**

Development authorized by any approval under this LDC may incorporate minor changes from the approved plan, or permit, without the need for a new application, provided that the Director determines in writing that the proposed changes:

 - (1) Comply with the standards of this LDC;
 - (2) Are necessary to meet conditions of approval imposed by the final decision-making body;
 - (3) Do not require legislative action by the City Council; and
 - (4) Will not require adjustments to any standards greater than those authorized through the minor modification procedure in §13.06.080A: *Minor Modification*.
 - b. **Major Changes**³⁵⁴
 - (1) Any modification of an approved plan or permit that the Director determines does not meet the criteria in subsection (a) above shall require a new application that is submitted and reviewed in accordance with the full procedure and fee

³⁵¹ New.

³⁵² New.

³⁵³ Replaces current 13.32.030. This new language provides a mechanism for approving minor and major changes to an approved plan or permit.

³⁵⁴ New. **NOTE:** This may require changes to Section 3.16 of the Taylorsville Municipal Code. The fee schedule currently includes fees for amendments to applications – this draft proposes that the applicant reapply and pay the associated application fees.

requirements applicable to the application-specific procedure of the original application.

- (2) The Director shall determine in writing whether the proposed modification or amendment represents an alteration in the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as originally approved. The applicant shall provide the Director with all the necessary information to render this determination.

6. **Limitation on Subsequent Similar Applications**³⁵⁵

Following denial of an application, the decision-making body shall not decide on applications for the same property that are the same or substantially similar within one year of the previous denial. This waiting period may be waived by the decision-making body provided that:

- a. There is a substantial change to circumstances or new information available relevant to the issues or facts considered during the previous application review; or
- b. The new application is materially different from the previous application.

7. **Appeals**

Unless a specific procedure is provided in §13.06.080: *Flexibility and Relief Procedures*, or another provision of this LDC, the following provisions apply to appeals of decisions under this LDC.

a. **Administrative Decision**

- (1) An administrative decision may be appealed by a land use applicant or adversely affected party to the Hearing Officer pursuant to the procedure set forth in §13.06.080D: *Administrative Appeal*. Any appeal shall be filed with the City Recorder within 10 calendar days of the administrative decision.³⁵⁶
- (2) Any person adversely affected by a decision of the administrative appeals officer may appeal that decision to the district court in accordance with Utah Code §10-9a-801, as amended.

b. **Non-Administrative Decision**³⁵⁷

In accordance with Utah Code §10-9a-7, any person that has standing to obtain judicial review of a non-administrative decision by the Hearing Officer or City Council as it relates to this Title 13: *Land Development Code*, may appeal according to the judicial review process established in state law. Such appeal shall be filed at the appropriate venue in the judicial district where the land affected by the zoning decision is located and shall be filed no later than 30 days after the date of the decision.

13.06.050 Development Permits and Procedures

Commentary:

This section includes the procedures for applications associated with development in Taylorsville (site plans, conditional use review, floodplain permit, etc.). These procedures refer back to applicable

³⁵⁵ From current 13.05.030. This standard currently only applies to requests for zoning map and text amendments; however, staff recommends it apply to all application types.

³⁵⁶ Clarified who may make an appeal, as provided in Utah Code §10-9a-701.

³⁵⁷ Replaces current 13.34.030. The current state code reference in the LDC is not correct. This draft defers further appeals to the processes established in state code and does not attempt to summarize those procedures.

steps from the common review procedures and describe any modifications or additions to those procedures.

Sign Permit. The current code requires approval of a sign permit through the Community Development Department in addition to securing a building permit. Rather than carrying forward this process, staff recommends that any requests for signage be reviewed for zoning and code compliance as part of the building permit process. Any signs and/or sign elements that require an additional level of review (e.g., freeway-oriented pylon signs that currently require Planning Commission review) will be re-evaluated when the sign standards are updated in Installment 3. If conditional use review is carried forward for some sign elements, those requests would follow the conditional use process and not require a separate sign permit review.

Temporary and Special Use Permit. Current §13.11.120 requires approval of a temporary/special use permit through the Community Development Department in addition to securing a business license. Planning Commission review may also be required, when deemed appropriate by the Director. Rather than carrying forward this process, staff recommends that any requests for temporary uses be reviewed by a member of the Community Development Department staff for zoning and code compliance as part of the business license process. Specific standards regulating temporary and special uses will be included in Installment 2, and compliance with those standards will be verified prior to issuance of a business license.

Reasonable Accommodations. Current §13.11.070(E) establishes a separate review process for reasonable accommodations and designates the Planning Commission as the approval authority. Rather than carrying forward this process, reasonable accommodations are proposed to be considered a “permitted use” and any relevant development/design standards associated with reasonable accommodations will be included in the use-specific standards in Chapter 13.03: *Use Regulations*. Those standards will be drafted as part of Installment 2 of the LDC update project.

A. Site Plan

Commentary:

This section includes the site plan review procedure from current Chapter 13.32. The procedures have been reorganized and simplified to align with the seven-step common review process. The modified site plan review procedure was folded into the site plan review procedure by clarifying applicability thresholds. The current two-step (preliminary and final) review process was not carried forward; rather, this draft proposes a one-step review process. Content related to specific application submittal requirements will be relocated to the Administrative Manual and referenced in this LDC.

1. Purpose³⁵⁸

The site plan procedure is intended to:

- a. Ensure compliance with the development and design standards of this LDC;
- b. Ensure adequate review and mitigation of potential impacts of development on surrounding properties and the community prior to issuance of a building or development permit;

³⁵⁸ Replaces current 13.32.010.

- c. To determine the nonconforming status of a use, building, structure, lot, site condition, or site feature, in accordance with §13.06.100B.3: *Determination of Nonconforming Status*; and³⁵⁹
- d. To review and decide proposals for the expansion of nonconforming uses or structures in accordance with §13.06.100D.3: *Expansion of Nonconforming Uses or Structures*.³⁶⁰

2. **Applicability**³⁶¹

a. **Activities Subject to Site Plan Review**³⁶²

Site plan review is required for the following types of activities:

(1) **Residential**

New construction, including expansion, of a residential building containing three or more dwelling units.

(2) **Mixed-Use and Nonresidential**

(A) New construction, including expansion, of a mixed-use or nonresidential building.

(B) A change in use that involves or requires other site improvements, including but not limited to:

- i. Parking lots;
- ii. Landscaping, screening, or buffering;
- iii. Drainage facilities;
- iv. Outdoor storage;
- v. Outdoor display and sales; and
- vi. Accessory outdoor commercial storage.

(C) Tenant improvements that involve or require other site improvements such as parking, landscaping, screening, buffering, drainage facilities, or other changes to the site that may be required by this LDC.

(D) Reconstruction of a mixed-use or nonresidential building after voluntary demolition.

b. **Activities Exempt from Site Plan Review**

Site plan review is not required for the following activities, but such activities shall be subject to the standards of this LDC and applicable development permit review:

- (1) Projects that do not fall within any of the categories subject to site plan review in paragraph (a), above;
- (2) Construction of a single-family detached or duplex dwelling on a single lot, additions to such dwellings, an accessory dwelling unit, and structures accessory to such dwellings;³⁶³
- (3) Construction or erection of residential accessory buildings, fences, hedges, or walls;

³⁵⁹ New.

³⁶⁰ New. Current 13.02.200 designates the Planning Commission as the approval authority for nonconforming expansion requests. Staff proposes these types of reviews be part of the site plan procedure and elevated to Planning Commission if deemed necessary by the Director.

³⁶¹ From 13.32.010 and 13.32.020(A). Revised as noted.

³⁶² Replaces current 13.32.080. Did not carry forward the “modified site plan review” procedure, as it is identical to the site plan review procedure. The applicability criteria from that procedure have been revised and clarified in this section.

³⁶³ Current 13.32.020 exempts one- and two-family dwellings.

- (4) A change in use that does not involve or require other site improvements such as parking, landscaping, screening, buffering, drainage facilities, or other changes to the site that may be required by this LDC;
 - (5) Tenant improvements that do not involve or require other site improvements such as parking, landscaping, screening, buffering, drainage facilities, or other changes to the site that may be required by this LDC;
 - (6) Any project where the Director determines that the review criteria for site plan review in §13.06.050A.8: *Step 6: Application Decision and Action*, have been met or will be satisfied through the building permit process.
3. **Step 1: Pre-Application Meeting**³⁶⁴
A pre-application meeting is required in accordance with §13.06.040B: *Step 1: Pre-Application Meeting*.
4. **Step 2: Application Submittal and Processing**³⁶⁵
The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*.
5. **Step 3: Application Review**³⁶⁶
The Director shall review and evaluate the application in accordance with §13.06.040D: *Step 3: Application Review*, based on the review criteria in §13.06.040D.4: *General Review Criteria*.
6. **Step 4: Neighborhood Meeting**
Not Required.
7. **Step 5: Public Notice and Hearing**
Not required.
8. **Step 6: Application Decision and Action**
 - a. **Director Review and Decision**
The Director shall review and decide the site plan application, in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the general review criteria in §13.06.040D.4: *General Review Criteria*, unless the Director determines a public meeting is required pursuant to §13.06.040D.2: *Referral to Planning Commission*, at which point the Planning Commission shall review and decide the application.
 - b. **Planning Commission Review and Decision**
If referred by the Director, the Planning Commission shall review the application and shall decide the site plan application, in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the general review criteria in §13.06.040D.4: *General Review Criteria*.
9. **Step 7: Post-Decision Actions and Limitations**
Post-decision actions and limitations in §13.06.040H: *Step 7: Post-Decision Actions and Limitations*, shall apply with the following modifications:

³⁶⁴ Replaces current 13.32.020(D). Current procedures provide the option for the applicant to meet informally with staff prior to application submittal.

³⁶⁵ Replaces current 13.32.020(B) and (C). Specific application submittal requirements will be included in the Administrative Manual.

³⁶⁶ Replaces current 13.32.020(C), (D), and (E).

a. Building Permit Approval³⁶⁷

A building permit shall not be issued until:

- (1) The site plan and any associated development plans have been approved;
- (2) Any required items not previously submitted (e.g., required dedication documents, improvement agreements, etc.) are accepted by the City;³⁶⁸
- (3) All fees have been paid; and
- (4) A financial guarantee for improvements, if applicable, are in place pursuant to §13.06.090: *Financial Guarantee (Bonding)*.³⁶⁹

b. Grading Permit Prior to Building Permit³⁷⁰

A grading permit may be issued prior to the issuance of a building permit with the approval of the City Engineer together with a guarantee in an amount to be determined by the City Engineer.

c. Expiration³⁷¹

A site plan shall expire one year after the approval date unless:

- (1) There is an active building permit for the site and construction of the structure(s) or improvements on the lot has commenced; or
- (2) An authorized representative has received an extension pursuant to §13.06.040H.3: *Extension Requests*, prior to the expiration date.
- (3) If a site plan approval expires, a new application may be submitted following the procedures and regulations in effect at the time of re-application.

d. Compliance and Occupancy³⁷²

- (1) Any improvements constructed or installed without city approval may be ordered to be removed at the applicant's expense.
- (2) Noncompliance with approved plans and conditions shall be grounds for the Building Official to either stop the work on the project or to deny a Certificate of Occupancy, as described in §13.06.110: *Enforcement and Penalties*.
- (3) Occupancy of the structure shall be permitted only after all final inspections have been made to ensure compliance with all applicable ordinances, codes, and standards. All requirements of the approved site plan shall be completed prior to occupancy, or a guarantee for improvements pursuant to §13.06.090: *Financial Guarantee (Bonding)*, shall be in place to ensure completion of all required items.³⁷³
- (4) All improvements that have been constructed or installed in accordance with approved plans shall be maintained in accordance with said approvals by the owner or person in possession of the property on which the improvements are located.

B. Conditional Use Permit

Commentary:

³⁶⁷ From current 13.32.040(A); 13.02.050(A); and 13.32.020(G)(6).

³⁶⁸ From current 13.32.020(G)(3).

³⁶⁹ From current 13.32.060.

³⁷⁰ From current 13.32.020(G)(5).

³⁷¹ Replaces current 13.32.020(E) and 13.32.040(B) and (C). There are conflicting expiration timelines, a site plan that is approved by the Planning Commission expires after two years, while the second reference includes an expiration of one year. The one-year expiration is carried forward.

³⁷² New, unless otherwise noted.

³⁷³ From current 13.32.070.

This section includes the conditional use review procedures from current Chapter 13.33: *Administrative and Nonadministrative Conditional Use Permit*. The procedures have been reorganized and simplified to align with the seven-step common review process. The two-step (preliminary and final) review process was not carried forward; rather, this draft proposes a one-step review. Where a conditional use request is accompanied with a site plan review, site improvements will still be reviewed according to the site plan review procedures.

Additionally, the distinction between “administrative” (reviewed and approved by the Director) and “nonadministrative” (reviewed and approved by the Planning Commission) was not carried forward. Instead, all conditional use permits will be reviewed and decided by the Director, unless the Director determines that the application is unusually complex or raises unusual challenges, as explained in §13.06.040(D)(2) of this LDC draft. This is intended to help streamline reviews and only present those applications that warrant additional scrutiny to the Planning Commission. The fee schedule in the Code of Ordinances will need to be updated to reflect these changes.

1. Purpose³⁷⁴

The purpose of conditional use permit review is to allow a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may be suitable only if certain conditions are required that mitigate or eliminate the detrimental impacts or, if the detrimental impacts or effects cannot be mitigated or eliminated, to prohibit such use.

2. Applicability

- a. A conditional use permit is required for the establishment of certain land uses as specified in §--- [Table of Uses].³⁷⁵
- b. Any conditional use permit request that requires site plan, building permit, or another review shall be subject to the applicable review procedures established in this LDC and the Taylorsville Code of Ordinances for those procedures.³⁷⁶

3. Step 1: Pre-Application Meeting³⁷⁷

A pre-application meeting shall be required in accordance with §13.06.040B: *Step 1: Pre-Application*, for conditional uses that share a common property line with a RM or R-³⁷⁸ zoning district and meet any one of the following criteria:

- a. Contains more than 10,000 square feet of gross floor area;
- b. Contains more than 10 dwelling units; or
- c. Proposals that are unusual due to their size, complexity, or the creation of potential significant impacts on the city or surrounding neighborhoods, as determined by the Director.

³⁷⁴ From current 13.33.010.

³⁷⁵ **NOTE:** Chapter 13.03: *Use Regulations*, will be drafted during Installment 2 of the LDC update project.

³⁷⁶ New. This clarifies that a conditional use permit establishes the land use on the property, other site improvements are still subject to applicable reviews and approvals.

³⁷⁷ Replaces current 13.33.020(A). Current procedures provide the option for the applicant to meet informally with staff prior to application submittal. The criteria for when a pre-application meeting is required is new.

³⁷⁸ **NOTE:** This reference is intended to include all residential zoning districts that allow multifamily and single-family dwellings. This will be updated during Installment 2 when the zoning districts chapter is drafted.

4. **Step 2: Application Submittal and Processing**³⁷⁹
 - a. The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*.
 - b. Additional studies/analysis may be required to enable the decision-making authority to determine which detrimental impacts or effects may need to be addressed, based on the review criteria in §13.06.050B.8.d: *Conditional Use Review Criteria*.³⁸⁰
5. **Step 3: Application Review**
 - a. The Director shall review the application and approve, approve with conditions, or deny the application in accordance with §13.06.040D: *Step 3: Application Review*, based on the review criteria in §13.06.040D.4: *General Review Criteria*, and §13.06.050B.8.d: *Conditional Use Review Criteria*.
 - b. Alternatively, the Director may refer the application to the Planning Commission pursuant to §13.06.040D.2: *Referral to Planning Commission*.
6. **Step 4: Neighborhood Meeting**

Not required.
7. **Step 5: Public Notice and Hearing**

Not Required.
8. **Step 6: Application Decision and Action**
 - a. **Director Review and Decision**

The Director shall review and decide the conditional use permit application, in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in §13.06.040D.4: *General Review Criteria*, and §13.06.050B.8.d: *Conditional Use Review Criteria*, unless the Director determines a public meeting is required pursuant to §13.06.040D.2: *Referral to Planning Commission*, at which point the Planning Commission shall review and decide the application.
 - b. **Planning Commission Review and Decision**

If referred by the Director, the Planning Commission shall review the application and shall decide the conditional use permit application, in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in §13.06.040D.4: *General Review Criteria*, and §13.06.050B.8.d: *Conditional Use Review Criteria*.
 - c. **Conditions of Approval**
 - (1) In granting a conditional use permit, the decision-making body may impose conditions of approval pursuant to paragraph (8)(d) below, that shall be satisfied before a certificate of occupancy or business license may be issued for use of the property or building subject to the conditional use review.
 - (2) Any cost of mitigating or eliminating detrimental impacts or effects in excess of those which could be reasonably expected to arise from a permitted use in the same zoning district shall become a charge against the development so as not to constitute a burden on the city, surrounding neighbors, or adjacent land uses.³⁸¹

³⁷⁹ Replaces current 13.33.020(B). The specific application submittal requirements will be included in the Administrative Manual.

³⁸⁰ From 13.33.020(D).

³⁸¹ From current 13.33.040(B).

- (3) If the decision-making body proposes reasonable conditions on a proposed conditional use, the decision-making body shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.
 - (4) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the decision-making body may deny the conditional use request.
- d. **Conditional Use Review Criteria**³⁸²
- (1) The decision-making authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use, in accordance with this LDC and Utah Code §10-9a-507.
 - (2) The requirement described in paragraph d(1) above to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
 - (3) Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those that could reasonably be expected to arise from a use that is permitted in the district:³⁸³
 - (A) The health, safety, and welfare of the city and its present and future inhabitants and businesses;
 - (B) The prosperity of the city and its present and future inhabitants and businesses;
 - (C) The morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses;
 - (D) The tax base;
 - (E) Economy in governmental expenditures;
 - (F) The state's agricultural and other industries;
 - (G) The urban and nonurban development;
 - (H) Access to sunlight for solar energy devices; and
 - (I) Property values.
 - (4) To achieve compliance with the standards of this LDC, the city may impose conditions that address:³⁸⁴
 - (A) Size, configuration, and location of the site and the proposed site plan layout;
 - (B) Proposed site ingress and egress to existing and proposed roads and streets;
 - (C) The adequacy, provision, relocation, or protection of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities;
 - (D) Design, location, and amount of off-street parking, loading areas and solid waste disposal, and refuse collection areas;
 - (E) Site circulation patterns for vehicular, pedestrian and other traffic;

³⁸² Replaces current 13.33.040, 13.33.050, and 13.33.060. This new language is derived from Utah Code §10-9a-507 and is more generalized to allow the City to impose reasonable conditions on a conditional use permit.

³⁸³ From current 13.33.040.

³⁸⁴ From current 13.33.050.

- (F) Massing, size, number, location, design, exterior features, materials, and colors of buildings, structures, and other facilities;
- (G) The location and design of all site features, including proposed signage, lighting, and site furnishings;
- (H) The provision of usable open space, public features, and recreational amenities;
- (I) Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual, and other impacts;
- (J) Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to, noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation;
- (K) Measures designed to protect the natural features of the site including wetlands and drainageways, groundwater protection, soils, wildlife, and plant life;
- (L) The regulation of operating hours for activities affecting normal schedules and functions;
- (M) Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval;
- (N) Measures to ensure compliance with all conditions and requirements of approval, including, but not limited to, bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants;
- (O) Such other conditions determined reasonable and necessary by the city to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this LDC.

9. Step 7: Post-Decision Actions and Limitations

Post-decision actions and limitations in §13.06.040H: *Step 7: Post-Decision Actions and Limitations*, shall apply with the following modifications:

a. Effect of Approval

- (1) The granting of a conditional use permit has no effect on the uses permitted by-right and does not waive the regulations of the underlying zoning district.
- (2) The granting of a conditional use permit authorizes the use and establishes the terms of use.
- (3) This LDC shall not be construed to vest a right to any approved conditional use except upon complete and continued compliance with the conditions finally approved.
- (4) Conditional uses shall be subject to the standards of this LDC and applicable development permit review procedures. All required permits and approvals shall be obtained before any grading, construction, or use commences.
- (5) A conditional use permit shall continue to be valid upon a change of ownership of the site or structure that was the subject of the conditional use permit application, subject to the following:

- (A) The use is not modified or amended per §13.06.040H.5: *Modification or Amendment of Approval*; or
- (B) The conditional use permit does not expire per paragraph (9)b below.

b. Expiration

- (1) A conditional use permit shall expire if the use has not commenced within 12 consecutive months of the date of approval or the use ceases for a period longer than 12 consecutive months.
- (2) Upon expiration, a new conditional use permit application may be submitted following the procedures and regulations in effect at the time of re-application.

c. Failure to Comply with Conditions³⁸⁵

A conditional use permit shall be suspended automatically upon failure to comply with conditions and may invoke enforcement actions per §13.06.110: *Enforcement and Penalties*. A conditional use permit may be suspended and/or revoked subject to the following:³⁸⁶

- (1) The Community Development Department shall notify the applicant in writing of the suspension and the reasons for the suspension and specify a time period for the applicant to comply with the condition(s).³⁸⁷
- (2) If the applicant fails to comply within the time period established by the Community Development Department, the original decision-making body may revoke the conditional use permit or take action necessary to ensure compliance with the approved conditional use permit if the original decision-making body finds that:³⁸⁸
 - (A) The actual detrimental effects or impacts are greater than anticipated;
 - (B) The conditional use permit was obtained by misrepresentation or fraud;
 - (C) The use for which the conditional use permit was granted has now ceased for at least 12 consecutive months.³⁸⁹
 - (D) One or more of the conditions of the conditional use permit have not been met;
 - (E) The holder or user of the conditional use permit has failed to comply with any city, state, or federal law governing the conduct of the use;
 - (F) The holder or user of the conditional use permit has failed to construct or maintain the site as shown on the approved plan; or
 - (G) The property or use is in violation of one or more of the standards of this LDC.
- (3) The decision to revoke a conditional use permit shall be in writing and shall clearly state reasons for revocation.
- (4) The decision to revoke a conditional use approval shall be final immediately following the decision, unless an appeal has been filed with the City Recorder within

³⁸⁵ From current 13.33.070. Revised as noted.

³⁸⁶ New. This would automatically suspend a conditional use permit based on the criteria specified. The current code requires action by staff and the Planning Commission before the status of a conditional use permit is changed, this draft defers to the original approval authority.

³⁸⁷ New.

³⁸⁸ From current 13.33.070.

³⁸⁹ Current code establishes a six-month time period. Generally, a conditional use must lapse for at least 12 months to be deemed invalid.

the prescribed 10-day appeal period, in which case the Hearing Officer shall render a final decision pursuant to §13.06.080D: *Administrative Appeal*.³⁹⁰

d. Modification or Amendment

Modification or amendment of a conditional use shall require a new application. An application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application* Submittal and Processing.

e. Appeals³⁹¹

A conditional use permit decision may be appealed pursuant to §13.06.040H.7: *Appeals*, with the following modifications:

- (1) Except as provided in paragraph (2) below, review of conditional use decisions shall be confined to the record developed by the conditional use permit decision-making body.
- (2) If the Appeal Authority determines there is good cause and that the record is incomplete or deficient, the matter may be reviewed de novo.³⁹²
- (3) Any decision by the Hearing Officer, except a remand to the original decision-making body, shall be final and subject to the conditions imposed by the original decision-making body. This LDC shall not be construed to vest a right to any conditional use except upon complete and continued compliance with the conditions finally approved.

C. Master Site Plan³⁹³

Commentary:

This procedure replaces current §13.23.240: *Planned Center Development Standards*, requiring the Planning Commission to approve a master development site plan in conjunction with or prior to subdividing. This revised procedure ensures that large and complex development projects – not just development within a commercial shopping center – is planned, developed, and managed as a unified and contiguous unit. This new section attempts to formalize and codify the master site plan review procedure and clarify applicability thresholds and review criteria. The city is still considering alternative procedures to achieve this intent, subsequent revisions may be necessary following the drafting of Installments 2 and 3.

1. Purpose³⁹⁴

The master site plan review procedure provides a mechanism for reviewing large or complex development projects to ensure that development is planned, developed, and managed as a unified and contiguous unit.

³⁹⁰ New.

³⁹¹ From current 13.33.100 and 13.33.110. These two sections were identical, except that one referred to decisions made by the Director, and the other referred to decisions by the Planning Commission. Those sections were consolidated into this section, and distinctions between "Director" and "Planning Commission" were replaced with "original decision-making authority." Did not carry forward current 13.33.100(D) or (E); or 13.33.110(D) or (E).

³⁹² From current 13.34.010(F)(2)

³⁹³ Replaces current 13.23.240. This procedure requires further discussion. **NOTE:** Needs updating to ensure all content from current 13.23.240 is captured/accounted for.

³⁹⁴ From opening statement of current 13.23.240. Revised language to refer to "large development" rather than commercial and mixed-use. As drafted, this procedure would also apply to large multi-family projects.

2. Applicability³⁹⁵

a. Generally

- (1) Master site plan review is required for development projects that include preliminary plat review, final plat review, a plat amendment, and/or a property line adjustment affecting three or more lots; and
- (2) Any development project that meets one or more of the following criteria:
 - (A) The development site and/or the area affected by the subdivision procedures listed above affects a contiguous area of five acres or more;
 - (B) The development site and/or the area affected by the subdivision procedures listed above is located within the [insert reference here] identified in the General Plan;³⁹⁶
 - (C) The development site and/or the area affected by the subdivision procedures listed above contains 25,000 square feet or more of nonresidential or mixed-use gross floor area;
 - (D) The development site and/or the area affected by the subdivision procedures listed above contains 25 or more dwelling units;
 - (E) The development site and/or the area affected by the subdivision procedures listed above is located on a development site that shares one or more site elements (e.g., access, circulation, parking, drainage, etc.) through a recorded document such as Codes, Covenants, and Restricts (CC&Rs) or other agreement; or
 - (F) The proposed development project will occur in phases.

b. Concurrent Review

A master site plan application may be submitted and reviewed concurrently with an application for a General Plan map amendment, zoning map amendment, preliminary plat, final plat, plat amendment, and/or a property line adjustment.

c. Exempt

Master site plan review is not required for development projects requesting a rezone to the Site-Specific Development (SSD) zoning district. Those requests shall follow the procedure established in §13.06.070C: *Rezoning to Site-Specific Development (SSD)*.

3. Step 1: Pre-Application Meeting

A pre-application meeting is required in accordance with §13.06.040B: *Step 1: Pre-Application Meeting*.

4. Step 2: Application Submittal and Processing

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*. In addition, the applicant shall provide the following materials and information related to the proposed development:

- a. Proposed general site layout and phasing;
- b. Proposed land uses;
- c. Number and type of dwelling or commercial units (as applicable);
- d. Floor area, height, and conceptual architectural elevations of all buildings;

³⁹⁵ New. These applicability thresholds require further discussion.

³⁹⁶ This reference may be updated to include specific areas of the city that are called out in the General Plan.

- e. Floor area of each use for mixed-use buildings (if applicable);
- f. General location, size, and design of proposed on- and off-premises signage;
- g. Proposed pedestrian circulation routes, gathering spaces, and amenities;
- h. Proposed buffering and/or screening elements; and
- i. Proposed vehicle circulation routes, vehicle parking capacity, and configuration.

5. Step 3: Application Review

- a. When the master site plan is reviewed concurrently with another application, the final decision-making body of the concurrently reviewed application shall review and decide the master site plan application based on the review criteria in paragraph (8) below.
- b. When the master site plan application is not submitted concurrently with another application, the Director shall review and decide the application in accordance with §13.06.040D: *Step 3: Application Review*, based on the review criteria in paragraph (8) below.

6. Step 4: Neighborhood Meeting

Not required.

7. Step 5: Public Notice and Hearing

A public hearing is not required; however, when a master site plan is reviewed concurrently with another application, the noticing requirements for the concurrently reviewed application shall apply.

8. Step 6: Application Decision and Action

The final decision-making body shall decide a master site plan application in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in §13.06.040D.4: *General Review Criteria*, and the following:

- a. The master site plan is consistent with the general purpose and intent of this LDC;
- b. The proposed land uses, densities, and intensities are consistent with the General Plan and applicable zoning district(s);
- c. The proposed development is consistent with the dimensional, design, development, and all other standards of this LDC; and
- d. The proposed development provides adequate mitigation for anticipated adverse impacts to surrounding neighborhoods and the city.

9. Step 7: Post-Decision Actions and Limitations

a. Generally

Master site plan review is not a formal action and is not subject to any post-decision actions and limitations. Master site plan approval does not authorize specific development activity; however, it acts as a preliminary review of the development concept to ensure the general site layout and design is consistent with the requirements of this LDC and adopted city policies.

b. Subsequent Development Applications

Subsequent development applications must be in substantial compliance with the approved master plan. Failure to complete this process may be sufficient basis for denial of subsequent development applications submitted on the affected property.

D. Floodplain Development Permit³⁹⁷

[reserved].

E. Grading and Excavating Permit³⁹⁸

1. Purpose³⁹⁹

The grading and excavating permit procedure is intended to ensure compliance with the development and design standards of this LDC and to mitigate the environmental impacts of grading, filling, excavation work, and site development and to protect water quality.

2. Applicability

a. Activities Subject to Grading and Excavating Permit Review⁴⁰⁰

No land-disturbing activity (e.g., grading, cuts, fills) shall occur on any property in any zoning district in the city, unless a grading and excavating permit for such activity has been issued, or unless the activity is otherwise exempt pursuant to paragraph (E)(2)(b) below.

b. Activities Exempt from Grading and Excavating Permit Review⁴⁰¹

Approval of a grading and excavating permit is not required for the following activities, but such activities shall not violate any standard in this LDC, including but not limited to, endangering adjacent property, diverting or impairing the flow of water in a watercourse, or causing a public nuisance. Any grading work that is done without a permit and not conforming to these limitations and the exemption provisions provided below shall be deemed a violation subject to penalties and abatement procedures.⁴⁰²

(1) Minor Projects

Minor projects that have cuts or fills that:

- (A) Are less than four feet in vertical depth at their deepest points measured from the natural ground surface;
- (B) Are less than 50 cubic yards of material on any one site and do not create significantly unstable slopes; and
- (C) Disturb an area less than one acre⁴⁰³

(2) Government Projects⁴⁰⁴

Grading on projects not requiring a building permit and that disturb less than one acre are to be done by or under the supervision of the City Engineer or construction control of a governmental agency (where that agency assumes full responsibility for the work). All such grading shall be shown on the approved plans and be inspected and approved by the City Engineer.

³⁹⁷ **NOTE:** Content from current Chapter 13.16: *Floodplain Overlay Zone* will be reviewed and relocated to this section as necessary during Installment 3 of the LDC update project.

³⁹⁸ This section will be updated in a future draft to better align with the standards/requirements of Title 17.

³⁹⁹ New. Some language taken from current 13.27.010.

⁴⁰⁰ From current 13.27.120(A). Reworded for consistency and clarity. Language in (2) is new.

⁴⁰¹ From current 13.27.120.

⁴⁰² Added "including but not limited to."

⁴⁰³ New.

⁴⁰⁴ Added, "and that disturb less than one acre."

(3) **Valid Building Permit**

Grading in connection with a building, swimming pool, retaining wall, or other structure shall be authorized by a valid building permit. All such grading shall be shown on the approved plans and inspected and approved by the City Engineer.⁴⁰⁵

This exemption shall not affect the applicability of this section, nor the requirements for, a grading permit for any excavation having an unsupported vertical bank greater than four feet in height after the completion of such structure, or any fill that is removed from the site or not shown on approved plans and inspected.

(4) **Agriculture**

Grading done exclusively for the growing of agricultural crops or the raising of livestock.

(5) **Excavations for Soils or Geological Investigations by a Soils Engineer or Engineering Geologist**

Such work shall be backfilled and shaped to the original contour of the land under the direction of the soils engineer or engineering geologist immediately after the investigation or within 45 days after the start of the work, whichever is sooner. All work shall conform with applicable laws, codes, and standards.

(6) **Cemeteries**

Excavation or deposition related to gravesites.

(7) **Exemption for Dumps, Mines, and Quarries**

Grading within the site of a refuse disposal dump, sanitary landfill, quarry or plant for excavating and the processing and stockpiling of rock, sand, gravel, aggregate or clay provided that such grading or other activities are established and operated in accordance with all laws and the requirements of all permits. Except in the event of reclamation, all city standards must be adhered to.

3. **Step 1: Pre-Application Meeting**

Not required.

4. **Step 2: Application Submittal and Processing⁴⁰⁶**

- a. The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*. Any references in the common review procedures to the Director shall be replaced with the City Engineer.
- b. The application shall include a complete set of plans, including profiles, cross sections, and specifications for grading, cutting, filling, and excavating. Plans shall be prepared by a professional engineer licensed by the state of Utah. The plans shall be stamped, signed, and dated.⁴⁰⁷

⁴⁰⁵ Did not carry forward language referencing the Building Official related to inspecting the site.

⁴⁰⁶ Replaces current 13.27.020(A) and (C).

⁴⁰⁷ Replaces current 13.27.020(B) and 13.27.030(A).

5. Step 3: Application Review⁴⁰⁸

The City Engineer shall review and evaluate the application in accordance with §13.06.040D: *Step 3: Application Review*, based on the review criteria in §13.06.050E.8.b: *Grading and Excavating*.

6. Step 4: Neighborhood Meeting

Not required.

7. Step 5: Public Notice and Hearing

Not required.

8. Step 6: Application Decision and Action

a. City Engineer Review and Decision

The City Engineer shall review and decide the grading and excavating permit application, in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the general review criteria in §13.06.040D.4: *General Review Criteria*, and §13.06.050E.8.b: *Grading and Excavating*.

b. Grading and Excavating Review Criteria

- (1) Final approval shall not be granted until the Director, City Engineer, Building Official, and other applicable departments have reviewed and confirmed that the application satisfies all applicable standards.⁴⁰⁹
- (2) In granting any permit, the City Engineer may attach conditions deemed necessary to prevent creation of a nuisance or hazard to public or private property and to ensure completion of the grading, including, but not limited to:⁴¹⁰
 - (A) Improvement of any existing grading to comply with the standards of this LDC or the recommendations of reviewing departments and agencies;
 - (B) Requirements for fencing or protection of grading that would otherwise be hazardous;
 - (C) Dust, mud, erosion control, revegetation, noise control, hours of operation, sequence of work, weather condition requirements, and haul routes;
 - (D) Time allowed for the work to be completed;
 - (E) Restoration of site to acceptable grade and conditions;
 - (F) Construction staking; and
 - (G) Posting of guarantee for improvements in accordance with §13.06.090: *Financial Guarantee (Bonding)*.

9. Step 7: Post-Decision Actions and Limitations

Post-decision actions and limitations in §13.06.040H: *Step 7: Post-Decision Actions and Limitations*, shall apply with the following modifications:

a. Bonding⁴¹¹

A financial guarantee shall be required to ensure performance of the work on the project. A grading and excavating permit shall not be issued unless the permittee first posts a financial guarantee in a form acceptable to the city in an amount sufficient to

⁴⁰⁸ From current 13.02.050(J). Updated to designate the City Engineer as the review and approval authority.

⁴⁰⁹ Replaces current 13.27.030(B).

⁴¹⁰ From current 13.27.020(D).

⁴¹¹ From current 13.27.100. Reference to bonding section in LDC added for clarity.

cover the costs of the required work as determined by the City Engineer, in accordance with §13.06.090: *Financial Guarantee (Bonding)*.

b. Distribution and Use of Approved Plans⁴¹²

The applicant shall supply reproductions of approved, stamped, and dated plans for use by the project work crew. One or more sets of approved plans shall be retained on the site at all times during the work. If work is performed without the latest revised set of approved, stamped, and dated plans at the work site, a stop work order may be issued by the City Engineer or Building Official causing work to cease. The stop work order will remain until such time as approved, stamped, and dated plans are obtained, and the order is released.

c. Compliance With Permit Requirements and Plans⁴¹³

The developer shall be responsible for compliance with the requirements of the grading and excavating permit and all applicable laws, codes, and standards.

d. Modification of Approved Plans⁴¹⁴

- (1) Proposed modifications that substantially change the location or scope of grading shall be submitted to and approved in writing by the City Engineer prior to modification.
- (2) All necessary soils and geological information and design details shall accompany any proposal to modify the approved grading plans.
- (3) The modification shall be compatible with any subdivision plat or land use requirements.

e. Responsibility of the Developer⁴¹⁵

(1) Protection of Utilities

The developer shall be responsible for the prevention of damage to any public utilities or services.

(2) Protection of Adjacent Property

The developer shall be responsible for the prevention of damage to adjacent property.

(3) Notice to Proceed

The developer shall notify the City Engineer at least 48 hours prior to the start of work.

(4) Temporary Erosion Control

The developer shall put into effect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, blowing dust, flooding, or deposition of mud or debris originating from the site. For all projects that are one acre in size or larger, a Utah pollutant discharge elimination system (UPDES notice of intent) permit from the Utah Department of Environmental Quality Water Division and evidence of the notice of intent shall be provided to the City Engineer.

⁴¹² From current 13.27.040.

⁴¹³ From current 13.27.050.

⁴¹⁴ From current 13.27.060.

⁴¹⁵ From current 13.27.070.

- (5) **Permit to Work in Public Right of Way**
The developer shall obtain a separate permit from the city for any work performed within a city right-of-way. Permits for work in other public rights-of-way shall be obtained from the appropriate authority.
 - (6) **Traffic Control and Protection of Streets**
The developer shall submit a traffic control plan that complies with all applicable city ordinances, state laws, and the current edition of the "Manual on Uniform Traffic Control Devices" and provide flagmen, signs, barricades, etc., to ensure adequate safety when working in or near public streets.
 - (7) **Hazards From Existing Grading**
Whenever the City Engineer determines that any existing excavation, cut, or fill has become a hazard to persons or property, or adversely affects the safety, use, or stability of a public right of way or drainage channel, the developer/owner of the property upon which the excavation, cut, or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the City Engineer, shall within the period specified therein repair, reconstruct, or remove such excavations, cut, or fill to eliminate the hazard. The City Engineer shall have authority to cause any situation deemed by the city to be a hazard resulting from such grading to be remedied to the satisfaction of the City Engineer. The party responsible for grading shall promptly pay the city for any costs or expenses incurred by the city for such work. If payment is not received within 30 days of notice, the city may make demand upon the guarantee that was required prior to issuance of the grading and excavating permit.
 - (8) **Tracking of Dirt onto Public Streets**
The developer shall provide for adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets and shall be responsible for cleaning streets in a manner and at intervals as required by the City Engineer.
 - (9) **Maintenance of Waterway and Irrigation Canals**
The developer shall take all necessary measures to protect and maintain the flow of waterways and irrigation canals. The developer shall obtain any permit required by the jurisdictional authority for the waterway or canal.
 - (10) **Inspections**
The developer shall schedule periodic inspections.
- f. **Expiration**⁴¹⁶
- (1) A grading and excavating permit shall expire one year after the approval date unless:
 - (A) There is an active building permit for the site and construction of the structure(s) or improvements on the lot has commenced; or
 - (B) An authorized representative has received an extension pursuant to §13.06.040H.3: *Extension Requests*, prior to the expiration date.

⁴¹⁶ New.

- (2) If a grading and excavating approval expires, a new application may be submitted for consideration by the city following the procedures and regulations in effect at the time of re-application.
- g. **Compliance**⁴¹⁷
 - (1) Any improvements constructed or installed without city approval may be ordered to be removed or restored to their original state at the applicant's expense.
 - (2) Noncompliance with approved plans and conditions shall be grounds for the City Engineer to stop the work on the project until those elements that are out of compliance are brought into compliance.
 - (3) All improvements that have been constructed or installed in accordance with approved plans shall be maintained in accordance with said approvals by the owner or person in possession of the property on which the improvements are located.
- F. **Temporary Use Permit**⁴¹⁸

[insert here, update from current 13.11.120]

13.06.060 Subdivision Procedures

- A. **Purpose**⁴¹⁹
- The subdivision review procedures are intended to:
1. Promote the health, safety, and general welfare of city residents;
 2. Ensure the efficient and orderly development of land;
 3. Prevent the uncontrolled division and development of real property;
 4. Avoid poorly planned developments that:
 - a. Do not comply with the General Plan or city ordinances;
 - b. Cannot be efficiently served by existing utilities or public services;
 - c. May prove to be dangerous or unsafe;
 - d. May cause an undue burden on existing traffic or transportation services;
 - e. May require the future expenditure of public funds to correct problems caused by the development; and
 - f. Restrict the ability of efficient development on adjoining properties;
 5. To minimize the number of boundary line disputes in the city and eliminate existing property line gaps and discrepancies;
 6. To provide a mechanism requiring each developer to pay for the public improvements associated with a particular subdivision, and the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of the development activity;
 7. To provide design standards:
 - a. For public improvements, facilities, and utilities;
 - b. For access to public rights-of-way;
 - c. For the dedication of land and streets deemed necessary for the proper development of the subdivision; and

⁴¹⁷ New.

⁴¹⁸ **CONSOLIDATED DRAFT**: New.

⁴¹⁹ From current 13.30.010(A). **NOTE:** Some of the content in this purpose statement may be relocated to Chapter 13:05: *Subdivision Standards*, during Installment 3.

- d. For easements or rights-of-way that are necessary to service the property.

B. Applicability⁴²⁰

1. Generally

The subdivision review procedures shall apply to all subdivisions of land in any zoning district located within city, except for those activities exempted in paragraph (2) below. No land within the city shall be subdivided and no recorded subdivision shall be amended, vacated, altered, or modified until:

- a. A plat conforming to these regulations has been approved and certified by the authorized decision-making body; and
- b. The approved final plat has been recorded with the Salt Lake County Recorder's Office.

2. Exempt

The following activities are exempt from the subdivision procedure(s).

- a. Activities subject to the property line adjustment procedure established in §13.06.060H: *Property Line Adjustments*.
- b. Any other land division activity exempted by Utah Code.

C. Administrative Plat⁴²¹

Commentary:

This is a new procedure intended to streamline small-scale subdivision proposals that do not include the construction of new public or private streets. Utah Code §10-9a-605(1) allows cities to administratively approve subdivisions with 10 or fewer lots without requiring a plat if certain conditions are met. This procedure would likely be used for flag lots and subdivisions of little significance. If an application satisfies the thresholds, but is unusually complex, the Director could still refer the application to the Planning Commission for formal plat review. Utah Code §10-9a-302 authorizes the Land Use Authority to delegate power to hear and act on a land use applications.

1. Purpose

The administrative plat procedure provides a streamlined land division process that allows the creation of no more than three lots total that meet the requirements of this LDC.

2. Applicability⁴²²

To be eligible for the administrative plat process, applicants shall demonstrate that the proposal:

- (1) Is not within the boundary of an existing recorded plat;
- (2) Is not within a mixed-use or nonresidential zoning district;
- (3) Will not result in the creation of more than three lots;
- (4) Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance;
- (5) Is not traversed by the mapped lines of a proposed street as shown in the General Plan;

⁴²⁰ Replaces current 13.30.020(A) and 13.30.020(D). Did not carry forward current 13.30.020(B): *Parcels Previously Divided*. This standard is redundant with the general applicability standards in (B)(1) of this section.

⁴²¹ New.

⁴²² Paragraphs (4), (5), and (6) are derived from Utah Code §10-9a-605(1). Criteria 6 is new and may warrant further discussion.

- (6) Does not dedicate any new public street right-of-way;
- (7) Have been approved by the culinary water authority and the sanitary sewer authority; and
- (8) Has not been referred by the Director to the Planning Commission in accordance with §13.06.040D.2: *Referral to Planning Commission*.

3. Administrative Plat Review Procedure

Administrative plat review shall follow the same procedures as preliminary and final plat review, in accordance with §13.06.060D: *Preliminary Plat*, and §13.06.060E: *Final Plat*, except that:

- a. The Director shall be the decision-making body;
- b. The preliminary and final review may be conducted concurrently;
- c. Mailed notice and public meeting is not required.

D. Preliminary Plat

1. Purpose

The preliminary plat procedure provides a mechanism for the City to review an overall plan for a proposed subdivision to ensure compliance with this LDC and other applicable plans and regulations, and the provision of adequate public facilities and services within the City.

2. Applicability

- a. The preliminary plat review procedure shall apply to all subdivisions of land in any zoning district located within the city, except for those activities exempted by paragraph (2)(b) below.
- b. The following activities are exempt from the preliminary plat procedure:
 - (1) The division of a lot or parcel resulting from a division of agricultural land as provided in Utah Code §10-9a-605; and
 - (2) Land division activities that meet the applicability thresholds established in §13.06.060C: *Administrative Plat*; or §13.06.060H: *Property Line Adjustments*.

3. Step 1: Pre-Application Meeting

A pre-application meeting is required in accordance with §13.06.040B: *Step 1: Pre-Application*.

4. Step 2: Application Submittal and Processing⁴²³

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*, with the following modification:

- a. Within 20 days of receiving a complete subdivision application, the city shall mail written notice of the proposed subdivision to the facility owner of any water conveyance facility (as defined in Utah Code §10-9a-603) located, entirely or partially, within 100 feet of the subdivision plat in accordance with Utah Code §10-9a-603(3)(d).
- b. The city shall not approve a subdivision plat for at least 20 days from the date of sending the mailed notice to facility owners identified in paragraph (a) above, to allow sufficient time to receive comments from each facility owner, in accordance with Utah Code §10-9a-603(3)(d).

⁴²³ New legislation from Utah Code §10-9a-203.

5. Step 3: Application Review

The Director shall review the application and prepare a staff report and recommendation in accordance with §13.06.040D: *Step 3: Application Review*, based on the review criteria in §13.06.040D.4: *General Review Criteria*, and §13.06.060D.7.a: *Preliminary Plat*.

6. Step 4: Public Notice and Hearing⁴²⁴

- a. A public hearing is not required. The application shall be scheduled for a public meeting before the Planning Commission and noticed in accordance with §13.06.040F.4: *Public Meeting Notice*.
- b. Any application that proposes to vacate some or all of a public street or municipal utility easement shall be scheduled for a public hearing before the City Council and noticed in accordance with Utah Code §10-9a-208.

7. Step 5: Application Decision and Action⁴²⁵

a. Preliminary Plat Review Criteria

The Planning Commission shall decide a preliminary plat application in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in §13.06.040D.4: *General Review Criteria*, and the following:

- (1) The plat is consistent with the intent of the underlying zoning district;
- (2) Complies with applicable dimensional and development standards in this LDC;⁴²⁶
- (3) Does not affect a recorded easement without approval from the easement holder;
- (4) Provides a layout of lots, roads, utilities, drainage, and other public facilities and services that are compliant with city engineering standards and this LDC;
- (5) Provides evidence of adequate public facilities to serve the proposed development;
- (6) Proposes reasonable phasing as it relates to infrastructure capacity;
- (7) Does not result in the creation of a remnant lot or parcel that cannot be developed according to the requirements of this LDC and other applicable laws; and⁴²⁷
- (8) Does not remove or attempt to remove recorded covenants or restrictions without following the proper procedures for making such changes.

b. Conditions of Approval⁴²⁸

The preliminary plat review procedure is intended to inform the developer and the public of the requirements for obtaining preliminary plat approval. To this end, an attempt has been made to outline all subdivision requirements and other applicable ordinances and laws. Each parcel of real property is unique; there may be some aspects of subdivision development that cannot easily be articulated, and it is not possible to cover every possible contingency. In reviewing a preliminary plat, the decision-making body may impose conditions of approval that shall be satisfied provided that:

- (1) The conditions are not arbitrary or capricious;

⁴²⁴ New: Utah Code does not require a public hearing for a preliminary subdivision review/approval. Staff recommends eliminating public hearings not required by the state for administrative matters that should not be influenced by public opinion. State law requires a public hearing as outlined in paragraph (b) above.

⁴²⁵ The review criteria are new and replace the general language in current 13.30.030(E).

⁴²⁶ Replaces current 13.02.140.

⁴²⁷ Replaces current 13.30.020(E). **NOTE:** This standard may be updated to allow for the creation of a park, detention area, public amenity, or other similar use – further discussion is required.

⁴²⁸ From current 13.30.010(B). Reworded and simplified for clarity and consistency.

- (2) The conditions are necessary to promote the health, safety, or welfare of the residents of the city; and
- (3) The conditions do not conflict with any applicable law.

8. Step 6: Post-Decision Actions and Limitations⁴²⁹

Post-decision actions and limitations in §13.06.040H: *Step 7: Post-Decision Actions and Limitations* shall apply with the following modifications:

a. Effect of Approval⁴³⁰

The approval of a preliminary plat by the Planning Commission is strictly tentative, involving merely the general acceptability of the layout as submitted. A plat may not be recorded until it has been approved in accordance with §13.06.060E: *Final Plat.*

b. Expiration of Approval⁴³¹

- (1) A preliminary plat approval shall expire one year after the date of approval by the Planning Commission, unless a complete application for final plat review is filed in accordance with §13.06.060E: *Final Plat.*
- (2) Requests for extensions of approvals shall be decided in accordance with §13.06.040H.3: *Extension Requests.*
- (3) If a preliminary plat approval expires, a new application may be submitted following the procedures and regulations in effect at the time of re-application.

c. Transfer Before Approval Prohibited⁴³²

It shall be unlawful to transfer, sell, convey, gift, or assign any subdivided property before a final subdivision plat is approved and recorded pursuant to the requirements of this §13.06.060: *Subdivision Procedures*, and applicable state law.

d. Appeals

A preliminary plat decision may be appealed pursuant to §13.06.040H.7: *Appeals.*

E. Final Plat

1. Purpose

The purpose of the final plat procedure is to demonstrate compliance with an approved preliminary plat and applicable standards of this LDC and ensure plat documents are properly recorded with Salt Lake County.

2. Applicability

The final plat review procedure shall apply to all subdivisions of land in any zoning district located within city that require preliminary plat approval in accordance with §13.06.060D: *Preliminary Plat.*

3. Step 1: Pre-Application Meeting

Not required.

⁴²⁹ Did not carry forward current 13.30.030(F)(2), (3), or (4) related to expiration periods, changes to the approval, and that the Director can approve minor changes to the approved plat.

⁴³⁰ From current 13.30.030(F).

⁴³¹ Replaces current 13.30.030(F). The current code has a two-year expiration period for preliminary plats and allows the Director to grant two one-year extensions. Staff recommends this be reduced to avoid drawn-out applications and to ensure subdivision review is completed in a timely manner and consistent with the most recent ordinances.

⁴³² From current 13.30.020(C).

4. Step 2: Application Submittal and Processing

The final plat application shall be submitted in accordance with §13.06.040C: *Step 2: Application* Submittal and Processing, prior to the expiration of preliminary plat approval.

5. Step 3: Application Review

- a. The Director shall review the application in accordance with §13.06.040D: *Step 3: Application Review*, based on the review criteria in §13.06.040D.4: *General Review Criteria*, and §13.06.060E.7: *Step 4: Neighborhood Meeting*

Not required.

6. Step 5: Public Notice and Hearing

Not required.

- a. Step 6: Application Decision and Action.

- b. If the application is subject to the facility owner noticing requirements during the preliminary review, pursuant to §13.06.060D.4: *Step 2: Application* Submittal and Processing, the Director shall not approve the final plat for at least 20 days after the day on which mailed notice was sent to facility owners, in accordance with Utah Code §10-9a-603.

7. Step 4: Neighborhood Meeting

Not required.

8. Step 5: Public Notice and Hearing

Not required.

9. Step 6: Application Decision and Action⁴³³

The Director shall decide a final plat application in accordance with §13.06.040G: *Step 6: Application* Decision and Action, based on the review criteria in §13.06.040D.4: *General Review Criteria*, and the following:

- a. The final plat conforms to the approved preliminary plat, including any conditions of approval;
- b. The final plat is consistent with all conditions of approval of the preliminary plat and complies with city engineering standards, this LDC, and all applicable City Codes and Ordinances;
- c. The land owner has provided a tax clearance indicating that all taxes, interest, and penalties owed on the land have been paid; and⁴³⁴
- d. The final plat complies with applicable standards in Utah Code 10-9a-6.

10. Step 7: Post-Decision Actions and Limitations⁴³⁵

Post-decision actions and limitations in §13.06.040H: *Step 7: Post-Decision* Actions and Limitations shall apply with the following modifications:

⁴³³ Replaces current 13.30.030(H)(1), (2), and (3). The current code authorizes the Director to conduct the final plat review. After the Director has determined compliance with the LDC the Mayor and Planning Commission Chair sign the plat. This clarifies current practice that the Director is the approval authority for final plats, in accordance with Utah Code §10-9a-302 authorizing the Land Use Authority to delegate power to hear and act on a land use application.

⁴³⁴ New, taken from Utah Code §10-9a-604(4).

⁴³⁵ Did not carry forward current 13.30.050; *Changes to Final Plat*. Staff recommends the language in the common review procedures govern amendments to prior approvals.

a. **Recording with Salt Lake County⁴³⁶**

Upon final approval, payment of final fees, collection of all required signatures, and required bonding pursuant to §13.06.090: *Financial Guarantee (Bonding)*, the City shall record the approved final plat with Salt Lake County.

b. **Submission to Utah Geospatial Resource Center⁴³⁷**

Within 30 days of approving a final plat, the City shall submit to the Utah Geospatial Resource Center:

- (1) An electronic copy of the approved final plat; or
- (2) Preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

c. **Expiration of Approval⁴³⁸**

- (1) A final plat approval shall expire one year after the date of approval by the Director unless the final plat has been recorded with Salt Lake County.
- (2) Requests for extensions of approvals shall be decided in accordance with §13.06.040H.3: *Extension Requests*.
- (3) If the final plat is not recorded with Salt Lake County for any phase of the development within the prescribed period, or within any extension granted pursuant to §13.06.040H.3: *Extension Requests*, the plat approval shall expire for that phase and for all other phases for which a final plat has not been recorded with Salt Lake County prior to the date of expiration.
- (4) If a final plat approval expires, a new application may be submitted following the procedures and regulations in effect at the time of re-application.

d. **Transfer Before Approval Prohibited⁴³⁹**

It shall be unlawful to transfer, sell, convey, gift, or assign any subdivided property before a final subdivision plat is approved and recorded pursuant to the requirements of this §13.06.060: *Subdivision Procedures*, and applicable state law.

e. **Appeals**

A final plat decision may be appealed pursuant to §13.06.040H.7: *Appeals*.

F. Plat Amendment or Vacation

1. **Purpose⁴⁴⁰**

The plat amendment or vacation procedure provides a mechanism to request changes to vacate, alter, or amend a recorded subdivision plat or portion of plat or street within a recorded plat, in accordance with this LDC and Utah Code §10-9a-6.

⁴³⁶ Replaces current 13.30.030(H)(4) and (5). Current code says the developer is responsible for recording the plat, however, current practice is the City takes the plat to record with SL County.

⁴³⁷ New. Required per Utah Code §10-9a-603(5).

⁴³⁸ Current code does not specify the expiration period of a final plat approval – instead it would rely on the expiration timeline in the preliminary review. Staff recommends this be 12 months to avoid drawn-out applications and to ensure subdivision review is completed in a timely manner and consistent with the most recent ordinances.

⁴³⁹ From current 13.30.020(C).

⁴⁴⁰ New. Derived from Utah Code §10-9a-608(1) and §10-9a-609.5.

2. Applicability

a. Subject to Plat Amendment or Vacation⁴⁴¹

The plat amendment or vacation procedure applies to changes to a recorded subdivision plat that:

- (1) Vacates all or a portion of the subdivision;
- (2) Alters the outside boundary of the subdivision;
- (3) Changes the number of lots within the subdivision;
- (4) Alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- (5) Alters a common area or other common amenity within the subdivision; or
- (6) Changes the name of a recorded subdivision.⁴⁴²

b. Exempt From Plat Amendment or Vacation

An amendment to correct a technical error, such as misnumbered street addresses or an errant note on the plat may be done through recording an affidavit of correction by the Director on behalf of the city.⁴⁴³

3. Step 1: Pre-Application Meeting

A pre-application meeting is required in accordance with §13.06.040B: *Step 1: Pre-Application*.

4. Step 2: Application Submittal and Processing

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*, with the following modifications:

a. Authority to Submit an Application⁴⁴⁴

An application to vacate, alter, or amend a recorded subdivision plat or portion of a recorded subdivision plat shall be made by the city or any fee owner of a lot in the subdivision.

b. Application Content⁴⁴⁵

In addition to the submittal requirements identified in §13.06.040C.2: *Application Content*, an application for a plat amendment shall also include applicable information as provided in Utah Code §10-9a-608 and Utah Code §10-9a-609.5.

5. Step 3: Application Review

The Director shall review the application and prepare a staff report and recommendation in accordance with §13.06.040D: *Step 3: Application Review*, based on the review criteria in §13.06.040D.4: *General Review Criteria*, and §13.06.060F.8: *Step 6: Application Decision and Action*.

6. Step 4: Neighborhood Meeting

Not required.

⁴⁴¹ From Utah Code §10-9a-103, definition for "subdivision amendment."

⁴⁴² From current 13.30.060(D).

⁴⁴³ New. From Utah Code §57-3-106.

⁴⁴⁴ Includes content from current 13.30.060(A) and (C)(1). Updated to replace specific references to the Planning Commission with "city."

⁴⁴⁵ Replaces current 13.30.060(C)(2) and 13.30.060(F)(1). The Administrative Manual will serve as a more specific guide to application submittal requirements. Staff recommends providing a reference to state code rather than attempting to duplicate the language to avoid inconsistency in the event the state code is amended.

7. Step 5: Public Notice and Hearing

a. Planning Commission⁴⁴⁶

The application shall be scheduled for a public meeting and/or public hearing, as applicable, before the Planning Commission and shall be noticed in accordance with Utah Code §10-9a-608; §10-9a-609; and/or §10-9a-609.5, as applicable.

b. City Council⁴⁴⁷

Applications that involve the whole or partial vacation of a public right-of-way shall be noticed for a public hearing before the City Council in accordance with Utah Code §10-9a-609.5 and §10-9a-208.

8. Step 6: Application Decision and Action

a. Planning Commission⁴⁴⁸

Notwithstanding applications that require City Council approval, the Planning Commission shall decide a plat amendment application in accordance with §13.06.040G: *Step 6: Application* Decision and Action, based on the following review criteria:

- (1) There is good cause for the vacation or amendment;
- (2) No public street or municipal utility easement has been vacated or amended;
- (3) Is consistent with the intent of the underlying zoning district;
- (4) Complies with applicable dimensional and development standards in this LDC;
- (5) Does not affect a recorded easement without approval from the easement holder;
- (6) Provides a layout of lots, roads, utilities, drainage, and other public facilities and services that are compliant with city engineering standards and this LDC;
- (7) Provides evidence of adequate public facilities to serve the proposed development;
- (8) Does not result in the creation of a remnant lot or parcel that cannot be developed according to the requirements of this LDC and other applicable laws;
- (9) Does not remove or attempt to remove recorded covenants or restrictions; and
- (10) Proposes reasonable phasing as it relates to infrastructure capacity.

b. City Council⁴⁴⁹

The City Council shall decide the whole or partial vacation of a public right-of-way or municipal utility easement, in accordance with §13.06.040G: *Step 6: Application* Decision and Action, and Utah Code 10-9a-609.5, based on the following review criteria:

- (1) Good cause exists for the vacation; and
- (2) The public interest or any person will not be materially injured by the proposed vacation.

⁴⁴⁶ Replaces current 13.30.060(F)(2) and 13.30.060(C)(3) related to public hearing requirements for vacation or alteration of a street or alley. This language simply refers code users to the state code requirements rather than trying to duplicate them here.

⁴⁴⁷ Replaces current 13.30.060(E) and 13.30.060(F)(3).

⁴⁴⁸ These review criteria come from the review criteria in this draft for the Preliminary Plat Review procedure, Utah Code §10-9a-609, and current 13.30.060(B); and 13.30.020(E).

⁴⁴⁹ These review criteria come from Utah Code §10-9a-609.5. Current LDC 13.30.060(C)(3) and 13.30.060(B) authorizes the Planning Commission to approve vacations of public streets or alleys; however, State Code 10-9a-609 and 90-9a-609.5 indicate that the Legislative Body (i.e., City Council) is the approval authority for vacations.

9. Step 7: Post-Decision Actions and Limitations

Post-decision actions and limitations in §13.06.040H: *Step 7: Post-Decision Actions and Limitations* shall apply with the following modifications:

a. Recording with Salt Lake County⁴⁵⁰

- (1) Upon final approval, payment of final fees, collection of all required signatures, and required bonding pursuant to §13.06.090: *Financial Guarantee (Bonding)*, the City shall record the approved plat amendment with Salt Lake County.
- (2) In cases where a subdivision or portion of a subdivision is vacated, an ordinance approved by the City Council describing the subdivision to be vacated shall be recorded with Salt Lake County, pursuant to Utah Code §10-9a-609, and §10-9a-609.5, as applicable.

b. Expiration of Approval

- (1) A plat amendment approval shall expire 12 months after the date of approval unless the plat amendment has been recorded with Salt Lake County.
- (2) Requests for extensions of approvals shall be decided in accordance with §13.06.040H.3: *Extension Requests*.
- (3) If the plat amendment is not recorded with Salt Lake County within the prescribed period, or within any extension granted pursuant to §13.06.040H.3: *Extension Requests*, a new application may be submitted for consideration by the appropriate review authority following the procedures and regulations in effect at the time of application.
- (4) If a plat amendment approval expires, a new application may be submitted for consideration by the city following the procedures and regulations in effect at the time of re-application.

c. Transfer Before Approval Prohibited⁴⁵¹

It shall be unlawful to transfer, sell, convey, gift, or assign any subdivided property before a final subdivision plat is approved and recorded pursuant to the requirements of this §13.06.060: *Subdivision Procedures*, and applicable state law.

d. Appeals

A plat amendment or vacation may be appealed pursuant to §13.06.040H.7: *Appeals*.

G. Condominium Plat

Commentary:

This section includes the condominium platting procedure(s) from current Chapter 13.31. This section reorganizes and carries forward the current procedure. To minimize duplicating the same verbiage in several sections of the LDC, references to the standard platting procedures are included here, with any modifications from those standards noted. This section is not frequently used by developers and some standards seem dated – staff recommends this section be revisited at a future date to reflect Taylorsville's desired approach to condominium development.

⁴⁵⁰ From current 13.30.060(F)(3) and 13.35.060(A). Added language for clarity.

⁴⁵¹ From current 13.30.020(C); 13.30.060(C)(4); and 13.30.120(B).

1. Purpose⁴⁵²

- a. The condominium plat procedure is intended to establish a reasonable process whereby the city can assess the impact of mixing collective and individual ownerships, as presented in a particular condominium project, upon the public health, safety, convenience and general welfare of present and future inhabitants of the city.
- b. In the case of commercial or residential conversions of existing buildings, corrections of building code violations, the upgrading of vehicle parking facilities and safety of common functional elements of the structure or structures are of prime importance.
- c. It is also recognized the conversion of existing apartments or similar multi-family rental dwelling structures present the potential of relocation hardship to existing tenants and warrants that reasonable notice and disclosure requirements be established by the city to minimize said hardships.

2. Applicability⁴⁵³

- a. The condominium plat procedure shall apply to and govern the processing of condominium record of survey maps in accordance with Utah Code §57-8: *Condominium Ownership Act*. Said procedures and requirements shall supplement zoning, site development, health, building, and other ordinances applicable to a particular condominium project, and shall apply to the approval of such projects involving new construction, as well as those involving the conversion of existing structures. In addition, condominium projects which contemplate dedication of real property or improvements for the use of the public, or condominium projects in which units are contained in existing or proposed buildings, shall also be considered subdivisions requiring compliance with all applicable codes of the city.
- b. Condominium plats shall be reviewed and decided in accordance with Utah Code §57-8: *Condominium Ownership Act*, and the preliminary and final approval procedures established in §13.06.060D: *Preliminary Plat*; §13.06.060E: *Final Plat*; and §13.06.060F: *Plat Amendment or Vacation*, as applicable. Modifications to the plat standards in this LDC that apply to condominium plats are provided below.⁴⁵⁴

3. Step 1: Pre-Application Meeting

Not required.

4. Step 2: Application Submittal and Processing

In addition to the requirements established in §13.06.060D: *Preliminary Plat*; §13.06.060E: *Final Plat*; and §13.06.060F: *Plat Amendment or Vacation*, as applicable, an application for a condominium conversion shall include the following information:

a. Property Report and Plan⁴⁵⁵

A property report containing the information specified in this section shall be submitted as part of the application, together with a plan for all proposed improvements and repairs. Such plan and report shall be prepared by a design professional(s) as defined in

⁴⁵² New. Replaces current 13.31.010. This purpose statement provides more clarity in what the condominium plat review process is intended to achieve.

⁴⁵³ Replaces current 13.31.010.

⁴⁵⁴ Replaces current 13.21.020; 13.31.030; 13.31.040; 13.31.050; and 13.31.060. These sections duplicated the preliminary and final plat review procedures already described in this LDC. Rather than duplicating the same information, those sections are referenced. Any notable procedures specific to the condominium plat process have been carried forward in the respective review step in this section.

⁴⁵⁵ From current 13.31.100(B)(1).

Utah Code §13-8-7. The owner or developer shall submit a report of property condition which is intended to ensure that the standards of the declaration of condominium appropriately address existing and future conditions relating to maintenance and operation. The property report shall contain the following information:

- (1) The age of the building or buildings;
- (2) Condition of structural elements including roof, foundation, mechanical system, electrical system, plumbing system, and boiler or furnace;
- (3) Size of water service line from the meter to the individual unit;
- (4) Size of sewer lateral and sewer line(s) from each unit;
- (5) Capacity of electrical service for each unit (amps);
- (6) Condition of paving material on private streets;
- (7) Condition of paving or surfacing material on driveways, parking areas, sidewalks, curbs, etc.;
- (8) Condition of paint and/or exterior surfaces of all buildings and structures;
- (9) All known conditions constituting deficiencies;
- (10) All known conditions which may require repair or replacement within the next succeeding five year period;
- (11) The report shall also contain a statement of disclosure containing all information pertinent to any failure of the building to meet the requirements of the then current building code, fire code, and applicable standards; and
- (12) Fire restriction components and fire suppression systems.

b. Building Official Report⁴⁵⁶

At the time of submission of an application for the conversion of any existing occupied building(s), the appropriate fire authority shall make an inspection of the proposed condominium project to determine compliance with the life safety provisions of the current applicable building and fire codes, which shall be used to implement the provisions of this subsection.

- c. Prior to the Planning Commission preliminary plat review for a condominium project involving a conversion of existing occupied or unoccupied buildings, the appropriate fire authority shall submit a property inspection report to the Director specifying any deficiencies of life safety standards of the current building and fire codes, which are found to exist in the project. This report shall be submitted to the Planning Commission as an element of the property report and plan.⁴⁵⁷

d. Submittals for Condominium Conversion Final Plat Review⁴⁵⁸

Applications for condominium conversions shall include the following information with the final plat review submittal:

- (1) Proof that all utility bills are current at the time of conversion.
- (2) Prior to any final approval for the conversion of an apartment building or a commercial building to a condominium project, the building must conform to current building and fire codes.
- (3) Prior to final approval, the developer shall request and the Chief Building Official shall cause final inspections of all buildings and structures and work therein to be

⁴⁵⁶ From current 13.31.100(B)(2).

⁴⁵⁷ Added "or unoccupied."

⁴⁵⁸ From current 13.31.100(C).

made to determine conformance with the International Building Code, the International Fire Code and other applicable codes and ordinances.

5. Step 3: Application Review

Condominium plats shall be reviewed and decided in accordance with Utah Code §57-8: *Condominium Ownership Act*, and the preliminary and final approval procedures established in §13.06.060D: *Preliminary Plat*, §13.06.060E: *Final Plat*, and §13.06.060F: *Plat Amendment or Vacation*, as applicable.

6. Step 4: Neighborhood Meeting

Not required.

7. Step 5: Public Notice and Hearing

Not required.

8. Step 6: Application Decision and Action

In addition to the review criteria established in §13.06.060D: *Preliminary Plat*, §13.06.060E: *Final Plat*, and §13.06.060F: *Plat Amendment or Vacation*, as applicable, condominium plats shall comply with the following:

- a. The conversion of existing occupied residential or commercial projects shall comply with all requirements for the development of new residential or commercial condominium projects established in §[current 13.31.080], as well as other applicable standards of this LDC; and⁴⁵⁹
- b. Required standards established in Utah Code §57-8: *Condominium Ownership Act*.

9. Step 7: Post-Decision Actions and Limitations

In addition to the post-decision actions and limitations established in §13.06.060D: *Preliminary Plat*, §13.06.060E: *Final Plat*, and §13.06.060F: *Plat Amendment or Vacation*, as applicable, the following also apply:

a. Amendments⁴⁶⁰

The Director may, in his discretion, approve changes to the condominium preliminary plat to decrease the number of units in the condominium project, to make minor boundary changes, or to make other minor changes without requiring that the revised preliminary plat be reviewed by the Planning Commission.

b. Convertible Space⁴⁶¹

The Director may approve the conversion of space within an existing structure if the space was labeled on the recorded condominium plat as "convertible space" and it is proposed to be converted into one or more units or common areas and facilities. The developer shall submit an amended or supplemental condominium plat and declaration of condominium and all other documents required by Utah Code §57-8: *Condominium Ownership Act*. The Director must determine that the proposal is in compliance with all previously established requirements, conditions, limitations and regulations and is in compliance with all provisions of this code.

⁴⁵⁹ From current 13.31.100. **NOTE:** Referenced standards will be relocated to Chapter 13.05: *Subdivision Standards*, during Installment 3 of the LDC draft.

⁴⁶⁰ From current 13.31.030(D).

⁴⁶¹ From current 13.31.070.

H. Property Line Adjustments⁴⁶²

1. Purpose

The property line adjustment procedure provides a mechanism for the City to review proposed re-alignments to existing lots and parcels in the city and to ensure proposed re-alignments comply with this LDC and other applicable regulations.

2. Applicability⁴⁶³

a. Generally

The property line adjustment procedure shall apply to the following activities when at least one of the affected properties contains a dwelling unit:⁴⁶⁴

- (1) A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
 - (A) No new lot or dwelling unit is created; and
 - (B) The adjustment complies with this LDC and other applicable City Ordinances.
- (2) A recorded document, executed by the owner of record that:
 - (A) Revises the legal description of more than one contiguous unsubdivided parcel(s) of property into one legal description encompassing all such parcels of property; or
 - (B) Joins a subdivided parcel of property to an unsubdivided parcel of property and complies with this LDC and other applicable City Ordinances.
- (3) The consolidation of two or more subdivided lots for the purpose of developing them as one lot, provided:
 - (A) The consolidation does not affect an existing street, alley, walkway, or right-of-way; and
 - (B) No public utility, drainage, or other easements exist along the mutual boundary of any two lots being consolidated.

b. Exempt⁴⁶⁵

The following activities are exempt from the property line adjustment procedure.

- (1) A boundary line adjustment made by the Utah Department of Transportation.
- (2) A bona fide division or partition of agricultural land pursuant to Utah Code §10-9a-605, for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance.

3. Step 1: Pre-Application Meeting

A pre-application meeting as described in §13.06.040B: *Step 1: Pre-Application*, is optional.

⁴⁶² Replaces current 13.30.070. Language has been updated to reflect current Utah Code and current practice.

⁴⁶³ This "Applicability" section is an attempt to summarize content from several sections in the Utah Code, specifically §10-9a-103: *Definitions*; §10-9a-608: *Subdivision Amendments*; §10-9a-524: *Boundary Line Agreement*; and §10-9a-605: *Exemptions from Plat Requirement*. Terminology used in state code is not consistent and standards are repeated and scattered.

⁴⁶⁴ Added language clarifying that this procedure applies when one of the affected properties contains a dwelling unit, in accordance with Utah Code §10-9a-524(5).

⁴⁶⁵ Taken from Utah Code §10-9a-103, definition for "subdivision;" "parcel boundary adjustment;" and "lot line adjustment."

4. Step 2: Application Submittal and Processing

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application* Submittal and Processing, and shall contain information required by Utah Code §10-9a-608(5) and §10-9a-524, as applicable.

5. Step 3: Application Review⁴⁶⁶

The Director shall review and evaluate the application in accordance with §13.06.040D: *Step 3: Application Review*, with the following modifications:

- a. The Director shall complete the review within 14 days after the day on which the property owner submits a completed application in accordance with §13.06.060H.4: *Step 2: Application* Submittal and Processing.
- b. If the Director determines the application is deficient or if additional information is necessary to conduct a thorough review, the Director shall send, within the time period described in paragraph (a) above, written notice to the property owner that:
 - (1) Describes the specific deficiency or additional information that is required to conduct a thorough review; and
 - (2) States that the Director shall approve the application upon the property owner's correction of the deficiency or submission of the additional information described.
- c. If the Director approves the application, the city shall send written notice of the approval to the property owner within the time period described in paragraph (a) above.
- d. If the Director fails to send a written notice pursuant to paragraph (b) above within the time period described in paragraph (a) above, the property owner may record the boundary line agreement as if no review was required.

6. Step 4: Neighborhood Meeting

Not required.

7. Step 5: Public Notice and Hearing

Not required.

8. Step 6: Application Decision and Action⁴⁶⁷

The Director shall decide a property line adjustment application in accordance with §13.06.040G: *Step 6: Application* Decision and Action, based on the review criteria established in §13.06.040D.4: *General Review Criteria*, Utah Code §10-9a-608(5); and §10-9a-524, as applicable, and the following:

- a. No new dwelling lot or housing unit results from the property line adjustment;
- b. The adjoining property owners consent to the property line adjustment;
- c. The property line adjustment does not result in remnant land that did not previously exist; and
- d. The adjustment does not violate applicable zoning requirements and/or City Ordinances.

9. Step 7: Post-Decision Actions and Limitations

Post-decision actions and limitations in §13.06.040H: *Step 7: Post-Decision* Actions and Limitations shall apply with the following modifications:

⁴⁶⁶ New. Taken from Utah Code §10-9a-524. This language applies specifically to "boundary line agreements" in Utah Code; however, this draft proposes that it also apply to "parcel boundary adjustments" and "lot line adjustments."

⁴⁶⁷ From current 13.30.070(A) and (C). References to Utah Code are new.

a. Recording with Salt Lake County

- (1) Upon final approval and payment of final fees, the applicant shall prepare a notice of approval that satisfies the minimum requirements of Utah Code §10-9a-608(5); and §10-9a-524, as applicable.
- (2) The applicant shall be responsible for recording associated deed(s) which conveys title as approved and the notice of approval with Salt Lake County.

b. Expiration of Approval

- (1) A property line adjustment approval shall expire one year after the date of approval by the Director unless the documents required by this LDC and Utah Code have been recorded with Salt Lake County.
- (2) Requests for extensions of approvals shall be decided in accordance with §13.06.040H.3: *Extension Requests*.
- (3) If a property line adjustment approval expires, a new application may be submitted for consideration by the city following the procedures and regulations in effect at the time of re-application.

c. Transfer Before Approval Prohibited⁴⁶⁸

It shall be unlawful to transfer, sell, convey, gift, or assign any subdivided property before a final subdivision plat is approved and recorded pursuant to the requirements of this §13.06.060: *Subdivision Procedures*, and applicable state law.

d. Appeals

A property line adjustment decision may be appealed pursuant to §13.06.040H.7: *Appeals*.

13.06.070 General Plan and Zoning Amendments

A. General Plan Amendment⁴⁶⁹**1. Purpose**

The General Plan amendment procedure is intended to provide standards for amending the text and or maps of the Taylorsville General Plan or for adoption of a new General Plan. The amendment process is established to provide flexibility in response to changing circumstances, to reflect changes in public policy, and to advance the general welfare of the city.

2. Applicability

An amendment to the General Plan may be initiated by the City Council, the Planning Commission, the Director, or a Taylorsville property owner(s) or their authorized agent.

3. Step 1: Pre-Application Meeting**a. Generally**

- (1) For city-initiated applications, a pre-application meeting is not required.
- (2) For non-city-initiated applications, a pre-application meeting is required in accordance with §13.06.040B: *Step 1: Pre-Application Meeting*.

⁴⁶⁸ From current 13.30.020(C).

⁴⁶⁹ Replaces current 13.35.030 and 13.06.030. The current LDC does not include clear procedures for a General Plan amendment aside from noticing procedures. The content in this section are new, unless otherwise noted.

b. Notice of Intent⁴⁷⁰

Before preparing a proposed General Plan or General Plan amendment, the city shall provide a 10-day notice indicating their intent to prepare a proposed General Plan or a General Plan amendment in accordance with Utah Code §10-9a-203.

4. Step 2: Application Submittal and Processing

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*.

5. Step 3: Application Review

The Director shall review the application and prepare a staff report and recommendation in accordance with §13.06.040D: *Step 3: Application Review*.

6. Step 4: Neighborhood Meeting

For non-city initiated applications, a neighborhood meeting is required in accordance with §13.06.040B: *Step 1: Pre-Application*, when it is determined by the Director that the proposed General Plan map amendment is unusually complex, requires greater scrutiny or public involvement, or raises potentially significant impacts on the city or the surrounding development and/or neighborhood(s), the Director may require a neighborhood meeting.

7. Step 5: Public Notice and Hearing⁴⁷¹**a. Planning Commission Review**

The application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Utah Code §10-9a-204.

b. City Council Review

The application shall be scheduled for a public meeting before the City Council and noticed in accordance with Utah Code §10-9a-204(3).

8. Step 6: Application Decision and Action**a. Planning Commission Review and Recommendation**

The Planning Commission shall review the application and shall forward its recommendation to the City Council in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in §13.06.070A.8.c: *General Plan Amendment Review Criteria*.

b. City Council Review and Decision

The City Council may approve, approve with conditions, or deny the General Plan amendment application in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in §13.06.070A.8.c: *General Plan Amendment Review Criteria*.

c. General Plan Amendment Review Criteria⁴⁷²

- (1) A General Plan amendment is a discretionary legislative decision by the City Council. Prior to recommending approval or approving a proposed general plan

⁴⁷⁰ New legislation from Utah Code §10-9a-203.

⁴⁷¹ Replaces current 13.35.030. The current notice requirements are the same as the general notice requirements in the Common Review Procedures.

⁴⁷² New. This review criteria is intended to help guide recommendations and decisions by the Planning Commission and City Council.

amendment, the Planning Commission and City Council may consider whether and to what extent the proposed amendment:

- (A) Complies with Utah Code §10-9a-4;
 - (B) Corrects an error in the original General Plan adoption;
 - (C) Considers new facts, projections, or trends that exist or are reasonably foreseeable to exist in the future; and
 - (D) Addresses changes in events, trends, or facts that may have changed the character or condition of an area to make the proposed amendment necessary.
- (2) In addition to the above-listed criteria, the Planning Commission and City Council may consider whether:
- (A) The amendment aligns or is in conflict with any goals and policies of the General Plan.
 - (B) The amendment constitutes a substantial benefit to the city and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 - (C) The proposed amendment and other amendments in the general area are compatible with the land use goals of the General Plan and that they avoid creation of isolated uses that will cause incompatible community form and a burden on public services and facilities.
 - (D) The site conditions, including but not limited to topography, utility corridors/easements, drainage patterns, noise, odors, or environmental contamination, would make development under the current General Plan designation inappropriate.
 - (E) The impact of the amendment, when considered cumulatively with other applications and development in the general area, will not adversely impact the city or a portion of the city by:
 - i. Significantly altering acceptable existing land use patterns;
 - ii. Having significant adverse impacts on public services and facilities that are needed to support the current land use and that cannot be mitigated to the maximum extent feasible;
 - iii. Adversely impacting environmentally sensitive areas or resources; or
 - iv. Adversely impacting existing uses because of increased traffic on existing systems.

9. **Step 7: Post-Decision Actions and Limitations**

The City Council decision is final action and may not be appealed.

B. **Zoning Map Amendment (Rezoning)**

1. **Purpose⁴⁷³**

The purpose of the zoning map amendment procedure is to make amendments to the Official Zoning Map of the City of Taylorsville to reflect changes in public policy, adopted plans, or changed conditions. The zoning classification of any property in the City may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person.

⁴⁷³ Replaces current 13.05.010.

2. Applicability⁴⁷⁴

- a. The zoning map amendment procedure applies to all proposals requesting to change the zoning district classification of a lot or parcel to a different zoning district classification. This procedure does not include changing the zoning classification of a lot or parcel to a Site-Specific Development (SSD) zoning district, which is governed by the procedure established in §13.06.070C: *Rezoning to Site-Specific Development*.
- b. This procedure should not be used when a conditional use permit, variance, or minor modification could be used to achieve a similar result.

3. Step 1: Pre-Application Meeting

For non-city initiated applications, a pre-application meeting is required in accordance with §13.06.040B: *Step 1: Pre-Application*.

4. Step 2: Application Submittal and Processing⁴⁷⁵

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*.

5. Step 3: Application Review

The Director shall review the application and prepare a staff report and recommendation in accordance with §13.06.040D: *Step 3: Application Review*.

6. Step 4: Neighborhood Meeting

For non-city initiated applications, a neighborhood meeting is required in accordance with §13.06.040B: *Step 1: Pre-Application*, when it is determined by the Director that the proposed zoning map amendment is unusually complex, requires greater scrutiny or public involvement, or raises potentially unique or serious impacts on the city or the surrounding development and/or neighborhood(s), the Director may require a neighborhood meeting.

7. Step 5: Public Notice and Hearing⁴⁷⁶

a. Planning Commission Review

The application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Utah Code §10-9a-205.

b. City Council Review

The application shall be scheduled for a public meeting before the City Council and noticed in accordance with Utah Code §10-9a-205(3).

8. Step 6: Application Decision and Action⁴⁷⁷

a. Planning Commission

The Planning Commission shall review the application and shall forward its recommendation to the City Council in accordance with §13.06.040G: *Step 6: Application*

⁴⁷⁴ New.

⁴⁷⁵ Did not carry forward current 13.02.050(H) indicating that zoning map amendment requests must be submitted and/or initiated by the Community Development Director. This language suggests that a member of the public cannot submit a request to amend the zoning map, which contradicts current 13.05.020(D) that states that "any person" may seek an amendment.

⁴⁷⁶ Replaces current 13.35.040(B), (C), and (D). This draft proposes referencing Utah Code rather than attempting to duplicate state law requirements.

⁴⁷⁷ Replaces current 13.35.040(A).

Decision and Action, based on the review criteria in §13.06.070B.8.c: *Zoning Map Amendment Review Criteria*.

b. City Council

The City Council may approve, approve with conditions, or deny the application in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in §13.06.070B.8.c: *Zoning Map Amendment Review Criteria*.

c. Zoning Map Amendment Review Criteria⁴⁷⁸

A zoning map amendment is a discretionary legislative decision by the City Council. Prior to recommending approval or approving a proposed zoning map amendment, the Planning Commission and City Council may consider whether and to what extent the proposed amendment:

- (1) Is consistent with the General Plan;
- (2) Is consistent with relevant small area plan(s);
- (3) Is consistent with the purpose statement of the proposed zoning district, as provided in Chapter 13.02: *Zoning Districts*;
- (4) Is necessary to address significant changes in the area to warrant a zoning change;
- (5) Is necessary to address an error in establishing the current zoning designation;
- (6) May impact surrounding properties or the neighborhood with regard to development intensity; and
- (7) May impact the ability to adequately serve the subject property(s) with public facilities and services while maintaining an adequate level of service to existing development.

9. Step 7: Post-Decision Actions and Limitations⁴⁷⁹

Post-decision actions and limitations in §13.06.040H: *Step 7: Post-Decision Actions and Limitations*, shall apply with the following modifications:

a. Effect of Approval of the Amendment

- (1) The City Council decision is final action and may not be appealed.
- (2) When an amendment of the zoning map is approved, such amendment shall be incorporated into the Official Zoning Map.⁴⁸⁰

b. Automatic Termination of Conditions of Approval⁴⁸¹

A condition of zoning approval made in connection with a prior city action shall terminate automatically if the zoning district applicable to the property involved in the original proposal is changed.

c. Amendments or Corrections⁴⁸²

The Director may make corrections to the Official Zoning Map if it is determined that the original boundary line or other information was not properly transferred to the Official Zoning Map after review of the official record and ordinance adopting that boundary location. When making such a correction, the Director shall place the correct information

⁴⁷⁸ New.

⁴⁷⁹ New.

⁴⁸⁰ From 13.05.020(A).

⁴⁸¹ **NOTE:** §13.01.080 of this draft may need to include a statement clarifying that a city-wide zoning map update does not affect prior approvals granted under the old code.

⁴⁸² From current 13.05.020(B).

on the Official Zoning Map and the date of revision. The Director shall forward the correction to the City Recorder and City Council together with all supporting documentation.

C. Rezoning to Site-Specific Development (SSD)⁴⁸³

1. Purpose

The rezoning to a Site-Specific Development procedure provides a mechanism for the city to achieve the purposes of §[SSD district].⁴⁸⁴

2. Applicability

The rezoning to SSD procedure shall not be used when a conditional use permit, variance, minor modification, or rezoning to an existing base zoning district could achieve a similar result.

3. Preliminary SSD Review

The preliminary SSD review process is intended to provide an opportunity for the Planning Commission and City Council to conduct a high-level review of a proposed SSD district to weigh the merits of the overall vision and concept of the proposal, to provide feedback and guidance, and to identify items that should be addressed by staff and the applicant during the final SSD review process.

a. Step 1: Pre-Application Meeting

A pre-application meeting is required in accordance with §13.06.040B: *Step 1: Pre-Application Meeting*. In addition, the applicant shall provide the following materials related to the proposed SSD to help determine whether or not rezoning to a SSD is the appropriate procedure for the applicant and the City:

- (1) Proposed general site layout and phasing;
- (2) Proposed land uses;
- (3) Number and type of dwelling or commercial units (as applicable);
- (4) Floor area and height of all buildings;
- (5) Floor area of each use for mixed-use buildings (if applicable); and
- (6) Proposed parking capacity and configuration.

b. Step 2: Application Submittal and Processing

The preliminary SSD application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*.

c. Step 3: Application Review

The Director shall review the application and prepare a staff report and comments in accordance with §13.06.040D: *Step 3: Application Review*, considering the review criteria in §13.06.070C.3.f(3): *Preliminary SSD Review Criteria*.

⁴⁸³ Replaces current 13.19.010(E). The content in this section is largely new and articulates the steps necessary to acquire SSD approval. This draft introduces a new two-step procedure (preliminary and final) for all SSD proposals. The preliminary review will provide general details regarding the development plan before a significant amount of time and resources are committed to the project. The final approval will include the ordinance-level detail that is required for the current procedure.

⁴⁸⁴ **NOTE:** This will be drafted during Installment 2 of the LDC drafting effort.

d. Step 4: Neighborhood Meeting

For non-city initiated applications, a neighborhood meeting is required in accordance with §13.06.040B: *Step 1: Pre-Application*, when it is determined by the Director that the proposed SSD application is unusually complex, requires greater scrutiny or public involvement, or raises potentially unique or serious impacts on the city or the surrounding development and/or neighborhood(s), the Director may require a neighborhood meeting.

e. Step 5: Public Notice and Hearing**(1) Planning Commission Review**

The application shall be scheduled for a public meeting before the Planning Commission and noticed in accordance with §13.06.040F.4: *Public Meeting Notice*.

(2) City Council Review

The application shall be scheduled for a public meeting before the City Council and noticed in accordance with §13.06.040F.4: *Public Meeting Notice*.

f. Step 6: Application Decision and Action**(1) Planning Commission**

The Planning Commission shall review the application and forward its comments to the City Council, considering the review criteria in §13.06.070C.3.f(3): *Preliminary SSD Review Criteria*.

(2) City Council

The City Council may provide the applicant with feedback regarding the merits of the project, considering the review criteria in §13.06.070C.3.f(3): *Preliminary SSD Review Criteria*. The City Council will advise the applicant if the SSD proposal is ready to move forward to the final review phase, or if additional review is required during the preliminary review.

(3) Preliminary SSD Review Criteria

Preliminary review for a rezone to the SSD zoning district is not a formal decision and is intended to provide the applicant with feedback from the Planning Commission and City Council regarding the merits of the project. The Planning Commission and City Council may consider whether and to what extent the proposed application:

- (A) Is consistent with the purpose of the SSD zoning district, as provided in §[SSD district];
- (B) Satisfies the standards in §[SSD qualifying standards];
- (C) Is consistent with the General Plan and applicable small area plans; and
- (D) Advances the goals and objectives of the city.

g. Step 7: Post-Decision Actions and Limitations

Preliminary review for a rezone to the SSD zoning district is not a formal action and is not subject to any post-decision actions and limitations. It is an early opportunity for the applicant to present the proposed concept to the city to solicit input and feedback related to the merits of the proposed project.

4. Final SSD Review

The final SSD review process is intended to establish by ordinance the SSD zoning district standards related to the proposed project, the development agreement, and other necessary legal documents required to execute the proposed development concept and vision that was considered during the preliminary SSD review process.

a. Step 1: Pre-Application Meeting

Not required.

b. Step 2: Application Submittal and Processing

(1) The final SSD application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*.

(2) A request for final SSD review will not be accepted until the City Council has authorized the applicant to proceed following the preliminary SSD review process.

c. Step 3: Application Review

The Director shall review the application and prepare a staff report and recommendation in accordance with §13.06.040D: *Step 3: Application Review*.

d. Step 4: Neighborhood Meeting

Not required.

e. Step 5: Public Notice and Hearing

(1) Planning Commission Review

The application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Utah Code §10-9a-205.

(2) City Council Review

The application shall be scheduled for a public meeting before the City Council and noticed in accordance with Utah Code §10-9a-205(3).

f. Step 6: Application Decision and Action

(1) Planning Commission

The Planning Commission shall review the application and shall forward its recommendation to the City Council in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in §13.06.070C.4.f(3): *Final SSD Approval Criteria*.

(2) City Council

The City Council may approve, approve with conditions, or deny the application in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in subsection (f)(3) below.

(3) Final SSD Approval Criteria⁴⁸⁵

Final review for a rezone to the SSD zoning district is a legislative decision by the City Council. The Planning Commission and City Council may consider whether and to what extent the proposed application:

⁴⁸⁵ New.

- (A) Remains consistent with the preliminary SSD review criteria in §13.06.070C.3.f(3): *Preliminary SSD Review Criteria*; and
- (B) Includes the necessary SSD zoning district standards, development agreement, and other legal mechanisms approved by the City Attorney's Office that will regulate the development of the site to ensure its consistency with the development vision and concept approved during the preliminary SSD review.

g. Step 7: Post-Decision Actions and Limitations

Post-decision actions and limitations in §13.06.040H: *Step 7: Post-Decision Actions and Limitations*, shall apply with the following modifications:

(1) Expiration of Approval⁴⁸⁶

Rezoning to an SSD district does not expire, but may be subject to specific requirements and restrictions established in the approval documents.

(2) Modification or Amendment of Approval

Amendments to the final SSD approval shall follow the procedures established in the Development Agreement executed in conjunction with the SSD approval.

D. Zoning Text Amendment⁴⁸⁷

1. Purpose

The zoning text amendment procedure provides a mechanism for amending the text of this LDC to respond to changed conditions or changes in public policy, or to advance the general welfare of the city.

2. Applicability

The zoning text amendment procedure applies to all proposals requesting to change the text of this LDC. This procedure does not include changing the zoning classification of a parcel to a Site-Specific Development (SSD) zoning district, which is governed by §13.06.070C: *Rezoning to Site-Specific Development*; however, this procedure is required for amending the text of an approved SSD ordinance.

3. Step 1: Pre-Application Meeting

Not Required.

4. Step 2: Application Submittal and Processing⁴⁸⁸

The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*.

5. Step 3: Application Review

The Director shall review the application and prepare a staff report and recommendation in accordance with §13.06.040D: *Step 3: Application Review*.

6. Step 4: Neighborhood Meeting

Not required.

⁴⁸⁶ Replaces current 13.19.010(H).

⁴⁸⁷ Replaces current Chapter 13.05. While the zoning text amendment procedure currently exists in the code, it is not very clear. Most of this section is new and codifies current practice.

⁴⁸⁸ Replaces current 13.02.050(H).

7. Step 5: Public Notice and Hearing**a. Planning Commission Review**

The application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Utah Code §10-9a-205.

b. City Council Review

The application shall be scheduled for a public meeting before the City Council and noticed in accordance with Utah Code §10-9a-205(3).

8. Step 6: Application Decision and Action**a. Planning Commission**

The Planning Commission shall review the application and shall forward its recommendation to the City Council in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in §13.06.070D.8.c: *Zoning Text Amendment Review Criteria*.

b. City Council

The City Council may approve, approve with conditions, or deny the application in accordance with §13.06.040G: *Step 6: Application Decision and Action*, based on the review criteria in §13.06.070D.8.c: *Zoning Text Amendment Review Criteria*.

c. Zoning Text Amendment Review Criteria⁴⁸⁹

A zoning text amendment is a legislative decision by the City Council. Prior to recommending approval or approving a proposed zoning text amendment, the Planning Commission and City Council may consider whether and to what extent the proposed amendment:

- (1) Is consistent with the General Plan, other adopted plans, and other city policies;
- (2) Does not conflict with other provisions of this LDC, the Taylorsville Code of Ordinances, and Utah Code;
- (3) Is necessary to address a demonstrated community need;
- (4) Is necessary to respond to substantial changes in conditions and/or state or local policy; and
- (5) Is consistent with the general purpose and intent of this LDC.

9. Step 7: Post-Decision Actions and Limitations

- a. The City Council decision is final action and may not be appealed.
- b. When a text amendment of this LDC is approved, such amendment shall be incorporated into this LDC as soon as is practicable.

13.06.080 Flexibility and Relief Procedures**A. Minor Modification****Commentary:**

As recommended in the Assessment Report, this new procedure provides decision-makers with flexibility to approve minor deviations from certain dimensional or other numeric standards.

⁴⁸⁹ New.

The review standards are intended to ensure that they are approved only when justified by unique circumstances, rather than assumed an automatic deviation by right. Many communities use such a procedure modestly at first, and then revise it to add additional adjustments or remove adjustments if the tool proves successful. In this draft, a table of allowable adjustments is included to indicate which standards may be adjusted, and to what extent. Much of the table is not complete and will be updated as future installments of the LDC are drafted. Any adjustments provided can be tailored to meet Taylorsville's needs.

The section also authorizes the use of modifications to make reasonable accommodations under the Fair Housing Act and for RLUIPA.

This tool does not reference the common procedures; instead, the procedure is proposed to “piggy-back” on a concurrently submitted application (and using the same decision-maker).

1. Purpose

The minor modification procedure is intended to allow relatively small adjustments or deviations from the dimensional or numeric standards of this LDC where strict application of the LDC would result in practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the LDC. Minor modifications are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The minor modification procedure is not a waiver of current standards of this LDC and shall not be used to circumvent the variance procedure.

2. Applicability

a. Allowed Modifications and Deviations⁴⁹⁰

Applications for minor modifications may only be considered for the modifications listed in the table below. The review criteria in §13.06.080A.7: *Minor Modification Review Criteria*, apply to all minor modifications.

⁴⁹⁰ **NOTE:** This table is a placeholder and will be revisited after Installments 2 and 3 are drafted. The list of LDC standards eligible for allowable modifications will be reevaluated based on the base requirements included in Installment 3.

Title 13: Land Development Code

Chapter 13.06 Administration & Procedures

13.06.080 Flexibility and Relief Procedures

LDC Standard	Allowable Modification (maximum percentage)
Subdivision Standards	
[reserved]	
Lot Dimensional Standards	
Lot area, minimum	10
Lot width, minimum	
Front building setback, minimum	
Front build-to range, minimum	10
Side building setback, minimum	
Rear building setback, minimum	
Building Standards	
Primary structure height, maximum	
Primary structure height, minimum	
Building floor plate, maximum	
Development Standards	
Number of vehicle or bicycle parking spaces, minimum or maximum	10
Minimum landscaping requirements	
Fence or wall height, maximum	
Accessory building height, maximum	
Accessory building area, maximum	

b. Limitations on Modifications and Deviations

- (1) Except when requested as a reasonable accommodation for FFHA or RLUIPA purposes, a request for a minor modification shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under 13.03.050: *Use Definitions and Use-Specific Standards*.
- (2) The minor modification procedure shall not apply to any proposed modification or deviation that result in:
 - (A) A change in permitted uses or mix of uses;
 - (B) A deviation from the use-specific standards in §[---];
 - (C) A deviation from floodplain standards in §[---];
 - (D) A deviation from adopted building or fire codes;
 - (E) A deviation from engineering standards;⁴⁹¹
 - (F) Requirements for public roadways, utilities, or other public infrastructure or facilities; or
 - (G) A change to a development standard that is already modified through a separate minor modification or variance.

⁴⁹¹ **NOTE:** This statement will be revisited after Installments 2 and 3 are drafted.

c. Reasonable Accommodations Under the FFHA

- (1) In response to a written application identifying the type of housing being provided and the portions of the Federal Fair Housing Act that require that reasonable accommodations be made for such housing, the Director is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance:
 - (A) Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than 10 percent; or
 - (B) Reduce any off-street parking requirement by no more than one space.
- (2) The Director may approve a type of reasonable accommodation different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on adjacent areas. The decision of the Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved.

d. Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)

The Director may grant minor modifications to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended. In no circumstance shall the Director approve a modification that allows a religious assembly use, or any uses, structures, or activities accessory to it, in a zoning district where this LDC prohibits such use or accessory use, structure, or activity.

3. Concurrent Review Required

- a. An application for a minor modification may only be submitted and reviewed concurrently with an application for a Site Plan Review, Conditional Use Permit Review, Master Site Plan Review, and Subdivision Review (preliminary or final plat) approval.
- b. Each LDC standard in §13.06.080A.2.a: *Allowed Modifications and Deviations*, shall be considered a separate minor modification request as it relates to the review criteria in §13.06.080A.7: *Minor Modification Review Criteria*, but multiple modifications may be considered in one minor modification application.

4. Application Review

The final decision-making authority of the concurrently reviewed application shall review the application and shall approve, approve with conditions, or deny the minor modification request based on the review criteria in §13.06.080A.7: *Minor Modification Review Criteria*.

5. Effect of Approval

Approval of a minor modification authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

6. Expiration of Minor Modification

A minor modification shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, is substantially modified, or otherwise deemed invalid.

7. Minor Modification Review Criteria

In reviewing a request for all minor modifications, the decision-making body shall consider whether the modification would result in development that complies with the intent of the standard being modified and the overall intent of this LDC, and the extent to which the requested minor modification:

- a. Is technical in nature;
- b. Compensates for an unusual site condition or circumstance not shared by landowners in general;
- c. Meets all other applicable building and safety codes;
- d. Benefits the city by protecting community assets, features, and sensitive areas;
- e. Avoids creating adverse impacts to surrounding areas;
- f. Is not contrary to the policies established in the General Plan;
- g. Is consistent with applicable purpose statements included in this LDC; and
- h. Is the minimum modification necessary from the subject standards of this LDC.

B. Variance⁴⁹²**1. Purpose**

The variance procedure provides a mechanism for the city to authorize variances from the development standards of this LDC when it is demonstrated that a variance is consistent with the standards in Utah Code §10-9a-702.

2. Applicability

The Hearing Officer, in accordance with the procedures established in this LDC and Utah Code §10-9a-702, may grant variances from the development standards applicable to the zoning district in which the subject property is located.

3. Step 1: Pre-Application Meeting

Not required.

4. Step 2: Application Submittal and Processing

- a. The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application* Submittal and Processing.
- b. Any person or entity desiring a waiver or modification of the requirements of this LDC as applied to a parcel of property they own, lease, or in which they hold some other beneficial interest may apply for a variance.⁴⁹³
- c. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met, in accordance with §13.06.080B.8: *Step 6: Application* Decision and Action.

5. Step 3: Application Review

The Director shall review the application and prepare a staff report and recommendation in accordance with §13.06.040D: *Step 3: Application* Review.

6. Step 4: Neighborhood Meeting

Not required.

⁴⁹² Carried forward from 13.34.020 with minor edits for clarity and consistency with Utah Code.

⁴⁹³ From current 13.34.020.

7. Step 5: Public Notice and Hearing

The application shall be scheduled for a public meeting before the Hearing Officer and noticed in accordance with §13.06.040F.4: *Public Meeting Notice*.

8. Step 6: Application Decision and Action⁴⁹⁴**a. Review Criteria**

The Hearing Officer may grant a variance only if:

- (1) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
- (2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
- (3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
- (4) The variance will not substantially affect the general plan and will not be contrary to the public interest; and
- (5) The spirit of the land use ordinance is observed and substantial justice done.

b. Additional Requirements

In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:

- (1) Mitigate any harmful effects of the variance; or
- (2) Serve the purpose of the standard or requirement that is waived or modified.

c. Determinations

- (1) In determining whether enforcement of the land use ordinance would cause unreasonable hardship under paragraph (a)(1) above, the Hearing Officer may not find an unreasonable hardship unless the alleged hardship:
 - (A) Is located on or associated with the property for which the variance is sought; and
 - (B) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- (2) In determining whether enforcement of the land use ordinance would cause unreasonable hardship under paragraph (a)(1) above, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (3) In determining whether there are special circumstances attached to the property under paragraph (a)(1) above, the Hearing Officer may find that special circumstances exist only if the special circumstances:
 - (A) Relate to the hardship complained of; and
 - (B) Deprive the property of privileges granted to other properties in the same zone.

9. Step 7: Post-Decision Actions and Limitations**a. Effect of Approval**

- (1) Variances run with the land and do not expire.

⁴⁹⁴ From current 13.34.020 and Utah Code §10-9a-702(2).

- (2) A decision by the Hearing Officer takes effect on the date when the Hearing Officer issues a written decision.

b. Appeals

A variance decision may be appealed pursuant to §13.06.040H.7: *Appeals*.

C. Administrative Interpretation⁴⁹⁵

1. Purpose

The administrative interpretation procedure is intended to provide a uniform mechanism for rendering formal written interpretations of this LDC.

2. Authority

Responsibility for making interpretations of provisions of this LDC is assigned as follows:

a. Community Development Director

The Community Development Director shall be responsible for all interpretations of the zoning and subdivision provisions in the text of this LDC, including, but not limited to:

- (1) Interpretations as to which is the stricter and thus controlling provision in case of conflict with this LDC and other provisions;
- (2) Interpretations of compliance with a condition of approval;
- (3) Interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district; and
- (4) Interpretations of the zoning district boundaries on the Official Zoning Map.

b. City Engineer

The City Engineer shall be responsible for all interpretations of the floodplain and engineering provisions in the text of this LDC.

3. Step 1: Pre-Application Meeting

Not required.

4. Step 2: Application Submittal and Processing

- a. A request for administrative interpretation shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application Submittal and Processing*.
- b. A request for administrative interpretation may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

5. Step 3: Application Review

The Director or City Engineer (as applicable) shall review the request for interpretation, shall consult with the City Attorney and affected city officials, and shall render a decision based on the following specific review criteria:

a. General Interpretation

The interpretation shall be consistent with:

⁴⁹⁵ New. While the current LDC has some language regarding interpretations of the LDC (current 13.01.060); there is no clear procedure or review criteria informing such an interpretation.

- (1) The purposes of this LDC; and
 - (2) The purposes of the zoning district (and overlay district(s), if applicable) in which the property is located; and
 - (3) The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision as established in Chapter 13.07: *Definitions*, and by the common and accepted usage of the term; and
 - (4) Prior interpretations of the LDC on similar or related topics, to the maximum extent practicable, unless a modification or replacement of a prior interpretation would be more consistent with criteria (a)(1) through (a)(3) above.
- b. **Land Use Interpretation**
 - (1) The Director shall determine if the proposed use is included in the definition of a listed use or is so similar to a listed use that it should be treated as the same use.
 - (2) When determining the level of permission or associated use-specific standards, the size, scale, operating characteristics, multi-modal traffic impacts, storm drainage impacts, utility impacts, and neighborhood impacts of the proposed use shall be considered.
 - (3) The Director shall consult with the City Attorney and affected city officials before rendering the interpretation.
- c. **Zoning Map Boundaries**

Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in §---.
6. **Step 4: Neighborhood Meeting**

Not required.
7. **Step 5: Public Notice and Hearing**

Not required.
8. **Step 6: Application Decision and Action**

See §13.06.080C.5 above.
9. **Step 7: Post-Decision Actions and Limitations**

Post-decision actions and limitations in §13.06.040H: *Step 7: Post-Decision Actions and Limitations*, shall apply with the following modifications:

 - a. **Notice**
 - (1) The Director or City Engineer (as applicable) shall inform the applicant in writing of his or her interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based.
 - (2) The decision shall be in the form of a written interpretation and shall be made available to the public.
 - b. **Effect of Approval**
 - (1) The written interpretation shall be binding on subsequent decisions by the Director, City Engineer, or other city administrative officials in applying the same provision of this LDC or the Zoning Map in the same circumstance, unless the Director or City Engineer (as applicable) makes a different interpretation, or this LDC is amended to treat the interpretation differently, or the interpretation is reversed or modified on appeal to the Hearing Officer or a court of law.

- (2) No written interpretation shall authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the ordinances of the city.
 - (3) A land use determination finding a particular use to be permitted or allowed as a conditional use in a particular zoning district, shall be deemed to authorize only the particular use for which it was issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate land use determination has not been issued.
- c. **Official Record of Interpretations**
The Director shall maintain a record of written interpretations that shall be available for public inspection, on reasonable request, during normal business hours.
- d. **Appeals**⁴⁹⁶
An administrative interpretation may be appealed pursuant to §13.06.040H.7: *Appeals*.

D. Administrative Appeal⁴⁹⁷

1. **Purpose**⁴⁹⁸
The administrative appeal procedure establishes a remedy whereby persons claiming to have been aggrieved by a decision of an administrative official in administering this LDC may appeal that decision in accordance with this LDC and Utah Code §10-9a-7.
2. **Applicability**
 - a. An administrative appeal may be made by any person aggrieved by an order, requirement, decision, or determination made by an administrative official, staff member, or administrative board or other body charged with the administration or enforcement of any part of this LDC.
 - b. Only those decisions in which a Land Use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed to the Hearing Officer.⁴⁹⁹
3. **Step 1: Pre-Application Meeting**
Not required.
4. **Step 2: Application Submittal and Processing**
The application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with §13.06.040C: *Step 2: Application* Submittal and Processing, with the following modifications:
 - a. **Information to be Presented**⁵⁰⁰
 - (1) An appellant must first present any and all information to the original decision-making body which it intends to raise before the Hearing Officer. The appellant may

⁴⁹⁶ Current 13.012.060 designates the Planning Commission as the appeal authority, with appeals of Planning Commission decisions being heard by the City Council. We recommend the Hearing Officer be the appeal authority for any decision rendered by staff.

⁴⁹⁷ From current 13.34.010, revised as noted below.

⁴⁹⁸ New.

⁴⁹⁹ From current 13.34.010(I).

⁵⁰⁰ From current 13.34.010(E). **QUESTION:** Shouldn't an appeal go directly to the Hearing Officer? Does this language assume that all appeal requests would have been presented to the Planning Commission at a prior date?

not bring new information for consideration before the Hearing Officer that had not been previously presented to the original decision-making body during its consideration of the matter.

- (2) An appellant must present to the designated Hearing Officer every theory of relief that it can raise in District Court.
- (3) No new information that was not previously presented to the Land Use Authority may be presented on appeal.

b. Burden of Proof⁵⁰¹

The applicant has the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall be provided at time of application.

c. Time Limit

- (1) An administrative appeal shall be filed with the City Recorder within 10 days of the order, requirement, decision, or determination that is being appealed.
- (2) A decision from a historic preservation authority regarding a land use application shall be made within 30 days of the decision.

d. Stay of Proceedings

An appeal stays all proceedings from further action unless the Director determines that a stay would create adverse impacts to the health, safety, or welfare of the city or neighborhood.

e. Stop Work Order

When an appeal from the decision of an administrative official or body has been filed, the Director or Building Official may issue a stop work order on the premises affected.

5. Step 3: Application Review

The Director shall review the application and prepare a staff report in accordance with §13.06.040D: *Step 3: Application Review*, except that:

- a. Staff review shall confirm that the application is complete and that the application is being heard by the appropriate authority.
- b. The staff report shall not include a recommendation.
- c. The staff report shall include the facts giving rise to the appeal and background information regarding the case. The staff report shall be provided to the appellant.

6. Step 4: Neighborhood Meeting

Not required.

7. Step 5: Public Notice and Hearing

The application shall be scheduled for a public meeting before the Hearing Officer and noticed in accordance with §13.06.040F.4: *Public Meeting Notice*.

8. Step 6: Application Decision and Action⁵⁰²

The Hearing Officer shall decide an appeal in accordance with the following:

⁵⁰¹ From current 13.34.010(G).

⁵⁰² **QUESTION:** Current 13.34.010(H) includes "standards for review." Does the City wish to carry forward that language, or use the more generalized language proposed in this draft? Current 13.34.010(F) also limits the scope of review to the administrative record – should this also be carried forward?

- a. The Hearing Officer shall consider the facts stated in the application as presented by the appellant; staff report; briefs submitted by the parties; correctness of a decision; factual issues and basis; reasonableness for different action; judgement of land use authority; the city code and General Plan; and testimony and physical evidence provided during the public meeting.
- b. The Hearing Officer may reverse or affirm in whole or in part, or may modify the order, requirements, decision, or determination from which an appeal is taken and make such order, requirement, decision, or determination as in its opinion ought to be made, and to that end, shall have the same authority as the administrative official and department from whose decision the appeal is taken.
- c. Ex parte communication between the Hearing Officer serving in an official capacity in a proceeding regarding an appeal and any party to the appeal is prohibited.⁵⁰³
- d. An official record shall be kept of the preceding and all witnesses shall be placed under oath.⁵⁰⁴

9. **Step 7: Post-Decision Actions and Limitations**

a. **Effect of Decision**⁵⁰⁵

A decision by the Hearing Officer shall become effective at the meeting in which the decision is made unless a different time is designated by the Hearing Officer at the time the decision is made.

b. **Appeals**

A decision by the Hearing Officer constitutes a final decision and may be appealed in accordance with Utah Code §10-9a-801.

13.06.090 Financial Guarantee (Bonding)⁵⁰⁶

Commentary:

This section was largely carried forward from current §13.02.160 with few changes – any substantive edits from current language has been noted in the footnotes. This section may undergo further updates in future drafts to reflect current process and best practices.

A. Guarantee Required Prior to Final Approval

Owners/developers/contractors who are proposing any new commercial or substantially modified existing commercial projects, or residential projects, other than individual home construction, with required on-site or off-site improvements in the city shall be required to post one or more guarantees for improvements prior to final approval by the city. "Approval" in this subsection shall mean recommendation from all appropriate city departments that the owner/developer/contractor be allowed to proceed with construction of the proposed project.

B. Developer Responsible for Performing Improvements⁵⁰⁷

⁵⁰³ From current 13.33.100(F). This standard originally applied to conditional use appeals, but should be a general standard applicable to all appeal reviews.

⁵⁰⁴ New.

⁵⁰⁵ From current 13.34.010(J)(1). Did not carry forward (2) as it relates to other appeal authorities – which the City does not have.

⁵⁰⁶ Carried forward from current 13.02.160. Did not carry forward (M) prohibiting partial releases. Revisions include minor grammatical changes and updates to code references. Other changes are noted in the footnotes throughout.

⁵⁰⁷ Replaced "required by the approved site plan or other drawings and documents" with "required by this LDC."

All improvements required by this LDC, are the responsibility of the owner/developer/contractor, except as approved by the City Engineer.

C. Number and Form of Guarantees

To guarantee to the city the construction, repair, and/or replacement of required improvements, the owner/developer/contractor shall post one or more guarantees for improvements in a form approved by the City Attorney.

D. City Engineer's Estimate

The amount of each guarantee shall be based on the City Engineer's estimate(s) of the reasonable construction cost of the required improvements ("estimate(s)"). The City Engineer or his representative shall prepare one or more estimates, the maximum number of which shall be determined by the City Engineer. Each separate guarantee amount shall be the total amount shown on the City Engineer's separate estimate form(s).

E. Itemization of Required Improvements⁵⁰⁸

The City Engineer or his representative shall prepare one or more estimates that may include, but shall not be limited to:

1. Irrigation and flood control systems.
2. Any improvements within the street right-of-way that are proposed to be maintained by the city, such as curb and gutter, drive approaches, waterways, sidewalks, trails, bike paths, raised medians, asphalt paving, road base, geotextile fabric, painting, and striping, etc.⁵⁰⁹
3. Survey monuments.
4. Survey rivets.
5. Streetlights.
6. Publicly-owned landscaping and sprinkling systems.⁵¹⁰
7. Streetscape (trees, benches, etc.).
8. Any roadway or parking lot improvements that are proposed to be privately maintained, such as curb and gutter, drive approaches, waterways, sidewalks, trails, bike paths, raised medians, asphalt paving, road base, geotextile fabric, painting and striping, etc.
9. Storm drain improvements.⁵¹¹
10. Fencing and walls.
11. Retaining walls.
12. Trash enclosures.
13. Any other required improvements determined by the City Engineer or the Director.

F. Purpose of Separate Estimates⁵¹²

1. The City Engineer may provide separate estimate lists, itemizing certain groups of improvements, with the intent of providing the opportunity to the developer to perform each certain group of improvements completely and then apply for release of the guarantee associated with that certain group of improvements.
2. All items listed on each separate estimate form, as well as all other items required by the City Engineer and the Director, shall be performed completely, to the satisfaction of city

⁵⁰⁸ Did not carry forward reference to PUD landscaping development (current 13.02.160(E)(12)).

⁵⁰⁹ Replaced "roadway improvements" with "improvements within the street right-of-way" to provide more clarity.

⁵¹⁰ Added "publicly owned."

⁵¹¹ New.

⁵¹² Did not carry forward item lists from current 13.02.160(F)(1) through (4). Did not carry forward language indicating that the City Engineer may make up to four estimates.

inspectors, before any portion of the guarantee associated with a specific estimate shall be released. Portions of the guarantee may be released for individual items listed on an estimate, if they have been completed, inspected, and the City Engineer approves the partial release.⁵¹³

G. All Required Improvements are Part of Estimate and Guarantee

All improvements by the approved site plan, standard specifications and details, the building or grading permit, city ordinance or other drawings and documents, shall be part of the estimate(s) and covered by the guarantee(s), whether or not they are specifically listed in the estimate(s).

H. Amount of the Guarantee

1. A guarantee in the amount of 110 percent of the total reasonable construction costs of improvements, as determined by the City Engineer, of the improvements referenced in paragraph (E) above shall also be provided prior to final project approval.
2. A guarantee in the amount of 110 percent of the total reasonable construction costs, as determined by the City Engineer, of the improvements referenced in paragraph (E) above shall be provided at the time either power to panel (permanent power) or a certificate of occupancy is requested, whichever is requested first, if those improvements have not been installed, inspected, and approved at the time of the request.

I. Performance of Required Improvements Prior to Occupancy of the Site⁵¹⁴

Improvements listed in of the improvements referenced in paragraph (E) above, or as specified by the Director and City Engineer, shall be satisfactorily installed prior to the issuance of any occupancy permit for the development unless otherwise approved by the Director and City Engineer.

J. Time Period for Performance of Required Improvements

All improvements listed in paragraph (E) above shall be satisfactorily installed within a period of one year from the date the guarantee is posted with the city, unless otherwise approved by the Director and City Engineer.

K. Specified Sequence

In order to protect the health, safety, and welfare of the city or its residents from traffic, flood, drainage, or other hazards, the City Engineer may require that the improvements, including improvements found damaged or defective prior to the final acceptance of the improvements and 100 percent release of the guarantee, be installed or repaired in specified sequence and/or within a specified period of time, which may be less than one year. The City Engineer will notify owner/developer/contractor in writing, at such time as he deems it is appropriate, of such requirement. Upon the failure of the owner/developer/contractor to perform the specified improvements or repairs as required by the City Engineer, the city may take whatever action it deems appropriate, including foreclosure on the guarantee, to secure the improvements or repairs.

L. Release of Guarantee

The estimate shall be the document that governs what amounts can be released at any given time upon approval of the City Engineer.

⁵¹³ Revised to allow partial release if certain criteria are met.

⁵¹⁴ From current 13.02.16o(l). Revised from requiring improvements from (E)(1) through (5), and (8) prior to occupancy to requiring all standards listed in paragraph (E) prior to occupancy.

M. Initiating Inspections for Release of Guarantee

Upon written request for inspections by the owner/developer/contractor, inspections of the improvements by city inspectors will be scheduled, weather permitting.

N. Partial Release for Public Improvements⁵¹⁵

Upon completion and acceptance of the improvements, the City Engineer may release 100 percent of the value of the improvements.

O. One Year Warranty Period

As a warranty period, the remaining balance of the guarantee amount for the public improvements shall be held and shall extend for a one-year period beyond the date of the partial release.

P. 100 Percent Release of Guarantee

Upon completion of the one-year warranty period and needed repair of any improvements, the owner/developer/contractor shall submit a written request for inspection to the City Engineer. Inspections of the improvements by city inspectors will be scheduled, weather permitting. Subsequent to field observation by city inspectors and their submittal to the developer of a notice of any deficiencies, such deficiencies shall be corrected within 30 days from time of notification. If not completed within 30 days, the city has the right to effect the completion of the improvements and/or take other action it deems appropriate. Upon approval by the City Engineer, the city may release all remaining portions of the guarantee. This constitutes a 100 percent release of guarantee.

Q. Type of Guarantee

Every guarantee required by this LDC shall be approved by the City Attorney as to form and shall be in the form of:

1. An irrevocable letter of credit form, submitted on forms provided by the city, from a bank or credit union, chartered under the laws of the state of Utah or the United States Of America, licensed and regulated by the department of financial institutions of the state of Utah or its successor and having an office in the state of Utah, which is insured by the federal depository insurance corporation or national credit union share insurance fund, and which has an office in the state of Utah as its place of presentation signed by the owner/developer/contractor and bank or credit union; or
2. An escrow bond form, submitted on forms provided by the city, having as guarantor an organization licensed and regulated by the department of financial institutions of the state of Utah or its successor, having an office in the state of Utah, and which is insured by the federal depository insurance corporation or national credit union share insurance fund, and which has an office in the state of Utah as its place of presentation. Escrow bonds shall be submitted on forms provided by the city and approved by the City Attorney and shall consist of a letter of commitment, signed by both the guarantor and owner/developer/contractor and guarantor; or
3. A cash bond form, submitted on forms provided by the city, and signed by the owner/developer/contractor.
4. Any other surety may be accepted, upon prior approval of the City Attorney.

R. Special Requirements of the Guarantee Form

⁵¹⁵ Reworded for clarity.

The following conditions apply to all types of guarantees and may be required as a statement or included on the form thereof:

1. The City Engineer's estimate(s) of the reasonable construction cost of the required improvements ("estimate(s)") shall be considered a part of the guarantee.
2. Upon completion of all required public improvements and following inspection and approval of the improvements by the city, a portion of the guarantee may be released and a portion of the original estimate amount will be held for one year after inspection, as set forth in this LDC, which amounts will be available to the city in case of defective workmanship or materials not corrected by the owner/developer/contractor. After inspection and authorization from the city, and following the one-year warranty period, this final amount may be released. This final portion is held to guarantee the improvements against faulty workmanship, deterioration, failure, faulty design, and all other situations that do not conform to the applicable city specifications and approved drawings for the period up to the date of the final 100 percent guarantee release.
3. A statement shall be signed by the owner/developer/contractor and filed with the City Engineer certifying that no material liens or mechanic (workmanship) liens exist with regard to the improvements related to any part of the guarantee.
4. Upon the request of the City Engineer, the guarantor shall certify the amount existing in the escrow account pertaining to the guarantee, noting the amount of the current balance and amounts released and the date of such releases.
5. The guarantees shall be issued in the name of the party signing the guarantee for improvement.
6. The developer/owner/contractor may be required to sign a statement that certifies that he has or will notify all subcontractors working under him that the city will not release any portion of the guarantee until all required improvements are completed, and the work has been inspected and accepted by the city, at which time the city may release a portion of the guarantee.

S. Duration, Terms, Extensions

Every guarantee authorized by this LDC shall run to the benefit of the city and have an express term of at least one year from the date the guarantee is posted for any development to which it applies. Further, such guarantee shall contain language ensuring the performance of the required improvements by the owner/developer/contractor and a provision for unconditional payment of the face amount of the guarantee within 10 days from any declaration of default or forfeiture. Guarantee extensions beyond one year may be allowed under special circumstances upon written request by the owner/developer/contractor and written approval of the City Engineer. The guaranteeing institution shall provide a written extension of the guarantee if it is not already within the express term.

T. Default

In the event that the owner/developer/contractor is in default or fails or neglects to satisfactorily install the required improvements within one year from the date of posting of the guarantee, or other development approval by the city, or earlier time as established by this title, the city may declare the guarantee forfeited, and the city may, in its sole discretion, install or cause the required improvements to be installed, using the proceeds of the guarantee to defray the expense thereof, including administrative overhead and/or take any other action legally available.

13.06.100 Nonconformities

Commentary:

This section consolidates and reorganizes all of the nonconforming standards from the current code. Some standards have been carried forward; however, much of the content in this section is new to help clarify how nonconformities are addressed in the new LDC. This section is organized into five different topic categories: uses, buildings or structures, lots, site conditions, and signs. Each subsection addresses specific standards related to that legal nonconforming topic.

A. Purpose⁵¹⁶

1. In accordance with Utah Code §10-9a-511, this section governs uses, buildings, structures, lots, site features, and signs that came into existence legally prior to the effective date of this LDC or the effective date of any future amendments to this LDC and remained in continuous use from the time of their inception but do not now comply with or conform to one or more requirements of this LDC or due to an amendment to this LDC. All such situations are collectively referred to in this LDC as “legal nonconformities.”
2. While the provisions of this section are intended to recognize the interests of property owners in continuing and putting legal nonconformities to productive use, while encouraging such legal nonconformities to be brought into conformance with this LDC, the provisions of this LDC are designed to curtail substantial investment in legal nonconformities in order to bring about their eventual improvement or elimination in order to preserve the character and goals of the city and to implement this LDC.
3. Any legal nonconforming use, structure, lot, site condition, or sign that becomes legal nonconforming as a result of any subsequent rezoning or amendment to the text of this LDC may be continued or maintained only in accordance with the terms of this section.
4. This section is also intended to reduce vacancies, promote appropriate redevelopment and re-use of existing structures and lots, and establish requirements.

B. General Standards for All Legal Nonconformities

1. Nonconforming Status

A legal nonconforming status shall exist under the following provisions of this LDC:

- a. When a use, lot, building, structure, site condition, or sign does not conform to the current regulations of this LDC, but was legally established at a prior date when the use, lot, building, structure, site condition, or sign was in conformance with applicable regulations and has been in continuous use or operation since its establishment.
- b. When a use, lot, building, structure, site condition, or sign which does not conform to the current regulations of this LDC, was legally established prior to and in existence at the time of annexation to the City and has been in continuous use, existence, or operation without interruption.
- c. When a site condition or feature, including but not limited to required landscaping, buffers, screening devices, sidewalks, trails, parking spaces, loading spaces, or maneuvering areas, does not conform to the current regulations of this LDC, but was legally established at a prior date when the site condition or feature was in conformance

⁵¹⁶ Replaces current 13.02.170. The current code uses several terms, “noncomplying structure,” “nonconforming sites and lots,” and “nonconforming uses.” This draft proposes to use a consistent term “legal nonconformity” when referencing structures, uses, lots, or site features that do not meet the current LDC but were allowed at one time.

- with applicable regulations and such site condition or feature has been in continuous use, existence, or operation since its establishment.
- d. When a use, site condition, lot, building, structure, or sign does not conform to the current regulations of this LDC, but was legally established prior to and in existence at the time of the incorporation of the city and has been in continuous use, existence, or operation without interruption.
 - e. If a nonconforming use, lot, building, structure, site condition, or sign exists but does not comply with provisions (a) through (d) above, said nonconformity shall be deemed to be in violation of this LDC.
2. **Authority to Continue⁵¹⁷**
 - a. Legal nonconformities may continue to be used, occupied, enjoyed or otherwise exist for definite or indefinite periods of time as indicated in this section.
 - b. Legal nonconformities shall not be modified in any way that increases the degree of nonconformity..
 3. **Determination of Nonconforming Status⁵¹⁸**

A property owner shall make a written request for the designation of a legally nonconforming status. The burden of proof for establishing the existence of a legal nonconformity shall be the sole responsibility of the property owner. The Director shall have the authority to determine whether a use, building, structure, lot, site condition or feature, or sign is legal nonconforming and may require the property owner to submit for a formal site plan review pursuant to §13.06.050A: *Site Plan*, to make the determination.
 4. **Changing a Legal Nonconforming Status to Conforming**
 - a. A use that is legally nonconforming because it is not allowed in a zoning district may seek conforming status through a rezoning of the property or a text amendment to this LDC, in accordance with §13.06.070B: *Zoning Map Amendment (Rezoning)*, or §13.06.070D: *Zoning Text Amendment*, and subsequent approval through the appropriate review procedure.
 - b. Once a legal nonconforming use is converted to a conforming use, it shall not be changed back to a legal nonconforming use.
 5. **Maintenance and Minor Repair⁵¹⁹**

Minor repairs and normal maintenance of legal nonconformities are permitted, provided the repairs and maintenance do not increase the degree of nonconformity or are otherwise prohibited by this LDC or the Taylorsville Code of Ordinances. For purposes of this section, minor repairs and normal maintenance include the following:

 - a. Repairs necessary to maintain and correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure without expanding the nonconformity including but not limited to the height or footprint of the building or structure, unless in compliance with this LDC;
 - b. Normal maintenance, repairs, alterations, updating of structure to maintain occupancy, livability, or functionality may be made to a structure, provided that the floor space is not increased;
 - c. Maintenance of land to protect against and mitigate health and environmental hazards;

⁵¹⁷ Replaces current 13.02.180. Did not carry forward reference to the Board of Adjustment.

⁵¹⁸ New language clarifying that determination of nonconforming status may be subject to site plan review.

⁵¹⁹ Expands and clarifies current language in 13.02.180.

- d. Repairs that are required to remedy unsafe conditions; and
- e. Repairs necessary to comply with current building code requirements.

6. Change of Ownership or Tenancy

Changes in ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this section.

7. Existing Residential Uses and Structures⁵²⁰

The adoption of this LDC shall not cause any existing, legally established single-family detached dwelling, townhouse, or duplex use or structure to become nonconforming. Any single-family detached dwelling, townhome, or duplex structure, lot, and associated site features lawfully existing prior to the effective date of this LDC shall be deemed a lawful structure, lot, or site feature.

8. Prior Construction Approved

Nothing contained in this section shall require any change in the plans, construction, or designated use of a building legally under construction, or for which a permit for construction has been issued, at the time of passage of this LDC or amendments.

C. Legal Nonconforming Uses⁵²¹

1. Discontinuance of a Legal Nonconforming Use⁵²²

If a legal nonconforming use is discontinued or ceases for any reason for a period of more than one consecutive year, the use shall be deemed to be abandoned. Once abandoned, the legal nonconforming status shall be lost, the right to operate the nonconforming use shall cease, and reestablishment of the legal nonconforming use shall be prohibited. If a question arises as to whether a legal nonconforming use has been discontinued, the property owner has the burden to show by competent evidence that the legal nonconforming use has not been discontinued.

2. Reduction in Intensity of a Legal Nonconforming Use⁵²³

If a legal nonconforming use is reduced in intensity for any reason for a period of more than one consecutive year, the legal nonconforming use may subsequently only be used or operated at that reduced intensity. The Director shall make the determination regarding whether the intensity of a legal nonconforming use has been reduced based upon competent evidence provided by the property owner.

3. Expansion of Legal Nonconforming Use⁵²⁴

There shall be no increase in the floor area or the land area devoted to a legal nonconforming use or other enlargement or extension of a legal nonconforming use beyond the scope and area of its operation at the time the regulation that made the use legally

⁵²⁰ Replaces current 13.02.080. Current language only refers to "single-unit dwellings" and does not include townhouse or duplex structures. Did not carry forward language related to ownership.

⁵²¹ Did not carry forward current 13.02.200(A)(7) allowing a nonconforming use to occupy a structure if the building was originally designed for that use within one year of the use becoming nonconforming.

⁵²² Expands and clarifies current 13.02.200(B).

⁵²³ New.

⁵²⁴ Replaces current 13.02.200. The current provisions allow for the Planning Commission to approve expansions of a nonconforming use.

nonconforming was adopted, except as otherwise provided §13.06.100D.3: *Expansion of Nonconforming Uses or Structures*.

4. Replacement or Change of Use

- a. When authorized by the Planning Commission in accordance with this LDC, a nonconforming use that is determined to be of a more desirable nature may be substituted for another nonconforming use or to more closely meet the use permitted in the district in which it is located.⁵²⁵
- b. A legal nonconforming use that has been changed to a conforming use shall not subsequently be changed back to any nonconforming use.⁵²⁶

5. Amortization of Legal Nonconforming Uses⁵²⁷

In order to respond to exceptional or unusual circumstances involving the termination of legal nonconforming uses, the City Council may approve an amortization formula for the termination of such uses over a period of time to be agreed upon with the owner of the property, subject to reasonable regulations with respect to the continuation of the nonconforming use during the amortization period.

D. Legal Nonconforming Buildings or Structures

1. Continuing Lawful Use of Legal Nonconforming Building or Structure

A legal nonconforming building or structure may be occupied by a conforming use and may be normally maintained and repaired as needed to preserve or extend its usability, subject to §13.06.100B.5: *Maintenance and Minor Repair*.

2. Relocation of Legal Nonconforming Building or Structure

Legal nonconforming buildings or structures may be relocated within the same lot so long as the footprint of any existing legal nonconformity is not increased, expanded, or exacerbated, except as provided below.

3. Expansion of Nonconforming Uses or Structures⁵²⁸

A legal nonconforming use, building, or structure shall not be expanded or increased, except as follows:

- a. A legal nonconforming use located within a building may be expanded throughout the existing building, provided:
 - (1) No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted, except as provided in §13.06.100B.5: *Maintenance and Minor Repair*;
 - (2) No additional dwelling units shall be permitted in the building; and
 - (3) Such expansion would not result in a violation of the parking standards pursuant to § --- (Parking and Loading).⁵²⁹

⁵²⁵ From current 13.02.200(A)(1).

⁵²⁶ From current 13.02.200(A)(2).

⁵²⁷ From current 13.02.210.

⁵²⁸ The current code allows the Planning Commission to make determinations related to the substitution, enlargement, or extension of a nonconforming use. This was not carried forward with the intent of eliminating discretionary reviews. If the City wishes to keep this process, there should be clear review criteria by which the Planning Commission can make those determinations.

⁵²⁹ Replaces current 13.02.200(A)(4).

- b. Additional structures that do not conform to the requirements of this LDC shall not be erected in connection with the nonconforming use of land or structure.
- c. The minimum single-family residential lot width and/or area for the various zoning districts shall be in accordance with their respective district's standards, except that a lot having less width and/or area than herein required, and which lot was recorded as part of a subdivision prior to the adoption of this LDC, may continue to be used for a legal single-family residential use.
- d. A nonconforming structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new legal nonconformity nor shall increase the degree of the existing legal nonconformity of all or any part of such structure. Alterations and/or enlargements intended to improve public safety or to enhance the structure's appearance may be considered by the Planning Commission. For example, the addition of an awning over an entry way to prevent snow/ice accumulation or the addition of an ADA ramp to enhance access.
- e. The Director may require the property owner to submit for formal site plan review pursuant to §13.06.050A: *Site Plan*, to ensure compliance with the standards of this section.

4. Involuntary Destruction by Fire or Other Calamity⁵³⁰

A noncomplying structure or a structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy and not the result of the intentional or reckless disregard of the owners or occupants, may be restored and the occupancy or use of such structure or part thereof, which existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of six months from the date of destruction and is diligently pursued to completion. For unusual circumstances, such as on-going legal issues or failure to secure insurance funding, the Director may authorize an additional six-month extension.

5. Destruction by Other Causes

If a legal nonconforming building or structure is destroyed voluntarily or by a cause not listed in paragraph (D)(4), it may not be rebuilt except to conform to the provisions of this LDC. A restoration or reconstruction in violation of this subsection immediately terminates the right to occupy or use the legal nonconforming building or structure except as specifically provided otherwise below.

a. Partial Destruction

- (1) In the case of partial destruction of a legal nonconforming building or structure not exceeding 50 percent of the total assessed market value for the structure as determined by the Salt Lake County Assessor's Office, and not subject to §13.06.100B.5: *Maintenance and Minor Repair*, reconstruction will be permitted to restore the legal nonconforming building or structure to its previously existing condition, provided that restoration is started within a period of six months and is diligently pursued to completion.⁵³¹

⁵³⁰ Replaces current 13.02.200(A)(5). Reworded for clarity, in accordance with Utah Code 10-9a-511(3)(a). Last sentence is new.

⁵³¹ Replaces current 13.02.200(A)(5). Clarifies that the market value is determined by the Salt Lake County Assessor's Office.

- (2) The legal nonconforming building or structure may only be restored or reconstructed to have the same, but not greater, height, shape, floor area, and appearance that it had immediately prior to the damage or destruction, unless otherwise permitted by this LDC. The Building Official shall estimate the height, shape, floor area, and appearance of the structure immediately prior to the damage or destruction, and shall consult with the property owner, if necessary, to make a determination. Should the property owner not agree with the determination of the Building Official, the property owner may appeal the determination of the Building Official to the Hearing Officer, in accordance with this LDC.⁵³²

b. Total Destruction

(1) Generally

Notwithstanding the standards in §13.06.100D.4: *Involuntary Destruction by Fire or Other Calamity*, if a legal nonconforming building or structure is totally destroyed, it may not be rebuilt unless it adheres to all applicable regulations. For the purposes of this section, total destruction shall mean destruction of 50 percent or more of the structure's total market value as determined by the Salt Lake County Assessor's Office.

(2) Multi-Family Residential⁵³³

- (A) The legal nonconforming building(s) or structure(s) may be restored or reconstructed so as to have the same, but not greater, height, shape, floor area, unit count, and appearance that it had immediately prior to the damage or destruction if the damage to the building(s) or structure(s) equals or exceeds 50 percent of its assessed value, as determined by the Salt Lake County Assessor's Office, but the damage to the building(s) or structure(s) represents less than 50 percent of the market value of the overall development, as determined by the Salt Lake County Assessor's Office.
- (B) The legal nonconforming building(s) or structure(s) must be rebuilt to all currently applicable building regulations if the damage to the structure(s) equals or exceeds 50 percent of its assessed value, as determined by the Salt Lake County Assessor's Office, and the damage to the building(s) or structure(s) equals or exceeds 50 percent of the assessed value of the overall development, as determined by the Salt Lake County Assessor's Office.

6. Completion of Buildings or Structures

Nothing contained in these regulations shall require any change in the plans, construction, or designated use of a building or structure for which a building permit has been issued or a site plan approved in accordance with the applicable regulations in effect prior to the effective date of this LDC, nor shall any building or structure for which a substantially complete application for a building permit was accepted by the Building Official on or before the effective date of this LDC, provided that the building permit shall comply with all

⁵³² New.

⁵³³ Replaces current 13.02.200(A)(5). Did not carry forward reference to accessory farm buildings. The current code allows for the reconstruction of multifamily residential structures regardless of the scope of the damage to the entire development. This language requires compliance with the LDC if the damage exceeds 50 percent of the total assessed market value of the entire development.

applicable regulations on the date that the application was filed and the building permit is issued within 30 days of the effective date of this LDC.

E. Legal Nonconforming Lots

A legal nonconforming lot may continue in its existing condition unless and until full or limited compliance with the development standards of this LDC is required in accordance with 13.06.060: *Subdivision Procedures*.

1. All lots legally established and recorded as part of a subdivision plat prior to the effective date of this LDC or its subsequent amendments that do not meet the lot area and lot width standards of this LDC shall be deemed a legal nonconforming lot.
2. A legal nonconforming lot may be used and developed or redeveloped without compliance to the lot area and lot width standards of this LDC as long as all other use restrictions and other development standards of this LDC are met.

F. Legal Nonconforming Site Conditions or Features

A legal nonconforming site feature may continue in its existing condition unless and until full or limited compliance with the development standards of this LDC is required. No increase in the degree of nonconformity with any site feature is permitted except as expressly provided in this section.

1. Full Compliance

A legal nonconforming site shall be brought into compliance with this LDC with any application for new building construction or in connection with demolition of existing and construction of new buildings.

2. Limited Compliance

a. Applicability

Except for legally established single-family dwelling units, a legal nonconforming site or structure shall be brought into compliance with the standards in paragraph (2)(b) below when any of the following occur on the site:

- (1) An increase in the total square footage of the vehicular use area, including parking, loading, circulation, and driveway areas by 10 percent or more;
- (2) Any addition of bedrooms or dwelling units.
- (3) A structural addition that increases the combined total gross floor area of all existing buildings or structures by the lesser of 500 square feet or 20 percent; and
- (4) Building elevation or façade changes involving 50 percent or more of the exterior walls of a roofed building or structure within a two-year period, excluding minor cosmetic maintenance such as painting or replacing lighting fixtures.

b. Required Compliance⁵³⁴

A legal nonconforming site or structure that meets or exceeds the thresholds established in paragraph (2)(a) above shall comply with the following standards:

(1) Building Setbacks and Height

Existing buildings shall not be subject to current setback or height standards and shall remain lawful nonconforming unless completely demolished and replaced, in which case full compliance with this UDO shall be required.

⁵³⁴ **NOTE:** The highlighted placeholders for code references will be updated after Installments 2 and 3 are drafted.

(2) **Parking Setback/Impervious Surface Coverage**

If a site can be brought closer to compliance with required setbacks standards through the removal of excess parking above the maximum number of permitted spaces, then such setbacks standards shall be met with the removal of paved areas and the addition of vegetation. If all setbacks cannot be achieved through the removal of such paved areas, priority shall be given to the front setback. If a corner lot, then priority for front setbacks shall be given for the side facing the higher classified street.

(3) **Parking**

Any change in use or reestablishment of an abandoned conforming use must meet parking requirements of § --- [Parking and Loading]. Any expansion, enlargement, or relocation of an existing conforming use, or addition to any building by the lesser of more than 500 square feet or 20 percent may not increase the degree of nonconformity regarding the required number of parking spaces.

(4) **Paving**

Any substandard parking surfaces shall be brought into compliance with § --- [Surface Material].

(5) **ADA-accessible Parking**

All required ADA-accessible parking spaces must be installed in accordance with § --- [Accessible Parking]. If no additional room for parking is available, the number of parking spaces provided may be decreased enough to provide adequate ADA-accessible aisles.

(6) **Bicycle Parking**

All required bicycle parking must be installed per § --- [Minimum Bicycle Parking Required] and § --- (Bicycle Parking Location and Design).

(7) **Landscaping**

If full compliance with § --- [General Landscaping] cannot be achieved due to lack of adequate planting area, all yard areas must be landscaped to the maximum practicable density with a priority given to shade tree installation.

(8) **Pedestrian Facilities**

Any street frontage without existing pedestrian facilities shall be required to install pedestrian facilities per § --- [Pedestrian and Bicycle Circulation]. If substandard pedestrian facilities exist, new facilities shall not be required if existing facilities are in functional condition, except that pedestrian facilities shall comply with the Americans with Disabilities Act.

(9) **Signage**

All signage must be brought into compliance with § --- [Signs] to the extent practicable, although freestanding signs may use existing setbacks where the sign is not located within a restricted clear view area.

(10) **Dumpster Enclosures**

All outdoor waste collection facilities must be brought into compliance with § --- [Screening].

(11) **Lighting**

All lighting shall be brought into compliance with § --- [Outdoor Lighting].

(12) **Entrances and Drives**

All entrances and drives shall be brought into compliance with § --- [Driveways and Access], with the exception of driveway location requirements.

G. Legal Nonconforming Signs⁵³⁵

1. Regulation, Containment, and Elimination

In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy this LDC, the city intends to apply firm regulation of existing nonconforming signs with a view to their eventual elimination. Excluding normal maintenance and repair, a nonconforming sign shall not be moved, altered, or enlarged unless it is brought into complete compliance with this LDC. The following alterations are exempt from this provision:

- a. Face and tenant changes;
- b. Copy changes in legal nonconforming permanent signs that were originally approved by the city with a changeable copy feature; and
- c. An alteration that renovates or remodels an existing nonconforming sign intended solely to visually enhance the sign without increasing the level of nonconformity.

2. Abandonment⁵³⁶

Within 60 calendar days after vacation of an existing business, any on-site nonconforming signs shall be removed or brought into compliance by the property owner. If removal does not occur, the city may have the entire nonconforming sign (both face and structure) removed at the owner's expense. An abandoned sign may not regain any legal nonconforming status later, even if the original or a new business occupies the property.

3. Billboards⁵³⁷

Any billboard within the city shall be subject to the standards in this LDC and applicable state law.

13.06.110 Enforcement and Penalties

Commentary:

This section reorganizes and updates content from current 13.02.010 and 13.02.030. The enforcement and penalty language in the current LDC is relatively thin, most of the City's enforcement and penalty language is included in current Title 18: *Administrative Code Enforcement*. The structure and organization of Title 18 establishes an enforcement mechanism for several titles of the *Taylorsville Code of Ordinances* – not just Title 13: *Land Development Code*.

At this time, staff recommends that Titles 18 retain the majority of enforcement and penalty language; however, both the LDC and Title 18 should be updated to reconcile inconsistencies and to reflect current enforcement processes. For example, the daily fines for violations in specific zoning district categories noted in §18.05.050: *Civil Penalties Chart*, do not align with current zoning

⁵³⁵ From current 13.26.040.

⁵³⁶ Extended timeframe from 45 to 60 days.

⁵³⁷ Reworded for clarity.

designations. Staff will work with the City Attorney's Office to update content in both titles accordingly. Future revisions to this section may follow in subsequent drafts.

A. Authority

1. The Community Development Director or his or her designee are the enforcement officials with full authority to investigate, issue notices of violation, and secure remedies, including but not limited to injunctive relief, for any violation of this LDC.⁵³⁸
2. All departments, officials, and public employees of the City that are vested with the duty or authority to review and/or issue permits shall conform to the provisions of this LDC and shall not issue a permit for any use, building, activity, or purpose that would be in conflict with the provisions of this LDC. Any permit issued in conflict with the provisions of this LDC shall be null and void.⁵³⁹

B. Violations and Penalties

1. Purpose⁵⁴⁰

This section establishes procedures through which the city seeks to ensure compliance with the provisions of this LDC and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of this LDC.

2. Violations⁵⁴¹

Any of the following shall be a violation of this LDC and shall be subject to the remedies and penalties provided for in this LDC.

- a. Establishing or placing any use, structure, or sign upon land that is subject to this LDC without all of the approvals required by this LDC.
- b. Engaging in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this LDC without all of the approvals required by this LDC.
- c. Engaging in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required in order to engage in such activity.
- d. Violating, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.
- e. Erecting, constructing, reconstructing, remodeling, altering, maintaining, moving, or using any building, structure, or sign, or engaging in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this LDC.
- f. Reducing or diminishing any lot area so that the lot size, setbacks, or open spaces shall be smaller than prescribed by this LDC.
- g. Increasing the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this LDC.
- h. Removing, defacing, obscuring, or otherwise interfering with any notice required by this LDC.
- i. Failing to remove any sign installed, created, erected, or maintained in violation of this LDC or for which the sign permit has lapsed.

⁵³⁸ Taken from current 13.02.030(D) and 13.03.020(D).

⁵³⁹ From current 13.02.030(C). Reworded for clarity and consistency.

⁵⁴⁰ New.

⁵⁴¹ Expands current 13.02.010(A). This language offers more specificity.

3. Responsible Persons⁵⁴²

The owner and/or the person in possession of any property used in violation of this LDC shall be responsible for any violation thereof, whether or not he or his agent has committed the prohibited act(s) or has neglected to prevent the performance of the prohibited act(s) by another person.

4. Enforcement Procedures⁵⁴³

The city shall have the following remedies and enforcement powers.

a. Withhold Permit

The city may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements upon a determination that there is an uncorrected violation of a provision of this LDC or of a condition of a permit, certificate, approval, or other authorization previously granted by the city. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

b. Permits Approved with Conditions

In lieu of withholding or denying a permit or other authorization, the city may grant such authorization subject to the condition that the violation be corrected.

c. Revoke Permits⁵⁴⁴

Any development permit or other form of authorization required under this LDC may be revoked pursuant to the procedures established in Chapter 13.06: *Administration & Procedures*.

d. Stop Work

With or without revoking permits, the city may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this LDC or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

e. Injunctive Relief

The city may seek an injunction or other equitable relief in court to stop any violation of this LDC or of a permit, certificate, or other form of authorization granted hereunder.

f. Abatement

The city may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.

g. Civil Action and Administrative Adjudication

The city may enforce the provisions of this LDC through civil action in accordance with Utah Code and the Taylorsville Code of Ordinances, as amended.

⁵⁴² From current 13.02.010(B).

⁵⁴³ Replaces and expands current 13.02.010(F). The current code uses relatively general language in establishing remedies – this is a more comprehensive/detailed approach.

⁵⁴⁴ Replaces current 13.02.010(F)(3)(b).

h. Other Remedies⁵⁴⁵

The city shall have such other remedies as are and as may be from time-to-time provided by law for the violation of zoning, subdivision, sign, or related LDC provisions.

i. Other Powers

In addition to the enforcement powers specified in this LDC, the city may exercise any and all enforcement powers granted by law.

j. Continuation

Nothing in this LDC shall prohibit the continuation of previous enforcement actions undertaken by the city pursuant to previous and valid ordinances and laws.

5. Remedies Cumulative⁵⁴⁶

The remedies and enforcement powers established in this LDC shall be cumulative and the city may exercise them in any order or combination at any time.

6. Penalty for Violation⁵⁴⁷

Any person, firm, or corporation violating any of the provisions of this LDC (and any amendments hereto, or of any recorded subdivisions, official maps, ordinances, or regulations) shall, upon conviction, be punishable as a class C misdemeanor and shall be subject to a fine in accordance with Title 18: *Administrative Code Enforcement*, which may be amended from time to time by ordinance.

7. Number of Offenses⁵⁴⁸

Every person, firm, or corporation may be deemed responsible or guilty of a separate offense for each and every day during which any violation is committed or continued.

8. Nuisance and Abatement⁵⁴⁹

- a. Any required fencing, landscaping, parking lot, lighting, or other required site plan elements, building or structure erected, constructed, altered, enlarged, converted, moved, removed, or maintained contrary to the provisions of this LDC, and any use of any conditional use permit, approved site plan, other approved development plans and permits, land, building, or premises established, conducted, or maintained contrary to the provisions of this LDC may be, and the same may be declared, to be unlawful and a public nuisance.
- b. In addition to other remedies provided by the law, the City Attorney, upon request of the Director, may immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and may take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building, use or structure, and restrain and enjoin any person, firm, or corporation from erecting, building, maintaining, or using any such building, structure, or property contrary to the provisions of this LDC.

C. Enforcement Procedures—Notices of Violation⁵⁵⁰

⁵⁴⁵ Replaces current 13.02.010(D) and (F). This language is more comprehensive.

⁵⁴⁶ New.

⁵⁴⁷ From current 13.02.010(C). Reworded for clarity and consistency. Language related to fines is new.

⁵⁴⁸ From current 13.02.010(E).

⁵⁴⁹ From current 13.02.010(G). Replaced "shall" with may.

⁵⁵⁰ New. **NOTE:** Rather than duplicating information contained in Title 18, this section may be updated to simply reference Title 18: *Administrative Code Enforcement*.

1. If the Director or his or her designee finds that any violation of this LDC is occurring, or has occurred, a Notice of Zoning Violation (NOV) may be issued to the responsible party. Such NOV's may be further accompanied by additional warnings following the same procedures of this section. For purposes of issuing a NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation:
 - a. The property owner;
 - b. Persons with any possessory interest in the property; and
 - c. Any person who, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue.
2. The NOV shall be in writing and shall be served on all of the responsible parties in one or more of the following manners: delivery in person or by first class mail. The notice of zoning violation shall state:
 - a. The location of the violation;
 - b. The nature of the violation;
 - c. The date the violation began or was reported or observed;
 - d. The daily fine assessed for the violation;
 - e. Additional remedies the city may seek for violation;
 - f. That the fine is paid to the City of Taylorsville;
 - g. That the NOV may be appealed to the Hearing Officer;
 - h. That the fine may be contested in the Circuit Courts.
3. Each item of noncompliance enumerated on the notice of violation shall be considered to be a separate violation, and each day that each such item of noncompliance continues shall be considered to be a separate violation. Fines shall accrue from the date the zoning violation was reported or observed.
4. If the responsible party refuses inspection of the property, the Director or his or her designee may obtain an inspection warrant from any court of record in the county in which the property is located.
5. In addition to issuing a notice of violation (NOV), the Director or his or her designee may use and/or seek through legal proceedings one or more of the following remedies:
 - a. Revoke or withhold other approvals, certificates and/or permits relevant to the development or use of the site on which the violation has occurred; and/or
 - b. Issue a stop work order; and/or
 - c. Request the Building Department to issue a stop work order and suspend and withhold all building code inspections relevant to the development or use of the site on which the violation has occurred; and/or
 - d. Draw on a performance or maintenance bond, as necessary, to affect any remedial actions required to abate the violations; and/or
 - e. Revoke the permits, certificates and/or approvals that have been violated; and/or
 - f. Any and all penalties and remedies listed in §13.06.110B.4: *Enforcement Procedures*.

D. Appeals⁵⁵¹

1. Appeals of Notices of Violation shall be made in accordance with §13.06.080D: *Administrative Appeal*.

⁵⁵¹ New. **NOTE:** This section may be updated to simply reference Title 18: *Administrative Code Enforcement*.

2. Fines levied for zoning violations may be challenged in the Circuit Court.

Chapter 13.07 Definitions⁵⁵²

The following words, terms and phrases when used in this LDC, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

13.07.010 “A” Definitions

Accessory Use

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

Administrative Law Judge (ALJ)

See “Hearing Officer.”

Affected Entity⁵⁵³

A county, municipality, local district, special service district under Utah Code §17D-1: *Special Service District Act*; a school district, interlocal cooperation entity established under Utah Code §11-13: *Interlocal Cooperation Act*; specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

- A. The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- B. The entity has filed with the municipality a copy of the entity's general or long-range plan; or
- C. The entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this LDC.

Alcoholic Beverage Establishments and Licenses⁵⁵⁴

Bar Establishment License

A type of liquor license for "adult only" social drinking, i.e., bars, nightclubs, cabarets, etc. A bar establishment license allows the storage, sale, service, and consumption of alcoholic beverages on the premises. Bar establishment licenses may be located in equity and/or fraternal clubs which require memberships. Minors are prohibited on the premises of the lounge or bar area of any fraternal or equity club or in a bar or nightclub. Alcohol beverage service in a bar does not require that you order food, though food must be available. Bars may sell all types of alcohol - liquor, wine, flavored malt beverages, heavy beer, and beer may be served from ten o'clock (10:00) A.M. to one o'clock (1:00) A.M.

Hotel Alcohol License

A license that allows a hotel to have three (3) or more "sublicenses" within its premises boundaries.

⁵⁵² **NOTE:** This chapter will be updated as each installment of the LDC is created and terms associated with each installment will be added as necessary.

⁵⁵³ From Utah Code §10-9a-103, definition for “affected entity.”

⁵⁵⁴ **NOTE:** The definitions under this heading may be removed in future versions of the draft, pending discussion with city staff.

Off Premises Beer Retailer License

A license that entitles the licensee to sell beer in the original container for consumption off the premises.

On Premises Banquet And Catering License

A license that allows the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts.

On Premises Beer Retailer License – Recreation

A license that allows the sale of beer at retail for on-premises consumption for establishments that are tied to a "recreational amenity". The "recreational amenity" must be on or adjoining the beer retailer's business.

Package Agency License

A license to operate a liquor store that offers a modest selection of products. They may be located in hotels, in a winery, distillery, or brewery, or in other limited situations as permitted by the State. These businesses operate on a contract basis with the Department of Alcoholic Beverage Control.

Reception Center License

A reception center license allows the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for private banquet or event functions on the premises of smaller venues that want to sell, offer for sale, or furnish alcohol on their premises. The reception center must be at least five thousand (5,000) square feet and have culinary facilities on the premises, or under the control of the center, which is adequate to prepare full meals. Its primary purpose must be leasing its facility to a third party for their private event. Alcoholic beverages at a reception center may be sold on any day from ten o'clock (10:00) A.M. until one o'clock (1:00) A.M.

Restaurant - Beer Only License

A license that permits the storage, sale, service, and consumption of 3.2 percent beer on the premises of a restaurant that is engaged primarily in serving meals to the general public. Patrons may only purchase beer in conjunction with an order for food that is prepared, sold and served at the restaurant. Each restaurant must maintain at least seventy percent (70%) of its total restaurant business from the sale of food.

Restaurant - Full Service License

A license that permits the storage, sale, service, and consumption of alcoholic beverages on the premises of a restaurant that is engaged primarily in serving meals to the general public. Patrons may only purchase alcoholic beverages in conjunction with an order of food that is prepared, sold, and served at the restaurant. Each restaurant must maintain at least seventy percent (70%) of its total restaurant business from the sale of food.

Restaurant - Limited Service License

A license that permits the storage, sale, service, and consumption of wine, heavy beer, and beer on the premises of a restaurant that is engaged primarily in serving meals to the general public. Patrons may only purchase alcoholic beverages in conjunction with an order of food that is prepared, sold, and served at the restaurant. Each restaurant must maintain at least seventy percent (70%) of its total restaurant business from the sale of food.

Single Event Permit

Single event permits are available for a group that wants to sell liquor, wine, beer or heavy beer (over 3.2 percent) at a temporary event. These are available to a bona fide partnership, corporation, limited liability company, church, political organization, or incorporated association or to a recognized subordinate lodge, chapter or other local unit thereof that is conducting a civic or community enterprise or convention. The organization must have been in existence as a bona fide organization for at least one year prior to the date of application. The permit allows for cash bars and the sale of alcoholic beverages to the general public, or to the organization's own invited guests for the duration of the event. Permits are issued by the DABC Director contingent on review of the Alcoholic Beverage Control Commission. To ensure adequate processing and approval, complete applications should be submitted thirty (30) days prior to the event. Applications submitted outside of these guidelines risk non-issuance of a permit. Additionally, due to statutory restrictions, applications received less than seven (7) business days prior to the event will not be considered. (When counting days, realize that there must be 7 business days between the day the application is received and the date of the event.)

Special Use Permit

Special use permits are issued for the purchase, sale, storage, use, consumption, or manufacture of alcoholic products in limited types and quantities, and for limited purposes. Permits may be granted as follows: religious wine permits to religious organizations, industrial or manufacturing use permits to persons or organizations involved in industrial or manufacturing pursuits, scientific or educational use permits to persons or organizations involved in scientific or educational pursuits, and public service permits to operators of airlines, railroads or other public conveyances.

Temporary Beer Event Permit

Temporary beer event permits for the sale of beer (3.2 percent) are issued by the Alcoholic Beverage Control Commission for on-premises consumption at a temporary event that does not last longer than thirty (30) days. Permits are issued by the DABC Director contingent on review of the Alcoholic Beverage Control Commission. To ensure adequate processing and approval, complete applications should be submitted thirty (30) days prior to the event. Applications submitted outside of these guidelines risk non-issuance of a permit. Additionally, due to statutory restrictions, applications received less than seven (7) business days prior to the event will not be considered.

Alteration

Any change, addition, or modification in construction, or type of occupancy of a building or structure, or any change in the structural members of a building or structure such as walls, partitions, columns, beams, girders, or exits.

Applicant⁵⁵⁵

The property owner or a person legally empowered in writing by the property owner to act on the property owner's behalf, and who thereby has the property owner's authority to make representations and decisions before city officials regarding the use and/or development of the subject real property. The term includes the petitioner's representative.

⁵⁵⁵ New.

Applicant's Representative⁵⁵⁶

A person legally empowered in writing by the applicant to act on the applicant's behalf, and who thereby has the applicant's authority to make representations and decisions before city officials regarding the use and/or development of the subject real property.

13.07.020 "B" Definitions**Building**

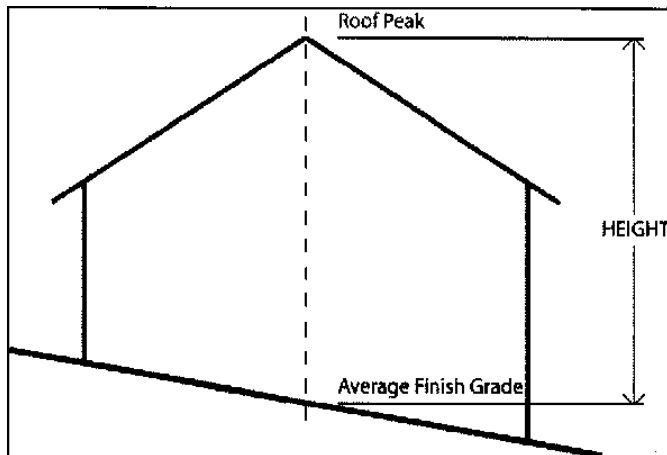
Any structure, whether permanent or temporary, including, but not limited to, dwelling units which are designed, intended, or used for occupancy by any person, animals, possessions, or for storage of property of any kind.

Building Code

Either the International Building Code, the International Residential Code, or other applicable code (as applicable to the type of construction) which covers the fire, life, and structural safety aspects of all buildings and related structures (as adopted and amended by the state of Utah).

Building Height

The vertical distance from the average finished grade surface of the building to the highest point of the coping of a flat roof, to the top of a mansard roof, or the top of the ridge for gable, hip, or gambrel roofs.

**Building or Structure, Accessory⁵⁵⁷**

Means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and that is customarily incidental to the primary building or structure or to the primary use of the land. This includes, but is not limited to, Automated Teller Machines (ATMs) and automated ice dispensers.

Building or Structure, Attached⁵⁵⁸

A building or structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings, and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

⁵⁵⁶ New.

⁵⁵⁷ New.

⁵⁵⁸ New.

Building or Structure, Detached⁵⁵⁹

A building or structure that has no structural connection with the primary building or structure or any other building or structure.

Building or Structure, Enclosed⁵⁶⁰

A building or structure that is fully enclosed on all sides by solid walls and a roof that are integral parts of the building and are distinguished from the side or top surfaces of the contents of the building or structure.

Building or Structure, Lawful Nonconforming⁵⁶¹

Any building or structure that does not comply with one or more provisions of this LDC, but that lawfully existed upon the effective date of the provisions of this LDC with which the building or structure does not comply.

Building or Structure, Primary⁵⁶²

A building or structure in which is conducted the primary use of the lot on which it is located.

Building or Structure, Temporary⁵⁶³

Any building or structure that is easily moved, without any foundation or footing, or intended to be used for a limited period of time. Temporary buildings or structures include, but are not limited to, tents, trailers, and other temporary structures that are not, and are not legally required to be, erected under the state, city, and county permit processes for permanent buildings.

Building Permit⁵⁶⁴

An official document or certification that is issued by the Taylorsville Building Department that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

13.07.030 "C" Definitions

Certificate of Occupancy⁵⁶⁵

A certificate issued by the Taylorsville Building Department stating that the occupancy and use of a building or structure complies with the provisions of all applicable city codes and ordinances.

Chief Building Official⁵⁶⁶

The city administrative official charged with the responsibility of issuing building permits and enforcing the building ordinances.

City

The governmental entity of the City of Taylorsville and includes each office, department, division, authority, board, commission of the city.

⁵⁵⁹ New.

⁵⁶⁰ New.

⁵⁶¹ New.

⁵⁶² New.

⁵⁶³ Replaces current definition for "building, temporary."

⁵⁶⁴ New.

⁵⁶⁵ New.

⁵⁶⁶ Replaces current definition for "Chief Building Official."

City Council⁵⁶⁷

The duly elected governing body of the City of Taylorsville, Utah.

City Engineer⁵⁶⁸

The engineer employed by the City of Taylorsville, Utah, or the engineers retained as consultants to the city, or their duly authorized representative.

Condition of Approval⁵⁶⁹

Stipulations or provisions set forth by the Community Development Director, Planning Commission, City Council, or Hearing Officer required as a prerequisite for approval of an application.

Conditional Use

Conditional uses are land uses that, because of their 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.

Condominium⁵⁷⁰

The same as the word is defined by Utah Code §57-8-3, entitled "Condominium."

County⁵⁷¹

Salt Lake County, Utah.

Covenant⁵⁷²

Private and legal restrictions of various kinds on the use and development of a lot. Unless specifically agreed to, covenants are not enforceable by the city, but instead are enforceable in civil court by interested or affected parties.

13.07.040 "D" Definitions

Dedication⁵⁷³

The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or by the recording of a plat.

Demolition⁵⁷⁴

The complete removal or destruction of any structure excluding its foundation.

⁵⁶⁷ Replaces current definition for "Council."

⁵⁶⁸ New.

⁵⁶⁹ New.

⁵⁷⁰ Replaces current definition for "Condominium."

⁵⁷¹ New.

⁵⁷² New.

⁵⁷³ New.

⁵⁷⁴ New.

Developer⁵⁷⁵

Any person seeking approval under this LDC for any form of development. Includes the legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

Development⁵⁷⁶

Any manmade change to improved or unimproved real estate, including, but not limited to, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining, excavation, landfill or land disturbance, or alteration or extension of the use of land.

Development Site

Includes the total perimeters of a subdivision or a tract, lot, or parcel of land intended to be used as a commercial, public, quasi-public, utility, or other building site.

Director of Community Development⁵⁷⁷

The city official designated to administer the provisions of these regulations, or their duly authorized representative.

Dwelling

Any structure designed or used for residential purposes that has been constructed to comply with applicable building codes, such as the national manufactured housing construction and safety standards act (42 USC 5401 et seq. (1976)), or the HUD code. A dwelling does not include hotels, motels, bed and breakfast facilities, etc., or structures used for or under short term residential leases.

Dwelling Unit

One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also definition of "Dwelling, Single-Family."

13.07.050 "E" Definitions

Enlargement⁵⁷⁸

The expansion of any use or structure into or onto any portion of a structure or lot not previously occupied by said use or structure or increase in any physical dimension of a structure. Also, expansion of a use into any structure floor area not previously occupied by said use. Enlargement includes expansion of a primary use into floor area previously used as an accessory use, such as expansion of residential living area into a basement, attic or garage not previously used as living area.

⁵⁷⁵ First sentence is new.

⁵⁷⁶ Updated definition.

⁵⁷⁷ Replaces current definition for "Director."

⁵⁷⁸ New.

Expansion

See "Enlargement."

13.07.060 "F" Definitions**Final Plat⁵⁷⁹**

A plat and supporting documents, prepared in accordance with the provisions of §13.06.060E: *Final Plat*, and prepared for recording in the Salt Lake County Recorder's Office.

Family

- A. Groupings: A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
 - 1. Any number of people who are all related by blood, marriage, adoption, or court sanctioned guardianship together with any incidental domestic or support staff who may or may not reside on the premises;
 - 2. Three or fewer unrelated people; or
 - 3. Two unrelated adults and any children related to them.
- B. Exceptions:
 - 1. Any group of individuals whose association is temporary in nature lasting no more than 30 days, such as out of town visitors.
 - 2. Any reasonable accommodation granted by the Taylorsville planning commission pertaining to a residential facility for elderly persons or persons with a disability.

13.07.070 "G" Definitions**13.07.080 "H" Definitions****Hearing Officer⁵⁸⁰**

The city official designated to decide an appeal of a decision of a land use application or a variance.

13.07.090 "I" Definitions**Improvements**

Streetscapes, curbs, gutters, sidewalks, utilities, grading, paving, landscaping, water and sewer systems, drainage systems, fences, fire hydrants, streetlights, public facilities, amenities and other such requirements of this title.

Infrastructure⁵⁸¹

Facilities and services needed to sustain industry, residential, commercial and all other land use activities. The term "infrastructure" includes water, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire houses, parks, schools, and such.

⁵⁷⁹ Updated current definition for "Final Plat."

⁵⁸⁰ New.

⁵⁸¹ New.

13.07.100 "J" Definitions

13.07.110 "K" Definitions

13.07.120 "L" Definitions

Land Development Code (LDC)⁵⁸²

This entire document as approved and with any subsequent amendments. The Land Development Code includes both the zoning and subdivision ordinances authorized by Utah Code §10-9a.

Land Disturbing Activity⁵⁸³

Any man-made change of the land surface including removing vegetative cover, removal of trees, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens and landscape modifications.

Legal Nonconforming Building

A building or structure or portion thereof lawfully existing at the time this LDC became effective, which was designed, erected, or structurally altered that does not conform to the regulations of the district in which it is located, or a building or structure that does not conform to all the height and area regulations.

Legal Nonconforming Use⁵⁸⁴

A use which lawfully occupied a building or land at the time this LDC became effective and which does not now conform with the use regulations.

Legal Nonconforming Lot⁵⁸⁵

Any lot of record that does not conform with one or more provisions of this LDC, but that lawfully existed upon the effective date of the provisions of this LDC with which the lot does not conform.

Legal Nonconforming Sign⁵⁸⁶

A sign or sign structure or portion thereof lawfully existing at the time this LDC became effective, which does not now conform to applicable regulations prescribed in this LDC.

Legal Nonconforming Site⁵⁸⁷

A site used and/or developed such that the site does not conform with one or more development standards contained in this LDC, but where such nonconformity and such use and/or development lawfully existed upon the effective date of the provisions of this LDC with which the site does not conform.

⁵⁸² Replaces current definition for "Code."

⁵⁸³ New.

⁵⁸⁴ New.

⁵⁸⁵ Replaces current definition of "Nonconforming Lot."

⁵⁸⁶ Replaces current definition for "Sign, Nonconforming."

⁵⁸⁷ New.

Lot⁵⁸⁸

A contiguous parcel of land in identical ownership throughout, bounded by other lots or streets, and used or set aside and available for use as the site of one or more buildings or other definite purpose. For the purpose of this LDC, a lot may or may not coincide with a lot of record and shall be duly recorded.

Lot of Record⁵⁸⁹

A lot that was created by subdivision, the plat of which has been approved as required by applicable city and state law and recorded in the Office of the Salt Lake County Recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the Office of the Salt Lake County Recorder. "Legally established" means not in violation of any city or state subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one metes and bounds description shall be one lot of record unless the parcels described by such separate descriptions have, in the past, been lawfully established parcels of record with separate deeds.

13.07.130 "M" Definitions

Maximum Extent Practicable⁵⁹⁰

The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse impacts have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be considered but shall not be the overriding factor determining "maximum extent practicable."

Mayor⁵⁹¹

The mayor of the City of Taylorsville, Utah.

13.07.140 "N" Definitions

13.07.150 "O" Definitions

Occupancy⁵⁹²

The use or intended use of the land or buildings by proprietors or tenants.

Official Zoning Map⁵⁹³

A map of the City of Taylorsville, Utah, that legally delineates the boundaries of zoning districts as they apply to the properties within the city.

⁵⁸⁸ Replaces current definition for "Lot."

⁵⁸⁹ New.

⁵⁹⁰ New.

⁵⁹¹ New.

⁵⁹² New.

⁵⁹³ New.

Ordinary Repair

The painting or replacement of existing building materials on or within a structure, provided that such replacement consists of materials which do not alter the integral structure and design of the building. Ordinary repairs do not include changing the building's exterior space/dimension.

Overlay Zone

An area where certain additional requirements are superimposed upon a base zoning district and where the requirements of the base or underlying district may or may not be altered.

Owner⁵⁹⁴

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed under these regulations, or their legal representative.

13.07.160 "P" Definitions

Preliminary Plat

A plat prepared in accordance with §13.06.060D: *Preliminary Plat*, showing the design of a proposed subdivision and the existing conditions in and around the subdivision.

Property

A lot, parcel, tract, or plot of land and the improvements thereon.

13.07.170 "Q" Definitions

13.07.180 "R" Definitions

Reasonable Accommodation

A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition:

- A. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
- B. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
- C. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

⁵⁹⁴ New.

Renovation

Interior or exterior remodeling or enlargement of a structure, other than ordinary repair.

Residential Facility for Elderly Persons

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

- A. Operated as a business; provided, that such facility shall not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
- B. Where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a healthcare facility as defined by Utah Code §26-21-2, as amended; or a facility which is a residential facility for disabled persons.

Residential Facility for Disabled Persons

A dwelling unit in which one to three persons with a disability reside and, if required by state law, is:

- A. Licensed or certified by the Department of Human Services under Utah Code §62A-2, licensure of programs and facilities; or
- B. Licensed or certified by the Department of Human Health under Utah Code §26-21, health care facilities licensing and inspection act.

Rezoning⁵⁹⁵

The legislative act of rezoning one or more lots or parcels.

Right-of-Way

The portion of roadway dedicated to the purpose of conveying vehicle and pedestrian traffic, and other public use. This area shall include, but not be limited to, all areas of pavement and sidewalk between opposing property lines.

13.07.190 "S" Definitions**Sign**

Every message, announcement, declaration, demonstration, display, illustration, insignia, surface, or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interests of any person, entity, product, or service. The definition of a sign shall include all flags of any type. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers.

⁵⁹⁵ Renamed from "Zone Change."

Site Plan⁵⁹⁶

A plan drawing of a site that includes the layout of buildings, circulation system, parking, walls, landscaping, open space and any other appropriate information as required by the city. The term "site plan" also refers to the approval procedure in §13.06.050A: *Site Plan*, by which site plans are evaluated for compliance with this Code prior to development permits.

Structure

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition. Any structure two feet or above in grade shall meet all underlying zoning requirements.

Structural Alteration⁵⁹⁷

Any change in the supporting member of a building, such as a load-bearing wall, column, beam or girder.

Subdivision

Any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

- A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
- C. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

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 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

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

- A. Before the improvement or repair is started, or
- B. If the structure has been damaged and is being restored, before the damage occurred.

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

- A. Any project for improvement of a structure to correct existing violations of State or local Health, Sanitary, or Safety Code specifications which have been identified by the local Code enforcement official and which are the minimum necessary to assure safe living conditions; or
- D. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

⁵⁹⁶ Replaces current definition for "Site Plan."

⁵⁹⁷ New.

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

13.07.200 "T" Definitions

13.07.210 "U" Definitions

Use

The activities occurring on a lot or parcel for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied including all accessory uses.

13.07.220 "V" Definitions

Variance

A legal divergence from the Land Development Code granted by the Hearing Officer.

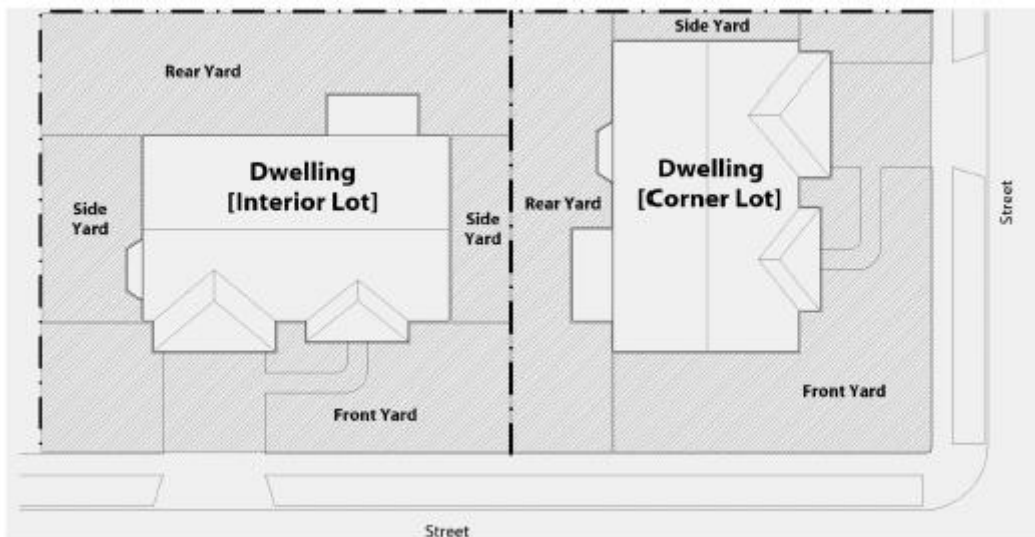
13.07.230 "W" Definitions

13.07.240 "X" Definitions

13.07.250 "Y" Definitions

Yard

An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures except as otherwise provided in this Code.



Yard, Front

"Front yard" shall mean:

- A. Interior lots: An open, unoccupied space between the front line of the main building and the street right-of-way or front property line, whichever distance is the shortest, and extending across the entire width of the lot.
- B. Corner lots: An open, unoccupied space between the front line of the main building and the street right-of-way or front property line, whichever distance is shortest, and extending across the entire width of the lot, also between the side of the building adjacent to the secondary street and the side street right-of-way or front property line and extending from the corner of the intersecting streets to the rear yard.

Yard, Rear

A yard extending across the full width of the lot between the most rear main building and the rear lot line.

Yard, Side

An open, unoccupied space on the same lot with the building and between the side line of the building and the side lot line, and extending from the front yard to the rear yard; or the shortest distance across said space from the main building to the side lot line.

13.07.260 "Z" Definitions