

Chapter 19.40 (Reserved)

Chapter 19.42 Specific Use Standards

19.42.010 - Purpose.

The purpose of this Chapter is to further the purposes of the General Plan, this Ordinance, and all other municipal Land Use Ordinances, as well as to ensure compatibility of selected specific uses with surrounding uses and properties to avoid any negative impacts associated with such uses.

19.42.020 – Applicability.

- A. This Chapter contains the specific and additional regulations for permitted and conditional uses identified in the Schedule of Uses for each of the zones contained in this Title. Any use not listed as permitted or conditional in the applicable zone shall be prohibited.
- B. Compliance with specific use standards, as applicable, as well as all other requirements of this Ordinance, and all other Land Use Ordinances, and all other Federal, State, and Local requirements are required for any Land Use Application approval required by this Ordinance, or any other Approval, Permit, or License required by other Land Use Ordinances.

19.42.030 - Accessory Dwelling Units, Internal.

- A. Purpose. The Town of Brighton recognizes that Internal Accessory Dwelling Units in single-family residential zones can be an important tool in the overall housing plan for the Town of Brighton. The purposes of the Internal Accessory Dwelling Unit standards of this code are to:
 - 1. Comply with State of Utah legislation which allows for Internal Accessory Dwelling Units generally and requires municipalities to adopt an ordinance if they wish to regulate certain requirements of the dwellings;
 - 2. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
 - 3. Provide for affordable housing opportunities;
 - 4. Make housing units available to moderate income people who might otherwise have difficulty finding housing in the Town of Brighton;
 - 5. Provide opportunities for additional income to offset rising housing costs;
 - 6. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
 - 7. Preserve the character of single-family neighborhoods by providing: standards governing development of Internal Accessory Dwelling Units; and
 - 8. Ensure that Internal Accessory Dwelling Units are properly regulated by requiring property owners to obtain a business license and a building permit for an IADU prior to renting the IADU.
- B. Definitions.
 - 1. "Internal Accessory Dwelling Unit" means an accessory dwelling unit created:
 - a. within a primary dwelling;
 - b. within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created.
 - 2. "Owner Occupancy" means a property where the property owner, as reflected in title records makes his or her legal primary residence at the site, as evidenced by voter registration vehicle registration driver's license county assessor records or similar means.

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3. "Primary Dwelling" means a single-family dwelling that is detached and is occupied as the primary residence of the owner of record.
- C. Allowed Areas and Zones.
1. IADUs incorporated within the single-family residence shall be a permitted use on single family home lots in the FR-0.5 and FR-1 zones where the minimum area of the lot is 6,000 square foot or greater.
 2. In no case shall an IADU be permitted in a townhome, a multi-family PUD, or other attached unit type or on any lot that cannot satisfy parking or other conditions of the code.
- D. Number of Residents Allowed in Accessory Units. IADUs shall not be occupied by more than four persons.
- E. Parking Requirements. In addition to the required parking for the existing home, the property owner must demonstrate that one (1) on-site parking space is available for an IADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where attached garage conversions are done to create an IADU, replacement of on-site parking spaces are required for the primary dwelling in a number equal to the parking spaces eliminated by such IADU.
- F. Water Availability. Applications for an IADU must include submittal of a written approval from the water company servicing the property stating that sufficient water is available for the IADU.
- G. Owner Occupancy. The primary dwelling or the IADU must have owner occupancy. An application for an IADU shall include evidence of owner occupancy.
- H. Number of IADUs per Lot. Only one IADU is allowed per lot.
- I. IADU Design Standards.
1. An approved building permit is required for all IADUs before an IADU is constructed, and all other applicable provisions of this chapter and the Town of Brighton Code must be met before an IADU can be rented. Existing non-compliant IADUs may come into compliance by receiving a permit and verifying existing work was done according to code.
 2. The design and size of an IADU shall conform to all applicable building, fire, and health codes, including applicable water service requirements.
 3. Conversions of an existing space to an IADU will require compliance with safety requirements per building code including, but not limited to, egress windows with window wells in case of emergency, close off door(s) if needed between the IADU and main unit, and sufficient HVAC and climate control for the IADU.
 4. IADUs will not require a separate HVAC or firewall.
 5. Owner shall provide a separate address marking for emergency services and mailing services.
 6. Single-family residences with an IADU shall retain the same appearance as a single-family residence.
 7. IADUs shall not be located in a detached accessory structure connected by a breezeway.
 8. No IADU may be located in a primary dwelling that is served by a failing septic and/or black-water tank.
- J. Affidavit and Notice of Accessory Dwelling Unit.
1. Applicants for IADUs shall provide an affidavit stating that the owner of the property will live in either the primary dwelling or IADU as their primary residence. Upon approval of the IADU by the building official, and upon the issuance of a business license pursuant to Section 19.42.030 J.

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2. A Notice of Internal Accessory Dwelling Unit including the affidavit shall be recorded against the property to provide notice to a future owner of the owner occupancy requirement for the IADU.
 - a. The Notice shall include:
 - (1) A description of the primary dwelling, including number of bedrooms, bathrooms, and kitchens;
 - (2) A statement that the primary dwelling contains an internal accessory dwelling unit; and
 - (3) A statement that the internal accessory dwelling unit may only be used in accordance with regulations in this Chapter and also referenced to in the Notice as “the Town of Brighton’s Internal Accessory Dwelling Units Regulations”.
3. Upon sale of the property, if the new owner wishes to continue use of a previously approved IADU, the new owner shall be required to sign and record a new affidavit, update their information with the planning and business license departments, and comply with current administrative IADU requirements.
4. A copy of the recorded notice will be provided to the applicant when completed.
- K. Business Licensing. Prior to renting out any IADU, a business license must be obtained. That license must be maintained and renewed annually as long as the unit is rented out.
- L. Retention of Single-Family Residence Status.
 1. IADUs are part of a single-family residence and shall not be treated as a multi-family residence.
 2. IADUs may not be separately metered apart from the single-family residence.
 3. IADUs may not be sold or subdivided separately from the single-family residence.
- M. Remedies for Violations. In addition to any other legal or equitable remedies available to a municipality, the Town of Brighton may hold a lien against a property that contains an internal accessory dwelling unit in accordance with the provisions and procedures of Utah Code Annotated Section 10-9a-530. If the owner of the property violates any of the provisions of that Section or any of the provisions of this ordinance.
- N. Variances. The land use hearing officer may grant variances to the standards of this chapter in accordance with section 19.92.040. The land use hearing officer may not grant a variance from Building Code requirements, owner occupancy provisions. lot square footage requirements. or the number of units allowed per lot.

19.42.040 - Accessory Outside Storage.

- A. Storage of goods, wares, merchandise, commodities, and any other items located outside of a completely enclosed building for more than 24 hours is prohibited except as accessory outside storage, subject to the applicable zoning district and subject to the following standards:
1. The area used for accessory outside storage may not constitute more than fifteen percent (15%) of the lot area and may not reduce the access to or usability of areas required for parking for the lot.
 2. With the exception of retail sales displays in an approved commercial area, outside storage shall be screened from public view by a minimum six-foot (6') high opaque fence. The required screening shall be established prior to the use of any area for outside storage.
 3. When outdoor storage occurs in a front yard, side yard, or any other location within the public view, a fence or screening of a height and material determined by the Planning Commission shall be installed.
 4. Outside storage areas shall be made of compacted gravel or other materials as required by the municipal engineer or watershed regulations.
 5. Outside storage areas shall be maintained in a clean, neat, and orderly condition. The required screening shall be kept in good repair.
 6. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited.
 7. "Accessory Outside Storage" as defined herein does not include construction yards, storage yards, or other storage uses where the storage of items outside of an enclosed building is a primary characteristic of the use.

19.42.050 – Animal Hospitals or Clinics.

- A. Animal Hospitals and Clinics, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:
1. Animal Hospitals or Clinics may not be established within three hundred (300) feet of an existing residential use as measured at the closest property lines.
 2. The use of the building space shall be restricted to medical treatment and incidental care such as bathing, the trimming of common household pets on an outpatient basis only, except that temporary boarding in connection with medical treatment shall be permitted, and except that short-term boarding, defined to be not more than two weeks, may be permitted.
 3. Unless outdoor holding facilities are permitted by the underlying zone, the entire use shall be conducted within a totally enclosed and air-conditioned building with no outside runs.
 4. The building space shall be adequately soundproofed to assure that no noise will carry beyond the confines of the building or space that the use would occupy.
 5. When outdoor holding facilities are permitted by the underlying zone, the location of barns, stables, coops, pens corrals and other holding areas are subject to the requirements for "Animal Rights" in this chapter.
 6. The applicant shall demonstrate that noise, odors, traffic, light pollution, and refuse produced by the use can be reasonably mitigated.

19.42.080 – Bars and Clubs.

- A. Bars and Clubs, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

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- C. A security and operations plan shall be prepared by the applicant and approved by the Unified Police Department of Greater Salt Lake and the Director. The security and operations plan shall be filed with the Planning and Development Services Department as part of the business license. The security and operations plan shall include:
1. A complaint-response community relations program;
 2. A provision for resolving neighborhood complaints regarding the operations on the business premises;
 3. Design and construction requirements to ensure that any sound level originating within the premises, measured within fifteen feet (15') from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth in Title 9;
 4. A provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit;
 5. Prohibiting electronically amplified sound in any exterior portion of the premises;
 6. Designation of a location for smoking tobacco outdoors in conformance with State law;
 7. A provision stating that any trash strewn on the premises be collected and deposited in a trash receptacle by six o'clock (6:00) A.M. the following day, including any smoking and trash or debris in parking lot areas;
 8. A provision stating that portable trash receptacles on the premises be emptied daily, and automated receptacles be emptied at least weekly. Automated receptacles shall be located only within a municipality approved trash storage area; and
 9. A parking management plan which shall include consideration of the impact of parking on surrounding neighborhoods.
- D. Site and floor plans proposed for the premises shall be reviewed and approved by the Unified Police Department of Greater Salt Lake. Such review may require design features for the purpose of reducing alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness.
- E. In addition to the required setbacks, where a bar or club abuts a residentially zoned parcel, an additional buffer consisting of vegetative landscaping or walls are required along any property line or within any required yard area on the lot where the premises are located.
- F. The location of an outdoor smoking area shall be selected to mitigate the effect on neighboring residences, businesses, and buildings. Where complaints are made about the outdoor smoking area, the Planning Commission may require the outdoor smoking area to be moved to an alternate location where it can be shown that the smoking area is adversely affecting neighboring residences, businesses, and buildings.
- G. Not more than one alcohol related establishment as noted in the table of permitted and conditional uses shall be located within five hundred feet (500') of another alcohol related establishment as measured linearly without regard to intervening structures from the nearest point on the property line of one establishment to the nearest point on the property line of the second establishment.

19.42.090 - Bed and Breakfast Inn.

- A. A bed and breakfast inn, where allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:
1. The structure shall have a residential appearance;
 2. The structure shall be limited to a maximum of two stories in height;

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3. The structure must contain a minimum of five (5) guestrooms, but not more than fifteen (15) guestrooms.
4. Guests using the accommodations or lodging must pay compensation;
5. A bed and breakfast inn may not provide cooking facilities in any individual guestroom;
6. The access to the site and the on-site parking shall be available for use and maintained, including snow removal, throughout the entire year;
7. A bed and breakfast inn located in the CV Zone may include a restaurant and conference rooms.

19.42.110 – Caretaker Living Quarters.

- A. Caretaker living quarters, where specifically allowed as an accessory use to a commercial or industrial use in the applicable zone, are also subject to the following standards:
 1. The caretaker living quarters shall be located within the principal building on the site.
 2. The caretaker living quarters shall be occupied by the owner or an employee of the business or use.
 3. A minimum of one designated parking space shall be provided for the caretaker living quarters, in addition to any parking spaces required for the principal use.
 4. The caretaker living quarters shall have no more than two bedrooms.
 5. The caretaker living quarters shall be limited to a maximum of 650 square feet.
 6. The caretaker unit must meet all applicable requirements of the International Residential Building Code as adopted by the jurisdiction. Each unit shall have a kitchen suitable for cooking and preparing meals, a bathroom with shower and/or bathing facilities, a living room, and a bedroom. Studio units are permitted so long as they provide space for the amenities as described in this section.
 7. The property owners shall execute and record a covenant and agreement with the jurisdiction to revert the property to an industrial use without a caretaker living quarters, including the removal of the kitchen facilities of any permanent addition that does not meet the requirements of the Zone in which the use is located, after the expiration of any associated permit granted or the termination of the business.

19.42.120 – Check Cashing.

- A. Check cashing and other non-depository financial institutions, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:
 1. Establishments shall be located no closer than one mile from other similar establishments.
 2. Use activities shall be limited to short term title loan and short-term consumer installment loan business.
 3. The following services are specifically prohibited: "cash for gold", "cash for precious metals", and the processing or storage of repossessed vehicles or other repossessed property.
 4. All business activity, including customer queuing, shall be accommodated inside the building.

19.42.140 – Child Care.

- A. Child Care, where allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:
- B. A person exempted from licensing as a childcare center under the Utah Department of Health and Human Services Rule R381-60-3 is not subject to land use approval or business licensing. Building Code Regulations may still apply.

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- C. "Child Care, Residential" must be licensed by the Utah Department of Health and Human Services under Rule R430-50 et seq. A copy of the Health and Human Services License must be submitted prior to the issuance or renewal of a Business License.
- D. "Child Care, Licensed Family" must be licensed by the Utah Department of Health and Human Services under Rule R430-90 et seq. A copy of the Health and Human Services License must be submitted prior to the issuance or reissuance of a Business License.
- E. When Child Care is provided from a residence:
 - 1. The applicant must reside in the home in which the business will be conducted.
 - 2. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the Director to ensure that the parking is functional and does not change the residential character of the lot.
 - 3. No signs shall be allowed on the dwelling or lot except a nameplate sign.
 - 4. At no time shall the applicant provide daycare or preschool services for a group of children exceeding the maximum number specified for such facility.
 - 5. The use shall comply with the health department noise regulations.
 - 6. The play yard may not be located in the front yard and shall only be used between eight a.m. and nine p.m.
 - 7. The use shall comply with all local, state, and federal laws and regulations. (The Life Safety Code includes additional requirements if there are more than six children).
 - 8. Upon complaint that any of the requirements of this section or any other municipal ordinance are being violated by a home day care/preschool caregiver, the Town of Brighton shall review the complaint and if substantiated may institute a license revocation proceeding under Title 5.
 - 9. Planning and Development Services shall notify in writing all property owners within a three-hundred-foot radius of the caregiver's property concerning the licensing of a home day care/preschool at such property.
 - 10. A "Child Care Center" must be licensed by the Utah Department of Health and Human Services under Rule R381-100 et seq. A copy of the Health and Human Services License must be submitted prior to the issuance or reissuance of a Business License. A Child Care Center is subject to the following requirements:
 - 11. Minimum Lot Size: Twenty thousand (20,000) square feet.
- F. Location Requirements. The child daycare use shall be addressed on and oriented to an arterial street as shown on the City's major street plan.
- G. Rear Yard Playground Equipment: All outside playground equipment shall be located only in the rear yard.
- H. Landscape Buffering. Any outside area where children are allowed must be fenced with a solid fence at least six feet (6') high. At least ten feet (10') from the fence to the interior portion of the property shall be landscaped in such a way that the area cannot be used by the patrons.

19.42.160 – Drive Thru Windows.

- A. Purpose: The regulations of this section are intended to allow for drive-through facilities by reducing the negative impacts they may create. These impacts include noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this section are to:

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1. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
 2. Promote safer and more efficient on site vehicular and pedestrian circulation; and
 3. Reduce conflicts between queued vehicles and traffic on adjacent streets.
- B. **Applicability And Permit Requirements:** These regulations shall apply to all new drive-through facilities, any rebuild or replacement of an existing structure containing a drive-thru facility or modification to an existing building that includes altering the location of an existing drive-through window, expands the floor area by twenty five percent (25%) or more of the gross floor area or one thousand (1,000) square feet, whichever is less and/or the parking requirement increases as required by this title.
- C. **Additional Application Materials Required:** In addition to the site plan and standard application requirements, an applicant for a business with drive-through facilities shall submit a site plan that includes: a parking and circulation plan, driveway locations, and the placement of audio equipment (if this type of equipment will be used).
- D. **Capacity and Design Standards for Drive Thru and Drive Up Facilities** are found in Section 19.48.100.

19.42.170 – Home Occupations.

- A. Home Occupations are subject to the following standards:
- B. **Restrictions.** The following business activities are prohibited from taking place at a residential dwelling unit:
1. Commercial uses of a primarily retail nature or that rely on walk up traffic;
 2. Vehicle, trailer, or boat repair or maintenance, including body and fender work;
 3. Vehicle sales or rentals;
 4. Vehicle impound operations, junkyards, accessory outdoor storage, or storage yards;
 5. Lawn mower or small engine repair;
 6. Major appliance repair (washers, dryers, refrigerators, etc.).
 7. Any use involving the storage or sale of inflammable, explosive or hazardous materials;
 8. Mortuaries or crematoriums;
 9. Sexually oriented businesses;
 10. Welding, iron works, foundries, manufacturing, or assembly uses.
- C. **Exemptions.** The following activities are exempted from or not subject to regulation under this chapter:
1. Uses other than a home business that are listed as permitted or conditional uses in residential zones;
 2. Garage or yard sales, provided:
 - a. The sale is held for not more than three consecutive days;
 - b. No more than two sales are held per year at the same location; and
 - c. No consignment goods are offered for sale;
- D. **Standards.** The following standards apply to home businesses:
1. The primary use of the dwelling shall be residential.
 2. The person operating the business shall reside in the dwelling at least nine months per year.
 3. For lots that front on a right of way less than 80 feet wide, only the business operator and his/her immediate family members who reside in the home shall be employed to do any work in the home, whether compensated or not, in conjunction with the business. For lots that front on a right of way of 80 feet or greater, one non-resident employee is allowed to be employed to do work in the home.

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4. Customers shall be allowed at the residence on an appointment only basis between the hours of 7:00 a.m. and 10:00 p.m. Group lessons or sessions may not exceed six people at a time.
5. Exterior remodeling that would change the residential appearance of the home is prohibited. Interior structural alterations made to the home are allowed only if they are consistent with its primary use as a dwelling.
6. Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There may be no display of goods produced by the home occupation observable from outside the dwelling.
7. All business activities shall take place entirely within the dwelling and/or attached garage and may not occupy more than 25% or more than 500 square feet, whichever is less, of the floor area of the home.
8. Storage or display of supplies, inventory, equipment, or materials in any portion of the yard or within a detached accessory building is prohibited. Explosive or combustible materials may not be stored or used in association with a Home Occupation.
9. The home business may use only those tools, equipment, or electric apparatus that are commonly used as accessories to or in conjunction with residential uses.
10. The home business may not emit or create excessive odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations, or interference with radio and/or television reception.
11. In addition to the parking spaces required for the residents of the dwelling, off-street parking for customers and for an employee, if allowed under subsection 3 above, shall be provided in the driveway or garage.
12. Any nameplate sign may not exceed three square feet, may not be illuminated, and shall be attached to a wall or window of the dwelling.
13. Vehicles: No vehicle larger than a passenger car, van, or one-ton pickup truck may be brought to, parked on, or stored on the property in conjunction with a home business except that:
 - a. Occasional deliveries and pick-ups by commercial small package delivery organizations such as the USPS, FedEx, UPS or DHL are exempt from this requirement.
 - b. Tanker trucks, box vans, delivery vans, and similar vehicles may not be stored on site. Such vehicles may be located off site in an approved and licensed off-site storage location.
 - c. One trailer may be used in association with a Home Occupation in accordance with the following standards:
 - (1) The maximum body length of an enclosed trailer is 20 feet. The maximum body length of an open trailer is 16 feet.
 - (2) Trailers shall be garaged or stored on private property and may not be located within the Front Yard setback or, for Corner Lots, in either the Front or Side Yard setback.
 - (3) Trailers may have one sign covering the lesser of 24 square feet or 30 percent of the side panel of the trailer.
14. The home occupation applicant must either be the bona fide owner of the home (as shown on the current Salt Lake County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.
15. The property address (house number) shall be clearly posted on the home using letters at least four inches in height in a color that contrasts with the color of the building.

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16. The condition of the dwelling and landscaped areas shall be well maintained.
 17. The activities of the home occupation may not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion, or safety to the structure the use is conducted in, adjacent structures, or the occupants thereof.
- E. Regulations and Enforcement.
1. All home businesses shall obtain a Town of Brighton business license.
 2. An application for a home business, accompanied by the application fee, shall be submitted to Planning and Development Services. The application shall be approved upon the applicant agreeing to comply with the standards set forth in this section.
 3. A change of business ownership or relocation to a new address is considered a new business and requires separate approval.
 4. The home business license shall be renewed each year that the home occupation is in operation.
 5. All home businesses shall be reviewed for compliance with the provisions of this Chapter. Noncompliance may result in revocation of the home business license.
 6. The business owner is responsible for complying with all applicable health, fire, building and safety codes.
 7. Violations of the standards set forth in this section shall be subject to the civil penalties outlined in section 19.08.070. In addition, a business license revocation hearing may be scheduled at the discretion of the Director for any business found to be in violation of the home business standards or any other municipal ordinance.

19.42.180 – Hotel.

- A. The following standards shall apply to all hotels, motels and other similar lodging facilities that are new development, redevelopment, changed from another use, or retrofits of existing buildings:
1. The minimum number of floors within the building shall be three. Any Basement space may not count toward meeting the minimum floor requirement.
 2. Where stucco or fiber cement siding are used as exterior materials, at least 25% of the exterior shall be brick, stone or another comparable material approved by the Director or Designee.
 3. At least five of the following amenities shall be included:
 - a. Swimming pool
 - b. Hot tub
 - c. Fitness Room
 - d. Business Center
 - e. Meetings Rooms
 - f. Common Breakfast Space
 - g. Restaurant and/or Bar
 - h. Substantial Gardens or a Reading Room
 4. The minimum area per guest room shall be 280 square feet.
 5. Each guest room shall include a restroom.
 6. Hotels, motels, or other lodging facilities are encouraged to co-locate with complementary uses such as dining, shopping and entertainment are within close proximity.
 7. In addition to meeting these standards, existing buildings or structures being converted to be or include a hotel, motel, or other lodging facilities shall be brought into conformance with all applicable building codes.
 8. All guest rooms shall be accessed from interior corridors.

19.42.210 - Outdoor Dining Appurtenant to A Permitted Restaurant Use.

- A. Outdoor dining, when listed as a permitted or conditional use in the applicable zone and appurtenant to a permitted restaurant use, is subject to the following requirements:
1. A useable pedestrian pathway through zone at least five feet (5') wide must be maintained as unobstructed by fire hydrants, trees, poles, meters, fountains, etc., and any proposed seating.
 2. Restaurants serving liquor must be able to contain distribution to the site.
 3. Public facilities, such as drinking fountains, fire hydrants, trash cans, etc., may not be obstructed. Public facilities may not be defaced or damaged. Damaged facilities will be restored at the property owner's expense.
 4. Crosswalks may not be obstructed.
 5. Dining may not interfere with adjacent business access, the growth or maintenance of street trees and maintenance of public facilities. Site distance for vehicles and pedestrians may not be obstructed.
 6. Minimum Conditions of approval:
 - a. There may be no addition in the number or arrangement of tables on public property without prior approval.
 - b. Tables and chairs may not be located, other than approved in the initial application, so as to further encroach onto the designated public way.
 - c. The management of the restaurant is responsible for the removal of litter, debris, snow, and sidewalk cleaning.
 - d. There may be no additional signage, other than normal menus and logos on umbrella canopies.
 - e. Restore any damage to public facilities and clean public facilities each day from food and drink spills and debris.
 - f. Sidewalk dining is subject to inspection by the Planning and Development Services for compliance.
 7. Other dining facilities, such as cooking implements, coolers, serving tables, bars, etc., may not be allowed.

19.42.220 – Pawn Shop.

- A. purpose of regulating pawn shop establishments is to ensure security and compatibility with surrounding uses and properties and to avoid any impacts associated with such uses.
1. Pawn shop establishments, when listed as a permitted or conditional use in the applicable zone, are subject to the following requirements:
 2. Site location standards.
 - a. The business may not be located within 600 feet of a public or private school (kindergarten through twelfth grade), church or other religious building, or public park, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the school, church or other religious building, or park site.
 - b. The business may not be located within 100 feet of any existing residential dwelling or property zoned for residential uses as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential zoned property.

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- c. The business shall be in a location that is fully visible from a public street with an unobstructed view from the public street for public safety.
3. Operation and development standards.
 - a. The business shall have lighting to provide illumination for security and safety of parking and access areas in accordance with this Title.
 - b. The business window may not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the business shall remain at adequate levels to clearly see into the business from the exterior of the business.
 - c. A sign shall be posted in the front of the business indicating that no loitering is permitted per Municipal Code.

19.42.230 – Reiki.

- A. Reiki, where allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:
 1. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
 2. Each practitioner that is not an employee listed on the business licensee shall have a municipal business license.
 3. Neither clients nor practitioners shall appear on the premises in a state of nudity or semi-nudity, as defined in the Sexually Oriented Business Chapter of Title 5 of this Code.
 4. The premises may not be used for any conduct that violates Section 58-47h-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.
 5. If a Reiki Practitioner, while performing the “spiritual healing art”, involves the use of any of the methods outlined in the scope of practice of Massage Therapy defined by Utah State Code, then the Reiki Practitioner must be licensed as a Massage Therapist.

19.42.240 – Retail Shops or Galleries where Primary Product is Produced on Site.

- A. Retail Shops or Galleries where Primary Product is Produced on Site, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:
 1. The applicant shall demonstrate that noise, odors, traffic, light pollution, and refuse produced by the use shall be reasonably mitigated.
 2. Storage of products may not block front windows nor spill outdoors onto the property.

19.42.250 – Retail Tobacco Specialty Business.

- A. For the purposes of this Section:
 1. Community Location” means:
 - a. Public or private kindergarten, elementary, middle, junior high, or high School;
 - b. Licensed child-care facility or preschool;
 - c. Trade or technical School;
 - d. Church, Mosque, Temple, or other Religious Building;
 - e. Public library;
 - f. Public playground;
 - g. Public Park;
 - h. Youth center or other space used primarily for youth-oriented activities;
 - i. Public recreational facility; or
 - j. Public arcade.

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2. "Retail Tobacco Specialty Business" means a Commercial establishment in which:
 - a. The sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
 - b. Food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
 - c. The establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.
3. "Tobacco product" means:
 - a. Any cigar, cigarette, or electronic cigarette as defined in Utah Code Annotated Section 76-10-101;
 - b. A tobacco product as defined in Utah Code Annotated Section 59-14-102, including:
 - (1) Chewing tobacco; or
 - (2) Any substitute for a tobacco product, including flavoring or additives to tobacco; and
 - c. Tobacco paraphernalia as defined in Utah Code Annotated Section 76-10-104.1.
- B. A Retail Tobacco Specialty Business may not be located within:
 1. 1,000 feet of a Community Location;
 2. 600 feet of another Retail Tobacco Specialty Business; or
 3. 600 feet of a Residential or Agricultural Zone or Use.
- C. For the purposes of subsection B above, the proximity requirements shall be measured in a straight line from the nearest Entrance of the Retail Tobacco Specialty Business to the nearest property boundary of the Community Location, Retail Tobacco Specialty Business, or Agricultural or Residential Zone or Use, without regard for intervening Structures or Zoning districts.
- D. A Retail Tobacco Specialty Business that has a business license and was operating lawfully on or before May 8, 2012, is exempt from the requirements of subsection (2) if said business meets all of the following criteria:
 1. The business license has been renewed continuously without relapse or permanent revocation;
 2. The Retail Tobacco Specialty Business has not closed for business or otherwise suspended the sale of Tobacco Products for more than 60 consecutive days;
 3. The Retail Tobacco Specialty Business does not substantially change the business premises or its business operation; and
 4. The Retail Tobacco Specialty Business maintains the right to operate under the terms of other applicable laws, including but not limited to Zoning Ordinances, building codes, and the business license that was issued prior to May 8, 2012.

19.42.260 – Self Service Fuel Station.

- A. Purpose. The purpose of regulating self-service fuel stations is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.
- B. Site Organization.
 1. Building Locations. Service station buildings, e.g., convenience store structures should be located on the corner of the property with the pump islands located to the interior of the site to give the facility a good architectural presence from the street(s).
 2. Driveways.
 - a. Driveway cuts shall be limited and located as far from the intersection as possible and are required to be shared with adjacent uses and/or properties, where possible, to eliminate traffic conflicts at intersections.

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- b. Driveways shall be designed and located to ensure a safe and efficient movement of traffic and pedestrians on and off the site.
 - c. No more than one two-way driveway shall be permitted per one hundred (100) linear feet of street frontage.
3. On Site Vehicle Storage. Storage of vehicles is prohibited.
- C. Special Requirements.
1. Patron Vehicle Servicing. Areas should be provided on self- service station sites to allow patrons to service their vehicles with air and water. These facilities should be located where they do not obstruct circulation patterns of the site.
 2. Car Washes (Accessory to An Automotive Service Station).
 - a. A car wash structure, where provided, 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. Such areas shall be located where they do not obstruct circulation patterns of the site.
 - c. A minimum of eight feet (8') 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.
- D. Pump Island Canopy Design.
1. Setbacks. Fuel pump island canopies located at service stations shall be set back a minimum of twenty feet (20') from all front property lines.
 2. Vehicle Stacking. Each pump island should generally include stacking space for a minimum of two (2) vehicles (total of 40 feet) on site so that driveways within the site or adjacent street areas are not utilized for waiting customers. Pump island stacking may not encroach upon required parking space back out areas (24 feet minimum) or two-way driveways for general site circulation (24 feet minimum).
 3. Lighting. All canopy illumination and lighting directed toward the ground shall be recessed into the canopy.
 4. Vertical Clearance. There shall be a minimum clearance of 13.5 feet to the bottom of the canopy above grade.
 5. Height. Vertical canopy fascia utilized for signage may not exceed four feet (4') in height, and the height to the top of the vertical fascia may not exceed twenty feet (20') from grade unless otherwise approved by the Director.
 6. Pumps Associated with a Self Service Fuel Station are subject to the parking requirements of Chapter 19.48 and all other applicable ordinances.
- E. Architectural Design.
1. All building elevations shall comply with applicable standards.
 2. The length of pump canopies shall be minimized as much as possible. If the site allows, pump canopies shall be broken up into two (2) separate locations. This reduces the effect of pump canopies dominating other buildings on the site.
 3. 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.

- F. Speaker Boxes. Speaker boxes designed to communicate from pump islands may not be audible on any residential property adjacent to the business and shall comply with the applicable noise ordinances
- G. Drive-thru businesses and activities conducted on site, where permitted, shall be subject to the drive thru standards in this Chapter.

19.42.270 – Self-Service Storage Facilities, Outdoor.

- A. Outdoor Self Service Storage Facilities, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:
 - 1. Self-storage unit facilities may not be visually prominent from the street. Facilities shall be located behind another building or buildings containing another permitted use. An applicant may propose a portion of the facility not be located behind another building or buildings if a forty-foot (40') landscape buffer is provided between the facility and the street.
 - 2. Each self-storage unit facility shall include a masonry wall along the entirety of each street frontage.
 - 3. No garage door or door accessing a unit may face a public street.
 - 4. Storage units may not exceed one-story and twenty-four feet (24') in height.
 - 5. In no case may any storage unit be used for human habitation or the housing of animals.
 - 6. No business activity of any kind may be transacted from within a storage unit.
 - 7. No outdoor storage or storage containers are permitted within the self-storage facility.
 - 8. The masonry wall of the storage units may be constructed on the side and/or rear property lines when not abutting property in any residential zone.
 - 9. A Self-Storage Facility under 60,000 square feet may have one Caretaker's Dwelling. A Self-Storage Facility with at least 60,000 square feet and less than 90,000 square feet may have two Caretaker's Dwellings. A Self-Storage Facility with 90,000 square feet or more may have three Caretaker's Dwellings.

19.42.280 – Sexually Oriented Business or Activity.

- A. Purpose: The purpose of this Section is to establish reasonable and uniform regulations for sexually oriented businesses, their location, and signage, and to mitigate adverse impacts to the community consistent with state and federal law.
- B. Business Permitted—Restrictions:
- C. Other than outcall services and nude and seminude dancing agencies, sexually oriented businesses shall be permitted only in areas zoned C-3, subject to the following additional restrictions:
 - 1. Sexually oriented businesses shall be subject to conditional use requirements.
 - 2. No sexually oriented business may be located:
 - a. Within 1,000 feet from any school, public park, religious institution, or other sexually oriented business;
 - b. Within 300 feet from an agricultural or residential boundary;
 - c. Distance requirements for this Section shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the school, public park, religious institution, agricultural or residential zoning district, or other sexually oriented business, and to the nearest property line of the sexually oriented business.
 - 3. Outcall services and nude and seminude dancing agencies shall be permitted only in zones where offices are allowed. Customers are not allowed to visit such an office.

- D. Sign restrictions. Notwithstanding anything to the contrary contained in Chapter 19.52 of this Title, 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. Signs shall contain alphanumeric copy only.
 4. No animation shall be permitted on or around any sign, or on the exterior walls or roof of such premises.
 5. No descriptive art or designs depicting any activity related to, or inferring, the nature of the business shall be allowed on any sign.
 6. Only flat signs shall be permitted.
 7. Painted wall advertising is prohibited.
 8. Other than the signs specifically allowed by this section, the sexually oriented business may not construct any temporary sign, banner, light or other device designed to draw attention to the business location.
- E. Severability. If any provision of this section, or the application thereof to any person or circumstances, is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity may not affect other provisions hereof which can be implemented without the invalid provision. To this end the provisions of this section are declared to be severable.

19.42.290 – Short Term Rental.

- A. Short Term Rentals are allowed, provided that:
1. Short term rentals are listed as a permitted or conditional use in the applicable zone;
 2. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the entire year; and
 3. The dwelling unit is served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year and are approved by the Health Department prior to issuance of a license.

19.42.320 – Towing Services and Impound Lots.

- A. Towing Services and Impound Lots, when listed as a permitted or conditional use in the applicable zone, are subject to the following requirements:
1. No impound or tow yard shall be closer than 300 feet to any property in a residential or mixed-use zone, as measured from property line to property line.
 2. The impound or tow storage yard shall be entirely enclosed by a six foot (6') decorative masonry wall.
 3. A minimum 20-foot landscaped setback shall be provided along all street frontages.
 4. All vehicles within the impound yard shall have ground contact of all wheels. No stacking of vehicles shall be permitted.
 5. The surface of the storage yard shall be covered with an all-weather surface. Any stormwater or other runoff from the site shall be contained on the site and disposed of through an on-site drainage system, in conformance with applicable regulations to enforce the requirements of the National Pollutant Discharge Elimination Systems (NPDES) permit.
 6. The business shall be operated in compliance with the provisions of **Chapter 9.48** – Noise Control.

7. The impound lot or tow yard and the associated landscaping, walls and surfaced areas shall be maintained in good repair, in a clean, neat, and orderly condition.
8. All such areas shall be provided with internal circulation, safe entrances and exits in compliance with Title 14.
9. No dismantling or demolition of automobiles or other vehicles shall be conducted on the premises.

19.42.330 – Vehicle and Equipment Repair.

- A. Purpose. The purpose of regulating vehicle repair facilities is to ensure compatibility of such uses with surrounding uses and properties and to avoid any impacts associated with such uses.
1. All Minor, Major, and Commercial and Industrial Vehicle and Equipment Repair uses are subject to the following minimum requirements:
 - a. A minimum site area of twenty thousand square feet (20,000 sf) is required.
 - b. On- and off-site improvements shall be in conformance with the development standards of this Title.
 - c. No part of the use shall be located within 100 feet of a residential zone.
 - d. All vehicle and equipment repair activities shall be conducted within an enclosed Building.
 - e. The site shall be developed with permanent, related buildings. No trailers or temporary modular units are permitted.
 - f. Except as provided in herein below, inoperable vehicles, tires, parts, and service equipment may not be stored outside.
 - g. Inoperable vehicles and equipment awaiting service may be temporarily parked on site in accordance with the following standards:
 - (1) Inoperable vehicles and equipment may not be located within any minimum required parking stalls and drive aisles and may not block any traffic flow.
 - (2) Inoperable vehicles and equipment shall be screened from any adjacent streets by a building or solid masonry wall not less than six feet in height.
 - (3) Inoperable vehicles and equipment must be located on asphalt or concrete.
 - (4) Inoperable vehicles may not be stored on the property longer than 30 days.
 2. Commercial and Industrial Vehicle and Equipment Repair establishments must be located along and have primary access from an Arterial or Major Collector Street on the UDOT Functional Classification Map. Where a principal arterial has a frontage road, primary access from the frontage road is sufficient to meet this standard.

19.42.340 – Wireless Telecommunications Facilities.

- A. Purpose. The purpose of this Section is to establish general requirements for the siting of wireless telecommunications facilities and to:
1. Encourage the location of facilities in nonresidential areas;
 2. Minimize the total number of monopole facilities throughout the community;
 3. Encourage the joint use of new and existing communication sites;
 4. Encourage location of facilities where adverse impact on the community is minimal;
 5. Encourage innovative design of facilities to minimize adverse visual impact; and
 6. Enhance the ability of the providers of telecommunication services to do so quickly, effectively, and efficiently.
- B. Applicability.

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1. The requirements of this Section apply to both commercial and private wireless telecommunications services, such as “cellular” or “PCS” (personal communications services) communications and paging systems.
 2. All facilities shall comply with the regulations in this Section, all other ordinances of the municipality, and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.
- C. Site Location Plan Required.
1. A site location plan shall be submitted by each company desiring placement of wireless telecommunication facilities.
 2. The plan shall be submitted to Planning and Development Services prior to processing any permits for permitted or conditional use locations.
 3. The plan shall include an inventory of existing and anticipated sites for the municipality and within one-half mile of the municipal boundary.
 4. For each site, the plan shall indicate:
 - a. Area coverage, if known;
 - b. Antenna location;
 - c. Antenna height above existing grade; and
 - d. Antenna type.
 5. The plan shall be updated upon request from the Director or Designee.
 6. Every plan shall be considered proprietary information and not be part of the public record.
- D. Allowable Uses. The wireless communications facilities specified in **Table 19.42-1** are allowed, provided that they comply with all requirements of this Ordinance.

**TABLE 19.42-1: SPECIFIC USE STANDARDS
ALLOWABLE WIRELESS COMMUNICATIONS FACILITIES**

Zones	P- Permitted Use		C- Conditional Use		N- Not allowed
	Wall Mount	Roof Mount	Monopole	Lattice Tower	
All FM, FR and F Zones	P1, C2	P1, C2	C	N	
All R-1 Zones	P3, C5	P3, C5	C3, C5	N	
All R-2 Zones	P3, C5	P3, C5	C3, C5	N	
R-4-8.5 Zones	P3, C5	P3, C5	C3, C5	N	
R-M Zones	P	P	C	N	
RMH Zones	N	N	N	N	
All A Zones	P1, C2	P1, C2	C	N	
All MU Zones	P1, C2	P1, C2	C	N	
All C Zones	P	P	C	N	
All M Zones	P	P	P4, C	N	

TABLE 19.40-1: FOOTNOTES

- 1 Permitted use only on nonresidential buildings.
- 2 Conditional use on residential buildings.
- 3 Allowed only in conjunction with public or quasi-public uses (see definitions in chapter 19.04).
- 4 Permitted use if not within 300 feet of a residential zone boundary.
- 5 Stealth facilities are conditional uses and not required to be located with public or quasi-public uses.

E. Facility Types and Standards. There are four general types of antenna structures. The standards for the installation of each type of antenna structure are as follows:

1. Wall Mounted Antenna.

- a. Wall mounted antennas may not extend above the wall line of the building or structure or extend more than four feet horizontally from the face of the building or structure.
- b. Antennas, equipment, and the supporting structure shall be painted to match the color of the building, structure, or background against which they are most commonly seen.
- c. Antennas and the supporting structures on buildings should be architecturally compatible with the building.
- d. Antennas shall be considered wall mounted if they are mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.
- e. Stealth wall mounted antennas are encouraged, and variations from the provisions of this Section may be allowed, as determined by the Director for permitted uses and the Planning Commission for conditional uses. Stealth wall mounted antennas need not be located with public or quasi-public uses in all R-1, R-2, and R-4-8.5 zones (see Table 19.40-1).

2. Roof Mounted Antenna.

- a. Roof mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms. Antennas and antenna mounting structures may not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.
- b. For antennas not mounted on a penthouse or mechanical equipment room but on a flat roof:
 - (1) Setback. The antennas shall be mounted at least five feet from the exterior wall or parapet wall of the building or structure.
 - (2) Height. For antennas mounted between five and fourteen feet from the exterior wall or parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from the exterior wall or parapet wall. For antennas setback more than 14 feet, the maximum height shall be 14 feet. Antennas extending more than 19 feet above the roofline require conditional use approval.
 - (3) Roof-mounted antennas extending above the roofline of any penthouse or mechanical equipment room require conditional use approval.
- c. Roof mounted antennas on a pitched roof are allowed, provided the antennas and antenna support structures do not extend higher than the peak of the roof, measured by a horizontal line from the peak extending over the roof (see Figure 19.40-3).
- d. Roof mounted antennas shall be constructed and colored to match the surroundings in which they are located.

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- e. Stealth roof mounted antennas are encouraged and variations from the provisions of this Section may be allowed, as determined by the Director for permitted uses and the Planning Commission for conditional uses. Stealth roof mounted antennas need not be located with public or quasi-public uses in all R-1, R-2, and R-4-8.5 zones (see Table 19.40-1).
- 3. Monopole.
 - a. The height limit for monopoles is 60 feet, except the Planning Commission may allow a monopole up to 80 feet in the C-2, C-3, M-1, and M-2 zones if it finds:
 - (1) The monopole will blend in with surrounding structures, poles, or trees and is compatible with surrounding uses,
 - (2) The monopole will be available for co-location with other companies, and
 - (3) The monopole will be setback at least 300 feet from any residential zone boundary.
 - (4) The height shall be measured from the top of the structure including antennas, to the original grade directly adjacent to the monopole.
 - b. In all R-1, R-2, and R-4-8.5 zones, monopoles will only be allowed in conjunction with an existing public or quasi-public use as defined in Chapter 19.04, which include, but are not limited to, churches, schools, utilities, and parks.
 - c. No monopoles shall be allowed in the front yard setback of any lot.
 - d. Monopoles shall be setback from any residential structure a distance equal to the monopole's height.
 - e. Stealth monopole facilities are encouraged and variations from the provisions of this Section may be allowed, as determined by the Director for permitted uses and the Planning Commission for conditional uses. Stealth monopoles need not be located with public or quasi-public uses in all R-1, R-2, and R-4-8.5 zones (see Table 19.40-1).
- 4. Lattice Tower. Lattice towers are not permitted.
- F. Color. The color of monopoles, antennas, and any associated buildings or equipment shall blend with the surroundings in which they are located.
- G. Additional Requirements.
 - 1. The following shall be considered by the Planning Commission for conditional uses:
 - a. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.
 - b. The possibility of locating the antenna on other existing structures in the same vicinity, such as other monopoles, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., without significantly impacting antenna transmission or reception.
 - c. Location of the antenna in relation to existing vegetation, topography (including ridge lines), and buildings to obtain the best visual screening.
 - d. Spacing between monopoles that creates detrimental impacts to adjoining properties.
 - e. Installation of improvements, including, but not limited to landscaping and fencing as per Section 19.16.040.
- H. Accessory Buildings. Accessory buildings to antenna structures shall comply with the required setback, height, and landscaping requirements of the zone in which they are located. All utility lines on the lot leading to the accessory building and antenna structure shall be underground.
- I. Non-maintained or Abandoned Facilities.

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1. The Municipality shall provide notice to an owner or agent of a non-maintained or abandoned telecommunications facility that the facility must be repaired or put into use within 90 calendar days.
2. If the owner or agent fails to repair the facility or put the facility into use within 90 days of notice, the Municipality may require the facility to be removed from the building or premises.

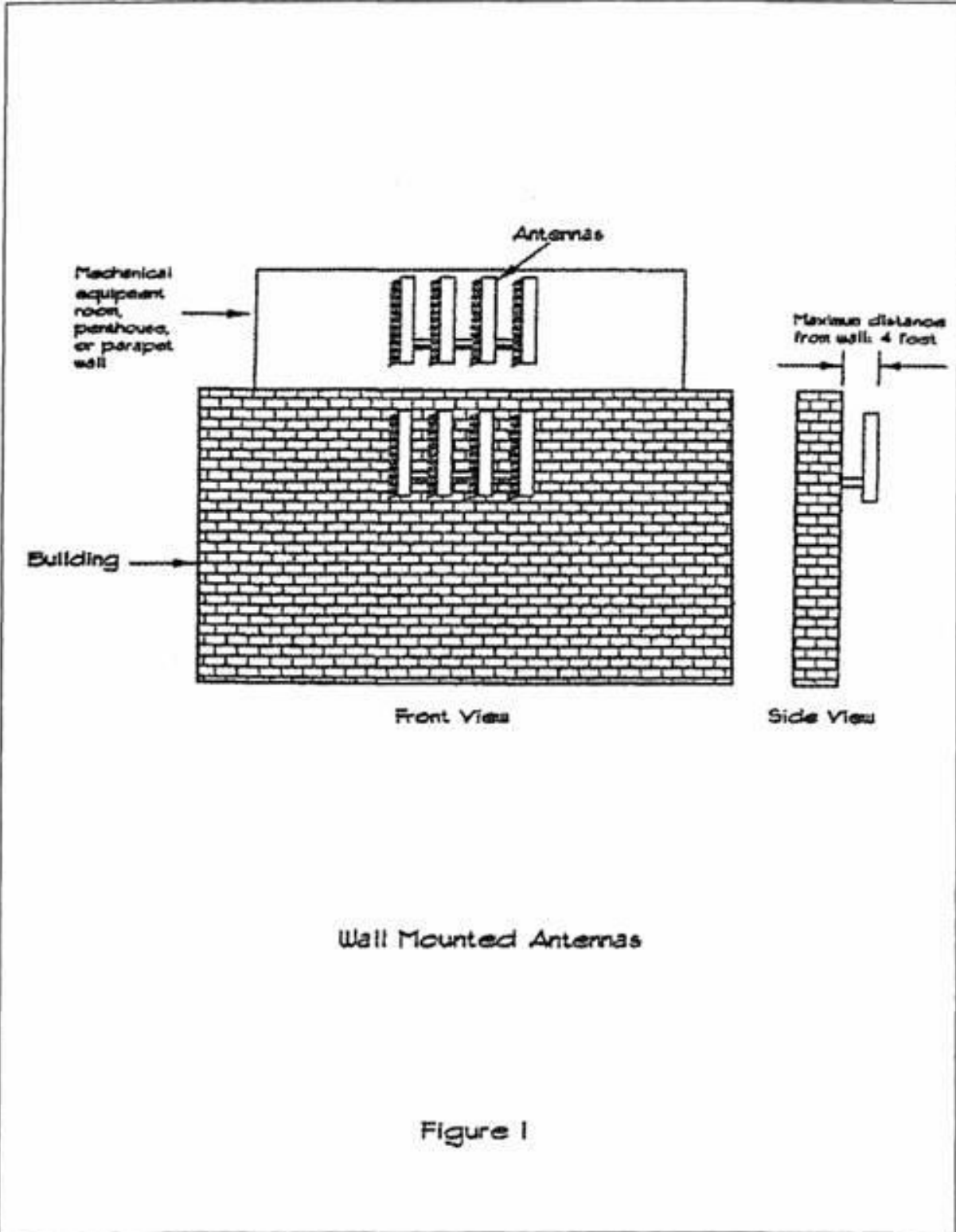
J. Building Permit Required.

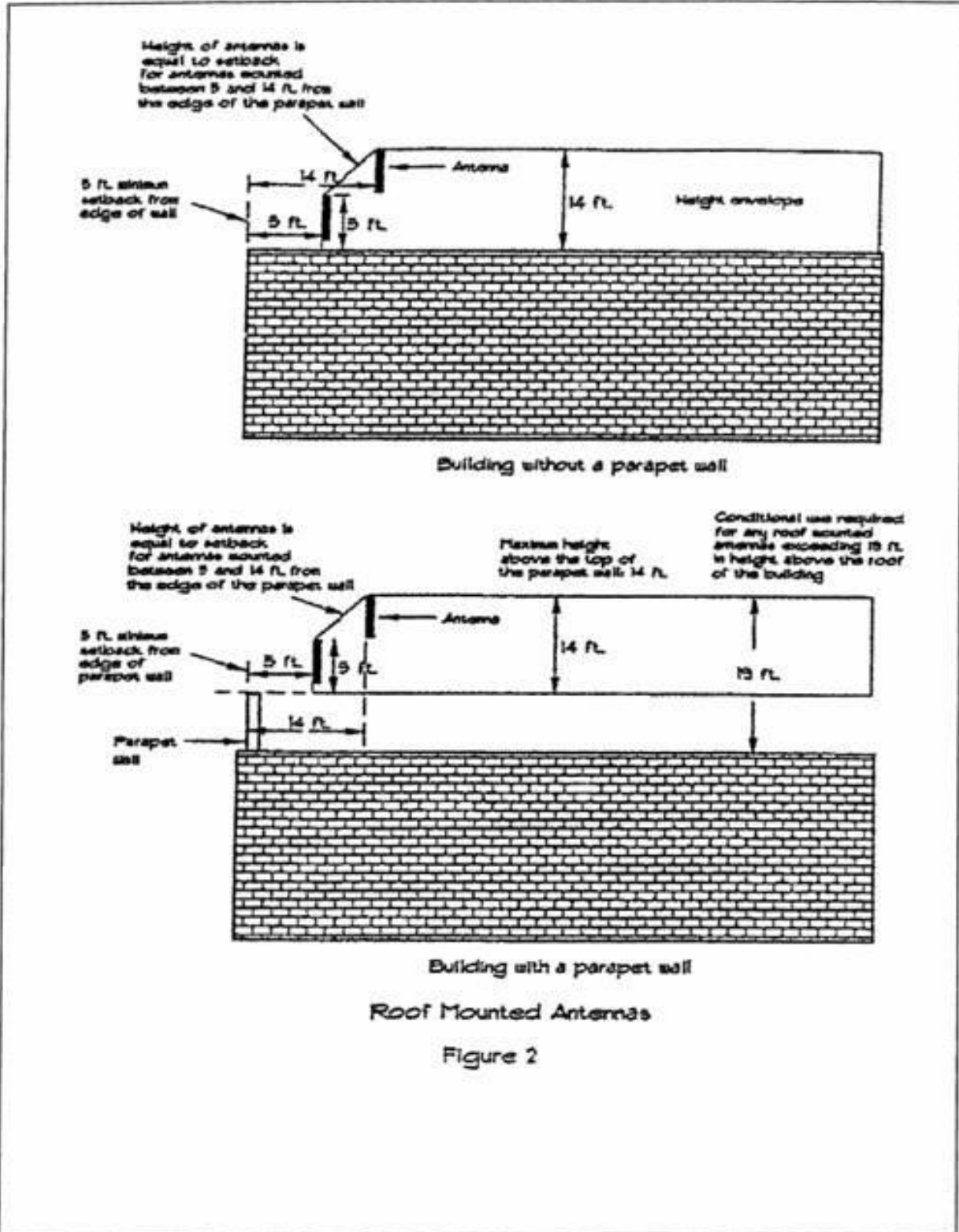
1. A building permit from Planning and Development Services is required for all wireless telecommunication facilities, including, but not limited to, monopoles and roof and wall mounted antennas.

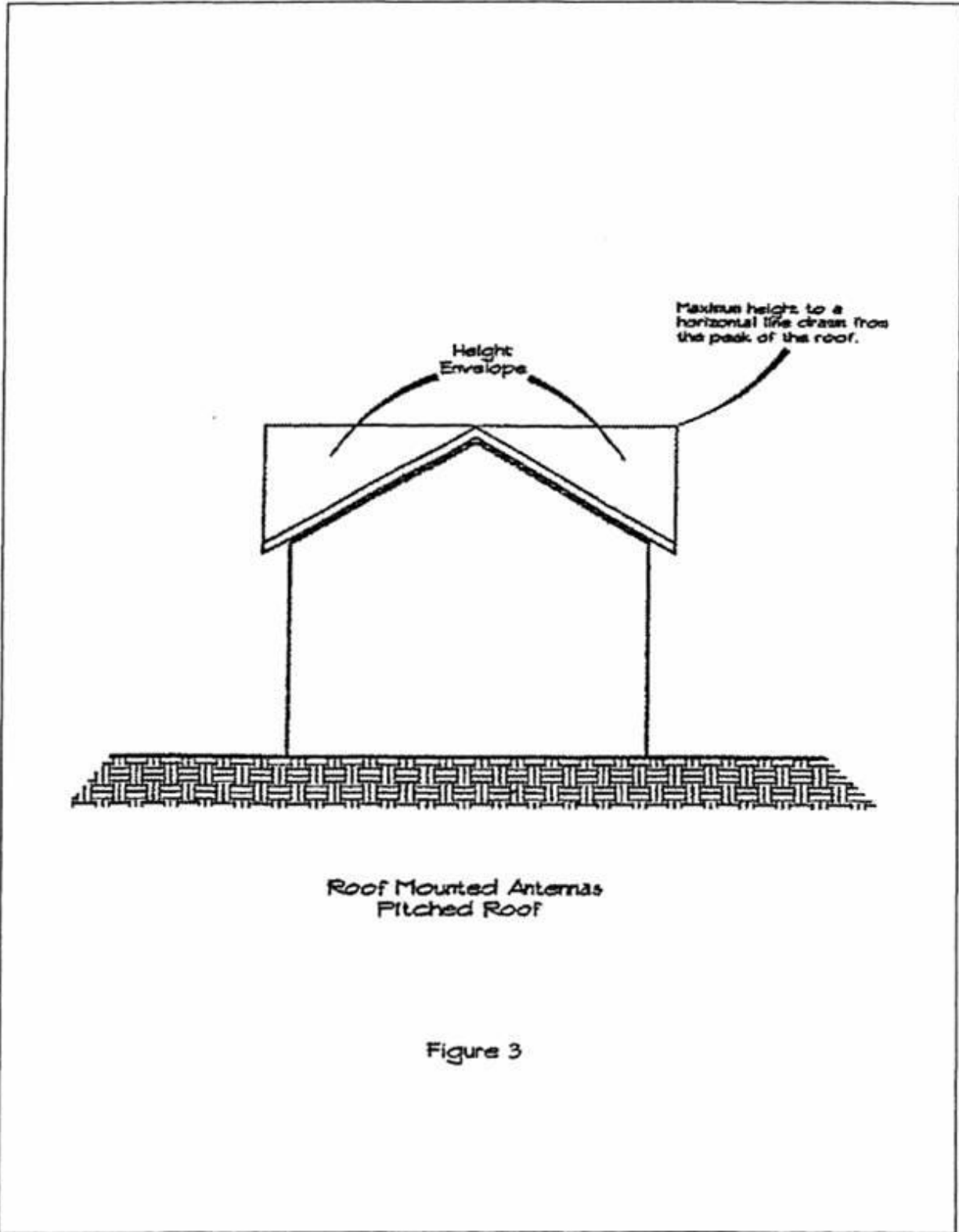
K. Illustrations.

1. The illustrations, Figures 19.40-1, 19.40-2, and 19.40-3, are intended to demonstrate graphically the intent of this Chapter.

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Chapter 19.44 Temporary Use Standards

19.44.010 - Purpose of Provisions.

The following regulations are provided to accommodate uses of land or buildings which are temporary in nature and are not, therefore, listed as regular permitted or conditional uses in any zone of the municipality. The character of these uses requires proper conditions be met to protect adjacent properties and the general health, safety, and welfare of the citizens of the municipality. Any building or structure which does not meet the requirements of this chapter shall be treated as a permanent land use and shall conform to all required permanent standards of the building, health, fire, zoning, and other similar codes.

19.44.020 – Applicability.

All temporary uses, as defined in Chapter 19.04, shall comply with the provisions of this Chapter and any other applicable regulations in this Title.

19.44.030 - Allowed Uses and Conditions.

Table 19.44.030 shows permitted temporary uses in each zone. Zones not listed in the table do not allow temporary uses unless specified in the special conditions of this Chapter.

Temporary Uses	FR-0.5	FR-1	FR-20	FM-10	FM-20	C-V
Minor Seasonal Sale or Seasonal Use	P	P	P	P	P	P
Major Seasonal Sale or Seasonal Use	P	P	X	X	X	X
Outside Sales Event	P	P	P	P	P	P
Temporary Use, Inside	P	P	P	P	P	P
Temporary Sale of Farm Products	P	P	P	P	P	P
Temporary Use, Weekly	P	P	P	P	P	P

- A. Major Seasonal Sales and Major Seasonal Use. Shall meet the following conditions:
1. A parking plan must be provided for the application that complies with parking standards outlined in 19.48. The number of parking stalls required for the temporary use shall be determined by the Director or designee;
 2. Major seasonal sales and major seasonal uses may only occur a maximum of thirty (30) non-consecutive days out of the year per seasonal use or sale; and
 3. If any major seasonal use or sale occurs multiple times throughout the year and the period between the use being open for business is greater than sixty (60) days, all associated temporary buildings and signage shall be removed for a minimum of forty (40) days while the use is not open for business.
- B. Minor Seasonal Sales and Minor Seasonal Use. Shall meet the following conditions:
1. Seasonal sales and uses may only occur a maximum of sixty (60) consecutive days out of the year per seasonal use or sale;
 2. The total area for the display and sale of products or use shall be eight hundred square feet or less;

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3. Temporary buildings or anything six feet (6') in height or greater shall be setback from the property line one foot (1') and may not be closer than two feet (2') to a public right-of-way or sidewalk; and
 4. Tents, signage, and other decorations for a seasonal sale or use may be constructed up to five (5) days prior to the anticipated opening date of the use will open but may not remain constructed for a period greater than sixty (60) consecutive days.
- C. Outside Sale Events. Shall meet the following conditions:
1. May not continue for a time greater than three (3) consecutive days and may not occur more than three (3) times in one year;
 2. Any tents, signs, or other decorations used for the outdoor sale event must be removed within twenty-four (24) hours after the final; and
 3. The outdoor space designated for the sale of products may not take up more than thirty percent (30%) of the business's required parking.
- D. Temporary Use, Inside. Shall meet the following conditions:
1. Temporary uses inside existing buildings may only occur a maximum of one hundred twenty (120) days out of the year. These may be consecutive or may be dispersed throughout the year; and
 2. The temporary use in an existing building may not use any parking stalls from another permanent business on the property that causes the existing business' parking to be non-compliant. Unless it is demonstrated by the applicant or business owner that the permanent business has more empty parking stalls than stalls that are occupied within a seven-day period.
 3. Temporary Sale of Farm Products shall meet the following conditions:
 4. The area for sale and display of products may not exceed eight-hundred (800) square feet;
 5. Temporary buildings or anything six feet (6') in height or greater shall be setback from the property line one foot (1') and may not be closer than two feet (2') to a public right-of-way or sidewalk; and
 6. Off-street parking for employees must be provided by the applicant or property owner of the property where the sale of farm products is located.
- E. Weekly temporary uses. Shall meet the following conditions:
1. A parking plan must be provided for the application that complies with parking standards outlined in 19.48 Off-Street Parking and Mobility. The number of parking stalls required for the temporary use shall be determined by the Director or designee.\;
 2. Weekly temporary uses may only occur a maximum of one hundred twenty (120) days out of the year;
 3. The maximum number of consecutive days the weekly temporary use may be open shall be two (2) days; and
 4. If any major seasonal use or sale occurs multiple times throughout the year and the period between the use being open for business is greater than sixty (60) days, all associated temporary buildings and signage shall be removed for a minimum of forty (40) days while the use is not open for business.
- F. Construction. Construction as a temporary use is permitted in all zones with applicable building and land use permits. The length of time for construction as a temporary use shall be determined by the Director or Building Official and shall extend for the duration of active construction within the

municipality before the occupancy permit is issued. Construction shall follow all requirements outlined by the Director, Building Official or designee.

1. Temporary Construction Trailers. A permit for temporary construction trailers may be approved by the Director or designee for a structure or shelter used in connection with an approved development or project. The construction trailer may be used for temporary administrative and supervisory functions, and for sheltering employees and equipment during the construction phase of a project. Such a structure or shelter shall be removed within fourteen (14) days of the approval of the final certificate of occupancy.
2. Temporary Sales Office. A temporary sales office may be approved by the Director or Designee, subject to the following conditions:
 - a. The sales office is in connection with the sale of property within a project or subdivision under construction:
 - b. The sales office is located on the same parcel of land as the project or subdivision and is engaged in the sale of only units or lots thereon:
 - c. The sales office may remain open for up to one year or until all the lots are sold, whichever comes first; and
 - d. An extension may be granted on a yearly basis only when units or lots within the project or subdivision remain unsold.
- G. Yard and Garage Sales. Garage sales are permitted in all zones and do not require a permit, provided that the yard or garage sale shall not operate for more than a total of five (5) days in any calendar year and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of household items and personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right of way. Signs associated with a garage sale shall be taken down at night and may not be placed within a public right of way or sidewalk.
- H. Events. Events sponsored by the municipality are permitted in all zones, if the uses are an approved accessory use to the event, confined to the official location of the event, and confined in duration to the hours and time period of the official event.
- I. Circuses, Carnivals, Festivals, and Other Transitory Events.
 1. The Director or designee may issue a temporary use permit for a circus, carnival, other amusement enterprise of a similar transitory nature, or, providing the Director or designee finds that the use will not conflict with the uses in the neighborhood of the subject property. To determine the compatibility of uses, the Director or designee may call a public hearing.
 2. The Director or designee may:
 - a. Determine the compatibility of uses;
 - b. may call a public hearing.
 - c. Any request for a temporary use permit shall be submitted in writing.
 - d. A temporary use permit, the Director or Designee may:
 - e. Stipulate the length of time the permit may remain valid;
 - f. Stipulate the hours of operation of the use; and
 - g. Stipulate other regulations which are necessary for the public welfare.

19.44.040 – Prior Approval and Permit Required.

- A. Prior to the establishment of any of the above uses, or any qualifying temporary use, a temporary use permit must be obtained from Planning and Development Services.
- B. The application for a temporary use permit shall include the following:

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1. A municipal business license for commercial uses or proof that a municipal business license has been issued;
 2. Building or electrical permit if necessary;
 3. Hours of operation and all calendar days the use will be active or open for business;
 4. Salt Lake County Health Department approval if necessary;
 5. Site plan showing the location of the use, buildings and structures, setbacks, parking, access to public streets, access, parking, circulation, exterior seating, and adjacent uses;
 6. Applicable permits needed for mass gatherings or road closures; and
 7. Property owner's authorization and agreement between the owner and temporary use;
- C. The granting of said permit shall require the following findings:
1. The applicant's proposed use and applicant complies with all the standards set forth in the municipal code.
 2. The conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses;
 3. The requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant; and
 4. The applicant shall have sufficient liability insurance for the requested use or event if necessary.

19.44.050 – General Standards and Requirements.

- A. Any temporary use established under the provisions of this chapter shall conform to the following standards and requirements:
1. **Time Limits.** All temporary uses shall be given an expiration date for each allowed use defined in 19.04 Definitions or this Chapter. The time limit for all temporary uses shall be measured from the first day the use is anticipated to be open for business until the allowed time set forth in this Chapter.
 2. Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. If such codes require sanitary facilities, the sanitary facilities may be provided by a host structure provided that there is:
 3. No preparation of any food on the premises;
 4. No indoor seating of patrons;
 5. Written evidence that a host structure will provide sanitary facilities for any employees and that such facilities are conveniently located not more than three hundred feet (300') from the structure and will be accessible during all periods of operation of the use; and
 6. Written evidence from the County health department that all food will be prepared and delivered from an approved commissary and that all waste resulting from the operation of the use will be properly disposed.
 7. All parking shall meet the standards for off street parking as specified in Chapter 19.48 Off-Street Parking and Mobility.
 8. All structures shall be securely anchored to the ground at not less than four (4) points as directed by the chief building official. Temporary uses including the use of electricity, water, sewer or other utility services and temporary uses that require a building permit or other inspection for the use of a structure or equipment shall meet those requirements before being allowed to conduct business.

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9. The right to occupy the site shall be secured by a written agreement with the owner of the parcel and the owner of any host structures. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.
 10. Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. If any temporary structure becomes vacant prior to the expiration of the permit, it shall be removed within ten (10) days from the first day the vacancy is discovered by the Municipality
 11. The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures. The bond shall be:
 - a. one hundred dollars (\$100.00) for temporary uses without a structure, or a structure less than forty (40) square feet in size;
 - b. one thousand dollars (\$1,000.00) for all structures larger than forty (40) square feet in size; and
 - c. two thousand dollars (\$2,000.00) for all structures larger than two hundred (200) square feet in size.
- B. Temporary uses as allowed by this chapter may be identified by signage not to exceed two (2) freestanding vinyl banners with a combined area of up to twenty-four (24) square feet and up to twenty-four (24) square feet of total wall signage on the temporary structure itself. Signage must be located on the same property as the temporary use. All other signage is prohibited.
- C. Following the expiration of the temporary use set forth in this Chapter all buildings, products, fences, and signage shall be removed from the premises completely. Unless otherwise specified in the by the municipality or in the agreement between the property owner and temporary use.

19.44.060 - Action and Application.

- A. The Director or designee shall approve or deny permits for temporary uses. A use that meets the requirements stated above shall be approved and a use not meeting the requirements stated above shall be denied, or may be approved with appropriate conditions to assure that the use will be compatible with and will not pose any detriment to persons or property.
- B. The conditions may include a limitation upon hours of operation and/or a time limitation which is less than the maximum established by this chapter.

19.44.070 – Permit Renewal or Extension.

- A. Renewals. Upon the expiration of a temporary use permit no person may apply for the same permit at the same location within thirty (30) days of the expiration date.
- B. Extensions. Permits for temporary occupancy of a building for retail, sale of fruits and vegetables, and nursery supplies may request an extension up to ninety (90) days beyond the initial expiration date established when the applicant first applied for the temporary use. The extension shall only be granted if the Director or designee finds that:
 1. The extension does not expand the initial intensity or scale of the temporary use approved;
 2. No complaints have been made to the Council or Planning and Development Services Division since the establishment of the temporary use; and
 3. The temporary use has not caused a disturbance in parking or traffic flow from adjacent streets.

19.44.080 – Revocation of Permit.

A permit may be revoked for a violation of any of the provisions of this chapter or the conditions provided in the temporary use permit.

19.44.090 – Business License.

A temporary use permit is not a business license and the granting of the permit shall not relieve the permittee of any other license requirement of the municipality or any other public agency. Subject to the approval of a temporary use permit, a seasonal business license shall be issued prior to the commencement of a business allowed by this part.

19.44.100 – Fees.

To offset a portion of the costs incurred by the municipality in processing temporary use permits, fees may be charged as provided for in the fee schedule adopted by the Council.

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