

## KEARNS METRO TOWNSHIP

Ordinance No. 2023-06-01

Date: June 12, 2023

### AN ORDINANCE OF KEARNS METRO TOWNSHIP COUNCIL AMENDING TITLES 18 & 19 OF MUNICIPAL CODE, PROVISIONS ON ZONING AND SUBDIVISIONS

#### RECITALS

**WHEREAS**, the Greater Salt Lake Municipal Services District provides services to the five Metro Townships in the Salt Lake Valley, unincorporated areas, and the Town of Brighton; and

**WHEREAS**, Kearns Metro Township adopted each county ordinance in effect at the time of its incorporation pursuant to Utah Code Ann. Subsection 10-2a-414(3) and has authority to amend or repeal the county ordinance when it determines it is necessary; and

**WHEREAS**, Kearns Metro Township is a municipality and has authority to regulate zoning and subdivisions in general pursuant to Utah Code Ann. Subsection 10-3c-103 (2); and

**WHEREAS**, Kearns Metro Township has authority to adopt zoning and subdivision regulations pursuant to Utah Code Ann. § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, (“MLUDMA”), Title 10, Section 9a, Utah Code, to protect public health, safety, and welfare; and

**WHEREAS**, the Council deems it necessary to amend its ordinances in order to ensure compliance with State Statute, encourage conformity with the Kearns General Plan, promote ease of use for residents and staff, and preserve the unique character of the Kearns community; and for the protection and preservation of the public health, safety and general welfare.

**BE IT ORDAINED BY KEARNS METRO TOWNSHIP COUNCIL** as follows:

1. Chapter 9.60, Section 14.12.050, and Section 14.12.060 (Subsection E) of Kearns Municipal Code are repealed.
2. Title 18 is repealed and replaced in its entirety with the revised Title 18 attached hereto as **Attachment 1**.
3. Title 19, excluding Chapter 19.70, is repealed and replaced in its entirety with the revised Title 19 attached hereto as **Attachment 2**.

3. Severability. If a court of competent jurisdiction determines that any part of these Ordinances is unconstitutional or invalid, then such portion(s) of these Ordinances, or specific application of these Ordinances, shall be severed from the remainder, which shall continue in full force and effect.

4. Implementation. Kearns staff are instructed to take any administrative steps needed to prepare and finalize Attachments 1 and 2 for publication to Municode, including but not limited to making any formatting, grammatical, or other non-substantive changes to the Ordinances that may be needed.

5. Posting and Effective Date. After Kearns staff have prepared Attachments 1 and 2 for publication to Municode, the staff shall (2) post the attached summary pursuant to Utah Code § 10-3-711(1)(b); and (2) publish Attachments 1 and 2 to Municode. This ordinance will become effective as of the date the summary is posted and Attachments 1 and 2 are published to Municode.

**PASSED AND ADOPTED** this 12<sup>th</sup> day of June 2023.

[execution on following page]

KEARNS METRO TOWNSHIP COUNCIL



By: Kelly Bush, Mayor

APPROVED AS TO FORM:



METRO TOWNSHIP ATTORNEY

ATTEST



Lannie Chapman, Clerk/Recorder

Voting:

Council Member Bush voting  Y  
Council Member Butterfield voting   
Council Member Peterson voting  Y  
Council Member Schaeffer voting  Y  
Council Member Snow voting  Y


Date ordinance summary was posted on the Utah Public Notice Website:  
June 26, 2023

Effective date of ordinance: June 26, 2023

**SUMMARY OF**  
**KEARNS METRO TOWNSHIP**  
**ORDINANCE NO. 2023-06-12**

On June 12, 2023, the Kearns Metro Township Council enacted Ordinance No. 2023-06-01 that adopts new and updated versions of Titles 18 and 19 (Subdivisions and Zoning) of the Kearns Municipal Code (“KMC”) and repeals and replaces in their entirety the prior versions of Titles 18 and 19 as well as Chapter 9.60 (weeds), Section 14.12.050 (trees and landscaping that overhang street pavement), and Subsection E of Section 14.12.060 (vegetation that obstructs sidewalks).

KEARNS METRO TOWNSHIP COUNCIL

  
\_\_\_\_\_  
By: Kelly Bush, Mayor

ATTEST

*Lannie K. Chapman*  
\_\_\_\_\_  
Lannie Chapman, Clerk/Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
METRO TOWNSHIP ATTORNEY

Voting:

- Council Member Bush voting
- Council Member Butterfield voting
- Council Member Peterson voting
- Council Member Schaeffer voting
- Council Member Snow voting

A complete copy of Ordinance No. 2023-06-01 is available in the office of the Kearns Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

## **Kearns Metro Township: Title 19**

### **Adopted Version (2023)**

**File Number: OAM2022-000724**

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## **Chapter 19.02 TITLE, PURPOSE, AND APPLICABILITY.**

### **19.02.010 - Title.**

This Title is known as “The Zoning Ordinance of Kearns” and shall be referred to herein as “the Ordinance”, “this Ordinance”, or “Kearns Zoning Ordinance”.

### **19.02.020 - Organization.**

The Zoning Ordinance of Kearns is organized into five articles:

- A. Article I, “General Provisions” comprising Chapters 19.02 – 19.10, addresses:
  - 1. The organization and purpose of the Ordinance, together with definitions and enforcement procedures; and
  - 2. The criteria for addressing nonconforming uses, as well as procedures for analyzing takings.
- B. Article II, “Administration” comprising Chapters 19.12 – 19.20, addresses:
  - 1. The process for applying for various types of land use and land development permits, and the procedures for amending the General Plan, amending the Ordinance, and petitioning for zone changes;
  - 2. The roles of each administrative body in the land use and development process; and
  - 3. The administrative processes relating to planned unit developments.
- C. Article III, “Zone Regulations” comprising Chapters 19.22 – 19.40, addresses the regulations for each zoning district, including the permitted or conditional land uses and densities that are allowed in each zone.
- D. Article IV, “Specific and Temporary Use Standards,” comprising Chapters 19.42 – 19.44, addresses standards that are specific to the activity or use of a given property, including standards for long-term as well as temporary uses.
- E. Article V, “Development Standards,” comprising Chapters 19.46 – 19.64, addresses:
  - 1. General standards applicable to the development of land;
  - 2. Standards particular to a development district or overlay zone; and
  - 3. Infrastructure, site design, signs, additional building standards (mass, height, setbacks), and natural conditions (such as slope, soils, drainage, etc.).

### **19.02.030 - Purpose.**

- A. The Ordinance is intended to promote the health, safety, morals, order, prosperity, and welfare of the inhabitants of Kearns which includes:
  - 1. Reducing congestion on the streets and roads;
  - 2. Securing safety from fire and other dangers;
  - 3. Protecting the quality of light and air;
  - 4. Classifying land uses, development, and utilization;
  - 5. Protecting the tax base;

6. Securing efficiency in governmental expenditures;
7. Fostering agriculture and economic development;
8. Protecting both urban and nonurban development; and
9. Balancing private property rights with public purposes.

**19.02.040 – Applicability.**

- A. Territorial Application. All land and parcels of real property within the jurisdictional limits of Kearns are covered by the provisions of this Ordinance.
- B. General Applicability.
  1. Except where specific exemptions have been granted for nonconforming uses, noncomplying structures, or lots of record, the regulations contained in this Ordinance apply to all uses, structures, and parcels of real property, including those recorded prior to the enactment of this Ordinance.
  2. Every dwelling shall be located and maintained on a lot, as defined in this Ordinance. Except for approved detached accessory dwelling units, dwelling groups, and guest houses, not more than one (1) dwelling structure may occupy one (1) lot.
- C. General Prohibition. No portion or whole of any structure or land may be used, occupied, constructed, moved, enlarged, or structurally altered except as provided by this Ordinance. Land needed to meet the width, yard, area, coverage, parking or other requirements of this Title for a lot or building shall not be sold or conveyed away from such lot or building.
- D. Private Agreements. This Ordinance is not intended to enforce any private agreement or covenant. If this Ordinance is more restrictive than a private agreement or covenant, this Ordinance prevails.
- E. Other Laws and Regulations. This Ordinance controls over less restrictive State or municipal statutes, ordinances or regulations.

**19.02.050 – Transition Rules.**

- A. In those instances where this Ordinance conflicts with previously applicable zoning regulations, the following rules apply.
  1. Previously Approved Lots.
    - a. The requirements of this Ordinance as to minimum lot area or lot width shall not be construed to prevent the use of any lot or lot of record for a land use listed as a permitted use in the underlying zone, provided that:
      - i. The use and development standards set forth in Articles IV and V of this Ordinance are followed; and
      - ii. The lot was legally divided according to the applicable laws at the time of division and was held in separate ownership no later than the effective date of an ordinance under which the lot would not meet the minimum lot area or width.

2. Previously Issued Building Permits. If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance or any amendments to this Ordinance, and if construction has begun within one-hundred and eighty (180) days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and upon completion may be occupied under an occupancy permit for the use originally intended.
3. Previously Granted Approvals.
  - a. All approvals granted prior to the effective date of this Ordinance remain in full force and effect. The recipient of the approval may proceed to develop the property in accordance with the approved plans and any applicable conditions.
  - b. If the recipient has failed to act on an approval before the approval expires, including any periods of extension granted, the provisions of this Ordinance control.

**19.02.060 – Severability.**

If any provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remaining provisions of this Ordinance. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

## Chapter 19.04 DEFINITIONS.

### 19.04.010 – Definitions and Interpretation of Language.

For the purpose of Titles 18 and 19 of the Kearns Municipal Code, certain words and terms are defined as set out in this Chapter. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular, and words included herein but defined in the building code shall be construed as defined therein.

### 19.04.020 – General Definitions.

A. General terms used in Title 19 are defined as follows:

1. “Affected Entity” means a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 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 Ordinance or Utah Code.
2. “Agent” means a person with written authorization to represent a property owner.
3. “Animal Rights” means the keeping of livestock and fowl, limited to one animal unit and their seasonal offspring for each ten thousand square feet (10,000 sq.ft.).
4. “Animal Unit” means a proportionate combination of the following:
  - a. One (1) cow, or one (1) horse, or one (1) pig, or one (1) llama, or one (1) other similar large animal.
  - b. Four (4) adult sheep or feeder lambs, or two (2) alpacas (similar to llama).
  - c. Two (2) goats.
  - d. Ten (10) chickens, or ten (10) ducks, or ten (10) pigeons, or ten (10) similar small fowl, subject to the standards and requirements of this Title, Salt Lake County Animal Services, and Salt Lake County Health Department that ensure that domesticated fowl do not adversely impact the neighborhood surrounding the property on which the domestic fowl are kept. For regulations regarding the keeping of chickens, see Chapter 19.42.
  - e. Twelve (12) rabbits, or twelve (12) similar small animals.
  - f. Two (2) large birds such as ostriches, or emus, or peacocks.
  - g. Four (4) turkeys.

- h. The total animal units located on a given parcel or animal operation shall be determined by adding the animal units for each animal type. For the purpose of determining compliance, said definition shall not include the un-weaned offspring of any residing animal which is less than six (6) months in age.
5. “Appeal Authority” means the same as “Land Use Hearing Officer.”
6. “Applicant” means the person who makes formal application for a license, permit, subdivision or submits any application pursuant to Titles 18 or 19 of Kearns Municipal Code.
7. “Bench Mark” means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.
8. “Boundary Line Agreement” means an agreement to establish the location of a boundary between adjoining properties where the location of the boundary is ambiguous, uncertain, or disputed.
9. “Buffer, Riparian” means an area along the course of any watercourse or roadway or boundary line to be maintained without the disturbance of buildings or structures other than fencing, if allowed.
10. “Business Day” means a day in which normal business operations are conducted. Saturdays, Sundays, Holidays and days Planning and Development Services are not open are not considered business days.
11. “Concept Plat / Drawing” means a drawing that shows the overall concept of a proposed development, as further defined in these regulations.
12. “Conditional Use” means a land use that has unique characteristics or negative effects that may not be compatible in an area without conditions to mitigate or eliminate the detrimental impacts. A land use listed as a conditional use is a use of land for which a conditional use permit is required pursuant to this Title.
13. “Conservation Easement” means an easement that perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the [insert name of conservation easement holder], permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.
14. “Council” means the municipal council, unless otherwise clearly indicated.
15. “Culinary Water Authority” means the department, agency, or public entity with the responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
16. “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
17. “Development Code” means Titles 18 and 19 of Kearns Municipal Code.

18. “Development Review Committee (DRC)” means Planning and Development Services staff, in consultation with agencies contracted with the municipality for engineering, health, fire, and surveying reviews and services. Comments from other affected entities, service providers or other reviewing agencies may also be solicited as needed.
19. “Director” means the Greater Salt Lake Municipal Services District Director of Planning and Development Services.
20. “ Dwelling ” means any building or structure, or portion thereof, intended for residential use.
21. “ Dwelling Unit ” means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping. Buildings with more than one (1) kitchen or set of cooking facilities are considered to contain more than one (1) dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:
  - a. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
  - b. No portion of the building containing cooking facilities may be separated from the remaining rooms to form a separate dwelling unit; and
  - c. There is only one (1) electric and/or gas meter for the building.
22. “ Easement ” means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.
23. “ Facility Company ” means a company not regulated by the public service commission that provides a service including but not limited to cable television or telecommunications.
24. “ Family ” means one of the following groups of individuals, but not more than one group at the same time:
  - a. An individual living alone; or
  - b. Two (2) or more people, all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children, and up to two (2) other unrelated persons who do not pay rent; or
  - c. Up to four (4) related or unrelated individuals who live and cook together as a single housekeeping unit; or
  - d. Two (2) unrelated individuals and any children of either of them living as a single housekeeping unit.
25. “ Good Cause ” means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.
26. “ Graffiti ” means inscriptions, drawings, paintings, or other visual defacing of buildings, structures, or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in municipal ordinances.

27. “Guest” means a person paying for staying or receiving services at a bed and breakfast, hotel, motel, resort, or similar facility.
28. “Guestroom” means a room that is designed for double occupancy by guests, for sleeping purposes.
29. “Health Department” means the Health Department of Salt Lake County, Utah.
30. “Inoperable Vehicle” means a vehicle that is not currently registered or licensed in the Utah or in another state, or which has been dismantled or wrecked so that it is no longer considered street legal.
31. “Land Trust” means a private non-stock, non-profit corporation that has as its purpose the preservation.
32. “Land Use Application” means an application required by the zoning or subdivision ordinances.
33. “Land Use Authority” means the person, board, commission, agency, or other body designated by the Magna Municipal Council to act upon a land use application.
34. “Land Use Decision” means any final decision of the Council, Planning Commission, or final administrative decision of the Director or other official responsible for the enforcement of zoning and subdivision regulations.
35. “Land Use Hearing Officer” means the “Appeal Authority” created pursuant to Utah Code §10-9a.701 to hear appeals to zoning decisions applying to the zoning ordinance as provided in Section 19.16.020 and for decisions by the Planning Commission. The Land Use Hearing Officer is also the appeal authority for subdivision appeals subject to Section 18.08.040 of Kearns Municipal Code. The Land Use Hearing Officer is also charged with the powers and duties enumerated in Section 19.12.040.C.
36. “Legal Lot of Record” means any land parcel that existed, as recorded in the Office of the Salt Lake County Recorder, with a separate property identification number as provided by the Office of the Salt Lake County Recorder and Office of the Salt Lake County Assessor, prior to December 17, 1952, and all land parcels that were legally created for the purposes of development pursuant to the applicable zoning and subdivision requirements and the laws of the State of Utah after the date of the first Subdivision Ordinance enactment.
37. “Local Jurisdiction” means the municipality, or other political subdivision adopting this Ordinance.
38. “Membrane Covered Frame Structure” means a non-pressurized building wherein the structure is composed of a rigid framework to support a tensioned membrane that provides the weather barrier.
39. “Minor Local Street” means a street, existing or proposed, often of limited continuity, the primary purpose of which is to provide access to property and serve the local needs of a neighborhood. A minor local street carries low volumes of traffic at the lowest speed limits.
40. “Monument” means a permanent survey marker established by the Salt Lake County Surveyor and/or a survey marker set in accordance with the Salt Lake County Surveyor’s specifications and referenced to Salt Lake County survey monuments.
41. “Municipal Engineering Division” means the division or personnel hired by or contracted with the municipality to provide engineering services. The “Municipal Engineering Division” is also referred to as the “Municipal Engineer” or “Municipal Engineering”.

42. “Municipal Flood Control Division” means the division or personnel hired by or contracted with the municipality to provide flood control and water quality services.
43. “Municipal Geologist” means the personnel hired by or contracted with the municipality to provide geologic hazard review and geology services.
44. “Natural Condition” means the topography and vegetation of the area that is unaltered by clearing and grading during construction and protected in perpetuity.
45. “Noncomplying Structure” means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at the time of construction, that no longer conforms to the height, area, and/or yard regulations in the zone in which it is located due to changes to the zoning ordinance or to the subsequent public acquisition of land for public improvements. A “Noncomplying Structure” may also be referred to as “Nonconforming Structures”.
46. “Nonconforming Use” means a use which lawfully occupied a building or land at the time the ordinance codified in this Title became effective and which does not conform with the use regulations of the zone in which it is located.
47. “Nonconforming Lot” means a legally established lot or parcel that met the applicable area, width and other applicable requirements in effect at the time the lot or parcel was created, but which fails by reason of such adoption, revision or amendment of the zoning ordinance, to conform to the present requirements of the zone in which it is located.
48. “Owner” includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof having a majority fee simple interest in real property, or a majority interest through any other form of ownership.
49. “Parcel of Land” means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person.
50. “Permitted Use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
51. “Planning and Development Services” means the Planning and Development Services Department of the Greater Salt Lake Municipal Services District.
52. “Planning Commission” means the municipal planning commission.
53. “Portable Storage Container” means a transportable, weather-resistant, commercially leased or rented storage structure or container that is designed and used primarily for the storage of goods, items, and materials placed outside of the primary structure on a property. Portable Storage Container includes CONEX and other Shipping Containers. Portable Storage Container does not include yard waste containers, construction debris containers, or containers with a storage capacity less than two-hundred (200) cubic feet.
54. “Pre-Existing Lot” means a lot that was created prior to the adoption date of this Ordinance, through a recorded subdivision plat, deed, sales contract, or survey, and a lot that met the zoning regulations in effect at the time of its creation. For the purposes of this Title, a pre-existing lot is a nonconforming lot and shall be regulated in the same manner as nonconforming lots.

55. “Pre-Existing Structure” means a structure that was legally constructed prior to the adoption of this Ordinance. For the purposes of this Title, a pre-existing structure is a nonconforming structure and shall be regulated in the same manner as nonconforming structures.
56. “Pre-Existing Use” means a use that was legally established prior to the adoption of this Ordinance and has not been abandoned for more than one year. For the purposes of this Title, a pre-existing use is a nonconforming use and shall be regulated in the same manner as nonconforming uses.
57. “Primary Dwelling” means a single-family dwelling that:
- a. Is detached;
  - b. Is occupied as the primary residence of the owner of record; and
  - c. “Primary Dwelling” includes a garage if the garage:
    - i. Is a habitable space; and
    - ii. Is connected to the primary dwelling by a common wall.
58. “Provisional Parking” means an area or areas within a parking lot where parking spaces which are shown on the approved parking plan are landscaped rather than paved. Provisional parking is subject to the requirements of Chapter 19.48.
59. “Public Works Operations” means the division or personnel hired by or contracted with the municipality to provide road construction and maintenance, snow removal and other related services.
60. “Record of Survey Map” means a map of a survey of land prepared in accordance with Utah Code.
61. “Recreational Vehicle” means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by or on another vehicle, including but not limited to truck campers, camper trailers, motorhomes, vehicles converted to have living facilities, or other vehicles used as sleeping or living accommodations.
62. “Residential Roadway” means a public local residential road that:
- a. Will serve primarily to provide access to adjacent primarily residential areas and property;
  - b. Is designed to accommodate minimal traffic volumes or vehicular traffic;
  - c. Is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
  - d. Has a posted speed limit of 25 miles per hour or less;
  - e. Does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
  - f. Cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
  - g. Primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
63. “Road” can be used interchangeably with the word street.

64. “Sanitary Sewer Authority” means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
65. “Standards and Specifications” means the construction and design requirements and standards of the municipality for the construction and installation of public infrastructure and improvements. The documents shall be approved by the Municipal Engineer and approved by Resolution of the Council.
66. “Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty 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 slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. “Permanent construction” does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not as part of the main structure.
67. “Street” means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than twenty-five feet wide, which has been made public by right of use and which affords the principal means of access to abutting property. Street does not include alleys or trails. May sometimes be referred to as road.
68. “Street, Private” means an access way, other than a driveway, similar to and having substantially the same or similar function as a public street, providing access to one or more properties, but held in private ownership.
69. “Streetlight” means a raised light installed within or adjacent to the street right-of-way, turned on or lit at a certain time every night. Modern lamps may also have light-sensitive photocells to turn them on at dusk and off at sunrise or activate automatically in foul weather.
70. “Structure” means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.
71. “Structural Alterations” means any change in supporting members of a building or structure, such as bearing walls, columns, beams, or girders.
72. “Subdivision” means any land that is divided, resubdivided, or proposed to be divided into two or more lots 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.
  - a. “Subdivision” includes:
    - i. The division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
    - ii. Except as provided in Subsection B, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

- b. "Subdivision" does not include:
- i. A bona fide division or partition of agricultural land 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;
  - ii. A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Utah Code §10-9a-524 if no new parcel is created;
  - iii. A recorded document, executed by the owner of record:
    - (a) Revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or
    - (b) Joining a lot to a parcel;
    - (c) A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code, §10-9a-524 and §10-9a-608, if:
      - (i) No new dwelling lot or housing unit will result from the adjustment; and
      - (ii) The adjustment will not violate any applicable land use ordinance;
    - (d) A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
      - (i) Is in anticipation of future land use approvals on the parcel or parcels;
      - (ii) Does not confer any land use approvals; and
      - (iii) Has not been approved by the land use authority;
      - (iv) A parcel boundary adjustment;
      - (v) A lot line adjustment;
      - (vi) A road, street, or highway dedication plat;
      - (vii) A deed or easement for a road, street, or highway purpose; or
      - (viii) Any other division of land authorized by law.

73. "Subdivision Amendment" means an amendment to a recorded subdivision in accordance with Utah Code §10-9a-608, that:

- a. Vacates all or a portion of the subdivision;
- b. Alters the outside boundary of the subdivision;
- c. Changes the number of lots within the subdivision;
- d. Alters a public right-of-way, a public easement, or public infrastructure within the subdivision;  
or
- e. Alters a common area or other common amenity within the subdivision.

74. "Subject Property" means the land area for which an approval is required to comply with this Ordinance.

75. “Substantial improvement” means:
- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:
    - i. Before the improvement or repair is started; or
    - ii. If the structure is damaged and is being restored, before the damage occurred.
  - b. For the purpose 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.
  - c. The term does not, however, include either:
    - i. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
    - ii. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
76. “Trails” means a system of public recreational pathways located within the municipality for use by the public for walking, biking and/or horseback riding as designated.
77. “Utility Company” means a company regulated by the public service commission that provides a service including but not limited to electricity, telephone, or gas.
78. “Utilities or Improvements” means all types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services, and surface improvements such sidewalks, curbs, gutters, and streets.
79. “Vehicle” means a self-propelled device used for transporting persons or things, including, but not limited to, automobiles, watercraft, motorcycles, snowmobiles, and recreation vehicles. Does not include heavy machinery.
80. “Vehicle, Commercial” means any motorized vehicle or trailer used for or intended for business use - including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers, or animals - and which is characterized by any of the following:
- a. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;
  - b. Vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks, or other similar vehicles;
  - c. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature;
  - d. Vehicles with more than two axles; or
  - e. Vehicles with a payload capacity of more than eight thousand five hundred (8,500) pounds.

**19.04.030 – Site Standard Definitions.**

A. Site Development terms used in Title 19 are defined as follows:

1. “Active Recreation” means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.
2. “Arterial Street” means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the UDOT Functional Classification Map as a controlled-access highway, limited-access road, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.
3. “All Weather Surface” means a surface composed of gravel, stone, macadam, or other approved pervious material, with sufficient depth and compaction to permit vehicular traffic in extremely inclement weather.
4. “Alley” means a public or private way which affords a secondary means of access to abutting property.
5. “Basement” means any floor level below the first story in a building, except that a floor level in a building having only one (1) floor level shall be classified as a basement unless such floor level qualifies as a first story.
6. “Base Density” means the original density permitted under the property’s zoning category, in dwelling units per acre.
7. “Buildable Area” means a lot or portion thereof possessing all of the following physical characteristics:
  - a. The area contains no territory having a slope of thirty percent (30%) or greater;
  - b. The area contains no territory which is located in any identified floodplain or within any recognized inundation zone, mudflow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
  - c. The engineering properties of the soil provide adequate structural support for the intended use; and
  - d. The area does not possess any other recognized natural condition which renders it unsafe for building purposes.
8. “Building” means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.
9. “Building Alteration” means any act or process that changes the architectural detail, function, or structural design of a building, including but not limited to the erection, construction, reconstruction, or removal of any building.
10. “Building Coverage” means the maximum horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level or above, whichever is the greater area, including, without limitation, courts and exterior stairways, but excluding:
  - a. Uncovered decks, porches, patios, terraces, and stairways all less than thirty inches high; and
  - b. The outer four feet of completely open, uncovered, cantilevered balconies having a minimum of eight feet (8’) of vertical clearance below.

11. “Building Envelope” means the building pad, building footprint, and height restrictions, which define the maximum building area in which all development must occur. The building envelope is the area that remains for placing a structure on a site after building line, setback, side yard, height and bulk regulations are observed.
12. “Building Facade” means the exterior of a building located above ground and generally visible from public points of view.
13. “Building Footprint” means the total area of the foundation of a structure, or the furthest exterior wall or supporting column of the structure. Decks, porches, patios, stairways, terraces, planter boxes and balconies that are both uncovered and less than thirty feet (30') tall, measured from the finished grade are not part of the building footprint.
14. “Building Height” means the vertical distance above the natural grade at any point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a level midway between the level of the eaves and the highest point of pitched or hipped roofs, or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For purposes of measuring height, the “level of the eaves” means the highest level where the plane of the roof intersects the plane of the outside wall on any side containing an eave. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension. The height of each stepped building segment shall be measured separately.
15. “Building Street Frontage” means the portion of the building directly fronting or adjacent to the street. Building Street Frontage is calculated by dividing the portion of the building at the build-to-line or within a specified distance of the build-to-line by the street frontage.
16. “Build-to-Line” means the maximum distance a building may be setback from a property line or other designated location. The purpose of a build-to-line is to bring structures adjacent to streets and sidewalks to encourage pedestrian activity.
17. “Collector Street” means a street which carries traffic from local streets to the Arterial Street system, including the principal entrance streets of residence development and the primary circulating streets within such a development. A collector street may have prohibited movements and the number and spacing of driveways may be controlled.
18. “Cul-de-sac” means a minor street having one open end and being terminated at the other by a vehicular turnaround.
19. “Dedication” means the setting aside of land by an owner for any public use for the enjoyment of the public and owned by a public agency.
20. “Entrance” means the location of ingress to a room, building, or lot; a location of admittance.
21. “Exit” means the location of egress from a room, building, or lot.
22. “Fence” means any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line.
23. “Final Plat” means a plat map prepared in accordance with the provisions of this ordinance for the purpose of subdividing property. A final plat must be based on an accurate survey, and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified.

24. “Frontage” means the uninterrupted linear or curvilinear extent of a lot, abutting on a street, measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line. The measurement of lot frontage shall not include irregularities in the street line and, in the case of a corner lot, shall extend to the point of intersection of the rights-of-way. If a lot has frontage on more than one street, only the frontage on one street may be used to satisfy the minimum lot frontage.
25. “Grade, Finished” means the topographic elevations where the earth meets the building, upon project completion. Excluded from this definition are window wells serving basement rooms. Also referred to as “final grade”.
26. “Grade, Natural” means the topographic elevations representing the surface of the ground prior to grading, filling, or other site alterations for a project. When natural grade is not readily apparent, an approximation of preexisting conditions using grades on adjacent sites, retaining walls, prior survey maps, etc., may be used as a reference for determining natural grade. All such grade approximations shall require the concurrence of the Director. “Grade, Natural” is also referred to as “existing grade”.
27. “Green Space” means open space maintained in a natural, undisturbed, or revegetated condition.
28. “Guarantee” means a bond, escrow or irrevocable letter of credit given by the applicant(a) to ensure the proper installation of public infrastructure and improvements.
29. “Intensity” means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most intense being higher, longer and/or wider.
30. “Lot” means a parcel of land occupied or proposed to be occupied by a building or buildings, together with such yards, open spaces, lot width, and lot areas as are required by this Title, having frontage upon a street or a right-of-way approved by a Land Use Hearing Officer, or upon a right-of-way not less than twenty feet (20') wide. Except as provided in this Title, not more than one (1) dwelling structure shall occupy one (1) lot.
31. “Lot, Corner” means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
32. “Lot, Double Fronting” means a lot having frontage on two (2) streets that are parallel or nearly so or do not intersect.
33. “Lot, Interior” means a lot other than a corner lot.
34. “Lot Line Adjustment” means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. “Lot Line Adjustment” does not mean a new boundary line that creates an additional lot or constitutes a subdivision or a subdivision amendment.
35. “Lot Line, Front” means the front boundary line of a lot bordering the street.
36. “Lot Line, Rear” means a lot line that is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, the rear lot line shall be that lot line that is generally parallel to and at the maximum distance from the front lot line, having a length of at least ten feet (10').
37. “Lot Line, Side” means any lot boundary line not a front lot line or a rear lot line.

38. “Lot Width” means the distance between the side lot lines measured at the required front yard setback line. For a corner lot, the lot width is the distance between one of the front lot lines and the opposite side yard line at the required front yard setback line.
39. “Primary building” means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.
40. “Major Local Street” means a street, existing or proposed, which serves or is intended to serve to connect minor local streets with collector streets while also providing direct access to property. A major local street has more continuity for through-traffic than a minor local street.
41. “Marginal Access Street” means a local street, parallel and adjacent to a minor arterial or minor collector street providing access to abutting properties and protection from arterial or collector streets.
42. “Off Street Parking” means a site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.
43. “Organic Disposal Site” means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.
44. “Open Space” means an area of land or water set aside to be preserved or reserved for use by residents of the development. An expanse of lawn, trees, plants, or other natural areas. Any landscaped area of the site including: required yards, setbacks, walkways, and limited common areas. It does not include parking, driveways, or buildings with habitable space for primary uses, but may include buildings for the purpose of providing an amenity. Open space may be distributed throughout the development and need not be in a single large area. Open space may include sensitive areas, such as areas with 30% or greater slope, fault zones, floodplains, high water tables, and wetlands if they have been designed as an integral element of the project. Any additional amenity that is located on the roof of a building shall not be considered open space.
45. “Parking Lot” means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
46. “Parking Space” means space within a building, lot, or parking lot for the parking or storage of one automobile.
47. “Passive Recreation” means activities that involve inactive or less energetic activities often performed by leisurely walking or conducting small group gatherings that do not require physical activity.
48. “Preliminary Approval” means an approval, with or without recommended alterations, given to a preliminary plat by the Planning Commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.
49. “Preliminary Plat” means a map or plan of a proposed land division or subdivision. A drawing that shows the perimeter boundary, topography, lot layout arrangement, street layout, and other features of a proposed subdivision, as specified for a preliminary plat in the Ordinance.

50. “Public Utility Easement” An area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility lines, mains, services, and minor facilities.
51. “Setback” means a distance from a curb, property line, or structure within which building is prohibited.
52. “Side Yard, Corner Lot” means a side lot line that abuts a street.
53. “Side Yard, Interior Lot” means a side lot line that abuts a side or rear lot line of another lot.
54. “Stealth Design” means the use of alternative support structures to blend or hide the communication equipment with the design, shape, or color of the structure. Examples of stealth design include field lights, clock towers, bell towers, water towers, flagpoles, windmills, monuments, etc.
55. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such usable or unused underfloor space will be considered as a story.
56. “Story, First” means the lowest story in a building that qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.
57. “Story, Half” means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.
58. “Yard” means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as “provided herein.
59. “Yard, Front” means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The “depth” of the front yard is the minimum distance between the front lot line and the front line of the building.
60. “Yard, Rear” means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The “depth” of the rear yard is the minimum distance between the rear lot line and the rear line of the building.
61. “Yard, Required” means the open space around buildings which is required by the terms of this Title.
62. “Yard, Side” means a space on the same lot with a building, between the side line of the building and the side lot line, and extending from the front yard to the rear yard. The “width” of the side yard shall be the minimum distance between the side lot line and the side lot line of the building. See “Side Yard, Interior Lot” and “Side Yard, Corner Lot”.

**19.04.040 – Telecommunications Definitions.**

A. Telecommunications terms used in Title 19 are defined as follows:

1. “Amateur Radio Antenna” means a radio antenna that complies with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or meets the standards related to amateur radio service adopted under 47 C.F.R. Part 97.

2. “Amateur Radio Antenna Support Structure” means a lattice or pole structure which acts as a support to the amateur radio antenna. Typical support structures are triangular or square in cross-section, crank up, or guyed, and are constructed with galvanized steel or aluminum.
3. “Antenna” means a transducer, attached to a support structure, designed to transmit or receive electromagnetic waves.
4. “Distribution system” means the portion of the system located between: (1) the service drop transformer and the distribution substation for electric service, (2) the service drop and the receive site (headend) for cable television, or (3) the service drop and the transmission system for telephone service.
5. “Earth Station” means a communication facility that transmits and/or receives signals to and from orbiting satellite(s).
6. “Lattice Tower” means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure that often tapers from the foundation to the top.
7. “Service Drop” means the portion of the system located between the distribution system and wall of the building or structure occupied or intended to be occupied by a customer.
8. “System” means all poles, towers, wires, lines, cables, conduits, pipes and accessory equipment providing service such as electricity, telephone, telegraph, cable television, gas, water, sewer, steam or petroleum including service drops, distribution system, transmission system, and accessory equipment.
9. “Telecommunication Facilities, Wireless Communication Facilities, and Radio/TV Transmitting Towers” means facilities used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. Telecommunications Sites/Facilities do not include Amateur Radio equipment that complies with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or amateur radio service adopted under 47 C.F.R. Part 97.
10. “Transmission System” means the portion of the system which is used to carry the service from points of generation or switching centers to distribution points such as electrical substations and equipment sites. In the case of electrical service, a transmission system is defined as carrying a voltage of forty-six (46) KV or more.
11. “Wireless Facility” means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including (a) equipment associated with wireless communication; and (ii) regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or back up power supply, or comparable equipment. Wireless Facility does not include the structure or an improvement on, under, or within which the equipment is collocated; or a coaxial or fiber-optic cable that is: between wireless structures or utility poles; not immediately adjacent to or directly associated with a particular antenna; or a wireline backhaul facility. (Utah Code §54-21-101)

12. “Wireless Telecommunications Antenna” means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
13. “Wireless Telecommunications Equipment Shelter” means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
14. “Wireless Telecommunications Site/Facility” means an unmanned structure that consists of equipment used primarily for the transmission, reception, or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.
15. “Wireless Telecommunications Tower” means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer that connects the mobile unit with the land-based telephone lines.

**19.04.050 – Landscaping Definitions.**

A. Landscaping terminology used in Title 19 is defined as follows:

1. “Active Recreation Area” means an area that is dedicated to active play where turf grass may be used as the playing surface. Examples of active recreation areas include sports fields, play areas, and other similar uses.
2. “Bubbler” means an irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.
3. “Check Valve” means a device used in sprinkler heads or pipe to prevent water from draining out of the pipe through gravity flow.
4. “Controller” means a device used in irrigation systems to automatically control when and how long sprinklers or drip systems operate.
5. “Drip Emitter” means drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.
6. “Grading Plan” means a plan that shows all finish grades, spot elevations, drainage as necessary and existing and new contours with the developed landscaped area.
7. “Ground Cover” means material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve inches (12”).
8. “Hardscape” means patios, decks and paths. Does not include driveways and sidewalks.
9. “Irrigation Plan” means a plan showing the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

10. “Landscape Architect” means a person who holds a professional license to practice landscape architecture in the State of Utah. Per Utah Code, licensed landscape architects, licensed architects, licensed land surveyors, and licensed engineers can professionally stamp plans that fall under the practice of landscape architecture. This includes commercial landscape and irrigation plans. Kearns Metro Township has the authority to require that only a licensed landscape architect can stamp plans that fall under the practice of landscape architecture.
11. “Landscape Designer” means a person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape designers generally focus on residential design and horticultural needs of home landscapes.
12. “Landscape Documentation Package” means the preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The landscape documentation package shall include, at a minimum, a project data sheet, a site plan, a planting plan, an irrigation plan, construction details, and a grading plan.
13. “Landscape Zone” means a portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.
14. “Landscaping” means any combination of living plants, such as trees, shrubs, vines, ground covers, annuals, perennials, ornamental grass, or seeding; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.
15. “Localscapes®” means a locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see [www.Localscapes.com](http://www.Localscapes.com)).
16. “Mulch” means any material such as rock, bark, wood chips or other materials left loose and applied to the soil.
17. “Park Strip” means a typically narrow landscaped area located between the back-of-curb and sidewalk.
18. “Planting Plan” means a plan that clearly and accurately identifies the type, size, and locations for new and existing trees, shrubs, planting beds, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.
19. “Pop-up Spray Head” means a sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.
20. “Precipitation Rate” means the depth of water applied to a given area, usually measured in inches per hour.
21. “Pressure Regulating Valve” means a valve installed in an irrigation mainline that reduces a higher supply pressure at the inlet down to a regulated lower pressure at the outlet.

22. “Pressure Compensating” means a drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.
23. “Public Landscaping Improvement” means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:
  - a. Will be dedicated to and maintained by the municipality; or
  - b. Are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.
24. “Rotor Spray Head” means a sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.
25. “Runoff” means irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.
26. “Spray Sprinkler” means an irrigation head that sprays water through a nozzle.
27. “Stream Sprinkler” means an irrigation head that projects water through a gear rotor in single or multiple streams.
28. “Turf” means a surface layer of earth containing mowed grass with its roots. “Turf” also includes artificial turf that has lifelike individual blades of grass, in a color and texture that emulates natural turf. Artificial turf must have a pile height of at least one and a half inches (1.5”) and a face weight of fifty ounces per square yard (50 oz./sq. yard).
29. “Water-Conserving Plant” means a plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.
30. “Weed(s)” means any vegetation commonly referred to as a weed, or which has been designated a noxious weed by the Utah Department of Agriculture and Food. Weeds also refer to areas of unkept lawn that have grown to the point of seeding.

**19.04.060 – Sign Definitions.**

A. Sign terminology used in Title 19 is defined as follows:

1. “Address Sign” means a sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service.
2. “Awning” means a shelter extending from the exterior wall of a building and composed of nonrigid materials, including cloth, plastic, or other nonrigid materials, except for the supporting framework.
3. “Awning Sign” means any sign painted on, attached to, or supported by an awning.
4. “Balloon Sign” means a sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device.

5. “Banner” means a temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method, or that may be supported by stakes in the ground. Banners do not include flags.
6. “Billboard” means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located (as defined in Utah Code §10-9a-103).
7. “Blade Sign” means the same as “Projecting Sign”.
8. “Canopy” means a freestanding, permanent roof-like shelter, other than an awning, that may be either freestanding or attached to an adjacent building or structure.
9. “Canopy Sign” means a permanent sign attached to or constructed on a canopy.
10. “Drive-Thru Facility Sign” means a freestanding sign that is located along the path or aisle utilized for a drive-through facility.
11. “Driveway Sign” means a small permanent sign located near driveway access points and/or at the intersection of internal access drives.
12. “Electronic Message Center” means a sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lamp bank or through mechanical means (e.g., electronic or digital signs).
13. “Flag” means any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners. Flags do not include banner.
14. “Flat Sign” means the same as “Wall Sign”.
15. “Holiday Decorations” means signs or displays including lighting which are non-permanent installations timed around national, state, and local holidays, religious or cultural holidays, or other holiday seasons.
16. “Illegal Sign” means a sign that is not permitted or allowed to be established in a zone, does not meet the requirements of the zoning ordinance, and/or has not received nonconforming status. Any sign not specifically listed as a permitted or conditional use is prohibited in that zone.
17. “Incidental Sign” means signs that are often attached to doors, windows, gas pumps, or other structures that are small in nature and typically intended to be read by a user up close, rather than from a distance by pedestrians or drivers.
18. “Light Pole Banner” means a temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.
19. “Limited Duration Sign” means a non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.
20. “Marquee Sign” means a permanent, roof-like canopy with an integral sign that extends from part or all of a building face that may or may not project over a public right-of-way.

21. "Monument Sign" means a sign permanently affixed to the ground at its base, supported entirely by a base structure that is flush to the ground, and not mounted on a pole.
22. "Mural" means a large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.
23. "Off-Premise Sign" means a sign that is not located on the building or property of the business it advertises. The most common example of an off-premise sign is a billboard.
24. "Permanent Sign" means a sign attached or affixed to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
25. "Pole Sign" means a freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.
26. "Portable Sign" means a sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.
27. "Projecting Sign" means a double-sided sign, excluding canopy and awning signs, mounted on a building such that the faces of the sign are perpendicular to the building and normal flow of traffic. It may also be referred to as a blade sign.
28. "Roof Sign" means any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.
29. "Sidewalk or Sandwich Board Sign" means a moveable sign not secured or attached to the ground or surface upon which it is located that's supported by its own frame. A common form of sidewalk sign may be referred to as a sandwich board sign that has the cross-sectional shape of the letter A. Sidewalk signs may also be in a form that has a cross-sectional shape of an upside-down letter T.
30. "Sign" means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a commodity, an event, a gathering, or product, which are visible from any public way. "Sign" also includes the sign structure supports, lighting system, and any attachments, ornaments, or other features intended to draw the attention of observers.
31. "Sign Alteration" means a change or rearrangement in the structural part or design of a sign whether by extending on a side, by increasing in area or height, or by relocating or changing position.
32. "Sign Area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than ten degrees. For signs that do not have a frame or a separate background, the sign area shall be computed on the basis of the least rectangle, triangle, or circle large enough to frame

the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square, or other such shape shall be computed as one-half of the total surface area.

33. "Sign Copy" means the words logos, symbols, or message displayed on a sign.
34. "Sign Face" means an exterior display surface of a sign including non-structural trim exclusive of the supporting structure.
35. "Sign Height" means the vertical distance above the natural grade at any point on the perimeter of the sign to the highest point of the sign structure.
36. "Sign Maintenance" means the upkeep of signs in a safe, presentable and good condition, including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of said sign.
37. "Sign Setback" means the minimum distance that any portion of a sign or sign structure shall be from any street property line.
38. "Sign Structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having a location on or below the ground.
39. "Snipe Sign" means a temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.
40. "Temporary Sign" means a type of non-permanent, sign that is located on private property that can be displayed for no more than thirty (30) consecutive days at one time.
41. "Temporary Yard Sign" means any temporary sign placed in the ground.
42. "Vehicle Sign" means a sign or advertising device attached to or located on a vehicle or trailer parked on a public right-of-way, public property, or parking area with access by the general public so as to be visible from a public right-of-way for the basic purpose of directing people to a business or activity.
43. "Wall Sign" means a building-mounted sign that is either painted on, attached to, or displayed on a wall or its facing in a manner parallel to the wall surface.
44. "Window Sign" means any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building. Customary displays of merchandise behind a store window are not considered signs.

**19.04.070 – Use Definitions.**

A. Uses identified in Title 19 are defined as follows:

1. "Accessory Equipment" means the portion of the system including equipment sites, transformers, switchgear, pedestals, terminals, meters, buildings (substations), and other similar equipment that is normally installed aboveground in accordance with accepted practices of underground systems.

2. “Accessory Structure” means a detached subordinate building or structure the appropriate use of which is subordinate and customarily incidental to the primary building or to the main use of the land and which is located on the same lot or parcel of land with the primary building or use. Accessory structures include detached garages or carports, garden or storage sheds, and children's playhouses, but do not involve the conduct of a business.
3. “Accessory Dwelling Unit, Attached” means a habitable living unit attached to a primary single-family dwelling and contained on one lot for the purpose of offering a long-term rental of thirty (30) consecutive days or longer. An “Accessory Dwelling Unit, Attached” may include an addition to the footprint of the primary dwelling.
4. “Accessory Dwelling Unit, Detached” means a habitable living unit detached from a primary single-family dwelling and contained on one lot for the purpose of offering a long-term rental of thirty (30) consecutive days or longer.
5. “Accessory Dwelling Unit, Internal” 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 (IADU) was created; and
  - c. For the purpose of offering a long-term rental of thirty (30) consecutive days or longer.
6. “Accessory Outside Storage” means the accessory location of any goods, wares, merchandise, commodities, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours. The area used for outdoor storage shall not constitute more than fifteen percent (15%) of the lot area. With the exception of retail sales displays in an approved commercial area, outdoor storage shall be screened from public view by a minimum six-foot (6') high opaque fence or, 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. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited. “Outdoor 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. See “Storage Yard.”
7. “Accessory Use” means a use clearly incidental and subordinate to the existing primary use and customarily related to the primary use and located on the same lot or in the same building as the primary use.
8. “Agricultural Building” means a structure that is primarily associated with and supports agricultural use or activity but shall not be used for human occupancy and complying with the requirements of Utah Code. To qualify as an agricultural building the structure shall meet all requirements of Utah Code, and be clearly associated with and necessary to support an agricultural use or activity.
9. “Agricultural Products Processing” means the processing of non-animal agricultural products including but not limited to the processing, cleaning, sorting, grading, packaging, or milling of products intended for human or animal consumption or use.
10. “Agricultural Sales” means the retail or wholesale sale of agricultural or horticultural products grown or raised on site and not produced or purchased from another location for resale. This use does not include the commercial slaughtering, processing, packaging, or sale of meat, poultry and dairy, concentrated animal feeding operation, or similar uses.

11. “Agriculture” means the tilling of the soil, the raising and harvesting of crops, horticulture and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals or similar uses.
12. “Agritourism” means a commercial enterprise linking agricultural production and/or processing with tourism in order to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors and generating income for the farm, ranch, or business owner. This excludes guest ranches and other forms of overnight accommodation.
13. “Airport/Heliport” means an area used for the landing and takeoff of both fixed-wing aircraft and helicopters and buildings, structures, or other facilities associated with these activities, including taxiways, aircraft storage and tie-down areas, hangars, servicing, and passenger and freight terminals and used by commercial, private, or military aircraft.
14. “Animal Control or Rescue Facility” means a location, with buildings, structures, and holding facilities necessary to provide temporary housing and food for animals (primarily pets or companion animals) from abusive homes or homeless situations, rehabilitation (if the animal has health or behavior problems), or for treatment if the animal requires veterinary care. This may include publicly licensed facilities to detain and/or dispose of stray dogs, cats, and other animals.
15. “Animal Feeding Operation” means a facility that confines, feeds, and maintains domestic livestock in either an open or enclosed lot or space for a total of forty-five (45) days or more in any twelve (12) month period. The area(s) where the livestock are confined does not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. An AFO may also be a Concentrated Animal Feeding Operation (“CAFO” see CAFO). An AFO may be subject to the requirements of the Utah Pollutant Discharge Elimination System (UPDES).
16. “Animal Hospital or Clinic” means facilities for the diagnosis, treatment and hospitalization of domesticated animals in indoor holding facilities but does not include any outdoor holding or boarding facilities.
17. “Animal Hospital or Clinic with Outdoor Holding Facilities” means facilities for the diagnosis, treatment, hospitalization, and boarding of animals (including large animals) that may include indoor and/or outdoor holding and boarding facilities.
18. “Apiary” means the assembly of one or more colonies of bees at a single location. For regulations regarding the keeping of bees, see Chapter 19.42 of this Title.
19. “Assembly Use” means a business where finished parts are assembled to develop a final product. These uses include computer and electronic assembly, and similar uses, but do not include vehicle or manufacturing type uses.
20. “Assisted Living Facility” means either (i) a Type I Assisted Living Facility, which is a residential facility that supports activities of daily living and social care to two or more residents who require protected living arrangements and are sufficiently mobile to exit the facility without the assistance of another person; or (ii) a Type II Assisted Living Facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available twenty-four (24) hours per day to residents who have been assessed under Utah Department of Health and Human Services rules to need any of these services.

21. “Athletic Clubs” means an indoor establishment that provides for aerobic exercises, weightlifting, bodybuilding, running, exercise equipment, game courts, swimming facilities, saunas, spas, showers, and lockers. See “Recreation Facility, Commercial” and “Recreation Facility, Private”.
22. “Bank” means the same as “Financial Institution.”
23. “Bar” means a commercial establishment open to the general public which sells and serves intoxicating beverages for consumption on the premises, subject to the Utah Alcoholic Beverage Control Act.
24. “Bed and Breakfast” means dwellings in which two (2) or more rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided by the host family, the price of which is included in the room rate.
25. “Breweries and Distilleries in association with a Restaurant” means a business which conducts the retail sale of beer or liquor which is brewed or distilled on the premises in compliance with applicable state and federal laws. Such establishments may also include restaurants as an accessory use.
26. “Breweries and Distilleries, Industrial” means an industrial use that brews ales, beers, meads, and/or similar beverages on site. Industrial breweries and distilleries are engaged predominantly in manufacturing and do not include a bar or restaurant. Industrial breweries and distilleries may include incidental retail sales when permitted by the Department of Alcoholic Beverage Services.
27. “Boardinghouse” means a building with not more than five guestrooms, where, for compensation, meals are provided for at least five but not more than fifteen persons.
28. “Campground” means a public area designated by a public agency for camping, or a private area licensed by the local governing body for camping. “Campground” also includes any lot or parcel of land upon which two or more sites are located, established or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes. This may include accessory facilities such as kitchens, pavilions, playgrounds, or storage for recreation equipment.
29. “Camping” means the use of any tent, trailer, lean-to, teepee, recreational vehicle, or similar non-permanent structure or vehicle for temporary living quarters for residential, recreation, education, or vacation purposes.
30. “Canopy” means a roofed structure supported by a building and/or supports extending to the ground directly underneath the canopy and providing a protective shield for service-station pump islands and walkways.
31. “Car and Light Truck Wash” means a facility with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of automobiles and light trucks. A car and truck wash may be able to accommodate more than one vehicle at a time.
32. “Carport” means a private garage not completely enclosed by walls or doors. For the purpose of this Title, a carport shall be subject to all of the regulations prescribed for a private garage.
33. “Cemetery” means land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

34. “Check Cashing” means cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the State pursuant to the Check Cashing Registration Act. Check cashing does not include the activities of depository institutions or persons who cash a check in a transaction that is incidental to the retail sale of goods or services for consideration that does not exceed the greater of one percent of the amount of the check or three dollars.
35. “Child Care” means the provision, day or night, of supplemental parental care, instruction, and supervision for a non-related child or children, on a regular basis, and for less than twenty-four (24) hours a day. The term does not include babysitting services of a casual, non-recurring nature, or in the child’s own home or cooperative, or reciprocative childcare by a group of parents in their respective domiciles.
36. “Child Care Center” means a facility, operated by a person qualified and licensed by the State of Utah, which provides children with daycare and/or preschool instruction as a commercial business and complying with all applicable state standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides childcare for less than twenty-four (24) hours per day. “Commercial Daycare Facilities” excludes the following:
- a. Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;
  - b. Facilities operated in connection with a fitness center, shopping center, or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or
  - c. Special activities or programs, including athletics, crafts instruction, and similar activities, are conducted on a periodic basis by civic, charitable, private, or governmental organizations.
37. “Child Care, Home” means the same as “Home Daycare” and includes the following:
- a. “Child Care, Licensed Family” means the provision of childcare for sixteen or fewer children, including the provider’s children who are under the age of thirteen, in the home where the caregiver resides, in the absence of a child’s parents, for four (4) or more hours but less than twenty-four (24) hours, on a regularly scheduled, ongoing basis. A “Child Care, Licensed Family” is subject to licensing by the Utah Department of Health and Human Services.
  - b. “Child Care, Residential” means the provision of childcare for eight or fewer children, including the provider’s children, who are under the age of thirteen, in the home where the caregiver resides, in the absence of a child’s parents, for less than twenty-four (24) hours, on a regularly scheduled, ongoing basis. A “Child Care, Residential” is subject to licensing by the Utah Department of Health and Human Services.
38. “Church, Synagogue, Mosque, Temple, Cathedral, or Other Religious Buildings” means a building, with accessory structures and uses, where persons regularly assemble for religious purposes and related social events and which building, with accessory structures and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.
39. “Club” means a building used, occupied, and operated by an organized association of persons for social, fraternal, religious, or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any organization, group, or association, of which the principal activity is to render a service usually and ordinarily carried on as a business. A club may also be a bar, subject to the Utah Alcoholic Beverage Control Act.

40. “Commercial Plant Nursery” means a business where young plants or trees are raised for experimental horticultural purposes, for transplanting, or for sale.
41. “Commercial Recreation” means recreational facilities operated as a business and open to the general public for a fee, such as golf driving ranges and baseball batting ranges.
42. “Community Garden” means the production of a harvestable product, planted, grown, and cultivated in the soil by an identifiable group of community members. Includes products grown and managed by a community or neighborhood organization for local consumption or sale.
43. “Concentrated Animal Feeding Operation” An Animal Feeding Operation (AFO) is a “Concentrated Animal Feeding Operation” (“CAFO”) if it meets the regulatory definition of CAFO or if it is designated as a CAFO by the State of Utah. A CAFO is defined in 40 CFR 122.23 Appendix B as “an animal feeding operation where more than one thousand (1,000) ‘animal units’ (as defined by the regulation) are confined at the location; or more than three-hundred (300) animal units are confined at the facility and either one of the following conditions are met: pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made devices; or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.” (“Animal unit”, for the purposes of an AFO being designated as a CAFO by the State of Utah, means a unit of measurement for any animal feeding operation calculated as per the Utah Administrative Code (UAC) R317-8-3.5 and used to determine if an operation meets the definition of a concentrated animal feeding operation). A CAFO is subject to the requirements of the Utah Pollutant Discharge Elimination System (UPDES).
44. “Contractor’s Office” A facility providing building construction and maintenance, including carpentry, plumbing, roofing, electrical, air conditioning, and heating, within a fully enclosed building, and that may include the open storage of associated building materials, equipment, or vehicles.
45. “Contractor’s Storage Yard” means the same as “Storage Yard”.
46. “Corral” means a space, other than a building, less than one acre in area or less than one hundred feet in width, used for the confinement of animals.
47. “Correctional Facility” means any facility operated by or contracting with the Department of Corrections to house offenders in either a secure or non-secure setting; which includes any facility operated by a municipality or a county to house or detain criminal offenders, any juvenile detention facility, and any building or grounds appurtenant to the facility or lands granted to the state, municipality, or county for use as a correctional facility.
48. “Court” means an occupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.
49. “Crematorium” means a building that contains cremation chambers and a holding facility for human or pet remains, and which may receive remains from funeral establishments.
50. “Critical Infrastructure Materials” means sand, gravel, or rock aggregate.
51. “Critical Infrastructure Materials Operations” means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.

52. “Critical Infrastructure Materials Operator” means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that:
  - a. Owns, controls, or manages a critical infrastructure materials operations; and
  - b. Has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials operations.
53. “Dairy” means a commercial establishment for the manufacture or processing of dairy products.
54. “Drive-Thru and Drive-Up Facilities” means an establishment designed or operated to provide drive-through or drive-up service to patrons remaining in vehicles. “Drive-Thru and Drive-Up Facilities” may include other forms of service, such as conventional seating.
55. “Duplex” means the same as “Dwelling, Two Family.”
56. “Dwelling, Manufactured Home” means a transportable factory-built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that: (a) in the traveling mode, is eight body feet (8’) or more in width or 40 body feet (40’) or more in length, or when erected on site, is 400 or more square feet (400+ sq.ft.); and (b) 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 the plumbing, heating, air-conditioning, and electrical systems. A manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, lateral forces, and frost protection in compliance with the Kearns Metro Township’s Building Code, as adopted. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the Kearns Metro Township’s Building Code, as adopted.
57. “Dwelling, Mobile Home” means a transportable factory-built housing unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the HUD Code. HUD Code means the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.
58. “Dwelling, Modular Unit” means a structure: (a) built from sections that are manufactured in accordance with the State Construction Code and transported to a building site; and (b) the purpose of which is for human habitation, occupancy, or use
59. “Dwelling, Multiple Family” means a building containing five (5) or more residential dwelling units.
60. “Dwelling, Single-Family” means a building containing one (1) residential dwelling unit.
61. “Dwelling, Single-Family Attached” A residential structure designed to house a single-family unit from the lowest level to roof, with a private outside entrance, but not necessarily occupying a private lot, and sharing a common wall adjoining dwelling units.
62. “Dwelling, Three- and Four-Family (3-plex and 4-plex)” means a building containing three (3) or four (4) residential dwelling units, each unit designed to be occupied by one (1) family.
63. “Dwelling, Two Family” means a building containing two (2) residential dwelling units.
64. “Dwelling Group” means a group of two (2) or more dwellings located on a parcel of land in one (1) ownership and having any yard or court in common.

65. “Domestic Fowl” means ducks, adult female chickens, and baby chicks of either gender, consistent with the provisions of Title 8 of Municipal Code.
66. “Educational Facility” means: (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and programs for children with disabilities; (ii) a structure or facility: (A) located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the use of that building; and (iii) a building to provide office and related space to a school district's administrative personnel; and (b) does not include: (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is: (A) not located on the same property as a building described in Subsection (12)(a)(i); and (B) used in support of the purposes of a building described in Subsection (12)(a)(i); or (ii) a therapeutic school.
67. “Educational Facility with Residential Accommodation” means an educational facility with living accommodations for students or staff, such as universities, colleges, boarding schools, and seminaries. Educational facility includes public and private schools (PreK-12) designed for educational activities with a curriculum for technical or vocational training, pre-kindergarten, kindergarten, elementary, secondary, or higher education and recognized as an educational institution by the State of Utah Board of Education, the State of Utah Board of Higher Education, or the State Board of Regents.
68. “Family Food Production” means the keeping of not more than twenty rabbits, fifty chickens, fifty pheasants, ten ducks, ten turkeys, ten geese, and twenty pigeons; provided that not more than three of the above-listed kinds of animals and fowl are permitted at any one time on any lot in zones where family food production may be a permitted or conditional use.
69. “Farm Products” means fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and fish.
70. “Farmers’ Market” means an outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more producers, at which (a) at least seventy-five percent (75%) of the products sold are farm products or value-added farm products and (b) at least seventy-five percent (75%) of the vendors regularly participating during the market’s hours of operation are producers, or family members or employees of producers.
71. “Financial Institution” means a trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association—which is chartered under federal or state law—solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business. “Financial institutions” does not include “check cashing”, “pawn shops” or other similar uses.
72. “Financial Institutions, Nondepository” means establishments that are primarily engaged in short-term lending, such as title loans, check cashing, deferred deposit loan, or similar type of businesses.
73. “Fireworks Stand” means a type of temporary use that sells fireworks or explosives defined and regulated under the Utah Fire Prevention and Fireworks Act.

74. “Food Cart” means a cart:
- a. That is not motorized; and
  - b. That a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
75. “Food Truck” means:
- a. A fully encased food service establishment:
    - i. On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
    - ii. From which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption;
  - b. A food cart; or
  - c. An ice cream truck.
76. “Freight Service” means an establishment primarily engaged in undertaking the transportation or transferring of goods, merchandise, materials, and commodities of any kind for compensation, and which may in turn make use of other transportation establishments in effecting delivery.
77. “Garage, Private” means a detached accessory structure or portion of a primary building designed for the parking or temporary storage of automobiles of the occupants of the premises.
78. “Gardening for Personal Use” means an accessory use that includes the production of fruits, vegetables, spices, and other food plants for personal use. “Gardening for Personal Use” may include a greenhouse or plant nursery subject to accessory structure regulations.
79. “Guest House” means a separate dwelling structure located on a lot with one or more main dwelling structures and used for housing guests or servants, and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.
80. “Guest Ranch” means a vacation resort offering activities (such as horseback riding) typical of western ranches. A “Guest Ranch” may be associated with a working ranch.
81. “Home Occupation” means any use or activity conducted entirely within a residential dwelling or a legal accessory structure that is clearly incidental and secondary to the existing residential use and does not change the character of the residence or neighborhood and there is no display of any stock and the use complies with the applicable business license requirements.
82. “Home Preschool” means a preschool program complying with all Utah standards and licensing for non-family members in an occupied dwelling unit, by residents of that dwelling unit, in which lessons are provided for not more than ten (10) children for each session of instruction. If there are eight or more children, there must be two or more providers present. Sessions may not last for more than four (4) hours and shall not overlap. Individual children may attend only one (1) preschool session in any twenty-four (24) hour period.
83. “Hospital” means a facility licensed by the Utah Department of Health, providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities.

84. “Hotel” means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. A central kitchen, dining room, accessory shops and services catering to the general public can be provided. Additional services, such as restaurants, meeting rooms, conference space and recreational facilities are allowed as accessory and subordinate uses.
85. “Household Pet” means animals or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, canaries, and similar pets.
86. “Industrial Flex Space” means a one-story building containing a mixture of warehouse, retail, office, and light industrial uses, with at least twenty-five percent (25%) of the net floor area dedicated to office space.
87. “Institutional Use” means a facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, or tax-exempt organization.
88. “Junk” means any worn out, stripped, or discarded materials no longer safely usable for the purposes for which they were manufactured, including but not necessarily limited to scrap metal, inoperable motor vehicles or recreational vehicles which are inoperable for more than sixty (60) days, and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.
89. “Junkyard” means the same as “Salvage Yard.”
90. “Kennel, Commercial” means a shelter or place where over three dogs or cats are bred, boarded, or trained for monetary gain.
91. “Kennel, Private” means a shelter for or a place where over three and no more than five dogs and cats are bred, boarded, or trained for no monetary gain.
92. “Laboratory, Medical or Dental” means an establishment providing biological, dental, medical, or optometrical laboratory and testing services.
93. “Laboratory, Research and Development” means facilities for the investigation of natural, physical, or social sciences that may include engineering and product development.
94. “Laundry Cleaning, Automatic Self-Help” means an establishment where one or more machines or devices are offered for public use to provide self-service dry-cleaning and/or clothes laundering facilities.
95. “Laundry Cleaning, Drop Off” means an establishment where patrons may drop off items for dry-cleaning or laundering—which may occur on or off-site.
96. “Liquor and/or Wine Store” means a facility for the sale of packaged liquor or wine, located on premises owned or leased by the state of Utah and operated by a state employee.
97. “Machine Shop” means shops where lathes, presses, grinders, shapers, and other wood or metal working machines are used—such as blacksmith, tinsmith, welding, and sheet metal plumbing, heating, electrical repair, and overhaul shops.
98. “Major Seasonal Sale” means a type of temporary use offering goods not offered year-round by another business on the property or is the only business on the property for the duration the use is occurring or occupies land in a designated park and is greater than eight hundred (800) square feet.

99. “Major Seasonal Use” means a type of temporary use that offers a service or activity not offered year-round by another business on the property or is the only business on the property for the duration the use is occurring or occupies land in a designated park and is greater than eight hundred (800) square feet.
100. “Manufacturing, Heavy” means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.
101. “Manufacturing, Light” means an establishment primarily engaged in the production, fabrication, processing, or assembly of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such activities take place and are located entirely within a building. Such uses include research and development facilities and testing laboratories. These uses do not include refineries, rock crushers, incinerators, and similar uses.
102. “Meat or Poultry Processing Facility” means a building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop.
103. “Medical, Urgent Care, and Dental Clinic” means the same as “Office, Medical.”
104. “Micromobility Support Infrastructure” means infrastructure, such as docking stations, signage, or other small-scale infrastructure, needed to support licensed micromobility systems. Micromobility shall mean small, light-weight, and low-speed motorized vehicles (less than thirty miles per hour (30mph)) that may be part of a shared-use program.
105. “Micro Park” means a public park with an area less than eight-thousand square feet (8,000 sq.ft.).
106. “Mining (Subsurface)” means mining by digging or constructing access tunnels, adits, ramps, or shafts and excavating directly from the natural mineral deposits exposed.
107. “Mining (Surface)” means mining by removing the overburden lying above the natural deposits and excavating directly from the natural deposits exposed, or by excavating directly from deposits lying exposed in their natural state, and includes dredge operations conducted in or on natural or artificially created waterways.
108. “Minor Seasonal Sale” means a type of temporary use offering goods not offered year-round by another business on the property, and the total area of the use takes up eight-hundred square feet (800 sq.ft.) or less.
109. “Minor Seasonal Use” means a type of temporary use that offers a service or activity not offered year-round by another business on the property and the total area of the use takes up eight-hundred square feet (800 sq.ft.) or less.
110. “Minor Ski Resort Improvements” means construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts, and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities, and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort.

111. “Mobile Home” means a dwelling unit designed to be transported, after fabrication, on its own wheels designed and intended for permanent occupancy as an independent dwelling unit, upon connection to required utility systems; but which is not constructed in compliance with the municipality’s adopted Building, Mechanical, Electrical, and Plumbing Codes or the Federal Manufactured Home Construction and Safety Standards (HUD Code). The term “mobile home” includes any structure meeting the above description, which is used for an office, classroom, laboratory, processing, manufacturing, retail sales, or other such uses.
112. “Mobile Home Park” means an area or tract of land used to accommodate two (2) or more mobile homes intended to be occupied as residences connected to required utility systems.
113. “Mobile Store” means a business that is carried out entirely from a motor vehicle or thing that is designed to be or is mobile such as hand pushcarts and self-propelled kiosks, whereby the entire inventory offered for sale is carried and contained in the motor vehicle or thing that is designed to be or is mobile at the time the stock is offered for sale and is delivered to the purchaser at the time of sale. This use excludes food trucks/mobile restaurants, as defined in this Chapter.
114. “Model Home/Temporary Sales Offices” means a dwelling unit, unoccupied for residential purposes, temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other approved residential development. “Model Home” includes sales or rental offices for dwellings within the development.
115. “Mortuary or Funeral Home” means an establishment providing services such as preparing the human dead for burial, arranging and managing funerals, and necessary sales. Funeral establishments may include funeral chapels, limited caretaker facilities, and limited cremation facilities that do not accept remains from other funeral establishments. “Mortuary or Funeral Home” does not include crematoriums as a primary use, cemeteries, columbariums, and mausoleums.
116. “Motel” means the same as “Hotel.”
117. “Nursing Home, Convalescent Care Center” means a health care facility, other than a general acute or specialty hospital, constructed, licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two of the following patient services: (a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; (b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or (c) a supervised living environment that provides support, training, or assistance with individual activities of daily living.
118. “Office, General” means a building offering executive, administrative, professional, or clerical services, or a portion of a building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.
119. “Office, Intensive” means a business offering executive, administrative, professional, or clerical services with a high level of client interaction and traffic generated; and/or a business that employs five (5) or more persons per one thousand (1,000) square feet of net leasable office space.

120. “Office, Medical” means a building used by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.
121. “Outdoor Dining” means an area of designated size used as a seating area with tables and chairs for the contiguous restaurant.
122. “Outdoor Recreation, Large Scale, and including Outdoor Entertainment Locations” means areas or facilities that offer recreation or entertainment outside and require significant land or are expected to create a larger impact. Such uses include shooting ranges, go-carts, motor vehicle and/or motorbike tracks, golf courses, zoological parks and botanical gardens, amphitheaters, outdoor stages and concert venues, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.
123. “Outdoor Sales Event” means a type of temporary use that uses a portion of outside space to temporarily sell products from a business in a building already located on the property with a business license.
124. “Outdoor Storage” means the same as “Accessory Outside Storage”
125. “Package Agency” means a retail liquor location operated under a contractual agreement with the Utah Department of Alcoholic Beverage Services, by a person other than the State, who is authorized by the commission to sell package liquor for consumption off the premises of the agency.
126. “Park and Ride” means an area or structure intended to accommodate parked vehicles for the general public, where commuters park their vehicles and continue to travel to another destination via public transit, carpool, vanpool, or bicycle. The parking lot may be shared with other uses or stand-alone.
127. “Pawn Shop” means any person, firm, corporation, or business that loans money on deposit of personal property, or deals in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.
128. “Personal Care Services” means an establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tanning and nail salons, permanent makeup facilities, tattoo and body piercing establishments, and weight loss centers.
129. “Personal Instruction Services” means an establishment engaged in the provision of informational, instructional, personal improvement, and similar services of a professional nature or by a nonprofit organization. Typical uses include art and music schools, driving instruction, computer instruction, gymnastic and dance studios, handicraft or hobby instruction, and martial arts training.

130. “Planned Unit Development (PUD)” means an Integrated design for the development of residential, commercial, or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.
131. “Post Office” means a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.
132. “Private Nonprofit Locker Club” means a social club, recreational, athletic, or kindred association incorporated under the provisions of the Utah Revised Nonprofit Corporation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.
133. “Private Nonprofit Recreational Grounds and Facilities” means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Revised Nonprofit Corporation Act or a corporate sole.
134. “Private Residential Tennis Court/Sports Court” means a recreation court requiring a base surface with a gross square footage of four hundred square feet or more, permitted as an accessory use to and on the same lot as a single-family residential dwelling.
135. “Private Swimming Pool” means any structure or container holding water to a depth of eighteen inches (18”) or greater and having either a diameter or diagonal measurement of ten feet (10’) or greater, permitted as an accessory use to and on the same lot as a single-family residential dwelling.
136. “Producer” means a person or entity that raises or produces farm products on land that the person or entity farms and owns, rents, or leases.
137. “Protective Housing” means a facility operated, licensed, or contracted by a governmental entity, or operated by a charitable, nonprofit organization, where, for no compensation, temporary, protective housing is provided to: (1) abused or neglected children awaiting placement in foster care; (2) pregnant or parenting teens; (3) victims of sexual abuse; or (4) victims of domestic abuse.
138. “Public Parks” means parks that are maintained by a public agency.
139. “Public Service Training Facility” means an establishment for training state and local law enforcement, fire safety, national guard, transit personnel, or other public service personnel and accessory facilities including but not limited to dining and overnight accommodations, classrooms, indoor shooting ranges, auto test tracks, and fire suppression simulations.
140. “Public Use” means a use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, government and public utility administrative offices, fire stations, police stations, and facilities that are part of the local service delivery system for public utilities. “Public Use” does not include public utility production, storage, and treatment facilities such as power plants, refineries, natural gas processing and storage plants, water treatment plants, or sewage treatment facilities.

141. “Public Utility, Major” means structures that house operations for public utilities like, but not limited to, power generation plants, electrical switching stations, primary substations, refuse collection and disposal facilities, and water and wastewater treatment facilities and similar facilities.
142. “Public Utility, Minor” means local utility structures that are necessary for a specific development or service like, but not limited to, poles and lines.
143. “Public Utility” includes every railroad corporation, gas corporation, electrical corporation, distribution electrical cooperative, wholesale electrical cooperative, telephone corporation, telegraph corporation, water corporation, sewerage corporation, heat corporation, and independent energy producer not described in Utah Code §54-2-201 where the service is performed for, or the commodity delivered to, the public generally, or in the case of a gas corporation or electrical corporation where the gas or electricity is sold or furnished to any member or consumers within the state for domestic, commercial, or industrial use.
144. “Rail Transit Mixed-Use” means a use that allows rail-oriented development that combines different land uses within a single development, tract of land, building, or structure. Its purpose is to encourage development that is high quality, human-scale, and pedestrian-friendly, while creating a variety of complementary and integrated uses, such as but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact, walkable, urban form.
145. “Reception Hall, Reception Center” means a room or building for the purpose of hosting a party, banquet, wedding, or other reception or social event. Such halls are often found within pubs, clubs, hotels, or restaurants.
146. “Recreation Facility, Commercial” means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated as a business on private or public property and open to the public for a fee.
147. “Recreation Facility, Private” means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated on private property and not open to the public, including recreation facilities owned by a homeowners' or property owners' association for private use.
148. “Recreation Facility, Public” means a centrally or otherwise appropriately located place designed and equipped for the conduct of sports, informal recreation and/or leisure-time activities operated by a public agency and open to the public with or without a fee.
149. “Recycling Processing Facility” means a building or enclosed space for the collection and processing of recyclable materials. “Processing” means the preparation of material for efficient shipment, or to an end user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, shredding, mechanical sorting, cleaning, and re-manufacturing.
150. “Rehabilitation/Treatment Facilities” means a facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. “Rehabilitation / Treatment Facilities” does not include residential facilities for the elderly or persons with disabilities.

151. “Resource Recycling Collection Point” means a portable structure, enclosed bin, trailer, or reverse vending machine where recyclable material (aluminum cans, glass, paper, etc.) is exchanged for money or deposited as a donation.
152. “Reiki” means a business devoted primarily to Reiki healing, or any other system that has elements of the following. The practitioner, trained to access and serve as a channel for a sacred life force, places his or her hands on or just above the client’s body in order to activate healing energy within receptive points on the body. The practitioner’s hands move progressively with a passive touch through various positions on the body, remaining in each position for a period of time. As a harmonic flow of energy is strengthened, within the client and practitioner, healing occurs through the return of physical, mental, and spiritual balance. For purposes of this Title, a Reiki business shall not include Reiki healing, or similar system, which are performed in a hospital or medical clinic.
153. “Residential Facility for Elderly Persons” means 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 trust for a resident; and is voluntarily occupied on a twenty-four (24) hour per day basis by eight (8) or fewer elderly persons in a family-type arrangement. A “residential facility for elderly persons” does not include any facility: (1) 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; (2) where persons are placed: (a) for alcoholism or drug abuse treatment; or (b) as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility which is: (i) a health care facility as defined by Utah Code or successor law, or (ii) a residential facility for persons with a disability.
154. “Residential Facility for Persons with a Disability” means a residence in which more than one person with a disability resides; and (1) which is licensed or certified by the Department of Human Services under Utah Code Title 62A, Chapter 2, Licensure of Programs and Facilities; or (2) which is licensed or certified by the Department of Health under Utah Code Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
155. “Resort” means a place offering amenities for recreation and relaxation in addition to lodging and meals to transient vacationers. May involve multiple, compatible uses of the land, such as open space, agriculture, and lodging.
156. “Restaurant, Fast Food” means a building or facility that sells food and beverages primarily over a counter, rather than by waitress or waiter; packages its’ food in wrappers, boxes, or cartons regardless if the food is consumed on or off the restaurant premises; and typically provides a drive through/drive-up facility.
157. “Restaurant, Sit-Down with or without Alcohol” means a building or facility for the preparation, retail sale, and on-site consumption of food and non-alcoholic and/or alcoholic beverages.

158. “Retail and Service Commercial” means a business primarily engaged in the sale or rental of goods, merchandise, or services directly to the consumer, and includes no outdoor storage. These uses do not include sexually oriented businesses, retail tobacco specialty stores, check cashing, pawn shops, vehicle or large equipment rental, sales, repair, or assembly. Uses include department, grocery, variety and drug stores; art galleries; bakeries; jewelry stores; florists; auto parts stores; business and social services; and similar uses. These uses may include twenty-four-hour uses and drive-up windows subject to this title.
159. “Retail Shops or Galleries where Primary Product is Produced On-Site” means establishments not exceeding five thousand square feet (5,000 sq.ft.) engaged in the selling of goods where the primary product is produced on-site. This definition is limited to small-scale uses but can include bakeries, confectionaries, nut shops, frame shops, restored furniture, cardmaking shops, jewelry-making stores, photo galleries, art galleries, and pottery studios. This definition also includes ‘painting with a twist’, ‘paint nite’, paint-your-own-ceramics businesses, and similar uses. A room or building for the display or sale of works of art, including space for the artist to create displayed work.
160. “Retail Tobacco Specialty Business” means a commercial establishment in which: (a) the sales of tobacco products, electronic cigarette products, and nicotine products account for more than thirty five percent (35%) of the total quarterly gross receipts for the establishment; (b) twenty percent (20%) or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; (c) twenty percent (20%) or more of the total shelf space is allocated to the offer, display, or storage of tobacco products, electronic cigarette products, or nicotine products; (d) the commercial establishment holds itself out as a retail tobacco specialty business and causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business; (e) any flavored electronic cigarette product is sold; or (f) the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products. (Utah Code §10-8-41.6)
161. “Salvage Yard” means a place where scrap, waste, discarded, or salvaged materials is brought, sold, exchanged, baled, packed, disassembled or handled, or stored, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvage, house wrecking, and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building or yard, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises.
162. “School, Charter” means (i) an operating charter school; (ii) a charter school applicant that has its application approved by a charter school authorizer in accordance with Utah Code, Title 53G, Chapter 5, Part 3, Charter School Authorization; or (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. School, Charter does not include a therapeutic school.

163. “Self-Service Fuel Station” means a location where flammable or combustible liquids or gases are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such establishment may offer the retail sale of convenience items. “Self-Service Fuel Station” specifically excludes and does not allow any servicing, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including engine, brake, muffler, tire repair, lubrication, and engine tune-up. “Self Service Fuel Station” may be combined with “Vehicle and Equipment Repair, Minor” when the applicable zone allows both uses. Does not include “Truck Stop and Service Facilities.”
164. “Self-Service Storage Facilities, Enclosed” means structures, commonly referred to as storage units, containing separate enclosed, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. Such facilities are to be used for dead storage only. The following activities are prohibited within any self-storage enclosed storage facility: (1) Commercial, wholesale or retail sales, or miscellaneous or garage sales. (2) The servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment. (3) The operation of power tools, spray painting equipment, compressors, welding equipment, kilns, or similar equipment. (4) The establishment of a transfer business. (5) Any use that is noxious or offensive because of odors, dust, noise, or vibrations.
165. “Self-Service Storage Facilities, Outdoor” means the use of any lot, portion of a lot, or tract of land for outside storage of operative automobiles, trucks, recreational vehicles, boats, trailers, or non-motorized storage, containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. The following activities are prohibited within any self-storage outside storage facility: (1) commercial, wholesale or retail sales, or miscellaneous or garage sales; (2) the servicing, repair, or fabrication of motor vehicles, boats, trailers, small engine equipment, or similar equipment; (3) the establishment of a transfer business; (4) junkyard or impound yard; (5) storage of non-motorized storage shall not exceed the height of the screened fence; and (6) any use that is noxious or offensive because of odors, dust, noise, or vibrations.
166. “Sexually Oriented Business or Activity” means adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, or adult entertainment out-call services in the form of semi-nude dancing or exhibitions, adult motion picture theater, adult theater, seminude model studios, or sexual encounter establishments.
167. “Shared Mobility Device” means bicycles and motor-assisted scooters operated by a shared mobility device system.
168. “Shared Mobility Device System” means any transportation service that involves the commercial use of shared mobility devices by users, either concurrently or sequentially after one another.
169. “Shopping Center” means a group of three or more commercial establishments that are planned, developed, and managed as a unit with common areas for off-street parking and landscaping provided on the properties.
170. “Short-Term Rental” means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.

171. “Sidewalk Displays and Sidewalk Cafes” means an accessory use that allows for the spillover of seating and/or sales displays onto the sidewalk in front of an existing business subject to limitations in this Title. “Sidewalk Café” means a restaurant with tables on the sidewalk in front or on the side of the premises. “Sidewalk Display” means the outdoor display of merchandise for sale by a business use.
172. “Ski Resort” means a ski area that also includes sales, rentals, and services of related equipment and accessories, eating places, residences, and hotels and motels.
173. “Solar Energy System, Accessory” means a roof-mounted, wall mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property.
174. “Solar Energy System, Commercial” means a solar array meant for commercial production of energy.
175. “Solar Evaporation Pond for the Processing of Salt” means the recovery of minerals in solution through natural evaporation and subsequent harvesting.
176. “Storage – Hazardous Materials” means the storage of any item or chemical which is a health or physical hazard, or can cause harm to people, plants, or animals when released by spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
177. “Storage Yard” means the location of goods, wares, merchandise, commodities, equipment, materials, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours when such storage is a primary characteristic of a permitted use or constitutes more than fifteen percent (15%) of the lot area. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited. Storage yards shall be screened from public view by a minimum six-foot (6') high masonry fence and, when outdoor storage occurs in a front yard, side yard, or any other location within the public view, additional screening of a height and material determined by the Planning Commission. For the purposes of this Title, construction yards, lumber yards, and like uses are considered to be storage yards as regulated herein. Compare with “accessory outdoor storage”.
178. “Sportsman's Kennel” means a kennel for the keeping of three to five (5) dogs that has a valid permit from the department of animal services and is located on a lot of at least one acre.
179. “Stable, Private” means a detached accessory structure for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire, or sale.
180. “Stable, Public” means a stable other than a private stable.
181. “Swap Meets and Flea Markets” means a market operating for the sale or exchange of merchandise at retail by many sellers within a drive-in theater or enclosed building. This does not include garage sales.
182. “Tavern” means the same as “Bar.”

183. “Temporary Construction Office” means a temporary building or structure used as a construction office for a project located on the same site during its construction. A temporary construction office must be removed from the property prior to the final certificate of occupancy being issued on the building or project.
184. “Temporary Sale, Farm Products” means a type of temporary use that is less than six hundred square feet (600 sq.ft.) and at least seventy five percent (75%) of the products sold are farm products or value-added farm products.
185. “Temporary Use” means any use that does not continue more than one hundred twenty (120) days out of the year.
186. “Temporary Use, Weekly” or “Weekly Temporary Use” means any use occurs not more than two days a week and not more than one hundred twenty (120) days out of the year.
187. “Temporary Use, Inside” means a use on a property proposed to be established for a maximum period of one hundred and twenty (120) days or use being discontinued after the expiration of one hundred and twenty (120) days and conducted in compliance with all the requirements of this Title that is inside a permanent building.
188. “Theatres and Concert Halls (Indoor)” means buildings that contain screens, stages, or other platforms around which patrons gather to experience film, theater, and other performances. Concessions may be allowed as an accessory use. Such uses include concert halls, play theaters, cinemas, comedy clubs, operas, and orchestra and symphony halls. Does not include outdoor theaters and concert halls (see “Outdoor Recreation, Large Scale, and including Outdoor Entertainment Locations”).
189. “Therapeutic School” means a residential group living facility: (a) for four or more individuals that are not related to the owner of the facility or the primary service provider of the facility; (b) that serves students who have a history of failing to function at home, in a public school, or in a nonresidential private school; and (c) that offers room and board, and an academic education integrated with (i) specialized structure and supervision or (ii) services or treatment related to a disability, emotional development, behavioral development, familial development, or social development. (Utah Code §62A-2-101)
190. “Tiny Home” means a dwelling less than four hundred square feet (400 sq.ft.) in size, not including loft space, that meets building code requirements and is on a permanent foundation. A tiny home is either a single-family dwelling or an accessory dwelling unit. A tiny home used as the primary residential use on a lot or parcel is a single-family dwelling for the purposes of this ordinance. A tiny home used as an accessory dwelling is subject to the same restrictions as any other accessory dwelling unit.
191. “Towing Services and Impound Lots” means the temporary storage of vehicles that have been towed, carried, hauled, or pushed from public to private property for impoundment in a public or private impound yard.
192. “Transitional Housing” means a building or facility owned, operated, or contracted by a governmental entity or a charitable, nonprofit organization that provide free temporary housing to homeless persons for at least thirty (30) days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. Transitional Housing Facilities do not include homeless shelters, dwelling units provided to a family for more than thirty (30) days as part of a transitional housing program, or residential facilities for elderly persons or persons with disabilities.

193. “Transmission Line/Right of Way (Major)” means an electric power, gas, or petroleum transmission facility with the required right-of-way designed to provide for the location of transmission lines or facilities to operate at voltages of 140,000 volts (140 kV), or greater or eight inches (8”) in diameter and that provides electrical, gas, or petroleum products transmission and found by the municipality to conform to the General Plan, or has been considered by the Planning Commission and Council and a General Plan amendment has been approved.
194. “Transmission Line/Right of Way (Minor)” means an electric power, gas, or petroleum transmission facility with the required right-of-way designed to provide for the location of transmission lines or facilities to operate at voltages less than 140,000 volts (140 kV) or less than eight inches (8”) in diameter and that provides electrical, gas, or petroleum products transmission and found by the City to conform to the General Plan, or has been considered by the Planning Commission and Council and a General Plan amendment has been approved.
195. “Truck Stop and Service Facilities” means facilities intended to provide services to the trucking industry, including but not limited to, dispensing of fuel, servicing, repair, automated washes, and overnight parking. The facilities may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. Such establishment may offer the retail sale of convenience items.
196. “Twin Home” means the same as “Dwelling, Two Family.”
197. “Value-Added Farm Products” means any product processed by a producer from a farm product.
198. “Vertical Indoor Agriculture” means growing crops in vertically stacked layers indoors, often incorporating controlled-environment agricultural techniques and soilless farming techniques such as hydroponics, aquaponics, or aeroponics.
199. “Vehicle Assembly” means a business where finished vehicle-related parts are put together to develop a final product.
200. “Vehicle and Equipment Repair, Commercial and Industrial” means the repair and service of commercial vehicles and trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds as well as industrial or other heavy equipment. Typical uses include semi-trailer truck repair, and the repair of bulldozers, graders, dump trucks, cement mixers, and similar heavy industrial and construction equipment.
201. “Vehicle and Equipment Repair, Major” means an establishment primarily engaged in the major repair of motor vehicles or equipment. Typical uses include major auto repair such as the removal of engines and transmissions, rebuilding of engines and transmissions, repair of the internal components, repair or removal of differentials or axles, body work and paint. “Vehicle and Equipment Repair, Major” may also include uses that are often accessory to businesses engaged in the repair of vehicles such as offices, part sales, storage of merchandise, and vehicle storage when such vehicle storage is fully and adequately screened. “Vehicle and Equipment Repair, Major” does not include repair and service of commercial vehicles and trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds, industrial or other heavy equipment, “vehicle assembly”, “manufacturing use”, auto dismantling or wrecking, salvage, “junkyards”, or similar uses.

202. “Vehicle and Equipment Repair, Minor” means an establishment providing motor vehicle repair or maintenance services and conducted entirely within completely enclosed buildings and may include the retail sale of fuels, lubricants, and other supplies for motor vehicles. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, auto detailing, generator and starter repairs, muffler and other minor underbody repair, frontend alignments, battery recharging, lubrication, and other similar repairs. Vehicle and Equipment Repair (Minor) also includes sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc. Vehicle and Equipment Repair (Minor) does not include paint and body shops, or other activities associated with Vehicle and Equipment Repair (Major), auto dismantling or wrecking, salvage, junkyards, and similar uses.
203. “Vehicle Rental” means a business primarily engaged in the rental of vehicles.
204. “Vehicle Sales and Service” means the use of any building, land area, or other premises for the display and sale or lease of more than three (3) new or used vehicles, and including outside storage of inventory, indoor vehicle part and accessory sales, any warranty repair work, and other repair service conducted as an accessory use. “Vehicle Sales and Service” includes the sale or lease of new or used boats, cars, light trucks, motorcycles, off-road vehicles, camp trailers, recreational vehicles, motor homes, and utility or box trailers with a payload capacity of less than eight thousand five hundred (8,500) pounds. “Vehicle Sales and Service” does not include the sale or lease of semi-trailer trucks, semi-trailers, or utility or box trailers with a payload capacity of over five thousand (5,000) pounds.
205. “Vehicle Sales and Service, Commercial Vehicles and Trailers” includes the sale or lease of semi-trailer trucks, semi-trailers, or utility or box trailers with a payload capacity of more than eight thousand five hundred (8,500) pounds. “Vehicle Sales and Service, Commercial Vehicles and Trailers” includes outside storage of inventory, indoor vehicle part and accessory sales, any warranty repair work, and other repair services conducted as an accessory use.
206. “Vehicle Sales, Small Dealership” means a business specializing in the sale of a limited number of new and/or used vehicles, with no more than three (3) vehicles displayed outside at any one time and with no more than a total of eight (8) vehicles stored on-site at any given time and licensed as required by the State of Utah. A small dealership may be permitted as an accessory use to a related business on the same property and under the same ownership.
207. “Vested Critical Infrastructure Materials Operations” means critical infrastructure materials operations operating in accordance with a legal nonconforming use or a permit issued by the municipality that existed or was conducted or otherwise engaged in before:
- a. A political subdivision prohibits, restricts, or otherwise limits the critical infrastructure materials operations; and
  - b. January 1, 2019.
208. “Warehouse and Distribution Facilities” means buildings used primarily for the inside storage and distribution of goods and materials, which include land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.
209. “Water Pumping Plant and Reservoir” means a natural or artificial water storage basin with a pumping station to distribute potable or irrigation water.

210. “Water Treatment Facility” means the facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.
211. “Wind Energy System, Accessory” means a wind energy system that is accessory to the main use and is designed to power only the site on which it is constructed.
212. “Wind Energy System, Commercial” means a wind energy system consisting of one or more wind turbines for commercial generation.

## Chapter 19.06 NONCONFORMITIES.

### 19.06.010 - Continuation of Use.

The occupancy of a noncomplying structure or of a structure occupied by a nonconforming use, which existed at the time this Ordinance or any amendment thereto became effective, may be continued, provided that the use has not been abandoned or the structure left vacant, as provided in this chapter.

### 19.06.020 - Noncomplying Structure or Structure Occupied by a Nonconforming Use.

- A. Maintenance Permitted. A noncomplying structure may be maintained.
- B. Repairs and Alterations Permitted.
1. Repairs and structural alterations may be made to a noncomplying structure or to a structure occupied by a nonconforming use.
  2. Unless the new construction complies with this Ordinance, any remodel or structural alteration that requires the demolition of an outside wall of a noncomplying structure may only be allowed upon approval by the Land Use Hearing Officer.
  3. The Land Use Hearing Officer decision regarding applications for the removal and replacement of outside walls of a noncomplying structure shall be based upon the following criteria:
    - a. The proposed change is in harmony with the purpose and intent of this Ordinance; and
    - b. The proposed change does not impose any unreasonable burden upon the lands located in the vicinity.
- C. Additions, Enlargements, Moving and Reconstruction at Another Location.
1. Additions, enlargements, relocations and/or tear down and replacements of a noncomplying structure or of a structure occupied by a nonconforming use that comply with the regulations and intent of this Ordinance are allowed.
  2. Additions, enlargements, relocations and/or tear down and replacements of a noncomplying structure or structure occupied by a nonconforming use that do not comply with the regulations of this Title shall not be allowed, except as allowed by a permit authorized by the Land Use Hearing Officer, provided that the Land Use Hearing Officer finds:
    - a. The proposed change is in harmony with the purpose and intent of this Ordinance; and
    - b. The proposed change does not impose any unreasonable burden upon the lands located in the vicinity.
- D. Restoration of Damaged Structure. A noncomplying structure or structure occupied by a nonconforming use that is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, and the damage is 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 that existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one year following damage or destruction, and the restoration is diligently prosecuted to completion.

**19.06.030 - Structure Declared a Noncomplying Structure.**

- A. The owner of a structure in violation of the maximum height or minimum yard requirements of this Ordinance may file an application to have the structure declared noncomplying. The Director may approve the application when the evidence clearly establishes:
  - 1. The structure has existed at its current location for at least ten (10) years, with the same size, height and setbacks;
  - 2. The structure poses no threat to the health or safety of persons in or around the structure; and
  - 3. No enforcement action for the violation has been taken or initiated for five consecutive years during which the violation existed.

**19.06.040 - Nonconforming Use.**

- A. Occupancy Within One Year. A vacant structure may be occupied by the nonconforming use for which the structure was designed or intended if occupied within one year after the use became nonconforming.
- B. Abandonment. With the exception of dwellings, a structure or portion thereof occupied by a nonconforming use which is abandoned may only be occupied by a use that conforms to the zone in which it is located. If a nonconforming use has not applied to the premises for at least sixty (60) consecutive days during any twelve (12) month period, the use is deemed abandoned.
- C. Expansion of Use Permitted. The area occupied by a nonconforming use may be expanded to include up to the entire floor area of the existing structure in which it is conducted, not to exceed the floor area that existed at the time the use became nonconforming.
- D. Change of Use.
  - 1. A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the Planning Commission finds that such use would not be more intensive than the most recent existing legal nonconforming use.
  - 2. Any change of a nonconforming use to another nonconforming use is a conditional use and subject to the conditional use approval standards, except that the proposed nonconforming use need not conform to the adopted General Plan.
  - 3. As part of the change of use, structures may not be enlarged, removed, reconstructed or otherwise altered except for interior remodeling and exterior restoration or renewal that will make the appearance of the structure more nearly conform to the character of the area in which it is located.
  - 4. As part of the change of use, the existing lot may not be enlarged or modified except to create landscape, fencing, curb, gutter and sidewalk, road widening or minimum off-street parking to provide a safer and more compatible facility.
- E. Nonconforming Use of Land. Subject to the limitations in this section, the nonconforming use of land may continue, provided that no such nonconforming use of land can in any way expand or extend either on the same or adjoining property.

## **Chapter 19.08 ENFORCEMENT.**

### **19.08.010 - Enforcement Authority.**

The Director is charged with the enforcement of this Ordinance and may employ all legal means available to do so as set forth in Title 12 Code Enforcement and Community Preservation.

### **19.08.020 - Unlawful Use Prohibited.**

- A. No land, building or structure may be developed, constructed, remodeled, restored, altered or used in violation of the provisions of this Ordinance or the zone in which such land, building or structure is located.
- B. Violation of any of the provisions contained in this Title is prohibited. Any person who violates the provisions of this Title shall be subject to the criminal and civil penalties set forth in the municipal code.

### **19.08.030 - Violation--Penalties and Remedies.**

- A. Violation of any provision of this Title is punishable as a Class C misdemeanor upon conviction. In addition, the provisions of this Title may also be enforced by injunctions, mandamus, abatement, civil penalties, any other remedies provided by law, or any combination thereof.
- B. For purposes of penalties and remedies set forth in this Title, each day that a violation continues is a separate offense.
- C. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation.

### **19.08.040 - Violation--Persons Liable.**

Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this Title may be held jointly and severally responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

## **Chapter 19.10 PROCEDURES FOR ANALYZING TAKINGS CLAIMS.**

### **19.10.010 - Findings and Purpose.**

#### **A. The Council finds that:**

1. Enactment of zoning and other land development regulations within Kearns is necessary to protect the health, welfare, and safety of the residents of Kearns;
2. When an owner of private property claims that the enforcement of any municipal land use regulation constitutes an unconstitutional taking of private property, it is in the municipality's best interests to have established procedures for obtaining relevant information for analyzing and resolving such claims.

### **19.10.020 - Takings Relief Petition.**

#### **A. Takings Relief Petition.**

1. Any applicant may file a takings relief petition with the Director alleging that a final decision of the Director, Planning Commission, Land Use Hearing Officer, Mayor, or Council on a land use application resulted or will result in an unconstitutional taking of the applicant's private property.
2. A takings relief petition shall be filed no later than thirty (30) calendar days from the final decision of the Director, Planning Commission, Land Use Hearing Officer, Mayor, or Council.

#### **B. Information to Be Submitted with Takings Relief Petition.**

1. The takings relief petition shall be submitted on a form prepared by the Director, and shall be accompanied at a minimum by the following information:
  - a. The name of the petitioner;
  - b. Sufficient facts to show that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah or the Fifth Amendment to the United States Constitution;
  - c. The name and physical street address and mailing address of the current owner of the property; form of ownership (whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture, limited liability company, or other); and if owned by a corporation, partnership, joint venture, or limited liability company, the names and addresses of principal shareholders, partners, or members;
  - d. The price paid and other terms of any sale of the property or any portion thereof, including the date of purchase, the name of the seller, and the relationship, if any, between the petitioner (owner or developer) and the party from whom the property was acquired;
  - e. The nature of the protectable interest claimed to be affected, such as fee simple ownership or leasehold interest;
  - f. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of the petition;
  - g. The assessed value of and ad valorem taxes on the property for the three (3) years prior to the date of the petition;

- h. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance, term of the loan, and other significant provisions, including but not limited to, right of purchase to assume the loan;
  - i. All listings of the property for sale or rent, price asked and offers received (if any), during the period of ownership or interest in the property;
  - j. All studies commissioned by the petitioner or agents of the petitioner within the previous three (3) years concerning feasibility of development or utilization of the property;
  - k. For income producing property, itemized income and expense statements from the property for the previous three (3) years;
  - l. Evidence and documentation of improvements, investments, and expenditures for professional and other services related to the property made during the past three (3) years;
  - m. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
  - n. Information describing all use(s) of the property during the five (5) years prior to the petition.
2. The Director may request additional information reasonably necessary to arrive at a conclusion concerning whether there has been a taking.
- C. Failure to Submit Information. In the event that any of the required information from the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and the reasons why such information is unavailable.

**19.10.030 - Procedures to Determine Takings Claims.**

A. Preliminary Determination of Taking.

1. Within thirty (30) days of the filing of a petition with all required information, the Council, in consultation with the Director and the municipal attorney, shall make a preliminary determination on the issue of whether a taking may have occurred.
2. If the Council makes a preliminary determination that a taking may have occurred, the Director and Attorney shall recommend whether a further hearing shall be formal or informal under the rules of procedure adopted by the Council for such hearings. The Council shall then:
  - a. Appoint a hearing officer;
  - b. Elect to conduct either formal or informal administrative proceedings; and
  - c. Proceed with a full review of the petition.
3. If the Council, upon consultation with the Director and the Attorney, determines that a taking has not occurred, the petition shall be denied, and no hearing officer shall be appointed.

B. Appointment and Qualifications of Hearing Officer.

1. Within thirty (30) days following a preliminary determination by the Council that a taking may have occurred, the Director shall contact the appointed hearing officer to review information by the petitioner. The hearing officer shall hold a public hearing to determine whether a taking has occurred and make a recommendation to the Council concerning the petition.

2. The appointed hearing officer shall be licensed to practice law in the state of Utah. Prior to appointment, the hearing officer shall submit a statement of no potential or actual conflict of interest under the Utah Rules of Professional Conduct, in connection with the petitioner or petition at issue.
- C. Notice of Public Hearing. Within ten (10) days following the appointment of the hearing officer, written notice of a public hearing shall be published and posted in accordance with the Utah Code §10-9a-201 et seq. The hearing shall be held within thirty (30) days of the date of written notice unless a reasonable extension of time is agreed to by both the Director and petitioner.
- D. Conduct of the Hearing.
1. Rules of Procedure. The hearing shall be conducted according to the requirements of the rules of procedure adopted by the Council for such hearings.
  2. Burden of Proof. The petitioner shall have the burden of proving by a preponderance of the evidence that the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking.
  3. Municipality Response. The municipality shall have the right to respond to any allegations provided by the petitioner and present evidence at the hearing.
- E. Determining the Takings Issue. The hearing officer shall consider, among other items, the following information or evidence:
1. Any estimates from contractors, appraisers, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility of construction or development on the property as of the date of the petition, and in the reasonably near future;
  2. Any evidence or testimony of the market value of the property both under the uses allowed by the existing regulations and any proposed use; and
  3. Any evidence or testimony concerning the value or benefit to the petitioner of clustered development on other remaining contiguous property owned by the petitioner, and eligibility for such clustering as provided elsewhere in this Title.
- F. Findings of the Hearing Officer. On the basis of the evidence and testimony presented, the hearing officer shall make the following specific findings as part of the hearing officer's report and recommendations to the Council:
1. Whether the petitioner has provided the required information for a takings relief petition;
  2. Whether the petitioner has a protectable interest in the property that is the subject of the petition;
  3. The market value of the property under the existing zoning regulation;
  4. The market value of the property under the proposed use;
  5. Whether there are other economically viable uses that may be made of the property;
  6. The market value of, or benefit accruing from eligible clustered development on other remaining contiguous property owned by the petitioner;
  7. Whether it was feasible to undertake construction on, or development of, the property as of the date of the application, or in the reasonably near future thereafter; and

8. Whether the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking of private property without just compensation.

G. Report and Recommendations of the Hearing Officer.

1. The hearing officer shall prepare a report and recommendation which shall be submitted to the Council and mailed to the petitioner within thirty (30) days following the conclusion of the public hearing.
2. If the hearing officer finds that the final decision that is the subject of the takings relief petition constitutes an unconstitutional taking of private property without just compensation, the matter shall be remanded to the Council with recommendations concerning relief that might be appropriate. In making such recommendations, the hearing officer shall consider, among other remedies:
  - a. Approval of development on some portion of the property;
  - b. A rezoning of the property to a more appropriate classification, approval of an alternative development plan, modification or waiver of normally applicable development standards, or other appropriate land-use regulatory action;
  - c. An opportunity to cluster development. Recommendations for clustering within the boundaries of the subject property owned by the petitioner shall require a written finding by the hearing officer that such clustering and the resulting increase in development density will be compatible with existing developments and land use patterns on properties surrounding the subject property. For purposes of such "compatibility" finding, the hearing officer shall compare the petitioner's proposed development, incorporating the increased transfer density with existing development on surrounding properties, and take into consideration the following factors:
    - i. Architectural character;
    - ii. Building size, height, bulk, mass, and scale;
    - iii. Building orientation;
    - iv. Privacy considerations in terms of privacy for prospective residents within the petitioner's development and in terms of privacy protection for adjoining land uses;
    - v. Building materials;
    - vi. Building color; and
    - vii. When applicable, operations of the petitioner's development project, including but not limited to hours of operation; activities that may generate adverse impacts on adjacent land uses such as noise or glare; location of loading/delivery zones; and light intensity and hours of full illumination.
  - d. A waiver of permit fees; or
  - e. Acquisition of all or a portion of the property at market value.

H. Council Review and Consideration.

1. Within sixty (60) days following receipt of the hearing officer's report, the Council shall review the report and recommendations and approve or deny the takings relief petition.

- a. The Council may extend the period for final determination upon a finding that due to the size and complexity of the development or proposal and similar factors, additional review time is necessary.
  2. The Council may hold a public hearing and provide notice as set forth in Utah Code §10-9a-201 et seq. Only new testimony and evidence shall be presented at any such public hearing.
  3. The Council may adopt any legally available incentive or measure reasonably necessary to offset the taking and may condition such incentives upon approval of specific development or site plans.
  4. The decision of the Council shall not become final until it adopts a resolution approving or denying the petition and specifying any relief it may deem appropriate.
- I. Time Limits/Transferal of Relief or Incentives. Any relief or incentives adopted by the Council pursuant to this Chapter may be transferred and utilized by successive owners of the property or parties in interest, but in no case may the relief incentives be valid after the expiration date of a specific development approval.

## **Chapter 19.12 ADMINISTRATIVE BODIES POWERS AND DUTIES.**

### **19.12.010 – Purpose.**

The purpose of this Chapter is to outline the specific powers and duties of the different boards, commissions and officials having administrative, legislative, or quasi-judicial roles set forth in this Ordinance.

### **19.12.020 – Council.**

The Council has the authority to enact and amend land use ordinances and to enact and amend a zoning map for the Municipality.

### **19.12.030 - Planning Commission.**

#### **A. Appointment—Term.**

1. The Planning Commission shall consist of five (5) members and up to two (2) alternate members, each of whom shall reside in the municipality. Members and alternate members shall be appointed by the Mayor with the advice and consent of the Council.
2. Terms shall commence on March 1st of each year. Members shall serve three (3) year terms or longer until successors are appointed. Terms shall be staggered so that the terms of at least two (2) members, and not more than three (3), expire each year.
3. If a member's term expires before a successor is appointed, the member shall continue to serve until a successor is appointed.
4. Members and alternate members may be reappointed for a second term but may not serve more than two consecutive terms as a member or alternate member.

#### **B. Vacancy—Removal.**

1. Any vacancy occurring on the Planning Commission by reason of death, resignation, removal or disqualification shall be filled by the Mayor with the advice and consent of the Council for the unexpired term of such member.
2. The Mayor, with the advice and consent of the Council, may remove a member of the Planning Commission for cause after filing written charges against the member. The member will be provided with a hearing on the charges if requested by the member being removed.

#### **C. Organization—Procedures.**

1. The Planning Commission shall elect a chairperson from its members who shall serve a one-year term. The chairperson is a voting member.
2. The Planning Commission shall elect a vice chairperson from its members who shall serve a one-year term. The vice chairperson is the designated chair pro-tempore and a voting member.
3. The Planning Commission may create and fill any other necessary offices it deems necessary and may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purpose the Planning Commission considers necessary for its proper function.

4. A minimum of three (3) full and/or alternate members in attendance at the meeting is required to constitute a quorum.
5. The minimum number of “yes” votes necessary to carry an action of the commission shall be a majority of the members of the quorum in attendance but shall never be less than three (3).
6. Alternate members shall be designated to sit as voting members of the Planning Commission at any time one or more regular members are absent from the meeting. The designation of the alternate member to voting status shall be made by the chairman at the commencement of the meeting in accordance with the seniority of the alternate members in attendance at the time, and any alternate so designated shall serve as a voting member until the conclusion of the meeting.

D. Powers and duties. The Planning Commission shall:

1. Prepare and recommend a general plan and amendments to the general plan to the Council;
2. Prepare and recommend zoning ordinances and maps and amendments to zoning ordinances and maps to the Council;
3. Prepare and recommend subdivision ordinances and amendments to those ordinances to the Council;
4. Prepare and recommend condominium ordinances and amendments to those ordinances to the Council;
5. Review subdivision plats as set forth in Title 18 Subdivisions;
6. Approve or deny condominium plans and plats;
7. Approve or deny conditional use permits;
8. Advise the Council on matters that the Council directs;
9. To make, at the request of the Director, an interpretation of the zone map regarding the location of zone boundary lines;
10. To decide, at the request of the Director, the meaning of disputed terms or phrases within the text of the zoning regulations; and
11. Provide other functions as specified in this Chapter or as directed by the Council.

E. Effect on present members. Nothing in this Chapter may be construed to affect the eligibility or qualifications to serve of any of the present members of the Planning Commission whose terms have not expired or to affect their eligibility for reappointment.

**19.12.040 - Land Use Hearing Officer.**

A. Creation.

1. The position of Land Use Hearing Officer is created pursuant to the enabling authority granted by the Land Use, Development, and Management Act, section 10-9a-701 of the Utah Code Annotated.
2. The Land Use Hearing Officer shall be an administrative law judge appointed as provided in the Municipal Code.

B. Procedures.

1. The Land Use Hearing Officer may administer oaths and compel the attendance of witnesses.
2. Hearings the Land Use Hearing Officer holds on appeals of a land use decision are not subject to Chapter 4, Title 52, Utah Code, Open and Public Meetings Act.
3. The Land Use Hearing Officer shall:
  - a. Keep minutes of all proceedings;
  - b. Keep records of all examinations and other official actions; and
  - c. File all records in the office of Planning and Development Services. All such records are public records.
    - i. Decisions of the Land Use Hearing Officer become effective immediately following the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

C. Powers and duties. The Land Use Hearing Officer shall:

1. Act as the appeal authority for zoning decisions applying this Title as provided in Section 19.16.020 and for decisions by a Planning Commission;
2. Hear and decide the special exceptions to the terms of the zoning ordinance set forth in Subsection 19.20.020(B)(3);
3. Hear and decide variances from the terms of the zoning ordinance as set forth in Section 19.20.010;
4. Hear and decide applications for the expansion or modification of nonconforming uses; and
5. Make, upon appeal, an interpretation of the zone map regarding the location of zone boundary lines or decide the meaning of disputed terms or phrases within the text of the zoning regulations.

**19.12.050 – Director.**

The Director has the following powers:

- A. To make an interpretation of the zoning map regarding the location of zone boundary lines or decide the meaning of disputed terms or phrases within the text or the zoning regulations. The Director, at his or her discretion, may defer interpretations of the zoning map or the meaning of disputed terms or phrases within the text of the zoning regulations to the Planning Commission;

- B. To make administrative determinations as to the classification of uses not specifically listed in this Ordinance subject to appeal to the Planning Commission. Administrative determinations shall be based upon a comparison of the nature and characteristics of the proposed use with those uses specifically authorized in the intended zone;
- C. To review and make decisions on conditional use amendments as set forth in Subsection 19.16.040.G.1
- D. To review and make decisions on occupancy permits;
- E. To receive and forward applications for zoning amendments, variances, conditional uses, zoning appeals and other administrative reviews required by this Ordinance to the appropriate board, commission or official;
- F. To maintain permanent and current records as required by this Ordinance including, but not limited to, all relevant information and official action on zoning amendments, variances, conditional uses, zoning appeals and other administrative reviews;
- G. To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in case of any violation, to order corrective action;
- H. To administer application review procedures as set forth in Chapter 19.16; and
- I. To review and make decisions on special exceptions, waivers, or modifications as specified in this Ordinance.

## Chapter 19.14 ZONES, ZONING MAP, AND BOUNDARIES.

### 19.14.010 - Zones Established.

For the purpose of this Title, Kearns is divided into classes of zones, as follows:

R-1-3	Single Family Residential Zone
R-1-4	Single Family Residential Zone
R-1-5	Single Family Residential Zone
R-1-6	Single Family Residential Zone
R-1-7	Single Family Residential Zone
R-1-8	Single Family Residential Zone
R-1-10	Single Family Residential Zone
R-1-43	Single Family Residential Zone
R-2-6.5	Medium Density Residential Zone
R-2-8	Medium Density Residential Zone
R-2-10	Medium Density Residential Zone
R-4-8.5	Medium Density Residential Zone
R-M	High Density Residential Zone
RMH	Mobile Home Residential Zone (Kearns)
A-1	Agricultural Zone
A-2	Agricultural Zone
NMU	Neighborhood Mixed Use Zone
TC	Town Center Zone
CMU	Corridor Mixed Use Zone
C-1	Commercial Zone
C-2	Commercial Zone
C-3	Commercial Zone
M-1	Manufacturing Zone - Flex
M-2	Manufacturing Zone - Heavy
PR	Parks and Recreation Zone
PF	Public Facility Zone
PI	Public Institution Zone
AOZ	Airport Overlay Zone (Reserved)

**19.14.020 - Zoning Maps.**

Each of the sections of (the municipality) which are zoned by this Title are shown on the maps on file with Planning and Development Services, and such maps are made by this reference, as such, a part of this Title as if fully described and detailed herein. Said maps may be in an electronic or Geographic Information System (GIS) format. Amendments to the zoning map shall follow the process outlined in Section 19.16.080 of this Title.

**19.14.030 - Filing of This Title and Zoning Maps.**

This Title and the maps shall be filed in the custody of the Municipal Clerk and may be examined by the public subject to any reasonable regulations established by the Municipal Clerk.

**19.14.040 - Boundary Location Rules.**

A. Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

1. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley or block, or such property line, shall be construed to be the boundary of the zone;
2. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land, or any section line, then in such case the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the zone; and
3. Where the application of the above rules does not clarify the zone boundary location, the Land Use Hearing Officer shall interpret the map.

**19.14.050 - Zoning of Annexed Areas.**

Properties that are annexed into the municipality shall be given a zoning designation by action of the Council at the time of annexation. The Council shall be guided by the general plan, by a recommendation of the Planning Commission, and by the criteria set forth in Table 19.16.010 in zoning the subject property. Annexations of multiple parcels may result in more than one zone applying to the annexation area; however, except in the case of overlay zones, only one zone may apply to each parcel.

**Chapter 19.16 LAND USE PROCESSES AND PROCEDURES.**

**19.16.010 – Purpose.**

The purpose of this Chapter is to delineate the procedures, requirements and approval standards that apply to land use and zoning applications and approvals. Table 19.16.010 provides an illustrative summary of the administrative and legislative decision processes in Title 19. If there are any inconsistencies between this table and the other provisions of this Title, the other provisions of the Title govern.

<b>Table 19.16.010: Legislative and Administrative Decision Processes.</b>					
<b>REFERENCE TABLE: APPLICATIONS &amp; APPROVALS</b>	<b>ZONING TEXT AND MAP AMENDMENTS AND OTHER LEGISLATIVE ACTS</b>	<b>PERMITTED USE</b>	<b>CONDITIONAL USE</b>	<b>VARIANCES</b>	<b>SPECIAL EXCEPTIONS</b>
<b>APPLICATION INITIATION</b>	Property owner, person authorized in writing by the property owner, Council or Planning Staff	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner	Property owner or a person authorized in writing by the property owner
<b>NOTICE<sup>(1)</sup></b>	In accordance with Utah Code 10-9a	Not required	In accordance with Utah Code Chapter 10-9a	In accordance with Utah Code Chapter 10-9a	In accordance with Utah Code Chapter 10-9a <sup>(2)</sup>
<b>RECOMMENDATION</b>	Planning Commission, public input	Public agency review	Public input, Public agency review	Public input	Public input
<b>FINAL DECISION</b>	Council	Director or designee	Planning Commission	Land use hearing officer	Land use hearing officer, Planning Commission, or Director (dependent on application type)
<b>APPEAL BODY</b>	3 <sup>rd</sup> District Court	Land use hearing officer	Land use hearing officer	3 <sup>rd</sup> District Court	3 <sup>rd</sup> District Court

**TABLE 19.16.010: FOOTNOTES**

<sup>1</sup> When required, notices shall be mailed ten (10) days prior to the meeting to property owners within three hundred feet (300') of the subject property's boundary.

<sup>2</sup> Not required for exceptions approved by the Director.

**19.16.020 - General Administrative Procedures.**

The Director is the administrator of the Zoning Ordinance with power to review and make decisions on zoning ordinance interpretations. The authority and responsibility of the Director includes the following:

- A. Review of Development Plans. The Director shall establish development plan review processes to ensure that proposed land uses and development plans comply with the provisions of this Ordinance and protect the public health, safety, and general welfare. At the discretion of the Director or designee, review of permit or license applications may be conducted without submittal of a land use application if compliance can be ascertained based on the permit or license application documents.
- B. Interpretation of Permitted and Conditional Uses – Administrative Determination. The Director shall determine whether proposed uses of property are consistent with the permitted and conditional uses within each zone. The procedure to request the Director’s determination shall be as follows:
  - 1. Written Request. A written request for a determination shall be filed with the Director or designee, which shall include a detailed description of the proposed use and such other information as the Director may require.
  - 2. Investigation. The Director shall undertake such investigations as deemed necessary to compare the proposed use with those uses specifically listed in this Title, and to make a determination of the proper classification.
  - 3. Determination. Within thirty (30) days of the filing of a written request, the Director shall prepare a written determination, which shall be provided to the applicant. The determination shall state the zone classification in which the proposed use will be permitted as well as the basis for finding that such use is of the same character as uses allowed in that zone classification. The determination and all information related thereto shall become a permanent public record in the office of the Director.
  - 4. Effect. The use as specified in the determination of the Director shall thereafter become a permitted or conditional use in the class of zoning district specified in the determination and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.
  - 5. Appeal. The Director’s determination may be appealed to the Land Use Hearing Officer. Such appeal shall be filed in writing within ten (10) days after written notification to the applicant of the Director’s determination.

**19.16.030 - Land Use Applications.**

- A. Applications. A property owner, or other person expressly authorized in writing by the property owner, may file for a land use permit. All land use applications for permitted or conditional uses shall be filed with the Director or designee. Applications shall contain:
  - 1. An application form provided by Planning and Development Services, which form may be via online submitting software.
  - 2. Property identification documents such as a legal description, plat map, and if applicable, site survey. This is not required for text amendments.

3. Plans and other documents as necessary to evaluate the proposed application for compliance with applicable codes, including a site plan (see Subsection 19.16.030.B), building elevations, preliminary landscape and amenities plans, preliminary grading/drainage plan, and any other pertinent documents.
4. Applications are subject to the completeness review process outlined in 19.16.030.D. An application is considered as having been accepted only when deemed a complete application and the applicable application fees have been paid.

B. Plans.

1. Site Plan. A detailed site plan is required as part of all applications for land use or development approval, including conditional uses, permitted uses, variances, special exceptions, and building permits. The Director may specify the number of plans required and the medium (electronic, paper, etc.) in which site plans may be submitted. The site plan shall show:
  - a. Scale;
  - b. Direction of north point;
  - c. Lot lines and adjacent streets, roads and rights-of-way;
  - d. Location of all existing structures on subject property and adjoining properties, completely dimensioned, including utility lines, poles, etc;
  - e. Location and building elevations of any proposed construction and improvements, including the location of all signs;
  - f. Vehicle access, including circulation patterns and the location of individual parking stalls, curbs, gutters, and sidewalks;
  - g. Any necessary explanatory notes, including calculations of lot coverage, parking ratios, gross floor area of buildings, easements, floodplains, topography, rights of way and other notes necessary to evaluate for compliance with all applicable land use requirements;
  - h. Name, address and telephone number of builder and owner; and
  - i. Any other information required by the Director or indicated on the application form.
2. Building Elevations. Building elevations, when required, shall show:
  - a. Note of scale used;
  - b. Orientation of each elevation, including distance to nearest property line;
  - c. Explanatory notes describing building, cladding and trim materials;
  - d. Original and finished grade at all points along each elevation of the building;
  - e. A building envelope that describes that maximum buildable height of all elevations as measured from original grade;
  - f. Finished floor elevations of all levels of a building including, but not limited to, basements, garages, patios, and decks;
  - g. Top of footing elevations at each corner of the building;

- h. Total height of building, as measured from original ground surface to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of pitched or hipped roofs, or gambrel roofs;
  - i. Necessary explanatory notes to address any requirements particular to the zone in which the property is located; and
  - j. All other information that may be required, as determined by the Director.
- C. Preliminary Landscape Plan. Preliminary landscape plans, when required, shall show:
- 1. Note of scale used, north arrow and preparation date;
  - 2. Project name and address;
  - 3. General landscape design intent statement including the general character and location of proposed landscaping and open areas;
  - 4. A legend showing all plant types and sizes, symbols, line types, hatching and abbreviations used in the plan set;
  - 5. Site boundary, property lines, and any construction phasing lines;
  - 6. All existing significant vegetation, including an indication of what is proposed to be removed;
  - 7. All existing and proposed structures;
  - 8. All proposed softscape and hardscape areas;
  - 9. A tabulation of the total project area, landscaped area, impervious areas, building coverage areas and building coverage percentage;
  - 10. Detailed landscape improvements with planting symbols clearly drawn to indicate each plant;
  - 11. The name and contact information of the landscape design professional who prepared the plan; and
  - 12. Other plans and documents as may be required in order to verify compliance with this Title or other applicable codes, ordinances, statutes and regulations.
- D. Completeness Review.
- 1. Upon receipt of an application request and associated documents, the Director or designee shall review the application to determine whether:
    - a. Complete and accurate plans have been submitted;
    - b. The application itself contains complete information regarding the property, applicant, proposed land use;
    - c. All prerequisite conditions for the specific land use have been addressed; and
    - d. The property owner or authorized agent has authorized the submittal of the application.
  - 2. If the application is determined to be incomplete, the Director or designee shall notify the applicant in writing within fourteen (14) days:
    - a. That the application is incomplete; and
    - b. The specific components of the application deemed insufficient.

3. Upon notice being given, an application deemed incomplete shall be terminated after sixty (60) days if the necessary components to complete the application have not been submitted.
  4. If the application is determined to be complete, the Director or designee shall authorize the payment of the applicable application fees.
  5. At any time during the completeness review process outlined in this subsection, a pre-application meeting may be requested by the applicant or Director or designee to discuss the application, plans, and anticipated review process. In order to facilitate efficiency of review process, the Director or designee may invite representatives from other reviewing agencies as well as the applicant's design professionals to the meeting.
- E. Application Review. The application review process may include:
1. The creation of a planning file for reference by the applicant, staff and the public;
  2. An on-site review by the Director or designee as allowed in Utah Code §10-9a-303;
  3. Review of the submitted site plan and elevations for compliance with the Ordinances in effect on the date that the applicant submitted a complete application;
  4. Referral of the application and site plans to those government agencies and affected entities authorized to protect the health, safety and welfare of the public and to ensure the project's compliance with this Ordinance and all other applicable ordinances and codes;
  5. Referral of the application for conditional uses to the appropriate decision-making body as set forth in Chapter 19.12; or
  6. An action letter informing the applicant as to whether the application has been approved, approved with conditions, denied, or tabled pending the submittal of additional information or amended plans.

**19.16.040 - Conditional Uses.**

A. Initiation.

1. A property owner, or other person expressly authorized in writing by the property owner, may file for a conditional use permit for that property. In addition to the request for land use approval, a conditional use application may include a request for land development plan approval.
2. The Planning Commission is the land use authority and shall take formal action on requests for conditional use permits. When a land development plan is submitted in conjunction with a conditional use application, the land development plan shall be included in the materials presented to the Planning Commission. In rendering an approval, conditions of approval may be imposed by the Planning Commission that necessitate changes to the land development plan.
3. As administrator of this Ordinance, the Director is responsible for ensuring the land development plan not only complies with the applicable codes and ordinances, but also complies to the conditions of approval imposed by the Planning Commission. If, during the course of land development plan review, the Director finds changes are made to the site plan not in harmony with the conditions imposed by the Planning Commission, the Director may, at their discretion, refer the land development plan to the Planning Commission for review.

B. Land Use Approval.

1. Approval Process.
  - a. The Planning Commission shall consider applications for a conditional use permit in a public meeting and shall make a decision on the proposed conditional use, evaluating the application in accordance with the standards in Subsection D below.
  - b. The Planning Commission shall take action in the form of approval, modified approval or denial on applications for conditional uses. Unless otherwise designated, a decision by the Planning Commission approving a conditional use application authorizes the Director to proceed with approval of the land development plan.
  - c. The Planning Commission shall take action on a complete conditional use permit application within a reasonable time frame, not to exceed ninety (90) days from the date the application was first heard by the Planning Commission unless a further extension of time is requested by the applicant.
  - d. Failure by the applicant to provide information that has been requested by the Planning Commission or the Director to resolve conflicts with the standards in Subsection C may result in an application being denied.
2. The Director, under authority of the Planning Commission, shall grant final approval of conditional use permit applications after all of the conditions and requirements of the preliminary approval have been met. Applications with a land development plan element shall not receive final conditional use approval until the land development plan has been approved by the Director. As a condition of preliminary approval, the Planning Commission may require that final land development plan be brought before the Planning Commission for final approval.
  - a. Final approval of a conditional use permit application is in the form of a letter to the applicant, which, together with the approved land development plan if required, constitutes the conditional use permit. Final approval shall not modify or invalidate any of the conditions or terms imposed by the Planning Commission.
- C. Approval Standards. The Planning Commission shall review the site plan and other information submitted to evaluate the impacts of the proposed conditional use. The Planning Commission may impose conditions to mitigate the reasonably anticipated detrimental impacts of the proposed use. A conditional use permit shall be approved unless the imposition of conditions cannot mitigate reasonably anticipated detrimental effects in accordance with the following standards:
  1. The proposed site development plan complies with all applicable provisions of the zoning ordinance, including specific use standards, parking, building setbacks, and building height;
  2. The proposed use and site development plan complies with all other applicable laws and ordinances;
  3. The proposed use and site development plan does not present a serious traffic hazard or create anticipated traffic increases on the nearby road system which exceeds the amounts called for under the adopted transportation engineering standards;

4. The proposed use and site development plan do not pose a serious threat to the safety of occupants or residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands; and
  5. The proposed use and site development plan do not adversely impact properties in the vicinity of the site through lack of compatibility with adopted community general plan standards.
- D. Rules for Approved Conditional Uses. The following general rules apply to all approved conditional uses:
1. Approval of a conditional use authorizes only the particular use for which the conditional use is issued;
  2. No use authorized by a conditional use may be enlarged, extended or relocated, unless an application is made for approval of a new conditional use in accordance with the procedures set forth in this section; and
  3. Development of the property shall not commence until the applicant has secured all the permits and approvals required by municipal ordinances and any permits required by regional, state, and federal agencies.
- E. Expiration and Extension of Time.
1. A conditional use expires twelve (12) months from the date of final approval by the Director, unless a building permit is obtained within such period and substantial construction is started or the use is commenced within such period in compliance with all required conditions and this Ordinance.
  2. One twelve (12) month extension may be granted upon the payment of an additional filing fee equal to the original filing fee. Such extension shall be filed before the end of the initial twelve (12) month period.
- F. Revocation of Conditional Use.
1. The Planning Commission may revoke a conditional use permit upon a finding of failure to comply with the terms and conditions of the original approval or for any violation of this Ordinance or other applicable law.
  2. The Planning Commission shall hold a public hearing prior to taking action on revocation. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee and affected entities at least ten (10) days prior to the hearing.
- G. Amendments to Conditional Uses. Applications may be submitted for amendments to previously approved conditional uses or to sites for which conditional uses have been approved. Applications for amendment will be reviewed and approved in harmony with the provisions of Subsection D above but shall be evaluated for the anticipated impacts that will result from the specific amendment being requested. Approval authority for conditional use amendments is as follows:
1. Director Approval
    - a. The Director has the authority to approve the following conditional use amendments:

- i. Changes of use from one conditional use to another, where no site modifications are proposed or required, and where no significant additional impact will result;
  - ii. Amendments to the site plan that do not involve changing the land use and that also meet the following criteria;
    - (a) The building footprint is not increased by more than twenty percent (20%);
    - (b) The site acreage is not increased;
    - (c) No dwelling units are being added; and
    - (d) No significant additional impact will result.
  - iii. Amendments to the conditions of approval imposed upon a conditional use that the Director previously approved if the proposed change in conditions is the result of a clear change in the circumstances of the property, and the change is in harmony with Subsection C above; and
  - iv. Approval of a use that is listed as a conditional use in the zone, but which is clearly accessory to another land use on the property, and no significant additional impact will result.
2. Planning Commission Approval. The Planning Commission has the authority to approve:
- a. All other amendments to conditional uses, and
  - b. Amendments that may meet the criteria for Director approval outlined above, but for which the Director determines the public interest is better served by referring the application to the Planning Commission.
- H. Appeals. Appeals may be made to the Land use hearing officer within ten (10) days of the date of the decision of the Planning Commission or Director, as applicable.

**19.16.050 - Withdrawal of Application.**

- A. An applicant may withdraw an application at any time prior to the final decision on the application, including any time during which the application has been tabled.
- B. An applicant may request a refund of fees at the time the application is withdrawn. The Director shall consider the amount of work performed by Planning and Development Services staff on the application when determining whether or to what extent fees may be refunded. Fees associated with a public meeting or hearing shall not be refunded if the item has been heard at a public meeting or hearing.
- C. A notice of withdrawal of an application and a request for refund of fees shall be in writing and submitted to the Director.

**19.16.060 - Performance Bonds.**

- A. Any required improvements such as curb, gutter and sidewalk, fences, and public landscaping shall be satisfactorily installed prior to the municipality authorizing electrical service or, if no electrical service is required, prior to issuance of any occupancy permit.

- B. In lieu of completing such improvements, the developer may file a performance guarantee as outlined in Chapter 18.16, in an amount sufficient to ensure completion of improvements within one year.
  - 1. Ten percent (10%) of a bond amount for public improvements shall extend for a one-year period beyond the date the improvements are completed to guarantee replacement of any defective public improvements.
  - 2. Ten percent (10%) of a bond amount for live plants shall extend for a one-year period beyond the date of planting of public landscaping to guarantee replacement of diseased or dead plants.
  - 3. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer may call for inspections of the improvements by the Director.
- C. Whenever necessary in order to protect the health, safety and welfare of Kearns residents from traffic, flood, drainage or other hazards, the Mayor may require as part of bond approval that improvements be completed in a specified sequence and in less than one year. Such requirements shall be incorporated into the bond.
- D. Bonds will be processed and released in accordance with the procedures set forth in Chapter 3.56 of the Municipal Code.
- E. When the developer is a school district, municipality, service area, special-purpose district or other political subdivision of the State, the Mayor may waive the bond and accept in lieu thereof a letter from the governing body guaranteeing installation of the improvements. Before approving any such waiver, the Mayor shall receive a recommendation from the Director.

**19.16.070 - Occupancy Permits.**

- A. A permit of occupancy is required prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used for anything other than permitted agricultural uses.
- B. The permit of occupancy shall be issued by the Chief Building Inspector and the Director if the use and/or building or premises conforms to the provisions of this Title and related ordinances.
- C. A permit of occupancy shall also be required whenever the character or use of any building or land is proposed to be changed from one use to another use.
- D. Upon written request from the owner, a permit of occupancy shall also be issued covering any lawful use of a building or premises existing on the effective date of this Ordinance, including nonconforming buildings and uses.

**19.16.080 – Zoning Map and Text Amendments.**

- A. Initiation. A zoning text or map amendment may be initiated by the Council, the Planning Commission, the Director, a property owner(s) in the municipality, or a person authorized in writing by the property owner(s).
- B. Authority. The Council shall take formal action on requests for zoning text or map amendments after receiving a recommendation from the Planning Commission.
- C. Procedure
  - 1. Filing of Application.
    - a. All zoning map or text amendment applications shall be filed with the Director or designee in

accordance with the requirements of Chapter 19.16. The Director or designee shall forward the application to the Planning Commission for further review and recommendation no later than ninety (90) days from the date the application is deemed complete.

- b. Disapproval of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof to the same zone classification, or if the application is for a commercial classification to the same or any other commercial classification, within one year of the date of the final disapproval of the application unless the Council finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period.

2. Notice. The Director or designee shall provide notice of proposed zoning text or map amendments in accordance with Utah Code §10-9a-205. An “adjacent property owner” under this section of State law is an owner of property located within three-hundred feet (300’) of land that is directly affected by the land use ordinance change.

3. Action by Planning Commission.

- a. The Planning Commission shall consider a proposed zoning text or map amendment in a public hearing.
- b. After the close of the public hearing, the Planning Commission may evaluate the application against the applicable standards in Subsection D below and shall make a recommendation to the Council for approval, modified approval, or denial.

4. Action by Council.

- a. The Council shall consider the application within forty-five (45) days of receiving a recommendation from the Planning Commission.
- b. After considering the recommendation of the Planning Commission at a public meeting, the Council may approve, deny, alter, or remand for further review and consideration any application.

D. Approval Standards. The Planning Commission recommendation and the Council decision on any zoning text or map amendment are matters of legislative discretion. In making a recommendation and decision, the Planning Commission and the Council, respectively, may consider one or more of the factors in Table 19.16.080.

E. Appeals. Any person adversely affected by a zoning amendment decision of the Council may appeal the decision to the 3rd District Court of Salt Lake County as provided for in Utah Code §10-9a-801.

<b>TABLE 19.16.080: GUIDELINES FOR CONSIDERING ZONING MAP &amp; TEXT AMENDMENTS</b>		
<b>FACTORS</b>	<b>MAP AMENDMENTS</b>	<b>TEXT AMENDMENTS</b>
1. The proposed amendment is compatible with the Adopted General Plan.	X	X
2. The proposed amendment promotes the public health, safety and welfare.	X	X
3. The proposed amendment is a more suitable zoning classification for the property than the current classification.	X	
4. The proposed amendment is compatible with the intent and general purposes of this Ordinance.	X	X
5. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.	X	X
6. The proposed amendment benefits the citizens of the Municipality as a whole.	X	X
7. The proposed amendment does not create a significant number of nonconformities.	X	X
8. The proposed amendment is compatible with the trend of development, if any, in the general area of the property in question.	X	

## **Chapter 19.18 PLANNED UNIT DEVELOPMENTS.**

### **19.18.010 - Purpose.**

- A. The purposes of planned unit development (PUD) are:
1. To provide a high-quality living and/or working environment, to utilize and incorporate natural features in the land development design, and to provide a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations;
  2. To provide good and compatible neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to allow for greater flexibility and diversity in the physical pattern of the development;
  3. To provide developments, including mixed use areas where feasible, that are compatible with existing nearby land uses and harmonious to the community; and
  4. To ensure compliance with the intent of this Chapter related to public health, safety and general welfare, while securing the efficient use of the land for residential, commercial, and mixed-use development.

### **19.18.020 – Applicability and Area Requirements.**

- A. A PUD may allow for any combination of residential, commercial, and mixed uses allowed in the underlying zone in which a PUD is proposed. The development standards section of this Chapter (19.18.030) governs where conflicts exist between this Chapter and other development and specific use standards of this Title. The following categories of PUD may be reviewed and approved consistent with Sections 19.18.030 through 19.18.070, as well as with all other applicable standards and codes not specifically addressed by this Chapter:
1. Condominium Conversion PUD. Condominium Conversion PUDs are existing condominium developments that cannot be sold or refinanced without the common area adjoining the units in the development being divided up into individual lots that include the existing homes, and where these newly created lots would not qualify as traditional subdivision lots under municipal ordinance. In such cases, the newly created lots may be approved as a planned unit development. Condominium Conversions are exempt from the Development Requirements of this Chapter but shall comply with Section 19.18.060 relating to review and approval of the development.
  2. Infill Development PUD. Infill Development PUDs are residential PUDs in or adjacent to existing residential neighborhoods. The minimum area for an Infill Development is one-half (1/2) acre and the maximum area is three (3) acres.
  3. Residential Neighborhood PUD. Residential Neighborhood PUDs are residential planned unit developments with a minimum area of three (3) acres and a maximum area of twenty (20) acres.
  4. Residential Community PUD. Residential Community PUDs are residential PUDs with an area of over twenty (20) acres.

5. Mixed-Use PUD. Mixed-Use PUDs are developments containing both residential land use and non-residential land use within the same integrated plan. The residential and commercial land uses shall be within the same building(s) unless demonstrated that all buildings in the proposed development plan are integrated into a shared campus of common areas and amenities. The minimum area for a Mixed-Use PUD is one (1) acre.
6. Commercial PUD. Commercial PUDs are developments containing non-residential land uses within an integrated plan. The minimum area for a commercial PUD is one (1) acre.

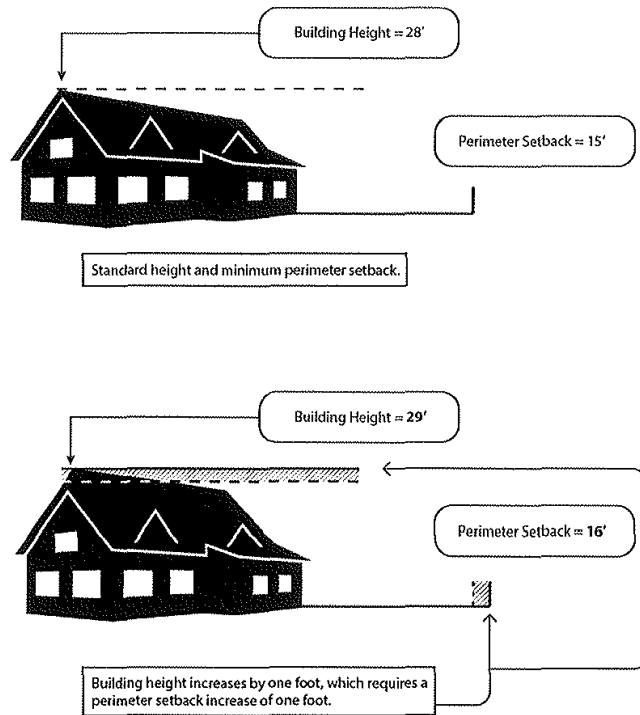
**19.18.030 – Development Standards.**

- A. The following standards apply to the PUD categories listed in the heading for each standard. Any PUD for which a specific standard below does not apply shall comply with the applicable equivalent standard in this Title. The various categories of PUD shall be abbreviated as follows:
  1. Standards applicable to all categories of PUD – **(All)**
  2. Standards applicable to a Condominium Conversion PUD – **(CC)**
  3. Standards applicable to an Infill Development PUD – **(ID)**
  4. Standards applicable to a Residential Neighborhood PUD – **(RN)**
  5. Standards applicable to a Residential Community PUD – **(RC)**
  6. Standards applicable to a Mixed-Use PUD – **(MU)**
  7. Standards applicable to a Commercial PUD – **(C)**
- B. Ownership (All). The property shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- C. Open Space (ID, RN, RC). Open space shall be provided and shall cover no less than forty percent (40%) of the gross site area. For purposes of this Chapter, gross site area is defined as the total area of a planned unit development excluding anything in the public right-of-way. Open space shall be provided as follows:
  1. Except for infill development, common open space shall be provided in the amount of at least twenty percent of the gross site area. Infill development must include forty percent (40%) open space but is not required to include common open space.
  2. The required common open space shall be land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the purpose of providing an amenity may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes common walkways (but not curb-gutter-sidewalk), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Common open space may include sensitive areas, such as areas with thirty percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed as an integral element of the project.

3. Private open space is that space which is provided for each dwelling unit for personal use. Private open space is typically located immediately adjacent to or attached to the dwelling unit it is designed to serve and is for the exclusive use of the residents of the dwelling unit. Landscaped roof areas, balconies, or decks attached to individual units are considered private open space and are not to be calculated as part of required common open space.
  4. The Planning Commission may reduce the open space requirements of this section in order to accommodate a density bonus provided for in this Chapter.
- D. Interior Streets (RN, RC, MU). The design of public and private streets within a development shall follow standards for roadway development adopted by the municipality. Private streets shall be subject to the same inspections and construction standards as required for public streets. The municipality shall be granted a utility easement for the entire interior street system in a development project. All private streets shall be conveyed to a private association.
- E. Garbage and Recycling (All). The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located closer than ten feet to any perimeter property line. Enclosure structures must have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.
- F. Parking (All). Parking shall comply with Chapter 19.48 of this Title. In addition, the following minimum standards shall apply to covered parking:
1. Garages are encouraged.
    - a. Garage parking, if used, shall have a minimum unobstructed size of twenty-two feet wide by twenty feet in length (22' x 20'), or twenty feet wide by twenty-two feet (20' x 22') in length. Single-car garages are also permitted and shall have a minimum unobstructed size of ten feet wide by twenty-two feet (10' x 22') in length, or eleven feet wide by twenty feet (11' x 20') in length.
    - b. Covered parking, if used, shall be placed in locations adjacent or convenient to the buildings that they are intended to serve.
    - c. Tandem spaces may be allowed with a minimum size requirement of twenty feet long by nine feet wide (20' x 9') per parking space, up to a maximum of two contiguous spaces per unit.
  2. Underground Parking. Installation of underground parking adequate to meet fifty percent (50%) of the parking requirements of this section excluding guest parking, shall receive a twenty percent (20%) density bonus for the planned unit development.

- G. Building Materials (ID, RC, RN, MU, C). Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed fifty percent (50%) of the surface area on street-facing facades. Other materials may be considered for soffits, or as an accent or architectural feature. Twenty-five (25) year guarantee architectural shingles and/or other longer lasting roof materials are required.
- H. Landscaping on Public Right-of-Way (All). Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per Chapter 19.50, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per Chapter 19.50. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per Chapter 19.50 with a five-foot (5') landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per Chapter 19.50.
- I. Fencing (ID, RN, RC). Unless otherwise allowed by the Planning Commission, exterior fencing along a public right-of-way shall be limited to brick, stone, or block, or pre-cast concrete and be setback a minimum of five feet (5') from the property line to allow for a landscaping buffer designed in accordance with Chapter 19.50 to soften long expanses of walls. Interior fencing shall comply with Chapter 19.46. A lot or unit with primary access from a public right of way is not subject to the fencing requirements for the front yard of that lot or unit.
- J. Interior Street Lights (RN, RC). Street and pedestrian lighting for streets on the interior of the PUD is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum average foot-candles for local residential roads (thirty-five feet (35') maximum) shall be 0.3, and shall be 0.5 for residential collector roads (thirty-six feet—forty-five feet) (35'-45').
- K. Signage (RN, RC, MU). Only low-profile signs with a maximum size of fifty square feet (50 sq.ft.), and five feet (5') in height are allowed. No temporary signs are allowed other than for sale or rent signs with a maximum of six square feet (6 sq.ft.) in area per side. Only three (3) such signs are allowed per three hundred feet (300') of frontage. The size, location, design and nature of signs, if any, and the intensity and direction of any associated lighting shall be detailed in the application, and, except as provided in this Chapter, shall be consistent with the characteristics of the community and Chapter 19.52, Signs.
- L. Site Plan (See Below). All developments shall be guided by a total design plan in which the following development standards may be varied to allow density bonuses, and flexibility and creativity in site design and building location. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following criteria shall be used by the Planning Commission principally to assure the design objectives of this section are met.

1. **Density (ID, RN, RC, MU)**. Subject to the following density bonuses, the density allowed for a development may not be greater than that allowed in the zone in which it is located. Density shall be calculated using only net developable acreage. A density bonus in the following amounts is allowed if either or both of the following conditions exist:
  - a. For developments with underground parking that is adequate to meet the parking requirements of this Chapter excluding guest parking, a density bonus of twenty percent (20%) is allowed; and/or
  - b. For developments within one-quarter (1/4) mile (improved walking distance) of a rail or Bus Rapid Transit (BRT) station, a density bonus of twenty percent (20%) is allowed. For developments within one-half (1/2) mile (improved walking distance) of a rail or BRT station, but greater than one-quarter mile (1/4), a density bonus of ten percent (10%) is allowed.
2. **Maximum Height (All)**. For the purpose of this Chapter, building height is to be measured from the lowest point of original grade to the highest ridge.
  - a. For any PUD located in and adjacent to an R-1, R-2, A-1, or A-2 zone (“residential zone”), the maximum height for structures within fifty feet (50’) of the property line of a property zoned “residential” shall be thirty-five feet (35’). PUDs with one building only, are allowed a rooftop garden or patio provided the rooftop garden or patio has a minimum setback of seventy-five feet from the property line.
    - i. The height of buildings along the perimeter of a PUD adjoining a residential zone shall be thirty-five feet (35’). Heights may be increased to the maximum height allowed in the zone in which the PUD is located by one-foot increments, with each additional one-foot in height requiring an additional one (1) foot in setback from the perimeter (see figure 1 below for graphical rendering).
    - ii. The height of structures in all other PUDs shall conform to the applicable zone.
    - iii. At the discretion of the Planning Commission, height for dwelling structures along state highways and not adjoining a residential zone, may be increased up to twenty percent (20%) above the otherwise applicable maximum height to accommodate a density bonus provided for in this Chapter.
    - iv. Notwithstanding the above, the Planning Commission may at its discretion reduce or increase the otherwise stated maximum heights if mitigation is warranted, but only in cases where unusual topographical or other exceptional conditions or circumstances exist, such as the height of surrounding buildings.



**Figure 1.** An illustration of height allowance as described in Subsection 19.18.030.L.2. above when approved by the Planning Commission, where for every foot increase in height requires a foot increase in minimum setback. This provision is designed to soften the impact to adjacent properties while allowing for increases in height where appropriate.

3. **Perimeter Setbacks (All).** Buildings (including covered decks or covered patios, or decks or patios in excess of eighteen inches (18”) above existing grade) located on lots on the perimeter (excluding the public frontage defined in Section 19.18.040 of the development), shall have at least a fifteen-foot (15’) setback from the perimeter lot line, and shall have a setback from a right-of-way as prescribed by the underlying zone. Otherwise, no specific yard, setback, or lot size requirement is imposed by this Chapter. However, the purpose and design objectives of this Chapter must be complied with in the final development plan, and the Planning Commission may require specific setbacks within all or a portion of the development to maintain harmony with the existing character of the neighborhood.
4. **Site Calculations (All).** Specific calculations which address the percentage of open space, impervious versus pervious surfaces, and site improvements shall be submitted by the applicant with all project applications.
5. **Traffic Circulation (All).** Points of primary vehicular access to the development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Adequate emergency vehicle access shall be provided. Internal circulation systems shall include pedestrian paths, and may include bicycle paths, preferably separated from vehicular traffic. Where recreational facilities exist or are planned adjacent to the proposed development, such pedestrian and bicycle paths shall connect to these facilities.

6. Privacy (ID, RN, RC). Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, landscaping, and sound reducing construction techniques shall be used as appropriate to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
7. Sidewalks (ID, RN, RC, MU). With the exception of forestry zones, as required elements of a development, interior sidewalks a minimum of five feet (5') wide shall be installed to serve the units and connect to the public street.
8. Utilities (All). All utilities shall be located underground, except as may be provided for in state law. Utility equipment shall be screened from view and preferably, not fronting on a public street.
9. Private outdoor spaces (ID, RN, RC). Each residential unit shall be required to have an outdoor patio/rear yard space with a minimum of one hundred square feet (100 sq.ft.), or a balcony with a fifty square foot (50 sq.ft.) minimum.
10. Desirable Amenities (ID, RN, RC). Amenities that are identified in an adopted Recreation and Open Space Standards Policy shall be installed in accordance with that policy. Where conflicts exist with this Chapter and the adopted Recreation and Open Space Standards Policy, requirements identified in this Chapter control.
11. Miscellaneous (All). Installation of xeriscaping is encouraged as an alternative to excessive lawn areas or other landscaping treatments that excessively consume water. Low impact/water retention development techniques are encouraged to manage stormwater onsite including but not limited to planter boxes, rain gardens, and bioswales in the open spaces.
  - a. Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and non-residential development shall be designed as integrated portions of the total development and shall project the residential character.

**19.18.040 – Planned Unit Development Mixed Use.**

- A. In a PUD, vertical mixed-use is allowed in zones that allow both residential and commercial and/or office uses, provided it meets the following requirements, in addition to the other requirements in this Chapter. For purposes of this section, vertical mixed-use means commercial or office uses sharing the same building as residential uses. PUDs in mixed-use zones shall comply with the standards of that zone.
- B. The property is abutting or contiguous to a corridor as defined in the general plan, or major or minor arterial street.
- C. Commercial uses shall only be allowed on the first floor of buildings fronting on the street. Office uses may only be allowed on the first and second floor of buildings fronting on the street. Entrances to the first floor of these buildings shall front on the street. Windows shall make up at least fifty percent (50%) of street-facing facades of these floors. These floors shall have architectural differentiation from the other floors in the building.
- D. Parking is not allowed between the building(s) and the street.
- E. The front yard setback shall be fifteen feet (15'), except as provided in Subsection (E), and the side and rear yards shall be twenty feet (20') minimum. Corner lots are deemed to have two (2) front yards.

- F. The front yard setback is the build-to-line. At least fifty percent (50%) of the front elevation of the building(s) must be built within ten feet (10') of the build-to-line or as approved by the Planning Commission. A build-to-line is defined as the line at which construction of a building façade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building façade line on the street.
- G. Landscaping along the street shall comply with this Chapter and Chapter 19.50.
- H. Signage for commercial or office uses shall be limited to signs on the building(s) that comply with Chapter 19.52.

**19.18.050 – Maintenance of Common Facilities.**

- A. A development shall be approved subject to the submission and recordation of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan.
- B. Terms in the final development plan governing maintenance of common open space and other facilities shall comply with applicable provisions of the Utah Condominium Ownership Act, §57-8-101, et seq., or the Utah Community Association Act, §57-8a-101, et seq.

**19.18.060 – Review Process.**

- A. PUDs less than three (3) acres in size are subject to the permitted use review process outlined in Section 19.16.030 of this Title.
- B. PUDs three (3) acres in size or greater are subject to the conditional use review processes outlined in Sections 19.16.030 and 19.16.040 of this Title.
- C. Subdivision of property within a PUD is subject to the review and approval procedure outlined in Title 18, Subdivisions, of the Kearns Municipal Code.

**19.18.070 – Phased Planned Unit Development.**

If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by staff to ensure that individual phases of the development comply with all requirements, including that the open space and/or recreational facilities are installed proportionately with the approved phasing plan.

## Chapter 19.20 VARIANCE, EXCEPTIONS, AND APPEALS.

### 19.20.010 – Variances.

#### A. Initiation.

1. A property owner or other person expressly authorized in writing by the property owner may apply for a variance for that property in those circumstances where the requirements of this Ordinance may create unnecessary hardship or practical difficulty as set forth in Subsection 19.20.010(D) below and Utah Code §10-9a-702.
2. The Land Use Hearing Officer hears all applications for a variance.

#### B. Procedure.

1. All applications shall be filed with the Director of Planning and Development Services.
2. Approval by the Land Use Hearing Officer.
  - a. The Land Use Hearing Officer shall consider a proposed variance in a public meeting.
  - b. Based upon the evidence presented at the public meeting, the Land Use Hearing Officer shall make a decision on the variance, evaluating the application in accordance with the standards in Subsection 19.20.010(D) below.
  - c. The Land Use Hearing Officer may take action on applications for variances in the form of approval, modified approval, or denial.

#### C. Conditions and Restrictions.

1. When approving a variance, the Land Use Hearing Officer may impose such conditions and restrictions upon the location, construction, design and use of the property, as appropriate to mitigate impacts and protect the public interest and adjacent property in recognition of Subsection 19.20.010.D.5. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the approval.
2. The Land Use Hearing Officer may grant a variance less than that requested when the record supports the applicant's right to some relief, but not to the entire relief requested.
3. Use variances are prohibited.

#### D. Approval Standards. The Land Use Hearing Officer may grant a variance only if all of the following standards are met. The applicant shall bear the burden of proving that all the conditions justifying a variance have been met.

1. Literal enforcement of this Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Ordinance. In determining whether enforcement of this Ordinance would cause unreasonable hardship, the Land Use Hearing Officer shall find all of the following:
  - a. The alleged hardship is located on or associated with the property for which the variance is sought;

- b. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood; and
  - c. The alleged hardship is not self-imposed (including pre-existing conditions created by previous property owners) or economic.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone. In determining that there are special circumstances attached to the property, the Land Use Hearing Officer must find that:
    - a. The special circumstances relate to the alleged hardship; and
    - b. The special circumstances deprive the property of privileges granted 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 policies of the General Plan and will not be contrary to the public interest.
  5. The purpose and intent of this Ordinance is observed, and substantial justice done.
- E. Appeals: Any person adversely affected by a variance decision of the Land Use Hearing Officer may appeal the decision to the 3<sup>rd</sup> District Court of Salt Lake County.
- F. Any variance granted shall run with the land.

**19.20.020 – Special Exceptions.**

A. Initiation and Authority.

1. A property owner or other person expressly authorized in writing by the property owner may file for any special exception identified in Subsection B for that property.
2. The Land Use Hearing Officer, Planning Commission, or Director, as appropriate, will take formal action on these requests.

B. Procedure.

1. Submittal of Application. All applications shall be filed in accordance with the requirements of Chapter 19.16.
2. Special Exceptions Approved by the Land Use Hearing Officer.
  - a. The Land Use Hearing Officer may consider approval of the following special exceptions:
    - i. Where a zone boundary line divides a lot in single ownership, extension of a use allowed on either portion of the lot a maximum of fifty feet (50') into the other portion of the lot.
    - ii. The enlargement of or addition to a noncomplying structure or a structure occupied by a nonconforming use.
    - iii. The relocation of a noncomplying structure or a nonconforming use to another portion of the lot.

- iv. The reconstruction on a lot of a noncomplying structure or a structure occupied by a nonconforming use.
    - b. The Land Use Hearing Officer shall consider a proposed special exception in a public meeting.
    - c. During or after the close of the public meeting, the Land Use Hearing Officer may take action in the form of approval, modified approval or denial.
    - d. Based upon the evidence presented at the meeting, the Land Use Hearing Officer shall evaluate the application to determine that the exception is consistent with the purposes of this Ordinance and will not be detrimental to the health, safety or general welfare of persons residing or working, or injurious to property in the vicinity
  - 3. Special Exceptions Approved by the Planning Commission
    - a. The Planning Commission may consider approval of the following special exception:
      - i. An exception to allow the continuation of an existing use that is in violation of the provisions of this Ordinance, pursuant to Chapter 19.06.
    - b. The Planning Commission shall consider a proposed special exception in a public meeting.
    - c. Having heard the matter at a public meeting, the Planning Commission may take action in the form of approval, modified approval or denial of applications for a special exception.
  - 4. Special Exceptions Approved by the Director. Whenever a structure is in violation of the height or yard provisions of this Ordinance, the owner may file an application with the Director to have the structure declared noncomplying.
- C. Conditions. The Land Use Hearing Officer or Planning Commission may impose such conditions and restrictions upon the location, construction, design or use of the property, as necessary or appropriate to protect the public interest and adjacent property.
- D. Appeals.
  - 1. Any person adversely affected by a decision of the Director or the Planning Commission regarding a special exception may appeal that decision to the Land Use Hearing Officer.
  - 2. Any person adversely affected by a decision of the Land Use Hearing Officer regarding a special exception may appeal that decision to the 3<sup>rd</sup> District Court of Salt Lake County.

**19.20.030 – Administrative Appeals.**

A. Initiation.

1. Any person adversely affected by a decision made by the Director, Planning Commission or Council in administering or interpreting this Ordinance, may appeal such decision as an administrative appeal. An administrative appeal shall be filed in writing within ten (10) days of the decision, alleging specifically how such action is arbitrary, capricious or illegal.
2. The Land Use Hearing Officer shall hear all appeals of such decisions by the Director, Planning Commission, or Council administering or interpreting this Ordinance.

B. Procedure

1. Zoning appeals shall be considered in a public meeting.
2. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance unless those terms or requirements are applied in a manner that is arbitrary, capricious or illegal.
3. The person filing the appeal has the burden of proving that the decision was arbitrary, capricious or illegal.
4. If there is a record, the Land Use Hearing Officer's review is limited to the record provided by the Director. The Land Use Hearing Officer shall not accept or consider any evidence outside the record unless that evidence was offered to and improperly excluded by the Council, the Planning Commission, or the Director. If there is no record, the Land Use Hearing Officer may call witnesses and take evidence.
5. After review of the record and written and oral argument from both parties, the Land Use Hearing Officer shall render a decision.
6. The Land Use Hearing Officer shall affirm the decision of the Council, the Planning Commission, or the Director, unless the Land Use Hearing Officer finds that decision was arbitrary, capricious or illegal.
7. If the decision of the Council, the Planning Commission, or the Director is determined to be arbitrary, capricious or illegal, the Land Use Hearing Officer may reverse, alter or remand the decision to the original decision-making body for further review and consideration of the action taken.

- C. Stay of Proceedings. The filing of a zoning appeal does not automatically stay the decision. However, the Land Use Hearing Officer has the authority to stay the decision while the appeal is pending.

**19.20.040 – Conditions Precedent to Judicial Review.**

- A. As provided by Utah Code §10-9a-701(4), an adversely affected party of a land use decision shall present to the applicable appeal authority every theory of relief that it can raise in district court.
- B. Decisions regarding whether or not to amend the number, shape, boundaries, or area of any zoning district; any regulation of or within the zoning district; or any other provision of the development code may be appealed directly to the district court.

- C. An adversely affected party may not appeal to the district court a decision of the Planning Commission under Subsection 19.20.040(B). Only final decisions of the municipal Council regarding amendments to this Title or other provisions of the development code may be appealed to the district court.
- D. An adversely affected party shall have thirty (30) days to appeal a final decision of the municipal Council to the district court.

## Chapter 19.22 PARKS AND RECREATION ZONE.

### 19.22.010 – Purpose of Provisions.

The purpose of the Parks and Recreation Zone is to preserve and enhance public and private open space, natural areas and habitats, and improved park and recreational areas. The Zone provides opportunities for active and passive outdoor recreation; provides contrasts to and relief from the built environment; preserves scenic qualities and viewsheds; protects sensitive or fragile environmental areas such as wetlands, steep slopes, ridge lines, meadows, and stream corridors; encourages sustainability and conservation; and provides transportation connections for people walking, biking, scootering, or using other forms of active transportation.

### 19.22.020 – Establishment of Parks and Recreation Zone.

- A. To anticipate and respond to the changing needs of the municipality and implement greenway, natural resource preservation, and health and recreation concepts included in the adopted General Plan, Kearns establishes the following zone:
1. Parks and Recreation Zone (PR): The PR Zone is intended for improved parks, recreational areas, and other public and private open spaces which can accommodate human use and visitation. Encouraged uses in this Zone include public parks, multi-use trails, ball fields, special uses such as mobile food carts and festivals, and landscaping and equipment sheds.

### 19.22.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.22.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to conditional use (“C”) approval and the other portion is subject only to permitted use (“P”) review, the entire development shall be reviewed and approved by the conditional use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.22.030 is prohibited in this zone.

<b>Table 19.22.030 – Uses Allowed in the PR Zone.</b>	
<b>Use Categories</b>	<b>PR</b>
<b>AGRICULTURAL:</b>	
Agricultural Building	P
Agriculture	P
Agritourism	C
Apiary	P
Aviary	P
<b>RESIDENTIAL USES:</b>	
No residential uses are allowed in the PR Zone.	
<b>RETAIL AND SERVICES:</b>	
Child Care	P
<b>FOOD AND DRINK:</b>	
Food Truck / Mobile Restaurant / Food Cart	P
<b>RECREATIONAL:</b>	
Campground	C
Commercial Recreation	P
Micro Park	P
Multi-use Trail, Paved	P
Multi-use Trail, Unpaved	P
Open Space	P
Private, Non-Profit Recreational Grounds and Facilities	P
Recreation Facility - Private, Public, or Commercial	P
Stable, Public	P
Trailhead Infrastructure, Large Scale: paved parking, restrooms, wayfinding and interpretive signage, trash receptacles, other improvements	P
Trailhead Infrastructure, Small Scale: unpaved parking (10 or less spaces), pit toilet, wooden trail signage.	P
<b>LODGING:</b>	
Yurt	P
<b>INDUSTRIAL:</b>	
No Industrial Uses are allowed in the PR Zone.	
<b>INSTITUTIONAL USES:</b>	
Church, Synagogue, Mosque, Temple, Cathedral, or Other Religious Buildings	P
Cemetery	P
Community Garden	P
Micromobility Support Infrastructure	P
Public Parks	P
Public Use	P
Solar Energy System, Accessory	P

Wind Energy System, Accessory	P
<b>PLANNED UNIT DEVELOPMENTS, SUBJECT TO CHAPTER 19.18:</b>	
No Planned Unit Developments are allowed in the PR Zone.	
<b>SPECIALTY:</b>	
Park and Ride	P
<b>ACCESSORY USES:</b>	
Sidewalk Displays and Cafes	P
Accessory structures	P

**19.22.040 – Schedule of Uses, Special Conditions.**

See Chapter 19.42: Specific Use Standards for conditions and regulations related to specific uses.

**19.22.050 – Development Standards.**

Any development in the PR Zone shall comply with the development standards of Table 19.22.050 and all other applicable standards in this Title.

<b>Table 19.22.050 – Parks and Recreation Zone Development Standards.</b>	
<b>Standard</b>	<b>PR</b>
Minimum Lot Size (in square feet)	NA
Minimum Frontage (in feet)	Any project area in the Parks and Recreation Zone shall have a minimum frontage of 30' on a public street.
Minimum Lot Width (in feet)	NA
Maximum Building Height (in feet) <sup>A</sup>	For lot areas of 5 acres or greater, the maximum is 45'.  For lot areas smaller than 5 acres, the maximum is 35'.
Minimum Floor Area Ratio	NA
Maximum Building Lot Coverage	30%

- A. Height Exception for Recreational Equipment: In the PR Zone, if necessary to ensure protection of public health, safety, or welfare, recreation equipment heights are permitted up to fifty feet (50'). For example, nets around batting cages or fences at driving ranges may exceed thirty-five feet (35') as necessary and as approved by the Director or designee.
- B. Accessory Structure Development Standards. Accessory structures in the PR Zone are subject to the standards found in Section 19.26.080 of this Title.

**19.22.060 – Required Yards and Setbacks.**

Any development in the PR Zone shall comply with the yard and setback standards shown in Table 19.22.060 and all other applicable standards in this Title.

Table 19.22.060 –Yards and Setbacks for the PR Zone.	
Standard	PR
Front Yard Setback (in feet)	Minimum: 20 Maximum: NA
Side Yard Setback – Interior Lots (in feet)	Minimum: 20 Maximum: NA
Side Yard Setback – Corner Lots (in feet)	Minimum: 20 Maximum: NA
Rear Yard Setback (in feet)	Minimum: 20 Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10

**19.22.070 – Height Exceptions.**

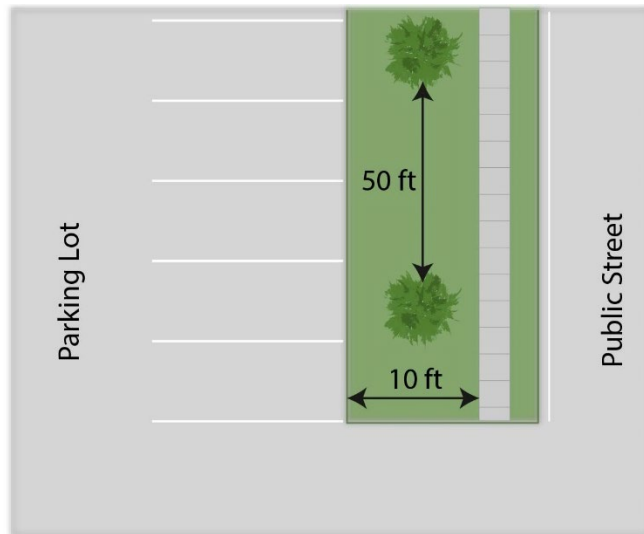
Exceptions to the building heights specified in Table 19.22.050 apply, in accordance with Subsection 19.46.120(H).

**19.22.080 – Parking Requirements.**

A. In addition to the requirements in 19.48, the following shall apply:

1. Landscaped Strips: All parking areas for a commercial, institutional, or other public use that are adjacent to a public street shall have a landscaped strip of at least ten feet (10') placed between the sidewalk and the parking area. This strip shall contain drought-resistant vegetation, and at least one (1) native or drought-friendly tree shall be placed every fifty feet (50').

**Figure 19.22.080: Landscaped Strip Required.**



**Credit:** MSD Planning and Development Services.

2. Pedestrian Access: Any parking lot with an area greater than twenty-thousand square feet (20,000 sq ft) shall provide dedicated ADA-compliant walkways, at least six feet (6') wide, for pedestrians navigating from their vehicles to a building or park entrance. At a minimum, walkways shall be placed through the center of the parking area and in front of the building(s) to serve as pedestrian access to the area. Walkways shall be landscaped with trees at least every fifty feet (50'). Walkways shall be easily accessed from designated ADA parking stalls.

**19.22.090 – Landscaping and Screening Standards.**

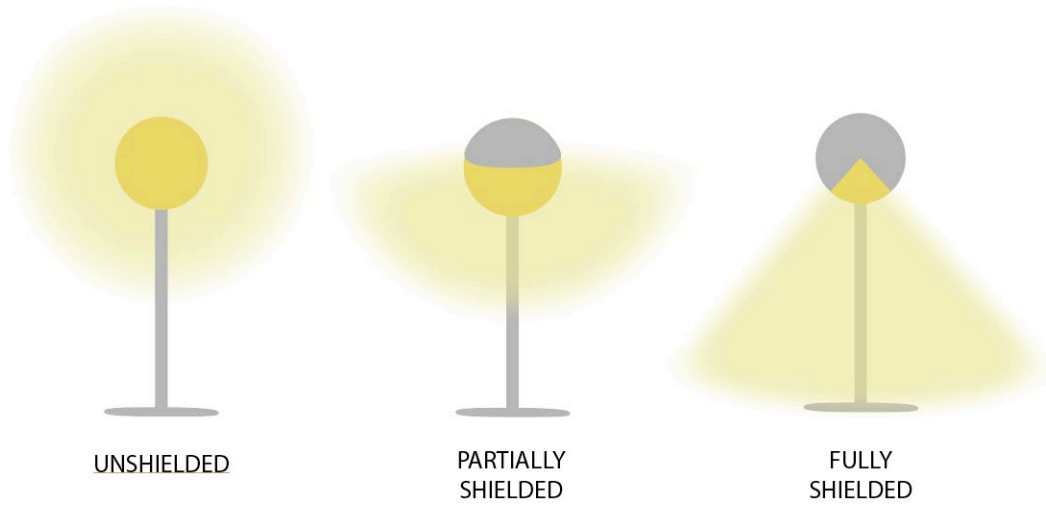
- A. All landscaping and screening standards found in Chapter 19.50 apply in the PR Zone. In addition, the following fencing standards apply:
  1. Fencing: Fencing may be allowed in the PR Zone where desirable to establish sense of privacy, protect children and pets, provide a buffer from street traffic, or enhance property appearance. The following standards apply to fencing in the PR Zone:
    - a. Height: Fences may be up to six feet (6') tall at the property line. Fences taller than six feet (6') shall be set back from the property line an additional foot for each foot of fence over six feet (6').
    - b. Materials: Fences in the PR Zone shall be designed to enhance the visual appearance of the area. Chain link fencing is prohibited except where necessary to provide a perimeter or safety backing for recreational fields, as determined by the Director or designee.

**19.22.100 – Lighting Standards.**

Any new development in the PR Zone shall comply with the following lighting standards, in addition to any other applicable standards in this Title:

- A. Lighting shall be located and installed to minimize any adverse impact on the natural environment, including avoiding lighting in critical habitat areas or where it may pose traffic safety problems;
- B. All lighting shall be fully shielded to eliminate glare, prevent light trespass onto neighboring properties, and protect views of the night sky; and
- C. Lights for outdoor recreation equipment and infrastructure may be permitted up to sixty feet (60') in height, provided they are set back from any residential use at least one-hundred and fifty feet (150'). Such lights shall be directed in a manner that minimizes light trespass onto adjacent properties.

**Figure 19.22.110 – Types of Lighting.**



**19.22.110 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances.

**Chapter 19.24 RESERVED.**

## Chapter 19.26 AGRICULTURAL ZONES.

### 19.26.010- Purpose of Provisions.

The purpose of the agricultural zones is to provide limited residential and agricultural opportunities in the same zone. To this end, the agricultural zones are intended to include activities normally related to agricultural uses and to protect the zone from the intrusion of uses detrimental to the continuance of agricultural activity.

### 19.26.020- Agricultural Zones.

- A. Agricultural Zone 1 (A-1): promotes the development of residential uses in association with small agricultural uses like gardens, pastures, horses, and other animals for family food production.
- B. Agricultural Zone 2 (A-2): promotes the development of residential uses in association with small agricultural uses like gardens, pastures, horses, and other animals for family food production, with a larger minimum lot size than the A-1 Zone.

### 19.26.030- Schedule of Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.26.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to conditional use (“C”) approval and the other portion is subject only to permitted use (“P”) review, the entire development shall be reviewed and approved by the conditional use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
  - 1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  - 2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  - 3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.26.030 is prohibited in this zone.

<b>Table 19.26.030 – Permitted Uses in the Agricultural Zones.</b>		
<b>Use Categories</b>	<b>A-1</b>	<b>A-2</b>
<b>Residential:</b>		
Accessory Structures, Garages, Carports, and Structures subject to this Title.	P	P
Accessory Dwelling Unit, Internal subject to 19.42	P	P
Dwelling, Single-Family	P	P
Dwelling, Two-Family	X	X
<b>Commercial:</b>		
Agrotourism	X	X
Dairy	X	X
Farm devoted to raising (including fattening as incident to raising), slaughtering, dressing, and marketing on a commercial scale of chickens, turkey, or other fowl or poultry, or rabbits	X	X
Home Daycare/Preschool subject to 19.42	P	P
Home Occupation subject to Chapter 19.42	P	P
Kennel	X	X
Nursery and Greenhouse	P	P
Plant for Storage or Packing of Fruit or Vegetables Produced on the Premises	X	X
Private Nonprofit Recreational Grounds and Facilities	X	X
Riding Academy	X	P
Worm Farming	X	X
<b>Planned Unit Developments, subject to Chapter 19.18:</b>		
Condominium Conversion Planned Unit Developments	P	P
Infill Development Planned Unit Developments	X	X
Residential Neighborhood Planned Unit Developments	C	C
Residential Community Planned Unit Developments	X	X
Mixed Use Planned Unit Development	X	X
Commercial Planned Unit Developments	X	X
<b>Other:</b>		
Agriculture	P	P
Agricultural Building subject to Accessory Structure standards of this Chapter.	P	P
Animals and Fowl for Family Food Production, Existing	P	P
Animal Right, New	P	P
Apiary	X	P
Aviary	X	P
Fruit and Vegetable Storage and Packing	X	X
Gardening for Personal Use	P	P
Household Pets	P	P
Public and Quasi-Public Use	P	P
Domestic Fowl	P	P
Residential Facility for Elderly Persons	P	P

Residential Facility for Persons with a Disability subject to Chapter 19.42	P	P
Temporary Buildings for Uses Incidental to Construction Work	P	P

**19.26.040- Special Conditions.**

See Chapter 19.42, Specific Use Standards, for conditions and regulations related to specific uses.

**19.26.050- Lot Area, Lot Width, Lot Coverage.**

Development in the A-1 and A-2 Zones shall comply with the development standards of Table 19.26.050 and all other applicable standards in this Title.

Zone	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage (Primary Buildings)
A-1	10,00 Sq Ft	65 Feet	35%
A-2	1 Acre	100 Feet	30%

**19.26.060- Setbacks.**

Development in the A-1 and A-2 Zones shall comply with the yard and setback standards shown in Table 19.26.060 and all other applicable standards in this Title.

Zone	Front Yard	Side Yard	Side Yard for Corner Lots Where Side Yard Faces the Street	Rear Yard
A-1	30 Feet	8 Feet	20 feet	30 Feet
A-2	30 Feet	10 Feet	20 Feet	30 Feet

**19.26.070- Building Height.**

- A. Primary Building or Structure Height. Except as otherwise specifically provided in this Title, no primary building or structure in the agricultural zones shall exceed the following height:
  - 1. Thirty-five feet (35’);
  - 2. No structure used for residential dwelling may contain less than one story.
- B. Accessory Structure Height.
  - 1. No building which is accessory to a dwelling may exceed twenty feet (20’) in height. For each foot (1’) of height over fourteen feet (14’), the accessory structure shall be set back from property lines an additional foot (1’) to allow a maximum height of twenty feet (20’).

**19.26.080- Accessory Structure Development Standards.**

- A. Size. Accessory Structures may not exceed eight hundred square feet (800 sq.ft.) on lots under one-half acre or one thousand two hundred square feet (1,200 sq.ft.) on lots one-half acre or larger.
- B. Accessory Structure Location and Setbacks. The following yard and setback standards shall apply to accessory structures in the agricultural zones.
  - 1. The structure shall be located in the side or rear yard and be located six feet (6') away from the residential dwelling. No accessory structure may be located within the required front yard setback or between the primary building and a street.
  - 2. The structure shall be located at least one foot (1') from an interior side property line. When the accessory structure is located in a side yard between two (2) existing primary buildings, the accessory structure must be located at least five feet (5') from the property line.
  - 3. The structure shall be twenty feet (20') from a street-facing side property line. No accessory structure may be located between the primary building and a street.
  - 4. The structure shall be located at least one foot (1') from the rear property line, except that when the rear yard is adjacent to the side yard of an adjacent lot, the minimum setback is ten feet (10') from the adjoining side yard.
- C. Accessory Structure Lot Coverage.
  - 1. Total Coverage. No combination of primary buildings, accessory structures, and other structures may cover more than forty percent (40%) of the total area of the lot or parcel of land.
  - 2. Rear Yard Coverage. No accessory structure or group of accessory structures shall cover more than twenty-five percent (25%) of the rear yard.

**19.26.090 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances.

## Chapter 19.28 SINGLE-FAMILY RESIDENTIAL ZONES.

### 19.28.010 - Purpose of Provisions.

The purpose of the Single-Family Residential Zones is to establish primarily single-family neighborhoods which provide persons who reside therein a comfortable, healthy, safe and pleasant environment.

### 19.28.020 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.28.020, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to conditional use (“C”) approval and the other portion is subject only to permitted use (“P”) review, the entire development shall be reviewed and approved by the conditional use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
  - 1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  - 2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  - 3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.28.020 is prohibited in this zone.

<b>Table 19.28.020 - Uses Allowed in the Single-Family Residential Zones.</b>								
<b>Use Categories</b>	<b>R-1-3</b>	<b>R-1-4</b>	<b>R-1-5</b>	<b>R-1-6</b>	<b>R-1-7</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-43</b>
RESIDENTIAL:								
Dwelling, Single Family	P	P	P	P	P	P	P	P
Dwelling, Manufactured Home	P	P	P	P	P	P	P	P
Residential Facilities for Elderly Persons or for Persons with a Disability	P	P	P	P	P	P	P	P

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	<b>R-1-3</b>	<b>R-1-4</b>	<b>R-1-5</b>	<b>R-1-6</b>	<b>R-1-7</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-43</b>
<b>ACCESSORY USES:</b>								
Accessory Uses and Structures Subject to Section 19.28.050	P	P	P	P	P	P	P	P
Accessory Dwelling Unit, Internal or Attached, subject to Section 19.42.030.	X	X	X	P	P	P	P	P
Accessory Dwelling Unit, Detached, subject to Section 19.42.030.	X	X	P	P	P	P	P	P
Guesthouse, the square footage of which must be less than one thousand two hundred square feet	X	X	X	X	X	X	X	P
Home Occupations, subject to Chapter 19.42	P	P	P	P	P	P	P	P
Home Day Care/Preschool, subject to Section 19.42.140	P	P	P	P	P	P	P	P
Household Pets, not including kennels	P	P	P	P	P	P	P	P
Kennels, private	X	X	X	P	P	P	P	P
	<b>R-1-3</b>	<b>R-1-4</b>	<b>R-1-5</b>	<b>R-1-6</b>	<b>R-1-7</b>	<b>R-1-8</b>	<b>R-1-10</b>	<b>R-1-43</b>
<b>INSTITUTIONAL USES:</b>								
Parks/Open Space	P	P	P	P	P	P	P	P
Public Utilities, Major	C	C	C	C	C	C	C	C
Public Utilities, Minor	P	P	P	P	P	P	P	P
Religious Institutions and Uses	P	P	P	P	P	P	P	P
Schools, Public	P	P	P	P	P	P	P	P
Schools, Private/Charter	C	C	C	C	C	C	C	C

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	R-1-3	R-1-4	R-1-5	R-1-6	R-1-7	R-1-8	R-1-10	R-1-43
Planned Unit Developments, subject to Chapter 19.18:								
Condominium Conversion Planned Unit Developments	P	P	P	P	P	P	P	P
Infill Development Planned Unit Developments	C	C	C	C	C	C	C	C
Residential Neighborhood Planned Unit Developments	C	C	C	C	C	C	C	C
Residential Community Planned Unit Developments	C	C	C	C	C	C	C	C
Mixed Use Planned Unit Development	X	X	X	X	X	X	X	X
Commercial Planned Unit Developments	X	X	X	X	X	X	X	X
OTHER USES:								
Apiary	X	X	X	X	X	X	X	P
Gardening for personal use	P	P	P	P	P	P	P	P
Animals and Fowl for family food production established after the adoption date of this Ordinance.	X	X	X	X	X	X	X	P
Residential Keeping of Chickens and Ducks (Domestic Fowl), subject to Chapter 19.42	X	X	X	X	X	X	X	P
Bed and Breakfast Inn	X	X	X	X	X	X	X	C
Domestic Fowl	X	X	X	P	P	P	P	P
Child Care, Residential and Licensed Family	P	P	P	P	P	P	P	P
Fences, walls and hedges subject to Section 19.28.070.	P	P	P	P	P	P	P	P
Short Term Rentals	X	X	X	X	P	P	X	X
Sportsmen's Kennel (one-acre minimum lot area)	X	X	X	X	X	X	X	C
Temporary Construction Office associate with a permitted development project	P	P	P	P	P	P	P	P

**19.28.030 - Lot Area, Width and Maximum Density.**

A. The minimum lot area and width requirements and maximum density are as follows:

<b>Table 19.28.030 - Lot Area, Width and Yard Requirements.</b>			
<b>Zone</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Maximum Density</b>
R-1-3	3,000 Square Feet	35 feet at a distance 20 feet from the front lot line	11.0 Units per acre
R-1-4	4,000 Square Feet	40 feet at a distance 20 feet from the front lot line	9.0 Units per acre
R-1-5	5,000 Square Feet	50 feet at a distance 20 feet from the front lot line	7.0 Units per acre
R-1-6	6,000 Square Feet	60 feet at a distance 25 feet from the front lot line	6.0 Units per acre
R-1-7	7,000 Square Feet	65 feet at a distance 25 feet from the front lot line	5.0 Units per acre
R-1-8	8,000 Square Feet	65 feet at a distance 25 feet from the front lot line	4.5 Units per acre
R-1-10	10,000 Square Feet	80 feet at a distance 30 feet from the front lot line	4.0 Units per acre
R-1-43	43,560 Square Feet	100 feet at a distance 30 feet from the front lot line	1.0 Units per acre

B. Density for Planned Unit Developments. The allowable density for PUDs shall be determined by the Planning Commission on a case-by-case basis, taking into account the following factors: recommendations of county and non-county agencies; site constraints; compatibility with nearby land uses; and the provisions of the applicable General Plan. Notwithstanding the above, the Planning Commission may not approve a PUD with density higher than the that enumerated in Table 19.28.030.

**19.28.040 – Primary Structure Development Standards.**

The following development standards apply to all primary residential and non-residential structures.

A. Required Yards:

1. Dwellings: The minimum yard requirements for a primary residential dwelling are as follows:

<b>Table 19.28.040A - Primary Residential Dwelling Setbacks.</b>				
<b>Zone</b>	<b>Front Yard</b>	<b>Side Yard, Interior</b>	<b>Side Yard, Corner Lot</b>	<b>Rear Yard</b>
R-1-3, R-1-4, R-1-5	20 Feet	5 Feet <sup>1</sup>	20 Feet	20 Feet <sup>3</sup>
R-1-6, R-1-7, R-1-8	25 Feet	8 Feet or 11/5 split <sup>2</sup>	20 Feet	25 Feet <sup>3</sup>
R-1-10	30 Feet	10 Feet	20 Feet	30 Feet <sup>3</sup>
R-1-43	30 Feet	15 Feet	20 Feet	30 Feet <sup>3</sup>

<sup>1</sup> unless attached to a dwelling on an adjacent lot.

<sup>2</sup> Five feet (5') on one side and eleven feet (11') on the garage or driveway side.

<sup>3</sup> homes with a garage existing prior to the adoption of this ordinance may maintain a fifteen-foot (15') rear setback.

2. The minimum yard requirements for a primary building other than residential are as follows:

<b>Table 19.28.040B - Non-Residential Primary building Setbacks.</b>			
<b>Zone</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>
R-1-3, R-1-4, R-1-5	20 Feet	20 Feet	20 Feet
R-1-6, R-1-7, R-1-8	25 Feet	20 Feet	25 Feet
R-1-10, R-1-43	30 Feet	20 Feet	30 Feet

3. Projections into Required Yards. Some structures may be erected or projected into required yards, as specified in Chapter 19.46, Site Development Standards.
- A. Building Height. Except as otherwise specifically provided in this Title, no building or structure may exceed the following height:
1. Thirty feet (30') on property where the slope of the original ground surface exceeds fifteen percent (15%), or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. Said box shall extend for a distance of fifteen feet (15') or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet (2').
  2. Thirty-five feet (35') on properties other than those listed in Subsection 19.28.050(B)(1).
  3. No dwelling shall contain less than one (1) story or more than two (2) stories except as part of a PUD, subject to Chapter 19.18.

**19.28.050 – Accessory Structure Development Standards.**

- A. Accessory Structure Location and Setback Requirements. The location and minimum setback requirements for an accessory structure in a single-family residential zone are as follows:
1. Accessory structures shall be located in the side or rear yard and at least six feet (6') away from the dwelling. No accessory structure may be located within the required front yard or between the primary building and a street.
  2. Accessory structures shall be located at least one foot (1') from an interior side property line, measured from the nearest portion of the structure, including eaves and overhangs. When the accessory structure is located in a side yard between two existing primary buildings, the accessory structure must be located at least five feet (5') from the property line.
  3. Accessory structures shall be located at least twenty feet (20') from a street facing side property line. No accessory structure may be located between the primary building and a street.
  4. Accessory structures shall be located at least one foot (1') from the rear property line, except that when the rear yard is adjacent to the side yard of an adjacent lot, the minimum setback is ten feet (10') from the adjoining side yard.
  5. No part of any accessory structure may be placed within one foot (1') of the property line, including eaves, cantilevers and other protrusions from the structure.

B. Accessory Structure Height requirements:

1. No building which is accessory to a single-family dwelling may exceed twenty feet (20') in height. For each foot (1') of height over fourteen feet (14'), accessory structures shall be set back from the side and rear property lines an additional foot (1') to allow a maximum height of twenty feet (20').

**19.28.060 - Lot Coverage.**

- A. No combination of buildings, including accessory structures and other structures, shall cover more than forty percent (40%) of the area of the lot or parcel of land.
- B. No accessory structure or group of accessory structures shall cover more than twenty-five percent (25%) of the rear yard.
- C. Concrete, asphalt and other impervious surfaces may not cover more than fifty percent (50%) of the yard area between a structure and a property line. This includes both the required setback area and any other yard area between the primary building and the property boundary. Any lot less than forty feet (40') wide may install one driveway that exceeds the fifty percent (50%) impervious surface rule as long as that driveway does not exceed twenty feet (20') in width.

**19.28.070 - Fencing Standards.**

- A. The term "fence" includes any tangible barrier, latticework, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of, preventing passage or view across the fence line. Notwithstanding the provisions of this section, a fence, wall, screen, hedge, or other material serving as a fence, may not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Municipal Engineer.
  1. Front Yard/Side Yard: A fence made of materials which are sight obscuring may be built to a maximum of three feet (3') in any required front/side yard perimeter. A fence made of materials which are not sight obscuring (at least fifty percent (50%) open) may be built to a maximum of four feet (4') in any required front/side yard. If an existing home is located on the property, the front/side yard perimeter is measured from the front property line to the front edge of the existing home. The fencing may slope upward to connect with a higher rear yard fence. The length of a sloped fence section may not exceed ten feet (10').
  2. Rear Yard: A fence in a rear yard may be built to a maximum of seven feet (7'). If an existing home is located on the property, the rear yard perimeter is measured from the front edge of the existing home to the rear property line.
  3. Corner Lots: A fence not more than seven feet (7') high may be constructed in the rear yard as defined in subsection B, "Rear Yard", of this section adjacent to a public street on a corner lot, if it does not obstruct clear view of intersecting streets as defined in Chapter 19.46.
  4. Grade Differences: Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

5. Retaining Walls: Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.
6. Double Frontage Lots: A fence or wall may be erected in the rear yard of a double frontage lot.
7. Fire Hydrants and Mailboxes: Fire hydrants and mailboxes shall be accessible from the public streets and may not be enclosed behind fences. The location of the fire hydrant shall be in accordance with the Uniform Fire Code.
8. Exceptions: The provisions of this Section may not apply to certain other fences including tennis court backstops or patio enclosures as approved by the Planning Commission, if it is determined that the fences do not create a hazard or violation of other sections of the municipal ordinances.
9. Sidewalk Setback: If a sidewalk or paved trail exists parallel to the fence, the fence shall be setback at least twelve inches (12”) from the back of the sidewalk. The area between the fence and sidewalk shall be landscaped or covered with mulch, bark, gravel or landscape rocks and include a weed barrier.

**19.28.080 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 18 and other municipal ordinances, including, without limitation:

- A. Chapter 19.46: Site Development Standards
- B. Chapter 19.48: Off-Street Parking and Mobility
- C. Chapter 19.50: Landscaping

## **Chapter 19.30 MEDIUM AND HIGH-DENSITY RESIDENTIAL ZONES.**

### **19.30.010 - Purpose of Provisions.**

The purpose of the medium and high-density residential zones is to promote a mix of housing opportunities combined with some limited commercial opportunities. It is the intent of the medium and high-density housing zones to be located in walkable and transit-oriented areas that allow for a wide range of amenities and businesses in close proximity.

### **19.30.020 - Establishment of Medium and High-Density Residential Zones.**

To anticipate and respond to the changing needs of the municipality and implement housing choice and walkability concepts included in the adopted General Plan, including the vision of the Moderate Income Housing Opportunities Character Area, Kearns establishes the following zones:

- A. Two-Family Residential Zones (R-2): The R-2 Zones are intended to promote medium-density middle housing options between one and two (1-2) units per building.
- B. Four-Family Residential Zones (R-4): The R-4 Zones are intended to promote medium-density middle housing options between one and four (1-4) units per building. Multiple buildings may be located on one lot; however, lots with multiple buildings are encouraged to establish a PUD as part of the development process. Medium-density housing will serve as a transition between higher-density commercial, residential, or mixed-used and low-density residential or single-family.
- C. Multi-Family Residential Zone (RM): The RM Zone is intended to promote medium and high-density residential housing of greater than four (4) units. Development projects in this zone should accommodate multi-modal transportation opportunities, open space, amenities for units, limited commercial uses, and provide buffering between high-density and low-density housing.

### **19.30.030 - Schedule of Permitted Uses.**

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.30.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to conditional use ("C") approval and the other portion is subject only to permitted use ("P") review, the entire development shall be reviewed and approved by the conditional use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
  - 1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.

2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.30.030 is prohibited in this zone.

<b>Table 19.30.030: Schedule of Permitted Uses.</b>					
<b>Use Categories</b>	<b>R-2-6.5</b>	<b>R-2-8</b>	<b>R-2-10</b>	<b>R-4-8.5</b>	<b>RM</b>
<b>Residential:</b>					
Accessory Structures	P	P	P	P	P
Dwelling, Single-Family	P	P	P	P	X
Dwelling, Single-Family Attached	P	P	P	P	P
Dwelling, Accessory Internal	P	P	P	P	P
Dwelling, Accessory Detached	X	X	X	X	P
Dwelling, Duplex	P	P	P	P	P
Dwelling, Tri-plex	X	X	X	P	P
Dwelling, Four-plex	X	X	X	P	P
Dwelling, Multi-Family (5 dwellings or more)	X	X	X	C	C
Residential Facility for Persons with a disability subject to 19.42.250	P	P	P	P	P
Residential Facility for Elderly Persons	P	P	P	P	P
<b>Commercial:</b>					
Bed and Breakfast	X	X	X	P	P
Home Occupation subject to Section 19.42.180	P	P	P	P	P
Home Daycare/Preschool subject to Section 19.42.140.	P	P	P	P	P
Daycare	X	X	X	P	P
Restaurants, Retail and Service Commercial, and Retail Shops or Galleries where Primary Product is Produced On-Site <sup>D</sup>	X	X	X	X	P
Short-term Rentals	X	X	X	X	X
<b>Planned Unit Developments, subject to Chapter 19.18:</b>					
Condominium Conversion Planned Unit Developments	P	P	P	P	P
Infill Development Planned Unit Developments	X	X	C	C	C
Residential Neighborhood Planned Unit Developments	X	X	X	C	C

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Residential Community Planned Unit Developments	X	X	X	X	X
Mixed Use Planned Unit Development	C	C	C	C	C
Commercial Planned Unit Developments	X	X	X	X	X
Other:					
Public or Quasi-Public Use	P	P	P	P	P
Shared Parking	P	P	P	P	P
Rail Transit Mixed-use	X	X	X	X	P
Public Park and Open Space	P	P	P	P	P
Private Park and Recreational Grounds	X	P	P	P	P
Temporary Buildings Incidental to Construction Work, and Other Temporary Buildings	P	P	P	P	P

D. Restaurants, Retail and Service Commercial, and Retail Shops or Galleries where Primary Product is Produced On-Site: these uses are allowed with limitation in the RM Zone as follows:

- Such uses are only permitted within two-hundred and fifty feet (250') of a fixed-route bus stop.
- The gross floor area of any building or portion thereof that contains a Restaurant, Retail and Service, or Retail Shop and Gallery use may not exceed five thousand square feet (5,000 sq.ft.).

**19.30.040 - Development Standards.**

Development in the R-2, R-4, and RM Zones shall comply with the development standards of Table 19.30.050 and all other applicable standards in this Title.

<b>Table 19.30.040: Development Standards.</b>					
<b>Zone</b>	<b>R-2-6.5</b>	<b>R-2-8</b>	<b>R-2-10</b>	<b>R-4-8.5</b>	<b>RM</b>
<b>Min. Project Area, Single Family Dwelling (Detached)</b>	6,000 Sq Ft	6,000 Sq Ft	6,000 Sq Ft	5,000 Sq Ft	Not Permitted
<b>Minimum Lot Width, Single Family Dwelling (Detached)</b>	60'	60'	60'	50'	Not Permitted
<b>Min. Project Area, 2+ Family Dwelling</b>	3,250 Sq. Ft. per dwelling	3,250 Sq. Ft. per dwelling	3,250 Sq. Ft. per dwelling	2,500 Sq. Ft. per dwelling	2,000 Sq. Ft. per dwelling
<b>Min. Project Area, Single Family Dwelling (Attached)</b>	2,500 Sq. Ft. per dwelling	2,500 Sq. Ft. per dwelling	2,500 Sq. Ft. per dwelling	2,100 Sq. Ft. per dwelling	2,100 Sq. Ft. per dwelling
<b>Minimum Lot Width, Single Family Dwelling (Attached)</b>	25 Feet	25 Feet	25 Feet	22 Feet	20 Feet
<b>Minimum Lot Width, 2+ Family Dwelling</b>	60 Feet	60 Feet	60 Feet	50 Feet	45 Feet

<b>Maximum Density, Planned Unit Development<sup>A</sup></b>	12 Dwelling Units per Acre	14 Dwelling Units per Acre	16 Dwelling Units per Acre	20 Dwelling Units per Acre	30 Dwelling Units per Acre
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- A. Density for Planned Unit Developments. The allowable density for planned unit developments is determined by the Planning Commission on a case-by-case basis, taking into account the following factors: recommendations of the Planning and Development Services staff and reviewing agencies; site constraints; compatibility with nearby land uses; and the provisions of the adopted General Plan. Notwithstanding the above, the Planning Commission may not approve a PUD with density higher than that which is enumerated in Table 19.30.040.
- B. Calculating Density. Density calculations are based on gross density. Gross density is defined as the total number of residential dwelling units divided by the gross area of the parcel in question.

**19.30.050 – Required Yards, Setbacks, and Bulk.**

Development in the R-2, R-4, and RM Zones that is not part of an approved PUD shall comply with the yard, setback, and bulk standards shown in Table 19.30.050 and all other applicable standards in this Title.

	<b>Table 19.30.050: Yard and Bulk Regulations.</b>				
	<b>R-2-6.5</b>	<b>R-2-8</b>	<b>R-2-10</b>	<b>R-4-8.5</b>	<b>RM</b>
	<b>Minimum Yards, Residential Uses</b>				
<b>Minimum Front Yard</b>	15 Feet	20 Feet	20 Feet	20 Feet	15 Feet
<b>Minimum Side Yard (See Subsection A)</b>	0 Feet / 5 Feet	0 Feet / 5 Feet	0 Feet / 5 Feet	0 Feet / 5 Feet	0 Feet / 5 Feet
<b>Minimum Side Yard, Facing a Public Street</b>	20 Feet	20 Feet	20 feet	20 Feet	20 Feet
<b>Minimum Setback from a Street Facing Garage to a Sidewalk, Trail, or Edge of Pavement</b>	20 Feet	25 Feet	25 Feet	25 Feet	20 Feet
<b>Minimum Rear Yard</b>	15 Feet	15 Feet	15 Feet	15 Feet	15 Feet
<b>Maximum Height</b>	35 Feet	35 Feet	35 Feet	35 Feet	50 Feet
<b>Maximum Lot Coverage</b>	40%	40%	40%	40%	50%
<b>Minimum Rear Yard, With Garage</b>	15 Feet	15 Feet	15 Feet	15 Feet	16 Feet

- A. There is no minimum side yard requirement where property lines are drawn along a shared wall.
- B. Distance between Primary Buildings.
  - a. Where dwelling units share a common wall, no setback is required.

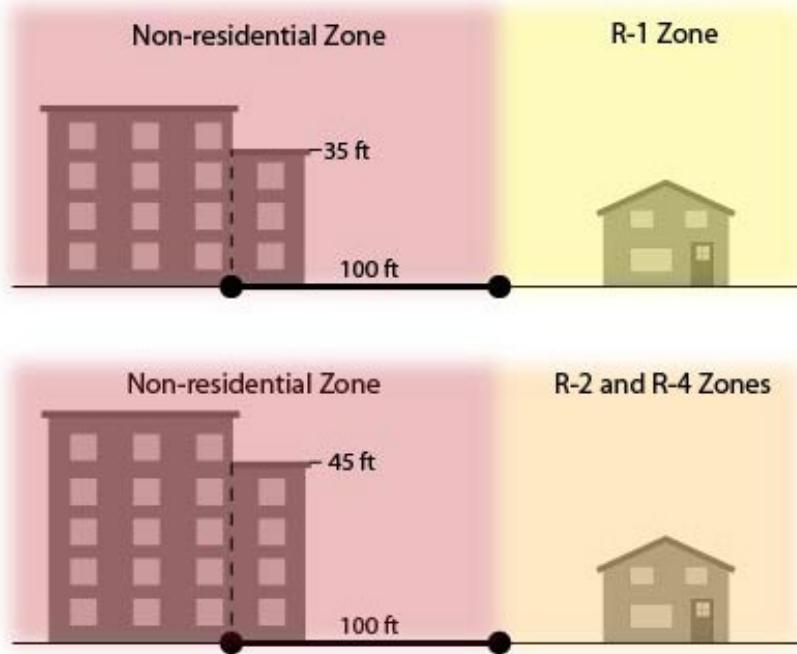
- b. On lots with more than one primary building, the minimum distance between primary buildings is subject to Table 19.30.050B. It is intended that if lots with more than one primary building are ever subdivided, each building shall have a side yard equal to or greater than half of the required distance between buildings or the current standard for side yards as specified in the underlying zone. In the event that regulations conflict for side yards, the stricter requirement shall take precedence.

<b>Table 19.30.050B: Minimum Distance Required Between Primary Buildings.</b>				
	<b>Single Family Attached or Detached</b>	<b>Two-Family</b>	<b>Three- or Four-Family</b>	<b>Multiplex (Five or More Families)</b>
Minimum Yards, Residential Uses				
<b>Minimum Distance Between Primary Buildings</b>	10 Feet	10 Feet	16 Feet	16 Feet

**19.30.060 – Building Height.**

- A. Buildings in the R-2, R-4, and RM Zones shall comply with the height standards of Table 19.30.050 and all other applicable standards in this Title.
- B. No dwelling shall contain less than one story.
- C. Within one hundred feet (100’) of sites zoned for single-family residential, the following standards apply:
  - 1. On the portion of the site within one hundred feet (100’) of a site zoned R-1, no structure or portion thereof may exceed thirty-five feet (35’) in height.
  - 2. On the portion of the site within one hundred feet (100’) of a site zoned R-2, R-4, RM, or RMH no structure or portion thereof may exceed forty-five feet (45’) in height.

**Figure 19.30.060: Building Height Adjacent to Residential Zones.**



**Credit:** MSD Planning and Development Services.

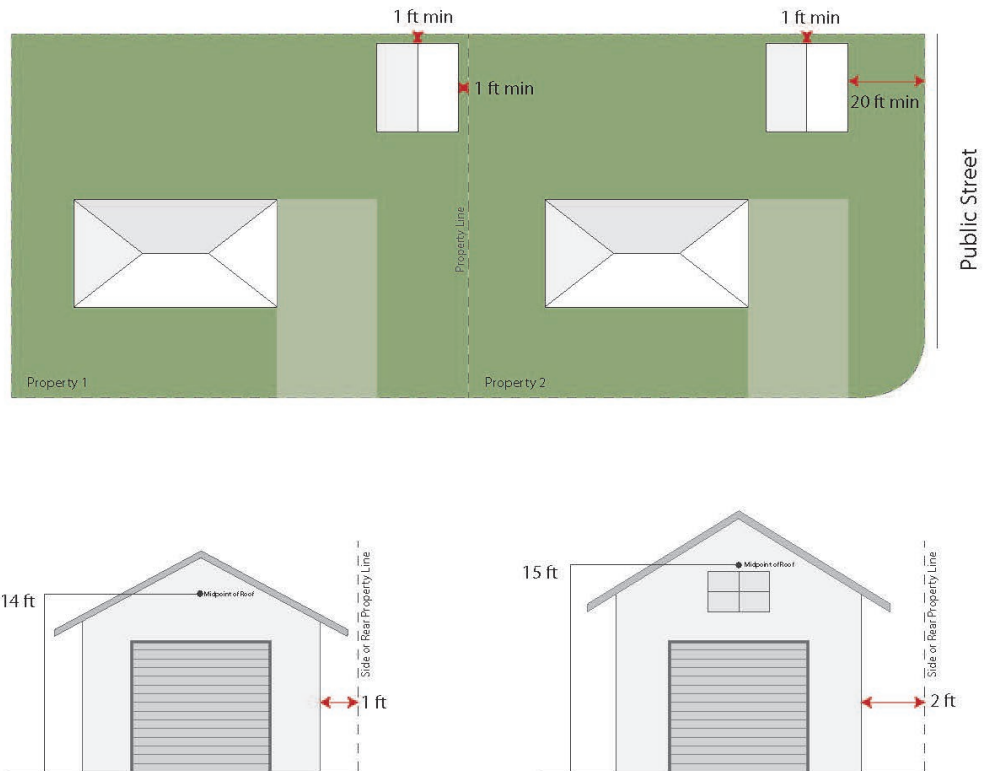
**19.30.070 - Accessory Structure Development Standards.**

A. The minimum yard requirements for an accessory structure are as follows:

<b>Table 19.30.070: Accessory structure Development Standards.</b>					
<b>Zone</b>	<b>R-2-6.5</b>	<b>R-2-8</b>	<b>R-2-10</b>	<b>R-4-8.5</b>	<b>RM</b>
Side Yard	1 Foot	1 Foot	1 Foot	1 Foot	1 Foot
Side Yard, Facing a Public Street	20 Feet	20 Feet	20 Feet	20 Feet	20 Feet
Rear Yard	1 Foot	1 Foot	1 Foot	1 Foot	1 Foot
Setback from the Main Dwelling	6 Feet	6 Feet	6 Feet	6 Feet	6 Feet

- B. No building which is accessory to a single-family or two-family dwelling may exceed twenty feet (20') in height. For each one foot (1') of height over fourteen feet (14'), accessory structures shall be set back from property lines an additional one foot (1') up to the allowed maximum height of twenty feet (20').
- C. No accessory structure or group of accessory structures shall cover more than twenty-five percent (25%) of the rear yard.

**Figure 19.30.070B: Accessory Structure Standards.**



**Credit:** MSD Planning and Development Services.

**19.30.080 - Subdivision and PUD Standards for Medium and High-Density Residential.**

- A. The division of land for single- and two-family projects is subject to the requirements of Title 18.
- B. All other subdivisions in the medium and high-density residential zones are subject to all requirements in Chapter 19.78 and platted via a PUD plat.

**19.30.090 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances, including, without limitation:

- A. 19.04 Definitions
- B. 19.18 Planned Unit Developments
- C. 19.58 Geologic Hazards Ordinance
- D. 19.48: Off-Street Parking and Mobility
- E. 19.50: Landscaping and Screening
- F. 19.42: Specific Use Standards
- G. 19.52: Signs

## Chapter 19.32 COMMERCIAL ZONES.

### 19.32.010 – Purpose of Provisions.

The purpose of the commercial zones is to provide places in the municipality for a wide range of commercial and retail trades and uses, offices, business and professional services, and other uses that contribute to the economic stability of the community and wellbeing of its employees and residents. The zones are intended to provide employment opportunities and expand the municipal tax base, while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.

### 19.32.020 – Establishment of Commercial Zones.

To anticipate and respond to the changing needs of our community and implement commercial node concepts included in the adopted General Plan, the following zones are established:

- A. Commercial Zone – General Commercial (C-1): The C-1 Zone is intended to provide a wide range of commercial uses designed to serve neighborhood, community, and regional needs. The commercial use may be freestanding or integrated in a center. Development is oriented to the street to encourage a pedestrian relationship and buildings are placed to allow interconnected walkways and shared site accesses for increased convenience, accessibility, and enhanced safety for pedestrians. Development includes elements and façades at the pedestrian level and achieves a sense of human scale and creates visual interest at eye-level.
- B. Commercial Zone – Shopping Center Commercial (C-2): The C-2 Zone is intended to provide retail uses, service-oriented businesses, offices, and restaurants in an integrated center. Each center shares common architecture, access, parking, signage, and landscape design. Each center typically includes three (3) or more acres and provides regional or community level destination shopping which incorporates a design that enhances pedestrian orientation within the center.
- C. Commercial Zone – Warehousing and Wholesale Commercial (C-3): The C-3 Zone is intended to provide a legacy zone, originally intended to provide areas for warehousing and wholesale businesses and general commercial. The warehouse and wholesale business is now developed under the M-1 zoning classification and new commercial uses are developed as appropriate under the C-1 or C-2 zones.

### 19.32.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.32.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to conditional use (“C”) approval and the other portion is subject only to permitted use (“P”) review, the entire development shall be reviewed and approved by the conditional use process.
- C. Abbreviations. The abbreviations used in the schedule mean:

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1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.32.030 is prohibited in this zone.

<b>Table 19.32.030 - Uses Allowed in Commercial Zones.</b>			
<b>Use Categories</b>			
<b>RETAIL AND SERVICE:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Car and Light Truck Wash	P	P	X
Child Care Center	P	P	X
Check Cashing	P	P	X
Commercial Plant Nursery	P	P	X
Financial Institution	P	P	X
Kennel, Commercial	P	P	X
Laundry Cleaning, Automatic Self-Help and/or Drop Off	P	P	X
Liquor and/or Wine Store and Package Agency	P	P	X
Mobile Store	P	P	X
Pawn Shop	P	P	X
Personal Care Services	P	P	X
Personal Instruction Services	P	P	X
Reception Hall, Reception Center	P	P	X
Reiki	P	X	X
Retail and Service Commercial	P	P	X
Retail Shops or Galleries where Primary Product is Produced On-Site	P	P	X
Retail Tobacco Specialty Business	P	X	X
Self-Service Fuel Station	P	P	X
Sexually Oriented Business or Activity	X	X	P
Shopping Center	C	C	X
Vehicle and Equipment Repair, Minor	P	P	X
Vehicle Rental	P	P	X
Vehicle Sales and Service	P	P	X
Vehicle Sales, Small Dealership	P	P	X
<b>FOOD AND DRINK:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Bars and Clubs	P	P	X
Breweries and Distilleries in association with a Restaurant	P	P	X
Food truck / mobile restaurant / food cart	P	P	X
Restaurant, Fast Food	P	P	X

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Restaurant, Sit-Down with or Without Alcohol	P	P	X
<b>LODGING:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Bed and Breakfast Inn	P	P	X
Hotel/Motel	X	P	X
<b>OFFICE:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Office, General	P	P	X
Office, Intensive	P	P	X
Office, Medical	P	P	X
<b>RECREATIONAL:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Athletic Clubs	P	P	X
Commercial Recreation	P	P	X
Recreation Facility, Commercial	P	P	X
Recreation Facility, Public	P	P	P
Theatres and Concert Halls (Indoor)	P	P	X
<b>INSTITUTIONAL USES:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Animal Control or Rescue Facility	P	P	X
Animal Hospital or Clinic	P	P	X
Animal Hospital or Clinic with Outdoor Holding Facilities	P	P	X
Cemetery	X	X	P
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P
Hospital	P	P	X
Libraries	P	P	P
Parks/Open Space	P	P	P
Public Uses	P	P	P
Public Utilities, Major	C	C	P
Public Utilities, Minor	P	P	P
Schools, Public	P	P	P
Schools, Private/Charter	C	C	X
<b>PLANNED UNIT DEVELOPMENTS, SUBJECT TO CHAPTER 19.18:</b>			
Condominium Conversion Planned Unit Developments	P	P	P
Infill Development Planned Unit Developments	X	X	X
Residential Neighborhood Planned Unit Developments	X	X	X
Residential Community Planned Unit Developments	X	X	X
Mixed Use Planned Unit Development	C	C	C
Commercial Planned Unit Developments	C	C	C
<b>SPECIALTY:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Crematorium	P	P	X
Laboratory, Medical or Dental	P	P	X
Laboratory, Research and Development	P	P	X
Mortuary or Funeral Home	P	P	X
Nursing Home, Convalescent Care Center	P	P	X

Rehabilitation/Treatment Facilities	P	P	X
Self-Service Storage Facilities, Enclosed	P	P	X
<b>ACCESSORY USES:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Accessory Outside Storage	C	X	X
Home Occupation, subject to chapter 19.42	P	P	X
Household Pets, not including kennels	P	P	X
Drive-Thru and Drive-Up Facilities appurtenant to a permitted use	P	P	X
Outdoor dining appurtenant to a permitted restaurant use	P	P	X
Sidewalk Displays and Sidewalk Cafes appurtenant to a permitted use	P	P	X
Temporary buildings subject to 19.44	P	P	X
<b>NONCONFORMING USES:</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Pre-Existing Lot	P	P	P
Pre-Existing Structure	P	P	P
Pre-Existing Use	P	P	P

**19.32.040 – Lot and Area Standards.**

Development in the C-1, C-2, and C-3 Zones shall comply with the lot and project area standards shown in Table 19.32.040 and all other applicable standards in this Title.

Lot and Area Standards	C-1	C-2	C-3
Minimum Project Area	None	3 acres	N/A
Minimum Lot Size	There is no minimum lot size required in the Commercial Zones.		
Minimum Lot Width and Frontage	No minimum lot width is required for lots in Commercial Zones. Lots not fronting on a street must be accessible to the public via a recorded easement or right-of-way.		

**19.32.050 – Site Standards.**

The following site standards shall apply in the C-1, C-2, and C-3 Zones:

- A. Setbacks. A setback standard frames the street spatially and encourages a consistent building wall along street edges. A parking setback enhances pedestrian safety and comfort and reduces the visual prominence of automobiles as viewed from streets, building entrances, and sidewalks. See Table 19.32.050 for setback requirements.

Setback Standards	C-1	C-2	C-3
Front Yard Setback, Arterial or Collector Street (Functional Classification)	18' landscaped setback from back of sidewalk	30' landscaped setback from public right of way	30' landscaped setback from public right of way
Front Yard Setback, Local Street or Drive (Functional Classification)	10' landscaped setback from back of curb	15' landscaped setback from back of curb	15' landscaped setback from back of curb

Side Yard Setback – Corner Lots	Same as the front yard setback.
Build-to-Line	The front yard setback is the build-to-line. At least fifty percent (50%) of the adjacent façade must be built within three feet (3') of the build-to-line. A side yard, corner lot setback is also a build-to-line.
Side Yard Setback – Interior Lots	No setback required when sharing a common wall. 8' setback to property line or 16' between buildings where building pads are used. 20' landscaped buffer required to separate residential uses from commercial uses.
Rear Yard Setback	10' setback to property line or 20' between buildings where building pads are used. 20' Landscaped buffer required to separate residential uses from commercial uses.

- B. Location and Orientation of Buildings. Structures frame streets spatially by being constructed at the build-to-line. Buildings shall be sited to face the street with parking lots on the side or rear. At street or drive intersections the buildings shall be located directly on the corner with parking in the rear. At least fifty percent (50%) of the adjacent façade shall be built within three feet (3') of the build-to-line.
- C. Build-to-Line Exceptions.
1. Any big box development may have parking in front, provided other commercial pad sites are proposed along the frontage that would comply with the build-to-line requirements. The other commercial pad sites shall create at least forty percent (40%) building street frontage along the width of the project area when combined with public plazas or courtyards.
  2. Drive-through windows shall be located at the side or rear of buildings. A single drive aisle may be located between the building and the street so long as its width does not exceed twelve feet (12'), any pedestrian crossings across it are clearly delineated with special paving treatments, parking spaces do not occur off of it, and a low wall, railing with landscaping, or a continuous hedge at least three feet (3') high exists between stacked cars and the sidewalk. If a drive-through is located between the building and the street, the front setback/build-to-line shall be twelve feet (12') farther from the back of sidewalk or public right of way.
- D. Sidewalks or Trails. Any building front entryway shall have a continuous sidewalk to the street sidewalk. A sidewalk at least six feet (6') wide is required along the entire front of the lot or project area. A six foot (6') wide park strip shall be installed between the street and the sidewalk as a pedestrian buffer. No fencing that is parallel to any sidewalk may be within two feet (2') of the edge of the sidewalk.
- E. Outdoor Dining. If outdoor dining is allowed, the patio or dining area may encroach on up to ten feet (10') of the required landscaped setback.
- F. Utilities. Any overhead utility shall be placed underground unless the applicable utility company determines it is infeasible.

- G. Screening. Any garbage dumpster shall be enclosed by a masonry wall or architectural design with materials that are consistent with the building. The enclosure gate shall be metal and accessible to service vehicles. The enclosure wall and gate shall be a minimum of twelve inches (12") higher than the trash receptacle bin. Service areas, mechanical equipment, and meters shall be completely screened from the street.
- H. Site Furnishings. The developer or builder is responsible for providing site furnishings as required in this document. All site furnishings shall be specified on the plans.
1. Benches. Each project shall provide one (1) outdoor bench per small building (buildings twenty thousand square feet (20,000 sq.ft.) or smaller) and two (2) outdoor benches for larger buildings (greater than twenty thousand square feet (20,000 sq.ft.)). Benches are encouraged in places where people congregate and at pedestrian intersections and nodes. Benches shall be durable and permanently installed on a hardscape surface (concrete, pavers, etc.).
  2. Bike Rack. Bike racks shall be provided and installed at a minimum of three (3) bike stalls per fifty (50) vehicle parking stalls within each development (minimum of three (3) bike rack stalls). Bike racks should be located near the entrance to the building and visible from the street or drive. Bike racks shall be durable and permanently installed and maintained over a hardscape surface.
  3. Trash and Recycle Receptacles. At least one (1) trash receptacle and one (1) recycling receptacle shall be provided at a minimum of one (1) at each public entrance to commercial buildings.

#### **19.32.060 – Architectural Standards.**

All new development shall present an attractive, coordinated streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale and provide for the safety and convenience of pedestrians. All new development shall comply with the following architectural standards:

- A. General Design Standards: The following building design requirements shall apply in the C-1, C-2, and C-3 Zones:
1. Walls. No more than three (3) materials may be used for primary wall surfaces. Exterior finishes shall be of traditional, time- and weather-tested techniques. Retaining and screening walls shall be of materials complementary to the building's materials. Buildings shall use a cohesive palette of colors which complement nearby buildings. Without limiting the use of color, large areas of wall shall be subdued in color and not reflective. Intense colors should be used as accent only.
  2. Building Heights. Buildings should provide a sense of street enclosure for pedestrians in more urban environments. New commercial buildings adjacent to existing neighborhoods shall step-down in height to help minimize the visual impact to residential areas. See Table 19.32.060A for requirements.

3. **Transparency.** Where applicable, the intent of transparency standards is to promote economic activity by creating active street walls and visual interest for pedestrians at the ground-level. They also serve to promote personal and property safety by introducing more “eyes on the street” or natural surveillance of the public right-of-way and building interiors. See Table 19.32.060A for requirements.

<b>Table 19.32.060A - Commercial Development Standards</b>			
<b>Standard</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>
Building Height	<i>Minimum:</i> No primary building within this zone may be erected to a height less than fifteen feet (15') above grade.  <i>Maximum:</i> No building within this zone may exceed forty-five feet (45') above grade.	<i>Minimum:</i> No primary building within this zone may be erected to a height less than fifteen feet (15') above grade.  <i>Maximum:</i> No building within this zone may exceed sixty feet (60') above grade.	<i>Minimum:</i> No primary building within this zone may be erected to a height less than fifteen feet (15') above grade.  <i>Maximum:</i> No building within this zone may exceed forty-five feet (45') above grade.
Step-down Height Adjacent to Residential Areas.	Within one hundred feet (100') of sites zoned for single family residential, the following standards apply: a. On the portion of the site within one hundred feet (100') of a site zoned R-1, no structure or portion thereof may exceed thirty-five feet (35') in height. b. On the portion of the site within one hundred feet (100') of a site zoned R-2, R-4, RM, or RMH the maximum height is forty-five feet (45').		
Transparency	Ground Floor (frontage) 30% Ground Floor (exposed sides) 30% Upper Floors (frontage) 20%	Ground Floor (frontage) 30% Upper Floors (frontage) 20%	Ground Floor (frontage) 30% Ground Floor (exposed sides) 30% Upper Floors (frontage) 20%

4. **Roofs.** Slopes of roofs shall be of equal pitch if a gable or hip roof is employed. All metal roofs must be of a subdued color. Painted roof shingles are prohibited.
  - a. Flat roofs on stand-alone buildings are allowed when variation to the roof line is provided through the use of parapets, towers, step-backs, or accessory structures.
  - b. Large building roofs shall have parapets and enclosures concealing flat roofs and rooftop equipment from public view. Parapet and enclosure materials shall match the building in quality and detail.
  - c. Pitched roofs have a sloped or pitched roof. The slope is measured with the vertical rise divided by the horizontal span or run.
    1. The roof may not be sloped less than a 4:12 (rise: run) or more than 16:12.

2. Slopes less than 4:12 are permitted to occur on second story or higher roofs.
3. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
4. A gabled end or perpendicular ridge line shall occur at least every one-hundred feet (100') of roof when the ridge line runs parallel to the front lot line.

B. Exterior Structure Standards: All exterior walls of all structures shall be constructed in compliance with the following:

1. Materials. All buildings shall use one or more of the following durable materials as significant finish: architectural precast concrete, architecturally treated concrete masonry units, brick cladding, natural and cast stone, architectural metals, and glazing. Architectural site-cast concrete may be allowed if designed, articulated, and colored for a finished appearance on all buildings. At least fifty percent (50%) of all buildings visible from an arterial or collector street, according to the Functional Classification System, shall be composed of brick, stone, architecturally treated CMU, architectural precast concrete, architectural metals, and/or glazing.
2. Exterior Insulation and Finish System (EIFS)/Stucco. The design and application of EIFS or synthetic stucco are expected to be of a high enough quality to allow for crisp detailing and substantial relief. The use of EIFS on ground floor walls shall be limited to the surface area three (3) or more feet above finished grade. The wall area from finished grade to where the use of EIFS begins shall be clad by a hard, durable material such as brick, stone, architectural precast concrete, or architecturally treated concrete masonry units.
3. Detail and Finish. Building façades that face the street but do not have pedestrian entries shall be composed of high-quality materials such as brick or stone and shall provide variety and interest in the façade through the introduction of such elements as pilasters, recessed or protruding bays, changes in materials and/or colors, building lighting elements, display windows with products or product graphics, transparent windows or clerestories, and well-designed signs and graphics.
4. Surface Variation. Continuous building wall surfaces shall be relieved with significant variations of wall planes or overhangs that create shadow areas and add visual interest. Variations should result from significant dimensional changes in plane, color, or detail as accomplished by such devices as protruding bays, recessed entries, upper-level step-backs, arcades, offsets in the general plane of the façade, changes in materials or color, bay windows, vestibules, porches, balconies, exterior shading devices, nonretractable canopies or awnings, projecting cornices, or eaves.

5. Vertical Separation and Human Scale. Buildings in excess of two (2) stories in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods. Buildings in excess of two (2) stories shall also exhibit architecture design that incorporates the human scale, which is specific architecture features below 10 feet (10’).
  6. Façade Features. All large retail building façades visible from public streets shall include architectural treatments that add detail, character, and reduce the appearance of massive blank walls. Techniques such as color and material changes, expression of structure, shifts in plane, offsets and projections, belt courses, reveals, pilasters, windows, doors, arcades, canopies, and other similar elements may achieve this standard. Opaque storefront security closures (rolling doors, etc.) are not allowed.
- C. Entrances. The intent of entrance standards is to provide direct and comfortable access to businesses for pedestrians. Entrances on public streets are particularly important to promote pedestrian traffic and activities on the sidewalks. The following standards apply to the entrances of all structures:
1. Street front entrances shall be developed on all new buildings. An unobstructed sidewalk connection from the door location must be provided to connect to the public sidewalk. Entry doors must be located on the front façade or be placed within three feet (3’) of the front façade.
  2. Each primary public entry shall be architecturally emphasized so that pedestrians can easily find it.
  3. Weather protection features such as awnings, canopies, doors inset by at least three feet (3’), or arcades shall be provided at all customer entrances.
- D. Corner Buildings. Special attention shall be given to corner buildings that are highly visible, that may serve as landmarks, and provide a sense of enclosure at intersections. Special attention can be achieved by architecture, landscape, and public place.

**19.32.070 – Off-Street Parking Standards.**

In addition to the parking standards specified in Chapter 19.48, “Off Street Parking Standards”, the following parking standards shall apply:

- A. Surface parking areas, except for approved street parking, may not be located between a building and a public right-of-way on lots or parcels adjacent to a public right-of-way. This requirement shall only apply to one side of a lot or parcel that is adjacent to a public right-of-way on multiple sides. Surface parking for a big box development, such as a grocery store, that meets the standards for a build-to-line exception as described in Subsection 19.32.050.C, is allowed parking between the building and the right of way if the pad sites each comply with this part.
- B. Surface parking areas, except for approved street parking, located within thirty feet (30’) of a public right-of-way shall be screened by grading, landscaping, walls/fences, or a combination of these, to a height of three feet (3’) above the surface of the parking area.

- C. All commercial development should be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points on public or private streets, unless otherwise specified. A minimum distance of one hundred feet (100') should be required between a cross-access way and an entrance. UDOT standards may supersede this requirement in areas of UDOT jurisdiction. The Director may waive this requirement when the Director determines that cross-access is impractical based on topography, the presence of natural features, or vehicular safety factors, provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or uses.
- D. The Director or designee may approve an exception to the requirements of this Subsection if the Director or designee determines that any of the requirements are not reasonably possible based on the unique characteristics of the site.

**19.32.080 - Open Space and Landscaping.**

In addition to the parking standards specified in Chapter 19.50, "Landscaping and Screening", the following parking standards apply:

- A. Physical Connections. Each lot shall have a system of pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, sidewalks, parking areas, open space, and public trails.
- B. Minimum Landscaped Area. Thirteen percent (13%) of the area of each commercial site shall be developed as landscaped setbacks, courtyards, plazas, open space, or walkways.
- C. Landscaped Setback from Edge of a Street or Drive. The entirety of the required setback between a building or parking lot and a street or drive shall consist of landscaping, sidewalks, or a combination thereof. Courtyard or plaza areas shall be deemed to be a part of the front setback of the building.
- D. Prohibitions. Maintenance buildings, trash collection and recycling areas, storage and service areas, mechanical equipment, and off-street loading areas are not permitted in the front setback of any building and shall be located behind the primary building structure, or completely screened from public view.
- E. Building Foundation Landscaping. The ground adjacent to the building foundation shall be landscaped if it is visible from public vantage points.
- F. Residential Buffer. A landscaped buffer is required to separate residential uses from commercial and industrial uses.
  - a. Landscaped Buffer Area. A landscaped buffer area meeting the requirements of 19.50.050 is required in order to provide adequate screening, buffering, and separation of uses.

- b. Fully Sight-Obscuring Fence. The Planning Commission shall require complete visual separation from residential uses if it determines that complete screening is necessary to protect abutting uses, and landscaping is not practical. Such fence must be a minimum of six feet (6') high (up to eight feet (8') if warranted and approved by the Planning Commission) and completely sight-obscuring. Fences may be constructed of wood, metal, bricks, masonry, or other permanent materials.

**19.32.090 – Lighting.**

Except for ordinary repairs and maintenance of lighting approved and installed after the adoption of this ordinance, all new development must comply with the following outdoor lighting standards:

- A. Light Source. Light sources shall be at least as efficient as LED and no greater than four thousand kelvins (4000K) in correlated color temperature (CCT). Light levels shall be designed such that light trespass measured at the property line does not exceed 0.01 foot-candles. Light fixtures shall use a cutoff luminaire that is fully or partially shielded with no light distributed above the horizontal plane of the luminaire or into nearby residential structures. In no case may the total lumens emitted for a single site exceed one hundred thousand (100,000) lumens per acre.
- B. Parking Lot Lighting. Parking lot lighting shall be designed and constructed to comply with the following standards:
  1. Pole Height/Design.
    - a. Luminaire mounting height is measured from the parking lot or driveway surface and may range from ten feet (10') to thirty feet (30'), based on review of site plan, proposed uses, surrounding uses, parking area size, building mass, topography of site, and impacts on adjacent properties.
    - b. Poles and fixtures shall be black, dark brown, or another neutral color approved by the Director or designee.
    - c. All attempts shall be made to place the base of light poles within landscape areas.
    - d. Light poles in parking areas may not exceed thirty feet (30') in height. Poles exceeding twenty feet (20') in height are appropriate only for parking areas exceeding two hundred (200) stalls and not within seventy-five feet (75') of a residential zone.
- C. Other Outdoor Lighting Standards.
  1. Wall-mounted lighting fixtures may not be located above eighteen feet (18') in height unless being used as building accent lighting. Fixture styles and finishes shall complement the building exterior.
  2. Lighting located along pedestrian pathways or in areas primarily dedicated to human activity shall be bollard style lighting or down-directed lighting not to exceed twelve feet (12') in height. Pedestrian lighting shall be coordinated through each project and shall complement adjacent projects to the greatest extent practical.
  3. In order to avoid light pollution, backlit awnings, up-light spotlights, and floodlights are prohibited.

4. Street lighting shall either be chosen from the city's approved streetlight list or installed to match a theme set by developments within the zone or neighborhood.
  5. Lighting for outdoor athletic facilities may be mounted on a roof or wall at a height above the typical eighteen-foot (18') maximum, provided it is demonstrated by the applicant, through submittal of appropriate documentation and light studies, that the facility cannot otherwise be properly lighted. This lighting shall comply with the following requirements:
    - a. Light fixtures and necessary supports may not extend more than four feet (4') above the roof line;
    - b. Light fixtures shall include appropriate shields to ensure no light trespass off the site;
    - c. Light fixtures shall include appropriate shields and louvers to minimize, to the greatest extent possible, any point source light pollution;
    - d. Light fixtures and supports shall be painted to blend with the color scheme of the structure to which they are mounted;
    - e. Light fixtures shall be dimmable to address any possible unforeseen light impacts once they are constructed and operable; and
    - f. The Planning Commission shall review the hours of light usage and shall approve an appropriate usage schedule depending on the specific situation and impacts on the surrounding area.
- D. Upgrading Preexisting Lighting. An applicant shall bring preexisting lighting into compliance with this code upon application with the business license department for a change in ownership, new business in a stand-alone structure or a multi-tenant structure in which the new business utilizes more than fifty percent (50%) of the building square footage on the site, in conjunction with an application for a building permit for any alteration, remodel or expansion of any structure on the site, or in conjunction with changes to the approved site plan.
- E. Lighting Plan Submission Requirements. A lighting plan is required for all developments and shall contain the following:
1. Plans indicating the location on the premises and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;
  2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices that may include manufacturer catalog cuts and drawings, including a section where required;
  3. Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cutoff or light emission; and
  4. A point-by-point light plan to determine the adequacy of the lighting over the site.

**19.32.100 – Fences Hedges and Walls.**

The following standards apply to new development of fences, hedges, and walls:

- A. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures is permitted in the required setback of a zone if it meets the following conditions:
1. No fence, hedge, or wall extends beyond or across a property line without a recorded agreement with the abutting property owner;
  2. Only one fence or wall is allowed per property line. Double fences, walls or combination thereof are prohibited; and
  3. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire where the barbed wire is not less than eight feet (8') above the ground and does not extend more than two feet (2') above the temporary fence.
- B. Height. No fence or wall may exceed seven feet (7') in height, four feet (4') in height from the front of the primary structure forward, or three feet (3') in the sight distance triangle, measured as follows:
1. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;
  2. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;
  3. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and
  4. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.
- C. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet (14') in height so long as all portions above six feet (6') are constructed with at least fifty percent nonopaque materials.

**19.32.110 – Additional Standards.**

It is the responsibility of the applicant to comply with all other applicable standards of Title 19 and all other municipal ordinances.

## Chapter 19.34 MANUFACTURING ZONES.

### 19.34.010 – Purpose of Provisions.

The purpose of the manufacturing zones is to provide places in the municipality for industrial, warehousing, wholesale, and other uses that contribute to the economic stability of the community and wellbeing of its employees and residents. The zones intend to provide employment opportunities and expand the municipal tax base while also encouraging sustainable development and providing an attractive transition between residential and non-residential uses.

### 19.34.020 – Establishment of Manufacturing Zones.

To anticipate and respond to the changing needs of our community and implement industrial and employment center concepts included in the adopted General Plan, Kearns establishes the following zones:

- A. Manufacturing Zone – Flex (M-1): The M-1 Zone is intended to provide a flexible mix of industrial uses, including light manufacturing, warehousing, wholesale, and accessory uses that contribute to employee wellbeing and quality development.
- B. Manufacturing Zone – Heavy (M-2): The M-2 Zone is reserved for areas of the municipality that support more intense industrial uses, such as distribution centers, resource processing, and energy production. Development standards are intended to minimize adverse impacts of these uses and protect the surrounding environment.

### 19.34.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 Specific Use Standards.
- C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.34.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to conditional use (“C”) approval and the other portion is subject only to permitted use (“P”) review, the entire development shall be reviewed and approved by the conditional use process.
- D. Abbreviations. The abbreviations used in the schedule mean:
  - 1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  - 2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.

3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.34.030 is prohibited in this zone.

**Table 19.34.030: Table of Uses for M-1 and M-2 Zones.**

Use Categories	M-1	M-2
<b>RESIDENTIAL USES:</b>		
Rail-Transit Mixed Use	P	X
<b>RETAIL AND SERVICE:</b>		
Animal Control or Rescue Facility	P	X
Animal Hospital or Clinic with or without Outdoor Boarding Facilities	P	X
Child Care Center	P	X
Commercial Plant Nursery	X	P
Contractor’s Office	X	P
Vehicle and Equipment Repair – All Types	P	P
<b>FOOD AND DRINK:</b>		
See Accessory Uses.		
<b>RECREATIONAL:</b>		
Open Space	P	P
See also Accessory Uses.		
<b>LODGING:</b>		
No Lodging Uses are allowed in the Manufacturing Zones.		
<b>OFFICE:</b>		
Office – Intensive or Medical	P	X
<b>INDUSTRIAL:</b>		
Agricultural Products Processing	X	P
Assembly Use	P	P
Breweries and Distilleries, Industrial	P	P
Freight Service	X	C
Industrial Flex Space	P	X
Machine Shop	P	P
Manufacturing, Heavy	X	C
Manufacturing, Light	P	P
Meat or Poultry Processing Facility	X	P
Recycling Processing Facility	X	P
Resource Recycling Collection Point	P	P
Self-Service Storage Facilities, Enclosed or Outdoor	P	X
Storage Yard	X	P
Underground Record Storage Vaults	X	C
Vertical Indoor Agriculture	P	P
Vehicle Assembly	X	P
Warehouse and Distribution Facilities	X	P
<b>INSTITUTIONAL:</b>		
Micromobility Support Infrastructure	P	P
Public Service Training Facility	P	P
Public Use	P	P
Public Utility, Major	X	P

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Public Utility, Minor	P	P
Water Treatment Facility	X	P
Wireless Telecommunication Site, Facility, or Equipment Shelter	X	P
<b>PLANNED UNIT DEVELOPMENTS, SUBJECT TO CHAPTER 19.18:</b>		
Condominium Conversion Planned Unit Developments	P	P
Infill Development Planned Unit Developments	X	X
Residential Neighborhood Planned Unit Developments	X	X
Residential Community Planned Unit Developments	X	X
Mixed Use Planned Unit Development	X	X
Commercial Planned Unit Developments	C	X
<b>SPECIALTY:</b>		
Crematorium	P	P
Hospital	C	X
Laboratory, Medical or Dental	P	X
Laboratory, Research and Development	P	X
Park-and-Ride	P	P
Solar Energy System, Commercial	X	P
Wind Energy System, Commercial	X	P
<b>ACCESSORY USES:</b>		
Accessory Uses, including Employee Amenities and Accessory Outdoor Storage	P	P

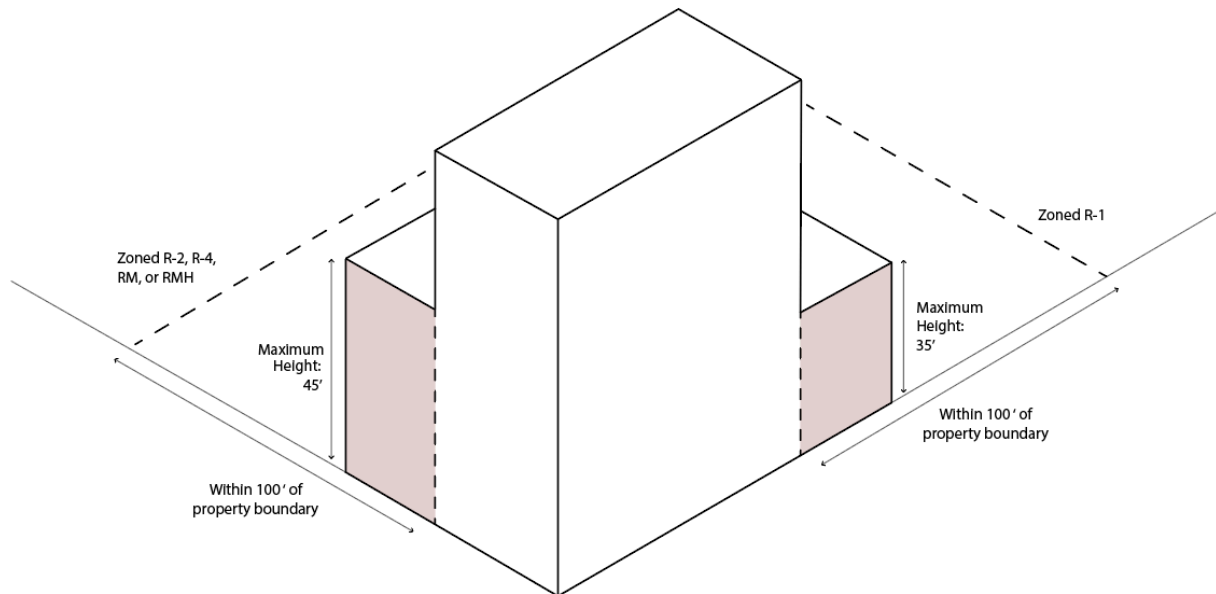
**19.34.040 – Development Standards.**

- A. General Design Standards: The following building design requirements apply in the M-1 and M-2 Zones:
1. View Protection. The proportion and massing of buildings shall be designed to minimize the obstruction of all views. No vertical design elements, dominant rooflines, or other features which exaggerate building height shall be used.
  2. Building Massing. In order to maximize the integration of buildings and features with the natural environment and surrounding neighborhoods, all developments in the M-1 and M-2 Zones shall incorporate techniques for reducing the apparent size and bulk of buildings and structures. The following methods are required:
    - a. A consistent level of detail and finish on all sides of a building shall be provided.
    - b. Continuous building wall surfaces shall be relieved with variations of wall planes or overhangs that create shadow areas and add visual interest.
- B. Development in the M-1 or M-2 Zones shall comply with the development standards of Table 19.34.040 and all other applicable standards in this Title.

<b>Table 19.34.040: M-1 and M-2 Zone Development Standards.</b>		
<b>Standard</b>	<b>M-1</b>	<b>M-2</b>
Minimum Lot Size (in square feet) <sup>C</sup>	12,000	25,000
Minimum Lot Width (in feet) <sup>C</sup>	75	100
Building Height (in feet) <sup>D</sup>	<p><i>Minimum:</i> No primary building within this zone shall be erected to a height less than fifteen feet (15') above grade.</p> <p><i>Maximum:</i> No building within this zone may exceed sixty feet (60') above grade.</p>	<p><i>Minimum:</i> No primary building within this zone shall be erected to a height less than fifteen feet (15') above grade.</p> <p><i>Maximum:</i> No building within this zone may exceed eighty feet (80') above grade.</p>
Minimum Floor Area Ratio	0.5:1	NA
Maximum Building Lot Coverage	80%	80%

- C. Existing Lots: Lots legally existing as of the adoption date of this ordinance shall be considered legal conforming lots.
- D. Step-down Height Adjacent to Residential Areas: Within one hundred feet (100') of sites zoned residential, the following standards shall apply:
1. On the portion of the site within one hundred feet (100') of a site zoned R-1, including any sub-zone of R-1, no structure or any portion thereof may exceed thirty-five feet (35') in height.
  2. On the portion of the site within one hundred feet (100') of a site zoned R-2, R-4, RM, or RMH, no structure or any portion thereof may exceed forty-five feet (45') in height.

**Figure 19.34.040: Stepdown Heights Adjacent to Residential Areas.**



**19.34.050 – Required Yards and Setbacks.**

Development in the M-1 or M-2 Zones shall comply with the yard and setback standards shown in Table 19.34.050 and all other applicable standards in this Title.

<b>Table 19.34.050: Required Yards and Setbacks for M-1 and M-2 Zones.</b>		
<b>Standard</b>	<b>M-1</b>	<b>M-2</b>
Front Yard Setback (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Side Yard Setback – Interior Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 20 Maximum: NA
Side Yard Setback – Corner Lots (in feet)	Minimum: 20 Maximum: NA	Minimum: 25 Maximum: NA
Rear Yard Setback (in feet)	Minimum: 25 Maximum: NA	Minimum: 35 Maximum: NA
Minimum Distance between Primary and Accessory Structures (in feet)	10	10

**19.34.060 – Additional Fencing and Screening Standards.**

In addition to the screening standards found in Chapter 19.50, and the fencing standards found in Chapter 19.46, the following shall apply to all Manufacturing Zones:

- A. The perimeter of an industrial development that is not adjacent to a public right-of-way and that is adjacent to a Single-Family or Multi-Family Residential Zone, Residential Mobile Home Park Zone, or Agricultural Zone shall be fenced with a six foot (6') high opaque, masonry wall.

**19.34.060 – Height Exceptions.**

Exceptions to the building heights specified in Table 19.34.040 apply, in accordance with Section 19.46.120.

**19.34.070 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances.

## CHAPTER 19.36 MIXED-USE ZONES.

### 19.36.010 – Purpose of Provisions.

The mixed-use zones are intended for areas within the community where a combination of residential, commercial, civic, and other uses is desirable to strengthen local tax base and employment opportunities, provide diverse housing types, create gathering places, and connect businesses with nearby customers. The mixed-use zones are distinguished by the uses they allow as well as their development standards, which are intended to promote a high-quality, compact, walkable, and interesting built environment.

### 19.36.020 – Establishment of Mixed-Use Zoning Districts.

1. Establishment of Mixed-Use Zoning Districts: To anticipate and respond to the changing needs of the municipality and implement mixed-use and livability concepts included in the adopted General Plan and Kearns Town Center Master Plan, Kearns establishes the following zones:
  1. Neighborhood Mixed Use Zone (NMU): The NMU Zone is a residential zone that allows a small-scale, horizontal or vertical mixture of neighborhood commercial uses to serve the daily needs of area residents. This zone is intended only for small-scale, low-impact uses, to promote a better mixture of uses close to home and within a walkable environment.
  2. New Town Center Zone (TC): The TC Zone encourages the development or redevelopment of the Kearns Town Center, combining new or existing retail development with a variety of housing, offices, studios, live-work spaces, civic buildings, and other complementary uses. Standards are included to promote Town Center development that is cohesive, compact, walkable, and convenient for residents, customers, and employees to travel by transit, bicycle, foot, or car. The purpose of this Zone is to implement the vision of the Kearns Town Center Master Plan (2019) and General Plan (2020).
  3. Corridor Mixed Use Zone (CMU): The CMU Zone promotes compact and walkable development, diverse housing options, and proximity to shopping and services along transit corridors, especially where infill development is desirable. The CMU allows for greater intensity of uses and building footprints without disrupting surrounding neighborhoods.

### 19.36.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.36.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to conditional use (“C”) approval and the other portion is subject only to permitted use (“P”) review, the entire development shall be reviewed and approved by the conditional use process.
- C. Abbreviations. The abbreviations used in the schedule mean:

1. **P = Permitted Use.** This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
2. **C = Conditional Use.** This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
3. **X = Prohibited Use.** This use is prohibited in this zone. Any use not specifically identified in Table 19.36.030 is prohibited in this zone.

<b>Table 19.36.030: Schedule of Permitted Uses in the Mixed Use Zones.</b>			
<b>Use Categories</b>	<b>NMU</b>	<b>TC</b>	<b>CMU</b>
<b>RESIDENTIAL USES: <sup>D</sup></b>			
Accessory Dwelling Unit, Detached or Internal	P	X	X
Dwelling, Multiple Family	X	P	P
Dwelling, Single Family <sup>E</sup>	P	X	X
Dwelling, Single Family Attached	P	X	P
Dwelling, Three- and Four-Family	P	P	P
Dwelling, Two-Family (Duplex)	P	X	X
Educational Facility with Residential Accommodation	X	X	P
<b>RETAIL AND SERVICE:</b>			
Bank, Credit Union, or Other Financial Institution	P	P	P
Car and Light Truck Wash	X	X	P
Child or Adult Care Facility	P	P	P
Laundry Cleaning, Automatic Self-Help	P	P	P
Laundry Cleaning Drop-Off	P	P	P
Liquor and/or Wine Store	X	P	P
Mobile Store	X	P	P
Personal Care Services	P	P	P
Personal Instruction Services	P	P	P
Post Office	P	P	P
Reception Hall, Reception Center	X	P	P
Retail Sales	P	P	P
Retail Shops or Galleries where Primary Product is Produced On-Site	P	P	P

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Self-Service Gas Station, with or without Convenience Store	X	X	P
Shopping Center	X	C	C
<b><u>FOOD AND DRINK:</u></b>			
Bars and Clubs	X	P	P
Breweries and Distilleries, with or without restaurant	X	P	P
Food Truck, Mobile Restaurant, Food Cart	X	P	P
Restaurant, Fast Food	P	P	P
Restaurant, Sit Down with or without Alcohol	P	P	P
<b><u>LODGING:</u></b>			
Bed and Breakfast	P	P	P
Hotel/Motel	X	P	P
Short Term Rental	X	P	P
<b><u>OFFICE:</u></b>			
Offices – General, Professional, and Trade Services	P	P	P
<b><u>RECREATIONAL:</u></b>			
Commercial Recreation and Entertainment, Indoor	X	P	P
Outdoor Recreation, Small Scale	X	X	P
Theatres and Concert Halls (Indoor)	X	P	P
<b><u>INDUSTRIAL USES:</u></b>			
Light or Heavy Industry <sup>F</sup>	X	X	X
<b><u>INSTITUTIONAL USES:</u></b>			
Animal Hospital or Clinic	X	P	P
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P
Community Garden	P	P	P
Educational Facility	P	P	P
Public or Quasi-Public Use	P	P	P
Public Park	P	P	P
<b><u>PLANNED UNIT DEVELOPMENTS, SUBJECT TO CHAPTER 19.18:</u></b>			
Condominium Conversion Planned Unit Developments	P	P	P
Infill Development Planned Unit Developments	C	C	C
Residential Neighborhood Planned Unit Developments	X	X	X

Residential Community Planned Unit Developments	X	X	X
Mixed Use Planned Unit Development	C	C	C
Commercial Planned Unit Developments	X	X	X
<u>SPECIALTY:</u>			
Medical, Urgent Care, and Dental Clinic	X	P	P
Mortuary or Funeral Home	X	P	P
Park and Ride	X	X	P
Parking Lot (not associated with other use)	X	X	X
<u>ACCESSORY USES:</u>			
Accessory Structures, Garages, Carports, and Structures subject to this Title.	P	P	P
Drive-Thru and Drive-Up Facilities	P	X	P
Home Occupation, subject to 19.42.	P	P	P
Sidewalk Displays and Sidewalk Cafes	P	P	P
<u>NONCONFORMING USES:</u>			
Pre-Existing Lot	P	P	P

D. Residential Uses:

1. In the TC and CMU Mixed Use Zones, residential uses are limited as follows.

- a. Units above a business: Residential dwelling units on the second story or above are permitted.
- b. Units behind a business: Residential dwelling units on the first story that are separated from the front lot line by a non-residential use in the same story are permitted.
- c. Units attached to a business on a multiple frontage lot: in no case may first-story dwelling units face onto a front lot line.

1. In the NMU Zone, any new development shall include a mix of residential and non-residential uses. These uses may be mixed horizontally or vertically.

- E. Dwelling Units (Existing): Single-family Units, Dwelling Groups, and Mobile Homes legally built before the adoption date of this ordinance may remain as permitted uses in the Mixed Use Zones without being considered nonconforming.
- F. Light Industry, Mechanical Repair (Existing): Light Industry and Mechanical Repair uses, including Auto Repair uses, legally built before the adoption date of this ordinance may remain as a permitted uses in the TC and CMU Zones without being considered nonconforming.

**19.36.040 – Development Standards.**

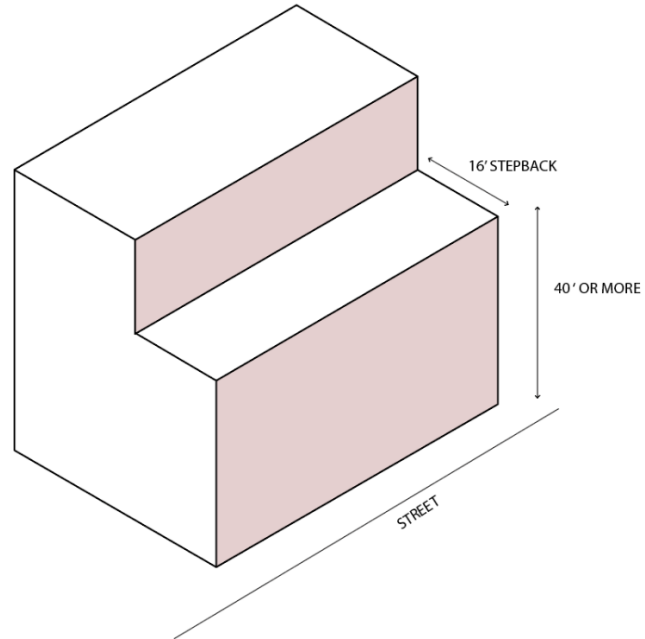
- A. Any development in the NMU, TC, or CMU Zones shall comply with the development standards shown in Table 19.36.040 and any other applicable standards in this Title.
- B. Single- and Two-Family Residential Development in the NMU Zone is exempt from the following requirements:
  - a. Minimum and Maximum FAR;
  - b. Minimum Transparency;
  - c. Entry Spacing and Recess Requirements; and
  - d. Articulation Requirements.
- C. Buildings in any Mixed-Use Zone shall be oriented so as to be front-facing on the public street.

<b>Table 19.36.040 – Mixed Use Zoning District Development Standards</b>			
<b>Standard</b>	<b>NMU</b>	<b>TC</b>	<b>CMU</b>
<b>Maximum Building Size, in square feet (sq. ft.)</b>			
Non-Grocery	5,000	25,000	25,000
Grocery-Anchored	15,000	NA	NA
<b>Height Limitations, in feet (ft)</b>			
Minimum	25	25	25
Maximum <sup>45</sup>	35	55	60
Ground Floor Height Minimum for Commercial / Mixed Use Buildings Only	12	12	12
<b>Floor Area Ratio</b>			
Maximum FAR	1.5:1	3:1	NA
Minimum FAR	NA	1.5:1	2:1
<b>Minimum Transparency Requirements <sup>1</sup></b>			
First Floor / Ground Story	50%	70%	70%
Additional Floors	25%	35%	35%
<b>Entries</b>			
Maximum distance between ground floor entries on the primary façade, in feet (ft). <sup>2</sup>	35		
Primary Façade Entries, Articulation.	NA	Recessed a minimum of 4' depth and 7' width. A permanent overhang is required.	Recessed a minimum of 4' depth and 7' width. A permanent overhang is required.
Non-primary Façade Entries	1 entry minimum at the ground floor is required on each non-primary façade, excluding those with a shared common wall.		

Articulation			
Horizontal Articulation	Structural columns or variation in façade (depth/change in material) shall be articulated at the primary façade for the full height of the building to the cornice (or to the full height of the building to the first stepback); minimum 50' spacing.		
Vertical Articulation	Cornice/Frieze Banding is required between the second and third floors on buildings with three or more stories.		
Roof	NA	Pitched roofs are prohibited. Cornice at roof line is required.	Pitched roofs are prohibited. Cornice at roof line is required.
Usable Outdoor Space, minimum requirement per unit in square feet (sq. ft) <sup>3</sup>			
Single-Family Attached or Detached	150	NA	NA
Two-, Three-, or Four-Family	100	75	60
Multi-Family	45	40	40
Maximum Density <sup>6</sup>			
(in dwelling units per acre)	15	25	30

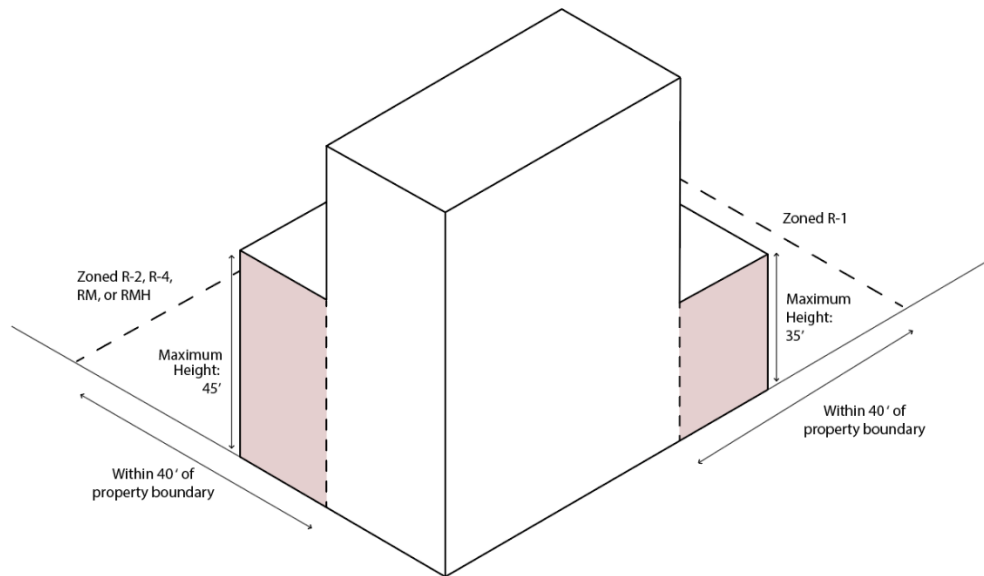
1. Transparency: Transparency means the use of materials that allow for persons from the street to see into the active uses of the building. Areas covered by menus, murals, or other signage that prevents visibility into the active use do not count toward the required transparency, unless the municipality has authorized a temporary advertisement or other festive decoration.
2. Entries on Corner Lots: Buildings on corner lots shall be oriented to the corner that faces on two public streets. Corner entries are required. Corner entries shall be angled toward the intersection of the two public streets in order to emphasize the corner.
3. Usable Outdoor Space: Means outdoor space provided for the enjoyment of the tenant. The required outdoor space may be provided through private outdoor balconies or patios attached to the unit or may be combined in an outdoor community space shared by all residents / units.
  - a. Balconies: If balconies are provided, they shall be recessed or incorporated into the horizontal setback.
4. Stepbacks: A sixteen-foot (16') stepback shall be required for any height above forty feet (40'). See Figure 19.36.040 A for reference.

**Figure 19.36.040 A: Stepback Illustration.**



5. Step-down Height Adjacent to Residential Areas: Within forty feet (40') of sites zoned residential, the following standards shall apply. Stepped-down height is not required in the NMU Zone:
- a. On the portion of the site within forty feet (40') of a site zoned R-1, or any subzone of R-1, the maximum height is thirty-five feet (35').
  - b. On the portion of the site within forty feet (40') of a site zoned R-2, R-4, RM, or RMH, the maximum height is forty-five feet (45').

**Figure 19.36.040 B: Step-down Heights Illustrated.**



6. Calculating Density. Density calculations are based on gross density. Gross density is defined as the total number of residential dwelling units divided by the gross area of the parcel in question.

**19.36.050 – Required Yards and Setbacks.**

- A. Purpose: The purpose of the standards in this section is to create and maintain street frontages that are attractive, promote a walkable environment, and create a sense of safety and comfort through appropriate scale.
- B. The minimum yard requirements for buildings within the Mixed-Use Zones are presented in Table 19.36.050.
- C. Exception for Setbacks for Common Walls. The side setback is zero feet (0') for any building which shares a side common wall.
- D. Unless they share a common wall, where two or more primary buildings exist on a site, the minimum distance between primary buildings shall be ten feet (10').

<b>Table 19.36.050 – Lot Width, Yard, and Setback Requirements.</b>			
	<b>NMU</b>	<b>TC</b>	<b>CMU</b>
<b>Minimum Lot Frontage Along Public Street, in feet (ft.)</b>	25	20	20
<b>Minimum Setbacks, in feet (ft.)</b>			
Front Yard	10	10	10
Side Yard, Interior	5	5	10
Side Yard, Corner Lot	5	5	10
Rear Yard	20	20	20
<b>Maximum Setbacks, in feet (ft.)</b>			
Front Yard	20	10	25
Side Yard, Interior	10	10	15
Side Yard, Corner Lot	10	10	15
Rear Yard	60	75	75
<b>Minimum Distance Between Primary and Accessory structures, in feet (ft.)</b>	6	10	10

**19.36.060 – Height Exceptions.**

Exceptions to the building heights specified in Table 19.36.040 apply, in accordance with 19.46.110.

**19.36.070 – Off Street Parking Standards.**

All provisions of Chapter 19.48 shall apply to development in any of the Mixed-Use Zones. For developments that combine multiple uses, parking requirements shall be calculated for each specific use according to the criteria in Section 19.48.040. The Director or designee may authorize shared parking for combined uses if those uses are found to operate at distinct hours of the day or night.

**19.36.080 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances.

## Chapter 19.38 PUBLIC FACILITIES AND INSTITUTIONS ZONES.

### 19.38.010 – Purpose of Provisions.

Public Facilities and Institutions Zones are established to provide public or quasi-public uses.

- A. Public Facilities Zone (PF): The purpose of the PF zone is to provide areas for facilities owned by public and quasi-public entities which utilize relatively large areas of land. This zone is intended to provide immediate recognition of such areas on the official zoning map.
- B. Public Institutions Zone (PI): The purpose of the PI zone is to provide areas for educational institutions, municipal uses, and athletic facilities, whether publicly or privately owned, that host organized team sports. These uses utilize relatively large areas of land and are established for the health and betterment of the community at large. This zone is intended to provide immediate recognition of such areas on the official zoning map.

### 19.38.020 – Scope.

The provisions of this Chapter shall apply to any real property located in a PF or PI Zones as shown on the official zoning map. No building, structure or real property may be used, and no building or structure may be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, this code, or other laws.

### 19.38.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.38.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to conditional use (“C”) approval and the other portion is subject only to permitted use (“P”) review, the entire development shall be reviewed and approved by the conditional use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
  - 1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  - 2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  - 3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.38.030 is prohibited in this zone.

<b>Table 19.38.030 – Uses Allowed in the PF and PI Zones.</b>		
<b>Use Categories</b>	<b>PF</b>	<b>PI</b>
<b>AGRICULTURAL:</b>		
No Agricultural Uses are permitted in the PF or PI Zones.		
<b>RESIDENTIAL USES:</b>		
No Residential Uses are permitted in the PF or PI Zones.		
<b>RETAIL AND SERVICES:</b>		
Child Care	P	P
<b>FOOD AND DRINK:</b>		
See “Accessory Uses”		
<b>RECREATIONAL:</b>		
Commercial Recreation	X	P
Private, Non-Profit Recreational Grounds and Facilities	P	P
Reception Center	P	P
Recreation Facility - Private, Public, or Commercial	X	P
Theaters and Concert Halls, Indoor	X	C
<b>LODGING:</b>		
No Lodging Uses are permitted in the PF or PI Zones.		
<b>INDUSTRIAL:</b>		
No Industrial Uses are permitted in the PF or PI Zones.		
<b>INSTITUTIONAL USES:</b>		
Church, Synagogue, Mosque, Temple, Cathedral, or Other Religious Buildings	P	P
Cemetery	C	X
Community Garden	P	P
Hospital	P	P
Micromobility Support Infrastructure	P	P
Private or Charter School	C	C
Public Parks	P	P
Public School	P	P
Public Use	P	P
Solar Energy System, Accessory	P	P
Wind Energy System, Accessory	P	P
Wireless Telecommunication Facility	P	P
<b>PLANNED UNIT DEVELOPMENTS:</b>		
No Planned Unit Development Uses are permitted in the PF or PI Zones.		
<b>SPECIALTY:</b>		
Park and Ride	P	X
<b>ACCESSORY USES:</b>		
Sidewalk Displays and Cafes	P	P
Food Truck / Mobile Restaurant / Food Cart	P	P
Mobile Store	P	P
Recreational Areas and Facilities	P	P
Solar Energy Systems	P	P
Swimming Pools and Hot Tubs	P	P
Temporary Uses, subject to Chapter 19.44.	P	P

**19.38.040 – Development Standards.**

Any development in the PF and PI Zones shall comply with the development standards of Table 19.38.040 and all other applicable standards in this Title.

<b>Table 19.38.040: Development Standards.</b>		
<b>Standard</b>	<b>PF</b>	<b>PI</b>
Minimum Lot Size, in square feet (sq. ft.) <sup>A</sup>	10,000	217,800 (5 acres)
Minimum Frontage, in feet (ft.)	NA	
Minimum Lot Width, in feet (ft.)		
Maximum Lot Coverage of Primary and Accessory structures Combined, in square feet (sq.ft.)	40%	
Maximum Height, <i>Primary buildings</i> (in feet) <sup>B</sup>	35'	
Maximum Height, <i>Accessory structures</i> (in feet)	20'	

- A. Multiple parcels that are part of the same public facility “campus” may be combined in calculating the lot area.
- B. Public or Quasi-Public Buildings may be allowed additional height at a ratio of one (1) additional foot for every five (5) feet of additional setback above the minimum from the nearest adjoining residential use. In no case may the building height exceed sixty-five feet (65’).

**19.38.050 – Required Yards and Setbacks.**

Any development in the PF or PI Zones shall comply with the yard and setback standards shown in Table 19.38.050 and all other applicable standards in this Title.

<b>Table 19.38.050: Yard and Setback Standards.</b>		
<b>Standard</b>	<b>PF</b>	<b>PI</b>
Minimum Front Yard Setback, in feet (ft.)	25'	
Minimum Rear Yard Setback, in feet (ft.)	25'	
Minimum Side Yard Setback, in feet (ft.) - <i>Primary buildings</i>	20'	
Minimum Side Yard Setback, in feet (ft.) - <i>Accessory structures of 120 sq ft or less</i>	6'	
Minimum Side Yard Setback, in feet (ft.) - <i>Accessory structures Greater than 120 sq.ft.</i>	10'	

**19.38.060 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances.

## Chapter 19.40 RESIDENTIAL MOBILE HOME PARK ZONE.

### 19.40.010 – Purpose of Provisions.

The purpose of the Residential Mobile Home Zone (“RMH”) is to provide appropriate areas for the development and preservation of mobile home parks and mobile home subdivisions. The use and development standards in this Chapter are intended to provide for housing choice and affordability while ensuring that mobile home parks and subdivisions are harmonious with surrounding development.

### 19.40.020 – Scope.

The provisions of this Chapter apply to any real property located in a RMH Zone as shown on the official zoning map. No building, structure or real property may be used, and no building or structure may be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this Chapter. Such requirements may not be construed to prohibit or limit other applicable provisions of this Title, this code, or other laws.

### 19.40.030 – Schedule of Permitted Uses.

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.40.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to conditional use (“C”) approval and the other portion is subject only to permitted use (“P”) review, the entire development shall be reviewed and approved by the conditional use process.
- C. Abbreviations. The abbreviations used in the schedule mean:
  1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.40.030 is prohibited in this zone.

<b>Table 19.40.030 – Uses Allowed in the RMH Zone.</b>	
<b>Use Categories</b>	<b>RMH</b>
<u>AGRICULTURAL:</u>	
Agriculture	P
<u>RESIDENTIAL USES:</u>	
Mobile Home Park or Mobile Home Subdivision	C
<u>RETAIL AND SERVICES:</u>	
Child Care, Home	P
Home Preschool	P
<u>FOOD AND DRINK:</u>	
No Food and Drink Uses are Allowed in the RMH Zone.	
<u>RECREATIONAL:</u>	
No Recreational Uses are Allowed in the RMH Zone.	
<u>LODGING:</u>	
No Lodging Uses are Allowed in the RMH Zone.	
<u>INDUSTRIAL:</u>	
No Industrial Uses are Allowed in the RMH Zone.	
<u>INSTITUTIONAL USES:</u>	
Community Garden	P
Micromobility Support Infrastructure	P
Public Parks	P
<u>PLANNED UNIT DEVELOPMENTS, SUBJECT TO 19.18:</u>	
Condominium Conversion Planned Unit Developments	P
<u>SPECIALTY:</u>	
Planned Unit Development	C
<u>ACCESSORY USES:</u>	
Home Occupation	P
Recreational Areas and Facilities	P
Solar Energy System, Accessory	P
Temporary Uses, subject to Chapter 19.44.	P
Wind Energy System, Accessory	P

**19.40.040 – Development Standards and Required Yards and Setbacks.**

- A. Lot Area: The minimum lot area for a mobile home park or mobile home subdivision is five (5) acres. There is no minimum area required per lot, provided that the required yards for each mobile home can be created and maintained.
- B. Yards and Setbacks:
  - 1. Front Yard: The minimum front yard setback is seven feet and six inches (7’6”).
  - 2. Side Yard: The minimum side yard for mobile homes shall be seven feet and six inches (7’6”). Awnings, patio covers, etc., may not be closer than three feet (3’) from any side property lines. One accessory storage building, not exceeding one hundred twenty cubic feet (120 ft<sup>3</sup>), is allowed in one (1) side yard and may be three feet (3’) from the property line.

- a. Exception for Corner Lots: On corner lots, there shall be a minimum seven feet and six inches (7'6") of unobstructed yard space on the private street side of the lot. No parking, awnings, patios, storage sheds or fences may occupy that unobstructed yard space.
  3. Rear Yard: The minimum rear yard is ten feet (10').
  4. Exceptions to Yard Requirements: Any yard adjoining a public street shall be a minimum of twenty-five feet (25').
- C. Other Development Standards:
1. Coverage Restrictions: In the RMH zone, the front yard, or any space within three feet (3') of the side and rear property lines, may not be occupied, and shall be open and unobstructed to the sky. Lot coverage may not exceed seventy-five percent (75%) of the lot.
    - a. "Occupied" means covered by a mobile home, garage, carport, cabana, awning, storage building, or structure of any kind.
  2. Building Height: In the RMH zone, no mobile home may contain more than one story, or exceed twelve feet (12') in height. No accessory structure may contain more than one story or exceed twelve feet (12') in height. Other primary buildings (clubhouses, recreation buildings, etc.) may not exceed twenty-five feet (25') in height.

**19.40.050 – Mobile Home Parks and Subdivisions, Standards and Review.**

- A. Review and Approval: A mobile home subdivision shall follow the review and approval process, as outlined in Title 18 of Kearns Municipal Code. Public streets shall meet the standards outlined in the Title 18. Private street standards shall be determined by conditional use review and approval.
- B. Mobile Home Park and Subdivision Maintenance: Maintenance of all areas and improvements owned in common by the lot owners, such as clubhouses, common landscaped areas, recreation facilities, playgrounds, roads, sewer and water utilities, and electrical systems, shall be the responsibility of an owner's association created with articles of association and bylaws approved by the attorney.

**19.40.060 – Additional Standards.**

It is the responsibility of the applicant to comply with all other standards of Title 19 and all other municipal ordinances.

## 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.

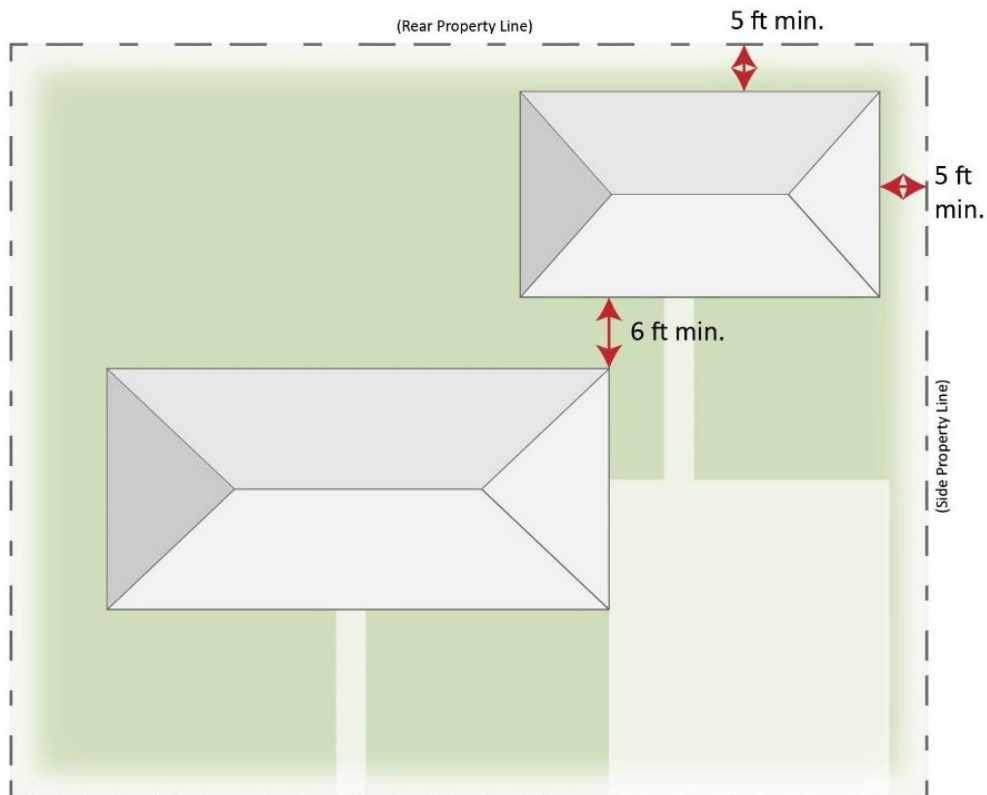
- A. This Chapter contains the specific and additional regulations for permitted and conditional uses identified in the Schedule of Uses for each of the zones contained in this Title. Any use not listed as permitted or conditional in the applicable zone shall be prohibited.
- B. Compliance with specific 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 Unit.

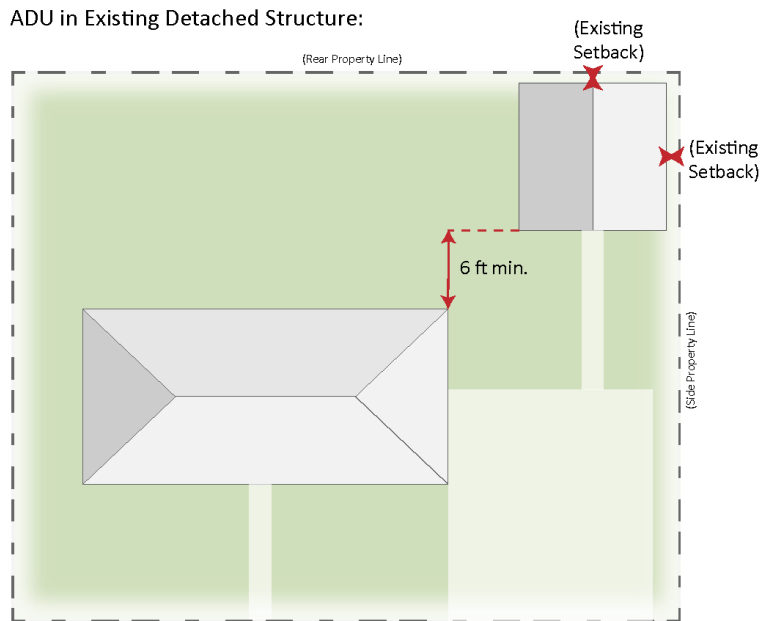
- A. The purposes of the Accessory Dwelling Unit (“ADU”) standards shall be to:
  - 1. Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
  - 2. Provide for affordable housing opportunities;
  - 3. Make housing units available to households with moderate-incomes who might otherwise have difficulty finding housing in Kearns;
  - 4. Provide opportunities for additional income to offset rising housing costs;
  - 5. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle;
  - 6. Preserve the character of single-family neighborhoods by providing standards governing development of ADUs; and
  - 7. Ensure that ADUs are properly regulated by requiring property owners to obtain a business license and a building permit for an ADU prior to renting the ADU.
- B. Allowable Areas and Zones.
  - 1. ADUs incorporated within the single-family residence (iADUs and Attached ADUs) shall be a permitted use on single family home lots in residential zones that require six thousand square foot (6,000 sq.ft.) minimum lot sizes or greater. Detached ADUs are also permitted but may only be built on single family lots with an area of five thousand square feet (5,000 sq. ft.) or greater.

2. In no case may an ADU be permitted in a townhome, a multi-family PUD or other attached residential unit type, or on any lot that cannot satisfy parking, setback, or lot coverage requirements.
- C. Number of Residents. ADU's may not be occupied by more than four (4) persons.
- D. Setbacks.
  1. Internal and Attached Accessory Dwelling Units. Setback standards for internal and attached ADUs shall be consistent with setback standards for a single-family dwelling in the zone.
  2. New Detached Accessory Dwelling Units. Side yard setbacks on detached ADUs shall be a minimum of five feet (5'). Rear yard setbacks shall be a minimum of five feet (5'). Detached ADUs shall also be a minimum of six feet (6') from the main dwelling. If existing public utility easements are greater than the required setback, the minimum setback shall be the public utility easement boundary.
  3. Existing Accessory Structures Built Prior to the Adoption of this Chapter. Side yard and rear yard setbacks on existing detached structures to be converted into an ADU shall comply with the accessory structure setback standards at the time the structure was erected.

**Figure 19.42.030A: Setback Standards for a New Detached ADU.**



**Figure 19.42.030B: Setback Standards for an ADU Built in an Existing Detached Structure.**



- 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 or Attached ADU, and that two (2) on-site parking spaces are available for a detached ADU. A property owner bears the burden of showing by a preponderance of the evidence that sufficient parking is available. In cases where garage conversions are done to create an IADU, Attached ADU, or detached ADU, replacement on-site parking spaces are required for the primary dwelling in a number equal to the parking spaces eliminated by such ADU.
- F. **Height Requirements.** Height restrictions for iADUs or Attached ADUs shall be consistent with the height standards for single-family dwellings in the zone. Detached ADUs shall comply with the following height requirements:
1. Detached ADU – twenty feet (20’) height limit;
  2. Above-garage detached ADUs – twenty-eight feet (28’) height limit; and
  3. No detached ADU use may be taller than the existing home.
- G. **Lot Coverage.** Lot coverage maximums shall be as outlined per each zone. Any additions to an existing building or construction of a detached ADU shall comply with lot coverage standards in each zone and except as otherwise provided in this Title, may not exceed the allowable lot or rear yard coverage standard for the underlying zone.
- H. **Owner Occupancy.** The principal unit or the ADU shall be owner-occupied, except for medical, military service, or religious reasons for a time period not to exceed two (2) years. If an owner’s absence is warranted due to the above reasons, an on-site manager shall be designated. The property owner may not receive rent for the unit that was occupied by the owner. An application for an ADU shall include evidence of owner occupancy.
- I. **ADU’s per Lot.** One (1) ADU, whether internal, attached, or detached is permitted per lot.

J. ADU Design Standards.

1. The design and size of any ADU shall conform to all applicable building, fire, and health codes, including but not limited to applicable water provider requirements.
2. Detached ADUs shall have a permanent concrete slab on which they are built, unless they are constructed above a garage. Detached ADUs are not allowed to be built on a foundation with a basement, on piers, or on any temporary or wheeled structure.
3. Conversions of an existing space to an ADU shall require compliance with safety requirements per the building code including, but not limited to, egress windows with window wells in case of emergency, close off door(s) between the ADU and main unit, and sufficient HVAC and climate control for the ADU.
4. Internal or Attached ADUs shall not require a separate HVAC or firewall.
5. The owner shall provide a separate address marking for emergency services and mailing services.
6. A separate entrance to the ADU from the main dwelling is required. This entrance shall not be allowed on the front or corner lot side yard. The separate entrance shall be located to the side or rear of the principal residence.
7. Detached ADUs shall not be located in a front or corner lot side yard.
8. Detached ADUs must be offset ten feet (10') or more from the front façade of the main dwelling.
9. Any detached ADU shall have adequate facilities for all discharge from roof and other drainage.
10. Single family residences with an ADU shall retain the same appearance as a single family residence. A detached ADU shall be designed with the same roof pitch and general color of the main dwelling.
11. An existing accessory structure may be converted into an ADU provided that it meets the same ADU requirements in this Chapter.

K. Affidavit and Notice of Accessory Dwelling. Applicants for ADUs shall provide an affidavit stating that the owner of the property shall live in either the primary or ADU as their permanent residence. Upon approval of the ADU by the building official, and upon the issuance of a business license pursuant to Title 5, a Notice of 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 ADU. Upon sale of the property, the new owner shall sign and record a new affidavit and secure reauthorization of the ADU by the building and business license officials. A copy of the recorded notice shall be provided to the applicant when completed.

L. Business Licensing.

1. Prior to renting out any ADU, a business license must be obtained. That license must be maintained as long as the ADU is rented.
2. ADUs used for non-rental uses as defined in this Chapter shall follow the same process as all other ADUs except that a business license is not required. Should the owner of an ADU used

for non-rental uses later decide to rent the Owner must obtain a business license before renting the ADU.

M. Retention of Single-Family Status.

1. ADUs are part of a single-family residence and shall not be used as a multi-family residence.
2. ADUs may not be separately metered apart from the single-family residence.
3. ADUs may not be sold or subdivided separately from the single-family residence.

N. Variances. The Land Use Hearing Officer may not grant a variance from Building Code requirements, owner occupancy provisions, square footage requirements, or the number of units allowed per lot.

**19.42.040 - Accessory Outside Storage.**

Storage of goods, wares, merchandise, commodities, and any other items located outside of a completely enclosed building for more than twenty-four (24) hours is prohibited except as accessory outside storage, subject to the applicable zoning district and subject to the following standards.

- A. 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.
- B. 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.
- C. 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.
- D. Outside storage areas shall be paved with asphalt or concrete.
- E. Outside storage areas shall be maintained in a clean, neat, and orderly condition. The required screening shall be kept in good repair.
- F. The presence of hazardous materials, junk, junk cars, or debris not usually appurtenant to permitted on-site uses is prohibited.
- G. "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.**

Animal Hospitals and Clinics, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

- A. 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.

- B. Outdoor animal runs or holding facilities may be approved as an accessory use with a conditional use permit. Such runs or holding facilities may not be established within three hundred feet (300') of a property line of a residential zone, an educational institution, or a place of worship.
- C. The building space shall be adequately soundproofed to assure that no noise will be carried beyond the confines of the building or space that the use would occupy.
- D. 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.
- E. The applicant shall demonstrate that noise, odors, traffic, light pollution, and refuse produced by the use can be reasonably mitigated.

**19.42.060 - Animal Rights.**

Animal rights, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

- A. When a parcel with animal rights contains less than five and one-quarter (5.25) acres, that parcel may hold no more than one animal unit and their seasonal offspring for each ten thousand square feet (10,000 sq.ft.).
- B. When a parcel or group of contiguous parcels with shared ownership contains more than five and one-quarter (5.25) acres, that parcel or group of parcels may hold no more than one (1) animal unit and their seasonal offspring for each five thousand square feet (5,000 sq.ft.).
- C. No animals or fowl may be kept or maintained closer than forty feet (40') to any dwelling on an adjacent parcel of land. No barn, stable, coop, pen or corral shall be kept closer than forty feet (40') to any street.
- D. All yards, barns, shelters, cages, areas, places, and premises where domestic livestock, animals, or fowl are kept shall be maintained in a clean and sanitary condition so that flies, dust, or odors do not disturb the health of any person or animal or create a nuisance to any adjoining property.
- E. All pens, yards, shelters, cages, areas, and premises where animals are held or kept shall be maintained so that no flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage or other noxious materials do not disturb health and safety of any person or animal.

**19.42.070 – Apiary.**

- A. The purpose of the apiary standards is to establish certain requirements for sound beekeeping practices. These standards are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- B. Apiaries, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:
  - 1. No more than the following number of colonies may be kept on any lot or parcel within the municipality, based upon the size of the lot or parcel upon which the apiary is situated:

- a. Less than or equal to nine thousand nine hundred ninety-nine square feet (9,999 sq.ft.) in size: one (1) colony;
  - b. More than nine thousand nine hundred ninety-nine square feet (9,999 sq.ft.) but less than or equal to nineteen thousand nine hundred ninety-nine square feet (19,999 sq.ft.) in size: two (2) colonies;
  - c. More than nineteen thousand nine hundred ninety-nine square feet (19,999 sq.ft.) in size: one (1) colony plus one (1) additional colony for each ten thousand square feet square feet (10,000 sq.ft.) of land area.
2. A site plan shall be submitted for review by Planning and Development Services addressing the following:
- a. Any colony situated within twenty-five feet (25') of a public or private property line shall require the establishment of a flyway barrier at least six feet (6') in height consisting of a solid wall, fence, dense vegetation, or combination thereof as approved by the Director or designee. Said barrier shall be along or parallel to the property line extending ten feet (10') beyond the colony in each direction, forcing a flight pattern elevation of at least six feet (6') above grade.
  - b. A water source shall be provided on the property and no nearer than twenty feet (20') to the hive to avoid bees congregating on nearby properties in a search for water.
  - c. A sign conspicuously posted setting forth the name and phone number or other identifying marks, such as a registration number, of the responsible beekeeper.
3. In addition to the aforementioned conditions, the applicant shall ensure compliance at all times with the following conditions:
- a. All honeybee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.
  - b. All honeybee colonies shall be registered with the Utah Department of Agriculture and Consumer Services in accordance with the Utah Bee Inspection Act.
  - c. Maintenance shall be such that no bee comb or other materials are left upon the grounds of the apiary site. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
  - d. All colonies shall be maintained with marked queens. The colony shall be promptly requeened if it exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or swarming. Regardless of colony behavior, each colony shall be requeened on a yearly basis.
  - e. Each Utah apiary shall meet all requirements and inspection schedules deemed necessary by the Utah Department of Agriculture and Consumer Services.
  - f. Notwithstanding compliance with the various requirements of this subsection, it shall be unlawful for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment

of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

- C. Upon receipt of information that any colony situated within the municipality is not being kept in compliance with the requirements of this section, an investigation and subsequent hearing before the municipality's Land Use Hearing Officer may result and may result in the revocation of the apiary permit.

**19.42.080 – Bars and Clubs.**

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

- A. 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 Planning and Development Services 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.
- B. 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.
- C. 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.

- D. 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.
- E. Not more than one bar or club as noted in the table of permitted and conditional uses shall be located within two hundred feet (200') of another bar or club 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 bed and breakfast inn, where allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:

- A. The structure shall have a residential appearance;
- B. The structure shall be limited to a maximum of two (2) stories in height;
- C. The structure must contain a minimum of five (5) guestrooms, but not more than fifteen (15) guestrooms.
- D. Guests using the accommodations or lodging must pay compensation;
- E. A bed and breakfast inn may not provide cooking facilities in any individual guestroom;
- F. The access to the site and the on-site parking shall be available for use and maintained, including snow removal, throughout the entire year; and
- G. A bed and breakfast inn located in the C-1, C-2, C-3, and NMU zones may include a restaurant and conference rooms.

**19.42.100 – Car and Light Truck Wash.**

Car and light truck washes, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

- A. In addition to the applicable landscaping requirements and water efficiency standards of Chapter 19.50, landscaping for all car washes shall double the number of plantings required in areas between stacking and drive-through areas and the street and residentially zoned property. Landscaping and screening shall be strategically implemented to prevent noise levels in excess of 65dB from being heard on adjacent residential properties as a result of the car wash.
- B. The facility shall be designed and operated, including the bay openings and vacuum areas, to minimize traffic, noise, and aesthetic impacts to surrounding properties and public view.
- C. Vacuum stations and related equipment are prohibited along any side of a building facing a residential use or residential zoning district unless a masonry wall is located along the entire property line adjacent to that residential use or zone.

- D. Recycling of water used for vehicle washing is required to be installed and used in perpetuity. The use of recycling water systems and the disposal of water fluids and solids shall comply with applicable state and federal laws, guidelines and/or standards.
- E. Any water flow resulting from the use of the washing facilities shall be confined to the car wash site and disposed of through an on-site drainage system in accordance with applicable laws.
- F. The internal traffic circulation pattern shall be designed so as to preclude traffic congestion on public streets in the vicinity and to provide safe ingress, egress, and movement of traffic on the site.
- G. The site shall provide space sufficient to allow a minimum of five (5) vehicles to stack while waiting to access the car wash prior to reaching the payment area. All stacking shall be maintained on site and may not back onto any public right-of-way.
- H. Provisions shall be made for regular on-site maintenance and clean-up of the property.

**19.42.110 – Caretaker Living Quarters.**

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:

- A. The caretaker living quarters shall be located within the principal building on the site.
- B. The caretaker living quarters shall be occupied by the owner or an employee of the business or use.
- C. A minimum of one (1) designated parking space shall be provided for the caretaker living quarters, in addition to any parking spaces required for the principal use.
- D. The caretaker living quarters shall comply with the size requirements for internal accessory dwelling units, as identified in Section 19.42.030.
- F. The caretaker unit must meet all applicable requirements of the International Residential Building Code as adopted by the municipality. 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.
- G. 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.**

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:

- A. Establishments shall be located no closer than one mile from other similar establishments;
- B. Use activities shall be limited to short term title loan and short-term consumer installment loan business;

- C. 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; and
- D. All business activity, including customer queuing, shall be accommodated inside the building.

**19.42.130 – Chickens or Ducks / Domestic Fowl.**

- A. The keeping of Domestic Fowl, where allowed as a permitted or conditional use in the applicable zone, is subject to the standards of Title 8, Chapter 12 of Municipal Code.
- B. Domestic Fowl shall be kept for personal use only. The selling of eggs or fertilizer or the breeding of domestic fowl for commercial purposes is prohibited.

**19.42.140 – Child Care.**

Child care, where allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:

- A. 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.
- B. “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.
- C. “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.
- D. When Child Care is provided from a residence (Home Daycare):
  - 1. The applicant must reside in the home in which the business will be conducted.
  - 2. The lot shall contain one (1) 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.
- E. At no time may the applicant provide daycare or preschool services for a group of children exceeding the maximum number specified for such a facility.
- F. The use shall comply with the health department noise regulations.
- G. The play yard may not be located in the front yard and shall only be used between eight (8:00) a.m. and nine (9:00) p.m.
- H. 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 (6) children).

- I. 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 municipality shall review the complaint and if substantiated may institute a license revocation proceeding under Title 5.
- J. Planning and Development Services shall notify in writing all property owners within a three-hundred-foot (300 ft.) radius of the caregiver's property concerning the licensing of a home day care/preschool at such property.
- K. 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:
  - 1. Minimum Lot Size: Twenty thousand square feet (20,000 sq.ft.).
  - 2. Location Requirements: The child daycare use shall be addressed on and oriented to an arterial or collector street.
  - 3. Rear Yard Playground Equipment: All outside playground equipment shall be located only in the rear yard.
  - 4. 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.

**19.42.150 – Commercial Plant Nursery.**

When a commercial plant nursery is allowed as a permitted or conditional use, the growing of nursery plants with associated retail sales are subject to the following requirements:

- A. Licensing Requirements. In addition to a business license, a commercial plant nursery must be licensed under the Utah Nursery Act, administered by the Utah Department of Agriculture and Food.
- B. Site Location Standards. A commercial plant nursery must be located on a site with no less than one (1) acre that has primary access to a street designated as a principal or minor arterial on the UDOT Functional Classification Map.
- C. Operation and development standards.
  - 1. All buildings, structures or improvements shall be located at least twenty feet (20') from any property line.
  - 2. All buildings and structures may not exceed twenty feet (20') in height.
  - 3. All storage of non-plant material shall be in a completely enclosed building or within a masonry wall enclosure at least six feet (6') in height.
  - 4. No outdoor telephone bell or paging system may be used.

**19.42.160 - Critical Infrastructure Materials.**

**A. Vested Critical Infrastructure Materials Operations - Conclusive Presumption.**

1. Critical infrastructure materials operations operating in accordance with a legal nonconforming use, as determined by Chapter 19.06 of this Title, or a permit issued by the municipality are conclusively presumed to be vested critical infrastructure materials operations if the critical infrastructure materials operation existed, was conducted, or was otherwise engaged in before January 1, 2019 and before when the municipality prohibited, restricted, or otherwise limited the critical infrastructure materials operations.
2. A person claiming that a vested critical infrastructure materials operation has been established has the burden of proof to show by the preponderance of the evidence that the vested critical infrastructure materials operation has been established.
3. A vested critical infrastructure materials operation:
  - a. Runs with the land; and
  - b. May be changed to another critical infrastructure materials operation conducted within the scope of a legal nonconforming use, as determined by Chapter 19.06, or the permit for the vested critical infrastructure materials operation without losing its status as a vested critical infrastructure materials operation.

**B. Rights of A Critical Infrastructure Materials Operator with A Vested Critical Infrastructure Materials Operation.**

1. Notwithstanding the municipality's prohibition, restriction, or other limitation on a critical infrastructure materials operation adopted after the establishment of the critical infrastructure materials operation, the rights of a critical infrastructure materials operator with vested critical infrastructure materials operations include the right to:
  - a. Use, operate, construct, reconstruct, restore, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings; and
  - b. Discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the critical infrastructure materials operation.

**C. Notice for Subdivisions in Proximity to Vested Critical Infrastructure Materials Operation.**

1. For any new subdivision development located in whole or in part within one-thousand feet (1,000 ft.) of the boundary of any parcel or lot containing a vested critical infrastructure materials operation, the owner of the development shall provide notice on any plat filed with the County Recorder the following notice:
  - a. "Vested Critical Infrastructure Materials Operations. This property is located in the vicinity of an established Vested Critical Infrastructure Materials Operation in which Critical Infrastructure Materials Operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the Critical Infrastructure Materials Protection Area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal Critical Infrastructure Materials Operations."

D. Abandonment of A Vested Critical Infrastructure Materials Operations.

1. A critical infrastructure materials operator may abandon some or all of a vested critical infrastructure materials operation use only as provided in this Section.
2. To abandon some or all of a vested critical infrastructure materials operation, a critical infrastructure materials operator shall record a written declaration of abandonment with the Salt Lake County Recorder.
3. The written declaration of abandonment shall specify the vested critical infrastructure materials operations or the portion of the vested critical infrastructure materials operations being abandoned.

E. Non-Vested Critical Infrastructure Materials Operations.

1. Conducting a critical infrastructure materials operation without a permit or determination of a non-conforming use shall be determined a violation of this Ordinance. Such operation may not be considered a 'vested' critical infrastructure materials operation and shall be subject to remedies and penalties established in the Municipal Code.

**19.42.170 – Drive Thru Windows.**

A. Purpose: The regulations of this section are intended to allow for drive-thru 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:

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 square feet (1,000 sq.ft.), 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-thru 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.

**19.42.180 – Home Occupations.**

Home occupations are subject to the following standards:

A. 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. Towing or 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; and
  10. Welding, iron works, foundries, manufacturing, or assembly uses.
- B. Exemptions. The following activities are exempted from or not subject to regulation under this Chapter:
1. Uses other than a home occupation 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 (3) consecutive days;
    - b. No more than two (2) sales are held per year at the same location; and
    - c. No consignment goods are offered for sale;
- C. Standards. The following standards apply to home occupations:
1. The primary use of the dwelling shall be residential.
  2. The person operating the business shall reside in the dwelling at least nine (9) months per year.
  3. For lots that front on a right of way less than eighty feet (80') wide, only the business operator and his/her immediate family members who reside in the home may 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 eighty feet (80') or greater, one (1) non-resident employee is allowed to be employed to do work in the home.
  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 (6) 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 twenty five percent (25%) or more than five-hundred square feet (500 sq.ft.) , 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 structure is prohibited. Explosive or combustible materials may not be stored or used in association with a home occupation.
9. The home occupation 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 occupation 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 19.42.180(C)(3) above, shall be provided in the driveway or garage.
12. Any nameplate sign may not exceed three square feet (3 sq.ft.), 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 occupation 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. Tow trucks, 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:
    - i. The maximum body length of an enclosed trailer is twenty feet (20'). The maximum body length of an open trailer is sixteen feet (16').
    - ii. 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.
    - iii. Trailers may have one sign covering the lesser of twenty-four square feet (24 sq.ft.) or thirty percent (30%) 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 (4") in height in a color that contrasts with the color of the building.
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.

D. Regulations and Enforcement.

1. All home occupations shall obtain a Kearns business license.
2. An application for a home occupation, 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 occupation business license shall be renewed each year that the home occupation is in operation.
5. All home occupations shall be reviewed for compliance with the provisions of this Chapter. Noncompliance may result in revocation of the home occupation 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 Chapter 19.08. 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 occupation standards or any other municipal ordinance.

**19.42.190 – Hotel.**

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:

- A. The minimum number of floors within the building is three (3). Any basement space may not count toward meeting the minimum floor requirement.
- B. Where stucco or fiber cement siding are used as exterior materials, at least twenty-five percent (25%) of the exterior shall be brick, stone or another comparable material approved by the Director or designee.

- C. At least five (5) of the following amenities shall be included:
  - 1. Swimming pool;
  - 2. Hot tub;
  - 3. Fitness Room;
  - 4. Business Center;
  - 5. Meetings Rooms;
  - 6. Common Breakfast Space;
  - 7. Restaurant and/or Bar; and/or
  - 8. Substantial Gardens or a Reading Room
- D. The minimum area per guest room shall be two-hundred and eighty square feet (280 sq.ft.).
- E. Each guest room shall include a restroom.
- F. Hotels, motels, or other lodging facilities are encouraged to co-locate with complementary uses such as dining, shopping and entertainment within close proximity.
- G. 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.
- H. All guest rooms shall be accessed from interior corridors.

**19.42.200 – Household Pets.**

Household pets are prohibited in watershed areas, primary water supply recharge areas, or drinking water source protection areas, as determined by the Salt Lake Valley Health Department or Department of Environmental Quality.

**19.42.210 – Kennel, Commercial.**

The following standards apply to all commercial kennels and catteries:

- A. The site shall be adequate in size and shape to accommodate the type of boarding cats or dogs/kennels proposed and all yards, walls, parking, landscaping, and other required improvements.
- B. The use may not substantially lessen the usability or suitability of adjacent or nearby properties for planned or zoned uses.
- C. Noise produced by the proposed use shall be in compliance with Chapter 9.36 of this code. When the animals are proposed for indoor accommodations, soundproofing shall be provided sufficient to prevent noise and vibrations from penetrating into surrounding properties or buildings.
- D. All commercial kennels and catteries shall be designed and maintained in compliance with Title 8.

- E. The property shall be maintained in such a way so as not to create conditions that attract flies or create other nuisances in accordance with Title 9.
- F. The number of dogs or cats permitted for boarding or kenneling shall be as determined through the discretionary permit process, based upon site size, design and compatibility with surrounding uses.
- G. The area where the dogs or cats are penned shall be screened with a block wall and a secure gate.
- F. An isolated area shall be provided for animals that are sick or diseased.

**19.42.220 - Outdoor Dining Appurtenant to A Permitted Restaurant Use.**

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:

- A. A useable pedestrian sidewalk 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.
- B. Restaurants serving liquor must be able to contain distribution to the site.
- C. 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.
- D. Crosswalks may not be obstructed.
- E. 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.
- F. Minimum Conditions of approval:
  - 1. There may be no addition to the number or arrangement of tables on public property without prior approval.
  - 2. Tables and chairs may not be located, other than approved in the initial application, so as to further encroach onto the designated public way.
  - 3. The management of the restaurant is responsible for the removal of litter, debris, snow, and sidewalk cleaning.
  - 4. There may be no additional signage, other than normal menus and logos on umbrella canopies.
  - 5. Restore any damage to public facilities and clean public facilities each day from food and drink spills and debris.
  - 6. 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.

**19.42.230 – Pawn Shop.**

- A. The 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.
- B. Pawn shop establishments, when listed as a permitted or conditional use in the applicable zone, are subject to the following requirements:
  - 1. Site location standards.
    - a. The business may not be located within six-hundred feet (600') 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 one hundred feet (100') 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.
    - 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.
  - 2. 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 Kearns Municipal Code.

**19.42.240 – Reiki.**

Reiki, where allowed as a permitted or conditional use in the applicable zone, is also subject to the following standards:

- A. Hours of operation shall be between 7:00 a.m. and 10:00 p.m.
- B. Each practitioner that is not an employee listed on the business licensee shall have a municipal business license.
- C. 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.
- D. The premises may not be used for any conduct that violates Utah Code §58-47h-501 of the Utah Massage Therapy Practice Act (2013) or sexual conduct that violates Title 76 of the Utah Criminal Code.

E. 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 Code, then the reiki practitioner must be licensed as a Massage Therapist.

**19.42.250 – Residential Facilities for Persons with a Disability.**

Residential facilities for persons with a disability are subject to the following standards:

- A. Licensing. The licensing requirements for “residential treatment programs” and “residential support programs” are defined and administered pursuant to state law and the Utah Administrative Code.
- B. Exceptions to Permitting Requirements. Four (4) or less unrelated individuals who share housekeeping responsibilities in a single dwelling do not require a land use permit but function as a “family,” as defined in Section 19.04.020 of this Title.
- C. Reasonable Accommodation. The Director or designee shall consider requests for a permitted use/reasonable accommodation for a “residential facility for persons with a disability”. Residential facilities may be permitted in any zone where single-family residential uses are permitted, provided that:
  - 1. The residential facility meets or will meet all program, physical facility, and licensure requirements of the State Department of Human Services or Health Department;
  - 2. The residential facility meets all applicable municipal standards, licensing and zoning requirements;
  - 3. The residential facility may not house persons who are involuntarily residing therein or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility;
  - 4. The applicant provides sufficient evidence that the requested accommodation is necessary to allow disabled individuals reasonable, non-discriminatory, federally mandated housing opportunities in the relevant zone. Evidence may include information relating to the history, management, financial feasibility, and therapeutic benefits of the residential facility, and applicable law; and
  - 5. The Director or designee may not deny the application based upon reasonably anticipated detrimental effects to the community so long as reasonable conditions are proposed to mitigate such anticipated detrimental effects.
- D. Termination. A residential facility use permitted by this Title is nontransferable and shall be subject to revocation by the appropriate land use authority if:
  - 1. The facility is devoted to a use other than a residential facility for persons with a disability;
  - 2. The residential facility exceeds the maximum number of residents specified and approved in the original application, changes the disability classification under Utah Code, or remodels or expands without first receiving the applicable permits; or
  - 3. The residential facility is not licensed by the State Department of Health or Department of Human Services.

- E. Day Treatment. To avoid excessive traffic, overburdened on street parking, and related impacts altering the residential character of a neighborhood, no day treatment for non-residents shall be permitted in residential facilities for persons with a disability in the R-1 or R-2 Zones.

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

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:

- A. The applicant shall demonstrate that noise, odors, traffic, light pollution, and refuse produced by the use shall be reasonably mitigated.
- B. Storage of products may not block front windows nor spill outdoors onto the property.

**19.42.270– 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.

2. “Retail tobacco specialty business” means a commercial establishment in which:

- a. The sale of tobacco products accounts for more than thirty-five percent (35%) of the total annual gross receipts for the establishment;
- b. Food and beverage products, excluding gasoline sales, is less than forty-five percent (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 §76-10-101;

- b. A tobacco product as defined in Utah Code §59-14-102, including:
    - i. Chewing tobacco; or
    - ii. Any substitute for a tobacco product, including flavoring or additives to tobacco; and
  - c. Tobacco paraphernalia as defined in Utah Code §76-10-104.1.
- B. A retail tobacco specialty business may not be located within:
- 1. One-thousand feet (1,000') of a community location;
  - 2. Six-hundred feet (600') of another retail tobacco specialty business; or
  - 3. Six-hundred feet (600') of a residential or agricultural zone or use.
- C. For the purposes of Subsection 19.42.270(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 19.42.270.B 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 sixty (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.

**19.42.280 – 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.

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- 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.
  - 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 may be permitted per one hundred linear feet (100') 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 forty feet (40')) 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 (twenty-four feet (24') minimum) or two-way driveways for general site circulation (twenty-four feet (24') 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 thirteen and one-half feet (13.5') 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 primary 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.

**19.42.290 – Self-Service Storage Facilities, Outdoor.**

Outdoor self service storage facilities, where allowed as a permitted or conditional use in the applicable zone, are also subject to the following standards:

- A. 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 to not be located behind another building or buildings if a forty-foot (40') landscape buffer is provided between the facility and the street.
- B. Each self-storage unit facility shall include a masonry wall along the entirety of each street frontage.
- C. No garage door or door accessing a unit may face a public street.
- D. Storage units may not exceed one (1) story or twenty-four feet (24') in height.
- E. In no case may any storage unit be used for human habitation or the housing of animals.
- F. No business activity of any kind may be transacted from within a storage unit.
- G. No outdoor storage or storage containers are permitted within the self-storage facility.
- H. 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.
- I. A self-storage facility under sixty-thousand square feet (60,000 sq.ft.) may have one caretaker's dwelling. A self-storage facility with at least sixty-thousand square feet (60,000 sq.ft.) and less than ninety-thousand square feet (90,000 sq.ft) may have two caretaker's dwellings. A self-storage facility with ninety-thousand square feet (90,000 sq.ft.) or more may have three (3) caretaker's dwellings.

**19.42.300 – 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.
1. Other than outcall services and nude and seminude dancing agencies, sexually oriented businesses may be permitted only in areas zoned C-3 and M-1, subject to the following additional restrictions:
    - a. Sexually oriented businesses shall be subject to conditional use requirements.
    - b. No sexually oriented business may be located:
      - i. Within one thousand feet (1,000') from any school, public park, religious institution, or other sexually oriented business;
      - ii. Within three-hundred feet (300') from an agricultural or residential boundary;
      - iii. 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.
  2. 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.
- C. 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 may be allowed.
  2. No sign may be allowed to exceed eighteen square feet (18 sq.ft.).
  3. Only flat / wall signs may be permitted.
  4. Painted wall advertising is prohibited.
  5. 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.
- D. 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.

**19.42.310 – Short Term Rentals.**

- A. Short Term Rentals are prohibited in all parts of Kearns Metro Township.

**19.42.320 - Sidewalk Displays and Sidewalk Cafés Appurtenant to A Permitted Use.**

- A. Sidewalk Displays and Sidewalk Cafes. The following standards apply to sidewalk displays and sidewalk cafes:
1. The applicant shall demonstrate that the sidewalk display or café provides adequate space for the safe and comfortable circulation of pedestrians and other users of the right-of-way.
  2. Sidewalk displays and cafés may only be in operation from eight (8:00) am to ten (10:00) pm daily.
  3. Sidewalk display and café materials shall be temporary in nature, and the property owner shall move materials inside at the end of each business day.

**19.42.330 – Storage and Salvage Yards.**

Storage yards and salvage yards, when listed as a permitted or conditional use in the applicable zone, are subject to the following requirements:

- A. No portion of the storage area shall be located within three hundred feet (300') of any residential zone or use lot line.
- B. Any outdoor storage area shall be completely enclosed by a fence or wall no less than six feet (6') in height, constructed of a sturdy, durable material and sufficiently opaque to ensure that the stored material is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight feet (48') in width providing access to the storage area for vehicles but may not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and may contain only approved signs.
- C. Each salvage or storage yard must include a masonry wall along the entirety of each street frontage. This wall shall be constructed at the front setback line required for buildings in the underlying zone. The storage or salvage area may not be closer to the street than the front facade of the building. The Director may accept a landscaped berm in lieu of the masonry wall if the height, width, and berm landscaping fully screen the storage or salvage areas. A berm allowed in lieu of a masonry wall shall include live plant material that covers no less than fifty percent (50%) of the berm with grasses, bushes, ground cover or tree canopies. Trees and bushes must be at least twenty five percent (25%) evergreen.
- D. Stored materials may not be stacked higher than six feet (6') and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case may salvage or junk be stored at a height exceeding the height of the storage area fence or wall. Operational vehicles and motorized equipment are not subject to the height requirement for storage. No inoperable vehicle or equipment may be stored within the outdoor storage areas. Permitted salvage yards are the only allowable storage areas for inoperable vehicles or equipment.

- E. Outdoor storage shall be kept and maintained in a neat and orderly manner. Outdoor storage may not include dirt, manure, gravel, rocks, sand, bark, or similar materials, unless the items are stored in bags, on pallets, or on other individually sealed containers.
- F. A management office shall be provided on site. A caretaker unit may be permitted for security personnel or on-site operator.
- G. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety. Product, salvage, or other storage shall be stored in rows with a continuously looping drive aisles with a minimum width of twenty feet (20').
- H. Requests for a permit for a salvage yard shall also require submission of a detailed proposal identifying the predominant type of salvage to be received, the methods of separation and/or recycling, and ultimate destination of all salvaged, recycled, and waste materials. The applicant shall submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
- I. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company and be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles may be applied as a dust control method, or otherwise allowed to be discharged upon the ground.
- J. Vehicle parts may not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
- K. In order to protect surrounding areas, business operations, including loading and unloading operations shall be limited to daylight hours.

**19.42.330 – 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 three-hundred feet (300') 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 twenty-foot (20') landscaped setback shall be provided along all street frontages.
  - 4. All wheels of vehicles within the impound yard shall have ground contact. No stacking of vehicles is 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 may be conducted on the premises.

**19.42.340 – 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.
- B. All minor, major, and commercial and industrial vehicle and equipment repair uses are subject to the following minimum requirements:
  1. A minimum site area of twenty thousand square feet (20,000 sq.ft.) is required.
  2. On- and off-site improvements shall be in conformance with the development standards of this Title.
  3. No part of the use may be located within one-hundred feet (100') of a residential zone.
  4. All vehicle and equipment repair activities shall be conducted within an enclosed building.
  5. The site shall be developed with permanent, related buildings. No trailers or temporary modular units are permitted.
  6. Except as provided in herein below, inoperable vehicles, tires, parts, and service equipment may not be stored outside.
  7. Inoperable vehicles and equipment awaiting service may be temporarily parked on site in accordance with the following standards:
    - a. Inoperable vehicles and equipment may not be located within any minimum required parking stalls and drive aisles and may not block any traffic flow;
    - b. Inoperable vehicles and equipment shall be screened from any adjacent streets by a building or solid masonry wall not less than six feet (6') in height;
    - c. Inoperable vehicles and equipment must be located on asphalt or concrete; and
    - d. Inoperable vehicles may not be stored on the property longer than thirty (30) days.
  8. 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.

**19.42.350 – 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 the 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.
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 may not be part of the public record.

- D. Allowable Uses. The wireless communications facilities specified in Table 19.42.350 are allowed, provided that they comply with all requirements of this Ordinance.

<b>TABLE 19.42.350: SPECIFIC USE STANDARDS ALLOWABLE WIRELESS COMMUNICATIONS FACILITIES</b>				
<b>P- Permitted Use</b>		<b>C- Conditional Use</b>		<b>N- Not allowed</b>
<b>Zones</b>	<b>Wall Mount</b>	<b>Roof Mount</b>	<b>Monopole</b>	<b>Lattice Tower</b>
All FM, FR and F Zones	P <sup>1</sup> , C <sup>2</sup>	P <sup>1</sup> , C <sup>2</sup>	C	N
All R-1 Zones	P <sup>3</sup> , C <sup>5</sup>	P <sup>3</sup> , C <sup>5</sup>	C <sup>3</sup> , C <sup>5</sup>	N
All R-2 Zones	P <sup>3</sup> , C <sup>5</sup>	P <sup>3</sup> , C <sup>5</sup>	C <sup>3</sup> , C <sup>5</sup>	N
R-4-8.5 Zones	P <sup>3</sup> , C <sup>5</sup>	P <sup>3</sup> , C <sup>5</sup>	C <sup>3</sup> , C <sup>5</sup>	N
R-M Zones	P	P	C	N
RMH Zones	N	N	N	N
All A Zones	P <sup>1</sup> , C <sup>2</sup>	P <sup>1</sup> , C <sup>2</sup>	C	N
All MU Zones	P <sup>1</sup> , C <sup>2</sup>	P <sup>1</sup> , C <sup>2</sup>	C	N
All C Zones	P	P	C	N
All M Zones	P	P	P <sup>4</sup> , C	N

**TABLE 19.42.330: FOOTNOTES**

- <sup>1</sup> Permitted use only on nonresidential buildings.  
<sup>2</sup> Conditional use on residential buildings.  
<sup>3</sup> Allowed only in conjunction with public or quasi-public uses (see definitions in Chapter 19.04).  
<sup>4</sup> Permitted use if not within three hundred feet (300') of a residential zone boundary.  
<sup>5</sup> 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 (4) general types of antenna structures. The standards for the installation of each type of antenna structure are as follows:

1. Wall Mounted Antenna: see Figure 19.42.350 B.
  - 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 19.42.350).
2. Roof Mounted Antenna: see Figures 19.42.350 C and 19.42.350 D.
- 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 (8') 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:
    - i. Setback. The antennas shall be mounted at least five feet from the exterior wall or parapet wall of the building or structure.
    - ii. Height: see Figure 19.42.350 C.
      - A. For antennas mounted between five and fourteen feet (5-14') 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.
      - B. For antennas setback more than fourteen feet (14'), the maximum height shall be fourteen feet (14').
      - C. Antennas extending more than nineteen feet (19') above the roofline require conditional use approval.
      - D. Height shall be measured from the top of the antenna to the roofline of the building or structure, or to the top of the parapet wall if a parapet wall exists.
    - iii. 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 19.42.350 D).
  - d. Roof mounted antennas shall be constructed and colored to match the surroundings in which they are located.
  - 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 19.42.350).

3. Monopole.

- a. The height limit for monopoles is sixty feet (60'), except that the Planning Commission may allow a monopole up to eighty feet (80') in the C-2, C-3, M-1, and M-2 zones if it finds:
  - i. The monopole will blend in with surrounding structures, poles, or trees and is compatible with surrounding uses;
  - ii. The monopole will be available for co-location with other companies; and
  - iii. The monopole will be setback at least three-hundred feet (300') from any residential zone boundary.
- b. The height shall be measured from the top of the structure including antennas, to the original grade directly adjacent to the monopole.
- c. 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.
- d. No monopoles may be allowed in the front yard setback of any lot.
- e. Monopoles shall be setback from any residential structure a distance equal to the monopole's height.
- f. 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 19.42.350).

4. Lattice Tower.

- a. Lattice towers are not permitted.

F. Color.

1. The color of monopoles, antennas, and any associated buildings or equipment shall blend with the surroundings in which they are located.

G. Additional Requirements. The following shall be considered by the Planning Commission for conditional uses:

1. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures;
2. 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;
3. Location of the antenna in relation to existing vegetation, topography (including ridge lines), and buildings to obtain the best visual screening;

4. Spacing between monopoles that creates detrimental impacts to adjoining properties; and
  5. Installation of improvements, including, but not limited to public landscaping and fencing as per Section 19.16.060.
- H. Accessory structures. Accessory structures 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 structure and antenna structure shall be underground.
- I. Non-maintained or Abandoned Facilities.
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 ninety (90) calendar days.
  2. If the owner or agent fails to repair the facility or put the facility into use within ninety (90) days of notice, the municipality may require the facility to be removed from the building or premises.
- J. Building Permit Required. 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. The illustrations, Figures 19.42.340 B, 19.42.340 C, and 19.42.340 D, are intended to demonstrate graphically the intent of this Chapter.
- L. Exceptions for Amateur (Ham) Radio Antennas. This Subsection shall apply to amateur radio antennas and support structures. The equipment and facilities mentioned herein shall be allowed in all zones within the municipality, and it is the municipality's intent to provide reasonable accommodation for such communications. Regulations relating to Amateur Radio Antennas are separate from those relating to commercial wireless communication facilities. The following standards and any other municipal ordinances, regulations of the Federal Communications Commission, or regulations of the Federal Aviation Administration apply:
1. Amateur radio antennas are regulated by the Federal Communications Commission.
  2. A building permit is required for all amateur radio facilities. A copy of the user's amateur radio license shall be submitted with the building permit application. For antennas and support structures that do not exceed the maximum height requirement of the applicable zone, no additional review is required.
  3. Planning Commission review is required for antennas and support structures that exceed the maximum height requirement of the applicable zone. The Planning Commission, in considering the application, shall apply the minimal practicable regulation necessary to achieve its goal of protecting the welfare of the community while ensuring the regulation will not impinge on the needs of the amateur operator to engage in amateur communications. The Planning Commission shall not deny an application for an amateur radio antenna and support structure unless it can be shown that a hazard or a nuisance is created that cannot be mitigated with reasonable conditions.
  4. All antennas and support structures shall comply with the required setbacks of the applicable zone in which the property is located.

5. No more than one amateur radio antenna and support structure per lot may be installed, and the antenna and support structure shall be located in the rear or side yard of a home or main structure.

Figure 19.42.350 B: Wall-Mounted Antennas.

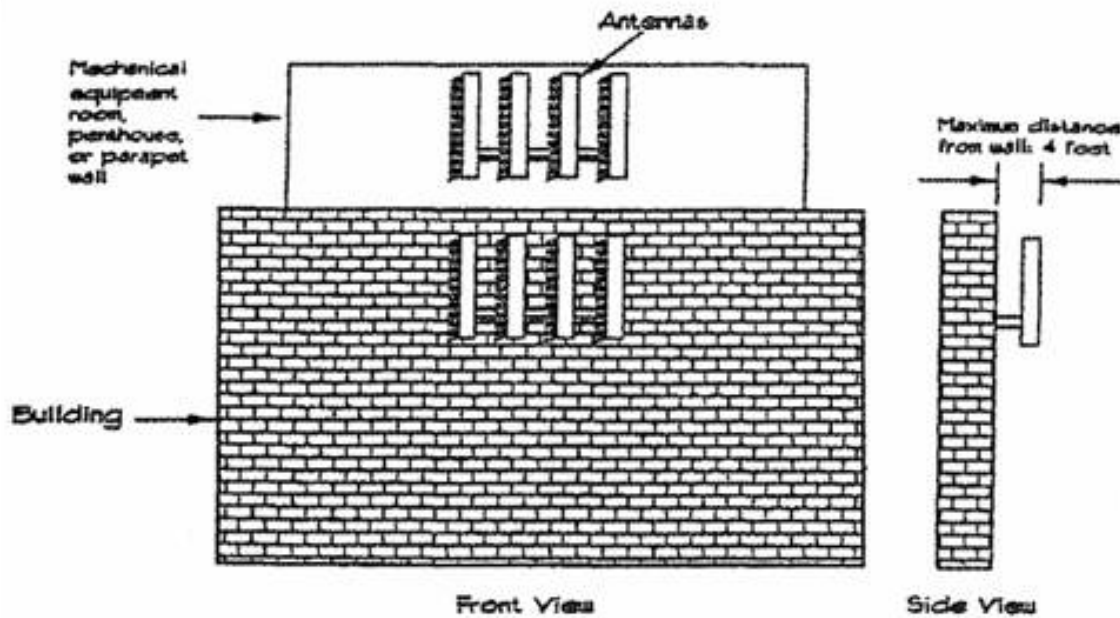
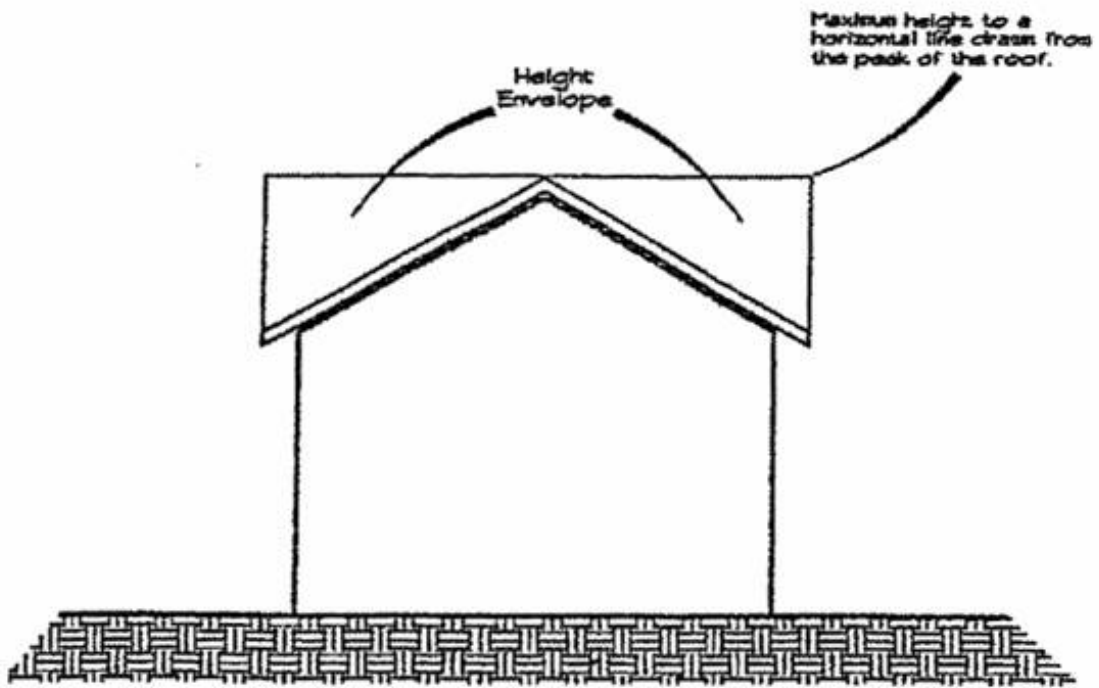




Figure 19.42.350 D: Roof-Mounted Antennas, Pitched Roof.



## 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.

A. 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.

<b>Table 19.44.030 – Allowed Temporary Uses.</b>											
<b>Temporary Uses</b>	<b>A-1</b>	<b>A-2</b>	<b>PR</b>	<b>OS</b>	<b>RM</b>	<b>C-1</b>	<b>C-2</b>	<b>M-1</b>	<b>M-2</b>	<b>NMU</b>	<b>TC</b>
Fireworks Stand	X	X	X	X	X	P	P	P	P	P	P
Minor Seasonal Sale or Seasonal Use	P	P	P	P	P	P	P	P	P	P	P
Major Seasonal Sale or Seasonal Use	P	P	P	P	X	X	X	P	P	X	X
Outside Sales Event	P	P	P	P	P	P	P	P	P	P	P
Temporary Use, Inside	P	P	P	P	P	P	P	P	P	P	P
Temporary Sale of Farm Products	P	P	P	P	P	P	P	P	P	P	P
Temporary Use, Weekly	P	P	P	P	P	P	P	P	P	P	P

B. Fireworks Stand. Fireworks stands shall meet the following conditions:

1. Fireworks may not be sold outside of the time durations pursuant to the Fire Prevention and Fireworks Act, Utah Code §53-7-2;
2. The total area for the display and sale of products shall be eight hundred square feet (800 sq.ft.) or less;
3. Temporary buildings or anything six feet (6') in height or greater shall be set back 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 firework stand may be constructed up to five (5) days prior to the allowed date to sell fireworks pursuant to state code but may not remain constructed for a period greater than sixty (60) consecutive days.

C. Major Seasonal Sales and Major Seasonal Uses. Major seasonal sales and major seasonal uses shall meet the following conditions:

1. A parking plan must be provided for the application that complies with parking standards outlined in Chapter 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. 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.
- D. Minor Seasonal Sales and Minor Seasonal Uses. Minor seasonal sales and minor seasonal uses 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 (800 sq.ft.) or less;
  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.
- E. Outside Sale Events. 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.
- F. Temporary Use, Inside. Indoor temporary uses 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.
- G. Temporary Sale of Farm Products. The temporary sale of farm products shall meet the following conditions:
1. The area for sale and display of products may not exceed eight-hundred square feet (800 sq.ft.);

2. 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
3. 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.

H. Weekly Temporary Uses. 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 Chapter 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.

I. 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 (1) 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.

- J. 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.
- K. 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.
- L. 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. The Director or designee may determine the compatibility of uses. To determine the compatibility of uses, the Director or designee may call a public hearing.
  - 2. Any request for a temporary use permit shall be submitted in writing.
  - 3. A temporary use permit, the Director or designee may:
    - a. Stipulate the length of time the permit may remain valid;
    - b. Stipulate the hours of operation of the use; and
    - c. 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:
  - 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. The property owner's authorization and agreement between the owner and temporary use.
- C. The granting of said permit requires the following findings:
  - 1. The applicant's proposed use and application comply 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 – Standards and Requirements.**

- A. Any temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:
- B. Time Limits. All temporary uses shall be given an expiration date for each allowed use defined in Chapter 19.04 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.
- C. 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:
  1. No preparation of any food on the premises;
  2. No indoor seating of patrons;
  3. 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
  4. 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.
- D. All parking shall meet the standards for off-street parking as specified in Chapter 19.48 Off-Street Parking and Mobility.
- E. 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.
- F. 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.
- G. 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
- H. 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:
  1. One hundred dollars (\$100.00) for temporary uses without a structure, or a structure less than forty square feet (40 sq.ft.) in size;
  2. One thousand dollars (\$1,000.00) for all structures larger than forty square feet (40 sq.ft.) in size;

3. Two thousand dollars (\$2,000.00) for all structures larger than two hundred square feet (200 sq.ft.) in size.
- I. 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 square feet (24 sq.ft.) and up to twenty-four square feet (24 sq.ft.) 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.
- J. 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 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 may 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 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 Required.**

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.

## **Chapter 19.46 SITE DEVELOPMENT STANDARDS.**

### **19.46.010 - Purpose of Provisions.**

- A. It is the purpose of the site development standards to promote the health, safety, and welfare of the community. In support of these purposes, this Chapter contains regulations designed to:
1. Protect existing neighborhoods, preventing their decline, and promoting their livability;
  2. Conserve land and water resources;
  3. Recognize geologic features, soil, and topography;
  4. Improve air quality;
  5. Minimize congestion in the streets and reduce reliance on automobiles by providing walking, bicycling, and transit use;
  6. Secure safety from fire and other dangers;
  7. Provide adequate space for utilities, open space, water supplies, sewer service, and transportation;
  8. Promote compatibility between the natural and man-made environments;
  9. Promote the desired high-quality site planning, building, lighting, signage, and streetscape design;
  10. Provide notice to the municipality and affected property owners of new or upgraded utility or facility systems to allow an opportunity to determine if sufficient reason exists to require the systems to be installed underground and to determine if funds are available to pay for underground installation; and
  11. Minimizing the potential adverse effects of highway traffic noise and by complying with state and federal requirements for highway traffic noise abatement projects.

### **19.46.020 - Applicability.**

The provisions of this Chapter apply to all new development within the municipality that occurs after the adoption of this Ordinance. No building may be erected or structurally altered, nor may any land development activity take place, unless it conforms to the provisions of this Chapter and all other applicable ordinances.

### **19.46.030 - Relationship to Adopted Plans.**

The municipality's adopted General Plan indicates desired development at various levels of intensity of use and type of use. This Chapter incorporates and codifies elements in the General Plan; therefore the Plan should be used as a guide for the application of this Chapter to land within the areas covered, as well as for the provision of the public services.

**19.46.040 - All Uses, Buildings, and Structure to Comply with Zoning Requirements.**

Every building or structure erected, reconstructed, altered, enlarged or moved, and every building, structure, or land, rearranged, designed or intended for any use shall be built or used only as allowed by the requirements of this Chapter, including the requirements of the zone in which the building, structure, or use is located, and all other land use ordinances.

**19.46.050 - Minimum Requirements and Underlying or Overlay Zones.**

The provisions of this Chapter are the minimum requirements. Where the provisions of this Chapter conflict with or differ from other Chapters or ordinances, the most restrictive provision prevails.

**19.46.060 - Application Required.**

Any construction, alteration, enlargement, repair, or removal of any building, structure, or part thereof, shall be initiated by the submission of a land use application, as required by all land use ordinances and/or building permit application, as required by the adopted Building Code, as applicable.

**19.46.070 – Occupancy Permit.**

- A. Buildings in any zone may hereafter be used only for the purpose listed in this Title as allowed in that zone, and in accordance with the regulations established in this Title in that zone.
- B. The permit of occupancy shall be issued by the Chief Building Inspector and the Director to the effect that the use and/or building or premises conforms to the provisions of this Title and related Chapters prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used, except for permitted agricultural uses.
- C. Such a permit shall also be required whenever the character or use of any building or land is proposed to be changed from one use to another use.
- D. Upon written request from the owner, such a permit shall also be required covering any lawful use of a building or premises existing on the effective date of the amendment codified herein, including nonconforming buildings and uses.

**19.46.080 - Sale of Lots Below Minimum Width and Area.**

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be subdivided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the Land Use Hearing Officer. Any such division is subject to the provisions of Title 18.

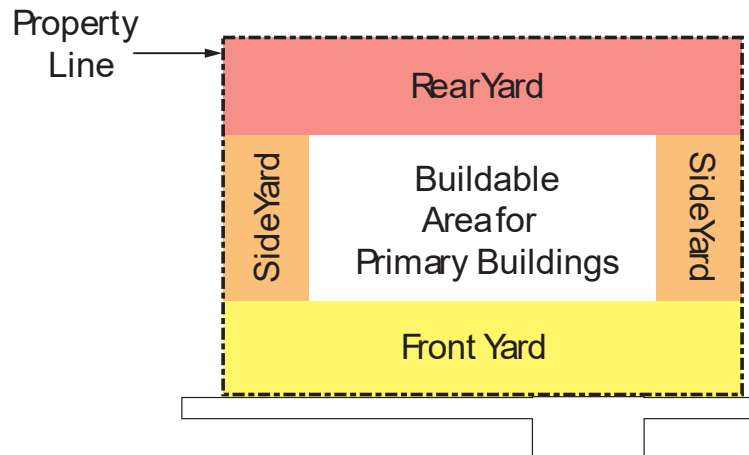
**19.46.090 - Sale of Space Needed to Meet Requirements.**

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Title for a lot or building may be sold from such lot or building.

**19.46.100 - General Site Standards.**

- A. Lot Frontage Required. Every lot shall have frontage upon a dedicated public road or street, an approved road or street, or approved recorded right-of-way providing direct access to a dedicated or publicly approved road or street. The required lot frontage may not be less than half of the minimum lot width requirement as measured at the minimum front, as required by the zone in which the lot is located, except for lots that were approved as a flag lot prior to the adoption of this Ordinance.
- B. Yards and Setbacks Measurement.
  - 1. Yards and setbacks shall be measured according to the lengths required in the underlying zone.
  - 2. Yards and setbacks shall be measured from the property's boundary line, as determined by the legal description or subdivision plat on record at the Salt Lake County Recorder's Office, to the exterior foundation of the proposed or existing building.
- C. Required Yards for One Building Only.
  - 1. No required yard or setback area for a lot or building shall be considered as providing the required yard or setback for any other lot or building.
  - 2. No area required to meet the lot width, area, setback, or other requirements of this Chapter for any lot or building may be divided, sold, or leased separate from such lot or building.
- D. Required Yards to be Unobstructed.
  - 1. All required setback areas shall be open to the sky and unobstructed except for permitted and approved accessory structures and structures and for projections allowed under Section 19.46.110(F). Projections or exceptions are allowed under the definition of yard provided in Chapter 19.04.
  - 2. Walls and fences, complying with the requirements of this Chapter and required approval by a land use authority, as provided herein may encroach into required yards.
- E. Buildable Area. Every lot or parcel created after the effective date of this Chapter shall have a buildable area sufficient to establish a building or structure thereon, which meets the minimum standards of the zone in which the lot or parcel is located. Buildable areas shall be required to be identified for each lot on all subdivision plats and plans for the purposes of ensuring that an adequate buildable area is provided, and to inform future owners of the allowable buildable area. Any area located within an easement may not be included within any buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the Municipal Attorney.

**Figure 19.46.070: Buildable Area.**



F. Buildings to be on Lots. All buildings and structures, as defined herein, shall be located and maintained on a separate legal lot, such lot meeting all requirements of Title 19, including the requirements of the zone in which the lot is located.

G. Fencing.

1. Fencing Setbacks. A fence, hedge, wall, column, pier, post or any other similar structure for fencing or any combination of such structures is permitted in the required setback if it meets the following conditions:

- a. No fence, hedge, or wall extends beyond or across a property line without a recorded agreement with the abutting property owner; and
- b. Only one (1) fence or wall shall be allowed per property line. Double fences, walls, or combination thereof are prohibited. Double fences shall be defined as any two fences within ten feet (10') of each other.

2. Fencing Materials.

a. Fencing materials shall be made of high quality, durable, materials that require minimal maintenance. The following fencing materials shall be allowed for properties that require fencing:

- i. Brick, block, or stone;
- ii. Architecturally designed pre-cast concrete, decorative precast concrete or integrally colored and textured block, brick, stone, or other masonry materials;
- iii. Solid or private heavy gauge vinyl, polyethylene, or similar materials;
- iv. Composite materials, wood, cement, stucco, architectural or decorative metal panels, including weathering steel; or
- v. Visually permeable fencing, such as chain-link, mesh, picket, or split rail fences constructed of metal, vinyl, wood, or composite.

3. Prohibited Fencing Materials. The following fencing materials are prohibited:

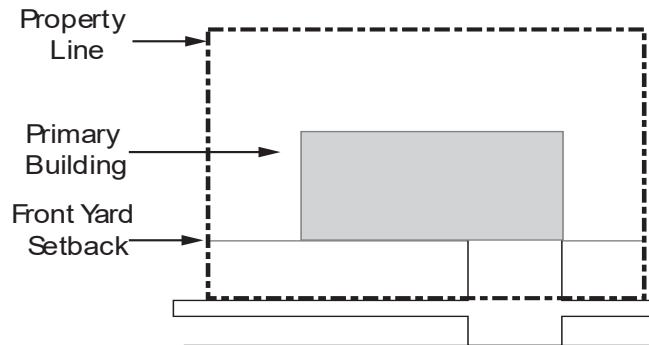
- a. Scrap material;
  - b. Security wire; or
  - c. Electrified fencing, except for legally established agricultural uses on properties in the A-1, A-2, or A-20 zones that do not abut a public trail.
- H. Landscaping. Landscaping shall follow the requirements set forth in Chapter 19.50, Landscaping and Screening.
- I. Signs. Any development shall follow the sign standards set forth in Chapter 19.52, Signs.
- J. Junk. The accumulation of junk is prohibited in the municipality unless occurring in a fully enclosed and permitted structure, or in a licensed salvage yard and meeting all the requirements for a salvage yard as provided for in the municipal code.
- 1. Exceptions. The following exceptions apply:
    - a. A property owner may have up to two (2) inoperable vehicles on their property, provided:
    - b. The vehicle(s) are parked on private property on a parking surface in compliance with Chapter 19.48;
    - c. The vehicle(s) are secured with the windows closed, the trunk and hood closed, and the doors locked;
    - d. The vehicle(s) are not exposing jagged metal or other safety hazards due to damage;
    - e. The vehicle(s) are completely on private property and not encroaching on any sidewalk, park strip, or public street; and
    - f. The vehicle(s) do not visibly drip any fluids such as oil, transmission fluid, brake fluid, or coolant onto the parking surface or its surroundings.

**19.46.110 - Building Standards.**

- A. Conform to Building Code. The building must meet the municipality's building code or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and must have been issued an insignia and approved by the U.S. Department of Housing and Urban Development and must not have been altered in violation of such codes. A used manufactured home must be inspected by the building official or designee prior to placement on a lot to ensure it has not been altered in violation of such codes.
- B. Buildings Taxed. The building must be taxed as real property. If the building is a manufactured home, an affidavit must be filed with the State Tax Commission pursuant to Utah Code §70D-2-401.
- C. Utilities. If the building provides human-occupiable space, the building must be connected to and approved for all required utilities. Utilities shall be buried underground with the following exceptions:
- 1. Transformers, pedestals, fire hydrants, and other appurtenances normally associated with "underground" utility installations are permitted on the surface of the ground.
  - 2. The development of existing lots in areas of the municipality now served with existing aboveground utilities, are exempt from this requirement.

- D. Permanent Foundation. The building must be attached to a site-built permanent foundation which meets the Uniform Building Code or, if the dwelling is a manufactured home, the installation must meet the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure shall be enclosed at the perimeter of the dwelling in accordance with such ICBO Guidelines, and constructed of materials that are weather-resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there must be a landing that is a minimum of thirty-six inches (36") by thirty-six inches (36") and that is constructed to meet the requirements of the Uniform Building Code. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation.
- E. The Director or designee may approve deviations from one or more of the developmental or architectural standards provided in Subsections 19.46.110 A through D on the basis of finding that the architectural style proposed provides compensating design features and the proposed building will be compatible and harmonious with existing structures in the vicinity. The determination of the Director or designee may be appealed to the Land Use Hearing Officer pursuant to the provisions of Section 19.12.040.
- F. Projections.
1. The following may be erected on or projected into any required yard space in all Zones:
    - a. Fences and walls in conformance with this Code;
    - b. Landscape elements, including trees, shrubs and other plants;
    - c. Planter boxes or masonry planters not exceeding twenty-four inches (24") in height;
    - d. Necessary appurtenances for utility services associated with minor public utilities;
    - e. Decks not more than two feet (2') high;
    - f. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, awnings or similar architectural features attached to the building and not enclosed by walls, extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard;
    - g. Bay windows, cantilevered floors and fireplace structures may project into any yard not more than two feet (2'), provided that they are not wider than eight feet (8');
    - h. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building no greater than eight feet (8') wide and extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard; and
    - i. Projections into Required Yards. The following structures may be erected on or projected into any required yard:
      - i. Accessory structures subject to this Title.
- G. Building and Street Relationships.
1. Buildings may not be oriented away from the street. The front of the building shall be parallel with the adjacent right-of-way and frontage.
  2. The front of the building shall be accessible by a pedestrian from an adjacent right-of-way.

**Figure 19.46.110: Primary Building Oriented to the Street**



H. Building Exterior Lighting Standards.

1. Light Direction. Exterior lighting attached to a building that is intended to illuminate exterior use areas, like pathways, shall be directed downward.
2. Light Source. Light sources shall be at least as efficient as LED and no greater than four thousand kelvin (4000K) in correlated color temperature (CCT). Light levels shall be designed such that light trespass measured at the property line does not exceed 0.01 foot-candles. Light fixtures shall use a cutoff luminaire that is fully or partially shielded with no light distributed above the horizontal plane of the luminaire or into nearby residential structures. In no case shall the total lumens emitted for a single site exceed one hundred thousand (100,000) lumens per acre. This standard does not apply to single-family residential lots or any lot with four units or less.
3. Additional requirements for exterior lighting may be required in the applicable zone of the municipality's dark sky or lighting ordinance.

I. Building Height Limitations and Exceptions.

1. Buildings shall not be erected that contain less than one (1) story above grade, as defined in this Title.
2. Roof structures above the maximum height that provide utilities, safety measures, or building code requirements may be erected above the height limits prescribed in this Title, but no space above the height limit shall be allowed for the purpose of providing additional floor space. Roof structure for this purpose may not exceed a maximum of twenty feet (20') above the maximum allowed building height unless otherwise specified in this Title.
3. Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding seventy-five feet (75') if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected. Public or semipublic utility buildings do not include cell towers.
4. Flag Poles may be erected above the maximum allowed height in the zone but may not exceed a maximum of twenty feet (20') above the maximum allowed building height unless otherwise specified in this Title.

5. Church Steeples may be erected above the maximum allowed height in the zone but may not exceed a maximum of twenty feet (20') above the maximum allowed building height unless otherwise specified in this Title.
- J. Parking and Loading. Any development shall follow the parking and loading standards set forth in Chapter 19.48 Off-Street Parking and Mobility.

**19.46.120 - Infrastructure and Public Improvements.**

The minimum requirements for public improvements shall be a combination of standards set forth in Title 14 Highways, Sidewalks, and Public Places and applicable standards set forth in this Title or adopted in Kearns' Master Transportation Plan.

A. Acceptance of Public Streets.

1. Street lighting shall either be chosen from the municipality's approved streetlight list or installed to match a theme set by developments within the zone or neighborhood.
2. Street lighting shall be installed in conformance with Title 18.
3. Street Signs and Markers. Standard street name signs shall be installed at one corner of all street intersections. The size, design, materials, location, fabrication, installation, and maintenance of the signs and poles within the public right of way and elsewhere shall be in accordance with the Utah Department of Transportation, the Manual of Uniform Traffic Control Devices for Streets and Highways (MUTCD), or the municipality's adopted policies, as applicable.

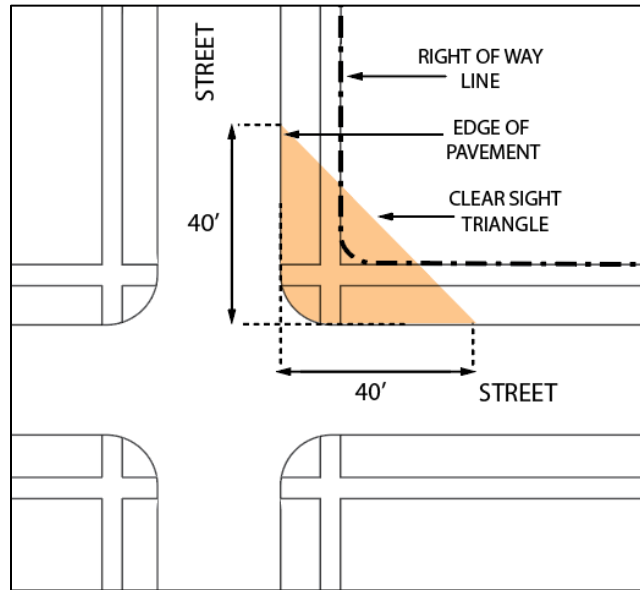
B. Private Streets.

1. Private streets or roads shall be designed and constructed to meet or exceed the public street standards set forth in Title 14 Highways, Sidewalks, and Public Places, as applicable.
  - a. Private streets or roads are allowed in the following circumstances:
    - i. If shown on an approved development plan as private streets;
    - ii. For multi-family developments; or
    - iii. For residential subdivisions where the street is equally shared between properties. Such streets shall have a maintenance and operations plan included in the declaration of covenants, conditions, and restrictions for the subdivision.

C. Ingress and Egress Requirements. No building with human occupiable space may be erected or enlarged on a parcel in any zone unless such parcel abuts upon or has access to a publicly accepted and maintained street, a private driveway leading to an approved public street, a private road, or a public or private alley.

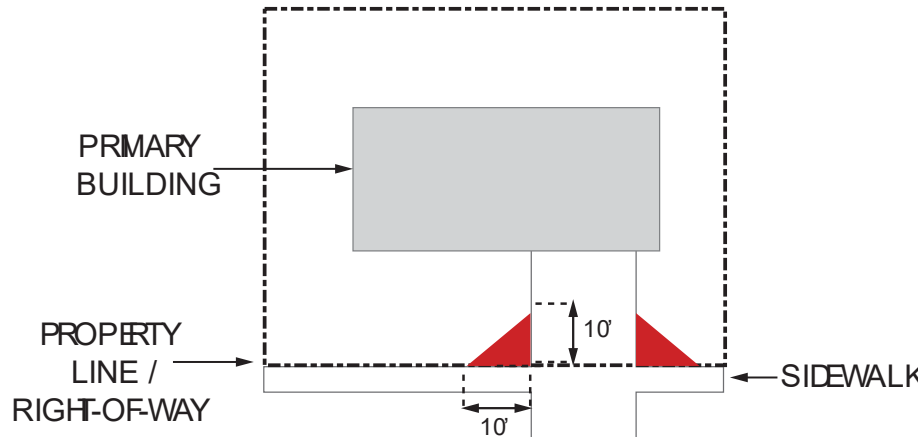
D. Intersecting Streets and Clear Visibility. In all zones which require a front yard, no obstruction to view in excess of three feet (3') in height may be placed on any corner lot within a triangular area formed by the street property lines or right-of-way lines and a line connecting them at points forty feet (40') from the intersection of the street lines, except mature trees which are located in the clear sight triangle shall be pruned to a height of at least seven feet (7') above the established sidewalk or street elevation.

**Figure 19.46.120 A: Intersecting Streets and Clear Visibility.**



- E. Intersecting Streets and Driveways. In all zones, no view obstruction, including a sight-obscuring fence, wall, sign, other similar structures, and landscaping which exceeds three feet (3') in height shall be placed within a triangular area formed by a diagonal line connecting lines located at the curb line or sidewalk line and driveway line ten feet (10') from the projected intersection of such lines.

**Figure 19.46.120 B: Intersecting Streets and Driveways.**



- F. Acceptance of Private Streets. Prior to acceptance by the municipality, any private street, or any driveway allowed for access with a development that is not constructed and maintained to the municipality's adopted street standards shall be improved to the municipality's adopted street standards.
- G. Driveways. A driveway shall be allowed for vehicular access according to the standards set forth in Title 14 Highways, Sidewalks, and Public Places, and Chapter 19.48, Parking and Mobility.
- H. Pedestrian and Bicycle Mobility.

1. Each lot shall have pedestrian walkways and sidewalks that provide connections between the building entrances, neighboring building entrances, parking areas, open space, and public trail. Such systems shall be designed to connect with all elements within the development, adjacent areas, and transit stops and can include sidewalks along public or private streets, wide outside travel lanes, bike lanes on roadways, and walkways and trails in alternative locations as appropriate. Design, location, dimensions, dedications, easements, and reservations shall conform to applicable municipal policies and standards for sidewalks, bicycle routes, and trails.
2. Walkways and trails shall be designed to maximize the safety of users and the security of adjoining properties with respect to location, visibility, and landscaping.
3. Bicycle Facilities. Bicycle facilities shall be provided in accordance with the standards set forth in Chapter 19.48, Parking and Mobility.

**19.46.130 – Open Space Standards.**

A. Recreational Facilities and Open Space Standards.

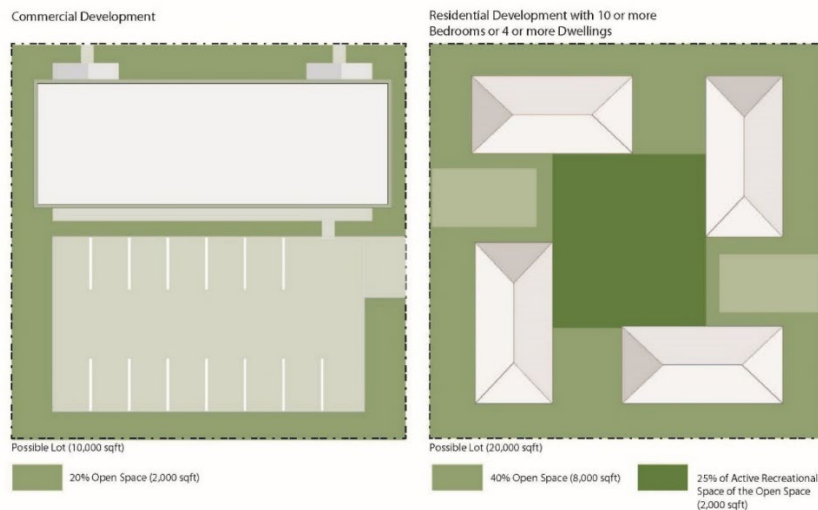
1. Open space standards do not apply to single-family, two-family, or three-family, development on individual lots.
2. All floodplains, wetlands, streams, riparian buffers, ponds, lakes, and other water bodies shall be contained in open space.
3. At least fifty percent (50%) of open space shall be one contiguous space.
4. Recreational facility and open space requirements shall be satisfied by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development.
5. Residential Development. Developments with ten (10) or more bedrooms or four (4) or more dwellings must provide a minimum of forty percent (40%) open space. If reductions in open space have been permitted pursuant to the standards of this Title the total amount of open space required shall not be reduced to less than thirty-two percent (32%).
  - a. One (1) or more active recreational facilities shall be provided for at least twenty-five percent (25%) of the total open space required in accordance with the minimum requirements in Table 19.46.130 Recreational Facility Standards Table.
  - b. Active recreation areas shall be located near housing and high-intensity uses or adjacent to a public right-of-way as allowed through the site design process.
  - c. At least twenty-five percent (25%) of the total open space required shall be dedicated to passive recreation opportunities or green space in its natural condition.
  - d. Passive recreation areas shall be located near landscaping and open space or green space or may be incorporated into green infrastructure facilities for stormwater if approved by the Public Works or Engineering Department.

- e. Beyond the minimum requirements set forth in this Section, the remaining open space required for residential development may be any combination of active or passive recreation suited to and used by the age bracket of persons likely to reside in that development or green infrastructure or low-impact development standards for stormwater as approved by the Public Works or Engineering Department.
- 6. Commercial Development. Commercial development greater than one (1) acre shall provide twenty percent (20%) open space.
  - a. Required open space may be any combination of active or passive recreation suited to and used by the age bracket of persons likely to work in the area or green infrastructure or low-impact development standards for stormwater as approved by the Municipal Engineer.
- 7. Open Space Bonding. Bonding for approved amenities shall be required as per Section 19.16.060: Performance Bonds.
- 8. Recreation Facility Calculation. Active recreational facility calculations shall be the sum of the minimum area requirements listed in Table 19.46.130 Recreational Facility Standards Table.
- 9. Recreational Facility Standards. Any development shall follow the minimum standards in the recreational facility standards table.

<b>Table 19.46.130 - Recreational Facility Standards Table.</b>		
<b>Recreational Facility Type</b>	<b>Minimum Area</b>	<b>Additional Standards</b>
<b>Active Recreational Facilities</b>		
Basketball Court	4,700 sq. ft.	
Sports Court	4,700 sq. ft.	
Tennis Court	6,120 sq. ft.	
Pickleball Court	1,800 sq. ft.	
Swimming Pool or Splash Pad	800 sq. ft.	The minimum area does not include decks.
Community Center or Clubhouse	1,200 sq. ft.	The minimum area does not include a leasing office.
Playground	1,000 sq. ft.	Playgrounds adjacent to a parking lot or road shall be fenced with transparent fencing along the shared boundary.
Path or Trail	9,000 sq. ft.	Shall be six feet (6') wide. Shall not include sidewalks. May or may not be paved.
Dog Run	1,000 sq. ft.	Shall be fenced along the perimeter and shall provide a dog bag dispenser, trash bag, and water fountain.
Other		Any facility not listed that is determined by the Planning Commission or Director with a minimum area also approved by the Planning Commission or Director.
<b>Passive Recreational Facilities</b>		
Picnic Area	500 sq. ft.	Shall include a pavilion or gazebo and at least one sitting area with a table.
Lawn Area	2,000 sq. ft.	Shall be at least sixty (60) feet wide.
Plaza	1,000 sq. ft.	Only allowed for non-residential development.

Bike Station	4 bike stalls	Shall include a bike work stand with tools, air pump.
Community Garden	1,000 sq. ft.	Shall be fenced along the perimeter. Fence shall be transparent with a minimum height of three and a half feet (3.5'). Shall be regularly maintained and integrated into the landscape.
Water Feature	400 sq. ft.	Shall include fixed seating and be integrated into the landscape.
Pollinator Gardens	50 sq. ft.	A single species of the plant should be in clusters of twenty-five (25) square feet.
Educational or Interpretive Signage	25 sq. ft.	Associated with a path, native plant demonstration, low-impact development, green infrastructure feature, pollinator garden, or other natural feature or open space feature explaining
Native Plant Demonstration	100 sq. ft.	A single species of the plant should be in clusters of twenty-five (25) square feet.
Other		Any facility not listed that is determined by the Planning Commission with a minimum area also approved by the Planning Commission.

**Figure 19.46.100B: Open Space Requirements, Illustrated.**



**Credit:** MSD Planning and Development Services.

B. Stormwater and Water Quality. Any development shall follow the standards set forth in Title 17 Flood Control and Water Quality.

C. Culinary Water and Sanitary Sewer Requirements. All dwellings and other structures used for human occupancy shall be served by an adequate culinary water and sewage disposal facility approved by the Salt Lake County Health Department.

D. Geologic Hazards and Floodplains. All development in the municipality shall be reviewed for compliance with Chapters 19.56, Flood Plain Regulations, and 19.58, Geologic Hazards Ordinance.

E. Mechanical Equipment. Air conditioning units, generators and other auxiliary mechanical and building equipment shall be placed at locations where they will be least intrusive in terms of noise, appearance, and odors, particularly for adjacent properties and public rights-of-way. Screening walls, landscaping, and other screening treatments shall be used so all required mechanical equipment is screened from public streets and adjoining properties. All building-mounted mechanical or communications equipment shall be a color to make it as unobtrusive as possible. If located on or adjacent to a building wall, the color of all mechanical and communications equipment shall blend with the color and design details of the building.

F. Wildland Urban Interface. Lots found to be within the Wildland Urban Interface (WUI) as determined by the Utah Division of Forestry, Fire, and State Lands or other state-designated agencies may have additional requirements for site development. Lots found to be within the WUI shall be required to demonstrate compliance with any applicable codes during the site plan approval process or other applicable land use applications.

G. Landscaping. Any development shall follow the landscaping standards set forth in Chapter 19.50, Landscaping and Screening.

**19.46.140 - Highway Noise Abatement.**

A. Development of Property Adjacent to Certain State Highways. Consistent with the requirements of 23 CFR 772 and UDOT's Noise Abatement Policy #08-111, no remaining undeveloped lands located in the municipality adjacent to Type II Projects (freeways and expressways) shall be developed for any use or activity which is incompatible with highway traffic noise levels, unless the development of such lands shall include appropriate noise abatement measures determined necessary and appropriate by the municipality and UDOT. A use or activity shall be deemed incompatible with highway traffic noise levels when a traffic noise impact occurs, as determined under the following formula:

1. Noise Abatement Criteria: Hourly A-Weighted Sound Level—decibels (dBA).
2. Leq shown in Table 19.46.140 are maximum levels allowed:

<b>Table 19.46.140: Maximum Noise Levels Allowed.</b>		
<b>Activity Category</b>	<b>Leq(h)</b>	<b>Description of Activity Category</b>
A	57 (exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (exterior)	Picnic areas, fixed recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (exterior)	Cemeteries, commercial areas, industrial areas, office buildings, and other developed lands, properties or activities not included in Categories A or B above.
D	-	Undeveloped lands (including roadside facilities and dispersed recreation).
E	52 (exterior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

B. Responsibility of Owner or Developer. The owner or developer of land to be subdivided, improved or developed adjacent to Type II Projects shall be responsible to comply with any and all requirements for noise abatement measures imposed pursuant to the provisions of this Chapter. Failure to so comply shall constitute a violation and shall be punishable as a misdemeanor as provided in Chapter 1.12 of this Code.

**19.46.150 - Utility and Facility Placement Regulations.**

- A. Purpose. The purpose of the utility and facility system placement and relocation regulations codified in this chapter is to promote the health, safety, and general welfare of the citizens of the municipality; preserve and protect existing aesthetics, property values, and quality of life within residential and other areas of the municipality; provide notice to the municipality and affected property owners of new or upgraded utility or facility systems to allow an opportunity to determine if sufficient reason exists to require the systems to be installed underground and to determine if funds are available to pay for underground installation; and to inform all existing and future owners of utility or facility systems within the public way, and the methods by which the Municipal Engineer may direct the relocation of such facilities or structures.
- B. Systems Required to Be Underground. Unless exempted under Subsection 19.46.150(C), the following systems may be required to be installed underground:
1. All new transmission systems installed after the effective date of the ordinance codified in this Chapter.
  2. All upgraded transmission systems which would increase the height of poles from less than sixty-five feet to more than sixty-five feet (65') above existing grade.
- C. Exemptions. The following systems are exempt from the provisions of this Subsection 19.46.150(B):
1. Except as provided in Section 19.46.150(B) of this Section, this Section does not require the burial of any existing aboveground systems, nor does it prohibit or restrict the repair, relocation, maintenance, or replacement of any existing systems.
  2. Aboveground installation of the following systems is permitted, subject to compliance with all other applicable statutes, chapters, and regulations:
    - a. New service drops and/or distribution lines where service is available from existing aboveground systems;
    - b. Temporary systems required for construction projects not to exceed a period of twelve months;
    - c. Street light poles, light rail overhead catenary, wireless telecommunications towers, and accessory equipment; and
    - d. Transmission systems installed in the two main north-south transmission corridors, as identified on the map entitled "main north-south electrical transmission corridors" on file with Planning and Development Services.

- D. In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist such that the installation of a system would have minimal visual, health, or safety impact on the public, variations or exceptions to the requirements of this Chapter may be approved by the municipality; provided, that the variations and exceptions are consistent with the purposes of this Chapter.
- E. In cases where the municipality determines that insufficient funds are available to pay for the incremental costs of underground installation of a system or determines that the public benefit to be derived from underground installation is not cost effective or is otherwise not in the public interest:
  - 1. The municipality shall give notice to the utility or facility company that the municipality will not require the underground installation and will not pay the incremental costs of underground installation of the system:
    - a. Within ninety (90) days after notice is given under this Section in the case of a new transmission system; and
    - b. Within sixty (60) days after notice is given under this Section in the case of a new distribution system or an upgraded transmission system which would increase the height of poles from less than sixty-five feet to more than sixty-five feet above existing grade.
  - 2. If the municipality has not given notice to the utility or facility company regarding underground installation as provided in Subsection 19.46.150(E)(1), it shall be deemed that the municipality has determined that insufficient funds are available to pay for the incremental costs of underground installation or has determined that the public benefit to be derived from underground installation is otherwise not in the public interest.
- F. Notification of Affected Property Owners.
  - 1. Prior to beginning a project involving the installation or upgrading of four or more poles, a utility/facility company providing electrical power for general consumption shall send written notification of the project to all adjacent property owners and the Director of public works. The purpose of such notification is to allow the municipality and potentially affected property owners to determine whether there are reasons to require the underground installation of the system, to determine whether sufficient funds are available to pay the incremental costs of underground installation of the new or upgraded system and provide the municipality the opportunity to meet with the company to discuss the project.
  - 2. Such notification shall include a full description of the project including:
    - a. The need for the project;
    - b. Location of the project;
    - c. Height, width, type and general location of poles; and
    - d. Amount of voltage.

3. Failure of property owners to receive notice of the project shall in no way affect the validity of action taken. Failure to reach an agreement within the sixty-day (60) period shall not be grounds for the delay of the project. Notification is not required for emergency projects, relocations, replacements and systems which are exempt under this Section except for an exemption resulting after notification under this Section.
- G. Excavation Permit Required. All underground systems to be installed in the right-of-way of any municipal road shall be made in accordance with the provisions of Chapter 14.16, Excavations.
- H. Relocation of Facilities and Structures in Public Ways. Any relocation of utilities or other facilities within the public way directed by the municipal engineer shall be accomplished in accordance with applicable franchise or license agreements with the municipality. If no franchise or license agreement applies to such relocation, then the relocation shall be performed as described in Subsections 19.46.150 A and B.
1. The Municipal Engineer may direct any person or entity owning or maintaining facilities or structures in the public way to alter, modify, or relocate such facilities or structures as the Municipal Engineer may require. The person or entity owning or maintaining the facilities or structures shall, at their own cost and expense and upon written notice by the municipality protect, alter, or relocate such facilities, structures, or part thereof, as directed by the municipality within sixty (60) days unless otherwise agreed in writing. If such person or entity refuses or neglects to conform to the directive of the municipality, the municipality shall have the right to break through, remove, alter, or relocate such part of the facilities or structures without liability to the municipality. Such person or entity shall pay to the municipality all costs incurred by the municipality in connection with such work performed by the municipality, including design, engineering, construction, materials, insurance, court costs and attorney fees.
  2. All costs of alteration, modification, or relocation shall be borne by the person or entity owning or maintaining the facilities or structures involved.

**19.46.160 - Oil and Gas Transmission Pipeline.**

- A. A notification area is hereby established for any parcels within six hundred sixty feet (660') from the mapped centerline of an oil or gas transmission pipeline, as indicated by the adopted pipeline protection map, a geographic information system (GIS) based map. The municipality makes no warranty as to the accuracy of this map, which reflects information provided by pipeline operators.
- B. At the time of application for a development permit the municipality shall notify the applicant if the proposed development is within the notification area and provide contact information for the pipeline operator(s) in the area and for Utah's one-call program. It is the obligation of pipeline operators to correct or update their information with the municipality.

- C. If any proposed development is within the notification area, the applicant for a development permit shall contact the pipeline operators and provide them with a copy of the application and timely notice of the first scheduled public hearing on the application, if there is one. The applicant shall file proof of this notification with the Planning and Development Services Division before any development permit may be issued. Proof of notification shall be kept on file with the application. Once the development permit is issued, it is the responsibility of the applicant to consider any comments and recommendations posed by the pipeline operator(s) to ensure no pipelines are damaged during construction of the approved project.
- D. Subdivision plats containing any portion of a lot that is within two hundred feet (200') from the centerline of a pipeline as shown on the adopted pipeline protection map shall show the pipeline location on the plat. The location of all known oil or gas transmission lines and related easements shall also be shown on all zoning, building and record plat maps.
- E. Oil and Gas Transmission Pipeline Map Modification.
  - 1. It is the obligation of pipeline operators to correct or update the adopted pipeline protection map, and they shall do this by filing an application to modify the map. The application shall be presented to the Director for review and approval. The complete application must include:
    - a. An explanation from the pipeline operator(s) of how the corrected or proposed location was determined for each transmission pipeline; and
    - b. Electronic GIS data or detailed drawings delineating the correct or proposed location.

**19.46.170 - Easements.**

- A. Storm drainage and utility easements for water, sanitary sewer, electricity, gas, and communications improvements shall be provided in the location and to the width as required by the provider.
- B. Easements for other purposes as required by the Director or designee shall be designed, designated, reserved, and dedicated as appropriate.
- C. All site plans and plats shall exhibit standard easement notes stating the type and purpose of the easement along with a list of prohibited uses/activities within the easement.
- D. Any cross-access agreement shall specify maintenance responsibilities and require that access be unrestricted. The agreement and a plat depicting the easement shall be recorded. Copies of the recorded documents and an attorney certification that the requirements for this paragraph have been met shall be provided to the Director or designee.

## **Chapter 19.48 OFF STREET PARKING AND MOBILITY STANDARDS.**

### **19.48.010 – Purpose of Provisions.**

The purpose of this Chapter is to reduce street congestion and traffic hazards in the municipality and improve resource management by incorporating efficient, attractive facilities for off-street parking, loading, and internal automobile and pedestrian circulation as an integral part of every use of land. The standards in this Chapter are intended to provide for the following:

- A. Improve bicycle and pedestrian facilities to reduce reliance on personal automobiles, provide for improved circulation between and within development sites, and promote transportation options to reduce Vehicle Miles Traveled (VMT) and related vehicle emissions for the purposes of preserving or enhancing air quality;
- B. Relieve traffic congestion in the streets and improve overall traffic safety, including safety for people walking and biking;
- C. Minimize any detrimental effects of off-street parking areas on adjacent lands;
- D. Improve the visual aesthetics of parking areas;
- E. Ensure that parking areas are appropriately located to serve community needs; and
- F. Prevent the establishment of excessive amounts of off-street parking and facilitate infill development where possible to make the most of limited land resources.

### **19.48.020 – Off-Street Parking and Bicycle Parking Required.**

- A. Off-street parking, bicycle parking, and loading spaces shall be provided at the time any building or structure is erected, enlarged, increased in capacity, or any new use is established. Such parking and loading facilities shall be provided in accordance with the provisions of this Chapter.
- B. Plans Required to Obtain Building Permit. All applications for a building permit shall include a site plan showing a parking layout that meets all requirements of this Chapter and includes the location of ingress and egress, loading areas, internal automobile, bicycle, and pedestrian circulation, vehicle and bicycle parking, landscaping, and lighting. The provided plan shall be reviewed for consistency with this Chapter by the Director or designee.

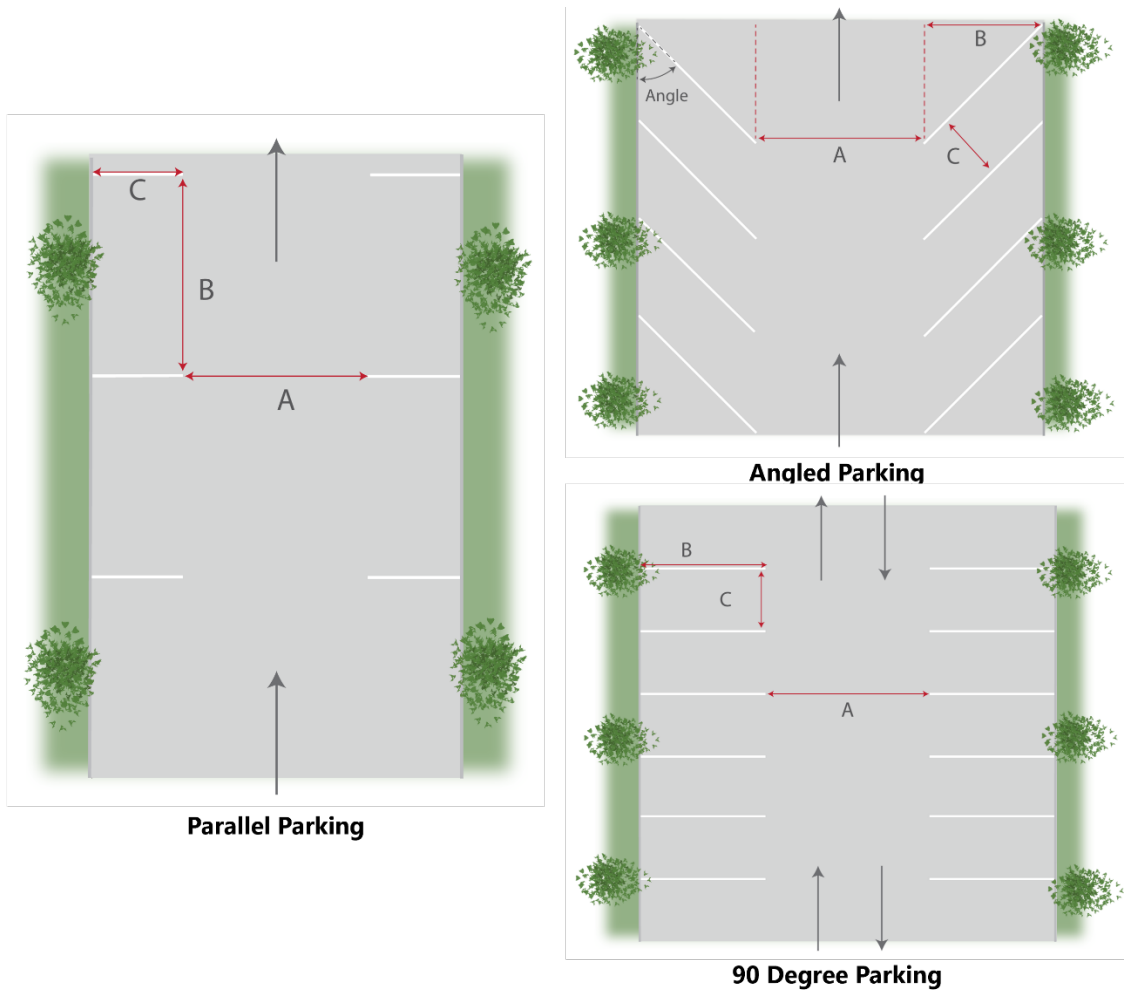
### **19.48.030 – Specifications.**

Any parking facility or portion thereof shall meet the following specifications:

- A. Use of Off-Street Parking, Stacking, and Loading Facilities. All vehicular parking areas, stacking areas, and loading areas required by this Chapter shall only be used for those designated purposes.
- B. Location. Except as otherwise permitted through on-street or public parking credits, all off-street parking areas shall be provided on the same lot as the use it serves, or no farther than three hundred feet (300') from the primary entrance of a building or structure to the nearest point of the parking facility along publicly available sidewalk or walkways designated on the site plan.
  - 1. Access to parking spaces shall be from private roadways or aisles and not from public streets.

- C. Space and Aisle Dimensions. Parking stalls and aisles shall comply with the dimensional regulations presented in Figure 19.48.030, according to the angle of the parking and the flow of traffic.

**Figure 19.49.030: Parking Space and Aisle Dimensions.**



Angle (X°)	Minimum Aisle Width (A)*	Stall Depth (B)	Stall Width (C)
90°	24'	18'	9' **
60°	20'	20.1'	
45°	15'	19.1'	
30°	15'	16.8'	
Parallel (0°)	15'	22'	

\*Aisle width represents the minimum for one-way traffic. Any aisles with two-way traffic shall have a minimum aisle width of 24', regardless of the parking angle.

\*\* Stalls that are adjacent to an obstruction that may impede the use of vehicle doors shall be at least two feet (2') wider than the minimum requirement presented above.

1. Parking stalls adjacent to a column, wall, or other obstruction must have an additional two feet (2') of width to accommodate ingress/egress from the vehicle.
- D. Surfacing. All off-street parking, stacking, loading areas and drive approaches from the alley or street shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material.
1. Pervious Surfaces. Surfaces such as pervious asphalt, pervious concrete or turf blocks are permitted; subject to municipal policies pertaining to stormwater management. A maintenance plan, outlining responsible parties, procedures, and schedules for maintenance of pervious pavement or permeable surfaces must be submitted and approved by the Municipal Engineer.
  2. Exception for Outdoor Storage. Surfacing materials for outdoor parking areas associated with vehicle or container storage may be graded and compacted gravel, provided the subject area is at least one hundred feet (100') in driving distance from the nearest public street, no gravel is tracked off-site, and the paving surface is permitted in this Title.
- E. Driveways, General. Adequate ingress and egress to the parking area shall be provided by clearly defined driveways.
1. Distance from Lot Line. All driveways, including the entry radius of the drive approach that serve a single primary building or principal use, shall be at least one foot (1') from an abutting lot line.
  2. Sidewalk Continuity. Sidewalks shall extend through driveway approaches and driveways shall be built to the grade of the sidewalk so that driveways do not create curb cuts in the sidewalk.
  3. Driveway Surface. There shall be a hard-surfaced driveway from the public or private right-of-way to the required parking space. The drive surface must be a permanent, durable, hard surface such as concrete (including permeable concrete), asphalt (including permeable asphalt), brick, pavers, stone, or block. A pervious surface may be used, subject to applicable municipal ordinances and policies.
- F. Accessible Parking. Accessible parking spaces required to satisfy the Americans with Disabilities Act shall be provided. Such stalls shall be included within the required number of spaces outlined in Table 19.48.150. For multi-family residential developments, accessible stalls shall be provided in addition to the number of stalls required in Table 19.48.150.
- G. Electric Vehicle Charging Stations. Parking lots and structures of one-hundred and fifty (150) parking spaces or more shall provide at least one (1) electric vehicle charging station for every seventy-five (75) parking spaces. Charging stations shall be associated with individual parking spaces and shall be installed according to appropriate design standards, as approved by the Director or designee.
- H. Stormwater. All parking areas are subject to the stormwater management provisions of Title 17 and any other municipal ordinances.

**19.48.040 – Standards for Parking in R-1 and R-2 Residential Zones.**

- A. Residential Driveways. A driveway shall be provided for vehicular access from the street or right-of-way to the required parking spaces of any dwelling in an R-1 or R-2 zone.
1. The number, location, and width of driveways shall comply with the specifications set forth in Sections 14.12.110 and 14.36.060 of this Code.
  2. Driveways over one hundred fifty feet (150') in length are subject to approval by the Fire Authority.
  3. The area within the front yard of any single- or two-family dwelling not occupied by a driveway or parking surface set forth above shall be landscaped in compliance with the applicable provisions of this Title.
- B. Paved or gravel parking areas or driveways may not occupy more than fifty percent (50%) of the area of a front or rear yard. Any lot less than forty feet (40') wide may install one driveway that exceeds the fifty percent (50%) parking or driveway rule as long as that driveway does not exceed twenty feet (20') in width.
- C. Front Yard Parking. Parking or storage of motor vehicles in the unpaved portion of the front yard of a residential use or residentially-zoned property is prohibited. A legal driveway in the front yard may be used for parking, provided the public sidewalk is not blocked.
- D. Recreational Vehicles. Recreational vehicles parked or stored on residential property in any R-1 or R-2 zone shall:
1. Be parked or stored on a paved surface in the front yard, side yard, or rear yard of a dwelling. Additionally, a recreational vehicle may be parked or stored on a parking pad which is constructed of six inches of compacted gravel. This area must be kept weed free.
- E. Commercial Vehicles. Commercial vehicles shall not be parked or stored on residential property in an R-1 or R-2 zone, except in the following circumstances:
1. Commercial vehicles may be parked on a property in conjunction with lawfully permitted construction, maintenance, or site development activities so long as said activities are diligently pursued.
  2. One commercial vehicle may be parked behind the front line of the dwelling and screened from view from public streets or neighboring properties with an opaque fence that is at least six feet (6') tall, provided it is parked on a paved surface. The commercial vehicle may not exceed Class 5 (two (2)-axle, six (6) tire single unit trucks) in Federal Highway Administration vehicle classification.
  3. One commercial vehicle may be parked in the front yard or side yard of a dwelling in the R-1 or R-2 Zones upon issuance of a permit by Planning and Development Services, as long as all of the following criteria are met:
    - a. No other commercial vehicle is parked or stored on the property;
    - b. The operator of the vehicle is required to be on call twenty-four (24) hours a day to use the vehicle in response to an emergency;

- c. The commercial vehicle is parked on a paved surface;
- d. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; and
- e. The commercial vehicle does not exceed Class 5 (two (2)-axle, six (6) tire single unit trucks) in Federal Highway Administration vehicle classification.

**19.48.050 – Required Number of Off-Street Parking Spaces.**

- A. The number of required off-street parking spaces for individual uses shall be determined in accordance with Table 19.48.150, Off-Street Parking Requirements, found at the end of this Chapter. The following factors shall be used in determining the required number of parking spaces.
  - 1. Fractions. Where units of measurements determining the number of required parking or loading spaces result in a fraction, the fraction shall be counted as one (1) additional parking space (rounded up to the nearest whole number).
  - 2. Uses.
    - a. Parking shall be calculated separately for each use in a building, structure or on a lot, except that the Director or designee may determine that a lower standard would be adequate for shared parking, as described in Section 19.48.070.
    - b. Accessory uses shall be calculated separately.
    - c. Unlisted Requirements. The Director or designee shall make a determination as to the proper classification of a parking requirement not listed for a particular use based on the requirement of the closest comparable use. Where a comparison cannot reasonably be made, the Director may require a parking demand study to determine the amount of parking needed on the site.
  - 3. Bicycle Parking. Bicycle parking shall be as required in Section 19.48.080. Bicycle parking may not occupy any vehicle parking space required by this Chapter.
  - 4. On-Street and Public Parking. The use of on-street parking and publicly-owned parking lots or structures may count toward a portion of the minimum off-street parking requirements provided the following conditions are met:
    - a. Adequate on-street parking or public lots or structures exist within one-thousand feet (1000') of the primary entrance of the primary building associated with the use as measured along existing sidewalk or along walkways shown on the site plan;
    - b. No more than fifty percent (50%) of the off-street parking space requirement is met through the use of on-street parking, public parking lot, or public parking structure spaces;
    - c. The demand for parking generated by the use may not substantially adversely impact available parking for surrounding uses and may not adversely affect traffic circulation patterns; and
    - d. If multiple businesses or land uses qualify to use the same on-street or public parking spaces, the credits shall be pro-rated for each land use. In calculating the pro-rated community parking credits, the Director or designee shall consider:
      - i. The amount of frontage a property has on the street;

- ii. The total number of parking stalls required for a given land use;
  - iii. The intent of the public parking according to any adopted municipal plans; and
  - iv. The potential for future development in the immediate vicinity creating further demand for parking spaces.
  - v. The Director or designee may also use Table 19.48.070 for land uses in different general categories to consider shared community parking.
- B. Exceptions for the Reuse of Existing Buildings and Structures. The Director or designee may grant a waiver of these requirements for development which reuses an existing building if the applicant can demonstrate that sufficient parking exists on the site to accommodate anticipated parking demand. If the off-street parking on the existing site exceeds the maximum requirements in Table 19.48.150, the Director or designee may waive the maximum requirement. Reuse of the excess parking spaces is encouraged.

**19.48.060 – Process for Reductions or Determinations in Off-Street Parking Requirements.**

- A. Off-street parking requirements may be reduced by the Director or designee upon a finding by the Director or designee that the applicant meets the requirements for at least one (1) of the allowable reductions of this Section. In no case may the total required off-street parking for a site be reduced more than fifty percent (50%).
- 1. Transit Exists to Serve the Site.
    - a. Fixed Bus Routes: Parking requirements may be reduced by up to ten percent (10%) of required spaces for buildings, structures, or uses whose entrances are within five hundred feet (500') of a bus stop served by a designated Utah Transit Authority Fixed Bus Route, as measured along walkways designated on the site plan.
    - b. Fixed Light-Rail and Bus Rapid Transit (BRT): Parking requirements may be reduced by up to twenty percent (20%) of required spaces for buildings, structures, or uses whose entrances are within five hundred feet (500') of a transit stop served by a fixed light-rail or BRT transit route, as measured along walkways designated on the site plan.
    - c. When considering a parking reduction for transit availability, the Director or designee may require the applicant to submit a Transportation Demand Management (TDM) Study demonstrating the number residents, customers, or employees that already use or would be expected to use transit instead of parking.
  - 2. Reductions for Bicycle Facilities.
    - a. Vehicle parking requirements may be reduced by one (1) space for every four (4) covered, secured bicycle parking spaces provided beyond the amount of bicycle parking required in Section 19.48.080. To qualify for this reduction, a work stand and floor pump is required to be provided on-site. These amenities shall be maintained in working condition and made accessible to cyclists using the parking spaces.
    - b. Off-street parking requirements may also be reduced by four (4) spaces if free showers and locker facilities are available for use within a building or structure on-site.

- c. The Director or designee may not approve a reduction under this Subsection that is more than ten percent (10%) of the total required off-street parking for a site.
- B. In reviewing a parking reduction or making a determination for specialty uses, the Director or designee may consider the following as applicable:
1. The land use and development character of the area to be served by the parking facility, including intensity of uses requiring parking, the availability of transit, proximity to nearby employment centers and residential neighborhoods, and other relevant factors;
  2. The availability of any other publicly available parking in the area, including the number of spaces, applicable restrictions, or other uses counting spaces in the same parking area toward the applicable parking requirement;
  3. The timing of parking use relative to other uses in the area, including information on hours of operation;
  4. Applicable guidelines from the American Planning Association, Envision Utah, and/or the Urban Land Institute;
  5. Whether the applicant has made all efforts to comply with Table 19.48.150 to the extent practicable considering parking lot design, layout efficiency, and any unique constraints of the site; and
  6. Whether supporting documentation provided by the applicant adequately demonstrates that sufficient parking is available to meet projected typical demand.

**19.48.070 – Process for Calculating Shared Parking.**

- A. Where a mix of land uses creates staggered peak periods of parking demand, shared parking agreements that have the effect of reducing the total number of required parking spaces are encouraged. Shared parking agreements for off-street parking for two (2) or more buildings or uses is permitted subject to the following:
1. Shared parking areas shall be located within three hundred feet (300') of the use as measured along walkways designated on the site plan or already existing;
  2. Adjacent lots shall be connected by drive aisles; and
  3. Shared parking leases or agreements shall have a term of not less than five (5) years, including any renewals at the option of the lessee.
- B. A proposal for the sharing of off-street parking shall be submitted to the Director or designee for site plan review and approval. Conditional use applications which require Planning Commission approval, and for which shared parking is being proposed as part of the application, must have Planning Commission approval for the shared parking.
- C. Shared Parking Calculation. In determining the total requirements for shared parking facilities, the Director, designee, or Planning Commission shall use Tables 19.48.150 and 19.48.070 according to the following calculation steps:
1. For each applicable general land use category, calculate the number of spaces required for the use as if it were the only use (using Table 19.48.150).

2. Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in Table 19.48.070 (six (6) time periods per use).
  3. For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six (6) time periods.
  4. Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.
- D. If any uses are not listed in Table 19.48.070, the Director or designee shall determine the required parking for the six (6) time periods.

<b>Table 19.48.070: Guidance for the Determination of Shared Parking Requirements.</b>						
General Land Use Category	Weekdays			Weekends		
	12 AM – 7AM	7 AM – 6 PM	6 PM – 12 AM	12 AM – 7AM	7 AM – 6 PM	6 PM – 12 AM
Office	5%	100%	5%	0%	5%	0%
Industrial	75%	100%	75%	75%	100%	75%
Retail	5%	100%	75%	5%	100%	60%
Restaurant	25%	70%	100%	30%	75%	100%
Lodging	100%	55%	100%	100%	55%	100%
Theater / Entertainment	5%	20%	100%	5%	50%	100%
Conference Rooms / Reception Venue	0%	100%	100%	0%	100%	100%
Place of Worship	0%	30%	50%	0%	100%	65%
Institutional	5%	100%	20%	5%	100%	10%
Residential	100%	60%	95%	100%	75%	90%

**19.48.080 – Requirements for Bicycle Parking.**

- A. Bicycle Parking Required. Bicycle parking facilities shall be provided for any new commercial, office, manufacturing, industrial, multi-family residential, recreational, public and/or quasi-public use for which automobile parking is required; or for modification or change of any of such uses that results in the need for additional automobile parking facilities.
- B. Number of Required Spaces. The number of bicycle parking spaces required shall be equal to five percent (5%) of the vehicular parking spaces required for such use, with a minimum requirement of two (2) spaces, and a maximum requirement of twelve (12).
- C. Bicycle parking spaces shall be:
  1. Located on the same lot as the principal use;
  2. Located and designed to prevent damage to bicycles by cars;
  3. Located so as not to interfere with pedestrian movements;
  4. Located in a highly visible, well-lighted area that is located near entrance(s) to the building;
  5. Located to provide safe access from the spaces to the public right-of-way or bicycle lane;

- 6. Designed to accommodate a range of bicycle shapes and sizes, and to allow the frame and wheel(s) of each bicycle to be supported and secured against theft without interfering with adjacent bicycles; and
  - 7. Anchored to resist removal by vandalism and resistant to rust or corrosion.
- D. Required bicycle parking spaces may be located within the building.
- E. Any proposed bicycle parking spaces or facilities shall be clearly shown on the applicable site plan, indicating location and type.

**19.48.090 – Off-Street Loading and Unloading Standards.**

- A. Applicability. Any building or portion thereof which is to be occupied by one (1) or more uses that require the receipt or distribution of materials or merchandise by vehicles shall provide and maintain off-street loading spaces as required by this Section.
- B. Location.
- 1. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a street;
  - 2. Loading/unloading operations shall not interfere with the normal movement of vehicular and pedestrian traffic in public rights-of-way, off-street parking areas, internal drives, or sidewalks;
  - 3. No loading space that is adjacent to a Residential Zone shall be nearer than thirty feet (30') to the parcel line zoned residential unless it is contained within a completely enclosed building, or enclosed on all sides by a wall or solid, opaque fence not less than six feet (6') high; and
  - 4. The vehicular path and turning radii to the loading area must be shown on the site plan to verify truck maneuverability for the largest truck intended to serve the use.
- C. Specifications. Loading/unloading spaces shall be at least twelve feet (12') wide, thirty feet (30') long, and have fourteen feet (14') of vertical clearance. Each additional required loading space shall be at least ten feet (10') in width, forty-five feet (45') in length, and have fourteen feet (14') of clearance.
- D. Required Number of Loading Spaces. The minimum number of loading spaces required is shown in Table 19.48.090.

<u>Use Type</u>	<u>Units</u>	<u>Required Loading Spaces</u>
Multi-Family Residential (total dwelling units)	0-24 du	NA
	25-74 du	1
	75+ du	2
Non-Residential (square feet of gross floor area)	Up to 10,000 sq.ft.	NA
	10,001 – 20,000 sq.ft.	1
	20,001-75,000 sq.ft.	2
	75,001-100,000 sq.ft.	3
	100,001+ sq.ft.	5

**19.48.100 – Vehicle Stacking Standards.**

- A. Drive-Up and Drive Thru Facility, Stacking Lane Standards: These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.
1. Each stacking space shall be a minimum of twenty feet (20') in length and eight feet (8') wide along the straight portions and ten feet (10') wide along the curved segments.
  2. Entrances to stacking lanes shall be clearly marked and located a minimum of sixty feet (60') from the closest curb cut. Stacking lanes shall not enter or exit directly into a public street.
  3. Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation.
  4. All stacking lanes must be clearly delineated from traffic aisles, other stacking lanes and parking areas using striping at a minimum and curbing, landscaping, or signs where appropriate.
  5. Required Stacking Capacity:
    - a. A drive-thru automated teller machine (ATM) must provide no fewer than two (2) stacking spaces before the teller machine.
    - b. A car or light truck wash must provide no fewer than three (3) stacking spaces per lane before the wash bay entrance.
    - c. A laundry or dry-cleaning establishment with a drive thru window must provide no fewer than two (2) stacking spaces per lane before the drive-up window.
    - d. A financial institution with teller lanes must provide no fewer than three (3) stacking spaces per lane before the teller or drive-up window.
    - e. A pharmacy with a drive thru window must provide no fewer than three (3) stacking spaces per lane before the drive-up window.
    - f. A restaurant with drive thru must provide no fewer than eight (8) stacking spaces before the first drive-up window. A restaurant with more than one stacking lane must provide no fewer than six (6) stacking spaced before the first drive-up window. Establishments where orders are placed for food or drink in a similar manner to a restaurant must provide stacking in the same manner as a restaurant.
    - g. Uses having a drive thru window but not listed in this part are required to have stacking lanes and stacking spaces as determined by the Director and based on the anticipated demand for stacking spaces given existing and projected traffic and consumer patterns.
    - h. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

- B. Self-Service Fuel Station, Stacking Lane Standards: Each pump island should generally include stacking space for a minimum of two (2) vehicles (total of forty feet (40')) on site so that driveways within the site or adjacent street areas are not utilized for waiting customers. Pump island stacking shall not encroach upon required parking space back out areas (twenty-four feet (24') minimum) or two-way driveways for general site circulation (twenty-four feet (24') minimum).

**19.48.110 – Parking Lighting and Landscaping Standards.**

- A. Landscaping. All parking areas shall be landscaped in accordance with the provisions of Chapter 19.50.
- B. Screening. The sides and rear of any off-street parking area for more than five (5) vehicles which adjoins or faces an institutional or residential use shall be effectively screened by a masonry wall or solid visual barrier fence unless otherwise provided for more specifically by the requirements of the zoning district in which such parking area is located. Such wall or fence may not be less than six feet (6') in height and shall be maintained in good condition and free from advertisement.
- C. Lighting. Lighting used to illuminate any off-street parking area shall be downcast and fully shielded so as to direct light away from adjoining premises and from street traffic. No light source (light bulb, fluorescent tube, or other direct source of light used to illuminate a parking area) may be visible beyond the property line of any off-street parking area.

**19.48.120 – Mobility and Pedestrian Circulation.**

- A. The following mobility and circulation standards apply in all parking areas or portions thereof.
  - 1. Street and Sidewalk Continuation.
    - a. Streets, internal circulation drives, and parking aisles shall be arranged to provide for the alignment and continuation of existing or proposed streets and drives into adjacent lots, developed or undeveloped.
    - b. Internal vehicular circulation areas shall be designed to allow for cross access to adjacent lots with residential, nonresidential or mixed-uses.
    - c. A stub for future cross access shall be provided from the vehicular use area to all adjacent lots. Where cross access is deemed impractical by the Planning Commission, Director, or designee during site plan review on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross access may be waived provided that appropriate bicycle and pedestrian connections are made between adjacent developments or uses.
    - d. A cross-access easement shall be recorded with the Salt Lake County Recorder prior to the issuance of a Building Certificate of Occupancy for the development.
  - 2. Pedestrian Access Required. Pedestrian access shall be required for all sites to improve the health, safety and welfare of the public by providing clear pedestrian pathways at perimeter and internal site locations to reduce pedestrian and vehicular conflicts, improve accessibility for persons with disabilities, and establish a multi-modal environment that is supportive of walking, biking and transit use. All attached single-family and multiple family residential, non-residential and mixed-use developments shall comply with the following requirements:

- a. Continuous internal pedestrian walkways shall be provided to connect off-street surface parking areas with the primary entrances of primary buildings;
  - b. At least one (1) pedestrian walkway with a minimum width of five feet (5') shall be provided from the internal pedestrian walkway network to the public sidewalk system. In the case of corner lots, connections shall be made to the sidewalks of both streets; and
  - c. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt.
3. Walkways in Parking Lots. Paved walkways shall be provided for access to adjacent parks, shopping areas, transit stops, anticipated walkways and institutions. Walkways shall either be dedicated sidewalks raised above the surface of the parking lot, or, if at the same level as the parking lot, clearly marked with striping and tactile alerts, and may use alternative materials, such as pavers.
- a. Each surface parking area that has fifty (50) or more parking spaces or has any parking spaces more than three hundred fifty feet (350') from the front entrance of the primary building as measured along walkways shown on the site plan, shall have at least one (1) pedestrian walkway or sidewalk allowing pedestrians to pass from the row of parking furthest from the primary building façade to the primary building entrance.
  - b. The required walkway must be at least five feet (5') wide, shall not be within a driving aisle, and, where possible, shall be within a landscaped island running perpendicular to the primary building façade. If parking spaces are adjacent to a sidewalk, the sidewalk must be at least seven feet (7') wide to allow for vehicular overhang.
4. Trail Connections. Where trails exist or are planned within three hundred and fifty feet (350') of a primary building entrance, paths or sidewalks shall connect building entries to the trail system.

**19.48.130 – Maintenance of Off-Street and Bicycle Parking.**

- A. Maintenance. All parking areas, including bicycle parking, shall be maintained free of dust, trash, weeds and debris. Surfacing, curbing, lighting fixtures, signs, and related appurtenances shall be maintained in a smooth, well-graded condition, and in good repair and safe condition at all times.
1. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
  2. All off-street parking, stacking and loading areas required by this Chapter shall be maintained free of accumulated snow or standing water that prevents full use and occupancy of the areas, except for temporary periods of heavy rainfall or snowfall, not to exceed five (5) days.

**19.48.140 – Supplementary Parking and Mobility Standards.**

The following supplementary parking and mobility standards apply.

- A. Gasoline Pumps Associated with a Self-Service Fuel Station. Gasoline pumps shall be set back no less than twenty-four feet (24') from any front property line, and no less than thirty feet (30') from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be located so that automobiles stopped for service at the pump will not extend over the property line.
  - 1. Canopies constructed to provide a weather shield over gasoline pump islands shall be set back no less than six feet (6') from any property line and no less than ten feet (10') from any residential zone boundary.
  - 2. Gasoline pumps associated with a self-service fuel station are subject to the specific use standards in Chapter 19.42.260 and all other applicable ordinances.
- B. Provisional Parking. Provisional parking in excess of the maximum parking spaces allowed in Table 19.48.150 may be permitted if the following conditions are met.
  - 1. Provisional parking spaces shall be shown on the site plan as complying with the parking stall size requirements of this Chapter as well as the maneuverability and aisle requirements of municipal code.
  - 2. Provisional parking spaces may be landscaped in such a way that they can be used for parking on a seasonal or temporary basis.
  - 3. After one year's time from the issuance of the land use permit, a property owner may request a review of the provisional parking. Upon a finding by the Planning Commission (for a conditional use) or the Director or designee (for a permitted use) that the additional parking is needed, approval shall be granted for the provisional parking to be paved and made permanent.
  - 4. The Planning Commission may set conditions of approval as part of any conditional use permit that utilizes provisional parking to provide for monitoring and future review of the parking plan.
- C. Valet Parking. Off-site parking may be permitted to meet the requirements of this Chapter if a valet parking program is established.
  - 1. A valet parking plan shall identify the following.
    - a. The location of parking spaces, pick-up areas, drop-off areas, and egress/ingress;
    - b. The involvement of personnel; and
    - c. General operating procedures.
  - 2. At least ten percent (10%) of the required parking spaces shall be reserved as on-site, self-parking spaces and shall be indicated as such on the valet parking plan.
- D. Community Parking Credits.
  - 1. If the Director or designee finds that parking is available either on public property or on property leased by a public entity for community parking, and such parking is conveniently located to a particular land use, credits may be given toward the parking requirement for said land use. See Section 19.48.050 (4).

E. Transit Access and Amenities.

1. Transit Stops. Where public transit service is available or planned, convenient access to transit stops shall be provided by means of public or private sidewalks or walkways. Any provided seating shall not obstruct a public sidewalk.
2. Where transit shelters are provided, they shall be placed in highly visible and well lighted locations for purposes of safety, subject to review by the Utah Transit Authority.
3. Landscaping. Landscape and/or plaza areas are encouraged at all bus and transit stops.

**19.48.150 - Parking Requirements Table.**

The number of required off-street parking spaces for individual uses shall be determined in accordance with Table 19.48.150, Off-Street Parking Requirements.

Table 19.48.150: Off Street Parking Requirements.				
Use Category	Use	Minimum Spaces Required	Maximum Spaces Allowed	Additional Requirements
<u>RESIDENTIAL</u>				
<b>Household Living</b>	Single-Family	2 spaces per dwelling unit	NA - but no more than 50% of any front or rear yard space may be paved.	Spaces may be arranged one behind another
	Two-Family	1 space per dwelling unit	3 spaces per dwelling unit	
	Three- and Four-Family			
	Multi-Family	1 space per studio apartment; 1.5 spaces per 1 bedroom unit; 2 parking spaces per dwelling unit for any units with 2 or more bedrooms; plus guest parking as determined by Director or designee	2 spaces per dwelling unit for all unit types; no more than 1 guest space per 3 units	

Use Category	Use	Minimum Spaces Required	Maximum Spaces Allowed	Additional Requirements
	Accessory Dwelling Unit	1 space per accessory dwelling unit	NA – but no more than 50% of any front or rear yard space may be paved.	Spaces may be arranged one behind another, but may not count toward the minimum parking requirements for a single-family home
<b>Group Living</b>	Nursing Home / Convalescent Care	4 spaces, plus 1 space for every 5 beds at total capacity	4 spaces, plus 1 space for every 3 beds at total capacity	
	Residential Facilities for Elderly Persons or Persons with a Disability	3 spaces	1 space per employee, plus 1 space per 2 residents	Parking spaces may be arranged one behind another
	Therapeutic School, Assisted Living Facility	4 visitor parking spaces plus 1 space per employee during the highest employment shift	NA	
	Rehabilitation and Treatment Facilities			
	Transitional Housing, Protective Housing			1 space per employee during the highest employment shift
<b>FOOD, LODGING, RETAIL, AND SERVICE</b>				
<b>Auto-Oriented</b>	Car and Light Truck Wash	NA	5 spaces per 1,000 sq.ft.	
	Self Service Fuel Station	1 space per pump island, plus 2 spaces per 1,000 sq.ft. of convenience store floor area	1 space per pump island, plus 5 spaces per 1,000 sq.ft. of convenience store floor area	Self-service fuel stations are also subject to the vehicle stacking standards in Section 19.48.100.

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	Truck Stop and Service Facilities	5 spaces plus 1 space for each employee during the highest employment shift	5 spaces per 1,000 sq.ft. of building space	
	Vehicle and Equipment Repair, Major or Minor			
	Vehicle Rental			
	Vehicle Sales and Service, All Types			
<b>Personal Services</b>	Check Cashing	1 space per employee during the highest employment shift, plus 4 customer spaces	5 spaces per 1,000 sq.ft. of building space	
	Child Care Center	4 spaces plus 1 space for every 500 sq.ft. of floor area		
	Child Care, Licensed Family or Residential	1 space per 8 clients, plus 1 per employee		
	Reiki	1 space per 250 sq.ft. of gross floor area, plus 1 space per employee on the highest employment shift		
	Other Personal Care Service or Personal Instruction Service	3 spaces per 1,000 sq.ft.		
<b>Other Services</b>	Animal Hospital or Clinic	1 space per employee on the highest employment shift, plus 1 space per 1,000 sq.ft.	NA	
	Contractor's Office	2 spaces per 1,000 sq.ft. of office area	3 spaces per 1,000 sq.ft. of office area	
	Kennel	1 space per employee on the highest employment shift, plus 1 space per 1,000 sq.ft.	1 space per employee on the highest employment shift, plus 2 spaces per 1,000 sq.ft.	
	Laundry Cleaning, Automatic or Drop Off	4 spaces, plus 1 space per employee on the highest employment shift	4 spaces, plus 1.5 spaces per 1,000 sq.ft. of floor area	

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	Mortuary or Funeral Home	1 space per 5 people at max design occupancy	1 space per 3 people at max design occupancy	
	Post Office	1 space per 500 sq.ft. of floor area, plus 1 space for each employee on the highest employment shift	1 space per 250 sq.ft. of floor area, plus 1 space for each employee on the highest employment shift	
	Commercial Plant Nursery	1 space per 1,000 for indoor display area, plus 1 space per 2,500 sq.ft. of outdoor display area.	NA	
	Pawn Shop	1 space per 500 sq.ft. of gross floor area used for the display of goods or services, plus 1 space per employee on the highest employment shift	1 space per 250 sq.ft. of gross floor area used for the display of goods or services, plus 1 space per employee on the highest employment shift	
	Retail Shops or Galleries where Primary Product is Produced On-Site			
	Retail Tobacco Specialty Business			
	Shopping Center	3 spaces per 1,000 sq.ft. of gross leasable area	5 spaces per 1,000 sq.ft. of gross leasable area	
	Swap Meets and Flea Markets	NA - but all parked vehicles must be accommodated on-site, off-street		
	Other Retail	1 space per 500 sq.ft. of gross floor area used for the display of goods or services	1 space per 250 sq.ft. of gross floor area used for the display of goods or services, plus 1 space per employee on the highest employment shift	
<b>Food and Drink</b>	Bar	1 space per 4 persons based on max occupancy	1 space per 2.5 persons based on max occupancy	
	Breweries and Distilleries in association with a Restaurant			

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	Liquor and/or Wine Store, Package Agency	1 space per 500 sq.ft. of gross floor area, plus 1 space per employee on the highest employment shift	4 spaces per 1,000 sq.ft. of gross floor area	
	Restaurant, Fast Food	1 space per 4 persons based on max occupancy	1 space per 2.5 persons based on max occupancy	
	Restaurant, Sit Down			
<b>Lodging</b>	Bed and Breakfast Inn	2 spaces for each primary residential dwelling unit plus 1 space for each guest room	2 spaces for each primary residential dwelling unit plus 1.25 spaces per guest room or unit	
	Boardinghouse, Hotel, Guest Ranch, Resort	1 space per sleeping unit, plus parking for any accessory uses	1.5 spaces per guest room or unit	
	Yurt	NA	1 space	
<b>OFFICE</b>				
<b>Offices</b>	Office, General	1 space per 500 sq.ft. of floor area	1 space per 250 sq.ft. of floor area	
	Office, Medical or Intensive, or Financial Institution	1 space per employee on the highest employment shift, plus 4 visitor spaces	6 spaces per 1,000 sq.ft.	
<b>INDUSTRIAL</b>				
<b>Light Industrial</b>	Breweries and Distilleries, Industrial	1 space per person employed on the highest employment shift	NA	
	Dairy			
	Industrial Flex Space			
	Laboratory, Medical and Dental or Research and Development			
	Salvage Yard, Storage Yard, Towing Services and Impound Lots			
	Self Service Storage Facilities Indoor or Outdoor	5 spaces plus 1 space for each employee during the highest employment shift		

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	Vertical Indoor Agriculture	1 space per person employed on the highest employment shift		
	Vehicle and Equipment Repair, Commercial and Industrial	5 spaces plus 1 space for each employee during the highest employment shift		
	Warehouse and Distribution Facilities	1 space per person employed on the highest employment shift		
	Other Light Manufacturing			
<b>Medium Industrial</b>	Agricultural Products Processing	1 space per person employed on the highest employment shift	NA	
	Assembly Use			
	Machine Shop			
	Meat or Poultry Processing Facility			
	Recycling Processing Facility			
	Solar Energy System, Commercial	NA		
	Vehicle Assembly	1 space per person employed on the highest employment shift		
	Water Treatment Facility			
<b>Heavy Industrial</b>	Freight Service	1 space per person employed on the highest employment shift	NA	
	Mining			
	Wind Energy System, Commercial	NA		
	Other Heavy Manufacturing	1 space per person employed on the highest employment shift		
<b>INSTITUTIONAL</b>				
<b>Public and Institutional Uses</b>	Animal Control or Rescue Facility	1 space per employee on the highest employment shift, plus 1 space per 1,000 sq.ft.	NA	
	Cemetery	NA	NA	

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	Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	0.25 spaces per seat; or 1 space per 300 sq.ft. of floor area if no seating is present	1 space per 3 seats; or 1 space per 200 sq.ft. of floor area if no seating is present	
	Correctional Facility	1 space per employee on the highest employment shift, plus at least 5 visitor spaces	NA	
	Educational Facility	<u>Elementary and Middle Schools:</u> 1 space per 20 students design capacity  <u>High Schools:</u> 1 space per 8 students design capacity  <u>Technical School, College, or University:</u> as determined by Director or designee	All: 4 spaces per 1,000 sq.ft. of floor area	
	Educational Facility with Residential Accommodation	1 space per 2 tenants at design capacity	1 space per tenant at design capacity	
	Hospital	1 space per 3 patient beds for the total design capacity of the hospital	1 space per patient bed for the total design capacity of the hospital	
	Park and Ride	NA	120 spaces	
	Public Park	2 spaces per 1,000 sq.ft. of courts, ball fields, or pools	3 spaces per 1,000 sq.ft. of courts, ball fields, or pools	
	Resource Recycling Collection Point	1 space per collection bin	2 spaces per collection bin	
	Other Public or Institutional Use	As determined by Director or designee		

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RECREATIONAL				
<b>Fitness and Entertainment</b>	Athletic Clubs	2 spaces per 100 sq.ft.	3 spaces per 100 sq.ft.	
	Club, Locker Club			
	Commercial Recreation, Recreation Facility	2.5 spaces per 1000 sq.ft. of floor area	4 spaces per 1,000 sq.ft. of floor area	
	Reception Hall, Reception Center, Theater, Concert Hall	1 space per 4 people at max occupancy	1 space per 2.5 people at max occupancy	
<b>Outdoor</b>	Campground	1 space per campsite	2 spaces per campsite	Spaces may be arranged one behind another
	Community Garden	NA	NA	
	Outdoor Recreation, Large Scale	As determined by Director or designee		
	Stable, Public	1 space per employee on the highest employment shift, plus 4 guest spaces	NA	
SPECIALTY				
<b>Specialty Uses</b>	Agritourism	Parking and Stacking Spaces as determined by Director or designee		
	Apiary			
	Crematorium			
	Drive-Up and Drive Thru Facilities			Drive-up and drive-thru facilities are subject to the stacking standards in Section 19.48.100.
	Seasonal Use or Sales			
	Ski Resort			

## **Chapter 19.50 LANDSCAPING, SCREENING, AND WATER-EFFICIENCY STANDARDS.**

### **19.50.010 – Purpose of Provisions.**

The intent of this Chapter is to establish landscaping, screening, and water-efficiency standards for new and expanded development to ensure efficient usage of water, establish landscaping quality standards, improve landscaping maintenance, promote land-use compatibility, and support the general welfare of the community. The provisions of this Chapter work toward the following goals:

- A. Increased water conservation and water efficiency;
- B. Preservation and enhancement of design continuity throughout the community;
- C. Improved management and quality of stormwater runoff;
- D. Improved health of plant and animal species;
- E. Increased compatibility between land uses;
- F. Enhanced property values;
- G. Reduction of development-related environmental impacts through mitigation of erosion, noise, dust, glare, and air pollution;
- H. Reduction of energy consumption through the prudent placement of plants;
- I. Reduction of absorption and re-generation of heat from impervious surfaces;
- J. Spatial and visual separation of:
  - 1. Vehicular and pedestrian functions within on-site vehicular circulation and parking areas; and
  - 2. Parked vehicles from public view and adjacent travel ways;
- K. Enhanced outdoor spaces through increased usage of native and drought tolerant plant species in the developed environment; and
- L. Reduced landscape maintenance responsibilities and costs.

### **19.50.020 – Scope and Applicability.**

The standards of this Chapter apply to:

- A. New Development. Any new development and/or off-street parking facilities shall comply with the provisions of this Chapter. Existing landscaping must be made to conform to the provisions of this ordinance when landscaping for public agency projects, or private commercial, industrial, or multifamily projects are modified or rehabilitated. Routine maintenance does not qualify as a modification or rehabilitation.
- B. Building Additions. Building additions which increase building coverage by twenty percent (20%) or more require the entire property to fully comply with this Chapter. Single- and Two-Family Dwellings are subject to this part only if more than fifty percent (50%) of the front or side yard area is disturbed. The Director or designee may grant relief from full compliance based on exemption factors cited in Subsection 19.50.020(F).

- C. Building Renovations. Building renovations, whether involving interior or exterior work, do not trigger a requirement for the property to fully comply with this ordinance. However, if such work involves the removal of existing plants, new plants shall be installed that create comparable landscape design value.
- D. Residential Properties:
1. Single and Two Family Dwellings. Single and Two-Family dwellings, except where located within a planned unit development or master planned community, shall comply with Section 19.50.050.A(1), but are exempt from all other sections of this Chapter.
  2. Fewer than Five (5) Units. Residential properties with fewer than five (5) units shall comply with the provisions of this Chapter for front yards and side yards only. The rear yard is not subject to the requirements of this Chapter.
  3. Five (5) or More Units. Residential properties or developments with five (5) or more units are subject to all provisions of this Chapter, including rear yards. This includes all Single and Two-Family dwellings located within a planned unit development or master planned community.
- E. Off-Street Parking Expansions.
1. Fifty Percent (50%) or less. A parking expansion which increases the number of parking stalls by fifty percent (50%) or less requires that the newly established expansion area be brought into compliance with both the interior and exterior/perimeter landscape requirements of this Chapter.
  2. Fifty Percent (50%) or more. A parking expansion which increases the number of parking stalls by fifty percent (50%) or more requires that the entire expansion area be brought into compliance with both the interior and exterior/perimeter landscape requirements of this Chapter. The pre-existing parking area, while not required to be retroactively brought into compliance with this Chapter's interior parking area landscape requirements, shall conform to exterior/perimeter area landscape standards.
  3. Repeated Expansions. Repeated expansions of parking facilities over time are combined in determining whether the fifty percent (50%) threshold has been reached.
- F. Exemptions. The provisions of this Chapter do not apply to the following:
1. Exemption for Historic District Contributing Buildings. Properties listed on either the State of Utah or National Historic Registers may be exempt from these regulations, subject to review by the Director or designee.
  2. Exemptions from Water Allowance Limitations. Areas dedicated and used for the following specific purposes are exempt from the landscape water allowance limitations of this Chapter:
    - a. Sports fields;
    - b. Turf areas within public parks;
    - c. Golf courses; and
    - d. Cemeteries.
  3. Limits to Exemptions. Although exempt from landscape water allowance limitations, all other provisions of this Chapter apply. In particular, landscaping shall be provided in the interior and perimeter areas of off-street parking facilities, adjacent to buildings, and along walkways.

**19.50.030 – Landscape Irrigation Standards and Efficient Water Usage.**

- A. Establishment and Maintenance of a Site-Specific Landscape Water Allowance. To facilitate efficient water consumption in the establishment and long-term maintenance of site landscape improvements, an annual landscape water allowance shall be established and maintained for each improved property as set forth in this Chapter.
1. Acceptable water efficiency shall be deemed to have been achieved when the approved landscape plan indicates a landscape water allowance of no more than fifteen inches (15”) per square foot (sq. ft.) average for the entire landscaped area of the site. Multiplying this figure by the total irrigated landscape area in square feet yields the annual water budget for landscape use for the property. A conversion factor of 0.62 shall be used to convert from inches of water utilized to gallons.
- B. Irrigation Requirements in the Landscape.
1. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency. Drip irrigation or bubblers shall be used except in lawn areas. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components.
  2. Each irrigation valve shall irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs. Lawn and planting beds shall be irrigated on separate irrigation valves. In addition, drip emitters and sprinklers shall be placed on separate irrigation valves.
  - ~~3.~~ Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
- C. Introduction and Use of Native and Other Drought-Tolerant Plants. To promote maximum water conservation, at least eighty percent (70%) of the trees and shrubs used on a site shall be water conserving species, capable of withstanding dry conditions once established. Native plants shall be used to the maximum extent feasible. Drought-tolerant grass varieties shall be used in areas planted in turf or Lawn. Lists of plants that satisfy these requirements and that are available locally may be obtained from the Director or designee or by referencing Utah State University Extension Center for Water-Efficient Landscaping Water-Wise Plants for Utah Landscapes [website](#).
- D. Plant Establishment and Arrangement Based on Water Consumption. Though there are many ways plants can be distinguished from one another, categorization based on water use is critical for the purpose of this ordinance. The establishment and arrangement of plants on a site according to the water needs of those plants is commonly referred to as *hydrozone management*. Hydrozone management is required by this Chapter and shall be implemented using the following techniques:
1. This requires separating high water use plants, whenever possible, from medium, low, and very low water plant material within the landscape;
  2. Plants with similar water needs shall be clustered within the landscape in areas where water needs can be feasibly managed using independent hydrozones;
  3. Each independent hydrozone shall identify an inches per square foot annual irrigation target intended maintain the plant material selected for the zone at maturity;

4. Each independent hydrozone will identify an appropriate irrigation strategy to meet irrigation target established for the hydrozone;
5. The total average water inches per sqft distributed in all hydrozones may not exceed fifteen inches (15”) per square foot per year;
6. For projects located at the interface between urban areas and natural (non-irrigated) open space, drought-tolerant plants that will blend with the native vegetation shall be used;
7. Areas with slopes greater than thirty percent (30%) shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization; and
8. Park strips and other landscaped areas less than eight feet (8’) wide shall be landscaped with water-conserving plants. Turf grass is prohibited.

**19.50.040 – Landscape Design Standards.**

- A. Standards Applicable to All Developments. Required site landscape improvements shall be provided in accordance with the standards and design guidelines set forth in this Chapter. The standards set forth herein are numerically measurable to readily facilitate the preparation, review and approval of landscape plan submittals and the subsequent verification of compliance with the requirements of the Chapter. Design guidelines, though not precisely measurable, are intended to clarify the principles associated with specified standards, provide guidance for the review and approval of submitted landscape plans, and provide flexibility for design professionals who wish to propose alternative compliance approaches.
- B. Retention of Significant Natural Features. Features that are unique to a property, such as that property's natural topography, existing vegetation, or riparian features shall be taken into consideration in the planning and design of landscape improvements for that property. Priority is to be given to the preservation or protection of existing undisturbed areas in the which vegetative cover of sixty percent (60%) or greater is dominated by mature native tree or wooded riparian species are present within a proposed development site. The proposed locations of streets, buildings and lots shall, to the extent possible, minimize disturbance to these areas.
- C. Tree Preservation, Removal, and Replacement.
  1. Preservation of Existing Trees. All healthy, existing trees shall be preserved to the maximum extent feasible. Existing, living trees having a caliper of four inches (4”) or larger shall be subject to the Replacement provisions below.
    - a. Preserved trees shall be credited to the satisfaction of replacement trees on a three to one (3-to-1) caliper-to-caliper basis.
    - b. Preserved trees shall be credited toward the satisfaction of the tree planting requirements of this Chapter.
    - c. Where existing trees are to be protected, the following standards shall apply:
      - i. A fenced tree protection zone shall be established around each tree or cluster of trees to be retained. The perimeter of this zone, which shall coincide with the drip line of the tree or trees to be protected, shall be clearly marked with high-visibility materials at a minimum height of four feet (4’);
      - ii. The storage or movement of equipment, material, debris, or fill is prohibited within the fenced tree protection zone to minimize soil compaction around roots;

- iii. The cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree is prohibited within the drip line of any protected tree or group of trees;
  - iv. No cut or fill is permitted within the drip line of any protected existing tree or group of trees unless a qualified arborist, forester, or landscape architect has evaluated and approved the disturbance;
  - v. All protected existing trees shall be pruned as specified by a qualified arborist or forester;
  - vi. No damaging attachment, wires, signs, or permits may be fastened to any protected tree; and
  - vii. Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way, and utility easements may be ribboned off, rather than erecting protective fencing around each tree as required above. This may be accomplished by placing metal t-post stakes a maximum of fifty feet (50') apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
- d. The removal of trees is allowed under the following circumstances:
- i. Where trees have naturally fallen or are determined by a licensed arborist to be dead or dying;
  - ii. Where trees have been diagnosed by a qualified arborist as unhealthy beyond reasonable rehabilitation;
  - iii. Where the species is classified by the Utah Department of Agriculture and Food as a noxious weed;
  - iv. Where trees are determined to be potentially harmful to the public health, safety, or welfare;
  - v. Where it has been determined by the municipality that tree removal is necessary to restore clear visibility at driveways and intersections; or
  - vi. Where the preservation of trees would prevent reasonable site grading to accommodate a functional arrangement of buildings and related improvements on the property. Written documentation of the above is required prior to the removal of any tree.

2. Replacement of Existing Trees.

- a. Existing trees having a caliper of four inches (4") in size or greater which are removed as a result of development or construction shall be replaced on the development site by trees of no less than two-inch caliper in size. The required replacement ratio shall be one (1) tree for every two (2) caliper inches (cumulative) of trees removed. Replacement trees shall not be credited toward the satisfaction of the tree planting requirements of this Chapter but shall be in addition to that otherwise specified.
- b. Trees identified for preservation on the landscape plan, but which die as a result of construction, shall be considered "existing trees removed" and shall be replaced.

3. Maximum Replacement. On development sites with significant existing tree cover, the full replacement of removed trees may be impractical. In such instances, the regulations set forth below will apply:
  - a. Residential and Open Space Uses. The installation of new and replacement trees shall be required up to the point where the average for the entire site reaches twenty (20) total trees per acre of landscape area (includes existing four-inch (4”) caliper and larger trees and new trees).
  - b. For Non-Residential Uses. The installation of new and replacement trees shall be required up to the point where the average for the entire site reaches ten (10) total trees per acre of landscape area (includes existing four-inch (4”) caliper and larger trees, and new trees).
- D. New Plantings. The measurements and specifications for all live plants used to fulfill the requirements of this Chapter shall be as set forth in the American Standard for Nursery Stock (ANSI Z60.1-204) as published and periodically amended by the American Nursery and Landscape Association. The following are minimums in relation to those standards. Nothing in this Chapter may be interpreted to prohibit the provision of landscape improvements in excess of these minimums.
  1. Plant Quality. Required plant materials shall be nursery or field grown, unless otherwise approved, and shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety, free from defects decay, disfiguring roots, sun-scald, injuries, abrasions of the bark, plant diseases, insect pest eggs, borers, and all forms of infestations or objectionable disfigurements of diseases, insects, and injuries.
  2. Plant Coverage and Growth Rate. Within three (3) years of the initial planting, landscapes are required to have enough plant material to create at least fifty percent (50%) living plant cover at the ground plane, excluding tree canopies.
  3. Species Diversity. A variety of plant species shall be utilized in all site landscaping. No one species may make up more than twenty-five percent (25%) of the total non-turf plant materials within the landscaped area. Species diversity is required to prevent uniform insect or disease susceptibility and to stem the untimely degeneration or premature deterioration of trees planted or retained on a development site or in the adjacent area. The minimum requirements in Table 19.50.040 A shall apply.
    - a. Special consideration shall be given to canyon areas to protect against decimation due to insect to disease infestations.

<b>Table 19.50.040 A: Tree Species Diversity Based on Number of Trees.</b>	
<b>Total Number of Trees on Site</b>	<b>Maximum Percentage of Any One Species</b>
10-19	50%
20-39	33%
40-59	25%
60 or more	15%

4. Tree Placement. Trees shall be located to provide summer shade and limit winter shade on walks, parking lots, and streets.

5. Root Accommodation. Prior to the installation of trees, a determination shall be made as to whether root barriers are necessary to prevent roots from uplifting or cracking sidewalks or other hard surface improvements in the vicinity of the tree. Root barrier collars and root path trenches shall be installed as needed to provide such protection and to ensure healthy tree root growth.
6. Plant Size Requirements at Planting. All new and replacement trees, shrubs, and other plants shall meet the minimum size requirements shown in Table 19.50.040 B.
  - a. Where plant materials are secured on the basis of container size, equivalency shall be in accordance with the American Standard for Nursery Stock (ANSI Z60.1-204) as published and periodically amended by the American Nursery and Landscape Association.

<b>Table 19.50.040 B: Tree and Shrub Size Requirements at Planting.</b>	
<b>Plant Type</b>	<b>Size</b>
Deciduous trees	Two-inch (2") caliper
Ornamental and flowering trees	One and one-half inch (1.5") caliper OR six feet (6') in height
Evergreen trees	Six feet (6') in height
Spreading shrubs	Eighteen inches (18") of spread at the time of planting AND grown in a five (5) gallon container
Upright shrubs	Twenty-four inches (24") of spread at the time of planting AND grown in a five (5) gallon container
Herbaceous plants	One (1) gallon container

7. Mulch. At least three inches (3") of mulch, permeable to air and water, shall be used in planting beds to inhibit weed growth, moderate soil temperature, and improve water retention. Newly planted trees in areas predominantly improved with turf shall be provided a plant-free, mulched area with a minimum radius of four feet (4') around the trunks to protect the trunks from turf-maintenance operations and expedite tree root establishment. Nonporous materials (e.g., plastic) may not be placed under mulch. Bare soil is not permitted. The following types of mulch are permitted:
  - a. Organic mulch. Bark mulch or other organic landscape mulch commonly used in the industry.
  - b. Gravel mulch. Ornamental landscape gravel of fine aggregate, not exceeding one-half inch (0.5"). White and black gravel is prohibited.
  - c. Recycled mulch. Mulch made of recycled materials may be accepted upon the Director's or designee's review and approval.
8. Lawn and Turf Areas.
  - a. Lawn may not be installed in park strips, paths, on slopes greater than twenty-five percent (25%) or four-to-one (4:1) grade or be less than eight feet (8') wide at its narrowest point.
  - b. Drought-tolerant grass varieties shall be established and maintained.

- c. In commercial, industrial, institutional, and multi-family development common area landscapes, Lawn areas shall be equal to or less than twenty percent (20%) of the total landscaped area, outside of Active Recreation Areas.
  9. Coverage Requirements for Landscape Improvements. Areas of a site not covered with buildings or pavement are considered landscape areas and shall be covered with trees, shrubs, groundcover, flowers/herbaceous plants, mulch, or turf in compliance with the standards set forth in this Chapter. Areas of bare dirt are not allowed. Native landscaping may be used in appropriate locations, subject to Director or designee approval.
- E. In residential landscapes, the landscaping shall adhere to the following *Localscapes* requirements:
1. If size permits, the landscaped areas of the front yard and street-facing side yard shall include a designed central open shape created by using lawn, hardscape, groundcover, gravel, or mulch.
  2. Gathering areas shall be constructed of hardscape and placed outside of the central open shape. In a landscape without lawn, gathering areas may function as the central open shape.
  3. Activity zones shall be located outside of the central open shape and shall be surfaced with materials other than lawn.
  4. Paths shall be made with materials that do not include lawn, such as hardscape, mulch, or other groundcover.
  5. Lawn areas may not exceed two hundred and fifty square feet (250 sq. ft.), or thirty-five percent (35%) of the total landscaped area, whichever is smaller.
  6. Small residential lots, which have no back yards, which the total landscaped area is less than two hundred fifty square feet (250 sq. ft.), and which the front yard dimensions cannot accommodate the minimum eight feet (8') wide lawn area requirement of the landscaping requirements, are exempt from the eight feet (8') minimum width lawn area requirement.
- F. Certain special purpose landscape areas (e.g. stormwater management areas, etc.) may receive exceptions from the slope limitations and other elements of the landscaping requirements. Applications to receive exceptions are to be considered on a case-by-case basis by the Director or designee.

**19.50.050 – Landscape Yards or Setbacks and Buffer Areas.**

- A. Frontage Landscape Setbacks. Frontage landscape setbacks to provide landscape enhancement along public and private streets are required as follows:
1. Single-Family, Two-Family, Three-Family, and Four-Family Dwellings.
    - a. Area Required. The front yard area and any street-facing side yard shall be maintained as a landscape setback, except that driveways and pedestrian walkways are permitted.
    - b. Required Landscaping. The landscaping shall adhere to the *Localscapes* requirements as outlined in Section 19.50.040(E).
      - i. The front yard area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.
      - ii. Areas of bare mulch or gravel shall not extend more than five feet (5') from the branching of shrubs or trunks of trees.

- iii. At least one tree, either shade or ornamental, shall be planted for every twenty-five feet (25') of yard frontage, rounded to the nearest whole number.
  - iv. At least fifty percent (50%) of the linear foot length of the front building wall shall be planted with shrubs or flowers/herbaceous plants.
  - v. At least fifty percent (50%) of any landscaped areas must have canopy coverage from live plant growth.
  - vi. Impervious surfaces within a front yard or street side yard may not exceed fifty percent (50%) of the yard area.
  - c. Maximum Area of Turf. The area of domestic turf on any property may not exceed two hundred fifty square feet (250 sq.ft.), or thirty-five (35%) of the total landscape area, whichever is greater.
  - d. All irrigation shall be appropriate for the designated plant material to achieve the highest water efficiency. Drip irrigation or bubblers shall be used except in Lawn areas. Drip irrigation systems shall be equipped with a pressure regulator, filter, flush-end assembly, and any other appropriate components.
  - e. Each irrigation valve shall irrigate landscaping with similar site, slope and soil conditions, and plant materials with similar watering needs. Lawn and Planting Beds shall be irrigated on separate irrigation valves. In addition, drip emitters and sprinklers shall be placed on separate irrigation valves.
  - f. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities.
  - g. Mulch. At least three inches (3") of mulch, permeable to air and water, shall be used in front yard planting beds to inhibit weed growth, moderate soil temperature, and improve water retention.
  - h. Lawn may not be installed in park strips, paths, or slopes greater than twenty-five percent (25%) or four-to-one (4:1) grade or in areas that are less than eight feet (8') wide at the narrowest point.
2. Multiple-Family Uses.
- a. Area Required. Unless a reduced building setback has been allowed by ordinance or variance, a landscape setback of twenty feet (20') in depth shall be maintained along the property frontage, except that driveways and pedestrian walkways are permitted. Where the front yard is subject to a build to line requirement, the entire front yard setback shall be landscaped.
  - b. Required Landscaping.
    - i. The front yard area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.
    - ii. Areas of bare ground, mulch, or gravel may not be used as a substitute for landscaped areas.

- iii. Mulch/gravel areas shall not extend more than five feet (5') from the branching of shrubs or trunks of trees.
  - iv. At least one (1) tree, either shade or ornamental, shall be planted for every twenty-five feet (25') of yard frontage, rounded to the nearest whole number.
  - v. At least one (1) shrub shall be planted for every forty square feet (40 sq. ft.) of landscape area within the landscape setback. Three (3) herbaceous plants with a mature height of thirty inches (30") or more may be substituted for one shrub.
  - c. Maximum Area of Turf. The area of domestic turf on any property shall not exceed twenty percent (20%) of the total landscaped area, outside of Active Recreation Areas.
3. Commercial, Office, and Public Uses.
- a. Area Required. If a front yard is provided, the approved landscaping shall be maintained along the frontage, except that driveways, patios, seating areas, and pedestrian walkways are permitted. Where the front yard is subject to a build to line requirement, the entire front yard setback shall be landscaped.
  - b. Patio Seating. Up to fifty percent (50%) of the required landscape area for restaurants can be patio seating.
  - c. Required Landscaping.
    - i. The landscape setback area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.
    - ii. Areas of bare ground, mulch, or gravel may not be used as a substitute for landscaped areas.
    - iii. Mulch/gravel areas shall not extend more than five feet (5') from the branching of shrubs or trunks of trees.
    - iv. At least one (1) tree, either shade or ornamental, shall be planted for every twenty-five feet (25') of yard frontage, rounded to the nearest whole number.
    - v. At least one (1) shrub shall be planted for every forty square feet (40 sq. ft.) of landscape area within the landscape setback. Three (3) herbaceous plants with a mature height of thirty inches (30") or more may be substituted for one shrub.
    - vi. If a patio area is established, planter boxes or other landscaping types shall be included to visually soften the hard surface of the patio area.
  - d. Maximum Area of Turf. The area of domestic turf on any property may not exceed twenty percent (20%) of the total landscaped area, outside of Active Recreation Areas.
4. Industrial Uses.
- a. Area Required. The required front yard area shall be maintained as a landscape setback, except that driveways and pedestrian walkways are permitted.
  - b. Required Landscaping.
    - i. The landscape setback area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.

- ii. Areas of bare ground, mulch, or gravel may not be used as a substitute for landscaped areas.
  - iii. Mulch/gravel areas shall not extend more than five feet (5') from the branching of shrubs or trunks of trees.
  - iv. At least one (1) tree, either shade or ornamental, shall be planted for every twenty-five feet (25') of yard frontage, rounded to the nearest whole number.
  - v. At least one (1) shrub shall be planted for every forty square feet (40 sq. ft.) of landscape area within the landscape setback. Three (3) herbaceous plants with a mature height of thirty inches (30") or more may be substituted for one shrub.
  - c. Maximum Area of Turf. The area of domestic turf on any property shall not exceed twenty percent (20%) of the total landscaped area.
5. Open Space Uses. Open space uses such as parks, golf courses, sports fields, cemeteries, etc.
- a. Area Required. The required front yard area shall be maintained as a landscape setback, except that driveways and pedestrian walkways are permitted.
  - b. Required Landscaping. The landscape setback area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf, or any combination thereof.
- B. Buffer Areas between Nonresidential and Residential Land Uses. The following provisions apply whenever a non-residential use abuts with a residential or open-space use.
- 1. Landscape Area. A landscaped buffer area not less than twenty feet (20') wide shall be required between nonresidential and residential uses. Where lot size restricts the ability to provide a twenty-foot (20') landscaped buffer, the commercial, industrial, or major public utility project abutting a residential use shall instead be required to install a six foot (6') tall decorative masonry wall along the property line between the residential and non-residential uses. The masonry wall shall be accompanied by a landscaped buffer that is at least eight feet (8') in width.
  - 2. Required Landscaping.
    - a. The landscape buffer area shall be maintained in an orderly manner with landscaping comprised of shrubs, flowers/herbaceous plants, trees, turf (limited to 20% of the landscaped area), or any combination thereof.
    - b. Areas of bare ground, mulch, or gravel may not be used as a substitute for landscaped areas.
    - c. Mulch/gravel areas may not extend more than five feet (5') from the branching of shrubs or trunks of trees.
    - d. At least one tree, either shade or ornamental, shall be planted for every twenty feet (20') of length of the buffer, rounded to the nearest whole number. Trees may be planted in a linear or cluster arrangement, so long as the spacing of provided trees adequately screens the nonresidential use from the adjacent residential use. If a linear arrangement of trees is provided, tree spacing shall not exceed twenty feet (20') on center.
    - e. At least one shrub shall be planted for every thirty square feet (30 sq. ft.) of the landscaped area.
- C. Building Foundation Landscaping.

1. If a multi-family residential, mixed-use, or non-residential development maintains a front or corner side yard of ten feet (10') or more, building foundation landscaping is required.
2. Foundation plantings shall be designed to work in concert with buffer yard plantings to frame important views and to visually soften long expanses of walls, particularly those that lack windows or other architectural details. Foundation plantings shall be compatible with the materials and the form of a building.
3. Foundation plantings shall be installed across sixty percent (60%) of the length of the facade of the building.
4. Foundation plantings may consist of a mix of trees, shrubs, and herbaceous plants.
5. To prevent crime, foundation plantings shall not block or hide building entrances or windows.
6. Landscaping requirements for sides of retail buildings facing accessory parking lots may be reduced or eliminated to accommodate pedestrian access.

**19.50.060 – Landscaping of Park Strips.**

- A. Landscaping Responsibility. Although park strips are part of the public right-of-way, it is the responsibility of the property owner immediately adjacent to a park strip to provide for basic maintenance of that park strip. This responsibility includes the establishment and maintenance of landscaping that conforms to these regulations
- B. Irrigation. It is the responsibility of the adjacent property owner to provide regular and adequate watering to ensure the health of park strip landscaping. If the adjacent property is irrigated, the irrigation system shall be extended to include the park strip.
- C. Applicability.
  1. Any new development shall provide park strip landscaping in conformance with these regulations.
  2. Existing development is not required to provide park strip landscaping, except where the provisions of Section 19.50.020 apply.
  3. Any new park strip landscaping done in conjunction with existing development shall conform to these regulations.
- D. Landscape Plans. For all new development, park strips shall be shown on all landscape plans for approval.
- E. Pavement in Park Strips.
  1. A paved pedestrian walkway up to five feet (5') in width is allowed across any park strip.
  2. Hardscape or an alternative form of landscaping is allowed in park strips of less than five feet (5') in depth, as measured from the back of the curb to the sidewalk.
  3. Paving of park strips with a depth, as measured from the back of the curb to the sidewalk, of five feet (5') or greater is only allowed when the maintenance of landscaping is impractical due to site topography, lack of direct access, traffic patterns, or other such factors and is subject to approval by the Director or designee.
  4. The pavement allowed in Subsections 19.50.060(E) 2 and 3 shall consist of decorative stamped concrete, removable brick, or paving stones.
- F. Plants.

1. The type of plants used in park strip landscaping shall be at the discretion of the adjacent property owner, subject to these regulations. The use of water efficient standards as outlined in Section 19.50.030, Landscape Irrigation and Efficient Water Use, is required.
  2. Lawn is prohibited in areas less than eight feet (8') wide, including park strips. The use of drought-tolerant plants is encouraged.
  3. No less than fifty percent (50%) of the ground area of a park strip may be covered by plants, which shall be either live turf, evergreen or deciduous groundcover, herbaceous plants, or shrubs that do not exceed a mature height of eighteen inches (18"). No plant may create a visibility obstruction for motorists. Up to fifty percent (50%) of the ground area of the park strip may be covered with mulch or gravel.
- G. Trees in Park Strips. One (1) deciduous tree shall be planted in the park strip area for every twenty-five linear feet (25') of lot frontage, rounded to the nearest whole number. Park strips less than eight feet (8') in depth as measured from curb to sidewalk are not subject to this requirement. All trees shall be planted in the center of the width of the park strip.
1. Exceptions. If an easement exists in the park strip for a water line, power line, or other utility feature below or above the park strip, this requirement shall be waived, and the property owner shall instead install landscaping that is consistent with the terms of the applicable easement. Trees which interfere with existing utilities and are removed by the applicable utility provider may not be replaced unless written approval is granted by that utility provider.
  2. Trees Prohibited for Park Strips. Any tree or shrub that could conflict with the safe use of the right-of-way is prohibited in the park strip. Some of these trees include:
    - a. Box Elder – *Acer negundo*
    - b. Silver Maple – *Acer saccharinum*
    - c. Tree of Heaven – *Ailantus altissima*
    - d. River Birch – *Betula nigra*
    - e. Russian Olive – *Eleagnus angustifolia*
    - f. Poplar (all, includes Cottonwood) – *Populus spp.*
    - g. Quaking Aspen – *Populus tremuloides*
    - h. Flowering Plum – *Prunus cerasifera*
    - i. Pin Oak – *Quercus palustris*
    - j. Idaho Locust – *Robina x ambigua 'Idahoensis'*
    - k. Willow (all) – *Salix spp.*
    - l. Siberian Elm – *Ulmus pumila*
  3. Trees Recommended for Park Strips.
    - a. Paperbark Maple – *Acer Griseum*
    - b. Tatarian Maple, single stemmed – *Acer tatrium*
    - c. Nettleleaf Hackberry – *Celtis reticulate*
    - d. Thornless Cockspur Hawthorn – *Crataegus crus-galli var. inermis*

- e. La Valle Hawthorn – *Crataegus x lavalleyi* ‘Carrier’
  - f. Amur Maackia – *Maackia amurensis*
  - g. Fruitless Crabapple – *Malus, ioensis* ‘Klem’s Improved’ or ‘Spring Snow’, etc.
  - h. Eastern redbud – *Cercis Canadensis*
  - i. Blackhaw Viburnum – *Viburnum prunifolium*
4. Trees Appropriate for Use Under Powerlines.
- a. Nettleleaf Hackberry – *Celtis reticulata*
  - b. Seedless Ash – *Fraxinum pennsylvatica lanceolata* ‘Marshall Seedless’
  - c. Thornless Honeylocust – *Gleditsia tricanthos var. inermis* ‘Imperial’
  - d. Goldenrain Tree – *Koelreuteria paniculate*
  - e. Crabapple spp – *Malus ioensis* ‘Spring Snow,’ ‘Snow Drift,’ ‘Centurion,’ and ‘Zumi’
  - f. Callery Pear – *Pyrus calleryana* ‘Aristocrat,’ ‘Chanticleer’,’ and ‘Redspire’
  - g. Japanese Pagodatree – *Sophora japonica* ‘Regent’
5. Other species of trees may be used, subject to review and approval by the Director or designee.

**19.50.070 – Landscaping of Parking Lots.**

- A. Frontage Landscaping. The landscaping of parking lots along public and private streets is subject to the provisions of Section 19.50.060.
- B. Side Landscaping. The landscaping of parking lots parallel to side lot lines shall conform to the following:
- 1. A landscape area at least five feet (5’) in width, exclusive of car overhang, shall be provided.
  - 2. Required Landscaping
    - a. At least one (1) tree shall be planted for every twenty-five feet (25’) of length, rounded to the nearest whole number. Trees may be either shade, ornamental or evergreen.
    - b. At least one (1) upright shrub shall be planted for every six feet (6’) of length.
    - c. Additional herbaceous plantings are encouraged.
    - d. The remainder of the landscape areas may be covered in mulch, gravel, or turf.
- C. Interior Parking Lot Landscaping. Interior, curbed landscape parking lot islands or medians are required in parking lots consisting of twenty (20) or more spaces.
- 1. Islands.
    - a. Number of Parking Lot Islands Required.
      - i. At least one parking lot island shall be provided for every ten (10) parking spaces.
      - ii. All rows of parking spaces shall be terminated by a parking lot island, which may result in more than one island for every ten (10) spaces.
      - iii. Parking lot island locations may be varied based on specific site requirements or design scheme.

- iv. Where a row of parking exceeds twenty (20) spaces, a parking lot island shall be located in the middle of the row.
  - b. Size of Parking Lot Islands.
    - i. Parking lot islands shall be the same dimension as a standard parking stall, as required in Chapter 19.48.
    - ii. Double rows of parking shall provide parking lot islands that are the same dimension as the double row.
2. Medians.
- a. Number of Parking Lot Medians.
    - i. One (1) continuous median per row of head-in parking stalls may be used in place of parking lot islands.
  - b. Size of Parking Lot Medians.
    - i. The length of parking lot medians shall be equal to the length of each row of parking stalls when the median abuts a single row of parking stalls or acts as a divider median separating opposing rows of head-in parking stalls.
    - ii. The width of parking lot medians shall be:
      - (a) Eight feet (8'), with consideration for vehicle overhang, where divider medians occur adjacent to head-in parking stalls, or
      - (b) 10 feet (10'), with consideration for vehicle overhang, for divider medians separating opposing rows of head-in parking stalls.
- D. Interior Parking Lot Design.
- 1. Design of Parking Lot Islands and Medians.
    - a. Parking lot islands, medians, or landscaped areas shall be surrounded with a six-inch (6") high concrete curb. In cases where the parking lot island or median is designed specifically for the absorption of stormwater, the curb requirements may be modified.
    - b. Islands, medians, and landscaped areas shall be properly drained and irrigated, as appropriate for the site conditions and plant species, to ensure healthy plant growth.
  - 2. Required Trees.
    - a. One (1) shade tree shall be planted for every twenty-five feet (25') of length in a parking lot median.
    - b. A minimum of one (1) shade tree shall be provided for every parking lot island.
    - c. If the island extends the width of a double row, then two (2) shade trees shall be provided.
  - 3. Groundcover Plantings.
    - a. A minimum of fifty percent (50%) of the surface area of each parking lot island or median shall be planted in low-growing shrubs, groundcover, perennials, ornamental grasses or other herbaceous plants.
    - b. To avoid visibility obstructions, plantings shall not reach a mature height of more than thirty inches (30").

- c. The use of drought-tolerant plants is encouraged.
  - d. The entire parking lot island or median shall be mulched to promote plant health and to retain water.
  - e. No turf may be planted in parking lot islands or medians.
4. Pedestrian Walkways.
- a. Parking lots shall be designed to provide pedestrian walkways that link the public sidewalk along the street with the front door of the building.
  - b. A landscape area at least three feet (3') in width shall be located along one side of such walkway and shall be planted with trees, shrubs and herbaceous plants at the discretion of the applicant.
- E. Wheel Stops.
- 1. Wheel stops shall be installed no less than two feet (2') from the edge of any landscape area where vehicular parking stalls abut interior parking area landscaping that is not situated within and protected by a landscape planter.

**19.50.080 – Landscaping of Drive-Thru Facilities.**

- A. Plantings and related landscape improvements shall be provided in conjunction with drive-thru service facilities, including automatic car washes, in order to:
- 1. Introduce a more aesthetically pleasing approach to these types of vehicular activities on newly developed or redeveloped sites;
  - 2. Better integrate these types of land uses into the established character of surrounding area improvements; and
  - 3. Screen queued vehicles from the view of passing motorists on adjacent roadways.
- B. Trees Required.
- 1. One (1) tree shall be planted for each one hundred twenty-five square feet (125 sq. ft.) or more of landscape area. Landscape areas of less than one hundred twenty-five square feet (125 sq. ft.) do not require a tree to be planted.
- C. Groundcover Plantings.
- 1. A minimum of fifty percent (50%) of the surface area of each landscape area shall be planted in low-growing shrubs, groundcover, perennials, ornamental grasses, or other herbaceous plants.
  - 2. To avoid visibility obstructions, these plantings shall not reach a mature height of more than thirty inches (30").
- D. Mulch.
- 1. The entire landscape area shall be mulched to promote plant health and retain water. No turf may be planted in these landscape areas.
- E. Water efficient landscaping.
- 1. Landscaping shall follow the guidelines for Section 19.50.030, Landscape Irrigation Standards and Efficient Water Usage.

**19.50.090 - Car Wash Water Efficiency Standards.**

- A. Purpose and Applicability. In order to preserve the limited water resources available within the municipality, all new and rehabilitated car washes must comply with these applicable water efficiency standards.
- B. Water Recycling Encouraged. Recycling of all water used in a car wash is encouraged to reduce the amount of fresh culinary water used.
- C. Plumbing for Water Recycling Systems Required. All car washes shall be plumbed at the time of construction to provide for water recycling systems for both wash water and reverse osmosis rinse water systems, whether installed or not.
- D. Water Efficiency Standards.
  - 1. All car washes shall install systems and equipment to limit the amount of fresh culinary water used on a per-vehicle basis. No car wash, new or rehabilitated, may be permitted unless the applicant can demonstrate that the system shall not use more than an average of thirty-five (35) gallons of culinary water per vehicle.
  - 2. At the time of construction or rehabilitation, systems which recycle water used for vehicle washing and recycle reverse osmosis reject water shall be installed and used in perpetuity.
  - 3. The use of secondary irrigation water in the wash cycle may be permitted in lieu of some recycling requirements if available and approved by the water provider and Director or designee.
  - 4. The use of recycling water systems and the disposal of water fluids and solids shall comply with applicable state and federal laws, guidelines, and standards.
  - 5. Larger storage tanks may be permitted on site in order to capture or re-use water.

**19.50.100 – Functional Enhancements.**

- A. Pedestrian and Vehicular Pathways. The design of pedestrian and vehicular travel ways for multiple-family, residential, retail commercial, office, public and quasi-public, and mixed-use developments shall incorporate plantings and related landscape improvements for separation of pedestrian and vehicular traffic movements, improved pedestrian convenience and safety, and better-defined vehicular circulation and parking.
- B. Building Entrances, Drop-off and Pick-up, and Outdoor Dining Areas. Plantings and related landscape improvements shall be incorporated into the design of building entrances, drop-off and pick-up, and outdoor dining areas in order to:
  - 1. Separate these areas from on-site vehicular circulation and parking facilities and from off-site traffic;
  - 2. Enhance pedestrian comfort, convenience, and safety; and
  - 3. Facilitate outdoor dining with maximum insulation from vehicular traffic impacts.

**19.50.110 – Stormwater Management Facilities Requirements and Landscaping.**

All detention/retention basins, ponds and other stormwater facilities shall be improved with landscaping, which may include shade and ornamental trees, evergreens, shrubbery, hedges, turf (limited to 20% of the landscaped area), groundcover, and other plants and related landscape improvements.

**19.50.120 – Screening Requirements.**

Residential properties with less than five (5) units are exempt from the screening requirements of this Section; all other properties shall comply.

A. Refuse Disposal Dumpsters and Refuse Storage Areas.

1. All refuse containers shall be fully enclosed on three (3) sides by a six foot (6') high solid visual barrier constructed of wood, simulated wood, vinyl screen fence, opaque masonry wall (stone, stucco, or brick), or decorative concrete wall.
2. The remaining side of the enclosure shall be gated and screened in such a manner as to reduce the visual impact of the refuse container.
3. An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum six-foot (6') height requirement and is of the same building materials as the principal structure. Such wall may not be the gated enclosure.
4. The materials used for screening shall complement the architecture of the principal structure.

B. Loading Berths.

1. Loading berths in all zoning districts shall be screened as much as feasible, unless the Director or designee determines that screening is unnecessary.
2. Screening shall consist of an opaque masonry wall (stone, stucco, or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge, at least six feet (6') in height.
3. Where feasible, loading berths shall be located and oriented so they are not be visible from the street and adjacent properties, while still allowing access to the use they are serving.

C. Outdoor Storage and Display Areas.

1. Outdoor Storage Areas.

- a. All outdoor storage areas shall be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence no less than six feet (6') in height.
- b. Where feasible, plants to provide a softening effect shall be installed along the fence or wall located along the public right-of-way.
- c. No materials stored outdoors may be of a greater height than the required fence or wall.

2. Outdoor Sales and Display Areas

- a. Display Areas Abutting Residential Zoning Districts. When the rear or interior side yard of an outdoor display area abuts a residential zoning district or use, or the rear yard is separated from a residential zoning district or use by an alley, the outdoor display area shall be effectively screened from view by an opaque masonry wall (stone, stucco, or brick), a solid wood or simulated wood screen fence or dense evergreen hedge, at least six feet (6') in height.

- b. Display Areas Abutting Public Right-of-Way.
    - i. To enhance the view from a public right-of-way, all outdoor display areas shall be designed with a landscaped yard along the public right-of-way, excluding alleys, a minimum of ten feet (10') in width, planted with one (1) shade or evergreen tree per twenty-five linear feet (25'), and supplemented with shrubs and perennials.
    - ii. These screening requirements are not intended to prohibit openings reasonably necessary for access drives and walkways.
  - c. Motor Vehicle Dealerships.
    - i. Motor vehicle dealerships or rental establishments with outdoor sales and display lots shall be designed with permanent screening along the right-of-way, meeting the requirements of Subsection 19.50.120(b) above, but such plantings may be clustered.
    - ii. To optimize the view of motor vehicles for sale, the screening may consist entirely of small shrubs or a low pedestrian wall of no less than two feet (2') in height.
  - d. Nursery Stock. Growing areas for nursery stock located in the front or corner side yard shall meet screening requirements.
- D. Screening of Service and Mechanical Equipment. Service areas and on-grade mechanical equipment shall be screened from public view by plants, solid opaque fencing, berms, or a combination thereof. These elements shall also be sited to minimize their visibility and impact or enclosed so as to appear to be an integral part of the architectural design of the building. Site elements that are subject to this provision include:
- 1. Air conditioning units;
  - 2. Electrical transformers;
  - 3. Loading areas and docks;
  - 4. Mechanical equipment;
  - 5. Outdoor storage areas;
  - 6. Public utility transformers;
  - 7. Service yards; and
  - 8. Telephone transformers.
- E. Perimeter boundaries of off-street parking areas.
- 1. The perimeter boundaries of all off-street parking areas that abut streets accessible to the public shall be landscaped and screened from public view. Specified yard area depth measurements are from the public right-of-way or private street easement boundary.
    - a. Front and Street Side Areas Where a Yard or Setback Depth of no Less Than Twenty Feet (20') is Maintained.
      - i. An area of land graded and re-contoured at a maximum slope ratio of three feet horizontal to one foot vertical (3:1) so as to provide a meandering earthen berm traversing the entire width of the area and having a maximum height of three feet (3') and an average height of thirty-two inches (32"), as measured from the grade of the closest abutting sidewalk or top of curb is required.

- ii. Landscaping within yards located between a street and a parking area shall include street trees as specified in this Chapter. In addition, not less than fifty percent (50%) of these landscaped yards shall include a mix of evergreen and deciduous shrubs, herbaceous perennials, and non-turf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents so long as the combination of berms, plantings, and visual accents effectively screen from public view any parked vehicles in contiguous off-street parking areas on the property.
- b. Provisions for Yard Reductions to No Less Than Fifteen Feet (15'). Front and street side yards or setback areas with no abutting off-street parking may be reduced to a depth of not less than fifteen feet (15') with provision of the following:
- i. An open decorative fence (picket, split rail, etc.) on the interior side of the landscaped area. Alternatively, a continuous hedge no less than three feet (3') in height at planting but not more than six feet (6'), as measured from the grade of the abutting sidewalk or street, may be provided.
  - ii. An area of land graded and re-contoured at a maximum slope ratio of three feet horizontal to one foot vertical (3:1) so as to provide a meandering earthen berm traversing the entire width of the area and having a maximum height of thirty-two inches (32") and an average height of two feet (2'), as measured from the grade of the closest abutting sidewalk or top of curb.
  - iii. No less than seventy-five percent (75%) coverage of the landscaped area with street trees (includes canopy at maturity) as specified in this Chapter together with a mix of sub-canopy evergreen and deciduous shrubs, herbaceous perennials, and non-turf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents.
- c. Provisions for Encroachment of Off-Street Parking Areas into Required Front and Street Side Yards or Setback Areas.
- i. Encroachments to Within Twelve Feet (12'). Off-street parking areas may encroach into required front and street side yard or setback areas such that a minimum depth of not less than twelve feet (12') is maintained subject to provision of the following:
    - (a) An area of land graded and re-contoured at a maximum slope ratio three feet horizontal to one foot vertical (3:1) so as to provide an earthen berm traversing the entire width of the area with a height of no less than thirty inches (30") above the grade of the abutting sidewalk or street and supported on its interior side by a masonry retaining wall no less than four feet (4') in height above the grade of the abutting off-street parking area surface. The use of this alternative is restricted to properties where it is feasible to provide a parking area with a finished grade at least two feet (2') below the grade of the adjacent street.
    - (b) No less than seventy-five percent (75%) coverage of the landscaped area with street trees (includes canopy at maturity) as specified in this chapter, together with a mix of sub-canopy evergreen and deciduous shrubs, herbaceous perennials, and non-turf groundcover. The balance of this area may be planted in turf and utilized for the placement of large boulders or similar visual accents.

**19.50.130 – Landscape Plan Required.**

A. General Provisions.

1. All applications for site development plan approval for land uses subject to this Chapter shall be accompanied by a landscape plan package and water allowance worksheet prepared in accordance with the requirements of this Chapter.
2. Submitted landscape plan packages shall be prepared and certified for compliance with all requirements of this Chapter by a landscape architect licensed to practice in the State of Utah under Utah Code Title 58. A landscape designer certified by the Utah Nursery and Landscape Association may submit a landscape plan package if the certified designer is employed by the contractor installing plantings of the specific project submitted.
3. All submitted irrigation plans shall be prepared by a qualified professional who is licensed under Utah Code Title 58 or by a person who is exempt from professional licensure requirements for the scope of work performed.
4. Best industry practices shall be observed during construction to ensure that the approved landscape plan is fully implemented. It is recommended that the standards of the Utah State University Extension’s Center for Water Efficient Landscaping be observed in the selection, handling, planting, and maintenance of plants used in the landscape plan.

B. Landscape Plan Package Contents. The information to be provided with the landscape plan package shall be presented in the following format:

1. Project Data.

<b>Table 19.50.130 A: Table of Requirements for Project Data Sheet.</b>		
<b>Information Required</b>	<b>Preliminary</b>	<b>Final</b>
The project title and county site development plan application number (the file number assigned to the development proposal that the landscape plan is associated with)	X	X
Preparation date and issue/revision/date table	X	X
The name, address, telephone number, fax, and e-mail of the applicant or authorized agent	X	X
The name, address, telephone number, fax, and e-mail of the landscape architect, landscape designer, or other qualified professional who prepared the landscape plan, together with their professional registration stamp (as required)	X	X
The landscape contractor to be used on the project, if known at the time of application	X	X
Site vicinity and location map, including the street address and tax identification number of the property	X	X
Sheet index	X	X
General landscape design intent statement including the general character and location of proposed landscaping and open area and how it meets the intent of these regulations	X	X

Annual water budget worksheet	X	X
Soils analysis and proposed soils amendments	X	X
Signature block for landscape package approval		X

2. Grading and Drainage Plan.

<b>Table 19.50.130 B: Table of Requirements for Grading and Drainage Plan.</b>		
<b>Information Required</b>	<b>Preliminary</b>	<b>Final</b>
Scale, north arrow, site boundary including adjacent property lines and street names	X	X
Existing and proposed adjacent uses	X	X
Existing and proposed private driveways, off-street parking areas, patios, walkways, service areas and other paved surfaces	X	X
Existing and proposed buildings and structures (general locations)	X	X
Existing and proposed utilities and easements	X	X
Limits of proposed site disturbance	X	X
Existing and proposed building and structure finish floor elevations	X	X
Spot elevations and contour lines at no more than one foot (1') intervals to determine high points and low points, positive drainage of paved surfaces, wall heights and other vertical control	X	X
Existing landscaping, including location, type, and size	X	X
Any existing landscaping proposed to be removed	X	X

3. Landscape Planting Plan.

<b>Table 19.50.130 C: Table of Requirements for Landscape Planting Plan.</b>		
<b>Information Required</b>	<b>Preliminary</b>	<b>Final</b>
Base plan consisting in information included on the grading and drainage plan	X	X
Limits of proposed site disturbance	X	X
General landscape improvements with planting symbols clearly drawn to indicate location and general plant category (deciduous tree, evergreen tree, deciduous shrub, evergreen shrub, groundcover, etc.)	X	X
Legend of plant category symbols keyed to general plant material schedule indicating quantities of each plant category and listing of plant species (including Latin name) included in each category	X	X

Typical detail drawings at one inch equals twenty feet (1"=20') to illustrate perimeter treatment, buffering, typical front yard, and any special treatment areas on the site	X	X
All hydrozone boundaries and total area within each hydrozone with each hydrozone clearly labeled high, moderate, low, or very low	X	X
Detailed landscape improvements with planting symbols clearly drawn to indicate each plant (deciduous tree, evergreen tree, deciduous shrub, evergreen shrub, groundcover, etc.)	X	X
Detailed plant material schedule with abbreviation identification key, quantity of each plant, botanical name, common name, hydrozone rating (high, moderate, low, or very low), plant/container size, spacing, and notes	X	X
Define areas to be considered open areas and specify if they will be public or private. Indicate how open areas will be maintained including: erosion control, re-vegetation, and weed management both during and after construction	X	X
Plant installation, mulching, tree staking, and any other applicable planting and installation details	X	X
Soil preparation details, including instructions to scarify planting pit bottom and sides and surface ground planes to promote root penetration in compacted soils	X	X
Protection of existing plant and other site features to remain, clearly identifying the locations, species, size, and condition of all significant trees, each labeled as to its intended retention, relocation, or removal	X	X

4. Soils Report. A soils report is required in all cases. Special procedures or requirements shall be incorporated in the preparation and recommendations of the soils report where the past use of a site has resulted in soil contamination or where difficult soil or landscaping conditions are known to exist. The soils report shall describe:
  - a. The depth, composition, fertility, bulk density, and landscaping suitability of the topsoil and subsoil at the site;
  - b. Soil class;
  - c. An approximate soil infiltration rate for site soils, either measured or derived from soil texture/infiltration rate tables. A range of infiltration rates shall be noted where appropriate;
  - d. A measure of pH, electroconductivity (ERC), salt absorption ratio (SAR) and organic matter;
  - e. Recommendations for retention and re-use of viable topsoil on the site together with such soil amendments as are necessary to ensure the health and sustainability of the landscaping to be planted; and

- f. The final recommendations of the soils report shall be incorporated into the landscape planting plan and implemented with site planting operations. If the soils report finds that the landscaping required by this part is not feasible for all or a portion of the site, the Director or designee may approve an alternative landscaping plan as recommended by the soils report.
- 5. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the landscape planting plan and shall reflect the requirements set forth in Section 19.50.030.
- 6. Irrigation Schedule. The irrigation schedule required in Section 19.50.030 shall be provided in tabular form and shall specify:
  - a. Plant type (e.g., turf, trees, low water use plants);
  - b. Irrigation type (e.g., sprinklers, drip, bubblers);
  - c. Flow rate in gallons per minute;
  - d. Precipitation rate in inches per hour (sprinklers only);
  - e. Run times in minutes per day;
  - f. Number of water days per week; and
  - g. Cycle time to avoid runoff.

**19.50.140 – Construction Inspection.**

- A. Construction Observation and Certification of Compliance. Construction observation and monitoring of all required landscape improvements shall be provided by a licensed landscape architect so as to ensure compliance with the approved landscape plans for the site.
- B. Right to Inspect. The Director or designee reserves the right to perform site inspections at any time and to require corrective measures regarding the installation of site landscaping and irrigation system improvements found not to comply with the requirements of this Chapter.
- C. The Director or designee shall field-verify landscaping improvements prior to final project approval.

**19.50.150 – Post-Construction Verification of Compliance.**

- A. Single-Phase Projects. Following construction and prior to issuing an approval for occupancy, a landscape architect or other qualified professional shall complete a site inspection of all installed site landscaping improvements and provide written certification of compliance with approved plans. The Director or designee shall field-verify landscaping improvements prior to final project approval. Certification of compliance with approved irrigation plans shall be provided by the licensed professional under whose construction observation the irrigation system was installed.
- B. Multi-Phase Projects. Projects approved for development in multiple phases shall be inspected and certified to be in compliance with the approved plans for each respective phase prior to the occupancy or use of the development associated with that phase. Permits shall not be issued for subsequent phases without prior Director or designee approval until this requirement has been satisfied.

**19.50.160 – Certificate of Substantial Completion.**

Upon completion of all required landscaping improvements the property owner shall complete a certificate of substantial completion for submittal to the Director or designee. A disclosure document shall be filed with the County Recorder's Office clearly indicating that the property is subject to the requirements of this Chapter and that any re-landscaping by the present or future property owners shall be in accordance with the certified landscape plan for the property. Proof of recordation shall be provided prior to final land use approval.

**19.50.170 – Long-Term Viability of Established Landscapes.**

- A. Plant Maintenance. The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance. Where applicable, an adequately funded homeowner's or property owner's association shall assume and be held liable for such responsibilities. In the latter instance, provisions for long-term maintenance of required landscaping in the event of dissolution of the homeowner's or property owner's association shall be provided prior to landscape plan acceptance.
- B. Plant Survival. All plant materials shall be regularly maintained in a healthy condition and shall be guaranteed for survival for two (2) years from planting. During this period, each plant shall show at least seventy-five percent (75%) healthy growth and shall have the natural characteristic of the plant of its species. Any plant found dead or unsatisfactory by the Director or designee during the guarantee period shall be replaced until it has lived through the required two (2) year survival period.
- C. Turf. Turf, whether artificial or live, shall be maintained in good condition, free from refuse and debris. Additionally, artificial turf shall be periodically cleaned and replaced as needed to prevent odor, discoloration, or disorderly appearance.

**19.50.180 – Completion of and Submittal of Water Performance Audit.**

Following construction and prior to issuing an approval for occupancy, a water audit shall be conducted by an IA certified landscape irrigation auditor. Irrigation system improvements required to achieve compliance with the requirements of this Chapter shall be provided by the property owner as necessary. The water performance audit will verify that the irrigation system complies with the minimum standards of this chapter. The minimum efficiency required for the irrigation system is sixty percent (60%) for the distribution efficiency for all fixed spray systems and seventy percent (70%) distribution efficiency for all rotor systems. Copies of the auditor's certification of compliance shall be provided to the Director or designee for retention in the project file as well as to the irrigation system designer, installer, and owner/developer of the property. Compliance with this provision is required before the Director or designee will issue a letter of final acceptance.

**19.50.190 – Enforcement of Landscape Regulations.**

- A. No building permit or occupancy permit may be issued for any lot or use subject to the requirements of this Chapter unless all the requirements of this Chapter have been fulfilled.
- B. If weather or other factors prohibit the installation of landscaping at the time an occupancy permit is applied for, the applicant shall post a bond to guarantee the completion of the landscaping, which shall be returned upon completion of required landscaping.

- C. Failure to implement the landscape plan, or to maintain the lot or use in substantial conformance with the landscape plan, shall be cause for revocation of the occupancy permit and/or the application of fines and penalties, as established in this Code. In addition, all landscaping is subject to periodic inspection.

**19.50.200 – Weed Abatement and Responsibility to Keep Property Clean.**

- A. Real Property to be Kept Clean. It is unlawful for any person, corporation, partnership or legal entity owning or occupying real property in the municipality to allow weeds to grow higher on such property or on adjacent park strips than is permitted in this section, or to fail to remove from the property or adjacent park strips any cuttings of such weeds or any refuse, unsightly or deleterious objects, after having been given written notice by Planning and Development Services or the Health Department.
- B. Standards of Weed Control. The following standards apply:
  - 1. Height. Weeds may not be permitted to reach a height of more than six inches (6”) at any time and shall be cleared from all real property in the municipality. The cuttings shall be cleared and removed from the premises.
  - 2. Fire Hazard. When the Director or designee determines that the weeds on a property pose a serious fire hazard due to their density, dryness, proximity to possible sources of ignition, and the effects of prevailing winds and weather, the weeds shall be deemed to be in violation of this Section, regardless of their height.
  - 3. Noxious Weeds. Noxious weeds shall be controlled and contained according to the recommendations of the Utah Department of Agriculture and Food.
- C. Exceptions. On a property of five (5) acres or more, in lieu of cutting the weeds on the entire property, the owner is permitted to cut a thirty-foot (30’) firebreak of not more than six inches (6”) high around all structures and around the complete perimeter of the property. The cuttings shall be cleared and removed from the premises.
- D. Enforcement. This section shall be enforced according to the provisions of Title 12 of Kearns Municipal Code.

**19.50.210 – Tree and Landscaping Trimming.**

- A. In addition to the other standards of this Chapter, the property owner is responsible for maintaining all trees and landscaping on the property and adjacent park strips to the following standards.
  - 1. Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of thirteen and one-half feet (13.5’) above the street pavement.
  - 2. Trees and landscaping which overhang the sidewalk shall be trimmed to a minimum height of eight and one-half feet (8.5’) above the sidewalk.
  - 3. The abutting property owner shall remove any tree, tree stump, shrub or vine in or within twenty feet (20’) of the right-of-way if that tree, tree stump, shrub, or vine is dead, diseased, or determined by the Director or designee to be undesirable for any other reason.
  - 4. If trees or landscaping are determined by the Director or designee to be an imminent threat to public health and safety, the municipality may proceed with an emergency abatement, as outlined in Title 12.

- B. Enforcement. This Section shall be enforced according to the provisions of Title 12 of Kearns Municipal Code.

## Chapter 19.52 SIGNS.

### 19.52.010 – Purpose of Provisions.

This Chapter is provided to achieve the purposes of the General Plan and Kearns Municipal Code, and to achieve the following additional purposes:

- A. To provide for the identification of businesses, sites and buildings, and to promote economic vitality;
- B. To provide a convenient method of public communication without unnecessary clutter;
- C. To eliminate signs and displays that create potential hazards to motorists, pedestrians, or property;
- D. To avoid confusion of allowed signs with required traffic signs and other regulatory and public safety signs;
- E. To minimize any adverse effects of signs and associated lighting on adjacent properties;
- F. To encourage signs that promote equity, diversity, and inclusion, including the provision of multi-lingual signage; and
- G. To ensure compliance with constitutionally protected First Amendment Rights.

### 19.52.020 – Sign Plan Required.

- A. When a land use application on a parcel of ground is submitted to Planning and Development Services, the application shall be accompanied by a complete comprehensive sign plan that includes the following:
  - 1. Name of organization and location;
  - 2. Contact person;
  - 3. Address and phone number for contact person;
  - 4. Description of the activities occurring on the site where the sign will be installed;
  - 5. Description of any existing signage that will remain on the site;
  - 6. Identification of the type of sign/signs to be erected by the applicant;
  - 7. Site plan depicting the locations of proposed signage and existing remaining signage;
  - 8. Scale drawings of the proposed signage; and
  - 9. A written description explaining the drawing of the proposed signage, including a detailed description of materials, colors, and letter height, type, and style. A comprehensive sign plan shall also include conceptual renderings of each sign.
- B. The sign plan shall be reviewed by the land use authority under the same process, permitted or conditional, as the land use application.
  - 1. The Director or designee is the land use authority for all permitted uses, including sign plans associated with a permitted use.
  - 2. The Planning Commission is the land use authority for all conditional uses, including sign plans associated with a conditional use.

- C. Applicants seeking to add a new sign on a property or enlarge or alter an existing sign are not required to submit a new sign plan, but are required to obtain a sign and building permit as described in Section 19.52.030.

**19.52.030 – Sign and Building Permit Required.**

- A. No new or existing sign may be erected, enlarged, re-located, or structurally altered without first obtaining a sign permit, and for any permanent sign, a building permit.
  - 1. Changes to Sign Face or Copy. Unless an enlargement, relocation, or structural alteration is involved, a permit is not required for a change to sign face or copy.
  - 2. Requirements for Non-Permanent Signs. A sign permit is required for limited duration signs but is not required for temporary or portable signs.
    - a. Nonetheless, temporary and portable signs shall include a signature in indelible ink on the lower right-hand corner, stating:
      - i. Contact information for the sign’s owner; and
      - ii. The date the temporary sign was erected.
- B. A nonconforming sign may not be reconstructed, raised, moved, placed, altered, extended, or enlarged unless the sign is changed so as to conform to all provisions of this Title.
  - 1. Alterations do not include changing the text or copy of electronic message centers, off-premises advertising signs, or other similar signs which are designed to accommodate changeable copy.
  - 2. Exception for LED Retrofits. Nonconforming signs that update fluorescent lighting to LED lighting may do so without coming into compliance with other provisions of this Chapter; however, a building permit is required for the retrofit.

**19.52.040 – Enforcement.**

- A. Any sign determined to be a hazard to the public health or safety, or determined to be a nuisance because of inadequate maintenance, dilapidation, or be a land use ordinance or Building Code violation shall be remedied and corrected upon written notice by the Director or designee.
  - 1. Any sign not remedied or corrected within the timeframe specified on the written notice by the Director or designee shall be subject to removal by the Municipality, or subject to other remedies available to the Municipality under the law.
    - a. The Director or designee may grant an extension to the specified timeline before removing the sign if good cause exists.
    - b. If a sign poses an immediate and significant hazard to public safety, the Director or designee may authorize the immediate removal of such sign.
- B. The municipality or the property owner may confiscate non-permanent signs installed in violation of this Chapter. Neither the municipality nor the property owner is responsible for notifying sign owners of the confiscation of an illegal non-permanent sign.
- C. Where other ordinances conflict with the provisions of this Chapter, the most restrictive ordinance shall apply.

**19.52.050 – Exempt Signs.**

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any:

- A. Official traffic signs;
- B. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside and are located greater than three feet (3') from the window;
- C. Holiday and seasonal decorations, provided that decorations are maintained in attractive condition and do not constitute a fire hazard. Holiday decorations may be erected no sooner than forty-five (45) days before the holiday and shall be removed no later than thirty (30) days after the date of the applicable holiday;
- D. Personal expression signs of any sign type, including flags, provided that they do not exceed six square feet (6 sq. ft.) in area per side and are not illuminated.
- E. Address signs. Up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification;
  - 1. Residential districts. Signs not to exceed three square feet (3 sq. ft.) in area.
  - 2. Non-residential districts. Signs not to exceed five square feet (5 sq. ft.) in area.
- F. Public signs. Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities;
- G. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not exceed four square feet (4 sq. ft.) in area;
- H. Driveway signs. One (1) sign per driveway entrance, not to exceed two square feet (2 sq. ft.) in area;
- I. Security and warning signs. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law;
  - 1. Residential Zones. Signs not to exceed two square feet (2 sq.ft.) in area.
  - 2. Non-residential Zones. Maximum of one (1) large sign per property, not to exceed five square feet (5 sq. ft.) in area. All other posted security and warning signs may not exceed two square feet (2 sq. ft.) in area.
- J. Flags;
  - 1. Location. Flags and flagpoles shall not be located within any right-of-way.
  - 2. Number. No more than four (4) flags per lot in residential zones, no more than six (6) flags per lot in all other zones.
  - 3. Flags up to six square feet (6 sq.ft.) in area are considered personal expression signs and are regulated in accordance with Subsection 19.52.050(E).
- K. Legal notices;

- L. Memorial signs or historical identification signs erected by the Municipality or other State or Federal Agencies, including plaque signs up to three square feet (3 sq.ft.) in area;
- M. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this Ordinance;
- N. Incidental signs, including incidental window signs;
- O. Murals provided that;
  - 1. The property owner receives written permission from the Council to install the mural or artwork if it will be placed on public property or in the public right-of-way;
  - 2. The installation contains no electrical or mechanical components or changing images;
  - 3. The installation does not cause damage to any building or site, especially any historically designated building or site;
  - 4. The primer and paint used if the mural or artwork is directly painted on a wall shall not be a vapor barrier; moisture shall be allowed to escape through the surface of the mural;
  - 5. No more than twenty-five percent (25%) of the artwork or mural may contain copy;
  - 6. The painted artwork or mural is maintained in good condition and repaired in the case of vandalism or accidental destruction; and
  - 7. The property owner submits an image of, description of, and the location of the finished mural to Planning and Development Services for inclusion in public maps advertising local artwork and points of interest; and
- P. Temporary signs do not require a permit, as described in Section 19.52.030. However, temporary signs shall follow all standards outlined in this Chapter, including those found in Table 19.52.070.

**19.52.060 – Prohibited Signs.**

Sign types not specifically allowed or exempt as set forth within this Chapter are prohibited. In addition, the following signs are explicitly prohibited in the municipality:

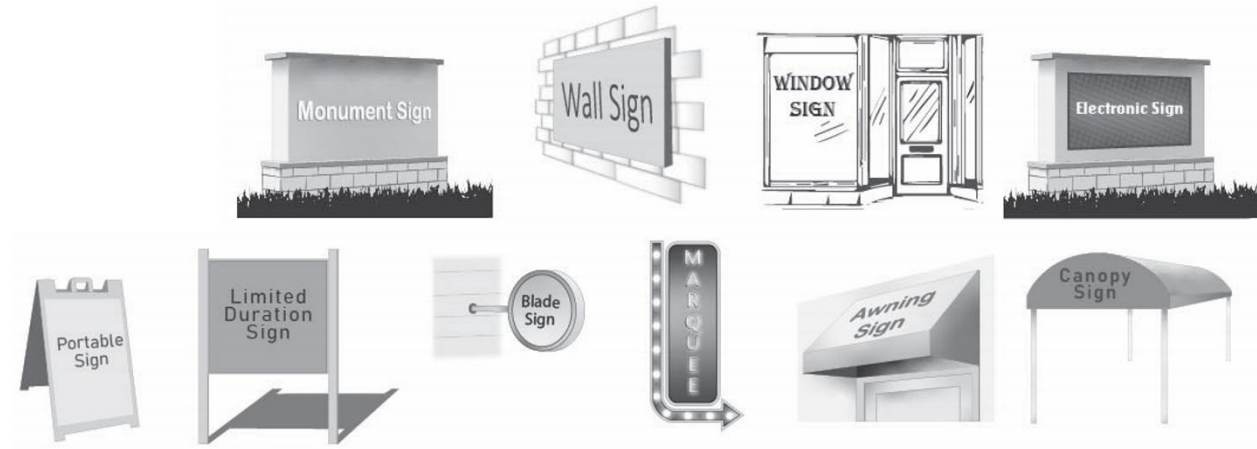
- A. All signs in violation of any provision of this Ordinance, including all signs erected, enlarged, or structurally altered without receiving the necessary approval(s);
- B. All signs in violation of any requirements or conditions of approval including all temporary signs established for longer than thirty (30) calendar days, or limited duration signs established for more than ninety (90) days;
  - 1. Established time periods for temporary and limited duration signs may be extended by the Director or designee if the Director or designee finds that a longer duration is needed in order to fulfill the purposes of the temporary or limited duration sign.
- C. Any new off-premise signs designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located, including all billboards;
  - 1. Subject to Utah Code, the municipality may only require termination of an existing billboard in the Municipality and its associated rights through:

- a. Gift;
  - b. Purchase;
  - c. Agreement;
  - d. Exchange; or
  - e. Eminent Domain.
- D. Signs that are abandoned, dilapidated, or advertise businesses that no longer carry a business license or exist within the municipality (see Section 19.52.120);
- E. Signs located within a clear view area;
- F. Snipe signs. Signs may only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter. Signs attached to any fences, utility poles, trees, shrubs, or other natural objects are prohibited, unless specifically provided for by law including signs regarding no trespassing and no hunting;
- G. Vehicle signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation;
- H. Mechanical movement signs, including revolving signs;
- I. Pennant strings and streamers;
- J. Animated signs, flashing signs, or signs that scroll or flash text or graphics;
- K. Pole signs;
- L. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations;
- M. Any signs that imitate, resemble, interfere with, or obstruct official traffic or warning lights, signs, devices, or signals;
- N. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign may be attached to a standpipe or fire escape;
- O. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames;
- P. Reflective signs or signs containing mirrors;
- Q. Signs incorporating beacon or festoon lighting;
- R. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road;
- S. Roof signs;
- T. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government; and
- U. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as defined in Utah Code.

**19.52.070 – Allowed Signs.**

- A. The signs listed in Table 19.52.070B are allowed, subject to the specified standards. Additional standards may apply as indicated by superscript in the table, and as articulated following the Table.
- B. Figure 19.52.070 demonstrates types of signs allowed in Kearns and corresponds with the categories in Table 19.52.070B.

**Figure 19.52.070: Allowed Sign Types.**



**Credit:** MSD Planning and Development Services.

Table 19.52.070: Allowed Signs and Associated Standards.				
Sign Type	Zones Permitted	Location / Setback	Dimensions	Number Permitted
<i>Permanent</i>				
Monument <sup>A E</sup>	<p>All zones except for Forestry and Recreation (FR) and Mixed-Use Zones.</p> <p>Monument signs may not be placed on a single-family residential property, but may be used in common areas to identify a PUD or master-planned community or direct traffic to development amenities.</p>	<p><i>In single-family residential zones:</i> Shall be set back at least six feet (6') from property lines.</p> <p><i>In all other zones:</i> Shall be set back at least two feet (2') from property lines.</p>	<p><i>In single-family residential zones:</i> <u>Max Height:</u> 6 ft. <u>Max Area:</u> 36 sq.ft.</p> <p><i>In multi-family residential zones:</i> <u>Max Height:</u> 8 ft. <u>Max Area:</u> 64 sq.ft.</p> <p><i>In mixed-use zones and commercial zones:</i> <u>Max Height:</u> 12 ft. <u>Max Area:</u> 100 sq.ft.</p> <p><i>In manufacturing zones:</i> <u>Max Height:</u> 20 ft. <u>Max Area:</u> 150 sq.ft.</p> <p><i>In all other zones:</i> <u>Max Height:</u> 7 ft. <u>Max Area:</u> 56 sq.ft.</p>	<p><i>In residential zones:</i> One (1) sign per street frontage.</p> <p><i>In non-residential zones:</i> One (1) sign per 300 ft. of street frontage.</p>
Wall or Flat	All Zones	Wall or flat signs may only be permitted in association with a licensed business conducted on the premises and may not be used to identify home occupations.	<p><i>In commercial zones:</i> In total, wall signs may not exceed 15% of the wall area.</p> <p><i>In manufacturing zones:</i> In total, wall signs may not exceed 20% of the wall area.</p> <p><i>In all other zones:</i> In total, wall signs may not exceed 5% of the wall area.</p> <p>No portion of a wall sign may be mounted or painted on less than eight feet (8') above the finished grade or extend out more than twelve inches (12") from the building wall on which it is affixed.</p>	

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Projecting / Blade	All Zones	Shall be located on the façade, at least 2 ft. away from a shared wall with an adjoining use or building.	<p>No portion of a projecting sign shall project more than 4 ft. from the face of the building; and</p> <p>The outermost portion of the projecting sign may project no closer than five feet (5'). from a curbline of a public street.</p> <p>The lowest edge of a projecting sign shall be at least eight feet (8') above the finished grade.</p>	Maximum of 3 projecting / blade signs per use, with no more than one (1) sign per building face.
Awning <sup>C</sup>	All Zones	<p>Shall be centered within or over architectural elements such as windows or doors.</p> <p>Awning signs may only be permitted in association with a licensed business conducted on the premises and may not be used to identify home occupations.</p>	<p>The lowest edge of the canopy or awning shall be at least eight feet (8') above the finished grade;</p> <p>The awning or canopy may not project more than six feet (6') from the building;</p> <p>A maximum of 25% of the wall area may be covered with an awning; and</p> <p>A maximum of 50% of the awning may be covered with graphics.</p>	Maximum of 3 awning signs per use, with no more than 1 awning sign per building face.
Window <sup>E</sup>	All Zones	NA	<p><i>In residential zones:</i> The maximum sign area per use is 8 sq.ft.</p> <p><i>In all other zones:</i> The maximum sign area per use is 16 sq.ft.</p>	Maximum of 3 window signs per use, with no more than 1 window sign per building face.

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Marquee	All non-Residential Zones	May be located only above the principle public entrance of a building facing a public street or parking lot.	<p>The lowest edge of the marquee sign shall be at least 10 ft. above the finished grade;</p> <p>The sign may not exceed the width of the entrance it serves, plus 2 ft on each side thereof; and</p> <p>No marquee shall extend closer to the curb than 3 ft.</p>	1 per public entrance	
<i>Non-Permanent</i>					
All non-permanent signs shall be made of durable materials and shall be well-maintained. Illumination of any non-permanent sign is prohibited.					
Limited Duration	All Zones	If 2 limited duration signs are allowed, the signs shall have a minimum of 200 ft. spacing between them.	<p><i>In non-residential zones:</i>  <u>Max Area:</u> 32 sq.ft.  <u>Max Height:</u> 8 ft.</p> <p><i>In residential zones:</i>  <u>Max Area:</u> 16 sq.ft.  <u>Max Height:</u> 6 ft.</p>	1 per parcel of ground, plus 1 additional sign if the parcel exceeds 5 acres or has at least 400 ft. of street frontage.	
Portable			<p>May not be placed in any manner that blocks the flow of pedestrian traffic or otherwise threatens the public health, safety, or welfare.</p>	<p><u>Max Area:</u> 9 sq.ft.  <u>Max Height:</u> 3 ft.</p>	1 per business
Temporary			<p><i>In non-residential zones:</i>  <u>Max Area:</u> 32 sq.ft. for banners, 16 sq.ft. for all other temporary signs  <u>Max Height:</u> 24 ft. for hanging banner, 6 ft. for freestanding banner, 8 ft. for all other types</p> <p><i>In residential zones:</i>  <u>Max Area:</u> 32 sq.ft. for banners, 16 sq.ft. for all other temporary signs  <u>Max Height:</u> 24 ft for hanging banner, 6 ft. for freestanding banner, 6 ft. for all other types</p>	Only one banner is allowed per property. For other temporary sign types, 2 signs are allowed per property.	

- A. Private property abutting a freeway may have one on-premise sign per eight-hundred feet (800') of property line along the freeway. Signs shall be located within thirty feet (30') of the freeway and may not exceed six hundred square feet (600 sq.ft.) in area. The height of such signs shall not exceed sixty feet (60') above freeway grade.
- B. Any ground-floor awning projecting into the right-of-way must be retractable.
- C. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.
- D. Monument signs are prohibited on single-family properties but may be used in common areas to direct entry to a subdivision or identify a clubhouse or other amenity.
- E. Signs in Association with a Drive-Thru Facility. In addition to any other signs permitted in Section 19.52.070, drive-thru facilities are allowed one (1) on-site permanent sign per drive-thru lane, subject to the following requirements:
  - 1. Setback. The sign shall be located at least twenty feet (20') from any property line.
  - 2. Proximity to Drive-Thru Lane. The sign may not be located more than five feet (5') from the drive-thru lane.
  - 3. Height. The maximum sign height is eight feet (8').
  - 4. Area. The maximum sign area is forty-eight square feet (48 sq. ft.).
  - 5. Approval Process. All signs in association with a drive-thru facility shall be identified and reviewed as part of an approved sign plan for the drive-thru use.
  - 6. Signs in association with a drive-thru facility are subject to all other standards of this Chapter.

**19.52.080 – Standards of General Applicability.**

All signs, including those exempt from permitting processes, shall also comply with the following standards:

- A. Size Computation. When more than one use occupies a lot, the frontage may be used to calculate the sign size for one total projecting sign, not for each use. The total may then be divided between the uses.
- B. Height of Monument Signs. The height of monument signs, except as otherwise specified in this Chapter, shall be measured from the grade at the property line of the yard in which the sign is located to the top of the sign.
- C. Imprint of Ownership Required. The imprint of the sign owner and sign erector of all signs shall be in plain and public view.
- D. Change of Copy. Sign text, statement, symbol, picture, graphics, and message may be changed and modified by the owner and do not constitute a structural sign alteration provided such changes do not constitute a public hazard or nuisance and are not of an obscene nature as defined by Utah State Code.

- E. Right-of-Way Clearance. No sign or portion thereof may be permitted within three (3) feet any road or street right-of-way or utility easement and all signs must maintain necessary clearances from underground or overhead power transmission lines, as required by the electrical power provider.
- F. Fire Protection Clearance. No sign or portion thereof may interfere with the use of fire protection appliances, including hydrants, standpipes, automatic fire sprinkler connections, and similar fire protection and suppression equipment. No sign or sign structure shall obstruct any fire lane.
- G. Signs Prohibited from Resembling Public Safety Devices. No sign or portion thereof may imitate or resemble a public safety sign or device including any lights, emblems, or text that resembles public warning or public safety lights or signs.
- H. Clear View and Traffic Flow Provisions. No sign or portion thereof may occupy any clear view area, and no sign may create any traffic or pedestrian flow hazard.
- I. Signs on Public Property. No sign may be located on publicly owned land or inside street rights-of-way except signs erected by permission of an authorized public agency.
- J. Design. All signs shall use materials and colors that are harmonious with the adjacent building(s).

**19.52.090 – Design Standards Specific to Zones or Historic Districts.**

Additional signage design guidelines may exist for mixed-use zones, historic districts, and special land use centers. The applicant shall refer to and comply with the municipality’s other applicable adopted plans and ordinances.

**19.52.100 – Sign Lighting Requirements.**

The following sign lighting requirements are provided to achieve the purposes of this Chapter and Ordinance:

- A. Externally illuminated signs are permitted as follows:
  - 1. All externally lit signs shall be illuminated with steady, fully shielded light sources aimed directly onto the sign. Light bulbs or lighting tubes used for illuminating a sign shall not be visible from any location.
- B. The following internally illuminated signs are permitted:
  - 1. Individual back-lit letters that are silhouetted against an illuminated wall, or halo-illuminated;
  - 2. Individual letters with translucent faces, containing soft lighting elements inside each letter; and
  - 3. Metal-faced box signs with cutout letters and soft-glow lighting.
- C. Lighting.
  - 1. No lighting or illumination associated with any sign may constitute a safety hazard or create a nuisance to surrounding properties.
  - 2. The intensity of lighting shall not exceed that necessary to illuminate a sign from the closest adjacent public right-of-way. The nighttime illuminance of a sign may not increase ambient lighting conditions by more than three-tenths (0.3) foot candles when measured perpendicular to the sign face at a distance determined by the following formula:

- a. Measurement Distance (in feet) = the square root of [Area of electronic message center face in square feet x 100]
  - b. An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign lighting turned off. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken with the sign lights fully turned on.
3. No light source may be directed toward any adjacent property.
  4. All light sources shall be fully shielded or hooded.
- D. If the Director or designee or adjacent property owners allege that an illuminated sign violates any portion of this Section, the complainant may request a photometric assessment to measure the amount of light and ascertain the validity of the alleged violation. If photometric measuring devices are available through the municipality, the municipality shall perform the assessment. If the municipality has no measuring devices, the complainant may provide an independent assessment through a qualified professional to the Director or designee. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

**19.52.110 – Electronic Message Center Requirements.**

- A. An electronic message center (EMC) shall only display static images with instant or fade-in and fade-out transitions. An electronic message center may not display scrolling text, video images, or scintillating images. Upward illumination in such displays is not allowed, to avoid light pollution. The light source of electronic message centers may not allow light trespass onto adjacent residential properties.
- B. Display Duration. The minimum image display duration is five (5) seconds.
- C. Transition Duration. The transition from one static image to another shall be instant or shall fade-in or fade-out. The maximum transition duration is two (2) seconds.
- D. Ambient Light. All electronic message centers shall be equipped with a sensor or other programmable device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions. The nighttime illuminance of an electronic message center may not increase ambient lighting conditions by more than three-tenths (0.3) foot candles when measured perpendicular to the electronic message center face at a distance determined by the following formula:
  - a. Measurement Distance (in feet) = the square root of [Area of electronic message center face in square feet x 100]
  - b. An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign turned off to a black screen. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken with the sign turned on to a full white screen.
- E. Electronic Message Center Allowable Type and Size by Zone. Table 19.52.110 shows which type of signs are permitted to include an electronic message center in which zones. The Table also sets the maximum size of EMCs per zone and sign type.

1. All signs containing an EMC shall also include a non-digital identifier that covers at least twenty-five percent (25%) of the total sign area.

<b>Table 19.52.110: Specifications for Electronic Message Centers</b>		
<u>Zone</u>	<u>Sign Types Permitted to Include EMC</u>	<u>Allowable EMC Size as a Percentage of Total Allowable Sign Size</u>
C-1, C-2, Mixed-Use	Monument	50%
C-3		70%
M-1 and M-2		70%
PR, PF, PI		50%

**19.52.120 – Unused and Abandoned Signs.**

- A. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty (30) days of such unavailability. Empty signs frames shall either be replaced with new signs for an active business or removed within six (6) months from the time the sign area becomes vacant.
- B. Vacant portions of signs where panels remain empty for over six (6) months shall be removed or brought into compliance by the property owner. If removal does not occur voluntarily, after appropriate notice is given, the entire sign and support structure shall be taken down by the owner or may be removed by the municipality and all costs incurred shall be the responsibility of the property owner.

**Chapter 19.54 RESERVED.**

## **Chapter 19.56 FLOODPLAIN HAZARD REGULATIONS.**

### **19.56.010 – Authorization and Findings.**

#### **A. Statutory Authorization.**

1. The Legislature of the State of Utah has in Utah Code §10-3-701, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Kearns Council does ordain as follows:
2. Kearns elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and Kearns's community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of Kearns having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, Kearns may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

#### **B. Findings of Fact.**

1. The flood hazard areas of Kearns 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.
2. 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.
3. These potential flood losses are caused by:
  - a. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
  - b. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
  - c. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

**19.56.020 – Purpose of Provisions.**

- A. It is the purpose of this Chapter to promote the public health, safety and general welfare of the community and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
  2. Minimize expenditure of public money for costly flood control projects;
  3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  4. Minimize prolonged business interruptions;
  5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
  6. 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
  7. Ensure that potential buyers are notified that property is in a flood area and can make their decisions based on full information.

**19.56.030 - Methods of Reducing Flood Losses.**

- A. In order to accomplish its purposes, this chapter includes methods and provisions for:
1. Restricting or prohibiting land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
  2. Requiring that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
  3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
  4. Controlling filling, grading, dredging and other developments that may increase flood damage; and
  5. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

**19.56.040 – General Provisions.**

- A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of Kearns.
- B. Basis for Establishing the Areas of Special Flood Hazard. 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 Salt Lake County and Incorporated Communities,” dated November 19, 2021, with accompanying flood insurance rate maps (FIRMs), and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this chapter.
- C. Establishment of Development Permit. A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Chapter.

- D. Compliance. 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. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:
  - 1. Considered as minimum requirements;
  - 2. Liberally construed in favor of the governing body; and
  - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- G. Warning and Disclaimer of Liability.
  - 1. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.
  - 2. 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 municipality, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder.

**19.56.050 – Administration.**

- A. Floodplain Administrator Appointed. The Director of Planning and Development Services 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 the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, without limitation, 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 U.S.C. 1334) from which prior approval is required.

5. Where interpretation is needed as to the exact location of the boundaries of the 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 Utah Division of Emergency Management, State Floodplain Manager, 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 Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State of Utah, or other source, in order to administer the provisions of Article 5.
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, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

**19.56.060 – Permit Procedures.**

- A. Application. Application for a Floodplain 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 submittals and information are required:
  1. Plans drawn to scale showing the location, dimensions, and elevations of proposed landscape alterations;
  2. Plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes;
  3. Location of the foregoing in relation to SFHA's;
  4. Elevation, in relation to mean sea level, of the lowest floor (including basement and crawlspace) of all new and substantially improved structures;

5. Elevation, in relation to mean sea level, to which any nonresidential structure (if applicable) shall be floodproofed;
  6. A certificate from a registered professional engineer that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this chapter and the NFIP Regulations;
  7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
  8. All other information that may reasonably be required by the Floodplain Administrator;
  9. Reasonable fees in accordance with the adopted fee schedule; and
  10. Kearns Metro Township shall become the owner of all Floodplain Development Permits and shall maintain a record of all such information in accordance with this chapter and the NFIP Regulations.
- B. Approval or Denial. Approval or denial of a Floodplain 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 flood waters 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; and
  10. The relationship of the proposed use to the comprehensive plan for that area.

**19.56.070 - Variances and Appeal Procedures.**

- A. The Land Use Hearing Officer shall hear and decide all appeals and requests for variances from the requirements of this chapter, as provided in Chapter 19.20. The following conditions shall apply, in addition to the provisions of Chapter 19.20:

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below one foot (1') above the base level, providing the Land Use Hearing Officer has considered all technical evaluations, all relevant factors, and standards specified in other sections of this Chapter, providing the following items have been considered:
    - a. The danger that materials may be swept onto other land to the injury of others;
    - b. The danger to life and property due to flooding or erosion damage;
    - c. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
    - d. The importance of the services provided by the proposed facility to the community;
    - e. The necessity to the facility of a waterfront location, where applicable;
    - f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
    - g. The compatibility of the proposed use with the existing and anticipated development;
    - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
    - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
    - j. 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; and
    - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
  2. 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 section.
  3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  4. The Floodplain Administrator shall maintain in perpetuity a record of all variance actions, including justification for their issuance, and shall report variances to FEMA and the State Coordinating Agency upon issuing a variance.
- B. Prerequisites for Granting a Variance.
1. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  2. Variances may only be issued upon:

- a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional and undue hardship to the applicant; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below one foot above the base flood elevation and that the cost of flood insurance will be commensurate with the increased flood risk resulting from the reduced lowest floor elevation.
- C. Variances may be issued by the municipality for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
1. The criteria outlined in Subsection 19.56.060.B.1-10 are met; and
  2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- D. The Land Use Hearing Officer shall maintain the record of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**19.56.080 – Provisions for Flood Hazard Reduction.**

- A. General Standards. In all areas of special flood hazards, the following standards are required for all new construction and substantial improvements:
1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy.
  2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
  4. 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;
  5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. Substantial Improvement and Substantial Damage Determination. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, shall:
1. Estimate the market value of the building or structure only (not of land) before the start of construction of the proposed work. If the applicant disagrees with the estimated market value, the applicant may obtain an appraisal of the market value prepared by a qualified independent appraiser. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
  2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
  3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs.
  4. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
  5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
  6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage, compliance with the flood regulations of this chapter is required.
- C. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in this chapter, the following standards are required:
1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to one foot (1') or more above the base flood elevation. A registered professional engineer, or land surveyor shall submit a certification to the Floodplain Administrator that the standards of this Chapter are satisfied.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot (1') or more above the base flood elevation 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 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.
3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot (1') above grade.
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Enclosures below the BFE. Enclosures below the base flood elevation (BFE) may only be used for building access, vehicle parking, and storage. Certification and documentation from a professional, licensed engineer is required if the structure's lowest floor is built below the BFE. The applicant shall enter into a maintenance and non-conversion agreement with the municipality that it will maintain the improvements outlined in this paragraph and not modify or convert them to uses other than approved uses.
5. Crawlspaces. New construction and substantial improvements built on an at-grade crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:
  - a. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered professional engineer.

- b. The crawlspace is an enclosed area below the BFE and, as such, must have flood openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot (1') above the lowest adjacent grade (LAG).
- c. The crawlspace enclosure must have proper flood openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of one square inch (1 sq. in.) of flood opening is required per one square foot (1 sq. ft.) of the enclosed area subject to flooding.
- d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork must either be placed above the BFE or sealed from floodwaters.
- e. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
- f. The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the LAG.
- g. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor may not exceed four feet (4') at any point.
- h. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

*Note. Buildings with below grade crawlspaces will have higher flood insurance premiums than buildings that have preferred crawlspace construction, with interior elevation at or above the LAG.*

6. Manufactured Homes.

- a. All manufactured homes to be placed within Zone A on the municipality'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, without limitation, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Utah and local anchoring requirements for resisting wind forces.

- b. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the municipality's FIRM on sites outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or 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 one foot (1') or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - c. In the A1-30, AH, AO and AE Zones, manufactured homes placed or substantially improved in an existing manufactured home park shall be elevated so that the lowest floor is one foot (1') or more above the base flood elevation; or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
7. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the municipality's FIRM shall either:
- a. Be on the site for fewer than one-hundred and eighty (180) consecutive days and be fully licensed and ready for highway use;
    - i. 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; or
  - b. Meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" in this Section.
- C. Standards for Subdivision Proposals.
- 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
  - 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit and other requirements of this chapter.
  - 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development that is greater than fifty (50) lots or five (5) acres, including the placement of manufactured home parks and subdivisions.
  - 4. 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.

- D. Standards for Areas of Shallow Flooding (AO/AH Zones). Located within the areas of special flood hazard established by this chapter, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (1' to 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:
1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated one foot (1') or more above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
  2. All new construction and substantial improvements of non-residential structures:
    - a. Have the lowest floor (including basement) elevated one foot (1') or more above the highest adjacent grade at least as high as the depth number specified in feet on the municipality's FIRM (at least two feet (2') if no depth number is specified); or
    - b. Together with attendant utility and sanitary facilities be designed so that below one foot (1') above 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 of effects of buoyancy.
  3. A registered professional engineer shall submit a certification to the Floodplain Administrator that the standards of this subsection are satisfied.
  4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
- E. Floodways. Located within areas of special flood hazard established in Section 19.56.040 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 apply:
1. Encroachments, including fill, new construction, substantial improvements, placement of manufactured homes, and other developments, are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
  2. If Subsection 19.56.080(A) is satisfied, all new construction and substantial improvements and placement of manufactured homes shall comply with all applicable flood-hazard reduction provisions of Sections 19.56.100 through 19.56.180.
  3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the municipality may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the municipality first applies for a conditional FIRM and floodway revision through FEMA.

**19.56.090 – Definitions.**

The following definitions shall apply to terms used in this Chapter. 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.

- A. “100-Year Flood” means a flood having a recurrence interval that has a one-percent (1%) chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms “100-hundred-year flood” and “1-percent-annual-chance flood” are synonymous. The term does not imply that the flood will necessarily happen once every one hundred (100) years. Mandatory flood insurance requirements may apply.
- B. “100-Year Floodplain” means the area of land susceptible to being inundated due to the occurrence of a 1-percent-annual-chance flood.
- C. “500-Year Flood” means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years and mandatory flood insurance requirement generally does not apply.
- D. “500-Year Floodplain” means the area of land susceptible to being inundated due to the occurrence of a 0.2-percent-annual-chance flood.
- E. “Accessory Structure” means a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure. The ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.
- F. “Addition” means any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.
- G. “Alluvial Fan Flooding” means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
- H. “APEX” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- I. “Appurtenant Structure”—see Accessory Structure.
- J. “Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.
- K. “Area of Shallow Flooding” means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- L. “Area of Special Flood-Related Erosion Hazard” means the land within a municipality that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.
- M. “Area of Special Flood Hazard” means the lands in the floodplain within a municipality subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V
- N. “Base Flood” means the flood having a one-percent (1%) chance of being equaled or exceeded in any given year.
- O. “Base Flood Elevation (BFE)” means the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one-percent (1%) chance of equaling or exceeding that level in any given year.
- P. “Basement” means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.
- Q. “Best Available Data” means existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, without limitation, State of Utah, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.
- R. “Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building of the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.
- S. “Building” see Structure.
- T. “Channelization” means the artificial creation, enlargement, realignment, or alteration of a stream channel’s slope, shape, or alignment. Streambank restoration may be deemed as channelization.
- U. “Code of Federal Regulations (CFR)” means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

- V. “Conditional Letter of Map Revision (CLOMR)” means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.
- W. “Conditional Letter of Map Revision Based on Fill (CLOMR-F)” means FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.
- X. “Crawlspace” means an under-floor space that has its interior floor area (finished or not) no more than four feet (4') from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.
- Y. “Critical Facility” means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities.
- Z. “Critical Feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
- AA. “Deed Restriction” means a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.
- BB. “Detached Garage” means a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.
- CC. “Development” means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.
- DD. “Elevated Building” means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, 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.

- EE. “Enclosure” means an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.
- FF. “Erosion” means the process of the gradual wearing away of land masses by wind, water, or other natural agents.
- GG. “Existing Construction” means 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. It may also be referred to as Existing Structures.
- HH. “Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the municipality.
- II. “Existing Structures”—see Existing Construction.
- JJ. “Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing 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).
- KK. “FEMA” means the Federal Emergency Management Agency.
- LL. “FHBM” means Flood Hazard Boundary Map.
- MM. “Fill” means the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.
- NN. “Flood or Flooding” means:
1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    - a. The overflow of inland or tidal waters.
    - b. The unusual and rapid accumulation or runoff of surface waters from any source.
    - c. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this Chapter and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
    - d. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this Chapter.

- OO. “Flood Insurance Manual” means the document FEMA produces twice a year and is used to write flood insurance policies underwritten by the NFIP. The document contains definitions, policy rates, coverage and limitations, application and insurance policy forms.
- PP. “Flood Insurance Rate Map (FIRM)” means an official map of the municipality, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the municipality. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- QQ. “Flood Insurance Study” (FIS) or “Flood Elevation Study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- RR. “Floodplain Development Permit” means a community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the municipality. It is used to address the proposed development to ensure compliance with the municipality’s ordinance.
- SS. “Floodplain or Flood-Prone Area” means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of Flooding).
- TT. “Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.
- UU. “Floodplain Management Regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.
- VV. “Flood Opening” means an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.
- WW. “Flood Protection System” means 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 area within the municipality subject to an SFHA and to reduce 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. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

- XX. “Floodproofing” means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.
- YY. “Floodway”—see Regulatory Floodway.
- ZZ. “Floodway Encroachment Lines” mean the lines marking the limits of floodways on federal, state, and local flood plain maps.
- AAA. “Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
- BBB. “Functionally Dependent Use” means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.
- CCC. “Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.
- DDD. “Historic Structure” means any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  5. By an approved state program as determined by the Secretary of the Interior, or
  6. Directly by the Secretary of the Interior in states without approved programs.

- EEE. “Letter of Map Amendment (LOMA)” means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property’s location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when it is actually on natural high ground above the BFE.
- FFF. “Letter of Map Revision (LOMR)” means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.
- GGG. “Letter of Map Revision Based on Fill (LOMR-F)” means FEMA’s amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.
- HHH. “Levee” means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- III. “Levee System” means a flood protection system that 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.
- JJJ. “Lowest Adjacent Grade (LAG)” means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.
- KKK. “Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Title.
- LLL. “Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.
- MMM. “Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
- NNN. “Map” means the FHBM or the FIRM for a community issued by FEMA.
- OOO. “Mean Sea Level” means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a the municipality's FIRM are referenced.

- PPP. “Mixed Use Structures” means structures with both a business and a residential component, but where the area used for business is less than fifty percent (50%) of the total floor area of the structure.
- QQQ. “New Construction” means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the municipality and includes any subsequent improvements to such structures. For the purposes 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 the municipality and includes any subsequent improvements to such structures.
- RRR. “New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- SSS. “No-Rise Certifications” means formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.
- TTT. “Physical Map Revision (PMR)” is FEMA’s action whereby one (1) or more map panels are physically revised and republished.
- UUU. “Recreational Vehicle” means a vehicle which is:
1. Built on a single chassis;
  2. Four-hundred square feet (400 sq.ft.) or less when measured at the largest horizontal projection;
  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.
- VVV. “Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- WWW. “Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.
- XXX. “Section 1316” means to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

YYY. “Special Flood Hazard Area”—see Area of Special Flood Hazard.

ZZZ. “Start of Construction” means 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 a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, 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.

AAAA. “Structure for Floodplain Management Purposes” means a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

BBBB. “Structure for Insurance Purposes” means:

1. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site.
2. A manufactured home; or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the municipality's floodplain management and building ordinances or laws.
4. For insurance purposes, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

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

DDDD. “Substantial Improvement” means 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 the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed.

1. The term does not, however, include:
  - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
  - b. Any alteration of a historic structure, if the alteration will not preclude the structure's continued designation as a historic structure.

EEEE. “Variance” means a grant of relief by the municipality from the terms of a flood plain management regulation.

FFFF. “Violation” means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

GGGG. “Water Surface Elevation” means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.

HHHH. “Watercourse” means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

## Chapter 19.58 GEOLOGICAL HAZARDS ORDINANCE

### 19.58.010 - Purpose of Provisions.

The purpose of the geologic hazards ordinance is to promote the health, safety and general welfare of the citizens of the municipality, and minimize the potential adverse effects of geologic hazards to public health, safety and property by encouraging wise land use in geologically hazardous areas.

### 19.58.020 - Definitions.

A. As used in this chapter, the following terms have the following meanings:

1. “Active Fault” means a fault displaying evidence of greater than four inches (4”) of displacement along one or more of its traces during Holocene time (about ten thousand (10,000) years ago to the present).
2. “Avalanche” means a large mass of snow, ice, and debris in swift motion down a slope; includes both wet and dry snow avalanches.
3. “Buildable Area” means that portion of a site where an approved engineering geology and/or geotechnical report, as required, has indicated is not impacted by geologic hazards, or concluded that the identified hazards can be mitigated to a level where risk to human life and property are reduced to an acceptable and reasonable level, and where structures may be safely sited. Buildable areas must be clearly marked on the site plan and/or final approved plat, as appropriate.
4. “Critical Facilities” means essential facilities, and lifelines such as major utility, transportation, and communication facilities and their connections to essential facilities.
5. “Debris Flow” means a slurry of rock, soil, organic material, and water transported in an extremely fast and destructive flow that flows down channels and onto and across alluvial fans; includes a continuum of sedimentation events and processes including debris, flows, debris floods, mudflows, clearwater floods, and alluvial fan flooding.
6. “Development” includes all critical and essential facilities, subdivisions, single- and multi-family dwellings, commercial and industrial buildings, additions to existing buildings, storage facilities, pipelines and utility conveyances, and other land uses.
7. “Engineering Geologist” means a geologist who, through education, training and experience, is able to conduct field investigations and interpret geologic conditions to assure that geologic factors affecting engineered works are recognized, adequately interpreted, and presented for use in engineering practice and for the protection of the public.
8. “Engineering Geology” means the application of geological data, principles and interpretation so that geological factors affecting planning, design, construction, and maintenance of engineered works are properly recognized and adequately interpreted.
9. “Essential Facility” means buildings and other structures that are intended to remain operational in the event of extreme environmental loading from snow or earthquakes, including all Category II and III structures as classified in Table 1604.5 of the Building Code.
10. “Fault” means a fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other (see “Active fault”).

11. “Fault Setback” means an area on either side of a fault within which construction of structures for human occupancy or critical facilities is not permitted.
12. “Fault Scarp” means a steep slope or cliff formed by movement along a fault.
13. “Fault Trace” means the intersection of a fault plane with the ground surface, often present as a fault scarp, or detected as a lineament on aerial photographs.
14. “Fault Zone” means a corridor of variable width along one or more fault traces, within which deformation has occurred.
15. “Geologic Hazard” means a surface fault rupture, liquefaction, landslide, debris flow, rockfall, avalanche, and/or other geologic processes that may present a risk to life and property.
16. “Geologic Hazard Maps” refers to the following maps showing Geologic Hazards Special Study Areas in then unincorporated Salt Lake County:
  - a. “Surface Fault Rupture and Liquefaction Potential Special Study Areas” dated March 31, 1989 and revised March 1995;
  - b. “Avalanche Special Study Areas” dated March 31, 1989; and
  - c. “Landslide, Debris Flow, and Rockfall Special Study Area Map” dated April 9, 2002.
17. “Geologic Hazard Special Study Area” means a potentially hazardous area as shown on the geological hazards maps, or in other areas defined under “Applicability” (Section 19.58.030), within which hazard investigations are generally required prior to development.
18. “Geotechnical Engineer” means a professional engineer licensed in the State of Utah whose education, training and experience, is in the field of geotechnical engineering.
19. “Geotechnical Engineering” means the investigation and engineering evaluation of earth materials including soil, rock and man-made materials and their interaction with earth retention systems, foundations, and other civil engineering works. The practice involves the fields of soil mechanics, rock mechanics, and earth sciences and requires knowledge of engineering laws, formulas, construction techniques, and performance evaluation of engineering.
20. “Governing Body” means the Municipal Council.
21. “Landslide” means a general term for the downslope movement of a mass of soil, surficial deposits or bedrock, including a continuum of processes between landslides, earthflows, mudflows, debris flows and debris avalanches, and rockfall.
22. “Liquefaction” means a process by which certain water-saturated soils lose bearing strength because of earthquake-related ground shaking and subsequent increase of groundwater pore pressure.
23. “Non-Buildable Area” means that portion of a site which an engineering geology report has concluded may be impacted by geologic hazards that cannot be feasibly mitigated to a safe level, and where siting of structures is not permitted.
24. “Rockfall” means a rock, or mass of rock, newly detached from a cliff or other steep slope which moves downslope by falling, rolling, toppling, or bouncing; includes rockslides, rockfall avalanches, and talus.

25. “Setback” means an area within which construction of habitable structures or critical facilities is not permitted.
26. “Slope Stability” means the resistance of a natural or artificial slope or other inclined surface to failure by landsliding; usually assessed under both static and dynamic (earthquake induced) conditions.
27. “Structure Designed for Human Occupancy” means any residential dwelling or other structure used or intended for supporting or sheltering any human occupancy.

**19.58.030 - Applicability.**

- A. These regulations are applicable to:
  1. All lands within Geological Hazard Special Study Areas in the municipality, as shown on the geologic hazards maps on file with Planning and Development Services:
  2. Areas where slopes are in excess of thirty percent (30%); and
  3. Areas where topography, geology, soil conditions, slope instability, slope angle, or aspect, whether on-site or off-site, indicate a potential for geologic hazards.
- B. Such maps and areas described above and all amendments thereto are made a part of this Chapter as if fully described and detailed herein. Each change in the geologic hazards maps shall be subject to the amendment procedures set forth in this Chapter.

**19.58.040 - Disputes.**

- A. Disputes may arise when:
  1. There is a conflict between the boundary lines illustrated on the map and actual field conditions,
  2. Detailed investigations show that mapped hazards are not present within a particular area, or
  3. Field conditions indicate that unmapped hazards may exist that require study.
- A. Disputes shall be settled as follows:
  1. The person disputing the special study area boundary or the presence of mapped or unmapped hazard(s) within a particular area shall submit technical and geologic evidence to support their claim to the Municipal Geologist in the form of a site-specific geologic hazards report (see Section 19.58.060).
  2. The Municipal Geologist may request the Utah Geological Survey, U.S. Forest Service, and/or other experts to review the evidence (third-party review) prior to making a decision concerning the dispute. The cost of the third-party review shall be paid by the person disputing the map.
  3. The Municipal Geologist may allow deviations from the mapped boundary line only if evidence is provided by the applicant that, to the satisfaction of the Municipal Geologist, clearly and conclusively establishes that the Geologic Hazard Special Study Area boundary location is incorrect, or that the mapped hazards are not present within a particular area.
  4. Any decision of the Municipal Geologist may be appealed to the Land Use Hearing Officer.

**19.58.050 - Studies and Reports Required.**

Any applicant requesting development on a parcel of land within a Geologic Hazard Special Study Area, as required under Table 19.58.050, or in other applicable areas as defined in Section 19.58.030, shall submit to Planning and Development Services two (2) copies of a site-specific geologic hazard study and report.

<b>Table 19.58.050: Special Study Area Report Requirements</b>					
<b>(Based on Special Study Area Maps)</b>					
Is a Site-Specific Geological Hazards Report Required Prior to Approval?					
Land Use (Type of Facility)	Surface Fault Rupture	Liquefaction Potential		Landslide, Debris Flow & Rockfall	Avalanche
		HIGH and MODERATE	LOW and VERY LOW		
Critical and Essential Facilities as defined in Section 19.58.020	Yes	Yes	Yes	Yes	Yes
Industrial and Commercial Bldgs. (1 story and <5,000 sq. ft.)	Yes	No*	Yes	Yes	Yes
Industrial and Commercial Bldgs. (>5,000 sq. ft.)	Yes	Yes	Yes	Yes	Yes
Residential-Single Lots/Single Family Homes	Yes	No*	Yes	Yes	Yes
Residential Subdivisions (>9 Lots), and Residential Multi-Family Dwellings (4 or more units per acre)	Yes	Yes	Yes	Yes	Yes
Residential Subdivisions (<9 Lots), and Residential Multi-Family Dwellings (<4 units per acre)	Yes	No*	Yes	Yes	Yes
*Although a site-specific investigation is not required, the owner is required to file a disclosure notice prior to land use approval					

**19.58.060 - Geologic Hazard and Engineering Geology Reports.**

- A. This section describes requirements for site-specific geologic hazard studies and reports, where required according to Section 19.58.050, the Geologic Hazard maps and Table 19.58.050:
1. An engineering geology report that includes a geologic hazards investigation and assessment shall be prepared by a qualified engineering geologist, except as provided in Subsections 19.58.060 C and F, below. A “qualified engineering geologist” requires 1) an undergraduate or graduate degree in geology, engineering geology, or a related field with a strong emphasis in geologic coursework, from an accredited university; 2) at least three (3) full years of experience in a responsible position in the field of engineering geology; and 3) per Utah law, after January 1, 2003, geologists practicing before the public must be licensed in Utah. The report shall be site-specific and shall identify all known or suspected potential geologic hazards, originating on-site or off-site, whether previously mapped or unmapped, that may affect the particular property. All reports shall be signed and stamped by the preparer and include the qualifications of the preparer.
  2. Fault rupture hazard reports shall contain all requirements as described in the document “Minimum Standards for Surface Fault Rupture Studies” on file in the Office of Planning and Development Services. Fault study reports shall be prepared, signed, and stamped by a qualified engineering geologist as described in the reports.
  3. Liquefaction analyses shall contain all requirements as stated in the document “Liquefaction: A Guide to Land Use Planning” on file in the Office of Planning and Development Services. Liquefaction analyses shall be prepared by a qualified professional geotechnical engineer licensed in the State of Utah and shall include the professional engineer's original stamp and signature.
  4. Debris flow hazard studies and reports shall include test pits or trench logs (scaled one inch to five feet (1” = 5’) or smaller), include estimates of the number and frequency of past events and their thicknesses, volume and maximum clast sizes; and include estimates of the recurrence, depth, and impact forces anticipated in future events. While debris flow hazard analyses may require contributions from hydrologists and engineers, the debris flow report shall be under the control of, and prepared by, a qualified engineering geologist, and shall include the geologist's qualifications to perform the study (such as their experience in performing similar studies).
  5. Landslide reports shall be prepared in accordance with the Utah Geological Survey's “Guidelines for Evaluating Landslide Hazards in Utah” (Hylland, 1996). Landslide reports shall be prepared, signed, and stamped by a qualified engineering geologist, and include the qualifications of the preparer. Slope stability or other analyses included in these reports shall include both static and dynamic conditions and shall be prepared by a qualified professional geotechnical engineer licensed in the State of Utah, and shall include the professional engineer's original stamp and signature.
  6. Snow avalanche hazard reports shall be prepared in accordance with the document “Snow-Avalanche Hazard Analysis for Land Use Planning and Engineering” (Colorado Geological Survey Bulletin 49) or other appropriate references. Avalanche hazard reports must be prepared by an experienced avalanche expert and shall include the avalanche expert's qualifications to perform the study (such as their experience in performing similar studies).

7. Other geologic hazard or engineering geology reports shall be prepared in accordance with Utah Geological Survey Miscellaneous Publication M, "Guidelines for Preparing Engineering Geologic Reports in Utah." All reports shall be signed by the preparer and include the qualifications of the preparer. Generally, these reports must be prepared, signed, and stamped by a qualified engineering geologist licensed in the State of Utah. However, reports co-prepared by a professional engineer must include the professional engineer's original stamp and signature.
8. All reports shall include, at a minimum:
  - a. A 1:24,000-scale geologic map (with reference) showing the surface geology, bedrock geology (where exposed), bedding attitudes, faults or other structural features, and the locations of any geologic hazards;
  - b. A detailed site map of the subject area showing any site-specific mapping performed as part of the geologic investigation, and including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location and boundaries of the hazard(s), delineation of any recommended setback distances from hazard(s), and recommended location(s) for structures. Buildable and non-buildable areas shall be clearly identified. The scale shall be one inch equals two hundred feet (1" = 200') or smaller.
  - c. Trench logs and test pit logs (scale: one inch equals five feet (1"=5'), or smaller), boring logs (scale: one inch equals five feet (1"=5'), or smaller), aerial photographs, references with citations, and other supporting information, as applicable
  - d. Conclusions that summarize the characteristics of the geologic hazards, and that address the potential effects of the geologic conditions and geologic hazards on the proposed development and occupants thereof in terms of risk and potential damage.
  - e. Specific recommendations for additional or more detailed studies, as may be required to understand or quantify the hazard, evaluate whether mitigation measures are required, and evaluate mitigation options.
  - f. Specific recommendations for avoidance or mitigation of the effects of the hazard(s), consistent with the purposes set forth in Section 19.58.010. Design or performance criteria for engineered mitigation measures and all supporting calculations, analyses, modeling or other methods, and assumptions, shall be included in the report. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate.
  - g. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.
9. Additional or more detailed studies may be required, as recommended by the report or as determined by the Municipal Geologist, to understand or quantify the hazard, or to evaluate whether mitigation measures recommended in the report are adequate.

**19.58.070 - Review of Reports, Approval Procedure.**

- A. In order to fulfill the purposes of this Chapter, Planning and Development Services or the Planning Commission, as appropriate under Kearns' Development Standards, shall review any proposed land use which requires preparation of a geologic hazard report under this chapter to determine the possible risks to the safety of persons or property from geologic hazards.
- B. Prior to consideration of any such development by Planning and Development Services and the Planning Commission, the geologic hazard report shall be submitted to the Municipal Geologist for review and recommendation. The Municipal Geologist may request the Utah Geological Survey, the U.S. Forest Service, and/or other experts to review the report (third-party review) and provide additional recommendations. Any cost the municipal must pay for such third-party reviews shall be paid by the applicant prior to Planning Commission or Planning and Development Services action. The Municipal Geologist shall file a copy of the geologic hazard report in the Municipal Geologist's geologic hazards library, and another copy in the Planning and Development Services project file. A copy may also be forwarded to the Utah Geological Survey.
- C. The Municipal Geologist and other retained experts in their review of the report, and the Planning Commission or Planning and Development Services Director in their consideration of the development, shall determine whether the development complies with all of the following standards:
  - 1. A suitable geologic hazard report has been prepared by a qualified professional as defined in Section 19.58.060.
  - 2. The proposed land use does not present an unreasonable risk to the safety of persons or property (including buildings, storm drains, public streets, utilities or critical facilities, whether off-site or on-site), or to the aesthetics and natural functions of the landscape (e.g. slopes, streams or other waterways, drainage, wildlife habitat, etc., whether off-site or on-site) because of the presence of geologic hazards or because of modifications to the site due to the proposed land use;
  - 3. At the Planning Commission's discretion, with advice from the Municipal Geologist, the proposed land use may be approved if the applicant submits substantial evidence in the geologic hazard report that, using best available practices, the identified hazards can be mitigated to a level where the risk of human life and damage to property are reduced to an acceptable and reasonable level in a manner which has a minimum effect on the natural environment. Mitigation measures should consider, in their design, the intended aesthetic functions of other governing ordinances.
- D. Any area determined to contain geologic hazards to life or property shall not be approved for development unless the applicant demonstrates that the identified hazards or limitations can be overcome in such a manner as to minimize hazard to life or property. The applicant must include, with the geologic hazards report, an acceptable mitigation plan that defines how the identified hazards or limitations will be overcome in such a manner as to minimize hazard to life or property, as described in Subection 19.58.070(C)(1), above, and without impacting or affecting off-site areas.
- E. The Municipal Geologist may set other requirements as necessary to overcome any geologic hazards and to ensure that the purposes of this chapter are met. These requirements may include:
  - 1. Additional or more detailed studies to understand or quantify the hazard or determine whether mitigation measures recommended in the report are adequate;

2. Specific mitigation requirements; establishment of buildable and/or non-buildable areas; limitations on slope grading; and/or revegetation;
  3. Installation of monitoring equipment and seasonal monitoring of surface and subsurface geologic conditions, including groundwater levels; and
  4. Other requirements such as time schedules for completion of the mitigation, phasing of development, etc.
- F. The Planning Commission or Planning and Development Services Director may set requirements necessary to reduce the risks from geologic hazards as a condition to the approval of any development which requires a geologic hazards report.

**19.58.080 - Requirements in Geologic Hazard Areas.**

A. Active Fault Considerations.

1. No critical facility (excluding transportation lines or utilities, which by their nature may cross active faults) or structures designed for human occupancy may be built astride an active fault. A fault study must be prepared as defined in Sections 19.58.030 and 19.58.060, prior to final approval of the land use or building permits. If a fault is discovered in the excavation for such a structure, whether located within a special study area or not, a special study, as described in Section 19.58.060 must be performed to determine if the fault is active. If the fault is determined to be active, the procedures set forth in Section 19.58.070 shall be followed. The fault study report shall establish a fault setback on either side of the fault following the requirements of Section 19.58.060, within which no critical facilities or structures for human occupancy shall be placed.
2. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements in Section 19.58.060, or the requirements of the Building Code, whichever is more stringent. The Planning and Development Services Director may increase footing setback requirements where information from a geotechnical report indicates slope conditions warrant a greater setback distance.

B. Liquefaction Considerations.

1. Liquefaction analyses shall be performed for all critical facilities regardless of the mapped special study area designation for the site.
2. For all structures for which a liquefaction analysis indicates that ground settlement may be anticipated, the project structural engineer shall provide documentation to the Municipal Geologist that the building will be designed to accommodate the predicted ground settlements, in such a manner as to be protective of life safety during the design event.

C. Avalanche Considerations.

1. Development of structures for human occupancy is not permitted within an avalanche special study area, or in other areas where avalanche hazards may exist, unless a detailed avalanche hazard analysis is performed, as described in Section 19.58.060, by a qualified avalanche expert.
2. If the avalanche analysis indicates that the site may be impacted by avalanches, the report shall delineate the following areas:

- a. A “red zone” of high avalanche potential [return period of twenty-five (25) years or less, and/or impact pressures over six hundred pounds (600 lbs.) per square foot (psf)] within which critical facilities or structures for human occupancy are not permitted;
- b. A “blue zone” (return period between twenty-five (25) and three hundred (300) years, and impact pressures less than six hundred (600) psf) within which critical facilities or structures for human occupancy may only be permitted when at least one (1) of the following requirements has been met:
  - i. The structure is designed to incorporate direct protection measures that address the estimated impact forces (flowing snow/debris and powder blast loading). The estimated impact forces shall be calculated by the avalanche expert. The structure shall be designed by, and the plans stamped by, a qualified structural engineer licensed in the State of Utah; or
  - ii. Appropriate engineering controls (i.e. deflection structures, snow retention nets, dams, etc.) are designed and installed to mitigate the avalanche hazard. Design or performance criteria for engineered mitigation measures (including estimated impact forces, flow heights, location and dimensions of the mitigation structures) and all supporting modeling or other analyses, calculations, and assumptions, shall be calculated by the avalanche expert and included in the report. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate, licensed in the State of Utah.

**19.58.090 - Disclosure.**

**A. Disclosure When a Geologic Hazards Report Is Required.**

1. Whenever a geologic hazards report is required under this chapter, the owner of the parcel shall record a restrictive covenant running with the land in a form satisfactory to the municipality prior to the approval of any development or subdivision of such parcel. Disclosure will include signing a disclosure and acknowledgment form provided by the municipality, which will include the following:
  - a. Notice that the parcel is located within a geologic hazard special study area as shown on the geologic hazard map or otherwise defined in Section 19.58.030;
  - b. Notice that a geologic hazards report was prepared and is available for public inspection in the Municipal Geologist's geologic hazards library; and
  - c. Where geologic hazards and related setbacks are delineated in subdivisions and PUDs, the owner shall also place an additional notification on the plat stating the above information, prior to final approval of the plat.

**B. Disclosure When a Geologic Hazards Report Is Not Required.**

1. Whenever a parcel to be developed is located within a geologic hazard special study area but a geologic hazards report is not required under this Chapter (such as but not limited to, a single-family home located in a moderate liquefaction potential area), notice that the parcel is located within such area(s) shall be recorded by the land owner by signing a disclosure and acknowledgment form provided by the municipality, prior to the approval of any such development.

**19.58.100 - Warning and Disclaimer.**

The geologic hazards ordinance codified in this chapter and geologic hazard maps represent only those hazardous areas known to the municipality, and should not be construed to include all possible potential hazard areas. The geologic hazards ordinance and the geologic hazard maps may be amended as new information becomes available pursuant to procedures set forth in Chapter 19.90. The provisions of this Chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of geologic hazards. This Chapter shall not create liability on the part of the municipality, any officer or employee thereof for any damages from geologic hazards that result from reliance on this Chapter or any administrative requirement or decision lawfully made hereunder.

**19.58.110 - Change of Use.**

No change in use which results in the conversion of a building or structure from one not used for human occupancy to one that is so used may be permitted unless the building or structure complies with the provisions of this Chapter.

**19.58.120 - Conflicting Regulations.**

In cases of conflict between the provisions of existing zoning classifications, building code, subdivision ordinance, or any other ordinance of the municipality and the geologic hazards ordinance codified in this Chapter, the most restrictive provision applies.

## **Chapter 19.60 AIRPORT OVERLAY ZONE**

*[This Chapter is reserved until a later date, following the adoption of the South Valley Regional Airport Master Plan]*