

WEST VALLEY CITY, UTAH
ORDINANCE NO. 16-40

Date Adopted: 9/6/2016

Date Effective: 9/9/2016

AN ORDINANCE AMENDING SECTIONS 7-1-103, 7-6-1002, 7-6-1103, 7-6-1204, 7-6-1504, 7-6-1505, 7-6-1702, 7-9-104, 7-9-106, 7-22-304, 17-1-101, 17-12-116, 17-12-117, 17-12-120, 17-23-122, AND 17-29-106 AND ENACTING SECTION 7-14-219 OF THE WEST VALLEY CITY MUNICIPAL CODE TO ESTABLISH A DEFINITION OF AND REGULATIONS FOR LODGING FACILITIES.

WHEREAS, Title 7 of the West Valley City Municipal Code establishes regulations concerning the use and development of land throughout the City; and

WHEREAS, facilities offering lodging services are a critical component of economic development and the promotion and establishment of thriving commercial centers; and

WHEREAS, the development of facilities offering high level lodging services offers substantial value to commercial areas and creates support for other commercial services; and

WHEREAS, lodging facilities without high quality amenities and aesthetics generate large burdens for the City's police force and other emergency services; and

WHEREAS, the City wishes to promote the further development of high quality lodging facilities in the City, both for the redevelopment of existing properties and for new development; and

WHEREAS, the City has a variety of lodging facilities offering few amenities and a need for additional high quality facilities; and

WHEREAS, City data shows that lodging facilities with few amenities and poor aesthetics reduce the value of commercial properties and offer substantially less support to surrounding development; and

WHEREAS, the City's best lodging facilities have made major contributions to the surrounding commercial and residential developments and have been a significant resource in the

City's effort to develop sustainable, high quality commercial, business, and cultural centers; and

WHEREAS, the City Council of West Valley City, Utah does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Sections 7-1-103, 7-6-1002, 7-6-1103, 7-6-1204, 7-6-1504, 7-6-1505, 7-6-1702, 7-9-104, 7-9-106, 7-22-304, 17-1-101, 17-12-116, 17-12-117, 17-12-120, 17-23-122, and 17-29-106 and to enact Section 7-14-219 of the West Valley City Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah as follows:

Section 1. Repealer. Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Amendment. Sections 7-1-103, 7-6-1002, 7-6-1103, 7-6-1204, 7-6-1504, 7-6-1505, 7-6-1702, 7-9-104, 7-9-106, 7-22-304, 17-1-101, 17-12-116, 17-12-117, 17-12-120, 17-23-122, and 17-29-106 of the West Valley City Municipal Code are hereby amended as follows:

7-1-103. DEFINITIONS.

Whenever any words or phrases used in this Title are not defined herein, but are defined in related sections of the Utah Code or in the Subdivision Ordinance, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Words not defined in any Code shall have their ordinarily accepted meanings within the context in which they are used.

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

- (1) "Accessory Building" means a detached building clearly incidental to and located upon the same lot occupied by a primary building and subordinate in height and area to the primary building, but can be at least 14 feet in height. Also, a building clearly incidental to an agriculture or animal care land use located on a lot in an agricultural zone, which lot meets the minimum lot size for such zone.
- (2) "Accessory Use" means a use customarily incidental and subordinate to the primary use or building and located on the same lot therewith. A use which dominates in area, extent

or purpose, the primary use or building shall not be considered an accessory use.

- (3) "Agriculture" means land used for the production of food through the tilling of the soil, the raising 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.
- (4) "Agricultural Industry or Business" means the processing of raw food products by packaging, treating and/or intensive feeding. Agricultural industry includes, but is not limited to, animal feed yards, the raising of fur-bearing animals, food packaging and/or processing plants, commercial poultry or egg production, commercial greenhouses, and similar uses as determined by the Planning Commission. For purposes of the Manufacturing M-Zone, agricultural industry does not include a non-animal food processing plant located in a Redevelopment Project Area.
- (5) "Airport" means any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- (6) "Alcohol Establishment" means all licensed businesses involved in the sale, manufacture or distribution of alcoholic beverages for retail or wholesale purposes, excluding off-premises beer retailers.
- (7) "Alcoholic Products" means all products that contain at least 63/100 of 1% alcohol by volume or at least 1/2 of 1% alcohol by weight and are obtained by fermentation, infusion, decoction, brewing distillation or any other process that uses any liquid or combination of liquids, whether drinkable or not, to create alcohol in an amount greater than the amount prescribed in this definition. Alcoholic Products do not include common extracts, vinegars, ciders, essences, tinctures, food preparations, or over-the-counter drugs and medicines that otherwise come within the definition.
- (8) "Alley" means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (9) "Alteration" means a physical change or addition to a site, building, or structure.
- (10) "Alternative Financial Service Provider" means Car Title Loan Businesses, Check Cashing Businesses, Pawnbrokers, Unchartered Financial Service Providers, and any

businesses or entities offering similar services.

- (11) "Amenity" means an aesthetic, recreation, or service component integrated into a development in order to increase its desirability within a community or its marketability to the public.
- (12) "Animal" means any of a kingdom of living being typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.
- (13) "Animal Training" means the training of two or more animals for remuneration. Animals may be boarded on the premises or transported to the premises for each scheduled training period.
- (14) "Applicant" means a person, firm, association, partnership, private corporation, public corporation, or any combination thereof, requesting a modification or approval as required by this Title. An applicant shall be listed as the owner of the property for which the modification or approval is being requested or may be the legally designated agent of the owner.
- (15) "Arterial Street, Major" means a street for which the principal function is movement of large volumes of traffic from collector streets. Providing access to abutting land is a secondary function.
- (16) "Arterial Street, Minor" means a street for which the principal function is movement of traffic. Providing access to abutting land is a secondary function.
- (17) "Attached" means a physical connection between buildings, or parts of buildings, and may consist of either a common wall or an overhead roof structure or canopy which may be either enclosed or unenclosed.
- (18) "Automobile Sales and Service" means the sales, repair and maintenance of automobiles and trucks. Such uses may include, but are not limited to, sales lots, body shops, transmission shops, lube centers, tire stores, car washes as a primary use, and auto glass shops, among other things. This definition does not include retail sales of auto parts and supplies where no service or repair is performed on the premises.
- (19) "Basement" means a story partly underground. A basement shall be counted as a story for purposes of height measurement if over one-half of its total height is above grade.
- (20) "Billboard" means a freestanding, outdoor 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. "Billboard" includes, where applicable, any sign structure, including any necessary devices, supports, appurtenances, and lighting that is part of or supports an outdoor sign.

- (21) "Brew Restaurant" means a business licensed to sell beer for on-premises consumption in connection with a bonafide restaurant where the revenue from the sale of beer is less than 30 percent of the gross dollar volume. A Brew Restaurant is also licensed to brew beer in batch sizes that provide enough beer for the sale and consumption on site in connection with the restaurant, or for retail carry-out sale in containers holding less than 2 liters.
- (22) "Brew Restaurant and Liquor Retailer" means a Brew Restaurant that also has a liquor license subject to the applicable provisions of the Alcoholic Beverage Control Act.
- (23) "Buildable Area" means that portion of a lot that may be developed after required setbacks are deducted.
- (24) "Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
- (25) "Building Coverage" means the percentage of a lot that is, or may be, covered by buildings.
- (26) "Building Height" means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof.
- (27) "Building, Primary" 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.
- (28) "Canopy" means a roofed structure not completely enclosed by walls supported by structural supports extending to the ground directly underneath and providing a protective shield for pedestrian walkways and/or automobiles. This definition does not include carports.
- (29) "Car Title Loan" means taking possession of or an interest in an automobile title in exchange for consideration or extending a loan. This definition includes businesses

facilitating car title loans or matching customers with Car Title Loan businesses located elsewhere. This definition does not include a federal or state chartered bank, industrial bank, savings and loan, or credit union.

- (30) "Cargo Container" A prefabricated metal structure designed for use as an individual shipping container in accordance with international standards for overseas shipping, or designed to be mounted on a rail car as freight, or designed and built for use as an enclosed truck trailer in accordance with US Department of Transportation standards.
- (31) "Carport" means a private garage not completely enclosed by walls or doors supported by structural supports extending to the ground directly underneath the carport.
- (32) "Check Cashing" means cashing a check for consideration or extending a Deferred Deposit Loan and shall include any other similar types of businesses, including but not limited to businesses licensed by the State pursuant to the Check Cashing Registration Act. The term Check Cashing shall include neither federal or state chartered banks, industrial banks, savings and loan, and credit unions nor fully automated stand-alone services located inside of an existing building, so long as the automated service incorporates no signage in the windows or outside of the building.
- (33) "Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, together with its accessory buildings and uses, is maintained and controlled by a non-profit religious body organized to sustain public worship.
- (34) "City" means West Valley City.
- (35) "City Attorney's Office" means the Law Department of West Valley City.
- (36) "City Council" means the City Council of West Valley City.
- (37) "City/County Health Department" means the Salt Lake City/County Health Department which is authorized to act as the Health Department for West Valley City.
- (38) "City Manager" means the chief executive officer of West Valley City.
- (39) "City Recorder" means the West Valley City Recorder.
- (40) "Club" License shall mean a license issued pursuant to Chapter 5, Title 32A, UCA as amended and subject to the applicable provisions of the Alcoholic Beverage Control Act. A Club License means and includes a "Dining Club License," "Equity Club

License,” “Fraternal Club License,” and “Social Club License” as defined herein.

- a. Dining Club License shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises determined by the commission to meet the requirements in Chapter 5, 32A, Section 101(3)(a)(ii)(C) and maintains at least 50% of its total club business from the sale of food, not including: mix for alcoholic beverages or service charges.
- b. Equity Club License shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises that is organized and operated solely for social, recreational, patriotic, or fraternal purposes and:
 - i. has members and limits access to a member or a guest of the member
 - ii. owns, maintains, or operates a substantial recreational facility in conjunction with a club house such as a golf course or tennis facility; and
 - iii. has at least 50% of the total membership having full voting rights and an equal share of the equity of the club or one class of membership with the same.
- c. Fraternal Club License shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises that is organized and operated solely for social, recreational, patriotic, or fraternal purposes and;
 - i. has members and limits access to a member or a guest of a member; and
 - ii. has no capital stock and exists solely for the benefit of its members and their beneficiaries for a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose carried on through voluntary activity of its members in their local lodges; and
 - iii. has a representative form of government and lodge system in which there is a supreme governing body. Local lodges subordinate to the supreme governing body, however designated, may admit members in accordance with the laws of the fraternal. Local lodges are required by the laws of the fraternal to hold regular meetings at least monthly and regularly engage in programs involving member participation to implement the purposes in (c)(ii) of this Section. Local lodges shall own or lease building space for lodge activities.

- d. Social Club License means a license that does not meet the requirements of a Dining Club, Equity Club or Fraternal Club License or seeks to qualify as a Social Club and is approved by the commission as such.
- (41) "Collector Street" means a street which carries traffic from minor streets to the arterial street system, including the principal entrance streets of residential developments and the primary circulating streets within such developments.
- (42) "Commercial" means any use involving the exchange, buying, or selling of goods or services for gain or economic profit.
- (43) "Commercial Complex" means two or more commercial uses, whether on one lot under one ownership or on several adjacent lots under separate ownership, which are dependent on one another to meet minimum standards for parking, vehicular circulation, or landscaping; or which are approved as elements in an overall site plan under a conditional use or subdivision application.
- (44) "Community and Economic Development Department" means the Community and Economic Development Department of West Valley City.
- (45) "Community Use" means uses which have the primary purpose of serving the educational, recreational, religious, or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private non-profit recreation grounds, public parks, public buildings, public facilities, cemeteries, and other similar uses. This definition shall not include detention facilities, half-way houses, alcohol rehabilitation centers, and other similar uses, or buildings that provide lodging or serve as a residence in addition to the community use.
- (46) "Concert" means an assembly of 125 or more patrons at any given time at a reception center, concert venue, concert hall, dance hall, club licensee or any other location, one-time or recurring, where the predominant purpose is to provide musical performances or any other form of indoor or outdoor public recreation (see definitions) or community event (see definition) for which tickets are sold or entry fees are charged.
- (47) "Concert Hall" means any establishment which is not a concert venue but holds events which meet the classification of a concert, possesses the appropriate license and is in compliance with all laws, rules and regulations.
- (48) "Concert Venue" means the Maverik Center, USANA Amphitheater, Utah

Cultural Celebration Center, Rocky Mountain Raceway, and Hale Center Theater.

- (49) "Conditional Use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
- (50) "Conditional Use Permit" means a permit issued by the City outlining the requirements of approval for a conditional use and including written conditions, as well as final, approved development plans, if applicable.
- (51) "Condominium" means the ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property. "Condominium" also means "planned unit development" as defined in this Section, except where the context clearly indicates otherwise.
- (52) "Consolidated Fee Schedule" means the schedule of fees adopted as Chapter 1-2 of the City Code.
- (53) "Convalescent Center" means any commercial establishment where three or more persons suffering from, afflicted with, or convalescing from any infirmity, disease, or ailment are customarily kept, boarded, or housed for remuneration. The term "Convalescent Center" shall include "nursing home," but shall not include hospitals.
- (54) "Convenience Store" means any building which contains less than 5,000 square feet of net floor area and which is generally used for the retail sale of prepackaged food, produce and/or other non-food commodities.
- (55) "Cul-de-sac" means a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic.
- (56) "Dairy" means a commercial establishment for the manufacture or processing of dairy products.
- (57) "Dance Hall" means a place of assembly, open to the public, where dances, parties, receptions, concerts and other gatherings are held. Dance halls may operate as for-profit or not-for-profit organizations. Dance halls may provide live entertainment, serve alcoholic beverages according to the ABCA and may serve catered meals, provided the owner or operator holds the appropriate licenses and permits.
- (58) "Day Care/Preschool Center" means any facility, at a nonresidential location,

operated by a person qualified by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business.

- (59) "Dedication of Land" refers to land set aside by the subdivider to be used by the public, such land being conveyed to the City.
- (60) "Deferred Deposit Loan" means a transaction where:
- a. a person presents to a check cashing business a check written on that person's account; and
 - b. the check cashing business:
 - i. provides the maker an amount of money that is equal to the face value of the check less any fee or interest charged for the transaction; and
 - ii. agrees not to cash the check until a specific date.
- (61) "Density" means the number of dwelling units per gross acre of land.
- (62) "Detention Facility/Jail" means any facility operated to house offenders in a secure setting for the duration of their confinement; or any facility providing assessment, stabilization and/or treatment services for parole violating offenders and/or non-compliant probationers.
- (63) "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.
- (64) "Development Agreement" means an agreement negotiated and entered into by the City and a property owner or developer, pursuant to a proposed development within the City, that shall run with the land and be binding on all successors and assigns of the property owner or developer.
- (65) "Development Plan" means all plans, studies, plats, statements, reports and information required by applicable provisions of this Title.
- (66) "Director of Health" means the legally designated Director of the Salt Lake City/County Health Department or any representative authorized by such official to act in his or her behalf.
- (67) "Dwelling" means any building, or portion thereof, which is designed for residential occupancy, except ~~hotels or motels~~ lodging facilities.
- (68) "Dwelling, Single-family" means a building arranged or designed to have one

dwelling unit for occupancy by one family on one lot.

- (69) "Dwelling, Two-family" means a building arranged or designed to be occupied by two families, the structure having only two dwelling units under one ownership, i.e., duplex, on one lot.
- (70) "Dwelling, Three-family" means a building arranged or designed to be occupied by three families, the structure having only three dwelling units under one ownership, i.e., triplex, on one lot.
- (71) "Dwelling, Four-family" means a building arranged or designed to be occupied by four families, the structure having only four dwelling units under one ownership, i.e., four-plex, on one lot.
- (72) "Dwelling, Multiple-family" means a building arranged or designed to be occupied by more than four families on one or more lots.
- (73) "Dwelling Group" means a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common.
- (74) "Dwelling Unit" means one or more rooms connected together in a structure in which doors and hallways provide shared access to common living facilities, which include provisions for sleeping, eating, cooking and sanitation, for not more than one family.
- (75) "Easement" means a non-profitable interest in property owned by another that entitles its holder to a specific use on, under, or above said property.
- (76) "Elderly Person" means a person who is 60 years of age or older, who desires or needs to live with other, elderly persons in a group setting, but who is capable of living independently.
- (77) "Entrance" means the location of ingress to a room, building or lot.
- (78) "Exit" means the location of egress from a room, building or lot.
- ~~(79) "Extended Stay Hotel" means a hotel in which provisions for cooking are made in individual rooms or suites, and in which guests stay for more than 30, but less than 180, days.~~
- ~~(80)-(79)~~ "Family" means:
- a. Any number of persons living together in a dwelling unit, sharing common living facilities, who are related by blood, marriage, or adoption and including up to

three additional unrelated adults for which each unrelated person owning or operating a motor vehicle shall have an off-street parking space, meeting all requirements of this Title, in addition to required parking for the dwelling; or

- b. One to four unrelated adults living together in a dwelling unit, sharing common living facilities, and sharing possession, use, and responsibility of the entire unit and property associated with that unit, whose relationship is of a continuing nontransient domestic character, living as a single, self-governing housekeeping unit, without extensive supervision or control by a non-resident landlord, innkeeper, or property owner, for which each person owning or operating a motor vehicle shall have an off-street parking space meeting all requirements of this Title.

~~(81)~~ (80) "Fast Food Establishment" means any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state and whose principal method of operation includes the following characteristics:

- a. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers;
- b. The consumption of foods, frozen desserts or beverages is not restricted to tables and counters inside the establishment or on a dining patio immediately adjacent thereto; and
- c. The establishment provides drive-in, drive-through and/or walk-up service.

~~(82)~~ (81) "Fence" means solid or open (50 percent or more open) walls, hedges (dense row of shrubs or low trees), trees, beams, wood, metal, vinyl or plastic structures, constructed for the purpose of obscuring the view into the yard, to prevent trespass, or for ornamental or decorative purposes.

~~(83)~~ (82) "Final Plat" means a map of a subdivision, required of all minor subdivisions and major subdivisions prepared for final approval and recordation, which has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with the ordinances of the City and Title 57, Utah Code Annotated, 1953, as amended.

~~(84)~~ (83) "Fire Department" means the West Valley City Fire Department.

~~(85)~~ (84) "Flood" or "Flooding" means a general and temporary condition of partial or

complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

~~(86)~~ (85) "Flood Control and Storm Drainage Ordinance" means the West Valley City Flood Control and Storm Drainage Ordinance as presently adopted and amended in the future.

~~(87)~~ (86) "Flood, One Hundred Year" means a flood having a one percent chance of being equaled or exceeded in any given year.

~~(88)~~ (87) "Flood, Ten Year" means a flood having a 10 percent chance of being equaled or exceeded in any given year.

~~(89)~~ (88) "Floodplain, One Hundred Year" means that area adjacent to a drainage channel which may be inundated by a 100 year flood.

~~(90)~~ (89) "Food vending unit" means a unit that is manually pushed (cart) or pulled behind a vehicle (trailer) and is not motorized as to move on its own power, which remains stationary in one location, is temporary in nature and not placed in a permanent way on the property, which is used for the sale of food items for immediate consumption, including non-alcoholic beverages.

~~(91)~~ (90) "Freeway" means a street with fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.

~~(92)~~ (91) "Frontage" means all property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end streets, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

~~(93)~~ (92) "Garage, Private" means a structure, enclosed by walls and a roof, accessory to a residential dwelling which is intended primarily for the storage of private vehicles belonging to the residents of that dwelling. A private garage may either be attached to or detached from the dwelling. A garage is considered to be attached if the garage and dwelling have a roof or wall in common.

~~(94)~~ (93) "Garage, Public" means a building or portion thereof, other than a private

garage designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

~~(95)~~ ~~(94)~~ "Garden Center" means a place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoses, rakes, shovels and other garden variety tools and utensils.

~~(96)~~ ~~(95)~~ "General Plan" means a document that the City has adopted, which sets forth general guidelines for proposed future development of the land within the City, as set forth in State law and City ordinances. The General Plan includes what is also commonly referred to as a "master plan."

~~(97)~~ ~~(96)~~ "Grade" means the natural grade, as established by the elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property's natural grade. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for retaining walls, or abrupt differences in the visual slope and elevation of the land and not change the direction or flow of runoff water. For the purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. This measurement shall occur at any point within the building plane where height occurs. For buildings having no wall adjoining the street, the grade shall be the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than five feet from a street line are to be considered as adjoining a street.

~~(98)~~ ~~(97)~~ "Grading/Site Development Ordinance" means the West Valley City Grading/Site Development Ordinance as presently adopted and as amended in the future.

~~(99)~~ ~~(98)~~ "Home Child Care" means care for children who are non-family members in an

occupied dwelling by the resident of that dwelling at least twice a week for more than three children, but fewer than seven children. The total number of children being cared for shall include children under the age of six years residing in the dwelling, who are under the supervision of the provider during the period of time the child care is provided. This definition shall not apply to care being provided strictly to family members. When a caregiver cares for only one child under age two, the group size, at any given time, shall not exceed six, except that one additional school age child may be cared for before and after school hours and on school holidays and during vacation periods; or when a caregiver cares for children who are all two years of age or older, the group's size shall not exceed six, except that two additional children of six years of age or older may be cared for before and after school hours and on school holidays and during vacations.

~~(100)~~ (99) "Home Occupation" means any lawful use conducted within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling and does not change the residential character. The home occupation typically allows the home to be used for receiving mail and maintaining a business telephone.

~~(101)~~ (100) "Home Preschool" means a preschool program for non-family members in an occupied dwelling, by residents of that dwelling, in which lessons are provided for not more than ten children for each session of instruction. Sessions shall last for not more than four hours and shall not overlap. Individual children may attend only one preschool session in any 24-hour period.

~~(102)~~ (101) "Hospital" means an establishment that offers medical care more intensive than out-patient medical services and offers facilities and beds for use beyond a 24-hour period for individuals requiring diagnosis, treatment or cure for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy and which regularly makes available, among other things, clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical or other definitive medical treatment of similar extent.

~~(103)~~ "Hotel" means a building designed for or occupied by five or more guests who are for compensation lodged, with or without meals and in which no provision is made for cooking in any individual room or suite.

~~(104)~~ (102) "Household Pet" has the meaning set forth in Section 7-2-132 and Section

23-3-107.

~~(405)~~ (103) "Indoor Public Recreation" means a concert, fair, festival, bazaar, athletic contest, or other event held, shown or presented within an indoor structure, which 500 or more patrons may attend, or any event subject to UCA 63C-11-101 et seq. regardless of size.

~~(406)~~ (104) "Instructional Facilities" means facilities used for private commercial instruction in arts, crafts, physical fitness or other skills. Such skills may include, but are not limited to aerobics, ceramics/pottery, dance, gymnastics, martial arts, music or painting.

~~(407)~~ (105) "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.

~~(408)~~ (106) "Intensive Retail Service" means a use engaged in providing retail sale, rental, service, processing, or repair of items primarily intended for consumer or household use, such as but not limited to the following: groceries, drugs, cards and stationery, notions, books, cosmetics and specialty items, plants, hobby materials, toys, handcrafted items, apparel, photography services, household electronic equipment, sporting equipment, small appliances, art supplies, paint and wallpaper, office supplies, hardware, and garden supplies, and automotive parts and accessories, excluding service and installation.

~~(409)~~ (107) "Junk" means any salvaged, discarded, or scrapped copper, brass, iron, steel, metal, rope, rags, batteries, paper, trash, plastic, rubber, tires, waste, or other articles or materials commonly designated as junk; or dismantled, wrecked or inoperable motor vehicles or parts thereof.

~~(410)~~ (108) "Junk Yard" means the use of any lot, portion of a lot, or tract of land for the sale, storage, keeping, or disassembly of junk or discarded or salvaged material, provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

~~(411)~~ (109) "Kennel" means any place where 3 or more animals over six months of age are kept for the primary purpose of sale or for the boarding, care, or breeding of which a

fee is charged or paid.

~~(112)~~ (110) "Kennel, Sportsman's" means a kennel for the keeping of three to five dogs for noncommercial use which is located on a lot of at least one acre.

~~(113)~~ (111) "Landscaping" means the improvement of property through the addition of plants and the eradication of weeds and other deleterious material. Landscaping includes trees and may also include a combination of shrubbery, lawn, and vegetative or non-vegetative permeable groundcover. These may be further complemented with earth berms, walls and fences, all harmoniously combined to produce an aesthetic effect appropriate for the intended use. Landscaping may be designed to enhance and preserve natural features of a site, to make land more attractive for residential or other uses, to screen unattractive uses, or to act as buffers to visually separate different types of uses.

~~(114)~~ (112) "Less Intensive Retail Service" means, as used with respect to parking requirements, a retail sales use having more than 75 percent of the gross floor area used for display, sales, and related storage of bulky commodities, including furniture and large appliances, lumber and building materials, carpeting and floor covering, air conditioning and heating equipment, and similar goods, which uses have demonstrated low parking demand generation per square foot of gross floor area.

~~(115)~~ (113) "Light Industrial" means the indoor manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, which does not produce noise, odors, vibration, hazardous waste materials, or particulate that will disturb or endanger neighboring properties.

(114) "Lodging Facility" means any establishment outside a single family residential zone or the RM zone where lodging or overnight accommodations are offered, with or without compensation.

~~(116)~~ (115) "Lot" means an individually described plot of land occupied, or capable of being occupied, by one building or group of buildings, together with such yards, open spaces and yard areas as are required by this Title and the Subdivision Ordinance, and having full frontage on and unrestricted access to a dedicated street.

~~(117)~~ (116) "Lot, Corner" means a lot abutting on two intersecting or intercepting streets,

where the interior angle of intersection or interception does not exceed 135 degrees.

~~(118)~~ (117) "Lot, Interior" means a lot other than a corner lot.

~~(119)~~ (118) "Lot Line Adjustment" in a subdivision means the relocation of the property boundary line between two adjoining lots with the consent of the owners of record, as long as no new dwelling lot or housing unit results from the relocation.

~~(120)~~ (119) "Lot Split" shall refer to the division of a property which may be divided into no more than two legal size lots.

~~(121)~~ (120) "Lot Width" means the distance between the side lot lines measured along a straight line at the minimum required front setback. The width of a corner lot is the lesser of the two distances from the abutting streets to the interior lot lines opposite those streets.

~~(122)~~ (121) "Major Street Plan" means the plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which has been approved by the Planning Commission and City Council as provided in Title 10, Chapter 9, Sections 23 and 25, Utah Code Annotated 1953, as amended.

~~(123)~~ (122) "Manufacturer of Alcoholic Products" means to distill, brew, rectify, mix, compound, process, ferment or otherwise make an Alcoholic Product for personal use or for sale or distribution to others, except Brew Restaurants, Brew Restaurant and Liquor Retailers, and Small Brewers.

~~(124)~~ (123) "Minor Street" means a street for which the principal function is access to abutting land. Traffic movement is a secondary function.

~~(125)~~ (124) "Mobile food vending vehicle" means a fully enclosed motorized vehicle mounted food service establishment operated by a vendor standing within the frame of the vehicle which is used for the sale of food items for immediate consumption, including non-alcoholic beverages. This vehicle must move on its own power and is not manually pushed, pulled or towed by another vehicle.

~~(126)~~ (125) "Mobile Home" means a structure that is transportable in one or more sections, built on a permanent chassis and designed to be used without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

~~(127)~~ (126) "Mobile Home Park" means any plot of ground upon which two or more

mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

~~(128)~~ (127) "Mobile Home Space" means a plot of ground within a mobile home park which is designed for the accommodation of one mobile home.

~~(129)~~ (128) "Mobile Home Stand" means that part of a mobile home space which has been reserved for the placement of one mobile home with appurtenant structures or additions.

~~(130)~~ (129) "Mobile Home Subdivision" means a residential subdivision designed for the express purpose of offering lots under separate ownership for the placement of mobile homes.

~~(131)~~ (130) "Motorized outdoor recreation equipment" means motorized equipment, or equipment commonly using a motor, used in off road/recreational activities. This includes but is not limited to: boat, snowmobile, race car, dune buggy, ATV, water craft, off road motorcycle, etc.

~~(132)~~ (131) "Natural Drainage Course" means any natural watercourse which is open continuously for flow of water in a definite direction or course.

~~(133)~~ (132) "Natural Waterways" means those areas varying in width along streams, creeks, gullies, springs or washes which are natural drainage channels and in which areas no buildings shall be constructed.

~~(134)~~ (133) "Neighborhood Grocery" means a retail establishment with 5,000 square feet or less which offers the consumer food and other household products. Neighborhood markets may include in-store bakeries, fresh meat counters, and fresh produce, among other things. Neighborhood markets shall not include motor fuel sales.

~~(135)~~ (134) "Neighborhood Service Establishment" means low impact retail and service uses which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Such uses may include, but are not limited to, bakery, bookstore, dry cleaning, hair styling shops, ice cream shop, coin laundry, medical/dental clinics, pet shop, pharmacy, photography supply, shoe repair, tailor and the like.

~~(136)~~ (135) "Nonconforming Structure" means a structure that:

- a. Legally existed before its current zoning designation; and
- b. Because of subsequent zoning changes, does not conform to the zoning

regulation's setback, height restrictions, or other regulations that govern the structure.

~~(137)~~ (136) "Nonconforming Use" means a use of land that:

- a. Legally existed before its current zoning designation;
- b. Has been maintained continuously since the time the zoning regulation governing the land changed; and
- c. Because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

~~(138)~~ (137) "Official Map" means the public street map adopted by the City Council as provided in Title 10, Chapter 9, Sections 23 through 25, Utah Code Annotated 1953, as amended.

~~(139)~~ (138) "Off-Premises Beer Retailer" means a licensed place of business wherein beer is sold in original containers to be consumed off the premises in accordance with the Alcoholic Beverage Control Act and the West Valley City Code.

~~(140)~~ (139) "Open Storage" means storage of materials, debris, salvage, equipment, or vehicles in a space open to the sky.

~~(141)~~ (140) "Outdoor Public Recreation" means:

- a. A concert, fair, festival, bazaar, athletic contest, or other similar event held out of doors, which 1,500 or more patrons may attend, or
- b. Any racing event involving motorized vehicles, regardless of the number of patrons, or
- c. Any event subject to UCA 63C-11-101 et seq. regardless of size.

~~(142)~~ (141) "Outdoor Recreation" means recreation uses which customarily occur in an outdoor, unenclosed area, and which may be commercial or noncommercial in nature. Such uses may include golf courses, equestrian trails and facilities, campgrounds, automobile or motorcycle racetracks, rodeo grounds, and other similar uses.

~~(143)~~ (142) "Overpressure" means a sudden increase in air pressure resulting from an above-ground explosion, traveling at the speed of sound, which may cause damage to buildings or structures in its path. Effects of overpressure would generally be reduced as distance from the source increases.

~~(144)~~ (143) "Owner" means the owner in fee simple of real property as shown in the

records of the Salt Lake County Recorder's Office and 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.

~~(145)~~ (144) "Package Agency" means a retail liquor location operated under a contractual agreement with the Utah State Department of Alcoholic Beverage Control by a person other than the State who is authorized to sell package liquor for consumption off the premises of the Agency. Package agencies are generally operated as an accessory use to a restaurant, dining, or social club.

~~(146)~~ (145) "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.

~~(147)~~ (146) "Parking Lot" means an open area, other than a street, used for parking of five or more automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

~~(148)~~ (147) "Parking Space" means a space within a building, lot or parking lot for the parking or storage of one automobile, recreation vehicle or motorized outdoor recreation equipment unit.

~~(149)~~ (148) "Patio Cover" means a single-story shade structure covering a patio or deck area consisting of a solid or open roof, open sides, and structural supports, attached to or detached from the primary dwelling, which is used only for recreational, outdoor purposes and which is not used as a carport, garage, storage room, or habitable living space.

~~(150)~~ (149) "Pawnbroker" means any person who loans money on deposit of personal property or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges, together with such new merchandise as will facilitate the sale of same.

~~(151)~~ (150) "Permanent Cosmetics" means a mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the

natural line of the feature and shall be limited to eyeliner, eyebrows or lip coloring procedures only.

~~(152)~~ (151) "Permanent Cosmetic Establishment" means an establishment engaging in permanent cosmetics as a secondary use to an establishment employing Cosmetologist/Barber(s), Esthetician(s), Electrologist(s), or Nail Technician(s) licensed by the State under 58-11a-101, et seq., Utah Code Annotated 1953 as amended, excluding tattoo establishments and home occupations.

~~(153)~~ (152) "Permitted Use" means a specific use authorized in a particular zone which does not require Planning Commission review and approval.

~~(154)~~ (153) "Person" means any individual, firm, trust, partnership, public or private association or corporation.

~~(155)~~ (154) "Planned Unit Development" means an integrated design for development of residential, commercial or industrial uses, or combination of such uses, in which one or more of the regulations, other than use regulations, of the District in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this Title. A planned unit development may be:

- a. The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses;
- b. The conservation or development of desirable amenities not otherwise possible by typical development standards; and
- c. The creation of areas for multiple use that are of benefit to the neighborhood.

~~(156)~~ (155) "Planning Commission" means the West Valley City Planning Commission.

~~(157)~~ (156) "Preliminary Plat" means the initial map of a proposed land division or subdivision required only for major subdivisions.

~~(158)~~ (157) "Primary Use" means the principal use for which a property may be utilized as allowed by this Title. A building which houses a primary use is considered to be the primary building.

~~(159)~~ (158) "Private Nonprofit Recreational Grounds and Facilities" means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act or a corporation sole.

~~(160)~~ (159) "Protection Strip" means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.

~~(161)~~ (160) "Public Park" means a park, playground, swimming pool, golf course or athletic field within the City, which is under the control, operation or management of the State, a State agency, the County or West Valley City.

~~(162)~~ (161) "Public Utility" means every common carrier, gas corporation, electrical corporation, wholesale electrical cooperative, telephone corporation, telegraph corporation, water cooperation, sewerage corporation, heat corporation, or independent energy producer where a service is performed for, or a commodity delivered to the public generally.

~~(163)~~ (162) "Public Way" means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

~~(164)~~ (163) "Public Works Department" means the Public Works Department of West Valley City.

~~(165)~~ (164) "Reasonable Notice" means notice that meets the following requirements:

- a. Posted notice of the hearing or meeting in at least three public places within the City and published notice of the hearing or meeting in a newspaper of general circulation in the City; or
- b. Actual notice of the hearing or meeting.

~~(166)~~ (165) "Reception Center" means building, together with its accessory buildings and uses, which is a place of assembly with the predominant purpose of hosting single events or a series of events, either of which is not to exceed a seventy-two (72) hour period, occurring alone or as part of another activity or business, to which the public is invited or,

upon payment of an admission charge, is permitted to watch, listen, or participate, or which is conducted for the purpose of holding the attention of, gaining the attention of, diverting the attention of, or amusing guests or patrons, including:

- a. presentations by single or multiple performers, such as a hypnotist, pantomime, comedian, musical song or dance act, play, concert, any type of contest, sporting event, exhibition, carnival, rodeo or circus act, athletic competition, demonstration of talent, show, review, or any other similar activity which may be attended by members of the public;
- b. dancing to live or recorded music;
- c. the presentation of recorded music played on equipment by a person commonly known as a "DJ" or "disk jockey;" or
- d. any other event promoted by a bona fide incorporated association, non-profit organization, corporation, church, or political organization, recognized subordinate lodge, chapter, or public fairs, stock and other animal shows, celebrations, fiestas, occasional athletic contests and similar events. Public, private and charter schools are exempt from this section.

~~(167)~~ (166) "Recreation, Commercial" 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.

~~(168)~~ (167) "Recreation Vehicle" means any vehicle which is designed to be transported on its own wheels and is intended to be used as temporary living quarters for travel, recreation or vacation purposes. Recreation vehicles may or may not include one or all of the accommodations and facilities provided in a mobile home. This term shall include the terms "vacation vehicle," "truck-camper," "tent-trailer," "motor home," or "travel trailer."

~~(169)~~ (168) "Recreational Facility Beer Retailer" means a business licensed to sell beer and permit consumption thereof at recreation facilities, excluding public parks. Under this license, no beer is sold in the original containers, but must first be emptied into suitable temporary containers. All sales and deliveries are made directly to the ultimate consumer. Beer is not permitted, or consumed, except that which is purchased on the licensed premises.

~~(170)~~ (169) "Regional Shopping Mall" means a shopping center with three or more department stores, a combined building size over 500,000 square feet and a minimum site area of 50 acres.

~~(171)~~ (170) "Religious Institution" means a building which is used primarily for religious worship and related religious activities.

~~(172)~~ (171) "Reservation of Land" refers to land set aside for public use within a subdivision, such land to be developed and maintained by the subdivider or by the residents of the subdivision.

~~(173)~~ (172) "Residence" means a permanent domicile or dwelling place, abode, or habitation that is intended as a primary home or dwelling, as opposed to a place of temporary, limited, or transient visit.

~~(174)~~ (173) "Residential Facility for Elderly Persons" means a single family or multiple family dwelling unit that is owned by one of the residents, an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident, which complies with all existing land use ordinances and is occupied on a 24 hour per day basis by eight or fewer elderly persons in a family-type arrangement.

~~(175)~~ (174) "Restaurant" means any place of business where the predominant purpose is the preparation of food and drinks which are served and offered for sale or sold for human consumption on or off the premises at a facility which may be equipped to offer supplemental entertainment.

~~(176)~~ (175) "Restaurant Liquor Retailer" means a restaurant that maintains a liquor license subject to the applicable provisions of the Alcoholic Beverage Control Act.

~~(177)~~ (176) "Restaurant On-Premises Beer Retailer" means a licensed place of business in connection with a bona fide restaurant wherein beer is sold for consumption on the premises provided that the sale of beer is less than 30 percent of the gross dollar volume

in accordance with the Alcoholic Beverage Control Act and the West Valley City Code.

~~(178)~~ (177) "Right-of-way" means a public or private strip of land used or intended to be used for a street, sidewalk, sanitary or storm sewer, drainage, or other use.

~~(179)~~ (178) "Sanitary Landfill" means a land disposal site where solid waste is disposed of using sanitary landfilling techniques including, but not limited to, an engineered method of disposing of solid waste on land in a manner that does not create a nuisance or health hazard and that protects the environment by spreading the waste in thin layers, compacting it to the smallest practical volume, confining it to the smallest practical area and covering it with soil by the end of each working day, or as often as may be directed by the Board of Health.

~~(180)~~ (179) "Schematic Plan" means a sketch prior to the preliminary plat for major subdivisions or prior to final plat in the case of minor subdivisions to enable the subdivider to save time and expense in reaching general agreement with the Planning and Zoning Division as to the form of the plat and the objectives of these regulations.

~~(181)~~ (180) "School" means:

- a. An institution recognized as satisfying the requirements of public education and having an academic curriculum similar to that ordinarily given in public schools. This definition does not apply to home occupations represented as schools, i.e., dance, music, crafts, child nurseries, etc.
- b. For purposes of sexually-oriented businesses, "school" means an institution of learning or instruction primarily catering to minors, whether public or private, who is licensed as such a facility by either the City or the State. This definition shall include, but not be limited to, preschools, kindergartens, elementary schools, junior high schools, middle high schools, senior

high schools, or any special institution of learning under the jurisdiction of the State Department of Education, but not including trade schools, charm schools, dancing schools, music schools or similar limited schools, nor public or private universities or colleges.

~~(182)~~ (181) "Secondhand Store" means any location of a store, office or place of business which is engaged in the purchase, barter, exchange or sale of any secondhand merchandise of value or in the business of dealing in secondhand goods. Secondhand store shall not be meant to include a place of business dealing in the purchase, barter, exchange or sale of used motor vehicles and trailers, but shall include any business which buys or sells five or more firearms per year.

~~(183)~~ (182) "Shopping Center" means a group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit.

~~(184)~~ (183) "Sidewalk" means a passageway for pedestrians, excluding motor vehicles.

~~(185)~~ (184) "Site Plan" means a plan of existing or proposed development which graphically shows existing and proposed topography, buildings, structures, landscaping, streets, property lines, essential dimensions, and any other information deemed necessary by the City.

~~(186)~~ (185) "Small Brewer" means a Brew Restaurant with or without a liquor license which in addition to retail sale and on-site consumption in connection with a restaurant, markets beer wholesale in an amount not to exceed (60,000) barrels per year where revenue from the sale of beer is less than 30 percent of the gross dollar volume of the business, including what is commonly known as a microbrewery.

~~(187)~~ (186) "Sound Wall" means a concrete or masonry wall constructed adjacent to a major arterial street or freeway for the purpose of creating a noise and access barrier. A sound wall may exceed the six-foot height limitations found in Section 7-2-118.

~~(188)~~ (187) "Special District" means all entities established under the authority of Title 17A and any other governmental or quasi-governmental entity that is not a county,

municipality, school district, or unit of the State.

~~(189)~~ (188) "Stable, Private" means a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

~~(190)~~ (189) "Stable, Public" means a stable other than a private stable.

~~(191)~~ (190) "State Store" means an outlet for the sale of package liquor located on premises owned or leased by the State of Utah and operated by State Employees. This term does not apply to restaurants, club licensees, or package agencies.

~~(192)~~ (191) "Story" means the space within a building having clear headroom of seven feet or over; on a second floor, all finished or unfinished space having clear headroom of seven feet or over for a minimum horizontal distance of eight feet.

~~(193)~~ (192) "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.

~~(194)~~ (193) "Street" means public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

~~(195)~~ (194) "Structure" means anything constructed or erected on or below the ground, including signs and billboards, but not including fences or walls used as fences which are six feet or less in height.

~~(196)~~ (195) "Structural Alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

~~(197)~~ (196) "Studios" means a facility used for the instruction of specialized talents and skills.

~~(198)~~ (197) "Subdivider" means the owner of the real property proposed to be subdivided, including any successors or assigns.

~~(199)~~ (198) "Subdivision" means:

- a. any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

- b. "Subdivision" includes:
 - i. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument; and
 - ii. Except as otherwise provided in this subsection, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- c. "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 zoning ordinance;
 - ii. A recorded agreement between owners of adjoining properties adjusting their mutual boundaries if:
 - 1. No new lot is created; and
 - 2. The adjustment does not result in a violation of applicable zoning ordinances; or
 - a. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.
 - d. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this subsection as to the unsubdivided parcel of property or subject the unsubdivided parcel to the provisions of Chapter 7-19, "Subdivision."

~~(200)~~ (199) "Subdivision, Major" means all subdivisions including but not limited to subdivisions of 10 or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities.

~~(201)~~ (200) "Subdivision, Minor" means any subdivision of land that results in nine or

fewer lots, provided that each lot thereby created has frontage on an improved public street or streets, and providing further that there is not created by the subdivision any new street or streets.

~~(202)~~ (201) "Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred.
- c. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term, however, does not 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 or Historic Places or a State Inventory of Historic Places.

~~(203)~~ (202) "Supermarket" means a retail establishment with net floor area over 5000 square feet which offers the consumer a full range of food, and other household products. Supermarkets may include in-store bakeries, fresh meat counters, pharmacies, and fresh produce, among other things.

~~(204)~~ (203) "Supplemental Entertainment" means entertainment which is present at restaurants, for which no tickets are sold or entry fees are charged, and is funded, if at all, solely by the restaurant operators and unsolicited patron gratuity.

~~(205)~~ (204) "Survey Monument" means a mark affixed to a permanent object along a line of survey to furnish a survey control.

~~(206)~~ (205) "Tattoo" means a mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin, excluding permanent cosmetics.

~~(207)~~ (206) "Tattoo Establishment" means any location, place, area, structure, or business used for the practice of tattooing or the instruction of tattooing, excluding permanent cosmetics establishments.

~~(208)~~ (207) "Tavern" means a licensed place of business wherein the primary or main business is that of selling beer for consumption on the premises in accordance with the Alcoholic Beverage Control Act and the West Valley City Code, specifically 17-2-118 and includes a beer bar, parlor, lounge, cabaret, and night club where the revenue from the sale of beer exceeds 30 percent of the revenue from the sale of food although food need not be sold.

~~(209)~~ (208) "Temporary Non-Residential Building" means a building incidental to construction work, such as a construction trailer, or a temporary sales office for the sale or lease of dwelling units.

~~(210)~~ (209) "Temporary Residential Storage Container" means a fully enclosed structure uniquely designed for short term storage of household or remodeling goods and for portable use via transport vehicle. These structures can be represented by a variety of sizes but do not have permanent foundations.

~~(211)~~ (210) "Temporary Use" means a use which is not permanent, but is transient or seasonal in nature.

~~(212)~~ (211) "Towing and Impound Yard" means the temporary storage of vehicles that have been towed, carried, hauled, or pushed from public or private property for impoundment in a public or private impound yard. This use does not include "automotive sales and service" or "vehicle recycling facility."

~~(213)~~ (212) "Transportation and Public Ways Ordinance" means the West Valley City Transportation and Public Ways Ordinance as presently adopted and as amended in the future.

~~(214)~~ (213) "Truck Transfer Company" means a facility serving as a transfer or storage point for a truck freight line and may include office, parking, dispatch, handling, maintenance, and storage facilities.

~~(215)~~ (214) "Turf Farm Equipment Manufacturing" means a commercial business engaged in assembling, testing, storing, selling and/or repairing equipment, parts and machinery used exclusively for sod harvesting.

~~(216)~~ (215) "Twin Home" means a building arranged or designed to be occupied by two families which have a common wall along a common lot line where the two families have separate ownership.

~~(217)~~ (216) "Unchartered Financial Service Provider" shall mean any business extending loans, cash advances, short term credit, or similar financial services. This definition shall exclude federal and state chartered banks, industrial banks, savings and loan, and credit unions.

~~(218)~~ (217) "Use" means any legal purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation legally carried on in a building, structure, or on a tract of land.

~~(219)~~ (218) "Variance" means a device which grants a property owner relief from certain provisions of the Zoning Ordinance when the property owner has met the burden of showing that all requirements of this Title and state law have been met.

~~(220)~~ (219) "Vehicle Recycling Facility" means the outside storage of, or use of property as a storage yard for, operative or inoperative automobiles or trucks; or junk yard, salvage yard, tow truck service, or wrecker service, which may include but is not limited to:

- a. outside storage of two or more used vehicles, or used vehicle parts regardless of completeness, operational ability, condition, time frame, or reason, or
- b. the storage of any number of used vehicles or used vehicle parts for the purpose of dismantling, stripping, salvaging or selling all or part of the vehicle, except that the storage of any number of vehicles or equipment within the confines of an enclosed building shall not constitute a vehicle recycling facility and shall not be required to comply with the design guidelines and site requirements of this Ordinance. All other site requirements of the underlying zone in which the facility is located will apply. Notwithstanding any provisions of this Ordinance to the contrary, "vehicle recycling facility" does not include "automotive sales and service" as otherwise defined in the West Valley City Municipal

Code.

~~(221)~~ (220) "Water and Sewer Improvement Districts" means the Granger/Hunter Improvement District, the Magna Improvement District, the Taylorsville-Bennion Improvement District, and any other water or sewer improvement district existing or hereinafter organized, whichever has jurisdiction over the land proposed to be subdivided.

~~(222)~~ (221) "Yard" means a space on a lot, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

~~(223)~~ (222) "Yard, Front" means a space on the same lot with a building between the front of the building and the front lot line, and extending across the full width of the lot. The "depth" or setback is the minimum distance between the front lot line and the closest point of the front of the building. On corner lots, the front yard is the yard which the primary entrance to the building faces.

~~(224)~~ (223) "Yard, Rear" means a space on the same lot with a building, opposite the front yard, between the rear of the building and the rear lot line and extending the full width of the lot. The "depth" of the rear yard for determining the rear setback is the minimum distance between the rear lot line and the rear line of the building.

~~(225)~~ (224) "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 line of the building.

~~(226)~~ (225) "Zoning" means the basic means of land use control employed by the City. Zoning divides the community into districts (zones), establishes land use standards in each district, specifies allowed uses, intensity and density of such uses, and the bulk of buildings on the land.

~~(227)~~ (226) "Zoning Ordinance" means the West Valley City Zoning Ordinance as presently adopted and as amended in the future.

7-6-1002. SCHEDULE OF USES.

The following schedule indicates by the symbol "P" the uses that shall be permitted in

each Commercial Zone, and by the symbol "C," the uses which require a conditional use permit in accordance with the provisions of Chapter 7 of this Title. No other permitted or conditional uses are allowed, except as provided in Section 7-2-115. The symbol "X" means that the use is not allowed.

	Use	C-1	C-2	C-3
1.	Automobile sales and service	X	C	C
2.	Bank	P	P	P
3.	Business record storage within an enclosed building	X	C	C
4.	Car Title Loan Business	X	C	C
5.	Caretaker dwelling incidental to and above or behind a principal commercial use	C	C	C
6.	Check Cashing / Deferred Deposit Loan	X	C	C
7.	Commercial indoor recreation	C	P	P
8.	Commercial outdoor recreation	X	C	P
9.	Community use	P	P	P
10.	Commercial condominium	C	C	C
11.	Concert Venue, Concert Hall, Dance Hall	X	C	C
12.	Convenience store	C	C	P
13.	Day care; preschool	P	P	P
14.	Fast food establishment	X	C	P
15.	Fast food establishment which is located under the roof of a shopping center containing at least six other retail uses	C	P	P
16.	Greenhouse; garden supply	C	P	P
17.	Hardware store; home improvement center	X	C	P
18.	Hospital	X	C	P
19.	Hotel; motel; extended stay hotel	X	C	C
19,20.	Light manufacturing conducted within an enclosed building	X	X	C
20.	Lodging Facility	X	C	C
21.	Medical clinic; doctor's offices	P	P	P
22.	Neighborhood grocery	C	P	P
23.	Neighborhood service establishment	P	P	P
24.	Nursing home; convalescent center	C	P	P
25.	Off-premises beer retailer licensed outlet	P	P	P
26.	Office/warehouse -less than 50% interior storage; no outside storage or display permitted	X	C	P
27.	Office/warehouse -more than 50% interior storage; outside storage only as approved by Planning Commission	X	X	C
28.	Parking lots	P	P	P
29.	Parking structure	X	C	P
30.	Pawnshop	X	C	C
31.	Permanent Cosmetic Establishment	C	P	P
32.	Equity Club, Fraternal Club, Social Club	X	C	C
33.	Professional office	P	P	P
34.	Public utility installation (except lines and rights-of-way)	C	C	C
35.	Reception center	X	C	C
36.	Reception Center as an accessory use to a garden center	C	C	C
37.	Recreational facility beer retailer	X	C	P

	Use	C-1	C-2	C-3
38.	Residential uses in conjunction with a Regional Shopping Mall	X	C	C
39.	a. Restaurant Liquor Retailer, Dining club	X	C	C
	b. Brew Restaurant, Brew Restaurant and Liquor Retailer, Small Brewer	X	C	C
	c. Manufacturer of Alcoholic Products	X	X	X
40.	Restaurant, Restaurant on-premises beer retailer	C	P	P
41.	Retail department or specialty store with no outside storage or display	C	P	P
42.	Sale and/or storage of gasoline, diesel, and other fuels	C	C	C
43.	Sale and/or lease of mobile homes, travel trailers, campers, motorcycles, and other recreation vehicles	X	C	P
44.	Seasonal fruit/produce vendor stand as temporary use only	P	P	P
45.	"Self-Storage" facility with a maximum of 100' of frontage along any road	X	C	C
46.	Shopping center	C	C	C
47.	Signs (see Title 11, Sign Ordinance)	P	P	P
48.	State store or package agency	X	C	C
49.	Supermarket	C	C	P
50.	Tattoo establishment	X	X	C
51.	Temporary uses as allowed by Section 7-2-115	P	P	P
52.	Indoor or Outdoor Public Recreation	X	C	C
53.	Unchartered Financial Service Provider	X	C	C
54.	Uses customarily accessory to a listed permitted use	P	P	P
55.	Uses customarily accessory to a listed conditional use	P	P	P
56.	Veterinary hospital/indoor kennel	C	C	P

7-6-1103. CONDITIONAL USES.

The following are conditional uses in the Manufacturing Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

- (1) Automobile sales and service, vehicle recycling facilities, towing and impound yards, outside storage facilities
- (2) Tavern
- (3) Detention facilities; jails
- (4) ~~Hotels; motels~~ Lodging Facilities
- (5) Industrial condominiums/PUDs
- (6) Kennels
- (7) Chemicals, explosives and fuels manufacturing and/or storage, such as firewood, coal, etc.

- (8) Residential uses accessory to a conference facility or community use and on the same lot with the primary use
- (9) Truck transfer companies
- (10) Sand and gravel excavation, processing or storage as a primary use or accessory to brick, concrete or asphalt products
- (11) Uses which have open storage of over 50 percent of a lot or one acre, whichever is greater, that is used for the sale, open storage or open stockpiling of material, material intended for recycling, raw materials awaiting processing, or equipment storage
- (12) State stores
- (13) Private nonprofit clubs
- (14) Sanitary landfills
- (15) Agricultural industry
- (16) Manufacturer of Alcoholic Products
- (17) Check Cashing, Deferred Deposit Loan
- (18) Car Title Loan Business
- (19) Shopping Center
- (20) Any development that is 10 acres or greater in size
- (21) Any development that shares a common boundary with existing or proposed residential uses
- (22) Reception Center, Dance Hall, Concert Venue, Concert Hall, Indoor or Outdoor Public Recreation.
- (23) Reception Center as an accessory use to a garden center.

7-6-1204. PERMITTED USES.

Where an overall conceptual plan has been approved, as provided in this Chapter, the following permitted uses shall be allowed in the B/RP Zone; no other permitted uses are allowed, except as provided in Section 7-2-115:

- (1) The following are permitted uses:
 - a. Apparel fabrication and other finished products made from fabrics, leathers, etc.
 - b. Bakeries, confectionery and related products
 - c. Commercial testing laboratories and services

- d. Community uses
- e. Data processing services
- f. Day care/preschool centers
- g. Educational services
- h. Financial institutions
- i. ~~Hotel, motel extended stay hotel~~ Lodging Facilities
- j. Medical/optical offices, clinics, and laboratory services
- k. Offices - business and/or professional
- l. Printing, publishing and allied industries
- m. Professional, scientific and controlling instruments
- n. Protective functions
- o. Research services
- p. Restaurants, excluding fast-food with drive-through
- q. Signs - low profile, park identification and flat signs as provided in Section 11-6-105 of the West Valley City Code
- r. Spas/Health clubs
- s. Storage/warehousing as necessary to maintain a principle use
- t. Temporary buildings, incidental to construction, which are to be used only for storage of construction equipment and materials or as temporary, self-contained, rest room facilities
- u. Other uses considered similar and compatible to the above

(2) The following accessory uses may be allowed in conjunction with a principle use in the Zone:

- a. A caretaker's residence, which is provided incidental to a permitted use and is designed as an integral part of the building or structure in which the primary use is located.
- b. Cafeterias and snack bars which are incidental to a permitted use and are provided essentially for the use of persons employed upon the premises and their quests.
- c. Outside transmission and communication equipment which is necessary for the operation of the business.
- d. Production and/or fabrication in conjunction with a permitted use.

All permitted uses shall be required to meet all of the requirements of this Title, including but not limited to the site plan requirements of Section 7-14-106.

7-6-1504. DEVELOPMENT PLAN

- (1) A Development Plan shall be submitted as part of the application to rezone a property to the MXD zone, and must be approved simultaneously with the zone change to the MXD zone. Each MXD zone will have its own Development Plan, which guides all development within that particular zone. The Development Plan shall include a site plan, a pedestrian connection/trails plan, conceptual building elevations and design schemes, streetscape and building setback illustrations, a county recorder's property plat and aerial photograph (Sidwell map), and any other information typically required for a change in zoning.
- (2) At least 25 percent of all mixed use developments shall be residential. In addition to the required residential component, the Development Plan must show uses from at least one of the following categories:
 - a. Office
 - b. Commercial
 - c. Light-Industrial
 - d. Institutional/Public
 - e. ~~Hotel~~ Lodging Facility/Entertainment

No one category of uses (including residential) may occupy more than 75 percent of the total floor area.

- (3) The general categories and uses to be established within a mixed-use project shall be specified and enumerated in the Development Plan, which must be approved concurrently with the reclassification of an area to the MXD zone. The approved Development Plan shall be considered an integral part of the zoning regulations for the area represented. Substantial variation between the Development Plan and the Final Site Plan would require review and recommendation from the Planning Commission and approval from the City Council. A substantial variation is any addition, modification, or alteration to a building or site plan that exceeds 20 percent of the gross floor area, site acreage, or exterior building surface or any change in use. All reductions in landscaping that total

more than 600 square feet shall require approval from the Planning Commission.

7-6-1505. DEVELOPMENT CHARACTERISTICS

- (1) The following are uses that could be considered for developments within the MXD zone. Some of these uses are not appropriate in some areas, and/or are not compatible with other uses. Also, some of these uses may not be compatible in certain configurations or in certain locations, while they may be compatible in a different layout. It is the responsibility of the developer to show that the mix of uses, the overall project design, and the location are appropriate and desirable. Underlined uses may not be located on individual pad sites or parcels. They must be part of a larger building or physically connected and integrated into the complex. Public utility installations shall be reviewed as a conditional use. Pawn shops, car title loans, check cashing, rent-to-own, sexually-oriented businesses, tattoo parlors, and body piercing are not allowed within the MXD zone.

Residential

- All types with covered parking - minimum five units/acre gross density

Office

- Professional Offices
- Banks and Credit Unions
- Medical Clinics
- Artist Studios

Commercial

- Convenience Stores - with or without fuel sales
- Grocery Stores - maximum 40,000 square feet per tenant
- Grocery Retail - maximum 40,000 square feet per tenant
- Nursing home, convalescent center

Light Manufacturing

- Radio and Television Broadcasting Studios - No outside storage
- Research and Development - No outside storage
- Veterinary Clinic /Indoor Kennel - No outside storage or activities
- Laboratories - No outside storage or activities

Institutional/Public

- Medical Clinics
- Colleges and Universities
- Day Care Facilities
- Museums
- Community Uses as defined in Section 7-1-103.

~~Hotel~~ Lodging Facility/Entertainment

- Lodging Facilities ~~Hotels~~ - Rooms off interior corridors
- Recreation - Indoor/Outdoor
- Restaurants and Club Licensees - without drive up windows
- Restaurants - with drive up windows
- Movie Theaters - Indoor
- Performing Art Theater - Indoor/Outdoor
- Health Clubs

(2) Uses may be mixed within a building or within an overall development, or both.

However, the City encourages mixing uses within a building whenever possible.

(3) Developments within an MXD zone shall exhibit urban characteristics such as:

- a. Minimal building setbacks
- b. Large parkstrips and sidewalks
- c. Community gathering spaces
- d. Shared parking
- e. Integrated public transit
- f. Diverse and distinctive design features

(4) All developments shall provide at least 20 percent of the gross site area as open space.

Open space shall typically include the following elements: cultivated landscaping, plazas, parks, urban trails/sidewalks, wetlands/indigenous landscaping, and community recreation space. A maximum of 50 percent of all open space may be hard surfaced. Streets, parking lots, driveways, and private yards are not considered open space.

- (5) All lighting and signs shall be pedestrian scale, with a maximum sign height of 20 feet. Lights or signs on building faces may be higher than the 20 feet maximum. The City may approve larger scale lighting and/or signs if it can be shown that they are necessary for public safety or security purposes.
- (6) Parking requirements shall be determined per existing City standards for each use. However, parking requirements may be reduced if it can be shown that shared parking is a viable alternative. The City prefers shared parking and reserves the right to limit the amount of parking within a project to promote the mixing of uses that would allow for shared parking.
- (7) Site plans shall clearly indicate the mixture of land uses within the project area and the percentage of the overall site that each use occupies. Furthermore, site plans shall indicate the amount of parking prorated to each use and shall illustrate how public transit is to be integrated into the site.
- (8) An additional site plan shall illustrate pedestrian movement throughout the project area, with trail hierarchies established based on levels of pedestrian use. The purpose of this plan is to demonstrate how effectively uses are mixed, and to determine the efficiency of the site layout. The plan shall provide convenient and attractive pedestrian connections through the mixing of land uses and quality design practices.

7-6-1702. PERMITTED USES.

The following are Permitted Uses in the Light Industrial Zone. No other Permitted Uses are allowed, except as provided in Section 7-2-115:

- (1) Agriculture
- (2) Commercial indoor recreation
- (3) Community use
- (4) Hospital
- (5) ~~Hotel, extended stay hotel~~ Lodging facilities
- (6) Light industrial uses , except uses listed below as Conditional Uses

- (7) New automobile and semi-truck sales
- (8) Office, medical or professional
- (9) Public utility installation (except lines and rights-of-way)
- (10) Retail incidental to a Permitted or Conditional Use

7-9-104. COMPUTATION OF OFF-STREET PARKING SPACES.

- (1) The matrix on the following pages contains the minimum parking requirements for specific uses. The maximum percentage allowed for compact spaces is also given. Special requirements for each use are provided under the “Notes” column where appropriate.
- (2) If, in the application of the requirements of this Title, a fractional number is obtained, any fraction will be disregarded.
- (3) The number of parking spaces required by these schedules may be reduced or increased as a condition of the development review by the Planning Commission for conditional use applications or as approved by the Zoning Administrator or designee for permitted uses if it can be demonstrated through a parking study that the proposed use(s) would have a parking demand less than or in excess of the requirements stated in this Chapter. This parking study must be validated through empirical evidence, which is acceptable to the Zoning Administrator or designee, from similar uses. Parking studies which include the use of alternative modes of transportation to reduce the number of parking spaces required must be prepared by an engineer. Appeals of the decision of the Zoning Administrator are made to the Board of Adjustment as designated in Section 7-18-105.

USE	MINIMUM OFF-STREET PARKING REQUIREMENT	MAX. % COMPACT USES ALLOWED	NOTES
RESIDENTIAL			
Handicapped or Group Home Housing	A minimum of 2 parking spaces plus 1 parking space for every 4 handicapped persons.	None	The Planning Commission may vary off-street parking needs in relation to the number of staff/employees required and the special needs of the residents.
Mobile Home Dwelling within a Mobile Home Park	2 spaces per unit.	None	Parking one behind the other is permitted provided sufficient visitor parking is located within the park.
Single Family Dwelling Two Family Dwelling Multiple Family Dwelling	2 spaces per unit.	None	Parking one behind the other arrangements for all required parking is prohibited, except for visitor parking for multiple family dwellings. Minimum off-street parking shall not be located within the minimum required front yard setback.
Multiple Family Units: Studio Units One Bedroom Units Two Bedroom Units Three Bedroom Units	1.3 spaces per unit 1.5 spaces per unit 1.75 spaces per unit 2 spaces per unit	25%	If the Planning Commission finds that reducing the 2 parking spaces per unit ratio is not detrimental to the surrounding area and will enhance the proposed development, it may reduce the parking ratio to these minimums for multi-family units in developments with at least 40 units.
HEALTH SERVICES			
Assisted Living	0.6 spaces per dwelling unit		The Planning Commission may vary off-street parking needs in relation to the number of staff/employees required and the special needs of the residents.
Churches, auditoriums, Assembly Halls, Mortuaries and other places of public assembly	1 space for each 6.5 feet of linear pew or 3.5 seats in an auditorium provided, however, that where a church building is designed or intended to be used by 2 congregations at the same time, an additional 50% of the minimum spaces required shall be provided.		
Day care, Preschool and Nursery Schools	1 space per 300 square feet of gross floor area.	25%	If drop-off facilities are contemplated, they shall be designed to provide a continuous flow of vehicles to safely load and unload children without stacking on public streets. When drop-off facilities are provided, a reduction to the number of spaces required may be reduced as per Section 7-9-104.
Hospitals	2 spaces per bed in the total facility.	25%	A traffic study may be required. Accessory units and clinics will be calculated as outlined in this Chapter.
Medical, Dental Offices and Clinics	1 space per 250 square feet of gross floor area.	25%	
Nursing Homes	1 space per 2.5 beds for nursing and convalescent homes.	None	

USE	MINIMUM OFF-STREET PARKING REQUIREMENT	MAX. % COMPACT USES ALLOWED	NOTES
Veterinarians and Veterinary Hospitals	1 space per 200 square feet of gross floor area excluding kennel boarding area.	25%	
ENTERTAINMENT AND RECREATION			
Amusement Center	1 space per 100 square feet of floor space.	25%	
Bowling Alleys and Billiard Halls	5 parking spaces per alley and 2 spaces per billiard table.	25%	Ancillary uses such as restaurants shall comply with the specific requirements outlined in this Chapter.
Commercial Riding Stables	1 space per 5 horses boarded on site.	None	
Golf Courses Miniature Golf Courses Driving Ranges	6 spaces per hole 3 spaces per hole 1 space per hole	25%	Ancillary uses such as commercial pro shops and restaurants shall provide sufficient parking as required in this Chapter.
Health Spas and Sports Complexes	1 space per 200 square feet of gross floor area.	25%	Ancillary uses such as restaurants to provide parking as required by this Chapter.
Movie Theaters	1 space per 4 seats.	25%	
Tennis, Handball and Racquetball facilities	3 spaces per court.	25%	Ancillary uses to provide sufficient additional parking as required by this Chapter.
COMMERCIAL			
Auto Repair, Service and Auto Parts Sales	3 spaces for each service bay plus 1 space for every 300 square feet of retail sales area.	25%	If towing service is provided, sufficient area shall be located on-site for temporary storage of vehicles and the tow truck.
Auto Sales	1 customer parking space per 400 square feet of gross floor area in the automobile sales area or 5 parking spaces, whichever requirement is greater.	25%	
Hotels and Motels Lodging Facilities	1 space per room.	25%	Ancillary uses such as restaurants or retail shops shall provide additional parking as identified for the specific use as required by this Chapter.
Lumber Yards and Plant Nurseries	1 space per 500 square feet of indoor floor sales area.	25%	
Professional Offices and Banks	1 space per 250 square feet of gross floor area for the first 20,000 square feet plus 1 space per 300 square feet of gross floor area in excess of 20,000 square feet.	25%	Drive up windows shall provide sufficient stacking room and sufficient area for 4 spaces from teller window. The Planning Commission may consider a reduction in parking stall width to 8'-6" for retrofits of existing warehouse buildings upon application as a conditional use.

USE	MINIMUM OFF-STREET PARKING REQUIREMENT	MAX. % COMPACT USES ALLOWED	NOTES
Restaurants and Fast Food Establishments	1 space per 100 square feet of gross floor area or 1 space for each 4 seats whichever is greater plus .5 space for each employee on the highest employment shift with a minimum of 5 spaces for employee parking.	25%	Drive up windows shall provide sufficient stacking room and sufficient area for 4 spaces from place of order and 4 spaces from pick up window.
Retail - Intensive General Merchandising including shopping centers and Adult Businesses	1 space per 250 square feet of gross floor area for the first 20,000 square feet plus 1 space per 300 square feet of gross floor area in excess of 20,000 square feet.	25%	
Retail - Less Intensive: Furniture, Carpet	1 space per 600 feet of gross floor area.	25%	
Sports Stadiums, Concert Venues, and Auditoriums (including school auditoriums)	1 space/4 seats.	25%	
Dance Halls, Concert Halls, Club Licensees, Reception Centers, Semi-Nude Entertainment Businesses and other places of public assembly	1 space for each 50 square feet of gross floor area.	25%	
Swimming Pools (Commercial and Public)	1 space per each 10 persons based on capacity load.	25%	
INDUSTRIAL			
Detention Facility/Jail	2 spaces per 3 employees, 1 space per 20 inmates and 1 space per each service vehicle stored on site.		Parking spaces must be adequately sized for the vehicles being stored or parked on site.
Manufacturing	1 space per 800 square feet of gross floor area devoted to manufacturing plus required parking for business vehicles	30%	Ancillary uses such as offices are to provide parking as required by this Chapter.
Open Storage Uses in an approved industrial area	1 space per 5,000 square feet of open area being utilized for storage exclusive of access, landscaping, etc.		
Research and Development	1 space per 350 square feet of gross floor area plus the required parking for business vehicles.	30%	
Truck Transfer Companies	1 space for each 2 employees plus parking for each truck associated with the business.		

USE	MINIMUM OFF-STREET PARKING REQUIREMENT	MAX. % COMPACT USES ALLOWED	NOTES
Warehousing	1 space per 2,000 square feet of gross floor area.		No conversions of any portion of a warehouse use to any other use shall be permitted unless the parking requirements for such other uses are met.
OTHER			
Parking Spaces for uses not specified			The number of parking spaces for uses not specified herein shall be determined by the Zoning Administrator being guided, where appropriate, by the requirements set forth herein for uses which are similar to the use not specified. Appeals to the decision of the Zoning Administrator are made to the Board of Adjustment as designated in Section 7-18-105.

7-9-106. SHARED PARKING.

(1) When any land or building is under the same ownership or under a joint use agreement and is used for two or more purposes, the number of parking spaces is computed by multiplying the minimum amount of parking normally required for each land use by the appropriate percentage as shown in the following parking credit schedule for each of the five time periods shown. The number of parking spaces required is determined by totaling the resulting numbers in each column; the column total that generates the highest number of parking spaces then becomes the parking requirement.

Use	Weekday		Weekend		Nighttime
	Daytime (6 AM – 6 PM)	Evening (6 PM - Midnight)	Daytime (6 AM – 6 PM)	Evening (6 PM - Midnight)	(Midnight - 6 AM)
Office/Industrial	100%	10%	10%	5%	5%
General Retail	80%	90%	100%	70%	5%
Hotel, Motel, Inn Lodging Facilities	75%	100%	75%	100%	100%
Restaurant	65%	100%	80%	100%	50%
Theater / Entertainment	40%	100%	80%	100%	10%
Meeting Center	50%	100%	100%	100%	10%
Multi-Family Residential	50%	90%	90%	90%	100%

All Other Uses	100%	100%	100%	100%	100%
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- (2) Neighboring property owners may share parking spaces if:
- a. a permanent cross-access easement or other recorded agreement is established;
 - b. pedestrian access between the properties can be gained without utilizing a public or private street that is listed on the West Valley City Major Street Plan;
 - c. all of the parking must be located within a 400' radius of the main entrance of the use requesting the additional parking.
 - d. the combined parking required for all properties can be met as outlined in 7-9-105 or in 7-9-106(1) when involving two or more uses.

7-22-304. ARCHITECTURAL, LANDSCAPING, AND SITE PLAN STANDARDS.

Development within the Bangerter Highway Business Park Overlay Zone shall be evaluated based on the following criteria and information:

- (1) Site plan drawn to a scale of 1"=20', showing the parcel intended for development and the surrounding existing development within 200 feet of the site. Site plans should generally conform to the information outlined in Section 7-14-107 of the West Valley City's Land Use and Development Management Act.
- (2) Architectural renderings and elevations of proposed buildings. Relationships to surrounding uses shall be considered in respect to scale and massing of the proposed uses. Building design shall provide equally attractive sides of high quality, rather than placing all the emphasis on the front elevation of the structure, neglecting or downgrading the aesthetic appeal of the side or rear elevations of the structure. Visual variety, creativity, and the use of premier building materials with compatible color schemes are required for new construction. Shopping centers that include retail, convenience stores, or fast food restaurants shall be designed as an integrated development having no separate "pad" sites. Fast food and convenience stores shall be attached to the shopping center comprising one building.
- (3) Landscaping. Landscape planting plans shall be submitted for review by the Planning Commission, showing plant botanical and common name, size, and condition. The ability of the landscaping to enhance the project through interest and variety shall be

evaluated. Clustering is encouraged to enhance building architecture and screen parking and loading areas. A minimum of two large scale deciduous trees, two medium sized ornamental trees, and two medium sized evergreen trees shall be installed for each 100 feet of frontage along the Bangerter Highway. The Planning Commission may vary the landscape standards when it is determined that the number of trees are not necessary to achieve the desired landscaping theme. Trees shall be a minimum of 2" DBH caliper in size. The interior site landscaping shall be designated to enhance the architecture of the building and aid in the screening of areas that are less visually appealing.

- (4) Vertical elements. Multistory buildings are encouraged and, in the industrial areas, the office portion of the complex shall be oriented toward Bangerter Highway.
- (5) The design of parking areas shall minimize the large, uninterrupted hard surface parking areas with landscaped islands. Parking lot access shall be evaluated as per West Valley City standards, Section 7-6-1006. Corner lots adjacent to the Bangerter Highway shall have no curb cuts closer than 200 feet from the corner lot line. Parking lots shall be designed such that berming, three-foot curb screen walls, hedges, and landscaping will screen automobiles from street views. Corner lots shall have a landscape element equal to twice the minimum setback abutting the street.
- (6) Service and loading areas shall be screened from the adjacent arterial streets. Service areas and loading docks shall not be visible from any of the Bangerter Highway orientations and shall also be screened with walls or appropriate landscaping when adjacent to interior circulation streets. Coordinated maneuvering and loading docks are encouraged between separate businesses.
- (7) Pedestrian or bicycle accommodations shall be evaluated as part of the conditional use review. Pedestrian access between businesses and to bus shelters are to be evaluated as part of the conditional use review by the Planning Commission. Pedestrian walkways will be designed to discourage access along the Bangerter Highway.
- (8) Noise sources shall be identified from all areas such as trash dumpsters, mechanical areas, and loading docks. Screens shall be evaluated, which would include both walls and/or building design, to assure that these areas are not visible from the arterial streets or adjacent interior circulation streets.

- (9) Site security lighting shall be designed to enhance the architectural design of the building. Pedestrian walkways shall include lighting.
- (10) Sign plans shall be submitted for review by the Planning Commission. The Planning Commission shall not approve a development proposal without a sign plan. The emphasis shall be placed on architectural themes, and these signs shall be architecturally compatible with the buildings and the area. Low profile style monument signs will be encouraged. No temporary banner signs shall be allowed adjacent to the Bangerter Highway.
- (11) Building setbacks. Generally, the setback standards shall be evaluated in respect to the underlying zoning requirements. The Planning Commission may increase the front yard setback for one to two story buildings to 30 feet, provided that the area is used for landscaping. Parking shall not be allowed within the minimum landscaped areas. Multiple story buildings above three stories shall be set back an additional 10 feet for each additional story in height. Buildings that have a staggered and varied front facade shall be allowed to maintain the minimum setback.
- (12) Special site amenities. Emphasis shall be placed on providing site amenities to include courtyards, plazas, fountains, monuments, sculptures, and art.
- (13) Use compatibility. The Planning Commission shall evaluate the trend of uses within area. The Planning Commission shall only approve those uses that are deemed compatible or consistent with the development that has occurred within the business park.
- (14) ~~Uses such as a motel/hotel~~ Lodging facilities shall emphasize longer term lodging catering to a business community. Design emphasis shall include masonry, brick, or stone exteriors and internal room access.
- (15) If a development has underlying codes, covenants, restrictions, or other private contractual agreements that are standard above and beyond West Valley City's requirements, the development shall secure approval of the various organizations prior to making application to the Planning Commission as a conditional use.
- (16) Existing businesses currently located along the Bangerter Highway may continue and can expand with approval by the Planning Commission. Implementation of these design and development standards shall be considered in all proposed future expansions.

- (17) Outside storage will be limited to a maximum of 25 percent of the site or one acre, whichever is smaller. Screening of storage will be required. Vehicle or equipment display is not considered outside storage.

17-1-101. DEFINITIONS.

The following definitions shall be applicable throughout this Title, unless a different meaning is clearly intended:

- (1) "Alcoholic Beverage Licenses" means alcohol sale or consumption licenses as defined in Chapter 2 of this Title.
- (2) "Applicant" means any person applying for any license provided for in this Title. If the person is a partnership or corporation, then each partner, officer, or director is considered an applicant and must qualify accordingly.
- (3) "Application" means a formal written request for the issuance of any license permitted under this Title.
- (4) "Authorized Officers" means those persons authorized by the City or other entities to inspect businesses and enforce the provisions of this Title or other applicable regulations, including peace officers, ordinance enforcement officers, and employees of the Health Department, Fire Department, Planning and Zoning Division, Building Inspection Division, City Attorney's Office or the City Manager.
- (5) "Building Division" means the Building Division of the West Valley City Community and Economic Development Department.
- (6) "Business" means and includes all trades, occupations, professions, or activities engaged in within West Valley City, carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically provided.
- (7) "Business Licensing Division" means the Business Licensing Division of the West Valley City Finance Department.
- (8) "Charitable" means for nonprofit benevolent purposes and includes the words patriotic, philanthropic, social service, religious, health, welfare, benevolent, educational, civic, cultural, or fraternal, either actual or purported.

- (9) "City," when spelled with a capital "C," means West Valley City.
- (10) "City Attorney's Office" means the West Valley City Law Department.
- (11) "City Manager" means the chief executive officer of West Valley City.
- (12) "City Recorder" means the West Valley City Recorder.
- (13) "Commercial Banking (Bank)" means a freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.
- (14) "Concert Hall" means any establishment which is not a concert venue but holds events which meet the classification of a concert, possesses the appropriate license and is in compliance with all laws, rules and regulations.
- (15) "Concert Venue" means the 'E' Center, USANA Amphitheater, Utah Cultural Celebration Center, Rocky Mountain Raceway, and Hale Center Theater.
- (16) "Consolidated Fee Schedule" means the schedule of fees listed in Chapter 1-2 of the City Code.
- (17) "Contributions" means and includes the words alms, money, subscription, property, or any donations under the guise of a loan of money or property.
- (18) "Conveyance" includes any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels.
- (19) "Credit Union" means a financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.
- (20) "Dance Hall" means a place of assembly, open to the public, where dances, parties, receptions, concerts and other gatherings are held. Dance halls may operate as for-profit or not-for-profit organizations. Dance halls may provide live entertainment, serve alcoholic beverages according to the ABCA and may serve catered meals, provided the owner or operator holds the appropriate licenses and permits.
- (21) "Department Stores" means a business is conducted wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.
- (22) "Director" means the City Treasurer, or the Director of the Business Licensing

Division, or the Director's authorized representative.

- (23) "Division" means the West Valley City Business License Division.
- (24) "Drive-In Motion Picture (Movie Theater, Drive-In)" means an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles. This definition does not include an adult theater.
- (25) "Employee" means all individuals who work for an employer for salary or commission or wages and who are subject to the direction and control of such employer. (For example: number of employees leased or on payroll, number of employees working at, out of, or dispatched from the licensed location.)
- (26) "Engaging in Business" includes, but is not limited to, the sale of real or personal property at retail or wholesale; the bartering or trading of property or services; the manufacturing of goods or property; and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his/her employer under any contract of personal employment.
- (27) "Fire Department" means the West Valley City Fire Department.
- (28) "Food Vending Unit" means a unit that is manually pushed (cart) or pulled behind a vehicle (trailer) and is not motorized as to move on its own power, which remains stationary in one location, is temporary in nature and not placed in a permanent way on the property, which is used for the sale of food items for immediate consumption, including non-alcoholic beverages.
- (29) "Goods, Wares, or Merchandise" shall include, but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household needs or furnishings, confections, drinks, or food of any kind, whether or not for immediate consumption. This definition also includes tickets or passes for admittance to public recreations, shows, museums, theaters, and other similar public events when such tickets or passes are sold by a person other than the authorized sponsor or organizer of the event.
- (30) "Hardware Store" means a facility of 30,000 or fewer square feet gross floor area,

primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery; if greater than 30,000 square feet, such a facility is a home improvement center.

(31) "Health Department" means the Salt Lake City/County Health Department.

(32) "Hearing Board" shall mean each and every member of the License Hearing Board of West Valley City. (Section 17-3-105 of this Title.)

(33) "Home Improvement Center" means an establishment selling various household goods, tools, and building materials, durable household goods (e.g., refrigerators, lawn care machines, washing machines), electronic equipment, household animal supplies, nursery products, etc. Retail stock (e.g., nursery items, lumber goods) may be kept outdoors. All such stock (except plant materials) shall be screened in accordance with the [city ordinance]. At least 75 percent of all indoor floor-good space shall be for retail sales.

~~(34) "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. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, and recreational facilities. It may or may not include kitchen facilities.~~

~~(35)~~ (34) "Licensee" means the person who has obtained any type of license provided for in this Title. The term shall also include any employee or agent of the licensee.

~~(35) "Lodging Facility" means any establishment outside a single family residential zone or the RM zone where lodging or overnight accommodations are offered, with or without compensation.~~

(36) "Mobile food vending vehicle" means a fully enclosed motorized vehicle mounted food service establishment operated by a vendor standing within the frame of the vehicle which is used for the sale of food items for immediate consumption, including non-alcoholic beverages. This vehicle must move on its own power and is not manually pushed, pulled or towed by another vehicle.

~~(37) "Motel" A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing~~

~~direct independent access to, and adjoining parking for, each rental unit.~~

~~(38)~~ (37) "Motor Vehicle" means any vehicle used for displaying, storing, or transporting articles for sale by a vendor, which is required to be licensed and registered by the Utah Division of Motor Vehicles.

~~(39)~~ (38) "Ordinance Enforcement Office" means the Ordinance Enforcement Office of the Community Preservation Department.

~~(40)~~ (39) "Participant" means a temporary business, not licensed as such, participating in a sales event.

~~(41)~~ (40) "Peddler" means any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale; or offering to perform services in exchange for compensation. "Peddler" also includes any person who solicits orders and, as a separate transaction, makes deliveries to purchasers as part of a scheme to evade the provisions of this Ordinance.

~~(42)~~ (41) "Peddling" includes all activities ordinarily performed by a peddler, as such term is defined in this Section.

~~(43)~~ (42) "Person" means an individual, partnership, corporation, association, or other legal entity.

~~(44)~~ (43) "Place of Business" means each separate location maintained or operated by the licensee, whether or not under the same name, within the City from which business is engaged in.

~~(45)~~ (44) "Planning and Zoning Division" means the Planning and Zoning Division of the West Valley City Community and Economic Development Department.

~~(46)~~ (45) "Police Department" means the West Valley City Police Department.

~~(47)~~ (46) "Public Property" includes all government-owned parks, buildings, and facilities, and government-owned property within street rights-of-way, including any roadways and sidewalks.

~~(48)~~ (47) "Public Way" means all areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings. "Public Way" also includes areas

designated for parking associated with public property.

~~(49)~~ (48) "Pushcart" means any wheeled vehicle approved by the Business Licensing Division in accordance with this Chapter, designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle.

~~(50)~~ (49) "Racetrack" means a facility consisting of a paved roadway used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, "shakedown" tracks, or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

~~(51)~~ (50) "Reception Center" means building, together with its accessory buildings and uses, which is a place of assembly with the predominant purpose of hosting single events or a series of events, either of which is not to exceed a seventy-two (72) hour period, occurring alone or as part of another activity or business, to which the public is invited or, upon payment of an admission charge, is permitted to watch, listen, or participate, or which is conducted for the purpose of holding the attention of, gaining the attention of, diverting the attention of, or amusing guests or patrons, including:

- a. presentations by single or multiple performers, such as a hypnotist, pantomime, comedian, musical song or dance act, play, concert, any type of contest, sporting event, exhibition, carnival, rodeo or circus act, athletic competition, demonstration of talent, show, review, or any other similar activity which may be attended by members of the public;
- b. dancing to live or recorded music;
- c. the presentation of recorded music played on equipment by a person commonly known as a "DJ" or "disk jockey;" or
- d. any other event promoted by a bona fide incorporated association, non-profit organization, corporation, church, or political organization, recognized subordinate lodge, chapter, or public fairs, stock and other animal shows, celebrations, fiestas, occasional athletic contests and similar events. Public, private and charter schools are exempt from this section.

~~(52)~~ (51) "Religious or Charitable Organization" means any organization that can provide written approval from the Internal Revenue Service that the organization has been granted tax-exempt status under Section 501(c) (3) of the Internal Revenue Code or its successor.

~~(53)~~ (52) "Sales Event" means an event lasting five days or less where two or more temporary merchants, not more than one of whom is licensed as a temporary merchant, display any goods, wares, or services at a location in the City for the purpose of sale or soliciting orders to be filled in the future for financial gain or profit.

~~(54)~~ (53) "Sidewalk" means all of that area legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property.

~~(55)~~ (54) "Specified Anatomical Areas" means:

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

~~(56)~~ (55) "Specified Sexual Activities" means:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, or sodomy; or
- c. Fondling or other erotic touching of human genitals, pubic region, or female breast.

~~(57)~~ (56) "Stand" means any showcase, table, bench, rack, handcart, pushcart, stall, or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling, or offering for sale any food, beverages, goods, wares, or merchandise upon a sidewalk.

~~(58)~~ (57) "Street" means all of that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys, and any other public way.

~~(59)~~ (58) a. "Temporary Business" means any business which intends to conduct business at any single place of business for 90 days or less, and whose place of business is located within the building confines of a licensed non-temporary business and:

- i. Engages in a temporary business of selling and/or delivering goods, wares,

or services, or who conducts meetings open to the general public where franchise, distributorships, contracts, or business opportunities are offered to the public; or

- ii. Sells, offers, or exhibits for sale any goods, wares, or services, franchises, distributorships, contracts, or business opportunities, during the course of, or any time within six months after, a lecture or public meeting pertaining to such goods, wares, services, franchises, distributorships, contracts, or business opportunities.
- b. "Temporary Business" shall not include the following:
- i. A person who shall occupy any business establishment for the purpose of conducting a permanent business therein; provided, however, that no person shall be relieved from the provisions of this Title by reason of a temporary association with any local dealer, trader, merchant, or auctioneer, or by conducting such temporary or transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer;
 - ii. Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stock has been acquired from a merchant or merchants of the City regularly licensed and engaged in business; provided, however, no such stock of merchandise shall be augmented by new goods;
 - iii. A person who sells his/her own property that was not acquired for resale, barter, or exchange, and who does not conduct such sales more than twice during any calendar year;
 - iv. Art exhibits, where participating artists sell their original works, and which do not contain any sales(s) of artwork purchased or taken on consignment and held for resale, providing such art exhibits are sponsored by a local, responsible organization;
 - v. Religious or charitable organizations as defined in this Section;
 - vi. Sales of goods, wares, or services at a convention, meeting, or exposition that is not open to or advertised to the general public, to the extent such

sales are made to registered members of the sponsoring organization, provided the sponsoring organization or its designated agent delivers to the Director, at least 15 days in advance of such convention, meeting, or exposition, a statement of the organization's qualification for this exemption and a statement of the common interest or category of those who will be attending such convention, meeting, or exposition; and providing all persons selling or purchasing goods, wares, or services at such convention, meeting, or exposition shall wear or display, in a conspicuous manner, a tag stating the name of the sponsoring organization;

- vii. Home occupations;
- viii. A business that is specifically regulated under this Title, whether or not it is temporary; or
- ix. Any business that requires a conditional use or temporary use permit, whether or not it is temporary.

~~(60)~~ (59) "Temporary Business Sponsor" means any person who leases or rents a building or portion of a building for the purpose of conducting a sales event with two or more participants.

~~(61)~~ (60) "Vendor" means any person, traveling by foot, wagon, vehicle, or any other type of conveyance from street to street, carrying, conveying, or transporting goods, wares, or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells, or offers for sale such products while on the public ways of the City. "Vendor" also includes any street vendor, hawker, huckster, itinerant merchant, or transient vendor. "Vendor" does not include a door-to-door peddler or solicitor.

~~(62)~~ (61) "Vehicle" means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

~~(63)~~ (62) "Violated" or "Violating" means that there exists reasonable cause to believe that any ordinance, code, statute, or law has been or is being violated, and is not limited to pleas of guilty or convictions for violating said ordinances, codes, statutes, or laws.

17-12-116. CONDUCT OF TAXICAB DRIVER.

It shall be unlawful for a taxicab driver, while engaged in operating a taxicab, to obstruct any street or sidewalk; make any loud or unusual noise, disturbance or outcry; use any indecent, profane or obscene language; or be guilty of any boisterous or loud talking or any disorderly conduct; or to harass, vex, annoy or disturb any passenger or other person; or to interfere with, obstruct or impede the free passage of passengers or other persons to or from any depot, theater, home, lodging facility~~hotel~~, public resort, train, or any other building or place; or to seize or grasp, or interfere with any person or package carried by or belonging to said passengers or persons.

17-12-117. CRUISING PROHIBITED.

All taxicabs licensed under the provisions of this Chapter are prohibited from indiscriminately soliciting passengers for hire or from cruising the streets of the City for the purpose of obtaining patronage for their cabs; and solicitation within the prohibition is hereby defined to consist of moving about the streets of the City soliciting or inviting business or customers or calling attention of members of the public to the taxicab by word of mouth, signals, nods or other signs from the taxicab while moving or by drawing up to the curb for that purpose or in any other manner calling attention to its service while going to or from its points of service. Cruising within this prohibition is declared to be moving about the streets of the City either indiscriminately or between fixed points for the purpose of obtaining patronage; provided, however, that taxicabs shall be permitted to receive or discharge passengers at public places or gatherings, such as theaters, lodging facilities~~hotels~~, public buildings and stadiums.

17-12-120. FRAUD PROHIBITED.

It shall be unlawful for the driver of any licensed public vehicle, or for any person soliciting patronage for any public vehicle, to induce or attempt to induce any person to employ him, by knowingly or wantonly misinforming or misleading such person as to the time or place of the arrival or departure of any railroad train or other conveyance, or the location of any

railroad depot, office, station or ticket office, or the location of any lodging facility~~hotel~~, public place or private residence within said City, or to practice any deceit, fraud or misrepresentation in any manner whatever relative to matters pertaining to his business.

17-23-122. BUSINESS LOCATION; SUPPLEMENTAL LICENSE.

- (1) A dealer may conduct the licensed business only from the fixed permanent location as specified in the application for the license which shall be other than a lodging facility~~motel or hotel room generally used by transients~~.
- (2) A dealer may not remove or relocate the location specified in the license for the business or open any additional location unless the person has applied for and obtained a supplemental license from the Business License Division.

17-29-106. PLACES OR PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT DEFINED.

A place of public accommodation, resort or amusement within the meaning of this Chapter shall be deemed to include lodging facilities~~inns, taverns, roadhouses, motels, hotels~~, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, restaurants, eating houses and any place where food is sold for consumption on the premises, buffets, saloons, barrooms, and any store, park or enclosure where spirituous or salt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; dispensaries, clinics, hospitals, bathhouses, theaters, motion picture houses, music halls, concert halls, circuses, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, public libraries, garages, all public conveyances operated on land, water or in the air, as well as the stations and terminals thereof; public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants. Nothing herein contained shall be construed to include any institution, club or place of accommodation which is in its nature distinctly private.

Section 3. Enactment. Section 7-14-219 is hereby enacted as follows:

7-14-219. ADDITIONAL STANDARDS FOR LODGING FACILITIES.

The following standards shall apply to all lodging facilities that are new development, redevelopment or retrofits of existing buildings:

- (1) The minimum number of floors within the building shall be three. Any basement space shall not count toward meeting the minimum floor requirement.
- (2) Where stucco or fiber cement siding are used as exterior materials, at least 25% of the exterior shall be brick, stone or another comparable material approved by the Planning Commission.
- (3) A porte-cochere is required.
- (4) At least six of the following seven amenities shall be included:
 - a. Swimming pool
 - b. Hot tub
 - c. Fitness room
 - d. Business center
 - e. Meeting rooms
 - f. Common breakfast space
 - g. Restaurant
- (5) The minimum, overall average area per guest room shall be 500 square feet. This number shall be calculated by dividing the total lodging facility area by the total number of guest rooms that can be used by guests for lodging.
- (6) All lodging facilities shall meet the Commercial Design Standards in Chapter 7-14.
- (7) Each guest room within a lodging facility shall include a restroom. Lodging facilities with four or fewer guest rooms are exempt from this requirement.
- (8) Lodging facilities are encouraged within commercial complexes where complimentary uses such as dining, shopping and entertainment are within close proximity.

- (9) In addition to meeting these standards, existing buildings or structures being converted to be or include a lodging facility shall be brought into conformance with all applicable building codes.

Section 4. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this 6th day of September, 2016.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER