TITLE 7
LAND USE DEVELOPMENT AND MANAGEMENT ACT

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CHAPTER 7-1
GENERAL PROVISIONS

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7-1-101. SHORT TITLE.

This Title shall be known as the "West Valley City Land Use Development and Management Act." This Title shall also be known as "Title 7, West Valley City Code." It may be cited and pleaded under either designation.

7-1-102. PURPOSE.

This Title is designed and enacted in order to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster the state's agricultural and other industries, protect both urban and non-urban development, and to protect property values.

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.

(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)"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)"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)"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)"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)"Fire Department" means the West Valley City Fire Department.

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

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

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

(90)“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)"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)"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)"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)"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)“Garden Center” means a place of business where retail and wholesale products and produce are sole 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)"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)"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)"Grading/Site Development Ordinance" means the West Valley City Grading/Site Development Ordinance as presently adopted and as amended in the future.

(99)"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) "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) "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) "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) "Household Pet" has the meaning set forth in Section 7-2-132 and Section 23-3-107.

(105) “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.

(106) "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.

(107) "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.

(108) "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.

(109) "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.

(110) "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.

(111) "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) "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) "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) "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) "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.

(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.

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

(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.

(119) "Lot Split" shall refer to the division of a property which may be divided into no more than two legal size lots.
(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.
(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.
(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.
(123) "Minor Street" means a street for which the principal function is access to abutting land. Traffic movement is a secondary function.
(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.
(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.
(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.
(127) "Mobile Home Space" means a plot of ground within a mobile home park which is designed for the accommodation of one mobile home.
(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.
(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.
(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.
(131) "Natural Drainage Course" means any natural watercourse which is open continuously for flow of water in a definite direction or course.
(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.
(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.
(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.

(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.

(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.

(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.

(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.

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

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(148) "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.

(149) "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.

(150) "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.

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

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

(153) "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.

(154) "Planning Commission" means the West Valley City Planning Commission.

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

(156) "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.

(157) "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.

(158) "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.

(159) "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.

(160) "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.

(161) "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.

(162) "Public Works Department" means the Public Works Department of West Valley City.

(163) "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.

(164) “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.

(165) "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.

(166) "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."

(167) "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.

(168) “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.

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

(170) "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.

(171) "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.

(172) "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.

(173) "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.

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

(175) "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.

(176) "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.

(177) "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.

(178) "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.

(179) "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.

(180) "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.

(181) "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.

(182) "Sidewalk" means a passageway for pedestrians, excluding motor vehicles.

(183) "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.

(184) "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.

(185) "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.

(186) "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.

(187) "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.

(188) "Stable, Public" means a stable other than a private stable.

(189) "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.

(190) "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.

(191) "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.

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

(193) "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.

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

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

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

(197) "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.”

(198) "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.

(199) "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.

(200) "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.

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:
c. 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
d. Any alteration of a structure listed on the National Register or Historic Places or a State Inventory of Historic Places.

(201) "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.

(202) “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.
(203) "Survey Monument" means a mark affixed to a permanent object along a line of survey to furnish a survey control.
(204) "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.
(205) "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.
(206) “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.
(207) “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.
(208) “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.
(209) "Temporary Use" means a use which is not permanent, but is transient or seasonal in nature.
(210) "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."
(211) "Transportation and Public Ways Ordinance" means the West Valley City Transportation and Public Ways Ordinance as presently adopted and as amended in the future.
(212) "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.
(213) “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.
(214) "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.
(215) “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.
(216) "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.
(217) "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.

(218) "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.

(219) "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.

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

(221) "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.

(222) "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.

(223) "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.

(224) "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.

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

(Ord. No. 94-46 Amended 05/24/1994); Ord. No. 94-109 Amended 12/20/1994; Ord. No. 96-37 Amended 06/21/1996; Ord. No. 97-65 Amended 12/09/1997; Ord. No. 98-71 Amended 11/20/1998; Ord. No. 99-61 Amended 10/14/1999; Ord. No. 01-30 Amended 06/07/2001; Ord. No. 02-08 Amended 02/05/2002; Ord. No. 02-07 Amended 02/05/2002; Ord. No. 02-06 Amended 03/05/2002; Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-54 Amended 09/03/2002; Ord. No. 02-58 Amended 09/17/2002; Ord. No. 02-60 Amended 09/17/2002; Ord. No. 03-81 Amended 12/16/2003; Ord. No. 05-19 Amended 04/19/2005; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 07-48 Amended 08/21/2007; Ord. No. 07-54 Amended 08/28/2007; Ord. No. 07-63 Amended 10/23/2007; Ord. No. 07-69 Amended 11/20/2007; Ord. No. 08-20 Amended 04/14/2008

Ord. No. 08-40 Amended 09/17/2008; Ord. No. 09-08 Amended 06/01/2009; Ord. No. 09-26 Amended 08/07/2009; Ord. No. 10-07 Amended 03/29/2010; Ord. No. 10-23 Amended 08/16/2010; Ord. No. 11-11 Amended 3/17/2011; Ord. No. 13-17 Amended 04/26/2013; Ord. No. 13-18 Amended 4/26/2013; Ord. No. 13-44 Amended 11/25/2013; Ord. No. 14-19 Amended 04/26/2014; Ord. No. 14-41 Amended 12/01/2014; Ord. No. 15-16 Amended 06/01/2015)

7-1-104. STRICTER REQUIREMENTS.

In their interpretation and application, the provisions of this Title shall be considered as minimum requirements. Where the provisions of this Title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this Title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of these regulations, the provision of such statute, other regulation, ordinance or covenant shall prevail.

7-1-105. STATE AND FEDERAL PROPERTY.

Unless otherwise provided by law, and only to the extent required by Section 10-9-105, UCA, nothing contained herein adopted pursuant to Part 4, Title 10, Chapter 9, UCA, shall be construed as giving the Planning Commission or the City Council jurisdiction over properties owned by the State of Utah or the United States government.

7-1-106. PROPERTY OWNED BY OTHER GOVERNMENTAL UNITS.

(1) a. Each county, municipality, school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality only in a manner or for a purpose that conforms to that municipality's ordinances.

b. In addition to any other remedies provided by law, when a municipality's land use and development ordinances are being violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

(2) A school district is subject to a municipality's land use regulations under this chapter, except that a municipality may not:

a. Impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;

b. Require a school district to participate in the cost of any roadway or sidewalk not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

c. Require a school district to pay fees not authorized by this section;

d. Provide for inspection of school construction or assess a fee or other charges for inspection, unless neither the school district nor the state superintendent has provided for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent with the approval of the state building board and state fire marshal;

(3) Require a school district to pay any impact fee for an improvement project that is not reasonably related to the impact of the project upon the need that the improvement is to address; or
(4) Impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

7-1-107. EFFECT ON PREVIOUS ORDINANCES AND MAPS.

The existing ordinances of the City covering the zoning of areas and districts in West Valley City, in their entirety and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this Title, including the maps on file with the Planning Commission and by this reference made a part hereof, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Title, whether in the same or in different language; and this Title shall be so interpreted upon all questions of construction, including, but not limited to questions of construction, relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses, buildings or structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming.

7-1-108. BUILDING PERMIT REQUIRED— BOND REQUIRED FOR BUILDING PERMIT.

(1) a. Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided or as restricted in this Title, shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the Building Inspection Division.
b. The structure or land shall not be used for any use not identified within the respective zone where such property exists. Permits shall be issued and all construction shall comply with all requirements of the Land Use Development and Management Act and the Uniform Building Code.
c. The use of the land shall not be commenced or proceeded with except upon the issuance of a written permit for the same by the Community and Economic Development Department. Except as specifically provided otherwise in this Title, no use permit shall be required for land used for agricultural purposes, as defined in this Title, for the keeping or raising of animals or fowl.
(2) a. Prior to issuing any required building permit to a contractor, the Building Inspector shall require from the applicant a bond or letter of credit in the amount specified in the Consolidated Fee Schedule. The bond or letter of credit shall be in addition to all other fees required for the issuance of a building permit. The Building Inspector shall not issue the building permit until a bond has been deposited with the City, or until the applicant files a letter of credit, naming the City as beneficiary.
b. If the building affected is one single-family residence, and the general contractor is also the owner/builder of the building, no bond will be required; however, the owner/builder will not receive a release of permanent electrical power until a drywall and electrical inspection has been passed. This electrical inspection will require that all electrical panels, receptacles, and switches be wired for testing and inspection for proper installation.
(3) a. The bond or proof of the letter of credit shall be deposited or retained by the City Treasurer. All money deposited shall be held in a separate trust account.

b. With the approval of the City Manager, the City Treasurer may establish record-keeping procedures which would allow developers of subdivisions to use bonds or letters of credit that have been released or partially released pursuant to this Section, to fulfill the bonding requirements of new permit applications, provided the following conditions are met:

i. The bonds or letters of credit have been released, or the amounts have been partially leased, prior to application for the new building permits;

ii. The amount deposited or held by the City Treasurer is always equal to or greater than the amount required to fulfill the bonding requirements for the number of active permits granted to the developer;

iii. The original bonds or letters of credit contain a specific provision granting the developer the right to reapply the bonds or letters of credit, or the amounts of the bonds or letters of credit, towards fulfillment of the bonding requirements for new building permit applications;

iv. The bonds or letters of credit will not expire prior to release of the building permit being applied for; and

v. The developer currently meets or has met all obligations of the agreement creating the bonds or letters of credit.

c. If the City Treasurer chooses to allow subdivision developers to use released bonds or letters of credit to fulfill the bonding requirements for new building permit applications as provided in subsection (b) above, each developer is fully responsible for maintaining current records regarding the amount and status of each bond or letter of credit.

(4) The City Building Inspector shall grant power-to-panel clearance only when the Inspector determines that all of the following conditions are met:

a. All four-way rough inspections have been satisfactorily passed;

b. The structure is secured against entry; and the subcontractors for the project, if any, have been verified.

(5) a. The City Treasurer shall release the bond or letter of credit when the City Building Inspector certifies in writing that the building has been completed or that construction has been abandoned, that all required inspections of the construction have been made, and that the building permit has been closed in the Inspector' s office.

b. If the City Building Inspector reinspects the structure or project pursuant to Section 305(g) of the Uniform Building Code, and the fees for such reinspections have not been paid, the Inspector may direct the City Treasurer to retain the amount of said fees from the bond or letter of credit, and pay the same to the General Fund, Building Inspection Account.

c. If construction on the structure or project is abandoned, the City Building Inspector shall not certify release of the bond or letter of credit if the structure or project has not been secured against unwarranted entry, and if the Inspector determines that the structure or project would pose a threat to the public safety.

d. The amount of the bond or letter of credit required by a unit within a subdivision may be released from the total amount bonded for that subdivision, provided the City Building Inspector certifies in writing that the conditions for release have been met for that unit. Release of a partial amount of the bond or letter of credit for work completed on an individual project or structure shall not be granted.

(6) At the time of final inspection pursuant to Section 305(e)(5) of the Uniform Building Code, the City Building Inspector shall post the following notice at the construction site: "All deficiencies found at the time of final inspection on (date) must be corrected and approved by the City Building Inspector by (60 days after final inspection). If corrections are not made and approved,

the bond shall be forfeited to West Valley City. Forfeiture of the bond shall not excuse noncompliance with the building code."

(7) If the applicant does not comply with the notice provided in subsection (6) above, the City Building Inspector shall certify the noncompliance in writing to the City Treasurer. Upon receipt of the certification, the City Treasurer shall declare the bond or letter of credit forfeited and deposit the full amount to the General Fund, Building Inspection Account.

(8) Violations of any part of this ordinance shall be a class "B" misdemeanor. Criminal prosecution pursuant to this Section shall in no way limit the City from pursuing other remedies available at law, including eviction of any occupants of the structure. Criminal prosecution shall also not limit the owner, occupier, or purchaser of the structure from pursuing remedies available at law.

(9) Temporary occupancy of a structure may be approved by the City Building Inspector on a case by case basis, provided all violations that are threat to life or safety are resolved prior to occupancy. Temporary occupancy is not allowed without prior approval from the City Building Inspector.

(10) All decisions of the City Building Inspector pursuant to this Section may be appealed to the Appeals Board created in Chapter 8 of Title 16. Appeals must be filed within ten days after a final decision is announced.

(Ord. No. 97-18 Amended 04/07/1997; Ord. No. 98-45, Amended, 06/09/1998)

7-1-109. COMPLETION OF REQUIRED IMPROVEMENTS.

(1) At the time of final inspection of a single-family or two-family dwelling in an approved subdivision, the builder shall submit documentation, on a form approved by the City, that the homeowner has been notified of the requirements of Section 7-14-105(3) of this Title, and that the homeowner agrees to abide by these requirements. The Building Inspection Division shall not grant final approval of the dwelling until this documentation is submitted. Front yard landscaping, as required by this Title, shall be completed within one year of occupancy, after which time, at the discretion of the City, a letter may be mailed as a reminder to the property owner that the landscaping needs to be installed.

(2) Any improvements required under this Title for commercial uses, manufacturing uses, or conditional uses, including, but not limited to, curb, gutter and sidewalk, fences, landscaping, streets, parking and flood control requirements shall be satisfactorily installed prior to the final inspection approval of the premises by the Building Inspection Division, or if no electrical inspection is required, prior to the issuance of any Occupancy Permit or issuance of Business License for the land being developed. In lieu of actual completion of such improvements prior to the final electrical inspection approval or Occupancy Permit, a developer may file with the City Council a cash, surety, letter of credit or escrow bond agreement in an amount specified by the City Council to ensure completion of such improvements within one year. In lieu of the bond requirements of this Section, at the City's option, the builder may be permitted to execute an agreement in a form acceptable to the City Attorney's Office, delaying any of the required improvements. The bond may be extended by the City Council upon request. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer shall call for inspections of the improvements by the Community and Economic Development Department.

(3) Inspection shall be made within a reasonable time upon request. If the inspection shows the City standards and specifications have been met in the completion of such improvements, the bond or agreement shall be released within a reasonable time from the time of inspection. If

the bond agreement is not released, refusal to release and the reasons therefore shall be given to the developer in writing within a reasonable time from the time of the inspection. The bond may be partially released based on the percentage of completion of the required improvements.

(4) If the City Council determines that the issuance of a final electrical inspection approval or Occupancy Permit prior to completion of any required improvements may be injurious to the health, safety or welfare of the City or its inhabitants, it may refuse to accept a bond or delay agreement in lieu of actual completion of required improvement or may limit the bond or agreement to a period of less than one year.

7-1-110. LICENSING.

All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title and shall issue no permits or license for use, building or purpose where the same would be in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of this Title, shall be null and void.

7-1-111. FEES.

Fees, as established by the City's consolidated fee schedule, may be assessed as a condition precedent to the consideration of any application before the Planning Commission or City Council.

7-1-112. TIME COMPUTATION.

In computing any period of time prescribed or allowed by this Title, the day after the event or decision occurs shall be the beginning of the designated period of time. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday or a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. The date of a decision or recommendation of the Planning Commission or Community Development Director shall be the date of the hearing at which such decision or recommendation is made. If no hearing is held on the matter, the date of the decision or recommendation shall be the date written notice of such decision or recommendation is mailed to the applicant.

CHAPTER 7-2
SUPPLEMENTARY AND QUALIFYING REGULATIONS

Sections:

7-2-101. Effect of Chapter.
7-2-102. Lots in Separate Ownership.
7-2-103. Yard Space for One Building Only.
7-2-104. Every Dwelling to be on a "Lot."
7-2-105. Combined Lots.
7-2-106. Lot Consolidation
7-2-107. Sale or Lease of Required Space.
7-2-108. Sale of Lots Below Minimum Space Requirements.
7-2-109. Yards to be Unobstructed - Exceptions.
7-2-110. Additional Height Allowed.
7-2-111. Exceptions to Height Limitations.
7-2-112. Clear View of Intersecting Streets.
7-2-113. Water and Sewage Requirements.
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7-2-115. Administrative Determination for Uses Not Listed.
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7-2-117. Occupancy Permit.
7-2-118. Fences.
7-2-119. Greenhouse and/or Garden Center Requirements.
7-2-120. Storage of Vehicles - Residential Zones.
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7-2-123. Refuse Siting Standards.
7-2-124. Dedication and Reservation of Parks.
7-2-125. Swimming Pools.
7-2-126. Division of Two-family Dwelling.
7-2-127. Conveyance of Water Rights to City.
7-2-128. Outside Storage.
7-2-129. Development Agreements.
7-2-130. Cargo Containers and Temporary Residential Storage Containers.
7-2-131. Alternative Financial Service Provider Regulations.
7-2-132. Household Pets.

7-2-101. EFFECT OF CHAPTER.

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Title.

7-2-102. LOTS IN SEPARATE OWNERSHIP.

The requirements of this Title as to minimum lot area or lot width shall not be construed to prevent the use for a single family dwelling on any legally approved lot or parcel of land. Combination of

several lots under common ownership can be considered a buildable lot, but separation of lots originally under common ownership would not constitute a buildable lot. Such lot or parcel of land must be located in a zone which permits single family dwellings, has access to a dedicated street, and shall be a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land, as determined pursuant to Section 7-1-107. The Community and Economic Development Department shall make a determination as to the legality of such lots based on documentation submitted by the lot owner. Appeal of such determinations, or requests to vary the required yards for such lots, shall be made to the Board of Adjustment.

(Ord. No. 98-45 Amended 06/09/1998)

7-2-103. YARD SPACE FOR ONE BUILDING ONLY.

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. This Section shall be so construed to mean only one main building may be permitted on one lot, unless otherwise hereinafter provided.

7-2-104. EVERY DWELLING TO BE ON A "LOT."

Every dwelling shall be located and maintained on a "lot," as defined in this Title.

7-2-105. COMBINED LOTS.

Upon approval of the City, contiguous lots may be combined to form one development site. Such lots will be considered consolidated, and all requirements concerning lot consolidation must be met. Once two or more contiguous parcels have been consolidated, they may not be divided in any way without meeting all applicable zoning and subdivision requirements set forth in State law or the City code. If the lots to be consolidated have different zoning designations, the consolidated parcel will be regulated by the most restrictive zone.

(Ord. No. 99-09 Amended 03/23/99)

7-2-106. LOT CONSOLIDATION

(1) Effective June 1, 1999, no building permit or other approval from the City shall be issued to any new or modified development that is contained within more than one contiguous legal parcel or subdivision lot unless the parcels are consolidated into one lot with one tax identification number.
(2) Lot consolidation will be accomplished in a manner allowed by City Ordinance, and may not create a remnant parcel that violates the applicable zoning designation for the property.
(3) Agricultural operations are exempt from this requirement.

(Ord. No. 99-09 Added 03/23/1999)

7-2-107. SALE OR LEASE OF REQUIRED SPACE.

Space needed to meet the width, yard, area, coverage, parking or other requirements of this Title for lot or building shall not be sold or leased away from such lot or building.

(Ord. No. 99-09 Renumbered 03/23/1999)

7-2-108. SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS.

A parcel of land which has less than the minimum width and area requirements for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by approval of the Board of Adjustment.

(Ord. No. 99-09 Renumbered 03/23/1999)

7-2-109. YARDS TO BE UNOBSTRUCTED - EXCEPTIONS.

The area for required front, side and rear yards setbacks shall be open to the sky and unobstructed, except for the following:

(1) Accessory structures located in the rear yards may encroach into side and rear yard setbacks as outlined in individual zones in Chapter 7-6;
(2) The ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features may encroach no more than three feet into front, side and rear yard setbacks. Such projections shall maintain at least a six foot side yard setback;
(3) Bay windows not more than 10 feet long and not more than two feet deep may encroach into front, side and rear yard setbacks. Bay windows shall maintain at least a six foot side yard setback;
(4) Exterior stairways and fire escapes may encroach no more than four feet into side and rear setbacks. Such projections shall maintain at least a six foot side yard setback;
(5) Uncovered steps or an open porch leading to the main entrance may encroach into the front yard setback provided they maintain at least a 20 foot front yard setback. Covered porches that are enclosed for interior living space shall not encroach into the front yard setback;
(6) Window wells or basement access ways may encroach into rear yard setbacks not more than four feet. Window well or basement access ways may encroach into side yard setbacks provided they maintain at least a two foot side yard setback;
(7) Satellite dishes may encroach into front and rear yard setbacks, provided they maintain at least a 20 foot front yard setback.

(Ord. No. 98-45 Amended 06/09/98; Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 12-29 Amended 07/02/2012)

7-2-110. ADDITIONAL HEIGHT ALLOWED.

Community uses, when authorized in a zone, may be constructed to a height exceeding the maximum height normally allowed in the zone if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

(Ord. No. 99-09 Renumbered 03/23/1999)

7-2-111. EXCEPTIONS TO HEIGHT LIMITATIONS.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limits shall be allowed for the purpose of providing additional floor space, and no heights are permitted above the maximum allowed under applicable Airport Height Provisions. Height shall be measured from the average finish grade of the front yard.

(Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 10-30 Amended 10/11/2010)

7-2-112. CLEAR VIEW OF INTERSECTING STREETS.

(1) In addition to the other provisions contained in this Chapter, a clear view at the intersection of two streets shall be maintained within a triangular area formed by a diagonal line connecting lines at the top back of the curbs 40 feet from the projected intersection of such curb lines. To maintain this clear view, the following standards shall apply:
    a. No solid-type fence or other visual obstructions between three and seven feet in height from the street elevation (measured from the elevation of the adjoining sidewalk) shall be allowed;
    b. Open-type fences or other obstructions which are at least 50 percent transparent are allowed to a height of four feet though they must be maintained to permit clear and unobstructed view; and
    c. Pruning is required for trees with an overhang less than seven feet above the street elevation (measured for the elevation of the adjoining sidewalk) in the clear view area.

(2) A clear-view area shall also be maintained at the intersection of a street and a private drive within a triangular area formed by a diagonal line connecting the line of the curb of the street and the line of the edge of the private drive at points 20 feet from the projected intersection of such lines. In order to maintain this clear view, the standards outlined in (a), (b) and (c) above shall apply.

(Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 10-23 Amended 08/16/2010)

7-2-113. WATER AND SEWAGE REQUIREMENTS.

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a sewer is not available, and all cases where a proposed supply of piped water under pressure is not available, the sewage disposal and the domestic water supply shall comply with requirements of the Health Department and the application for a building permit shall be accompanied by written approval from the applicable water and sewer improvement district.

(Ord. No. 99-09 Renumbered 03/23/1999)

7-2-114. MEASUREMENT OF SETBACK.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the county recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map. Where an official map has not been recorded,

measurements shall be made from the existing right-of-way line or from the proposed right-of-way line, as indicated on the major street plan.

(Ord. No. 99-09 Renumbered 03/23/1999)

7-2-115. ADMINISTRATIVE DETERMINATION FOR USES NOT LISTED.

Determination as to the classification of uses not specifically listed in Chapter 6 of this Title, inclusive, shall be made by the Zoning Administrator and shall be subject to appeal to the Board of Adjustment. Such appeal shall be filed in writing within 10 days after written notification to applicant of the Zoning Administrator's determination. The procedure shall be as follows:

(1) A written request for such a determination shall be filed with the Zoning Administrator. The request shall include a detailed description of the proposed use and such other information as may be required.
(2) The Zoning Administrator shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Title, and shall make a determination of its classification based on his investigations.
(3) The determination of the Zoning Administrator shall be rendered in writing within a reasonable time. The determination shall state the zone classification in which the proposed use will be conditional or permitted, as well as the findings which established that such use is of the same or similar character as uses permitted in that zone classification. Upon making this decision, the Zoning Administrator shall notify the applicant in writing of the decision.
(4) The determination and all information pertaining thereto shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the office of the Community and Economic Development Department. Such use shall become a permitted or conditional use in the class of district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.

(Ord. No. 99-09 Renumbered 03/23/1999)

7-2-116. TEMPORARY LAND USES.

(1) Subject to the provisions of this Section, the Zoning Administrator may issue a Temporary Use Permit provided that the use does not conflict with the uses in the neighborhood of the subject property and that the uses are located in commercial, manufacturing, MXD, RB or B/RP zones, or will be accessory to a community use in a residential or agricultural zone. Request for permit shall be submitted in writing on the appropriate form within the appropriate time frame indicated on the application. A separate permit is required for each use and is allowed for the duration of time as indicated below. The number of permits allowed annually is based off of the entire commercial complex, site, parcel or subject property.
(2) Temporary uses may be allowed only after review and evaluation of the following information:
    a. A site plan must be submitted indicating location of any existing structures on the lot; existing improvements, including but not limited to, parking areas, curb, gutter, sidewalk and curb cuts, and the location of any outside storage. Parking areas for the proposed use shall be surfaced with asphalt, concrete, gravel or other surface acceptable to the Zoning Administrator;

b. The temporary use must conform to all area and setback requirements for the zone which it is located in; Storage containers may not be used in conjunction with a temporary use, except for fireworks sales. Fireworks sales shall have no more than one storage container that is equal to or less than 120 square feet. Storage containers used for fireworks sales must be made of a non-flammable material approved by the Fire Department. Storage containers for fireworks sales are permitted from three weeks prior to the actual fireworks sale, to three weeks after the sale has passed. Fireworks sales shall only occur during Utah State mandated durations.
c. Written approval from the property owner to place temporary buildings on the lot and/or allow the use on the lot;
d. Hours of operation of the proposed use; and
e. The minimum required parking shall be two (2) spaces except that a reasonable number of additional parking spaces may be required depending on the type of temporary use. Such parking, including those space occupied by the use itself, shall be in addition to the minimum number of spaces required for any other use on the site.
f. The Zoning Administrator, or designee, may apply other conditions necessary to ensure that the temporary use does not have a detrimental impact upon the subject or neighboring properties.
g. Other items shall be included on the site plan, if requested by the Zoning Administrator.

(3) Temporary uses are limited to the following:
a. Seasonal Uses, which include: flower sales, Christmas tree sales, shaved ice, fireworks sales, and produce sales. A seasonal use permit shall be required. Seasonal use permits shall be limited to one (1) permit annually with a term of six (6) consecutive months. Hours of operation for seasonal uses shall be 8:00 a.m. to 9:00 p.m.
b. Event Uses, which include:
i. Circus, Community Fairs, Carnivals, Festivals, or other amusement enterprises.
1. A four (4) day permit shall be required for each of these types of events. These events shall be limited to 4 permits annually.
ii. Sale of Motor Vehicles.
1. A four (4) day permit shall be required for each of these types of events. These events shall be limited to 4 permits annually.
2. Sale of motorized vehicles are subject to the following requirements:
a. The temporary sale must be located in a commercial zone.
b. The temporary sale must be located on a property that has at least 2,000 existing parking stalls meeting the standards of Chapter 7-9 of this Title.
c. The location of the sale must have adequate parking stalls to accommodate both the temporary sale and the regular use of the property. Parking for the temporary use shall require one on-site parking stall for each motorized vehicle being offered for sale. Stalls needed to meet the minimum parking requirements of the regular use of the property shall not be counted toward the number of stalls necessary to accommodate the temporary sale.
d. The location of the sale must have hard surfacing for both the sales and parking areas.
iii. Outdoor Dances, Concerts and Promotional Activities

1. A twenty four (24) hour permit shall be required for each of these types of events. These events shall be limited to 2 permits annually.

iv. Haunted Houses
1. A thirty (30) day permit shall be required for each of these types of events. These events shall be limited to 1 permit annually.

v. Case Lot, Parking Lot or Tent Sales in conjunction with an existing business
1. A four (4) day permit shall be required for each of these types of events. These events shall be limited to 4 permits annually.
2. Independent sales from outside vendors are not allowed.

vi. Special Events, Community Events, Parades, Fund-Raising Events, Marathons, Bicycle Events, or Tournaments.
1. A twenty four (24) hour permit shall be required for each of these types of events. These events shall be limited to 4 permits annually.

vii. Food vending vehicles
1. A 24 hour Temporary Use Permit shall be required for food vending vehicle events. These events shall be limited to two permits per site per year.

c. Temporary Structures, which include:

i. Mobile Medical Units.
1. A thirty (30) day permit shall be required for each unit. This use shall be limited to two (2) permits annually.

ii. Modular or Mobile Structures that are not permanently affixed and used in conjunction with a construction or excavation site.
1. A permit shall be required for each modular or mobile structure, which shall be active for a term of up to one (1) year. The permit shall be renewable annually upon approval of the Zoning Administrator.

iii. Trailers or temporary buildings to serve as a construction, sales, employment, leasing office or construction storage while a permanent building is under construction.
1. A permit shall be required for each trailer or temporary building, which shall be active for a term of up to one (1) year. The permit shall be renewable annually upon approval of the Zoning Administrator.

(4) The site must be restored to its original condition upon expiration of the temporary use permit. The site may not be used for storage of any temporary use structures.

(5) Any decision of the Zoning Administrator made pursuant to this section may be appealed to the Board of Adjustment by filing a written appeal with the Board of Adjustment within 10 days of the decision, setting forth the reasons why the Zoning Administrator's decision should be overturned or modified. Decisions of the Board of Adjustment may be appealed as outlined in Section 7-18-105 of this Title.

(Ord. No. 94-90 Amended 10/12/1994; Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 00-05 Amended 01/11/2000; Ord. No. 00-06 Amended 01/11/2000; Ord. No. 01-31 Amended 06/07/2001; Ord. No. 05-12 Amended 04/05/2005; Ord. No. 06-81 Amended 12/5/2006; Ord. No. 07-36 Amended 06/05/2007; Ord. No. 07-63 Amended 10/23/2007; Ord. No. 08-40 Amended 09/17/2007; Ord. No. 10-31 Amended 10/11/2010; Ord. No. 15-08 Amended 03/05/2015)

7-2-117. OCCUPANCY PERMIT.

Land, buildings and premises in any zone shall be used only for the purpose listed herein as permitted in that zone and in accordance with the regulations herein established in that zone. The Occupancy Permit shall be issued by the Building Inspection Division to the effect that the use and/or building or premises conform to the provisions of this and related ordinances prior to the occupancy of any building erected, enlarged or structurally altered; or where any vacant land is proposed to be occupied or used except for permitted agricultural uses; or whenever the character or use of any building or land is proposed to be changed from one use to another use. An Occupancy Permit for a residential building shall not be issued until permanent utility connections have been approved and provided by the utility companies.

(Ord. No. 99-09 Renumbered 03/23/1999)

7-2-118. FENCES.

(1) A six-foot fence may be constructed on or within property lines, as shown on the official plats maintained in the Office of the Salt Lake County Recorder, in side and rear yards. This shall include side yards of corner lots, provided clear view of intersections can be maintained as outlined in Section 7-2-112. Residential fencing materials include vinyl, masonry, wrought iron style (metal), wood, hedges and chain-link. Fencing shall be of materials originally intended for fencing and shall not include materials intended for other purposes. Residential fencing materials which are excluded are metal panels, barbed or razor wire, and livestock fences. Livestock fencing is permitted in an agricultural zone or with residential non-conforming use of animals, when associated with the containment of animals.

(2) In front yards, a 20-foot setback from the front property line shall be maintained for fences over four feet in height. Fences four feet or less in height, which are at least 50 percent transparent, may be allowed up to the front property line or, if sidewalk exists, up to the sidewalk. No solid fence over three feet in height shall be allowed closer than 20 feet to the front property line.

(3) Residential properties along arterial streets (80-foot right-of-way width or greater) shall adhere to either of the following regulations:

   a. Hedges shall be permitted up to the property line that is adjacent to an arterial street or if a sidewalk exists, up to the edge of the sidewalk. Hedges shall exclude poisonous, noxious, thorn-bearing, and fruit-bearing plant materials. Hedges shall be limited to six feet in height. Hedges shall be trimmed and maintained and shall not be permitted to grow into the public right-of-way, or

   b. Fences or walls shall be no taller than six feet in height and shall be setback a minimum of ten feet from the front property line. The ten foot front setback area between the public right-of-way and the fence or wall shall be maintained with landscaping that contains a minimum of 50 percent live plant material and shall be kept weed free.

(4) Fence Height. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average grade of the higher property. Average grade shall be established based on elevations of finish grade within 5 feet of the proposed fence line. When a retaining wall exists at the property line, fence height may be measured from the higher side of the wall. A sound wall may exceed the height standards when constructed next to a major arterial street or freeway.

(5) Fire Hydrants. When a fire hydrant is located on or near a property line, it shall be given a clear buffer area around the hydrant of at least three feet in order to promote easy access to the plug for fire protection. A fire hydrant shall not be enclosed by fencing.
(6) When requested, the Zoning Administrator may grant a waiver or modification of any height requirements of this section upon finding that the waiver or modification will not circumvent the intent of the requirements. Any person may appeal the Zoning Administrator's decision pursuant to Section 7-18-103. If the Zoning Administrator so desires, he may submit the request for a waiver or modification directly to the Board of Adjustment for their determination.
(7) All fences shall be maintained in good condition, at all times, by the owner or occupant of the property. Fence maintenance shall meet the following standards:
    a. The fence must be free of damage, breaks or missing components or parts.
    b. Areas of the fence that are leaning more than 20 degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction.
    c. The area at the base must be kept free of debris and neatly trimmed.
    d. Where fencing has been previously painted and there are areas of chipping, peeling, scaling or missing paint equal to or greater than 20% of the fence surface, then the surface must be repainted or stripped of all paint.
    e. Wrought iron style (metal) fences shall be treated in a manner to prevent rust.

(Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 01-33 Amended 06/07/2001; Ord. No. 05-08 Amended 02/15/2005; Ord. No. 10-23 Amended 08/16/2010)

7-2-119. GREENHOUSE AND/OR GARDEN CENTER REQUIREMENTS.

Greenhouse and/or Garden Center shall be subject to the following conditions:
(1) Shall be compatible with existing and proposed land uses in the vicinity.
(2) Provide required parking spaces on the site with adequate visual screening between the use and adjoining properties.
(3) New construction shall be compatible in design and scale of building with existing development in the area.
(4) Site shall have frontage on a street with an existing or proposed right-of-way of 66 feet or greater, as defined in the West Valley City Major Street Plan.

(Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-121; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-118)

7-2-120. STORAGE OF VEHICLES - RESIDENTIAL ZONES.

No trucks, truck tractors, motor vehicles or commercial trailers which exceed 12,000 pounds gross weight shall be stored or parked for longer than three minutes on any lot or parcel within any residential zone, except while actually loading or unloading merchandise, nor shall any contracting and/or earth-moving equipment be stored or parked on any lot or parcel in a residential zone, except during actual construction.

(Ord. No. 93-09, Renumbered 03/10/1993 was 7-2-122; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-119)

7-2-121. GRADE CHANGES.

(1) The finished grade of any lot in any subdivision in the City or any parcel to be used for the construction of any building in the City shall be graded or contoured in such a manner that the grade differential within three feet of a property line between lot boundaries (for lots within a recorded subdivision) or between adjoining properties (for the perimeter boundaries of a development site) does not exceed 18 inches of vertical height or a 2 to 1 slope.
(2) Where the grade differential within three feet of a property line is greater than 18 inches of vertical height, or is in excess of a 2 to 1 slope, the developer shall install either a permanent concrete or masonry wall, a rock retaining wall, or other retaining type walls approved by the Building Inspection Division to provide sufficient lateral support and to control runoff waters from the elevated property. In no case shall fill be brought onto a site or that a site be excavated or graded in such a manner so as to violate the 18 inch grade differential without the installation of a permanent retaining wall or structure.
(3) In cases where the developer or property owner selects to grade the site with a 2 to 1 slope, a mechanism to divert water from adjacent properties shall be used. This mechanism shall be reviewed and approved by the Public Works Department and Building Inspection Division.
(4) Permanent yard grading for each residential structure shall provide a minimum (2%) positive slope 10 feet away from the dwelling.
(5) Permanent yard grading and coordination of yard grading between properties shall be the responsibility of the property owner.
(6) Any retaining wall within a residential or commercial development which has a grade difference of greater than four feet shall require a building permit from the City Building Inspection Division. Plans for the retaining wall shall be approved by the City Engineer and Building Official, who may impose additional requirements to insure that water will adequately and safely drain from above and around the subject property.

(Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-123; Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-120; Ord. No. 99-29 Amended 07/09/1999)

7-2-122. IMPROVEMENT OF RIGHT-OF-WAY.

Where no curb, gutter or sidewalk exists along the frontage of vacant properties proposed for development, such improvements shall be installed at the time of any new construction. Street improvements shall be required when estimated construction costs exceed $50,000 for substantial modifications to an existing site or structure. If, due to special circumstances existing on the street, the City Engineer certifies that the installation of some or all these improvements is impractical or not desirable at the time of the initial construction, he may either waive some or all of these improvements or recommend that the City Council approve a Delay Agreement for such improvements.

(Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-124; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-121)

7-2-123. REFUSE SITING STANDARDS.

Every multiple family (triplex homes and greater), commercial, industrial establishment or other like uses shall provide the following:

(1) Suitable and adequate refuse storage containers which shall be closed by permanent hinged cover. The cover shall be maintained in good working order and shall be kept closed except when containers are being filled or emptied.
(2) The owner/lessee shall provide a sufficient number of containers such that refuse will be securely stored.
(3) All containers shall be kept at a location easily accessible by collection vehicles and refuse producers, with vehicle access from a paved surface. While collecting refuse, vehicles shall not obstruct any portion of the public right-of-way.
(4) All outdoor refuse collection containers shall be enclosed by a solid masonry fence with attached solid barrier access gates. A maximum of a three foot opening may be provided on the side or rear of an enclosure for pedestrian access to the refuse collection container.
(5) No refuse collection areas shall be permitted between a street property line and the minimum building setback line or within twenty feet of an adjacent residential zone boundary.

(Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-125; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-122; Ord. No. 10-20 Amended 7/12/2010)

7-2-124. DEDICATION AND RESERVATION OF PARKS.

(1) Pursuant to Title 8 of the West Valley City Municipal Code, new development is required to pay a park impact fee and other impact fees that are related to the impact a new development places on the City and its resources. The City pursuant to this Section and consistent with Title 8 may accept dedication of property in an amount equal to the park impact fee or some portion of the fee in order to offset the fee.
(2) All land to be dedicated for park or recreational purposes shall be found to be suitable by the Planning Commission, the Community and Economic Development Department, and the Parks and Recreation Department as to location, parcel size and topography for the park and recreation purposes for which it is indicated in the General Plan or any planned community plan. Such purposes may include active recreation facilities such as playgrounds, playfields, pedestrian or bicycle paths, areas of particular natural beauty and wooded areas to be developed or left in their natural state.
(3) When park or recreational facilities approved for dedication are completed and accepted, a deed shall be conveyed to the City, after which the supervision and maintenance shall be the responsibility of the City. When park or recreational facilities are reserved, the developer shall establish conditions as to ownership, maintenance and use of such areas as deemed necessary by the Planning Commission to assure preservation of the intended use.
(4) The provisions of this Section shall not normally apply to commercial or industrial developments; however, the Planning Commission may recommend as a condition of approval, that a commercial or industrial developer dedicate to the City that portion of a stream bed or drainage channel falling within an industrial development when such portion forms part of an open space network designated in the General Plan or a planned community plan.
(5) In addition to subdivisions, the provisions of this Section requiring the payment of a fee, or dedication in lieu of a fee, shall apply to all residential developments which require conditional use approval. Such developments shall include, but not be limited to, condominiums, planned unit developments, dwelling groups, and mobile home parks. The percentage of credit shall be determined by the Planning Commission prior to final approval of a development plan. The fee shall be paid prior to issuance of a building permit for the first dwelling unit in the development.

(6) If the subdivider or developer feels that the impact of the proposed subdivision or other residential development is substantially different than that presumed by this Section, the subdivider or developer may apply for a hearing before the Planning Commission to request a modification of the fee in lieu of the dedication requirement of this Section. The request for the hearing shall be made prior to final approval by the Planning Commission of the subdivision or conditional use approval of the residential development. The Planning Commission may recommend the modification only if the subdivider or developer proves that what is required under this Section bears no reasonable relationship to the need for parks and recreation facilities created by the subdivision or development. If the Planning Commission recommends such a modification, the request shall be submitted to the City Council for final determination. If the Planning Commission finds that no modification is warranted, that finding may be appealed as provided herein.

(Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-126; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-123; Ord. No. 02-29 Amended 05/30/2002)

7-2-125. SWIMMING POOLS.

(1) Private swimming pools shall be allowed provided they can meet the following standards:
    a. Pools shall be located not closer than 5 feet to any side or rear yard property line.
    b. Pool areas shall be secured by a six-foot fence with a self-closing and self-latching gate.
(2) Tennis courts and other similar uses shall be allowed in rear yards, placed at least 30 feet from any dwelling on an adjoining lot and maintain at least a 10-foot setback from any property line.

(Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-126; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-124; Ord. No. 11-18 Amended 08/29/2011; Ord. No. 12-29 Amended 07/02/12)

7-2-126. DIVISION OF TWO-FAMILY DWELLING.

(1) Upon certification by the Zoning Administrator, a legally existing two-family dwelling may be divided into attached single-family dwellings by dividing the lot. Each dwelling shall conform to all building, fire, health, parking and all other applicable requirements. If the two-family dwelling has not been altered from when it was first constructed, the current setback, parking, lot width, and lot area requirements may be waived. An application for lot division certification shall be accompanied by a survey, prepared by a registered surveyor, showing lot dimensions, buildings, parking and any other information deemed necessary by the Zoning Administrator. The Zoning Administrator may attach conditions to certification consistent with the purpose of this Title. Any sale, prior to the certification provided for above, dividing a lot occupied by a two-family dwelling, shall be a misdemeanor.
(2) In addition to the requirements listed above in paragraph 1 of this Section, the requirements listed below shall also apply to an application to divide a two-family dwelling. The required improvements and any needed maintenance shall be completed prior to the property being divided.
    a. The property shall be inspected by the City to verify compliance with the maintenance standards found in Sections 24-7-103 through 24-7-106 and in Section 7-2-118 (6) of the City Code prior to the property being divided.
    b. An automatic irrigation system shall be provided for all landscaped areas.

c. At least 25 points worth of improvements from the following list shall be made to the property. If the property has already been improved with all of the improvements listed below, no other improvements shall be required.
   i. Installing rain gutters (5 points)
   ii. Upgrading to double or triple pane vinyl windows (10 points)
   iii. Replacing evaporative coolers with central air (10 points)
   iv. Installing landscaping that exceeds the standards in Section 24-7-103 (10 points)
   v. Upgrading the siding from wood or aluminum to fiber cement siding (hardie plank/board), stucco, rock or brick. (20 points)
   vi. Adding shutters to windows on at least the front façade (5 points)
   vii. Adding a brick or stone wainscot on at least the front elevation (10 points)
   viii. Installing a covered porch or covered entrance over each front door (10 points)
   ix. Installing screen doors on each front door (5 points)
   x. Adding a carport or garage for each unit that meets the appropriate setbacks and is not placed in the front yard (20 points)
   xi. Adding articulation to a simple gable roof by adding hips, gables on the front, or other means acceptable to City staff (20 points)
   xii. Replacing carports or garages in the front yard with carports or garages in the side or rear yard that meet the appropriate setbacks (20 points)

(Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 08-60 Amended 01/26/2009)

7-2-127. CONVEYANCE OF WATER RIGHTS TO CITY.

(1) The owner or developer of any real property to be developed within the City, prior to the issuance of a building permit or approval of a final plat or development plan, shall identify all interests in water on the property. If the owner or developer of such property is also the owner of such interests in water, such interests shall be conveyed to the City prior to the issuance of a building permit or approval of a final plat or development plan. At the discretion of the City, either the City shall pay to the owner of such interests the fair market value of such interests, or the conveyance shall be made in lieu of the payment of flood control fees or park acquisition and development fees, to an amount equal to the fair market value of the interests in water at the time of the conveyance. Where the fair market value of the interests exceeds the total cost of flood control fees or park acquisition and development fees for which the owner or developer is responsible, the City shall pay to the owner or developer the difference between the total flood control fee or park acquisition and development fee and the fair market value of the interests in water, as such value is determined by the City at the date of conveyance of the interests in the water to the City.

(2) For purposes of this Chapter, "interests in water on the property" or "interest in water on the property" shall mean any interest in water, whether such interest be in the form of stock in a water or irrigation company, an interest existing by deed, an interest acquired through prior appropriation, or an interest acquired through other means, which interest in water has traditionally been used on the property, conveyed with the property from prior owners, or in any way related to the property to be developed.

(3) The fair market value of any interest in water to be conveyed to the City under this Chapter shall be determined as follows:

a. The fair market value to be paid for any interest in water to be conveyed under this Chapter shall be determined by the City Council and set forth in the Consolidated Fee Schedule.
b. Should the owner of any interest in water disagree with the fair market value of the specific interest as determined by the Public Works Department based on the Consolidated Fee Schedule, the owner may appeal the determination to the City Council. The City Council shall hold a hearing in which the owner of the interest may present evidence regarding the owner's opinion as to the value of the interest. The appeal by the owner shall be filed with the City Council within 30 days following the City staff's written determination of the fair market value of the interest in the owner's water to be conveyed to the City. The determination of the City Council with respect to the fair market value of the interest in water shall be final. Any final determination of the City Council may be appealed to district court for review. The notice of appeal must be filed within 30 days of the issuance of the final determination of the City Council. The review by the district court shall be on the record of the City Council.
c. Pending the appeal to the City Council, the application to develop real property may proceed concurrent with the appeal process if the owner or developer making application for development conveys the interest in water to the City, either for payment of the fair market value of the interest, or for the in lieu of credit, as such value is determined by the Public Works Department based on the Consolidated Fee Schedule. If the City Council finds that the fair market value of the specific interest as determined by the Public Works Department should be increased, the City shall, in its discretion, either pay to the owner of the interest the difference between the value determined by the Public Works Department and the value determined by the City Council, or further credit the flood control fee or park acquisition and development fee obligation of the owner or developer relative to the property to be developed. In no case shall the City Council find that the fair market value of the interest in water be less than that determined by the Public Works Department.

(Ord. No. 94-80 Renumbered & Amended 09/08/1994, 18-4-603; Ord. No. 99-09 Renumbered 03/23/1999)

7-2-128. OUTSIDE STORAGE.

In residential and agriculture zones, there shall be no outside storage of materials, equipment, household items, garbage, junk, refuse, rubbish, residential solid waste, construction or demolition waste; other spent, useless, worthless, or discarded materials, or materials stored or accumulated for the purpose of discarding, or materials not being used for their original intended purpose. All such materials must be stored in a completely enclosed structure such as a garage or shed. Agriculture equipment used on the property is excluded.

(Ord. No. 01-32 Enacted 06/07/2001)

7-2-129. DEVELOPMENT AGREEMENTS.

A development agreement may be negotiated and executed between a developer and the City to set forth the specific requirements, elements and any other aspects of a development. All development agreements, upon proper execution, shall be recorded with the Salt Lake County

Recorder's Office, shall run with the land, and shall be binding on any subsequent owners, successors or assigns of the person entering into the agreement.

(Ord. No. 02-08 Add 02/05/2002)

7-2-130. CARGO CONTAINERS AND TEMPORARY RESIDENTIAL STORAGE CONTAINERS

(1) Cargo containers are not allowed in residential zones.
(2) Cargo containers may be used in agricultural zones provided the following conditions are met:
    a. The cargo container shall be located in the rear yard and meet the minimum required setbacks;
    b. The cargo container shall be painted a solid neutral color such that all insignia, writing, or numbers on the cargo container are masked;
    c. The cargo container is used for storage purposes only;
    d. A minimum of one acre is required for each cargo container, with a maximum of two cargo containers allowed per lot.
    e. Cargo containers shall comply with all applicable building codes.
(3) The use of temporary storage containers in agriculture and residential zones is prohibited except for when they are used for moving purposes or construction and remodeling purposes as described in 7-2-116(1). When a temporary residential storage container is used, it shall be:
    a. Located out of the public right-of-way,
    b. Located on the subject property private driveway, unless used for new home construction or remodeling where the storage container may be located anywhere on the subject property provided it is not located on existing landscape.
    c. Used for a maximum of 2 weeks (14 days) for moving purposes.
(4) Temporary residential storage containers may be used for remodeling and construction purposes for a maximum of six (6) months in conjunction with a valid West Valley City building permit on the subject property.

(Ord. No. 07-63 Added 10/23/2007; Ord. No. 13-17 Amended 4/26/2013)

7-2-131. ALTERNATIVE FINANCIAL SERVICE PROVIDER REGULATIONS

Regardless of the zoning district in which it is located, an Alternative Financial Service Provider shall be subject to the following restrictions:

(1) No Alternative Financial Service Provider shall be located within 500 feet of any residential zone or use.
(2) No Alternative Financial Service Provider shall be located within 1,000 feet of any other Alternative Financial Service Provider.
(3) No Alternative Financial Service Provider shall be located within 500 feet of any regional shopping mall.
(4) One Alternative Financial Service Provider shall be allowed in the City for every 10,000 citizens of the City.
(5) Car Title Loan Businesses, Check Cashing Businesses, Pawnbrokers, and Unchartered Financial Service Providers are distinct land uses and cannot be substituted for one another if said uses are nonconforming.

(Ord. No. 14-10 Enacted 1/21/2014; Ord. No. 14-41 Amended 12/01/2014)

7-2-132. HOUSEHOLD PETS

(1) The following terms, when used in this Section, shall have the following meaning:
   a. "Amphibian" means any cold blooded vertebrate of the class Amphibia, such as frogs, toads, newts, or salamanders.
   b. "Animal" means any of a kingdom of living being typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.
   c. "Arachnid" means any wingless, carnivorous arthropod of the class Arachnida, including spiders and scorpions.
   d. "Bird" means any warm blooded vertebrate of the class Aves, such as a cockatiel, parakeet, or canary.
   e. "Cat" means a domesticated cat of the species Felis catus.
   f. "Chicken" means a domestic fowl of the species Gallus domesticus.
   g. "Dog" means a domesticated dog of the species Canis familiaris.
   h. "Duck" means a domesticated web-footed swimming bird of the family Anatidae, characterized by a broad, flat bill, short legs, and depressed body.
   i. "Ferret" means a domesticated variety of the European Polecat.
   j. "Fish" means any cold-blooded, aquatic vertebrate having gills and a body covered with scales.
   k. "Hedgehog" means a domesticated hedgehog of the species Atelerix albiventris, including the African pygmy hedgehog.
   l. "Insect" means any animal of the class Insecta, such as a cricket or grasshopper.
   m. "Pot-Bellied Pig" means a Vietnamese or Chinese pot-bellied pig, spayed or neutered, and kept as a household pet, not for livestock or food purposes. Pot-bellied pigs must be less than 150 pounds, and any tusks must either be removed or kept trimmed.
   n. "Rabbit" means a rodent-like burrowing mammal of the family Leporidae.
   o. "Reptile" means any cold blooded vertebrate of the class Reptilia, such as a turtle or lizard.
   p. "Rodent" means an animal of the order Rodentia, such as a hamster or mouse.

(2) Subject to the restrictions of this Section, the following animals may be kept as Household Pets:
   a. Amphibians;
   b. Arachnids;
   c. Birds;
   d. Cats;
   e. Female chickens;
   f. Dogs;
   g. Ducks;
   h. Ferrets;
   i. Fish;
   j. Hedgehogs;
   k. Insects;
   l. Pot-Bellied pigs;
   m. Rabbits;
   n. Reptiles; and
   o. Rodents.

(3) Only animals listed in subsection (2) above may be kept as Household Pets. Notwithstanding subsection (2) above, no animal prohibited by federal, state, or local law may be kept as a Household Pet. Notwithstanding subsection (2) above, no poisonous or venomous animal may be kept as a Household Pet.
(4) Notwithstanding subsection (2) above, roosters and crowing hens may not be kept as Household Pets.
(5) Household Pets shall be limited to no more than four animals per address, including no more than two cats, no more than two dogs, and no more than two pot-bellied pigs. Kittens and puppies as defined in Section 23-1-102 do not count toward these limits.
(6) All Household Pets shall be maintained, controlled, and cared for as required by federal, state, and local law, including but not limited to the provisions of the West Valley City Municipal Code regarding animal nuisances as set forth in Section 23-5-101.
(7) The provisions of this Section may be enforced as set forth in Title 10, including but not limited to the exercise of the authority set forth in Section 10-1-302. Civil penalties for violation of this Section are set forth in Section 1-2-113.

(Ord. No. 14-19 Enacted 4/26/2014)

CHAPTER 7-3
PLANNING COMMISSION

Sections:

7-3-101. Planning Commission Established.
7-3-102. Length of Terms.
7-3-103. Chairman and Vice-Chairman.
7-3-104. Rules of Policy and Procedure.
7-3-105. Votes Required.
7-3-106. Filling Vacancies and Removal from Office.
7-3-107. Powers and Duties.

7-3-101. PLANNING COMMISSION ESTABLISHED.

There is hereby created a Planning Commission composed of seven members and one alternate member appointed by the City Manager with the advice and consent of the City Council. Any member may be reappointed for an additional term. There is no limit to the number of terms a member may serve.

(Ord. No. 06-50 Amended 08/08/2006)

7-3-102. LENGTH OF TERMS.

The terms of the members shall be four years. The terms of the initial members shall be staggered with two serving one year, two serving two years, and two serving three years. The seventh member added to the Commission pursuant to this Chapter shall serve from his appointment through July 1, 1986. Thereafter, all terms shall be four years. All terms shall expire on July 1.

7-3-103 CHAIRMAN AND VICE-CHAIRMAN.

The Planning Commission shall elect annually, during the first regularly scheduled meeting in July, a Chairperson and Vice-Chairperson who may be elected to succeed themselves. They will be elected from among the members of the Planning Commission by a majority of the total membership. Their duties and responsibilities shall be those outlined in the Planning Commission's Rules of Policy and Procedures.

7-3-104. RULES OF POLIC Y AND PROCEDURE.

The Planning Commission shall establish, adopt, and amend Rules of Policy and Procedure governing the conduct of meetings and operation of the Planning Commission. Upon adoption of these rules and regulations, they shall be submitted to the City Council for final approval and adoption by resolution. The Planning Commission, upon its own initiative, may amend the Rules of Policy and Procedures, and thereafter, such amendments shall be submitted to the City Council for final approval and adoption by resolution.

7-3-105. VOTES REQUIRED.

Four affirmative votes shall be required to pass any measure.

7-3-106. FILLING VACANCIES AND REMOVAL FROM OFFICE.

Any vacancy occurring on the Commission for whatever reason, shall be filled by appointment as provided in this Chapter for the unexpired term of such member whose office becomes vacant. Any member may be removed with or without cause by the City Manager with the advice and consent of the City Council. All members of the Commission shall be residents of the City.

7-3-107. POWERS AND DUTIES.

The Planning Commission shall:

(1) Prepare and recommend a general plan and amendments to the general plan to the City Council as provided in this Title.
(2) Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council as provided in this Title.
(3) Administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance adopted by the City Council.
(4) Recommend subdivision regulations and amendments to those regulations to the City Council as provided in this Title.
(5) Recommend approval or denial of subdivision applications as provided in this Title.
(6) Advise the City Council on matters as directed by the City Council.
(7) Hear or decide any matters that the City Council designates, including the approval or denial of conditional use permits.
(8) Exercise any other powers:
    a. That are necessary to enable the Commission to perform its functions; or
    b. Delegated to it by the City Council.

CHAPTER 7-4
GENERAL PLAN

Sections:

7-4-101. General Plan.
7-4-102. Adoption and Amendment of the General Plan.
7-4-103. Effect of the General Plan on Public Uses.

7-4-101. GENERAL PLAN.

The document originally entitled "West Valley City General Plan," as adopted in 1993 and subsequently amended, is hereby adopted as the General Plan for the City.

7-4-102. ADOPTION AND AMENDMENT OF THE GENERAL PLAN.

The process for adoption or amendment to the General Plan shall be as follows:

(1) Upon completion of a General Plan for the City, or any amendment thereto, the Planning Commission shall hold a public hearing on the proposed plan or amendment. The Planning Commission shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing. After the public hearing, the Planning Commission may make changes to the proposed General Plan. The Planning Commission shall then forward the proposed General Plan to the City Council.

(2) The City Council shall hold a public hearing on the proposed general plan or amendment recommended to it by the Planning Commission. The City Council shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing. After the public hearing, the City Council may:

   a. Adopt the proposed general plan or amendment as recommended by the Planning Commission.
   b. Amend the proposed General Plan or amendment.
   c. Reject the proposed plan or amendment.

(3) The General Plan shall be an advisory guide for land use decisions.

7-4-103. EFFECT OF THE GENERAL PLAN ON PUBLIC USES.

(1) Any street, park or other public way, ground, place, or space,, publicly owned building or structure, public utility, whether publicly or privately owned, shall:

   a. Conform to the General Plan; and
   b. Be considered by the Planning Commission and after receiving the advice of the Planning Commission, be approved by the City Council as an amendment to the General Plan.

(2) Before accepting widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the City Council shall submit the proposal to the Planning Commission for its review and recommendations. If the City Council approves any of the items in this subsection, it shall also amend the General Plan to reflect the change.

   a. The City Council shall provide reasonable notice of the hearing at least 14 days before the date of the hearing.

b. The City Council, after public hearing and review of the recommendation of the Planning Commission, may:
    i. Adopt the zoning ordinance as proposed; or
    ii. Amend the zoning ordinance and adopt or reject the zoning ordinance as recommended by the Planning Commission; or
    iii. Reject the ordinance.

(3) Any zoning amendment disapproved by the Planning Commission may be considered by the City Council upon a filing, in writing, by the applicant, of a Notice of Application with the City Recorder within 10 days after the final decision denying the zoning amendment is made by the Planning Commission. Such notice shall set forth in detail the action and grounds upon which the applicant is aggrieved by the decision of the Planning Commission. After receiving the notice, a date for a public hearing shall be set and notice given pursuant to the provisions of this Section.

(4) Disapproval of a zoning amendment application shall preclude the filing of another application to rezone the same parcel of property, or any portion thereof to the same zone classification within one year of the date of the final disapproval of the application, unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period. If the applicant feels there has been a substantial change in circumstances, or sufficient new evidence, a letter requesting reconsideration of the application must be submitted to the Planning Commission setting forth the basis for the request. No appeal may be taken from a Planning Commission decision rendered pursuant to this subsection.

CHAPTER 7-5
ZONING

Sections:

7-5-101. Zoning Amendments.
7-5-102. Temporary Regulations.
7-5-103. Annexation.

7-5-101. ZONING AMENDMENTS.

(1) The City Council may, from time to time, on its own motion or pursuant to an application, amend the number, shape, boundaries or area of any zoning district, or any regulation of or within any zoning district or any other provisions of the zoning ordinances. Any such proposed amendment shall first be submitted to the Planning Commission for recommendation. Zoning amendments approved, or receiving a recommendation other than disapproval by the Planning Commission, will be considered by the City Council as provided in this Section. Applications disapproved by the Planning Commission shall not be considered by the City Council except upon written request by the applicant to the City Council, as provided in this Section.

(2) Before finally adopting any amendment recommended or approved by the Planning Commission, the City Council shall hold a public hearing.

(3) Except as provided in subsectons (4) and (5) below, property within City limits may only be amended or rezoned to the following zones: A-2, A-1, A, RE, C-1, C-2, C-3, BRP, MXD, CC and M.

(4) Property within City limits may only be amended or rezoned to the RM zone if all of the following conditions are met:

   a. For properties without existing structures which are proposed to be developed, the property must be a minimum of two acres and the density must not exceed twelve units per acre. For properties with existing structures proposed to be redeveloped, there is no minimum acreage requirement, but the density must not exceed twenty units per acre;

   b. The property shall either i) have access and frontage on a street with a planned right-of-way width of at least 80’ (for properties under two acres) or 100’ (for properties two acres or larger) as indicated on the Major Street Plan; or ii) be adjacent to existing multifamily residential development on two sides; and

   c. A development agreement must be proposed with the zone change application that addresses dwelling unit sizes, exterior materials, architecture, landscaping, and project amenities.

(5) Property within City limits may be amended or rezoned to the R-1-7, R-1-8, R-1-10, or R-1-12 zones if the property is less than two acres in area as of the effective date of this ordinance. Properties under two acres created or subdivided after the effective date of this ordinance shall not be eligible to apply for the R-1-7, R-1-8, R-1-10, or R-1-12 zones.

(Ord. No. 15-27 Amended 8/13/2015; Ord. No. 15-34 Amended 11/17/2015)

7-5-102. TEMPORARY REGULATIONS.

(1) a. The City Council may, without a public hearing, enact ordinances establishing temporary zoning regulations for any part or all of the areas within the City if:

i. The City Council makes a finding of compelling, countervailing public interest; or
ii. The area is unzoned.

b. A temporary zoning regulation under Subsection 1(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval.

c. A temporary zoning regulation under Subsection 1(a) may not impose an impact fee or other financial requirement on building or development.

(2) The City Council shall establish a period of limited effect for each ordinance not to exceed six months.

(3) a. The City Council may, without a public hearing, enact an ordinance establishing a temporary zoning regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

b. A zoning regulation under Subsection 3(a):

i. May not exceed six months in duration;
ii. May be renewed, if requested by the Utah Transportation Commission created under Section 63-49-10, Utah Code Annotated 1953, as amended, for up to two additional six-month periods by ordinance enacted before the expiration of the previous zoning regulation; and
iii. Notwithstanding Subsections 3(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

(Ord. No. 97-65 Amended 12/09/1997)

7-5-103. ANNEXATION.

(1) The City Council may assign a zoning designation to territory annexed to the City at the time the territory is annexed.

(2) If the City Council does not assign a zone to territory at the time it is annexed, the territory annexed to the City shall be zoned according to the zone of the City with which it has the longest common boundary.

CHAPTER 7-6
ZONES AND DISTRICTS

Sections:

7-6-101. Establishment of Zones.
7-6-102. Maps.
7-6-103. Filing of Ordinance and Maps.
7-6-104. Rules for Locating Boundaries.
7-6-200P Part 2 – Agricultural Zones
7-6-201. Purpose.
7-6-202. Permitted Uses.
7-6-203. Conditional Uses.
7-6-204. Area Regulations.
7-6-205. Width Regulations.
7-6-206. Side Yard Regulations.
7-6-207. Front Yard Regulations.
7-6-208. Rear Yard Regulations.
7-6-209. Setback Standards.
7-6-210. Height Regulations.
7-6-211. Livestock Limitations.
7-6-212. Agricultural Area Modification.
7-6-213. Repealed.
7-6-214. Site Development.
7-6-215. Additional Turf Farm Equipment Manufacturing Standards.
7-6-216. A-2 Zone.
7-6-217. Reserved.
7-6-218. Reserved.
7-6-219. Reserved
7-6-220. Parking Restrictions.
7-6-221. Subdivision Standards.
7-6-300P Part 3 – Single Family Residential Zones
7-6-301. Purpose.
7-6-302. Zone Designations.
7-6-303. Permitted Uses.
7-6-304. Conditional Uses.
7-6-305. Minimum Lot and Setback Requirements.
7-6-306. Height Restrictions.
7-6-307. Parking Restrictions.
7-6-308. Site Development.
7-6-400P Part 4 – Residential Zone R-2-6.5
7-6-401. Purpose.
7-6-402. Permitted Uses.
7-6-403. Conditional Uses.
7-6-404. Area Regulations.
7-6-405. Width Regulations.
7-6-406. Side and Rear Yard Regulations.
7-6-407. Front Yard Regulations.

7-6-408. Repealed.
7-6-409. Height Regulations.
7-6-500P Part 5 – Residential Zone R-2-8
7-6-501. Purpose.
7-6-502. Permitted Uses.
7-6-503. Conditional Uses.
7-6-504. Area Regulations.
7-6-505. Width Regulations.
7-6-506. Side Yard Regulations.
7-6-507. Front Yard Regulations.
7-6-508. Rear Yard Regulations.
7-6-509. Height Requirements.
7-6-600P Residential Estate Zone ("RE Zone").
7-6-601. Purpose.
7-6-602. Permitted Uses.
7-6-603. Conditional Uses.
7-6-604. Minimum Lot Size, Frontage and Setback Requirements.
7-6-605. Landscaping Standards.
7-6-606. Landscaping Bonds Required.
7-6-607. Parking Restrictions.
7-6-608. Subdivision Standards.
7-6-609. Planned Unit Development "PUD" Standards.
7-6-700P Part 7 – Residential Zone R-4-8.5
7-6-701. Purpose.
7-6-702. Permitted Uses.
7-6-703. Conditional Uses.
7-6-704. Area Regulations.
7-6-705. Width Regulations.
7-6-706. Side Yard Regulations.
7-6-707. Front Yard Regulations.
7-6-708. Rear Yard Regulations.
7-6-709. Height Regulations.
7-6-800P Part 8 – Residential Zone RM
7-6-801. Purpose.
7-6-802. Permitted Uses.
7-6-803. Conditional Uses.
7-6-804. Area Regulations.
7-6-805. Width Regulations.
7-6-806. Side Yard Regulations.
7-6-807. Front Yard Regulations.
7-6-808. Rear Yard Regulations.
7-6-809. Height Regulations.
7-6-810. Coverage Regulations.
7-6-900P Part 9 – Residential Mobile Home (RMH) Zone
7-6-901. Purpose.
7-6-902. Permitted Uses.
7-6-903. Conditional Uses.
7-6-904. Standards for Mobile Home Subdivision.

7-6-905. Area Regulations.
7-6-906. Width Regulations.
7-6-907. Side Yard Regulations.
7-6-908. Front Yard Regulations.
7-6-909. Rear Yard Regulations.
7-6-910. Coverage Regulations.
7-6-911. Exception to Yards.
7-6-912. Height Regulations.
7-6-913. Special Regulations.
7-6-914. Subdivision Review Procedure.
7-6-1000P Part 10 – Commercial Zones
7-6-1001. Purpose.
7-6-1002. Schedule of Uses.
7-6-1003. Setback Standards.
7-6-1004. Height Standards.
7-6-1005. Area and Location Standards.
7-6-1006. Vehicular Circulation and Parking.
7-6-1007. Screening.
7-6-1008. Landscaping.
7-6-1009. General Provisions.
7-6-1010. Penalty.
7-6-1011. Spacing Requirements for Alcohol Establishments.
7-6-1012. Additional Regulations of Restaurants, Dance Halls, Concert Halls, Reception Centers and Club Licensees.
7-6-1100P Part 11 – Manufacturing Zone
7-6-1101. Purpose.
7-6-1102. Permitted Uses.
7-6-1103. Conditional Uses.
7-6-1104. Setback Standards.
7-6-1105. Height Standards.
7-6-1106. Site Development Standards.
7-6-1107. Vehicular Circulation and Parking.
7-6-1108. Additional Regulations of Restaurants, Dance Halls, Concert Halls, Reception Centers and Club Licensees.
7-6-1109. Additional Regulation of Detention Facility/Jails
7-6-1200P Part 12 – Business/Research Park Zone
7-6-1201. Purpose.
7-6-1202. Concept Plan and Site Plan Review.
7-6-1203. Overall Conceptual Plan Requirements.
7-6-1204. Permitted Uses.
7-6-1205. Design Standards.
7-6-1206. Yard Requirements.
7-6-1207. Height Regulations.
7-6-1208. Area Regulations.
7-6-1300P Part 13 – Residential/Business (RB) Zone
7-6-1301. Purpose.
7-6-1302. Permitted Uses.
7-6-1303. Conditional Uses.

7-6-1304. Signs.
7-6-1305. Frontage Standards.
7-6-1306. Setback Standards.
7-6-1307. Coverage Standards.
7-6-1308. Landscaping Standards.
7-6-1309. Screening.
7-6-1310. Height Standards.
7-6-1311. Design Review.
7-6-1312. Parking Standards.
7-6-1313. Area Regulations.
7-6-1400P Repealed.
7-6-1401. Repealed.
7-6-1402. Repealed.
7-6-1403. Repealed.
7-6-1404. Repealed.
7-6-1405. Repealed.
7-6-1406. Repealed.
7-6-1407. Repealed.
7-6-1408. Repealed.
7-6-1409. Repealed.
7-6-1410. Repealed.
7-6-1411. Repealed.
7-6-1500P Part 15 – Mixed Use Zone (MXD)
7-6-1501. Purpose.
7-6-1502. Project Evaluation.
7-6-1503. Site Characteristics.
7-6-1504. Development Plan.
7-6-1505. Development Characteristics.
7-6-1506. Development Procedures.
7-6-1600P Part 16 – City Center Zone (CC)
7-6-1601. Purpose.
7-6-1602. Definitions.
7-6-1603. Applicability.
7-6-1604. Development Review.
7-6-1605. Standards for all Properties.
7-6-1606. Standards for Lehman Avenue.
7-6-1607. Standards for Market Street.
7-6-1608. Standards for Constitution Blvd. (2700 West) and 3500 South.
7-6-1609. Repealed.
7-6-1610. Standards for 3650 South.
7-6-1601.1 Standards for Weigh Station Road and Three Mill Lane.
7-6-1611. Non-conforming Use of Structures and Land.
7-6-1612. Food Vending Vehicles on Lehman Avenue.

7-6-101. ESTABLISHMENT OF ZONES.

For the purpose of this Title, the City is divided into 24 classes of zones as follows:

Agricultural Zone:
- A
- A-1
- A-2

Residential Zones:
- RE
- R-1-4
- R-1-6
- R-1-7
- R-1-8
- R-1-10
- R-1-12
- R-1-15
- R-1-20
- R-2-6.5
- R-2-8
- RM
- RMH

Commercial Zones:
- C-1
- C-2
- C-3

Manufacturing Zone:
- M

Business Research Park Zone:
- B/RP

Residential Business Zone:
- RB

Mixed Use Zone:
- MXD

City Center Zone:
- CC

(Ord. No. 94-109 Amended 12/20/1994; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 15-27 Amended 08/13/2015)

7-6-102. MAPS.

Each section of the City, which is hereby amended or zoned, is shown on the maps on file with the West Valley City Planning Commission, and such maps are made by this reference, as such, a part of this Title as if fully described and detailed herein.

7-6-103. FILING OF ORDINANCE AND MAPS.

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

7-6-104. RULES FOR LOCATING BOUNDARIES.

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

(1) Wherever the zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley or block, or such property line, shall be construed to be the boundary of such zone.

(2) Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land or any section line, then, in such case, the center of such stream, canal or waterway, or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.

7-6-200P PART 2 - AGRICULTURAL ZONES

7-6-201. PURPOSE.

The purpose of these zones is to provide areas in the City for agricultural uses, together with rural or very low-density residential development.

(Ord. No. 94-109 Amended 12/20/1994)

7-6-202. PERMITTED USES.

The following are permitted uses in the A or A-1 zones; no other permitted uses are allowed, except as provided in Section 7-2-115:

(1) Agriculture
(2) Community uses
(3) Fruit and vegetable stands - seasonal
(4) Home occupations - minor
(5) Noncommercial raising, training and grazing of animals (see Section 7-6-211)
(6) Signs (see Title 11 - Sign Ordinance)
(7) Single-family dwellings
(8) Uses customarily accessory to listed permitted uses
(9) Household pets
(10) Temporary non-residential buildings

(Ord. No. 94-62 Amended 07/27/1994; Ord. No. 94-109 Amended 12/20/1994; Ord. No. 97-22 Amended 04/22/1997; Ord. No. 97-65 Amended 12/09/1997; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)

7-6-203. CONDITIONAL USES.

The following are conditional uses in the A, A-1, and A-2 Zones; no other conditional uses are allowed, except as provided in Section 7-2-115:

(1) Day care/preschool centers in conjunction with a church
(2) Home occupations - major
(3) Residential facilities for elderly persons

(4) Public utility installations (except lines and rights-of-way)
(5) Radio and television transmission antennas, transmitting stations and related facilities
(6) Commercial raising, rental, stabling, training and grazing of animals
(7) Equestrian schools; horse riding schools; outdoor arenas
(8) Boarding kennels; sportsman's kennels; veterinary hospitals
(9) Turf Farm Equipment Manufacturing

(Ord. No. 97-22 Amended 04/22/1997; Ord. No. 97-65 Amended 12/09/1997; Ord. No. 01-41 Amended 06/21/2001; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 13-18 Amended 4/26/2013; Ord. No. 15-27 Amended 08/13/2015)

7-6-204. AREA REGULATIONS.

(1) For the A zone, the minimum lot area shall be one-half acre, with the following exceptions:
    a. For veterinary hospitals, kennels, and animal training, one acre shall be required.
    b. For agricultural industry, radio and television facilities, and condominiums/planned unit developments, five acres shall be required.
    c. For turf farm equipment manufacturing, 5 acres shall be required.
(2) For the A-1 zone, the minimum lot area shall be one acre.

(Ord. No. 94-62 Amended 07/27/1994; Ord. No. 94-109 Amended 12/20/1994; Ord. No. 13-18 Amended 4/26/2013)

7-6-205. WIDTH REGULATIONS.

The minimum width of any lot shall be 100 feet.

7-6-206. SIDE YARD REGULATIONS.

(1) Dwellings and accessory buildings: The minimum side yard shall be 10 feet. On corner lots, the side yard which faces a public or private street shall be 20 feet. Minimum side yard provisions of this section shall apply to all structures.
(2) Radio and television transmission antennas: The minimum side yard shall be equal to the height of the antenna, plus 30 feet.

(Ord. No. 06-69 Amended 10/24/2006)

7-6-207. FRONT YARD REGULATIONS.

The minimum front yard for all buildings shall be 30 feet. The minimum front yard for transmission antennas shall be the same as the side yard listed above.

(Ord. No. 06-69 Amended 10/24/2006)

7-6-208. REAR YARD REGULATIONS.

(1) The minimum rear yard for main buildings shall be 30 feet, and for accessory buildings, 10 feet. The minimum rear yard for transmission antennas shall be the same as the side yard.

(2) All structures or enclosures for the keeping of animals shall be located a minimum of 40 feet from any dwelling. If no dwelling exists, such structures or enclosures shall be located a minimum of 100 feet from any public street. Structures or enclosures shall include stables, barns, pens, coops, corrals or kennels.

(Ord. No. 06-69 Amended 10/24/2006)

7-6-209. SETBACK STANDARDS.

Existing agriculture lots which have an area less than one-half acre may apply the single family setback standards for accessory buildings. If the single family setback standards are applied, the accessory building shall comply with the area requirements and shall be subordinate in height and area to the single family dwelling. This exception does not apply to structures used for the keeping of animals.

(Ord. No. 01-41 Amended 06/21/2001; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 10-39 Amended 01/06/2011)

7-6-210. HEIGHT REGULATIONS.

(1) Residential main buildings and accessory buildings: Not more than two and one-half stories or 35 feet, or less than one story.
(2) Transmission antennas: No restriction on height provided that the antennas shall be set back from all property lines a distance equal to the height of the antenna plus 30 feet.
(3) Agricultural and other main or accessory buildings: Not more than two and one-half stories or 35 feet.

(Ord. No. 01-41 Amended 06/21/2001; Ord. No. 06-69 Amended 10/24/2006)

7-6-211. LIVESTOCK LIMITATIONS.

The maintenance and keeping of livestock on a lot or parcel of land in an agricultural A or A-1 zone as a permitted use shall be limited to a total of 200 animal points per acre, as determined from the chart below. For land not totaling even acre amounts, points will be allotted by multiplying the fractional amount of land times 200. (Example: A 3/4 acre parcel would be figured as follows: .75 x 200, equaling 150 allotted points.)

TYPE OF ANIMAL	NUMBER OF POINTS PER ANIMAL
Large Sized Adult Over 1 Year of Age: (Over 40 inches in height at top of shoulders) Horse Cattle Llama Ostrich Camel Bison Etc.	40
Medium Sized Adult Over 1 Year of Age: (20 to 40 inches in height at top of shoulders)	20

Miniature Cattle Pig Miniature Horse Sheep Goat Emu Rhea Etc.	
Small Sized Adult Over 4 Months of Age: (Less than 20 inches in height at top of shoulders) Chicken Goose Swan Parrot Pigeon Rabbit Chinchilla Peafowl Etc.	1

Additional review by the Planning Commission may be allowed to permit greater numbers of animals or fowl, depending on available facilities such as shelter, exercise, or sanitation.

All livestock shall be fenced appropriately.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 95-39 Amended 08/24/1995; Ord. No. 01-41 Amended 06/21/2001)

7-6-212. AGRICULTURAL AREA NOTIFICATION.

All new subdivisions shall include the following notification on the plat:
"This area is subject to the normal, everyday sounds, odors, and all other aspects associated with an agricultural life style."

(Ord. No. 95-39 Enacted 08/24/1995; Ord. No. 01-41 Renumbered 06/21/2001)

7-6-213. REPEALED.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 95-39 Renumbered 08/24/95, 7-6-211; Ord. 01-41 Amended, 06/21/2001; Ord. 02-43, Amended 07/16/2002; Ord. No. 06-69 Repealed 10/24/2006)

7-6-214. SITE DEVELOPMENT.

Site development on agricultural lots with single-family dwellings shall conform to Section 7-14-105 of this Title.

(Ord. No. 06-69 Added 10/24/2006)

7-6-215. ADDITIONAL TURF FARM EQUIPMENT MANUFACTURING STANDARDS.

(1) All assembly, repair, storage and maintenance must be conducted within an enclosed structure.
(2) The total area dedicated to this use within a structure or structures shall not exceed 25,000 square feet.
(3) Must provide a hard surface access to the facility and hard surface parking for employees and customers.

(4) All structures used for this purpose must be setback at least 75' from any residential zone boundary.

(Ord. No. 13-18 Enacted 04/26/2013)

7-6-216. A-2 ZONE.

The A-2 zone shall be identical to the A and A-1 zones in all respects and requirements, except for the minimum lot size. The minimum lot size for the A-2 Zone is 2 acres.

(Ord. No. 15-27 Enacted 08/13/2015)

7-6-217. RESERVED.

7-6-218. RESERVED.

7-6-219. RESERVED.

7-6-220. PARKING RESTRICTIONS

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street.

(Ord. No. 15-27 Enacted 08/13/2015)

7-6-221. SUBDIVISION STANDARDS

(1) Only single family dwellings are permitted.
(2) A Home Owners Association ("HOA") shall be established when one or more 6' masonry walls are required to be constructed. The HOA shall be responsible for the landscaping maintenance of the property between the 6' masonry wall and the sidewalk.
(3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
(4) Traffic calming features must be incorporated in the design of the streets.
(5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.

(6) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.

(Ord. No. 15-27 Enacted 08/13/2015)

7-6-300P PART 3 - SINGLE FAMILY RESIDENTIAL ZONES

7-6-301. PURPOSE.

The purpose of this zone is to provide areas in the City for large lot to low density single-family residential development.

(Ord. No. 06-69 Amended 10/24/2006)

7-6-302. ZONE DESIGNATIONS.

The designations R-1-4, R-1-6, R-1-7, R-1-8, R-1-10 , R-1-12, R-1-15 and R-1-20 shall represent specific identifying characteristics of each zone. "R" indicates the zone is designated for residential use. The number "1" to the right of the "R" shall indicate that the zone is designated for single-family dwellings and the numbers "4," "6," "7," "8", "10", “12”, “15” and “20” shall indicate the requirement that each single-family dwelling be located on a lot measuring 4,000, 6,000, 7,000, 8,000 or 10,000 square feet, respectively.

(Ord. No. 06-69 Amended 10/24/2006)

7-6-303. PERMITTED USES.

The following are permitted uses in all single-family residential zones; no other permitted uses are allowed, except as provided in Section 7-2-115:

(7) Agriculture
(8) Community Uses
(9) Home occupations - Minor
(10)Household pets
(11)Signs (see Title 11 - Sign Ordinance)
(12)Single-family dwellings
(13)Temporary non-residential buildings
(14)Uses customarily accessory to listed permitted uses

(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)

7-6-304. CONDITIONAL USES.

The following are conditional uses in all single-family residential zones; no other conditional uses are allowed, except as provided in Section 7-2-115:

(1) Condominiums; planned unit developments
(2) Public utility installations (except lines and rights-of-way)
(3) Residential facilities for elderly persons

(4) Day-care/preschool centers in conjunction with a church
(5) Home occupations – Major
(6) Crisis Nursery and Counseling Center

(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 07-48 Amended 08/21/2007)

7-6-305. MINIMUM LOT AND SETBACK REQUIREMENTS.

(1) The following shall be the minimum lot areas, widths and setbacks in single-family residential zones:

Zone	Lot Area	Lot Width	F	S	Garage Side	R
R-1-4	4,000 S.F.	50'	25'	0'	10'	20'
R-1-6	6,000 S.F.	65'	25'	6'	10'	20'
R-1-7	7,000 S.F.	70'	25'	8'	10'	20'
R-1-8	8,000 S.F.	80'	25'	8'	10'	20'
R-1-10	10,000 S.F.	90'	30'	8'	10'	20'
R-1-12	12,000 S.F.	90’	30’	10’	10’	30’
R-1-15	15,000 S.F.	95’	30’	10’	10’	30’
R-1-20	20,000 S.F.	100’	35’	10’	10’	30’

F = Front
R = Rear
S = Side

(2) For homes existing as of the effective date of this ordinance, April 18, 1990, the side yard setback may be reduced to a minimum of four feet adjacent to a garage, and five feet adjacent to a carport. The garage or carport shall be no more than one-story, must be attached to the home, shall continuously function as a storage area for vehicles and cannot be converted to living space for a dwelling.
(3) For homes constructed prior to July 8, 1986, the rear yard setback may be reduced to a minimum of 15 feet provided the home has an attached or detached double car garage.
(4) The width of lots on cul-de-sacs shall be measured at the front setback line. Such widths may be reduced a maximum of five feet from widths listed above.
(5) The width of corner lots shall be increased by 10 feet from the minimum width listed above. The minimum side yard abutting a public or private street shall be 20 feet.
(6) Accessory buildings placed in the rear yard shall meet the standards in 6(a). Accessory buildings placed in the side yard shall meet the standards in 6(b).
    a. Accessory buildings may be located in the rear yard to within one foot of the side and rear property lines, provided the building has at least three feet of separation from the rear of the dwelling, does not encroach on any recorded easements, and occupies no

more than 25 percent of the rear yard, and is located no closer than 10 feet to a dwelling on an adjacent lot. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the accessory building. Where a sound wall exists, the accessory building shall be at least 1 foot from the side and rear property lines.

b. Accessory buildings placed in the side yard shall meet the setback standards in paragraph 1 of this Section. One accessory building per property is permitted to encroach in to the side yard setback, but only if it meets all of the following standards:
    i. The accessory building is less than 120 square feet in area; and
    ii. The accessory building is at least 1' from the side property line and 1' from the dwelling or primary building on the same lot; and
    iii. The accessory building is not located in a side yard that is adjacent to a street; and
    iv. The accessory building's exterior materials are constructed and maintained in accordance with West Valley City Code Section 24-7-105. No metal is allowed as an exterior material; and
    v. The accessory building is no taller than 8' in height.

(Ord. No. 93-65 Amended 12/02/1993; Ord. No. 94-54 Amended 06/22/1994; Ord. No. 98-45 Amended 06/09/1998; Ord. No. 99-61B Amended 10/14/1999; Ord. No. 01-42 Amended 06/21/2001; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 09-33 Amended 10/29/2009; Ord. No. 10-34 Amended 11/08/2010; Ord. No. 12-28 Amended 06/28/2012)

7-6-306. HEIGHT RESTRICTIONS.

No building or structure shall be erected to a height greater than two and one-half stories or 30 feet. No dwelling shall be constructed to a height less than one story. Height of accessory buildings shall not exceed one story or 20 feet. For each foot of height over 14 feet, accessory buildings shall be set back from property lines an additional foot to allow a maximum height of 20 feet.

7-6-307. PARKING RESTRICTIONS.

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street in any single-family residential zone.

7-6-308. SITE DEVELOPMENT.

Site development on single-family residential lots shall conform to Section 7-14-105 of this Title.

7-6-400P PART 4 - RESIDENTIAL ZONE R-2-6.5

7-6-401. PURPOSE.

The purpose of this Zone is to provide areas in the City for moderate density residential development.

7-6-402. PERMITTED USES.

The following are permitted uses in the R-2-6.5 Zone; no other permitted uses are allowed except as provided in Section 7-2-115:

(1) Agriculture
(2) Household pets
(3) Signs
(4) Home occupations - Minor
(5) Single-family dwellings
(6) Community uses
(7) Residential facilities for elderly persons
(8) Temporary non-residential buildings
(9) Uses customarily accessory to listed permitted uses

(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)

7-6-403. CONDITIONAL USES.

The following are conditional uses in the R-2-6.5 Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

(1) Daycare/preschool centers in conjunction with a church
(2) Home occupations - Major
(3) Condominiums, planned unit developments
(4) Public utility installations (except lines and rights-of-way)
(5) Two-family dwellings

(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)

7-6-404. AREA REGULATIONS.

The minimum lot area shall be not less than 8,000 square feet for each one family dwelling, or 6,500 square feet for each two-family dwelling, and not less than 8,000 square feet for main buildings other than dwellings.

7-6-405. WIDTH REGULATIONS.

The minimum width of any lot shall be 60 feet, at a distance 25 feet back from the front lot line.

7-6-406. SIDE AND REAR YARD REGULATIONS.

The minimum side yard for any dwelling shall be eight feet and the total width of the two required side yards shall be not less than 18 feet. The minimum rear yard for any dwelling shall be 20 feet. Accessory buildings may be located in the rear yard to within one foot of the side and rear property lines, provided the building has at least three feet of separation from the rear of the dwelling, does not encroach on any recorded easements, and occupies no more than 25 percent of the rear yard, and is located no closer than 10 feet to a dwelling on an adjacent lot. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall

exists separating the street from the accessory building. Where a sound wall exists, the accessory building shall be at least 1 foot from the side and rear property lines.

(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 10-34 Amended 11/08/2010)

7-6-407. FRONT YARD REGULATIONS.

The minimum depth of the front yard shall be 25 feet.

(Ord. No. 06-69 Amended 10/24/2006)

7-6-408. REPEALED.

(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 06-69 Repealed 10/24/2006)

7-6-409. HEIGHT REGULATIONS.

No building or structure shall be erected to a height greater than two and one-half stories or 35 feet, and no dwelling structure shall be erected to a height less than one story.

7-6-500P PART 5 - RESIDENTIAL ZONE R-2-8

7-6-501. PURPOSE.

The purpose of this Zone is to provide areas in the City for medium density residential development.

(Ord. No. 06-69 Amended 10/24/2006)

7-6-502. PERMITTED USES.

The following are permitted uses in the R-2-8 Zone; no other permitted uses are allowed except as provided in Section 7-2-115:

(1) Agriculture
(2) Household pets
(3) Signs
(4) Home occupations - Minor
(5) Single-family dwellings
(6) Community uses
(7) Residential facilities for elderly persons
(8) Temporary non-residential buildings
(9) Uses customarily accessory to listed permitted uses

(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)

7-6-503. CONDITIONAL USES.

The following are conditional uses in the R-2-8 Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

(1) Daycare/preschool centers in conjunction with a church.
(2) Home occupations - Major.
(3) Public utility installations (except lines and rights-of-way).
(4) Two-family dwellings.
(5) Condominiums, planned unit developments
(6) Twin homes

(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 01-54 Amended 11/20/2001; Ord. No. 04-63 Amended 12/21/2004; Ord. No. 06-69 Amended 10/24/2006)

7-6-504. AREA REGULATIONS.

The minimum lot area shall be not less than 8,000 square feet, except for twin homes where the minimum lot size shall be not less than 4,000 square feet.

(Ord. No. 01-54 Amended 11/20/2001; Ord. No. 04-63 Amended 12/21/2004)

7-6-505. WIDTH REGULATIONS.

The minimum width of any lot except twin home lots shall be 80 feet, at a distance 30 feet back from the front lot line. For twin homes, the minimum width of any lot shall be 40 feet, at a distance 30 feet back from the front lot line.

(Ord. No. 01-54 Amended 11/20/2001; Ord. No. 04-63 Amended 12/21/2004)

7-6-506. SIDE YARD REGULATIONS.

The minimum side yard for any dwelling except a twin home shall be eight feet and the total width of the two required side yards shall be not less than 18 feet. For twin homes, the minimum side yard shall be ten feet. Other main buildings shall have a minimum side yard of 20 feet and the total width of the two yards shall be not less than 40 feet. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear and at least six feet away from the main building shall have a minimum side yard of not less than one foot, provided that no private garage or other accessory building shall be located closer than 10 feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than 20 feet.

(Ord. No. 01-54 Amended 11/20/2001; Ord. No. 04-63 Amended 12/21/2004)

7-6-507. FRONT YARD REGULATIONS.

The minimum depth of the front yard shall be 25 feet.

(Ord. No. 01-54 Amended 11/20/2001; Ord. No. 06-69 Amended 10/24/2006)

7-6-508. REAR YARD REGULATIONS.

The minimum depth of the rear yard for any main building shall be 20 feet, and for accessory buildings one foot. On double frontage or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street unless a sound wall exists separating the street from the accessory building. Accessory buildings may be located in the rear yard to within one foot of the side and rear property lines, provided the building has at least three feet of separation from the rear of the dwelling, does not encroach on any recorded easements, and occupies no more than 25 percent of the rear yard, and is located no closer than 10 feet to a dwelling on an adjacent lot. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the accessory building. Where a sound wall exists, the accessory building shall be at least 1 foot from the side and rear property lines.

(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 01-54 Amended 11/20/2001; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 10-34 Amended 11/08/2010)

7-6-509. HEIGHT REQUIREMENTS.

No building or structure shall be erected to a height greater than 2-1/2 stories or 35 feet, and no dwelling structure shall be erected to a height less than 1 story.

7-6-600P PART 6 – RESIDENTIAL ESTATE ZONE ("RE ZONE")

7-6-601. PURPOSE.

The purpose of this zone is to provide areas in the City for large, estate lots for single family residential development.

(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)

7-6-602. PERMITTED USES

The following are permitted uses in the RE Zone; no other permitted uses are allowed:

(1) Agriculture
(2) Community Uses
(3) Home occupations – Minor, as defined in Title 7, Chapter 8.
(4) Household pets
(5) Signs (see Title 11 - Sign Ordinance)
(6) Single-family dwellings
(7) Temporary non-residential buildings
(8) Uses customarily accessory to listed permitted uses

(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)

7-6-603. CONDITIONAL USES.

The following are conditional uses in the RE Zone; no other conditional uses are allowed:

(1) Public utility installations (except lines and rights-of-way)
(2) Home occupations – Major, as defined in Title 7, Chapter 8.
(3) Planned unit developments that meet the requirements of 7-6-609.

(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)

7-6-604. MINIMUM LOT SIZE, FRONTAGE AND SETBACK REQUIREMENTS.

(1) The minimum lot size in the RE Zone is 12,000 square feet, except as provided in Section 7-6-609 of this Title. For single lot subdivisions, the single lot shall not be less than 15,000 square feet.
(2) The average lot size in the RE Zone shall be equal to or greater than 15,000 square feet, except as provided in Section 7-6-609 of this Title. For the purposes of this Section, average shall be calculated as follows: total subdivision lot square footage number divided by the total number of subdivision lots.
(3) The minimum frontage in the RE Zone is 100' wide.
(4) The minimum front yard setback in the RE Zone is 30'. The minimum side yard setbacks in the RE Zone are 10'. Minimum side yard setbacks for corner lots are 20'.
(5) The minimum rear yard setback in the RE Zone is 30'.
(6) Accessory Buildings shall meet the setback requirements set forth in this Section 7-6-604, except for the rear yard setback, which is a minimum of 10' for Accessory Buildings.

(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998); Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)

7-6-605. LANDSCAPING STANDARDS.

All front yards shall be landscaped and include adequate irrigation to maintain live landscaping. All parkstrips and property between the 6' masonry walls and sidewalks shall be landscaped. Landscaping shall include 3 trees per frontage per lot. All landscaping required in this Section 7-6-605 shall be installed and completed within 6 months of the issuance of the Certificate of Occupancy.

(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)

7-6-606. LANDSCAPING BONDS REQUIRED.

Landscaping bonds must be deposited with the City in accordance with 7-6-608 and 7-6-609.

(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)

7-6-607. PARKING RESTRICTIONS.

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street.

(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)

7-6-608. SUBDIVISION STANDARDS.

(1) Only single family dwellings are permitted.
(2) A Home Owners Association ("HOA") shall be established when one or more 6' masonry walls are required to be constructed. The HOA shall be responsible for the landscaping maintenance of the property between the 6' masonry wall and the sidewalk.
(3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
(4) Traffic calming features must be incorporated in the design of the streets.
(5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
(6) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
(7) A landscaping bond in the amount of $5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.

(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)

7-6-609. PLANNED UNIT DEVELOPMENT ("PUD") STANDARDS.

The minimum lot size in an RE Zone may be reduced to 10,000 square feet for PUDs provided the following standards are met:

(1) The average lot size for PUDs shall be equal to or greater than 12,000 square feet. For the purposes of this Section, average shall be calculated as follows: total PUD lot square footage number divided by the total number of PUD lots.
(2) Only single family dwellings are permitted.
(3) A Home Owners Association ("HOA") shall be established to maintain landscaping, parking areas, and other general maintenance of common areas.
(4) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
(5) Traffic calming features must be incorporated in the design of the streets.
(6) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.

(7) A trail system shall be required. The trail system shall provide access to, through, and between common open space areas and extend to adjoining community amenities, such as public parks and schools.
(8) A minimum of 20% of the total PUD development is required for common open space.
(9) Unique streetscapes are required comprising of, but not limited to: specialty lighting; minimum 8' wide parkstrips; and narrow street widths.
(10) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
(11) A landscaping bond in the amount of $5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.
(12) Amenities must be included in the PUD, with the number depending on the size of the PUD. Potential amenities include, but are not limited to: clubhouse; community garden; swimming pool; sport court; playground; pocket park; water feature; and picnic shelter and barbeque area with seating.

(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)

7-6-700P PART 7 - RESIDENTIAL ZONE R-4-8.5

7-6-701. PURPOSE.

The purpose of this Zone is to provide areas in the City for medium to high density residential development.

(Ord. No. 06-69 Amended 10/24/2006)

7-6-702. PERMITTED USES.

The following are permitted uses in the R-4 Zone; no other permitted uses are allowed except as provided in Section 7-2-115:
(1) Agriculture
(2) Household pets
(3) Signs
(4) Single-family dwellings
(5) Home occupations - Minor
(6) Residential facilities for elderly persons
(7) Community uses.
(8) Temporary non-residential buildings
(9) Uses customarily accessory to listed permitted uses

(Ord. No. 01-43 Amended 06/27/2001; Ord. No. 06-69 Amended 10/24/2006)

7-6-703. CONDITIONAL USES.

The following are conditional uses in the R-4 Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

(1) Daycare/preschool centers in conjunction with a church.
(2) Two-family dwellings
(3) Three-family dwellings
(4) Four-family dwellings
(5) Home occupations - Major
(6) Public utility installations (except lines and rights-of-way)
(7) Nursing homes, convalescent centers
(8) Condominiums, planned unit developments
(9) Twin homes
(10) Apartments

(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 01-43 Amended 06/27/2001; Ord. No. 06-69 Amended 10/24/2006)

7-6-704. AREA REGULATIONS.

The minimum lot area shall be not less than 8,000 square feet for each one-family dwelling, a minimum lot area of 9,000 square feet for each two to four family dwelling.

(Ord. No. 01-43 Amended 06/27/2001)

7-6-705. WIDTH REGULATIONS.

The minimum width of any lot shall be 80 feet, at a distance 25 feet back from the front lot line.

(Ord. No. 01-43 Amended 06/27/2001)

7-6-706. SIDE YARD REGULATIONS.

The minimum side yard for any building shall be ten feet. On corner lots, the side yard which faces on a street for main buildings shall be not less than 20 feet unless a sound wall exists separating the street from the accessory building. Private garages and other accessory buildings located in the rear and at least six feet away from the main building shall have a minimum side yard of not less than one foot, unless a sound wall exists separating the street from the accessory building.

(Ord. No. 01-43 Amended 06/27/2001)

7-6-707. FRONT YARD REGULATIONS.

The minimum depth of the front yard for main buildings and for private garages shall be 25 feet.

(Ord. No. 01-43 Amended 06/27/2001)

7-6-708. REAR YARD REGULATIONS.

The minimum depth of the rear yard for any main building shall be 30 feet. On lots with multiple street frontages, the rear yard for main buildings shall be 30 feet. Accessory buildings shall maintain a one foot separation from property line if a sound wall exists separating the street from the accessory building.

(Ord. No. 01-43 Amended 06/27/2001)

7-6-709. HEIGHT REGULATIONS.

No building or structure shall be erected to a height greater than two and one-half stories or 35 feet, and no dwelling structure shall be erected to a height less than one story.

7-6-800P PART 8 - RESIDENTIAL ZONE RM

7-6-801. PURPOSE.

The purpose of this Zone is to provide areas in the City for medium, high and very high density residential development.

(Ord. No. 05-44 Amended 10/04/2005)

7-6-802. PERMITTED USES.

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

(1) Agriculture
(2) Community uses
(3) Household pets
(4) Signs
(5) Single-family dwellings
(6) Home occupations - Minor
(7) Residential facilities for elderly persons
(8) Temporary non-residential buildings
(9) Uses customarily accessory to listed permitted uses

(Ord. No. 05-44 Amended 10/04/2005; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)

7-6-803. CONDITIONAL USES.

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

(1) Apartments
(2) Day care/Preschool centers
(3) Public utility installations (except lines and rights-of-way)
(4) Home Occupations - Major

(5) Hospitals
(6) Nursing homes, convalescent center
(7) Offices - business and/or professional
(8) Parking lots
(9) Condominiums, Planned unit developments
(10) Twin homes

(Ord. No. 97-65 Amended 12/09/97; Ord. No. 05-44 Amended 10/04/2005; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)

7-6-804. AREA AND DENSITY REGULATIONS.

The minimum lot area shall be 8,000 square feet for each single family and twin home. The minimum lot area shall be 4,000 square feet per dwelling unit for twin homes. For all other uses, the minimum lot area shall be 20,000 square feet. The maximum density for residential uses shall be determined by the General Plan land use designation.

(Ord. No. 05-44 Amended 10/04/2005)

7-6-805. WIDTH REGULATIONS.

(1) The minimum width of any single family dwelling lot shall be the same used for the R-1-8 Zone.
(2) The minimum width of any twin home shall be the same used for the R-2-8 Zone.
(3) For all other uses, the minimum lot width shall be 100 feet.

(Ord. No. 05-44 Amended 10/04/2005)

7-6-806. SIDE YARD REGULATIONS.

(1) The minimum side yard setbacks for a single family home dwelling shall be the same as those used for the R-1-8 Zone.
(2) The minimum side yard setbacks for a twin home shall be the same as those used for the R-2-8 Zone.
(3) For all other uses, the minimum side yard setbacks shall be 10 feet, except that accessory buildings located at least six feet away from the main building(s), shall have a minimum side yard setback of no less than one foot. Garages used in apartment or condominium developments may be placed adjacent to the side property line to function as a screen wall as determined by the Planning Commission provided that no portion of the garages, including footings, encroach on neighboring properties without proper authorization. On corner lots, the side yard which faces on a street, shall be no less than 20 feet.

(Ord. No. 05-44 Amended 10/04/2005)

7-6-807. FRONT YARD REGULATIONS.

(1) For all residential uses, the minimum front yard setback shall be 25 feet except as provided below. The Planning Commission may, as part of a conditional use review, reduce the setback to

no less than 15'. The Planning Commission shall use the following criteria to determine whether or not a reduced setback is appropriate:

a. the configuration and width of the adjacent street right-of-way,
b. the setbacks of neighboring uses,
c. whether or not on-street parking is allowed on the adjacent street,
d. whether or not parking will be allowed within the front yard,
e. the quality of the landscaping proposed for the front yard, and
f. the quality of the architecture.

(2) For all non-residential uses, the minimum front yard setback shall be 20 feet.

(Ord. No. 05-44 Amended 10/04/2005)

7-6-808. REAR YARD REGULATIONS.

(1) The minimum rear yard setback for a single family home dwelling shall be the same used for the R-1-8 Zone.
(2) The minimum rear yard setback for a twin home shall be the same used for the R-2-8 Zone.
(3) For all other uses, the minimum rear yard setback shall be 20 feet, except that accessory buildings located in the rear yard and at least three feet away from the main building(s), shall have a minimum side yard setback of no less than one foot. Garages used in apartment or condominium developments may be placed adjacent to the rear property line to function as a screen wall as determined by the Planning Commission provided that no portion of the garages, including footings, encroach on neighboring properties without proper authorization. On double-frontage lots, accessory buildings shall not be allowed within 25 feet of any dedicated street, unless a sound wall exists separating the street from the accessory buildings. Where a sound wall exists, the accessory buildings shall be at least 1 foot from the side and rear property lines.

(Ord. No. 05-44 Amended 10/04/200; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 10-34 Amended 11/08/2010)

7-6-809. HEIGHT REGULATIONS.

No building or structure shall be erected to a height greater than six stories or 75 feet, and no dwelling structure shall be erected to a height less than one story. For properties that are adjacent to residential uses with buildings with two stories or less, the maximum height at the minimum side and rear setback shall be 25 feet. For each foot of height over 25 feet, buildings shall be setback from the side and rear property lines an additional foot to allow a maximum height of 75 feet.

(Ord. No. 05-44 Amended 10/04/2005)

7-6-810. COVERAGE REGULATIONS.

No building or group of buildings, with their accessory buildings, shall cover more than 60 percent of the area of the lot.

7-6-900P PART 9 - RESIDENTIAL MOBILE HOME (RMH) ZONE

7-6-901. PURPOSE.

The purpose of the Residential Mobile Home Zone is to provide appropriate areas for development of mobile home parks and mobile home subdivisions that are compatible with neighborhoods in the City.

7-6-902. PERMITTED USES.

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

(1) Agriculture
(2) Household pets
(3) Community uses
(4) Home occupations - Minor
(5) Single-family dwellings
(6) Signs
(7) Residential facilities for elderly persons
(8) Temporary non-residential buildings
(9) Uses customarily accessory to listed permitted uses

(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)

7-6-903. CONDITIONAL USES.

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

(1) Beauty salons and coin laundry located within an existing clubhouse building
(2) Daycare/preschool centers in conjunction with a church
(3) Home occupations - Major
(4) Mobile homes (in a mobile home park or in a mobile home subdivision only)
(5) Mobile home subdivisions
(6) Mobile home parks that comply with the Mobile Home Chapter
(7) Planned unit developments
(8) Public utility installations (except lines and rights-of-way)

(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 09-34 Amended 11/7/2009)

7-6-904. STANDARDS FOR MOBILE HOME SUBDIVISION.

A mobile home park subdivision is a subdivision of residential lots intended for the placement of mobile homes under separate ownership.

7-6-905. AREA REGULATIONS.

Minimum area for the mobile home subdivision shall be five acres. No minimum area per lot provided the required yards for each mobile home can be created and maintained. The minimum lot area shall be 8,000 square feet for single-family subdivision development.

7-6-906. WIDTH REGULATIONS.

No minimum lot width.

7-6-907. SIDE YARD REGULATIONS.

Each mobile home shall maintain a minimum of two 7'6" side yards. Awnings, patio covers, etc., shall not be closer than three feet from any side property line. One accessory storage building not exceeding 120 cubic feet is allowed in one side yard and may be three feet from the property line. On corner lots, there shall be a minimum 7'6" unobstructed yard space on the street side of the lot. (No parking, awnings, patios, storage, sheds or fences.)

7-6-908. FRONT YARD REGULATIONS.

Each mobile home shall set back a minimum of 25 feet from the front property line.

7-6-909. REAR YARD REGULATIONS.

The minimum depth of the rear yard shall be 10 feet.

7-6-910. COVERAGE REGULATIONS.

The front yard or any space within three feet of the side and rear property lines shall not be occupied and be open and unobstructed to the sky. Lot coverage shall not exceed 75 percent of the lot. "Occupied" shall mean covered by a mobile home, garage, carport, cabana, awning, storage building or structure of any kind.

7-6-911. EXCEPTION TO YARDS.

Any yard adjoining a public street must be 25 feet.

7-6-912. HEIGHT REGULATIONS.

No mobile home shall be erected to a height greater than one story which shall not exceed 12 feet. Accessory buildings (storage, garage, etc.) shall not exceed one story or 12 feet. Other main buildings (club houses, recreation buildings, etc.) shall not be erected to a height greater than 25 feet.

7-6-913. SPECIAL REGULATIONS.

Maintenance of all areas and improvements owned in common by the lot owners, such as club houses, common landscaped areas, recreation facilities, playgrounds, roads, sewer and water utilities,

and electrical systems, shall be the responsibility of an Owner's Association created with Articles of Association and Bylaws approved by the City Attorney.

7-6-914. SUBDIVISION REVIEW PROCEDURE.

A mobile home subdivision shall follow the review and approval process as outlined in the Subdivision regulations.

7-6-1000P PART 10 - COMMERCIAL ZONES

7-6-1001. PURPOSE.

The Commercial Zones have been divided into three classifications designed to reflect the degree to which commercial development impacts other adjacent uses. The three zone areas are as follows:

(1) Neighborhood Commercial C-1:
   a. The Neighborhood Commercial Zone is established to provide locations for convenience shopping facilities which serve a neighborhood-oriented market. Such shopping facilities would supply necessities which usually require frequent purchasing with a minimum of consumer travel.
   b. Neighborhood Commercial Zones shall be located so that their distribution pattern throughout the City reflects their neighborhood orientation. Such zones shall not be so large or broad in scope of services as to attract substantial trade from outside the neighborhood. These zones shall not be located in close proximity to any other commercial zone.
   c. Neighborhood commercial uses shall be encouraged to develop in compact centers reflecting unified designs that are architecturally compatible in terms of scale with the neighborhood in which they are located. They should be designed as an integral, homogeneous component of the neighborhood, oriented to pedestrian traffic, as well as vehicular traffic. Site selection development and uses for Neighborhood Commercial Zones shall take into account potential impacts on surrounding residential uses and measures shall be taken to minimize these impacts.

(2) General Commercial C-2:
   a. The General Commercial Zone is established to provide locations for a full range of office, retail commercial, and service uses which are oriented to serve the City as a whole, as well as a regional market in Salt Lake Valley. A variety of activities are encouraged, especially those which promote both day-time and night-time consumer activity.
   b. The General Commercial Zone includes uses usually associated with a central business district and shopping facilities which are not ordinarily compatible with single-family residential uses.
   c. In order to stabilize, improve and protect the City's commercial areas, standards are established to ensure a quality urban environment with landscaping, light and air at street level, well-defined urban spaces, and compatibility of building materials, colors and textures.

(3) Transitional Commercial C-3:
   a. The Transitional Commercial Zone is established to provide suitable locations for retail, wholesale, light manufacturing, service and outdoor recreation uses. These areas

should serve as transition zones between General Commercial and Manufacturing Zones and should be located on arterial streets.

b. The C-3 Zone serves as the location for the heaviest type of commercial activities allowed in the City. For this reason, these zones should be located so as not to occur next to residential areas and so that the appearance from the highway frontage does not present a poor image of the City.

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
20.	Light manufacturing conducted within an enclosed building	X	X	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

	Use	C-1	C-2	C-3
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
38.	Residential uses in conjunction with a Regional Shopping Mall	X	C	C
39.	a. Restaurant Liquor Retailer, Dining club b. Brew Restaurant, Brew Restaurant and Liquor Retailer, Small Brewer c. Manufacturer of Alcoholic Products	X X X	C C X	C C 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

(Ord. No. 1994-61 Amended 07/27/1994; Ord. No. 1994-76 Amended 08/15/1994; Ord. No. 1996-31 Amended 05/17/1996; Ord. No. 1997-65 Amended 12/09/1997; Ord. No. 02-07 Amended 02/05/2002; Ord. No. 02-06 Amended 03/05/2002; Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-58 Amended 09/17/2002; Ord. No. 02-60 Amended 09/17/2002; Ord. No. 02-60 Amended 09/17/2002; Ord. No. 03-26 Amended 04/01/2003; Ord. No. 03-28 Amended 04/15/2003; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 07-54 Amended 08/28/2007; Ord. No. 09-08 Amended 06/01/2009; Ord. No. 09-26 Amended 08/07/2009; Ord. No. 11-11 Amended 03/17/2011; Ord. No. 14-41 Amended 12/01/2014)

7-6-1003. SETBACK STANDARDS.

(1) The front yard setback in all commercial zones shall be as follows:
    a. The minimum building setback from any street shall be 20 feet. Parking shall not be allowed within this minimum setback area. Such areas shall be permanently landscaped, except for approved access drives.
    b. Any commercial building located adjacent to, or across a street from, a residential zone shall have the same front yard setback as that required in residential zone.
(2) The side yard setback in all commercial zones shall be as follows:
    a. No setback shall be required except as specified in (b) and (c) below.
    b. The minimum building setback from a side street shall be 20 feet. Such area shall be permanently landscaped, except for approved access drives. In C-2 and C-3 zones, parking may encroach into the landscaped setback a maximum of 10 feet, providing the following conditions are met:
        i. Berming shall be provided in the remaining 10 feet to a minimum elevations of two feet above the adjacent sidewalk;
        ii. A mixture of evergreen and deciduous trees shall be planted at the ratio of one tree for each 300 square feet of the net landscape area;
        iii. The parking encroachment shall not reduce the total landscaping on the site to less than 15 percent;
        iv. This encroachment shall not be allowed when existing or proposed residential uses are located directly across a street from a commercial use; and
        v. This encroachment shall not be allowed along those arterial streets listed in Chapter 13 of this Title.
    c. Any commercial building with a yard adjacent to the side yard of an existing or proposed residential use shall maintain a 10-foot setback. Such setback shall be permanently landscaped.
(3) The rear yard setback in all commercial zones shall be as follows:
    a. No setback shall be required, except as specified in (b) and (c) below.
    b. Any commercial building with a yard adjacent to the rear yard of an existing or proposed residential use shall maintain a 10-foot setback. Such setback shall be permanently landscaped.
    c. Commercial lots with a rear yard adjacent to a street shall comply with the setback standards specified in Section 7-6-1003(2)(b) above.
(4) Setbacks may be reduced or increased as negotiated in a development agreement through the Planning Commission and City Council.

(Ord. No. 06-81 Amended 12/05/2006)

7-6-1004. HEIGHT STANDARDS.

(1) In a C-1 Zone, no building or structure shall be erected to a height greater than two and one-half stories, or 35 feet, whichever is less.
(2) In a C-2 Zone, no building or structure shall be erected to a height greater than 75 feet. At the minimum required setback adjacent to a residential use, no building or structure shall exceed 20 feet. For each foot of height over 20 feet, buildings or structures shall be set back an additional foot.

(3) In a C-3 Zone, there shall be no limitation on building or structure height, provided that all buildings or structures shall conform to all requirements of the Uniform Building Code.

7-6-1005. AREA AND LOCATION STANDARDS.

(1) District and lot size shall conform to the following:

Zone	District Size		Lot Size		Building Coverage
	Min.	Max.	Min.	Max.	
C-1	2 acres	7 acres	20,000 SF	7 acres	30%
C-2	5 acres	none	20,000 SF	none	50%
C-3	5 acres	none	1 acre	none	75%

Two or more contiguous lots may be combined to meet the minimum district size requirement.

(2) When located at an intersection, the total acreage of C-1 zoning on one or more corners shall not exceed the maximum district size specified above, except for larger Commercial C-1 Districts existing on the effective date of this Chapter. The maximum district size of a Neighborhood Commercial Zone may be increased if the Planning Commission determines that a specific development meets the intent and purpose of the C-1 zone, as outlined in Section 7-6-1001(1).

(3) There is no minimum area required for a single-family dwelling on a commercial site, except that such dwelling shall be provided with a minimum of 100 square feet of usable, private, open space adjoining the unit. Such open space shall have a minimum dimension of not less than five feet.

(4) No C-3 Zone shall be approved which shares a common property line with an existing or proposed residential use.

7-6-1006. VEHICULAR CIRCULATION AND PARKING.

(1) Parking for each use shall conform to Chapter 9 of this Title.

(2) On a corner lot, no curb cut shall be located closer than 40 feet to the curb line intersection of streets.

(3) Curb cuts shall be not located closer than 20 feet to a side or rear lot line, and the distance between separate curb cuts serving adjacent land uses shall not be less than 40 feet unless one or more of the following circumstances apply:

   a. A common curb cut serves adjacent land uses;
   b. Curb cuts cannot meet separation standards due to narrow lot frontage;
   c. Curb cuts cannot meet separation standards due to location of existing cuts on adjacent lots; or
   d. A professional traffic engineer, after preparing a traffic study, recommends that curb cuts be located closer to interior lot lines in order to maintain a safe distance from street intersections.

(4) A commercial lot or commercial complex with less than 300 feet of frontage shall have no more than two curb cuts on any single right-of-way. One additional curb cut may be allowed for each additional 300 feet of frontage on a single right-of-way. Curb cuts shall have a minimum distance of 40 feet between them.

7-6-1007. SCREENING.

(1) Where any commercial lot shares a common boundary with a residential zone boundary, a six-foot concrete or masonry wall and approved landscape buffer shall be provided along such boundaries as specified in Section 7-6-1003. The wall shall be constructed concurrently with the foundation of the first proposed building. The six foot height of the wall shall be measured from the parking lot asphalt grade to the top of the screen wall. When future commercial use of neighboring properties is recommended in the General Plan or when the subject property borders an educational facility or other use with special security needs as determined by the Police Department, a waiver or substitute for the wall requirement may be approved. The waiver or substitution may be approved by the Planning Commission for conditional uses or by the Community and Economic Development Director or designee for permitted uses. Where a substitution will allow visibility into a neighboring residential property, the owner of the neighboring residential property must voluntarily concede a deed restriction in favor of the City. Such deed restriction shall prohibit the owner of the residential property from installing a solid fence next to the semi-transparent substitution. If the neighboring residential property owner does not voluntarily concede to a deed restriction, the substitution shall not be approved. Substitutions that allow visibility into a neighboring residential property must be six-foot powder coated, ornamental aluminum alloy or similar non-rusting product.

(2) Wherever off-street parking areas are situated adjacent to the street, a berm or retaining wall in conjunction with a berm three feet in height shall be constructed within the required front or sideyard setback to adequately screen the parking from the street.

(Ord. No. 94-75 Amended 08/15/1994; Ord. No. 01-47 Amended 11/19/2001; Ord. No. 03-23 Amended 03/08/2003; Ord. No. 10-20 Amended 07/12/2010)

7-6-1008. LANDSCAPING.

(1) Landscaping shall be required on 20 percent of the gross area of a C-1 site and 15 percent of the gross area of a C-2 or C-3 site as provided in Section 7-14-106(3)(c). Gross area is interpreted as the total site area remaining after any required right-of-way dedication.

(2) All landscaped areas shall be provided with an irrigation system capable of complete coverage of the areas and designed to minimize run-off and other wasting of water. Such system shall be maintained in a fully-operational condition.

(3) All landscaped areas shall be landscaped with a mixture of a ground cover, shrubs and trees, and may include sculptures, patios or fountains. Some of the following requirements will only address the quantity of trees to be provided, however, when trees are required, a complementary quantity of ground cover and three shrubs per tree shall also be provided.

(4) Not less than one tree shall be provided for each 300 square feet of required yard area adjacent to a residential zone boundary. For listed conditional uses, this requirement may be increased if, in the opinion of the Planning Commission, additional screening or buffering is necessary on a specific site.

(5) All landscaping shall be maintained in a healthy, neat and orderly condition, free of weeds and litter. All paved areas, walls or fences shall be in good repair without broken parts, holes, potholes or litter.

7-6-1009. GENERAL PROVISIONS.

(1) Standards listed above shall supplement the design and development standards contained in Chapter 39 of this Title.
(2) No outside storage shall be allowed for any conditional use except when expressly permitted by the Planning Commission.
(3) The Planning Commission may limit hours of operation for conditional uses which are determined to have a potential detrimental impact on residential properties in the immediate area. The Planning Commission may, from time to time, review any previously granted conditional use permit for the purpose of evaluating detrimental impact on surrounding residential properties. Based upon such evaluation, the Planning Commission may impose limitations on hours of operation where such limitations were not previously imposed.

7-6-1010. PENALTY.

Failure to maintain required improvements in a condition substantially similar to their original approved condition shall subject the owner or lessee to a fine of up to $100 for each day of noncompliance and/or revocation of business license, if, within 10 days after the mailing of a violation notice, the violation is not brought into compliance. If, due to cold weather or other environmental conditions, the violation cannot be brought into compliance within 10 days, a bond shall be submitted to guarantee compliance within a reasonable period of time.

7-6-1011. SPACING REQUIREMENTS FOR ALCOHOL ESTABLISHMENTS.

(1) No Alcohol Establishment shall be located within 600 feet of any public or private school, church, public library, public playground or park, as measured from the nearest entrance of the outlet following the shortest route of either ordinary pedestrian traffic, or where applicable, vehicular travel along public thoroughfares, whichever is closer, to the boundary of the public or private school, church, public library, public playground, school playground or park.
(2) No Alcohol Establishment shall be located within 200 feet of any public or private school, church, public library, public playground or park as measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school, church, public library, public playground or park.

(Ord. No. 02-06 Add 03/05/2002)

7-6-1012. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND CLUB LICENSEES.

(1) It is unlawful for the keeper, manager or person in charge of any restaurant, dance hall, concert hall reception center or club licensee to permit any singing, dancing, Indoor or Outdoor Public Recreation, playing of musical instruments or any other form of amusement or entertainment to be carried on the premises when the closest point of the building is within 500 feet of any residential property line after ten o’clock P.M. (10:00) P.M. and before six o'clock (6:00) A.M. This restriction should be extended to two o’clock (2:00) a.m. on January 1 of year for New Year’s Day.
(2) Parking lots must be closed and vacated within thirty (30) minutes of closing by security personnel.

(Ord. No. 07-54 Added 08/28/2007; Ord. No. 09-08 Amended 06/01/2009; Ord. No. 09-26 Amended 08/07/2009)

7-6-1100P PART 11 - MANUFACTURING ZONE

7-6-1101. PURPOSE.

The purpose of this zone is to provide areas in the City for manufacturing uses.

7-6-1102. PERMITTED USES.

The following are permitted uses in the Manufacturing Zone. No other permitted uses are allowed, except as provided in Section 7-2-115:

(1) All permitted and conditional uses listed in commercial zones and the Agricultural Zone, except residential uses, and those uses listed below as conditional uses.
(2) Manufacturing uses which include production, processing, cleaning, testing and distribution of material goods and services, except uses listed below as conditional uses.
(3) A caretaker's residence which is incidental and integrated into a primary building in which the primary use of the site is housed.
(4) Sexually-oriented businesses, as defined in Title 17, are permitted uses in the Heavy Manufacturing areas designated in the General Plan and subject to the restrictions in Chapter 15 of this Title.
(5) Uses customarily accessory and incidental to a principal use listed above.

(Ord. No. 02-58 Amended 09/17/2002; Ord. No. 10-07 Amended 03/29/2010)

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
(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.

(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-60 Amended 09/17/2002; Ord. No. 03-26 Amended 04/01/2003; Ord. No. 03-81 Amended 12/16/2003; Ord. No. 06-10 Amended 04/11/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 07-54 Amended 08/28/2007; Ord. No. 09-08 Amended 6/1/2009; Ord. No. 11-11 Amended 03/17/2011)

7-6-1104. SETBACK STANDARDS.

(1) Minimum building setback from all public or private streets shall be 25 feet. On public streets, setback shall be measured from the right-of-way line. On private streets functioning as main thoroughfares, not parking access aisles, setback shall be measured from top back of curb, or if sidewalk is existing or proposed, from edge of sidewalk.
(2) The minimum building setback may be reduced by five feet if the setback area incorporates landscape berming over two feet in height.
(3) Parking shall not be allowed within the minimum (25 feet or less) setback area, except as provided in (4) below, and such areas shall be permanently landscaped.
(4) Where a site is located adjacent to a public or private street which contains a privately maintained and landscaped median at least 10 feet in width, parking may be allowed within 10 feet of such street. The 10-foot separation between the parking and curb, gutter or sidewalk shall be completely landscaped, exclusive of access drives, with a minimum of lawn and one tree for each 300 square feet.
(5) Manufacturing development sharing a common boundary with existing or proposed residential uses shall maintain a minimum 20-foot setback from such residential areas for all structures and storage areas. Such setback areas shall contain a minimum six-foot high masonry wall located on the property line, and one five-foot high coniferous tree per 300 square feet as a minimum standard. When future commercial use of neighboring properties is recommended in the General Plan or when the subject property borders an educational facility or other use with special security needs as determined by the Police Department, a waiver or substitute for the wall requirement may be approved. The waiver or substitution may be approved by the Planning Commission for conditional uses or by the Community and Economic Development Director or designee for permitted uses. Where a waiver or substitution will allow visibility into a neighboring residential property, the owner of the neighboring residential property must voluntarily concede to a deed restriction in favor of the City. Such deed restriction shall prohibit the owner of the residential property from installing a solid fence next to the semi-transparent substitution. If the neighboring residential property owner does not voluntarily concede to a deed restriction, the substitution shall not be approved. Substitutions that allow visibility into a

neighboring residential property must be six-foot powder coated, ornamental aluminum alloy or similar non-rusting product.

(Ord. No. 94-75 Amended 08/15/1994; Ord. No. 03-23 Amended 03/08/2003; Ord. No. 06-10 Amended 04/11/2006)

7-6-1105. HEIGHT STANDARDS.

(1) For buildings and structures adjacent to public or private streets, the maximum height at the minimum building setback line shall be 20 feet. Buildings and structures exceeding 20 feet in height shall be setback one additional foot for each foot of height over 20 feet. If a building or structure (excluding cell towers) meets the Commercial Design Guidelines, found in 7-14-200, and is not located next to a residential zone, that building shall maintain the minimum front setback of twenty five (25) feet and shall not have a limitation on building or structure height.
(2) For buildings and structures sharing a common boundary with existing or proposed residential areas, the minimum building setback from such areas shall be increased two feet for each foot of height over 20 feet. Only the initial 20 feet is required to be landscaped as per Section 7-6-1104(5).

(Ord. No. 07-35 Amended 06/06/2007)

7-6-1106. SITE DEVELOPMENT STANDARDS.

(1) Site development shall conform in all respects to Chapter 14 of this Title.
(2) Landscaping:
    a. The required five percent minimum landscaping shall be located in full or in part within the required minimum setbacks from streets and residential areas.
    b. Landscaping shall also be used, in conjunction with walls and fences, to screen trash containers and other outside storage areas from public view.
    c. All landscaping required by this Title shall include a sprinkler irrigation system and shall be perpetually maintained by the owner or lessee. Failure to maintain required landscaping in a condition substantially similar to its original approved condition shall subject the owner or lessee to a fine of up to $100 per day, and/or revocation of business license, if, within 10 days after the mailing of such notice, the violation is not brought into compliance.
(3) Manufacturing development sharing a common boundary with existing or proposed residential uses:
    a. The required minimum six-foot high concrete or masonry wall shall be constructed concurrently with the foundation of the proposed building.
    b. No proposed manufacturing use shall be constructed which will allow a direct view into the rear yard of a residential use.
    c. Loading docks shall be located a minimum of 100 feet from an existing or proposed residential use. Such loading docks shall incorporate screening whether in the form of landscaping or wing walls.

(Ord. No. 06-10 Amended 04/11/2006)

7-6-1107. VEHICULAR CIRCULATION AND PARKING.

(1) Parking for each use shall conform to Chapter 9 of this Title.
(2) On a corner lot, no curb cut shall be located closer than 40 feet to the curb line intersection of streets.
(3) Curb cuts shall not be located closer than 20 feet to a side or rear lot line, and the distance between separate curb cuts serving adjacent land uses shall not be less than 40 feet, unless one or more of the following circumstances apply:
    a. A common curb cut serves adjacent land uses;
    b. Curb cuts cannot meet separation standards due to narrow lot frontage;
    c. Curb cuts cannot meet separation standards due to location of existing cuts on adjacent lots; or
    d. A professional traffic engineer, after preparing a traffic study, recommends that curb cuts be located closer to interior lot lines in order to maintain a safe distance from street intersections.
(4) An industrial lot or industrial complex with less than 300 feet of frontage shall have no more than two curb cuts on any single right-of-way. One additional curb cut may be allowed for each additional 300 feet of frontage on a single right-of-way. Curb cuts shall have a minimum distance of 40 feet between them.

(Ord. No. 98-45 Enacted 06/09/1998)

7-6-1108. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND CLUB LICENSEES.

(1) It is unlawful for the keeper, manager or person in charge of any restaurant, dance hall, concert hall reception center or club licensee to permit any singing, dancing, playing of musical instruments or any other form of amusement or entertainment to be carried on the premises when the closest point of the building is within 500 of feet of any residential property line after ten o'clock P.M. (10:00) P.M. and before six o'clock (6:00) A.M. This restriction should be extended to two o'clock (2:00) a.m. on January 1 of year for New Year's Day.
(2) Parking lots must be closed and vacated within thirty (30) minutes of closing by security personnel.

(Ord. No. 07-54 Amended 08/28/2007; Ord. No. 09-26 Amended 08/07/2009)

7-6-1109. ADDITIONAL REGULATION OF DETENTION FACILITY/JAILS

(1) No Detention Facility/Jail shall be located within one quarter mile of any public or private school, church, public library, Safe Routes to School, public playground or park, or residential zone boundary.
(2) The site should have a buffer of at least 200 feet between the fenced compound and site property line. This buffer area may include xeriscape or turf landscaping.
(3) Shall not be within 5 miles of any other Detention Facility/Jail
(4) The primary façade of the facility must meet Sections 7-14-210 through 7-14-215 of the West Valley City Commercial Design Standards.
(5) The landscaped setback along any public or private right-of-way must be at least 60 feet. The area must include a 2-3' berm with one tree planted every 600 square feet. No more than 50%

turf is allowed in this area and there must be a combination of 4 shrubs per tree with a mixture of living and non-living groundcover.

(6) The applicant shall send a notice by mail to all property owners or persons operating a business within 300 feet of the property line of a proposed Detention Facility/Jail indicating the exact location of the property and its intended use.

(Ord. No. 08-20 Added 04/14/2008)

7-6-1200P PART 12 – BUSINESS / RESEARCH PARK ZONE

7-6-1201. PURPOSE.

The purpose of this Zone is to provide for specific uses in a business park setting which will be compatible with nearby residential areas and will promote a quiet, clean environment. The Business/Research Park Zone will emphasize a high level of architectural and landscape excellence in a park-like setting. The intent is to create an attractive business park that will complement the surrounding land uses. No obnoxious odor, noise, lighting or signage will be permitted.

7-6-1202. CONCEPT PLAN AND SITE PLAN REVIEW.

An overall conceptual site plan encompassing the entire Business/Research Park Zone is required. The intent of this requirement is to commit the developer to a general overall plan within which individual businesses can be placed. The Overall Conceptual Plan shall be reviewed and approved by the Planning Commission utilizing the conditional use process, prior to the issuance of a building permit.

7-6-1203. OVERALL CONCEPTUAL PLAN REQUIREMENTS.

The Overall Conceptual Plan for business/research park development shall include the following information:

(1) Existing and proposed street layout for the entire zone.
(2) General location of the buildable areas and the height of all proposed building and structures.
(3) General location and size of existing and proposed parking areas.
(4) A conceptual landscape plan showing the general location, density and size of trees, shrubs and ground cover.
(5) Identification of proposed phasing of the entire project (if any).
(6) Indication of architectural style, colors and signs.
(7) Relationship to surrounding uses.

The conceptual plan identified above shall constitute a general commitment by the developer to complete the project according to the approved plan. Any major change in the project conceptual plan shall require the approval of the Planning Commission. A major change, for the purpose of this Section, shall be any change which substantially alters the original plan and/or has the potential of causing a significant impact beyond the site.

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
   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.

(Ord. No. 06-81 Amended 12/05/2006)

7-6-1205. DESIGN STANDARDS.

(1) All areas of a developed lot or parcel not occupied by a building or required parking shall be appropriately landscaped with lawn, trees, shrubs and other landscaping materials in

accordance with a landscaping plan to be submitted with the building permit. The entire front yard area of lots in the zone, except necessary driveways, sidewalks, etc., shall be landscaped.

(2) Parking lots shall be provided with landscaping around the periphery and in islands and bays within the internal areas of said parking lots.

(3) All uses located in the zone shall be conducted entirely within a fully enclosed building. There shall be no outside storage of materials or equipment other than motor vehicles licensed for street use.

(4) Trash storage and containers shall be located in an area convenient for pick up and shall be screened from view by a six-foot masonry wall.

(5) A uniform masonry wall at least six feet in height shall be erected along the B/RP zoning boundaries which are adjacent to any residential use existing or proposed at the time the Business/Research Park is developed. The required wall shall be constructed prior to or concurrently with the construction of the business park at the location where the park shares a common boundary with existing or proposed residential uses. A landscaped berm, hedge or masonry wall at least three feet in height is required between a parking lot or parking area and a street to screen the vehicles from view.

(6) Solar access shall be promoted by requiring a determination of the shadow created by the structure. The shadow shall not restrict the abutting structure's future or existing solar access.

(7) All utility lines, connections and installations must be underground. Meters shall be screened from public view preferably with live plants. Transformers, meters and similar apparatus shall be at ground level or below, with approved screening.

(8) All uses shall be free from objectionable or excessive odor, dust, smoke, noise, radiation or vibration.

7-6-1206. YARD REQUIREMENTS.

Each building in the zone shall have a setback from property line or right-of-way of not less than 30 feet. If the side or rear yard is to be used for a parking area, no less than 10 feet of landscaped side and rear yard shall be maintained. There shall be no vehicular parking within the required front or side yard adjacent to a right-of-way of any lot in the zone. In addition, any building having a height greater than 20 feet shall require an additional 1 foot of front yard for every 1 foot of height above 20 feet up to a setback of 75 feet.

7-6-1207. HEIGHT REGULATIONS.

No main building or structure shall be erected to a height in excess of 20 feet or one story within 100 feet from a property line that is shared with an existing or proposed residential use. Between 100 feet to 200 feet, the structure may be erected to a height of 35 feet or two and one-half stories. After 200 feet from any existing or proposed residential use, there is no height restriction.

7-6-1208. AREA REGULATIONS.

A Business/Research Park Zone shall contain at least 10 acres though smaller parcels of land may be considered by request to the Planning Commission. This requirement may be waived by the Commission if it is found to be in the general public good to do so.

7-6-1300P PART 13 – RESIDENTIAL / BUSINESS (RB) ZONE

7-6-1301. PURPOSE.

The purpose of this Zone is to provide for various office uses, single family dwellings, and institutional uses which do not deal in merchandising, retailing, warehousing or manufacturing and should project business hours which are in harmony with contiguous zones. Uses should serve as a transition between residential zones and other more intensive zones.

(Ord. No. 87-101 Added 11/15/1987, Originally codified as 7-30-101; Ord. No. 08-17 Amended 06/17/2008.)

7-6-1302. PERMITTED USES.

The following are permitted uses in the RB zone; no other permitted uses are allowed except as provided in Section 7-2-115:

(1) Agriculture
(2) Community Uses
(3) Financial Institutions
(4) Nursing Homes
(5) Professional offices, including but not limited to, the following:
    a. Architect
    b. Artist
    c. Certified Public Accountant
    d. Chiropractor
    e. Dentist
    f. Doctor
    g. Insurance (not claims adjustment)
    h. Lawyer
    i. Nurse
    j. Professional Registered Engineer
    k. Public Reporter (including court reporter)
    l. Realtor
    m. Psychologist
    n. Psychiatrist
    o. Physical Therapist
(6) Single-family dwellings
(7) Signs
(8) Uses customarily accessory to listed permitted uses
(9) Residential facilities for elderly persons
(10) Temporary Uses
(11) Household pets

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-102.; Ord. No. 89-101 Amended 01/19/1989, Added (8); Ord. No. 05-12 Amended 04/05/2005; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)

7-6-1303. CONDITIONAL USES.

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

(1) Day care/pre-school centers
(2) Hospitals; medical clinics
(3) Public utility installations (except lines and rights-of-way)
(4) Reception centers and/or wedding chapels

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-103; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 08-17 Amended 06/17/2008)

7-6-1304. SIGNS.

Signage in the RB Zone shall comply with the provisions of Title 11, the Sign Ordinance, in the West Valley City Code. Allowable signs are specified in Section 11-6-102.

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-104)

7-6-1305. FRONTAGE STANDARDS.

The minimum frontage for any lot shall be 70 feet.

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-105)

7-6-1306. SETBACK STANDARDS.

(1) Front setback - the minimum depth of the front yard shall be 25 feet.
(2) Side setback - the minimum side yard for any structure shall be 10 feet. On corner lots, the minimum side yard for any structure which faces on a street shall be not less than 20 feet.
(3) Rear setback - the minimum depth of the rear yard for any structure shall be 20 feet.
(4) Accessory buildings may be located in the rear yard to within one foot of the side and rear property lines, provided the building has at least six feet of separation from the rear of the main building, does not encroach on any recorded easements, and occupies no more than 25 percent of the rear yard, and is located no closer than 10 feet to a main building on an adjacent lot. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the accessory building. Where a sound wall exists, the accessory building shall be at least 1 foot from the side and rear property lines.

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-106; Ord. No. 06-69 Amended 10/24/2006)

7-6-1307. COVERAGE STANDARDS.

Buildings and structures may cover no more than 35 percent of the lot area.

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-107)

7-6-1308. LANDSCAPING STANDARDS.

A minimum of 20 percent of the gross area of a site shall be permanently landscaped and maintained. Landscaping shall conform to the same standards established for commercial zones in Section 7-6-1008.

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-108)

7-6-1309. SCREENING.

(1) Where a lot in a Residential Business Zone shares a common boundary with a residential lot, a six-foot concrete or masonry wall and approved landscaped buffer may be required by the City along such boundaries. The six foot height of the wall shall be measured from the parking lot asphalt grade to the top of the screen wall. The wall shall be constructed concurrently with the foundation of any proposed building.
(2) Wherever off-street parking areas are situated adjacent to the street, a berm three feet in height shall be constructed within the required front and side setback to adequately screen the parking from the street.

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-109.; Ord. No. 01-44 Amended 06/21/2001)

7-6-1310. HEIGHT STANDARDS.

(1) On lots which share any common boundary with an existing or proposed residential zone or C-1 zone, no structure may be erected to a height greater than two and one-half stories or 35 feet.
(2) For lots which share common boundaries only with existing or proposed C-2, C-3 or manufacturing zones, structures may be erected to a height of not more than 75 feet.

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-110)

7-6-1311. DESIGN REVIEW.

(1) All new development shall conform to requirements of Chapter 14 of this Title, Design and Development Plan Review.
(2) New construction shall be compatible in terms of scale and building proportion with other existing buildings in the immediate vicinity. This requirement shall not be so construed as to limit creative architectural design or to limit use of generally accepted residential construction materials.

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-111)

7-6-1312. PARKING STANDARDS.

All parking facilities in the RB Zone shall comply with the standards outlined in Chapter 14 of this Title. Parking shall not be allowed within the required front or rear yard setbacks.

(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-112)

7-6-1313. AREA REGULATIONS.

The minimum lot area shall be not less than 8,000 square feet.

(Ord. No. 06-69 Added 10/24/2006)

7-6-1400P REPEALED.

7-6-1401. REPEALED.

(Ord. No. 06-69 Repealed 10/24/2006)

7-6-1402. REPEALED.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)

7-6-1403. REPEALED.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)

7-6-1404. REPEALED.

(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)

7-6-1405. REPEALED.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 02-43 Amended 07/16/2002; Ord. No. 06-69 Repealed 10/24/2006)

7-6-1406. REPEALED.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006

7-6-1407. REPEALED.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)

7-6-1408. REPEALED.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)

7-6-1409. REPEALED.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)

7-6-1410. REPEALED.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)

7-6-1411. REPEALED.

(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)

7-6-1500P PART 15 - MIXED USE ZONE (MXD)

7-6-1501. PURPOSE.

The purpose of the Mixed-Use (MXD) zoning classification is to facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community that offers "live, work, and play" opportunities within convenient walking distance of each other.

(Ord. No. 00-40 Enacted 07/19/2000)

7-6-1502. PROJECT EVALUATION

All development proposals for the MXD zone shall be evaluated based on their compatibility with:

(1) The West Valley City General Plan
(2) The purpose and characteristics of the MXD Zone
(3) Sound planning practices
(4) Surrounding land-uses
(5) All other City-approved studies

(Ord. No. 00-40 Enacted 07/19/2000)

7-6-1503. SITE CHARACTERISTICS

The typical site zoned MXD shall encompass at least five acres; however, smaller projects that demonstrate outstanding characteristics may also be considered. Sites zoned MXD should be adjacent to major automobile and public transit corridors, and should have direct access to both.

(Ord. No. 00-40 Enacted 07/19/2000)

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/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.

(Ord. No. 00-40 Enacted 07/19/2000)

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. <u>Underlined</u> 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
- <u>Banks and Credit Unions</u>
- Medical Clinics
- Artist Studios

Commercial
- <u>Convenience Stores - with or without fuel sales</u>
- <u>Grocery Stores - maximum 40,000 square feet per tenant</u>

- 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/Entertainment
- 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 of 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.

(Ord. No. 00-40 Enacted 07/19/2000; Ord. No. 06-81 Amended 12/5/2006; Ord. No. 09-26 Amended 08/07/2009)

7-6-1506. DEVELOPMENT PROCEDURES

Upon approval of the Development Plan and zone change to MXD, uses in the development shall be processed as permitted uses (Section 7-14, as applicable).

(Ord. No. 00-40 Enacted 07/19/2000)

7-6-1600P PART 16 – CITY CENTER ZONE (CC)

(Ord. No. 06-29 Enacted 04/18/2006)

7-6-1601. PURPOSE.

The purpose of the City Center Zone is to:
(1) Implement the goals set forth in the Fairbourne Station Vision within the General Plan.
(2) Create a recognizable center or downtown for West Valley City.
(3) Encourage and direct development that supports transit.
(4) Encourage infill and redevelopment near the transit station by City Hall.
(5) Create new opportunities for economic growth and redevelopment.
(6) Reinforce the use of public transportation by locating higher-intensity development, including employment-oriented businesses and higher density residential uses, adjacent to transit stops.
(7) Encourage mixed-use development to reduce automobile dependency and roadway congestion by combining trips and locating destinations within walking and biking distances – all interconnected with transit.
(8) Enhance neighborhood identity by creating more choices such as walking, biking and shopping to residents that promote safety, friendliness and livability.
(9) Provide a mix of housing types, costs and densities.
(10) Promote architectural and site design treatments that enhance the visual appearance of development within the Zone.

(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)

7-6-1602. DEFINITIONS.

Words used in the City Center Zone, but not defined by the City Center Zone, which are defined in Sections 7-1-103 or 7-14-203, shall have the meanings set forth therein.

(1) "Alley" means the public right-of-way for vehicles and pedestrians within a block that provides access to the side and rear of lots.
(2) "Blade sign" means a small, pedestrian scale sign placed at or near the top of the ground floor of a building that is perpendicular to the building façade.
(3) "Block" means a unit of land bounded by streets. For the purpose of measuring the length of a block, blocks shall be measured at the property frontage lot lines.
(4) "Civic green" means a public open space designed for less intensive foot traffic than a square. Civic greens shall have a minimum 50% unpaved pervious surface (turf, groundcover or mulch).
(5) "Courtyard" means an uncovered open space bounded on three or more sides by buildings.
(6) "Fenestration" means openings in a building wall that allow light and views between the building's interior and exterior.
(7) "Knee brace" means a diagonal support placed across the angle between a building overhang or roof and the building wall.
(8) "Mural" means any mosaic, painting or graphic art or combination thereof which is professionally applied to a building that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message.
(9) "Primary Façade" means the side of a building that faces a public street. On a corner lot, the street facing side with the main customer or resident entrance shall be considered the primary façade.
(10) "Quoins" means dressing for building corners differentiated from the adjoining walls by material, texture, color, size or projection.
(11) "Regulating Plan" means the map, which is part of the CC Zone, that illustrates where the standards found in Sections 7-6-1606 through 7-6-1610 apply within the overall CC Zone.
(12) "Retail anchor" means the major store or stores within a shopping center. Typical retail anchors include supermarkets, department stores, sporting good stores, etc.
(13) "Secondary Façade" means a side of a building that is not a primary façade and either is visible from a public right-of-way or has a customer or resident entrance. A building may have more than one secondary façade.
(14) "Square" means a public, active pedestrian center designed appropriate to their high pedestrian traffic level with a high percentage of paved surface area. Squares shall have a minimum of 20% unpaved pervious surface (turf, groundcover or mulch).
(15) "Story" means that space within a building, and above grade, that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. Minimum building height shall be measured as the vertical distance between the lowest point of the roof and the average elevation of the corners of the building at finished grade.

(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)

7-6-1603. APPLICABILITY.

The CC zone includes standards specific to properties that front certain streets in addition to general requirements for all properties within the zone. Section 7-6-1605 outlines the standards that apply to all properties within the CC zone. Sections 7-6-1606 through 7-6-1610 list the specific standards for each

street that are in addition to the standards in Section 7-6-1605. The Regulating Plan graphically depicts where street specific standards apply. Unless otherwise stated in the CC Zone, all other Sections of the Zoning Ordinance apply.

(Ord. No. 06-29 Enacted 04/18/2006)

7-6-1604. DEVELOPMENT REVIEW.

(1) The West Valley City Planning Commission shall review any development where the combined building areas are over 100,000 square feet in the CC Zone as a conditional use. The Planning Commission shall consider the standards set forth in Section 7-7-105, the Fairbourne Station Vision and the standards set forth in the CC Zone and may attach reasonable conditions to assure compatibility within the CC Zone and with neighboring zones.
(2) All development except development where the combined building areas are over 100,000 square feet shall be reviewed as a permitted use.
(3) The requirements within the CC Zone may be superseded by a development agreement which is reviewed by the Planning Commission and reviewed and approved by the City Council. The development agreement shall address all Sections of the CC Zone.

(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)

7-6-1605. STANDARDS FOR ALL PROPERTIES.

The following requirements apply to all properties with the CC zone.

(1) Parking
    a. Unless otherwise stated, all parking areas shall meet the requirements found in Chapter 7-9.
    b. Parking structures shall meet the following standards:
        i. Parking structures shall include pedestrian walkways and connections to the sidewalk system. These shall be clearly marked and continuous in design.
        ii. Parking structures shall contain ground-level retail, office or display windows along all street fronting façades of the parking structure.
        iii. Parking structures shall be designed with an architectural theme similar to the adjoining structures.
    c. The minimum parking requirements set forth in Section 7-9-104 may be reduced by 10%. Further reductions in parking requirements may be considered as allowed in Sections 7-9-104 and 7-9-106.
(2) Use Limitations
    a. The following uses are prohibited in the CC Zone:
        i. Automobile sales and leasing
        ii. Automobile service
        iii. Automobile parts/supply store
        iv. Bail bonds
        v. Billboards
        vi. Blood plasma center
        vii. Car title loan business
        viii. Check cashing/deferred deposit loan

ix. Chemical, explosive and fuel manufacturing and/or storage, such as firewood, coal, etc.
x. Commercial indoor recreation
xi. Commercial outdoor recreation
xii. Convenience store
xiii. Dance hall
xiv. Dance studio
xv. Detention facility/jail
xvi. Fast food restaurant with a drive-up window
xvii. Fitness center/health club
xviii. Funeral home
xix. Furniture store
xx. Hardware store/home improvement center
xxi. Indoor/outdoor gun range or gun store
xxii. Indoor/outdoor swap meet
xxiii. Laundromat
xxiv. Lingerie store
xxv. Light or heavy manufacturing
xxvi. Office/warehouse – more than 50% interior storage
xxvii. Outside storage or display
xxviii. Manufacturing uses which include production, processing, cleaning, testing and distribution of material goods and services
xxix. Martial arts/karate studio
xxx. Massage parlor
xxxi. Motor fuel sales
xxxii. Movie theater
xxxiii. Moving truck rental
xxxiv. Neighborhood grocery
xxxv. Non-stealth wireless communication facilities
xxxvi. Non-stealth radio towers
xxxvii. Outdoor kennel
xxxviii. Outcall services and service-oriented escort bureaus
xxxix. Pawnshop
xl. Private club
xli. Reception Center
xlii. Retail tobacco specialty store
xliii. Sale and/or lease of mobile homes, travel trailers, campers, motorcycles and other recreational vehicles
xliv. Sanitary landfill
xlv. Secondhand precious metal dealer/processor and/or precious gem dealer
xlvi. Secondhand store
xlvii. Self-storage facility
xlviii. Supermarket
xlix. Sexually-oriented business
l. Tattoo establishment
li. Taxicab business
lii. Towing and impound yards
liii. Tavern

liv. Vehicle recycling facilities
lv. Warehousing, distribution facilities or truck transfer company

b. All other uses shall be reviewed pursuant to Section 7-6-1604.

(3) Building Exterior Colors

a. The color of all buildings within the CC zone is subject to City approval. The dominant overall color scheme of buildings shall generally be subtle, subdued, low reflectance, neutral or earth tones. Brighter primary colors may be used as accent elements, such as door and window frames and architectural details. Fluorescent or metallic colors are only allowed as signage.

(4) Residential Building Design. Residential buildings shall meet the following standards:

a. Garages doors or vehicle entries shall not be placed on street facing façades. Parking structure entrances are exempt from this requirement. When possible, alleys should be used to access garages.

b. Buildings shall be oriented to the street and have at least one primary entrance facing the street.

c. Where pitched roofs are used, the following standards shall apply.

i. The minimum roof pitch shall be 5:12.
ii. The eaves or roof edges must be setback at least 5’ from any public sidewalk.
iii. Vertical or horizontal roof articulation is required on all primary façades with pitched roofs. No more than two dwelling units shall be covered by a single, unarticulated roof. Roof articulation shall be achieved by changes in plane and/or the use of traditional roof forms such as gables, hips, and dormers.
iv. Roof mounted air conditioning units are prohibited.
v. Gable ends must have a minimum 6 inch overhang at the eaves.
vi. Where asphalt shingles are proposed as roofing materials on pitched roofs, laminated architectural shingles shall be used.

d. In order to prevent blank or plain walls with little or no relief, and to ensure excellence in architecture and design, primary façades shall include at least two of the following relief treatments. One of the relief treatments shall be utilized at least once per dwelling unit. Secondary façades shall include at least one of the following relief treatments utilized at least once per two dwelling units.

i. Bay windows
ii. Windows recessed a minimum of 2 inches
iii. Box windows
iv. Building offsets or projections with a minimum depth of 1’ and a minimum width of 4’
v. Balconies or covered porches
vi. Expression of a vertical architectural treatment with a minimum width of 24 inches and a minimum depth of 2 inches
vii. Any other treatment that meets the intent of Subsection 4d

e. In order to prevent blank or plain walls, and to ensure excellence in architecture and design, primary façades shall include at least two of the following window treatments with at least one window treatment per window. All other façades shall utilize at least one of the following window treatments per window.

i. Varying the size and/or style of windows
ii. Windows sills
iii. Window grids
iv. Window trim

v. Window headers
vi. Window railing
vii. Shutters
viii. Any other treatment that meets the intent of Subsection 4e

f. In order to prevent building facades with blank or plain walls with little or no variation or interest, primary façades shall include at least two of the following building design treatments. Secondary façades shall include at least one of the following building design treatments.
   i. Ornamental details such as quoins, knee braces and exposed joists
   ii. A change of material applied to at least 20% of the façade
   iii. A change of color applied to at least 20% of the façade
   iv. Decorative parapet
   v. Architectural banding
   vi. Cornice other than that at the top of the building
   vii. Rounded design at street corners
   viii. A change of pattern applied to at least 20% of the façade (Example: changing brick work from face brick to a soldier course or basket weave pattern.)
   ix. A distinguished upper floor for buildings with at least four floors
   x. Any other treatment that meets the intent of Subsection 4f

g. A building relief treatment, window treatment or building design treatment listed in d, e and f above shall only be counted once when assessing compliance with the minimum number of treatments required. For example, if a building uses brick and stucco as exterior materials, the change of materials can count only as a change of materials under 7-6-1605(4)(f)(ii) and not a change of color under 7-6-1605(4)(f)(iii).

h. In residential developments with more than 4 buildings, the architectural features listed in d, e and/or f above shall be varied between buildings.

i. All residential building exteriors shall be brick, stucco or stone. No more than 60% of a building exterior shall be stucco. No more than 60% of a residential building exterior shall be hardie plank siding. Where stucco and hardie plank are used, at least 20% of the building's exterior shall be brick or stone. Metal and wood may be used as trim, soffits and accents only. All awnings shall be metal, glass, canvas cloth or equivalent.

j. All multi-family residential developments with 50 to 75 dwelling units shall include at least three amenities from the following list. At least two of the three amenities shall be from the major amenities list. All multi-family residential developments with 76 to 99 dwelling units shall include at least five amenities from the following list. At least three of the five amenities shall be from the major amenities list. All multi-family residential developments with 100 or more dwelling units shall include seven amenities from the following list. At least four of the seven shall be from the major amenities list.

Major	**Minor**
Swimming pool	Tot lot
Courtyard	Volleyball court
Clubhouse (without fitness room)	Hot tub or sauna
Garages	Walking/exercise trail
On-site manager	Basketball court
Fitness room	Tennis court
Private patio or balcony of at least 60 square feet	

for each unit	Transit Pass
Community library	Community car
Keyless access system	Storage lockers for each unit
Community room with full kitchen	Bike storage
Community game room	
Community cinema with theater-style seating	

k. When exterior stairways are used, they shall be stylistically consistent with and architecturally integrated into the buildings they serve. Exterior stairs, which are not architecturally consistent with the building design, are prohibited.
l. All façades of a building shall be built with consistent architectural style, detail and trim features of the primary façade. Accessory buildings such as clubhouses and garages shall be built with similar colors, materials and architectural features as the multi-family residential buildings within the same development.
m. All multi-family residential developments shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry.

(5) Mixed-use buildings with residential use shall meet the following standards:
a. The residential portion of the building shall follow the standards in Subsection 4 above.
b. The commercial portion of the building shall follow the standards in Subsection 6 below.
c. Commercial loading areas, trash facilities and mechanical equipment shall be screened from sight through landscaping, walls and/or fences from all pedestrian ways, residential building entries, open space and windows.
d. Commercial hours of operation shall be reviewed and, if needed, limited by City staff to prevent adverse impacts on the residential uses within the building.

(6) Commercial Building Design. Commercial buildings shall meet the following standards:
a. Buildings shall be oriented to the street and have at least one primary entrance facing the street.
b. Ground floor street facing façades shall be distinguished from other floors through the use of at least one of the following techniques: architectural banding, cornice treatment, color change, material change, or recessed upper floors.
c. In order to prevent blank or plain walls with little or no relief, and to ensure excellence in architecture and design, primary façades shall incorporate two of the following building relief treatments. Secondary façades shall incorporate one of the following building relief treatments.
i. Expression of a vertical architectural treatment with a minimum width of 24 inches and a minimum depth of 2 inches placed an average of 40’ apart for façades with a width of 200’ or more, or 30’ apart for façades with a width less than 200’.
ii. Building setbacks, offsets or projections with a minimum of 10’ in width and 2’ in depth placed an average of 100’ apart for façades with a width of 200’ or more or 50’ apart for façades with a width less than 200’.
iii. A primary customer entrance. Primary customer entrances must feature no less than 3 of the following elements: canopies or porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios and architectural details such as tile work and moldings which are integrated into the building structure.

iv. Arcades or colonnades a minimum of 6' feet deep with a minimum column width or diameter of 12 inches, or other roof treatments that provide shade and/or a break in the vertical plane along at least 50% of the width of a façade.
v. Awnings, associated with windows and/or doors along at least 50% of the width of a façade. Awnings must be in detached increments as opposed to one continuous awning.
vi. Any other treatment that meets the intent of Subsection 6c.

d. In order to prevent blank or plain walls with little or no variation or interest, and to ensure excellence in architecture and design, primary façades shall incorporate 3 of the following building articulation treatments. Secondary façades shall incorporate 2 of the following building articulation treatments.
i. Ornamental and structural details that are integrated into the building structure.
ii. A texture and/or material change applied to at least 20% of the façade.
iii. A color change applied to at least 20% of the façade.
iv. Decorative parapet.
v. Architectural banding.
vi. Cornice other than that at the top of the building.
vii. Rounded design at street corners.
viii. A change of pattern applied to at least 20% of the area of a façade dedicated to a single material.
ix. Arches or arched forms.
x. Murals.
xi. Any other treatment that meets the intent of Subsection 6d.

e. A building relief or building articulation treatment listed in c and d above shall only be counted once when assessing compliance with the minimum number of treatments required. For example, if a building has an arcade, the arcade can count only as a building relief treatment under 7-6-1605(6)(c)(iv) and not a building articulation treatment 7-6-1605(6)(d)(ix).

f. All façades of a building shall be designed with consistent architectural style, detail, and trim features of the primary façade.

g. All building exteriors shall be brick, stucco, stone or architectural concrete that is textured or patterned. No more than 60% of a building exterior shall be stucco. No more than 60% of a building exterior shall be glass. Metal and wood may be used as trim or accents only. All awnings shall be metal, glass, canvas cloth or equivalent.

h. All buildings with a drive-through window must: 1) incorporate a permanent, covered porte-cochere structure over the drive-through window that is the width of the drive, a minimum of 20' in length, and integrated structurally and architecturally into the design of the building or 2) incorporate the drive-through area as part of a multi-level building where the drive-through is covered by one or more floors of the building and comprises no more than 50% of the area of the floor on which it is located.

i. Where pitched roofs are used, the eaves or roof edges must be setback at least 5' from any public sidewalk.

(7) Building Height. All buildings shall meet the following height requirements:
In order to create the downtown area intended for City Center, the building height requirements shall be applicable for all buildings such that a single building may be subject to more than one height requirement. In such cases, each portion of the single building shall comply with the height requirement where it is located.

a. Buildings located in between 3650 South and 3500 South shall be a minimum of 5 stories or 60', except for buildings, or portions thereof, located within the first 100' north of 3650 South. Buildings, or portions thereof, located within the first 100' north of 3650 South shall be a minimum of 2 stories or 24' and a maximum of 3 stories. All buildings, or portions thereof, located outside the 100' feet north of 3650 South shall meet the 5 story or 60' minimum.
b. Buildings located north of 3500 South shall be a minimum of 3 stories or 36' and a maximum of 5 stories, except for buildings, or portions thereof, located within 100' of a residential zone. Buildings, or portions thereof, located within 100' of a residential zone shall be 2 stories and not exceed 24'. Such buildings shall maintain a 10' setback from the property line of adjoining property within an existing single family residential zone. All buildings, or portions thereof, located outside the 100' of a residential zone shall meet the minimum 3 story or 36' minimum, maximum 5 story requirements.
c. For all locations in the City Center zone, the minimum building height for accessory buildings shall be 1 story.

(8) Pedestrian Circulation

No block shall have a length greater than 500 feet unless it incorporates an alley, common drive, access easement, or pedestrian pathway providing through pedestrian access to another street. The pedestrian access and circulation requirements in Section 7-14-207 shall apply to all commercial development. The pedestrian access and circulation requirements in Section 7-14-304 shall apply to all residential development.

(9) Open Space and Landscaping

a. For nonresidential and mixed-use developments, a minimum of 10% of the net lot area shall be provided on the site for public open space. Required yards and sidewalk widths, which are constructed on private property, may be counted towards this requirement. Such public open space shall include planted areas, fountains, plazas, hardscaped elements related to walks and plazas, and similar features which are located on private property but which are generally accessible to the public during the normal business hours.
b. Residential uses shall provide common open space in the amount of 20% of the lot area. This common open space may take the form of ground level plazas, courtyards, interior atriums, landscape areas, roof gardens and decks on top of the buildings or other such forms of open space available for the common use by residents of the property.
c. Connecting open space between two or more adjacent properties is encouraged. Where open space on two or more adjacent properties is connected and designed as an integrated, useable open space, the required open space percentages may be reduced to 9% for nonresidential or mixed-use developments and 18% for residential developments.
d. Developments including a residential component may receive offsets to park impact fees for dedication of land as a square or civic green.
e. All landscaping shall be maintained in a live, healthy, neat and orderly condition, free of weeds, disease, pests and litter. All paved areas, walls and fences shall be in good repair without broken parts, holes, potholes or litter.

(10) Fences

No fences or walls over two feet in height shall be allowed within the minimum required front setback. Fence materials shall be masonry or wrought iron style metal.

(11) Curb Cuts

Curb cuts for alleys or private driveways shall be limited to no more than one per 200 feet of street frontage on all streets. Where UDOT curb cut standards along 3500 South are more restrictive, UDOT standards shall be followed.

(12)Public Utilities, Underground

a. Except as specified in Section 7-6-1605(12)(b), (c) and (d) below, all electrical, communications, cable television service, and other similar distribution wires and/or cables serving all new developments shall be placed underground at the owner or developer's expense. The owner or developer shall be responsible for complying with this requirement and shall make necessary arrangements with each of the servicing utilities for installation of such facilities.

b. Aboveground components, including transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to underground facilities may be placed above ground and shall be screened through the use of landscaping and fencing.

c. If an applicant applies for a conditional use permit, the Planning Commission may waive the requirements of Section 7-6-1605(12)(a) in a particular case where it is shown, and the Planning Commission finds, that soil, water table or other conditions make underground installation unreasonable or impractical.

d. The requirements in Section 7-6-1605(12)(a) shall not apply to low power radio service antennas, transmission lines on 2700 West, or overhead communication long distance trunk and feeder lines.

(13)Location of Service Areas

All loading docks, refuse disposal areas and other service activities shall be located on block interiors away from view of any public street. Exceptions to this requirement may be approved through the site plan review process when a permit applicant demonstrates that it is not feasible to accommodate these activities on the block interior. If such activities are permitted adjacent to a public street, a visual screening design approved by the Zoning Administrator shall be required.

(14)Bicycle Parking

With the exception of properties that front on Market Street and Lehman Avenue, all commercial developments shall meet the bicycle parking standards found in Section 7-14-207(5) and all residential developments shall meet the bicycle parking standards found in Section 7-14-304(5).

(15)Events

Events such as farmers markets, festivals, fairs, holidays and community events shall be reviewed as a temporary use by City staff. Non-business oriented banners whose sole intent is to promote these events are excluded from the provisions of this ordinance.

(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 08-09 Amended 02/20/2008; Ord. No. 13-06 Amended 2/25/2013; Ord. No. 15-03 Amended 01/29/2015; Ord. No. 15-14 Amended 04/30/2015)

7-6-1606. STANDARDS FOR LEHMAN AVENUE.

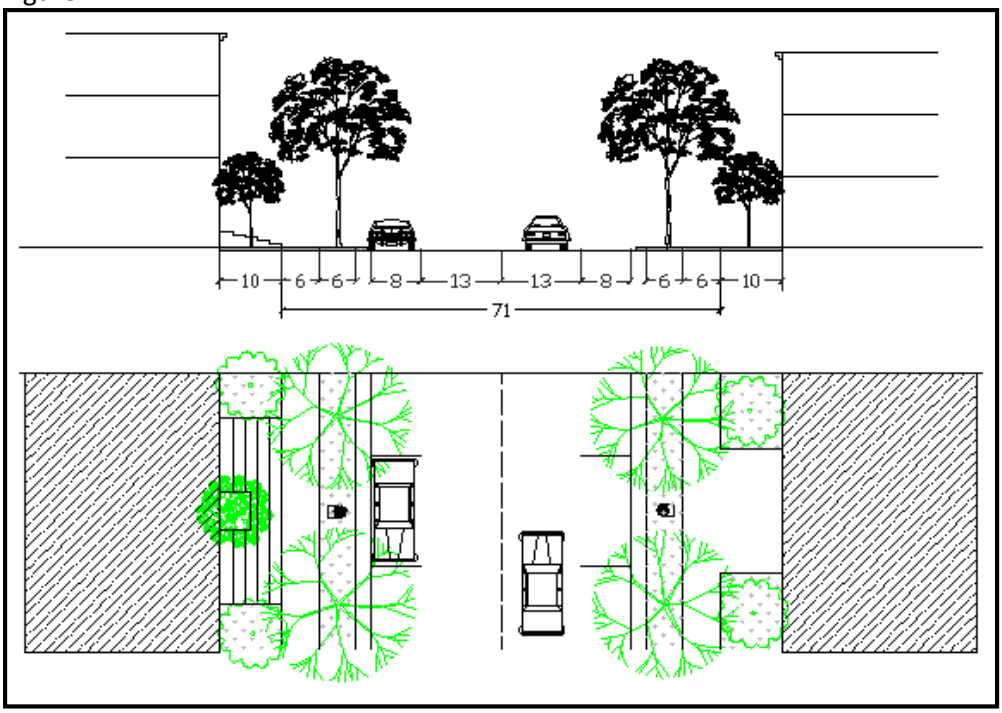
The following standards apply to properties that front on Lehman Avenue (See Regulating Plan for exact locations).

(1) Streetscape

a. Street improvements shall be installed and dedicated according to Figure 1. These improvements include two 13' travel lanes, 8' parallel on-street parking on both sides of

the street, curb and gutter, 6' park strips, 6' sidewalks, street trees and street lights. At the time of development, the developer is only responsible for the installation and dedication of street improvements on the side(s) of the street being developed.

Figure 1



b. Miyabei Maple (Acer Miyabei "State Street") of a minimum size 2" caliper shall be planted in the park strip an average of thirty five feet apart.
c. Street lights shall be installed at an average interval of 70'and shall conform to engineering standards and specifications for City-approved lighting fixtures.

(2) Building Standards
a. There is no minimum front yard setback. The maximum front yard setback shall be 10'. A building shall not project into the public right-of-way except as provided in item c below.
b. For each lot, the building(s) shall be built within 0' to 10' of the front property line for at least 50% of the lot's street frontage. For corner lots, the length of the building street frontage along one street can be less than the minimum required as long as the total building street frontage required is not reduced.
c. Balconies, awnings, horizontal overhead trellises, roof overhangs, covered entrances and bay windows may project into the public right-of-way a maximum of 5'. Such features, excluding supporting columns or posts, must maintain a minimum clear height of 8' from the sidewalk.

(3) Yard Space and Parking
a. All areas between the front of the building and the sidewalk shall be landscaped.
b. No parking shall be allowed between the front of the building and the sidewalk. When parking is placed to the side of a building and will be visible from the street, a 2' tall hedge and/or masonry screen wall and 10' of landscaping shall be installed directly adjacent to the sidewalk.

(4) Signs

a. Signs shall comply with the standards in Section 11-6-101. Wall signs are allowed for office uses. The area limitation for wall signs on building or structure façades shall be 10% of the first story façade and 5% of any other façade.

(5) Land Use
Uses are limited to residential, community, office and home occupations.

(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)

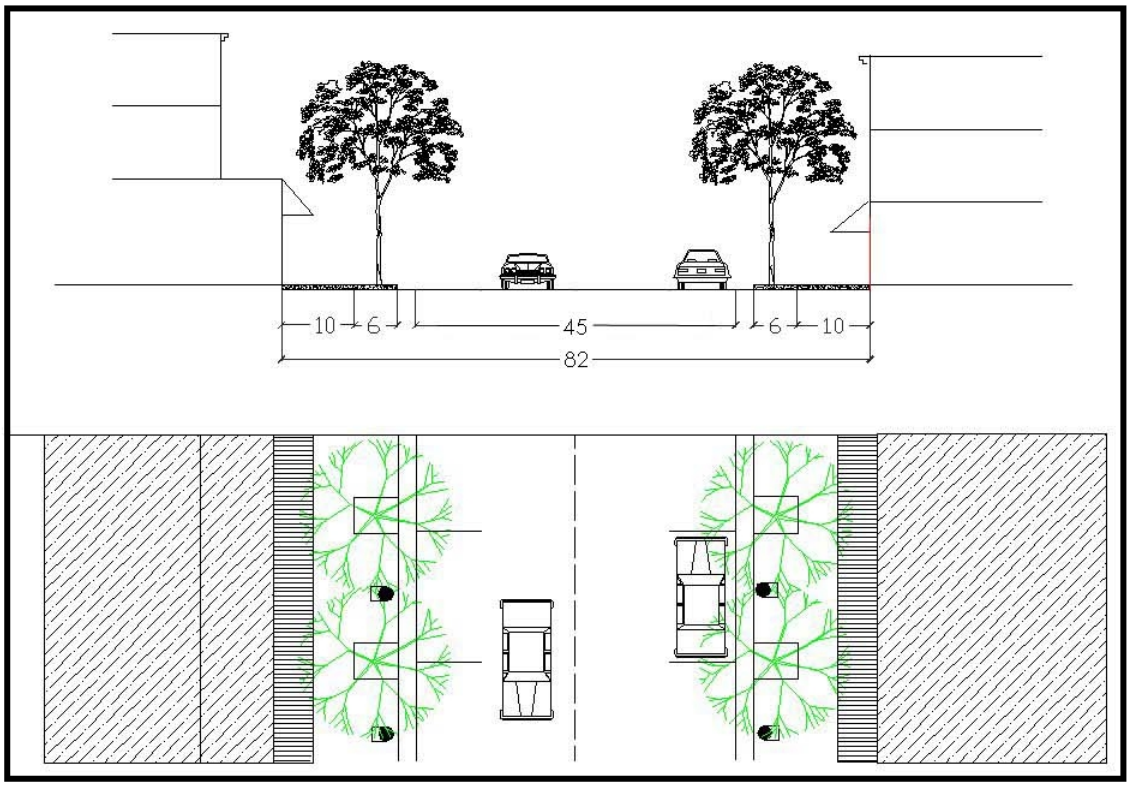
7-6-1607. STANDARDS FOR MARKET STREET.

The following standards apply to properties that front on Market Street and Lehman Avenue (See Regulating Plan for exact locations).

(1) Streetscape

a. Street improvements shall be installed and dedicated according to Figure 2. These improvements include 45' of pavement, curb and gutter, 6' wide by 5' long tree wells, 10' sidewalks, street trees, street lights, trash cans, bike racks and benches. At the time of development, the developer is only responsible for the installation and dedication of street improvements on the side(s) of the street being developed. Outdoor seating and temporary sales may be located on the public sidewalk within 8' of the building leaving at least 4' of the public sidewalk clear.

Figure 2



b. The tree wells shall be installed 20' apart on center. Acer Rubrum "October Glory" (October Glory Maple) trees of a minimum size 2" caliper shall be planted in each tree well.

c. Street lights shall be installed at an average interval of 75’ and shall conform to engineering standards and specifications for City-approved lighting fixtures.

(2) Building Standards

a. There is no minimum building setback. The maximum front yard setback shall be 10’. A building shall not project into the public right-of-way except as provided in item d below.

b. For each lot, the building(s) shall be built to the back of the sidewalk for at least 70% of the lot’s street frontage. The remaining 30% of the street frontage may be utilized for pedestrian areas such as outdoor seating and plazas or for access to the space behind the building. The front building façade may include jogs of not more than two feet in depth to allow for architectural relief. For corner lots, the length of the building street frontage along one street can be less than the minimum required as long as the total building street frontage required is not reduced.

c. Ground floor street facing façades shall include awnings, trellises, roof overhangs and/or covered entrances.

d. Balconies, awnings, horizontal overhead trellises, roof overhangs, covered entrances and bay windows may project into the public right-of-way a maximum of 5’. Such features, excluding supporting columns or posts, must maintain a minimum clear height of 8’ from the sidewalk.

e. Roofs and roof mounted equipment shall be screened through the use of a parapet wall. Pitched roofs are prohibited unless the ridgeline of the roof is perpendicular to the front façade or the edge of the eaves is setback at least 5’ from the ground floor front façade.

f. Street facing façades should vary in design from neighboring buildings. Also, design variation is encouraged on street facing façades of larger buildings with wide street frontage.

g. Transparent fenestration on ground floor street facing façades shall comprise at least 60% of the façade (measured as a percentage of the façade that is between 3 and 9 feet above the fronting sidewalk).

(3) Yard Space and Parking

a. No parking shall be allowed between the front of the building and the sidewalk. All parking shall be located within a building or to the side or rear of a building.

b. Where drive-through windows are needed, they shall be placed to the rear of the building without drive-through lanes placed in front of buildings.

(4) Signs

a. Only the following types of signs are allowed:

i. One A-frame type sign is allowed per business within 10’ of the front of a building on the public sidewalk. There must be at least 6’ of unobstructed space on the public sidewalk. The maximum height of A-frame signs shall be 4’ and the maximum width shall be 2’.

ii. Wall signs. The area limitation for wall signs on building or structure façades shall be 10% of the first story façade and 5% of any other façade.

iii. One blade sign is allowed per business. Blade signs shall be installed perpendicular to the building façade no more than 18 inches vertical by 3’ horizontal and a minimum 9’ clear height above the sidewalk.

iv. Miscellaneous signs as defined in Section 11-5-101.

(5) Land Use

Buildings that include residential use must also include at least the ground floor as office or retail use.

(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)

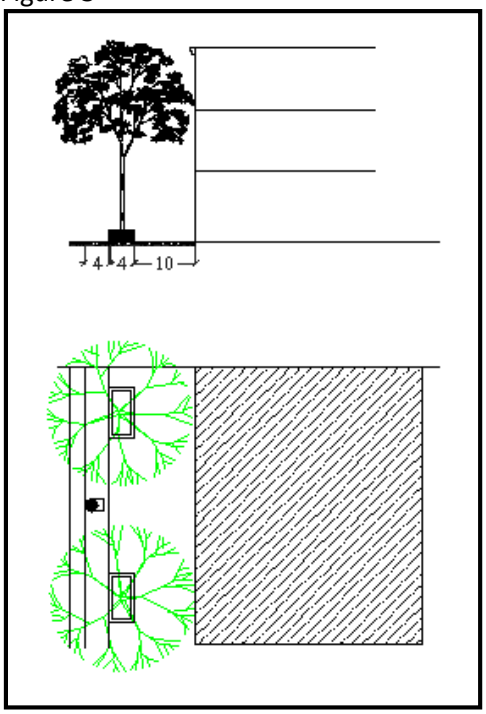
7-6-1608. STANDARDS FOR CONSTITUTION BLVD (2700 WEST) AND 3500 SOUTH.

The following standards apply to properties that front on the west side of Constitution Blvd (2700 West) and both sides of 3500 South (See Regulating Plan for exact locations).

(1) Streetscape

a. The following streetscape improvements shall be installed and dedicated behind the curb according to Figure 3. These improvements include 4' tree wells, 10' sidewalks, street trees and street lights. At the time of development, the developer is only responsible for the installation and dedication of street improvements on the side(s) of the street being developed.

Figure 3



b. The tree wells shall be spaced 22' apart on center. One Centurion Crabapple (Malus Hybrid Centzam) tree shall be planted in each tree well on 2700 West except where a tree well is adjacent to a vehicular entrance or alley where one Tschnonoski Crabapple (Malus Tschonoski) tree shall be planted in each tree well on 2700 West. One Musashimo Zelcova (Zelcova Serrata Musashino) tree of a minimum size 2" caliper shall be planted in each tree well on 3500 South.

c. On 2700 West, street lights shall be installed at an average interval of 110' and shall conform to engineering standards and specifications for City-approved lighting fixtures.

(2) Building Standards

a. There is no minimum building setback. The maximum building setback shall be 15'. A building shall not project into the public right-of-way except as provided in item d below.

b. For each lot, the building(s) shall be built within 0' to 15' of the front property line for at least 50% of the lot's street frontage. The remaining 50% of the street frontage may be utilized for pedestrian areas such as outdoor seating and plazas, parking as described in 3a below, or for access to the space behind the building. The front building façade may include jogs of not more than two feet in depth to allow for architectural relief. For corner lots, the length of the building street frontage along one street can be less than the minimum required as long as the total building street frontage required is not reduced.
c. Ground floor street facing façades may include awnings, trellises, roof overhangs and/or covered entrances.
d. Balconies, awnings, horizontal overhead trellises, roof overhangs, covered entrances and bay windows may project into the public right-of-way a maximum of 5'. Such features, excluding supporting columns or posts, must maintain a minimum clear height of 8' from the sidewalk.
e. Roofs and roof mounted equipment shall be screened through the use of a parapet wall. Pitched roofs are prohibited unless the ridgeline of the roof is perpendicular to the front façade or the edge of the eaves is setback at least 5' from the ground floor front façade.
f. Street facing façades should vary in design from neighboring buildings. Also, design variation is encouraged on street facing façades of larger buildings with wide street frontage.
g. Transparent fenestration on ground floor street facing façades shall comprise at least 60% of the façade (measured as a percentage of the façade that is between 3 and 9 feet above the fronting sidewalk).

(3) Yard Space and Parking
a. No parking shall be allowed between the front of the building and the sidewalk except for retail anchors. Retail anchors may utilize parking between the front of the building and the sidewalk if pad sites are developed along at least 50% of the street frontage. When parking is placed to the side of a building and will be visible from the street, a 2' tall hedge and/or masonry screen wall shall be installed within a 10' landscaped area between the parking area and the sidewalk.
b. Where possible, parking areas between and access to properties shall be connected to allow shared parking and shared access.
c. Where drive-through windows are needed, they shall be placed to the rear of the building without drive-through lanes placed in front of buildings.

(4) Signs
Only the following types of signs are allowed:
a. Monument signs as defined in Section 11-5-103.
b. Wall signs. The area limitation for wall signs on building or structure façades shall be 15% of the first story façade and 5% of any other façade.
c. One blade sign is allowed per business. Blade signs shall be installed perpendicular to the building façade no more than 18 inches vertical by 3' horizontal and a minimum 9' clear height above the sidewalk.
d. Miscellaneous signs as defined in Section 11-5-101.

(5) Land Use
Buildings that include residential use must also include at least the ground floor as office or retail use.

(Ord. No. 06-29 Enacted 04/18/2006; Ord. No 13-06 Amended 02/25/2013)

7-6-1609. REPEALED.

(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 08-09 Amended 02/20/2008; Ord. No. 13-06 Repealed 02/25/2013)

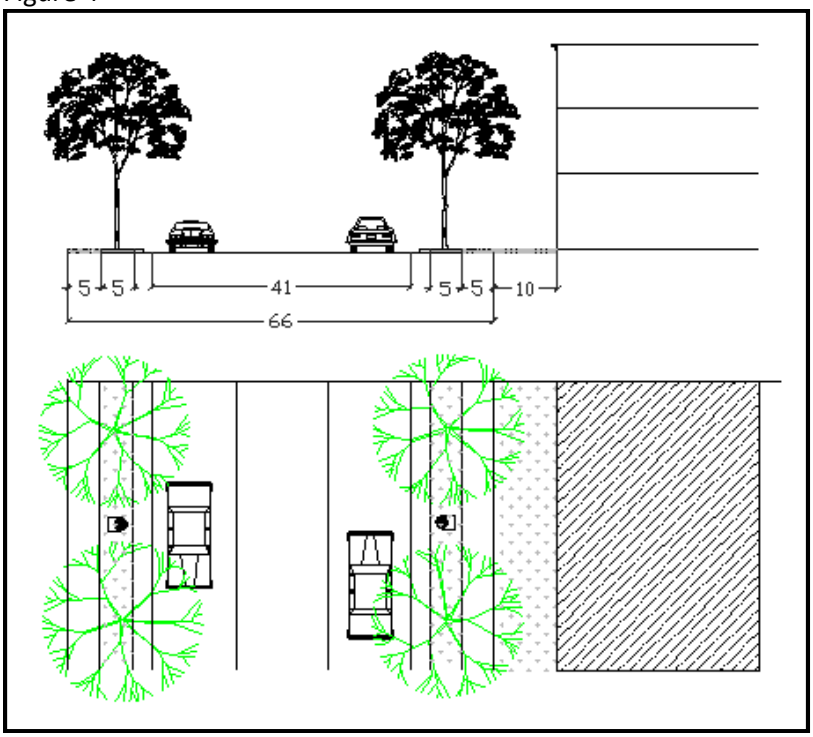
7-6-1610. STANDARDS FOR 3650 SOUTH.

The following standards apply to properties that front on 3650 South (See Regulating Plan for exact locations).

(1) Streetscape

a. Street improvements shall be installed and dedicated according to Figure 4. These improvements include two 12' travel lanes, one 14' left turn median lane, curb and gutter, 5' park strips, 5' sidewalks, street trees and street lights. At the time of development, the developer is only responsible for the installation and dedication of street improvements on the side(s) of the street being developed.

Figure 4



b. Crimean Linden (Tilia Euchloro) trees of a minimum size 2" caliper shall be planted in the park strip an average of thirty feet apart.

c. Street lights shall be installed at an average interval of 180' with a minimum separation of 170' and a maximum separation of 190'250' and shall conform to engineering standards and specifications for City-approved lighting fixtures.

(2) Building Standards

a. The minimum front yard setback shall be 10'. The maximum front yard setback shall be 20'.

b. For each lot, the building(s) shall be built within 10' to 20' of the front property line for at least 50% of the lot's street frontage. For corner lots, the length of the building street

frontage along one street can be less than the minimum required as long as the total building street frontage required is not reduced.

c. Transparent fenestration on ground floor street facing façades with office uses shall comprise at least 60% of the façade (measured as a percentage of the façade that is between 3 and 9 feet above the fronting sidewalk).

d. Street facing façades should vary in design from neighboring buildings. Also, design variation is encouraged on street facing façades of larger buildings with wide street frontage.

(3) Yard Space and Parking

a. All areas between the front of the building and the sidewalk shall be landscaped.

b. No parking shall be allowed between the front of the building and the sidewalk. When parking is placed to the side of a building and will be visible from the street, a 2' tall hedge and/or masonry screen wall and 10' of landscaping shall be installed directly adjacent to the sidewalk.

(4) Signs

Only the following types of signs are allowed:

a. Monument signs as defined in Section 11-5-103 for all uses.

b. Wall signs for community, office and health services uses only. The area limitation for wall signs on building or structure façades shall be 10% of the first story façade and 5% of any other façade.

c. Miscellaneous signs as defined in Section 11-5-101.

(5) Land Use

Only residential, community, office and health services uses and home occupations are allowed.

(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)

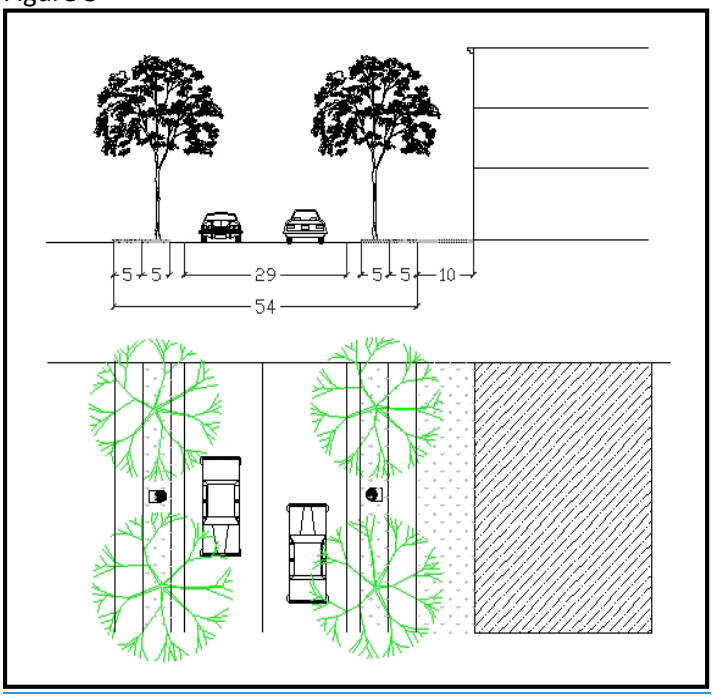
7-6-1610.1 STANDARDS FOR WEIGH STATION ROAD AND THREE MILL LANE.

The following standards apply to properties that front on Weigh Station Road and Three Mill Lane (See Regulating Plan for exact locations).

(1) Streetscape

a. Street improvements shall be installed and dedicated according to Figure 5. These improvements include 29' of pavement, curb and gutter, 5' park strips, 5' sidewalks, street trees and street lights. At the time of development, the developer is only responsible for the installation and dedication of street improvements on the side(s) of the street being developed.

Figure 5



b. On Weigh Station Road, Zelcova Serrata "Green Vase" (Green Vase Zelcova) trees of a minimum size of 2" caliper shall be planted in the park strip an average of twenty five feet apart. On Three Mill Lane, Pyrus Calleryana "Glen's Form" (Calley Pear) trees of a minimum size of 2" caliper shall be planted in the park strip an average of twenty five feet apart.

c. Street lights shall be installed at an average interval of 100' and shall conform to engineering standards and specifications for City-approved lighting fixtures.

(2) Building Standards

a. There is no minimum building setback. The maximum front yard setback shall be 10'. A building shall not project into the public right-of-way except as provided in item d below.

b. For each lot, the building(s) shall be built within 0' to 10' of the front property line for at least 50% of the lot's street frontage. For corner lots, the length of the building street frontage along one street can be less than the minimum required as long as the total building street frontage required is not reduced.

c. Street facing facades should vary in design from neighboring buildings. Also, design variation is encouraged on street facing facades of larger buildings with wide street frontage.

d. Balconies, awnings, horizontal overhead trellises, roof overhangs, covered entrances and bay windows may project into the public right-of-way a maximum of 5'. Such features, excluding supporting columns or posts, must maintain a minimum clear height of 8' from the sidewalk.

(3) Yard Space and Parking

a. All areas between the front of the building and the sidewalk shall be landscaped.

b. No parking shall be allowed between the front of the building and the sidewalk. When parking is placed to the side or rear of a building and will be visible from the street, a 2'

tall hedge and/or masonry screen wall and a minimum of 5' of landscaping shall be installed directly adjacent to the sidewalk.

(4) Signs
Only the following types of signs are allowed:
a. Monument signs as defined in Section 11-5-103 for all uses.
b. Wall signs for community, office and health services uses only. The area limitation for wall signs on building or structure facades shall be 10% of the first story façade and 5% of any other façade.
c. Miscellaneous signs as defined in Section 11-5-101.

(5) Land Use
Uses are limited to residential, community, office, health services and home occupations.

(Ord. No. 13-06 Enacted 02/25/2013)

7-6-1611. NONCONFORMING USE OF STRUCTURES AND LAND.

The following standards apply to all nonconforming uses and nonconforming structures within the CC Zone:

(1) No nonconforming use shall be expanded or increased. No nonconforming structure shall be expanded or increased unless the expansion brings the structure into compliance with the building standards of the CC Zone.
(2) A nonconforming use shall not be changed to a different use unless the proposed new use is a conforming use.
(3) Exterior façade changes to nonconforming structures shall only be allowed if they help to bring the structure into compliance, or at least partial compliance, with the architectural standards in Section 7-6-1605.

(Ord. No. 06-29 Enacted 04/18/2006)

7-6-1612. FOOD VENDING VEHICLES ON LEHMAN AVENUE.

(1) This section shall govern the operation of food vending vehicles on Lehman Avenue as set forth more particularly herein. Unless explicitly incorporated, the requirements of Chapter 17-22A do not apply to food vending vehicles operating pursuant to this Section.
(2) Food vending vehicles may park and operate on the south side of Lehman Avenue between Market Street and 3000 West, subject to the following limitations:
a. Food vending vehicles are permitted to operate one day per week. That day shall be designated by the Zoning Administrator.
b. Food vending vehicles may only operate between 11 AM and 9 PM on the day established by the Zoning Administrator.
c. All food vending vehicles must be in compliance with the provisions of Title 17 pertaining to business licensing.
d. Food vending vehicles may not obstruct vehicular or pedestrian traffic.
e. Food vending vehicles must comply with all applicable Salt Lake County Health Department requirements.

(Ord. No. 15-08 Enacted 03/05/2015)

CHAPTER 7-7
CONDITIONAL USES

Sections:

7-7-101. Purpose.
7-7-102. Application.
7-7-103. Application Review.
7-7-104. Notice or Public Hearing.
7-7-105. Repealed.
7-7-106. Amendment of a Conditional Use.
7-7-107. Planning Commission Action.
7-7-108. Repealed.
7-7-109. Time Limit.
7-7-110. Revocation.
7-7-111. Appeal Procedure.
7-7-112. Conditions to be Fulfilled – Enforcement.

7-7-101. PURPOSE.

(1) The purpose of this Chapter is to establish standards for certain land uses listed in each zone as conditional uses.
(2) Conditional uses may be allowed, allowed with conditions, or denied based on compliance with the standards and criteria set forth herein.

7-7-102. APPLICATION.

Application for a conditional use permit shall be made upon forms provided by the City. The application shall be signed by the property owner or his authorized agent. The completed application shall be filed with the Community and Economic Development Department and shall be accompanied by the following:

(1) A sufficient number of copies, as determined by the Community and Economic Development Department, of the development plans required by Section 7-14-107.
(2) A fee as specified in the current consolidated fee schedule.
(3) The applicant shall provide to the Community and Economic Development Department the names and addresses of all property owners, as contained in the current records of the Salt Lake County Recorder, within a 300-foot radius of the subject property measured from the boundary of the proposed conditional use as shown on the development plan.

After all the information listed in this section is received by the Community and Economic Development Department, the matter shall be placed on a Planning Commission agenda.

7-7-103. APPLICATION REVIEW.

(1) All documents required to be submitted with the application shall be delivered by the applicant to those departments and entities designated by the Community and Economic Development Department, which may include, but not be limited to the following:
    a. City Public Works Department;
    b. City Fire Department;
    c. All special districts in which the subject property is located;

d. Mountain Fuel Company;
e. Utah Power and Light;
f. Granger Hunter Improvement District;
g. Utah Department of Transportation;
h. Any other agency which will provide public or private facilities and services to the site; and
i. Any other department designated by the Community and Economic Development Department.

All information and comments from these various departments and entities should be returned to the Community and Economic Development Department.

(2) The Community and Economic Development Department shall review each application for conformance to the standards outline in this chapter; for conformance with the General Plan and all applicable City ordinances; for conformance with good planning practices; for environmental impacts which may be associated with the design; and shall present its recommendations to the Planning Commission.

(3) The Public Works Department shall review and make comments concerning flood control requirements; engineering requirements for street widths, grades and alignments; whether the proposed public improvements conform to good engineering practice; to the requirements of all applicable ordinances; and shall be responsible for the approval and inspection of all public improvements.

7-7-104. NOTICE OR PUBLIC HEARING.

(1) The Planning Commission shall hold a public hearing on all conditional use applications. Notice of public hearing shall be given as required by the open and public meetings provisions of Chapter 4, Title 52, U.C.A.

(2) In order to make residents of the City more aware of conditional use hearings, particularly those residences or businesses which surround the land upon which the conditional use is proposed to be located, additional notice shall be given as follows:

a. The Community and Economic Development Department shall, prior to the hearing, mail notices of the public hearing to the owners of real property as shown on the last assessment rolls, within a 300 foot radius of the subject property.
b. The Community and Economic Development Department shall post a notice of the public hearing on the subject property.

(3) The notice provisions of this section are not intended to subject the City to a greater notice requirement than required by Federal or State Law. Failure of any person to receive notice shall not invalidate any Planning Commission decision and shall not be a basis for appeal of any Planning Commission decision.

7-7-105. REPEALED.

(Ord. No. 08-38 Repealed 08/27/2008)

7-7-106. AMENDMENT OF A CONDITIONAL USE.

Once granted, a conditional use shall not be enlarged, changed, extended, increased in intensity, or relocated unless a new conditional use application is made and approved by the Planning Commission, except as provided below:

(1) The Zoning Administrator may administratively consider, approve or disapprove modifications or changes which are consistent with the purpose and intent of this chapter. In addition, such administrative determinations may be made only where the following conditions exist:
    a. All additions, modifications or changes to the building shall constitute less than 25 percent of the floor area originally approved.
    b. The additions, modifications or changes are determined not to have significant impact beyond the site.
    c. Any decision of the Zoning Administrator may be appealed to the Board of Adjustment as designated in this chapter.
(2) The Planning Commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the Zoning Administrator determines not to make an administrative determination as provided in (1) above and where the following requirements are met:
    a. The proposed modification or amendment complies with the intent and purpose of this chapter.
    b. All of the requirements of Section 7-7-102 are met.
    c. All of the standards listed in Section 7-7-105.
    d. Reasonable conditions may be attached, where and to the extent that the Planning Commission finds, that the imposition of the conditions will directly mitigate or eliminate some aspect of the proposed amendment that violate the intent and requirements of this chapter. Impacts must be of the magnitude that without the mitigation or elimination thereof, the amendment to the conditional use could not be granted.
    e. All decisions of the Planning Commission regarding approval, denial, the imposition of special conditions may be appealed to the Board of Adjustment as provided in this chapter.

7-7-107. PLANNING COMMISSION ACTION.

(1) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
(2) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(Ord. No. 08-38 Amended 08/27/2008)

7-7-108. REPEALED.

(Ord. No. 08-38 Repealed 08/27/2008)

7-7-109. TIME LIMIT.

(1) Within 12 months from the date the Planning Commission hears and approves a conditional use application, the applicant shall substantially comply with all the conditions of the conditional use approval. Substantial compliance shall be demonstrated by obtaining a current building permit and commencing construction. For the purpose of this ordinance, "commencement of

construction" shall mean completion of the foundation for at least one principal building. If construction is not proposed as an element of the conditional use, a business license shall be obtained to satisfy this requirement. Prior to the issuance of any building permit or business license, the applicant shall sign a conditional use permit document. The conditional use permit document shall include a list of all conditions imposed by the Planning Commission and a signature of the applicant. A site plan may also be required. The date of issuance of a conditional use permit shall be from the date of the Planning Commission's final decision on the conditional use.

(2) If the conditional use permit is to expire, pursuant to (1) of this section, a request for an extension may be filed with the Community and Economic Development Department not less than 30 days prior to the expiration date. The original conditional use approval shall remain valid until the request for extension is acted upon by the Planning commission. Failure to request the extension in a timely manner shall cause a conditional use permit to expire without further notice. A new conditional use application shall be requested prior to any reinstatement of the use.

(3) The Planning Commission may, after evaluating the applicant's progress in the previous year and after considering the Community and Economic Development Department's recommendation, grant an extension of up to one year on the conditional use permit. Only one extension may be granted.

(4) If the approved use or activity should cease for any reason for a continuous period of one year or more, the conditional use permit shall automatically terminate without notice. Approval of a new conditional use application shall be required prior to any subsequent reinstatement of the use.

7-7-110. REVOCATION.

(1) A conditional use permit shall be revocable by the Planning Commission at any time due to failure of the owner or operator of the use to observe all conditions specified in issuing the permit or failure to observe other requirements of this Title in regards to the maintenance of improvements or conduct of the use or business as approved. Furthermore, the City shall have a right of action to compel offending structures or uses removed at the cost of the violator or owner.

(2) No conditional use permit shall be revoked until a hearing is held by the Planning Commission. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint, or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permittee shall be given an opportunity to be heard and he may call witnesses and present evidence on his behalf. Upon conclusion of the hearing, the Planning Commission shall determine whether or not the permit should be revoked.

7-7-111. APPEAL PROCEDURE.

Appeal may be made to the Board of Adjustment by the City or any person aggrieved by a final decision, determination, or requirement of the Zoning Administrator or Planning Commission, regarding a conditional use approval or revocation shall be made to the Board of Adjustment as provided herein.

(Ord. No. 99-51 Amended 08/20/1999)

7-7-112. CONDITIONS TO BE FULFILLED - ENFORCEMENT

(1) Failure to successfully fulfill all conditional approved in a conditional use permit within a reasonable time after approval constitutes a violation of this Title.
(2) What constitutes a reasonable time to fulfill the conditions shall be determined by the Zoning Administrator, after considering relevant factors such as construction needs, weather, seasons, etc. Cost or inability to fulfill the condition shall not be a factor.
(3) The Planning Commission may establish a time in which any or all conditions must be fulfilled. Unless modified by the Planning Commission, the conditions must be fulfilled by that time.
(4) No final occupancy permits, business licenses, or other approvals or permits may be granted unless all conditions are satisfactorily met, unless the Zoning Administrator, Community and Economic Development Director, or Planning Commission specifically approves.
(5) The City may enforce conditional use permits by revoking the permit, through the Administrative Code Enforcement Hearing Program established in Title10 of the City Code, or by filing civil or criminal actions as provided by law. The City has sole discretion to decide which action to take. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute a violation, or to seek a civil remedy to enjoin, abate, or prevent the violation. The City may use any remedy available under the law in both civil litigation or criminal prosecution.

(Ord. No. 99-51 Added 08/20/1999)

CHAPTER 7-8
HOME OCCUPATION

Sections:

7-8-101. Purpose.
7-8-102. Home Occupation Standards – Minor Home Occupation Defined.
7-8-103. Major Home Occupation Standards.
7-8-104. Home Occupation—Prohibited Uses.

7-8-101. PURPOSE.

To encourage the majority of business activities to be conducted in appropriate commercial zones. Business activities may be conducted within a residence on a limited basis if such activities comply with standards of this section. All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege which can be revoked if disruption of the residential neighborhood occurs.

7-8-102. HOME OCCUPATION STANDARDS MINOR HOME OCCUPATION DEFINED.

(1) A home occupation, major or minor, shall not be allowed unless it meets the following standards:
   a. A home occupation shall not be permitted that changes the outside appearance of the dwelling. No exterior architectural modifications shall be made expressly to accommodate the commercial use in the home.
   b. The home occupation may include the sale of commodities, however, the direct sales from display shelves are not allowed at the dwelling and products should be delivered to customers. Retail sales of products and services are allowed at the home with a maximum of two customers per hour.
   c. The area of the home devoted to the home occupation and/or storage of stock in trade shall not occupy more than 25 percent of the area of any one floor.
   d. The home occupation shall not involve the use of any yard space or activity outside of the residence, except where the use or activity is of the type that is customarily found in the residential neighborhood and where said use or activity does not adversely impact the residential nature of the neighborhood. Open storage in and storage or use of a garage is not allowed except for appropriate vehicle storage.
   e. Advertising signs shall conform to the Sign Ordinance and shall be attached to the dwelling, except for minimum mailbox identification. Window displays or exterior evidence, except a two-square foot sign advertising the home occupation, is not allowed, except that which is customarily found in a residential area.
   f. Only one vehicle may be used in association with the home occupation and shall be garaged or stored entirely on private property and not within the front yard of the dwelling. Off-street parking for the residents must be preserved in addition to the commercial vehicle. The vehicle used for the home occupation shall be limited to a maximum size of one-ton gross vehicle weight. A maximum of four square feet of signage will be allowed on the vehicle.

g. One trailer may be used in association with the home occupation. Trailers allowed in conjunction with a minor home occupation are as follows:
    i. An enclosed trailer with a body length of 20 feet or less. Materials shall not be stored on the outside of the trailer; or
    ii. An open trailer with a body length of 16 feet or less. The trailer shall be garaged or stored entirely on private property and not within the front yard of the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required 20-foot setback. The trailer may have a sign that covers up to 30% of the area, or 24 square feet, whichever is less, of each side. The trailer must be well maintained and must not present negative impacts for adjacent neighbors including, but not limited to, odors, dust, sounds, or parking location.

h. The home occupation shall not allow employees coming to the home other than those living in the dwelling.

i. Explosive or combustible materials shall not be stored for a home occupation. The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood including, but not limited to, interference of radio, television or other electronic reception by reason of design, materials, construction, lighting, odor, dust, sounds, noise, vibrations, vehicles, parking and general operation of the business.

j. Promotional meetings for the purpose of selling merchandise or taking orders shall not be held more than once per month.

k. Garage, basement, yard or other similar sales shall not be allowed more than four times each year, and each sale shall not last more than 72 hours.

l. All home occupation shall be conducted only between the hours of 6 a.m. and 10:00 p.m.

m. There shall be complete conformity with all City and State codes, including business license regulations. Periodic inspections, as required by these codes, will be made as required by the type of home occupation.

n. Home occupation licenses may be reviewed and revoked upon valid unresolved complaint. Inspections by City may occur as necessary to assure conformance with these regulations.

o. Handicap persons can obtain a waiver through the Zoning Administrator to allow such persons to become self-sufficient.

(2) Home occupations which meet the above standards shall be defined as minor home occupations. Permitted minor home occupations include, but are not necessarily limited to, the following:

a. Artist, authors, architectural services
b. Barber shops and beauty shops
c. Consulting services, craft sales
d. Dance studio, aerobic exercise, music lessons, tutoring and general educational instruction, provided the number of students is limited to two at a time
e. Direct sales distribution
f. Data processing, computer programming
g. Home crafts
h. Garden produce
i. Janitorial
j. Insurance sales or broker, interior design
k. Mail order (not including retail sales from site)

l. Real estate sales or broker
m. Sales representative

(Ord. No. 03-21 Amended 03/18/2003)

7-8-103. MAJOR HOME OCCUPATION STANDARDS.

Major home occupations are defined as home occupations which meet the standards listed in Section 7-8-102 above, except as specifically modified by the Planning Commission as provided herein. The Planning Commission may allow as a conditional use increases in intensity of a home occupation, as follows:

(1) The number of customers or patrons coming to the home may range up to six per hour, except that a Home Preschool may have up to ten children per session as set forth in Section 7-1-103, provided sufficient off-street parking is provided and the use does not adversely affect the neighborhood.
(2) A larger commercial vehicle may be used, provided it is parked on private property and adequately screened. Parking of the commercial vehicle shall occur on the side or in the rear of the home.
(3) Storage within the garage or accessory building may be allowed as long as two parking spaces for residential use are provided, and the garage still functions for parking.
(4) Instructional-type businesses may be located within an accessory building under the following conditions:
    a. Must be conducted within an existing structure on the premises, other than a garage, which is not constructed primarily for the business.
    b. Must be located within a legal/conforming enclosed structure and does not include a carport, garage, patio, breezeway, or any part of the yard space.
    c. Maximum of six students per session. No more than one session at a time and no more than three sessions per day.
    d. Hard surface access and off-street parking must be provided.
    e. The use cannot displace the minimum required parking for the residence.
    f. The business may only operate while classes are in session and students are present.
    g. Only instructional-type uses are allowed
    h. The use being taught must be a permitted use in that zone. Home occupations which may be considered may include the following uses or uses which are similar in character, origin or impact as determined by the Planning Commission:
        i. Uses which are oriented towards the arts, crafts or performing-type uses, such as a dance studio, exercise classes, floral design, music lessons, painting, pottery or woodworking.
        ii. No manufacturing or auto-related uses are permitted.
    i. The Planning Commission may attach additional requirements and restrictions, such as hours of operation, number of classes per day or students per session.

(Ord. No. 01-48 Amended 11/19/2001; Ord. No. 03-21 Amended 03/18/2003; Ord. No. 03-47 Amended 06/17/2003; Ord. No. 15-16 Amended 06/01/2015)

7-8-104. HOME OCCUPATION—PROHIBITED USES.

Prohibited home occupations include, but are not necessarily limited to the following:

(1) All prohibited and conditional uses listed in the C-1 Neighborhood Commercial Zone (7-6-1002), and all Residential Zones (7-6-803).

(Ord. No. 03-21, Add, 03/18/2003)

CHAPTER 7-9
OFF-STREET PARKING REQUIREMENTS

Sections:

7-9-101. Purpose.
7-9-102. General Provisions for Off-street Parking and Loading.
7-9-103. Site Plan and Lighting Plan Required.
7-9-104. Computation of Off-street Parking Spaces.
7-9-105. Maximum Number of Parking Spaces.
7-9-106. Shared Parking.
7-9-107. Design Standards for Off-street Parking and Loading Spaces.
7-9-108. Parking Access.
7-9-109. Stacking.
7-9-110. Parking Lot Layout.
7-9-111. Compact Car Design.
7-9-112. Handicapped Parking.
7-9-113. Landscaping and Screening.
7-9-114. Lighting.
7-9-115. Surfacing.
7-9-116. Grading.
7-9-117. Storage.
7-9-118. Off-street Loading Space Design Standards.

7-9-101. PURPOSE.

The purpose of these off-street parking requirements is to reduce congestion and traffic hazards in the City by incorporating adequate, attractively-designed off-street parking and loading facilities for various land uses. Parking areas shall be designed in such a manner that they will result in maximum efficiency, protection of public safety, provide for the special needs of the handicapped, and where appropriate, insulate surrounding land uses from adverse impacts created by such parking.

(Ord. No. 02-59 Amended 09/17/2002)

7-9-102. GENERAL PROVISIONS FOR OFF- STREET PARKING AND LOADING.

At the time any building, structure or use is changed such that there is an increase in the capacity or intensity of the use, off-street parking shall be required in compliance with this Chapter. All off-street parking and loading facilities within the City shall comply with all of the standards prescribed in this Chapter, and shall be permanently maintained in good condition for the duration of the use or uses served by the facility. All paved areas shall be maintained in good repair without broken parts, potholes or litter.

Failure to maintain required parking and landscaping in a condition substantially similar to its original approved condition shall be a class "B" misdemeanor and shall be cause for suspension of a business license if, within 10 days after the mailing of a violation notice, the violation is not brought into compliance. If, due to cold weather or other environmental condition, the violation cannot be brought into compliance within 10 days, the Community and Economic Development Department shall consider such conditions and impose a reasonable extension of time for compliance.

(Ord. No. 02-59 Amended 09/17/2002)

7-9-103. SITE PLAN AND LIGHTING PLAN REQUIRED.

All applications for a building permit shall be accompanied by a detailed site plan and lighting plan as required in Chapter 7 of this Title, Design and Development Plan Review, showing the required off-street parking spaces. Parking lots with less than five spaces are not required to submit a lighting plan.

(Ord. No. 02-59 Amended 09/17/2002)

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

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.

If, in the application of the requirements of this Title, a fractional number is obtained, any fraction will be disregarded.

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%	

USE		MINIMUM OFF-STREET PARKING REQUIREMENT	MAX. % COMPACT USES ALLOWED	NOTES
	Nursing Homes	1 space per 2.5 beds for nursing and convalescent homes.	None	
	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	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.

(Ord. No. 99-59 Amended 09/22/1999; Ord. No. 02-59 Amended 09/17/2002; Ord. No. 07-54 Amended 9/5/2007; Ord. No. 08-20 Amended 04/14/2008; Ord. No. 10-07 Amended 03/29/2010; Ord. No. 14-24 Amended 05/05/2014)

7-9-105. MAXIMUM NUMBER OF PARKING SPACES.

In order to minimize the number of unused parking spaces, the number of parking spaces specified in this Chapter shall not be exceeded by an amount of more than twenty-five percent of the minimum except when approved as outlined in Section 7-9-104.

(Ord. No. 02-59 Amended 09/17/2002)

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.

	Weekday		Weekend		Nighttime
Use	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	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%

(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.

(Ord. No. 02-59 Amended 09/17/2002; Ord. No. 13-23 Amended 06/03/2013)

7-9-107. DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING SPACES.

All parking spaces shall be accessible from a street, provided that no parking space shall be designed to require vehicles to back onto a street except for parking spaces that serve a one or two-family dwelling.

(Ord. No. 02-59 Amended 09/17/2002)

7-9-108. PARKING LOT ACCESS.

Entrances and exits for parking facilities shall be designed to reduce traffic congestion on public streets and minimize conflicts with neighboring uses. Adequate ingress and egress to the parking facilities shall be provided as follows:

(1) Access drives for single family or two-family dwellings with single and double-car garages shall be a minimum of 14 feet wide and a maximum of 20 feet at the property line. Access drives for triple-car and larger garages shall be a minimum of 10 feet wide and may not exceed a maximum of 30 feet at the property line. On corner lots, the access to a single family or two-family dwelling shall be set back a minimum of 40 feet from the point of intersecting curb lines.

(2) Access drives for single or two-family dwellings with detached garages, carports or other parking areas located in the rear yard of the dwelling, which provide the minimum required parking spaces, shall be at minimum of 8' wide and improved per section 7-9-115 of the West Valley City Code.
(3) Standards for the width, radius, location and number of curb cuts for all uses except single family or two-family dwellings are outlined in the table below:

Future Right-of-Way Width	Max Curb Cut Width	Minimum Access Radius	Separation from Corners*	Separation from Side/Rear Property Lines	Number of Curb Cuts Allowed
<66'	30'	30'	80'	75'	1 per 150' of frontage
66'– 79'	40'	40'	100'	100'	1 per 200' of frontage
80' and up	40'	30'	140'	175'	1 per 350' of frontage
*Measurement made from the point of intersecting curb lines to near edge of driveway.					
These standards do not apply to State roads.					

(4) The City Engineer or designee may modify the standards in the table in Section 7-9-108(2) above if sufficient proof is provided through a traffic study that the modification will be necessary for traffic movement. The maximum driveway width shall be 50 feet.

(Ord. No. 02-59 Amended 09/17/2002; Ord. No. 08-59 Amended 12/29/2008; Ord. No. 10-34 Amended 11/08/2010)

7-9-109. STACKING.

Adequate stacking or waiting lanes for those uses requiring such stacking areas shall be designed so that no obstruction shall occur at the public right-of-way. A 72-foot minimum stacking area from the service point shall be provided for waiting areas which do not conflict with access to other required facilities.

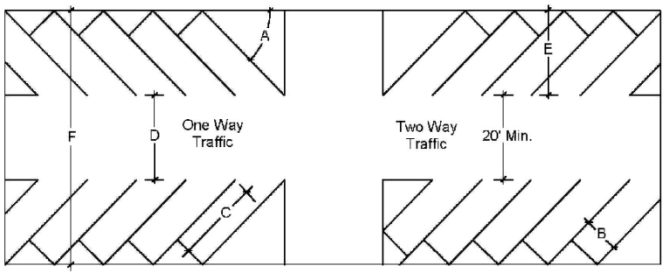
(Ord. No. 02-59 Amended 09/17/2002)

7-9-110. PARKING LOT LAYOUT.

Parking lots shall be designed to provide for internal circulation so that each parking space is accessible to all other parking spaces without using a public street. All properties shall provide attractive, direct and safe pedestrian access to parking. The layout of the parking areas shall relate to building entrances. The following tables shall be used to provide the minimum design standards for parking lot layout:

PARKING LOT REQUIREMENTS

A = PARKING ANGLE
B = STALL WIDTH
C = STALL LENGTH
D = AISLE WIDTH
E = STALL TO CURB
F = CURB TO CURB



Standard Vehicle
Width-9' Depth-18'

A	B	C	D	E	F
0°	10'	22'	12'*	10'	32'
30°	9'	18'	15'*	18'	51'
45°	9'	18'	15'*	21'	57'
60°	9'	18'	20'*	22'	64'
90°	9'	18'	24'	18'	60'

* One way traffic only

Compact Vehicle
Width-9' Depth-16'

A	B	C	D	E	F
0°	10'	20'	12'*	10'	32'
30°	9'	16'	15'*	15'	45'
45°	9'	16'	15'*	17'	49'
60°	9'	16'	20'*	18'	56'
90°	9'	16'	24'	16'	56'

* One way traffic only

(Ord. No. 01-76 Amended 03/06/2002; Ord. No. 02-59 Amended 09/17/2002; Ord. No. 01-76 Amended 12/18/2002, Effective date 12/20/2002)

7-9-111. COMPACT CAR DESIGN.

Each compact space approved herein shall be designated as a compact space with either signage placed at both ends of a row of compact spaces with one additional sign for each five spaces over the initial five spaces or painted letters on pavement of at least 12 inches high and seven inches wide stating

"Compact" for each space. All compact parking spaces shall be approved by the City and shall be located throughout the required parking lot areas in groups as to allow appropriate design transition.

(Ord. No. 01-49 Amended 11/20/2001; Ord. No. 02-59 Amended 09/17/2002)

7-9-112. HANDICAPPED PARKING.

Handicapped parking spaces shall be provided in off-street parking lots and shall count towards fulfilling the minimum automobile required parking. The number, location, and identification of handicapped parking spaces required shall be determined by the most current building code adopted by the City.

(Ord. No. 02-59 Amended 09/17/2002)

7-9-113. LANDSCAPING AND SCREENING.

(1) Parking lots with five or more spaces must have a minimum of a 10-foot wide landscape strip in side yards adjacent to any street and a minimum of a 20-foot wide landscape strip in front yards. A 10-foot wide landscape strip shall incorporate a 2-foot high masonry screen wall with the landscaping sloping upward to the top of the wall. 20-foot wide landscape strips shall incorporate a berm with a minimum elevation of three feet above the adjacent sidewalk. Exterior perimeters of the parking lot, which are not adjacent to a street, shall have a minimum of a five-foot wide landscaping strip.

(2) The Planning Commission may consider alternatives to the berming requirement as a conditional use on properties of at least ten (10) acres. This provision would apply only to properties in the Manufacturing (M) zone and only on interior streets within the development, not on any high-image arterial streets. Screening for adjacent parking lots would be required using a combination of hedges, shrubs, trees, landscape boulders, screen walls and similar devices.

(3) At least 15 square feet of landscaping for each parking space shall be provided within the interior of all off-street parking areas. Such landscaping shall be dispersed throughout the interior of the parking area. For parking areas with 20 or more total parking spaces in a double-loaded aisle, landscaping shall include at least a 5' x 36' landscape area with two trees at each end of the aisle. For parking areas with 28 or more total parking spaces in a double-loaded aisle, landscaping shall include at least a 5' x 36' landscape area with two trees at each end of the aisle and incorporate one of the four options below (Figure 7.1):

    a. 5' x 5' tree diamonds placed no more than 7 parking spaces apart;
    b. 5' x 36' landscape areas with two trees placed 10 parking spaces apart;
    c. a 5' landscaped median with trees planted 40' apart; or
    d. other similar designs that disperse landscaping throughout the parking area and are acceptable to City staff.

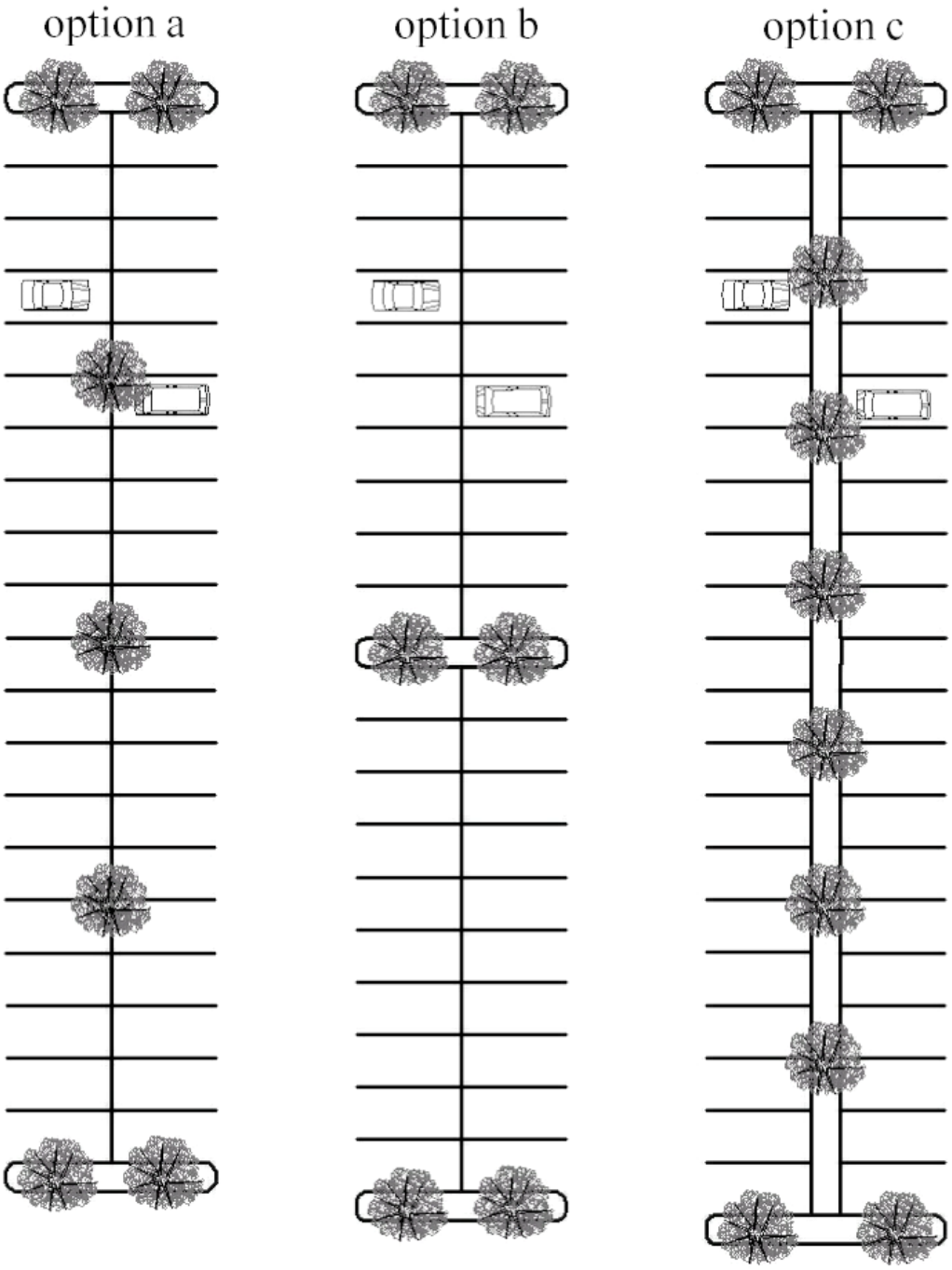
(4) All landscaped areas shall consist of at least 50% live plant materials and be serviced by a permanent underground water system. The remaining 50% may include mineral or nonliving organic permeable material. Landscape areas that are less than 8 feet wide shall utilize drip or bubbler irrigation and shall not include sod. Trees shall be planted in the landscape areas at a minimum ratio of one tree per 300 square feet of gross landscape area.

(5) Parking lots of five or more spaces shall provide a masonry wall six feet in height when parking lots are adjacent to a residential use. The six-foot height of the wall shall be measured from the

parking lot asphalt grade to the top of the screen wall. This solid barrier shall be maintained in good condition without any advertising thereon. When future commercial use of neighboring properties is recommended in the General Plan or when the subject property borders an educational facility, a waiver or substitute for the wall requirement may be approved. The waiver or substitution may be approved by the Planning Commission for conditional uses or by the Community and Economic Development Director or designee for permitted uses.

(Ord. No. 08-41 Amended 09/17/2008)

Figure 7.1



(Ord. No. 01-49 Amended 11/20/2001; Ord. No. 02-59 Amended 09/17/2002)

7-9-114. LIGHTING.

(1) Lighting used to illuminate any off-street parking spaces, vehicle maneuvering areas, or loading/unloading areas must conform to the following standards:
   a. Illumination of driveway access to streets shall at least match any local public lighting.
   b. Light poles shall be set on pillars or placed in landscaped areas to minimize direct contact with vehicles.
   c. To reduce light pollution, lighting systems must obscure the lamp image to direct light where needed.
   d. Luminaire mounting height must reasonably match the scale of the surrounding buildings.
   e. Noise created by electromagnetic ballasts shall be kept to a minimum and must not be noticeable above ambient background levels.
   f. Illuminance levels shall conform to the standards outlined in the table below:

Land Use	Minimum Horizontal Footcandles	Minimum Vertical Footcandles
Commercial	0.5	0.25
Residential, Institutional and Industrial	0.2	0.1

   g. Lighting shall be arranged or directed as to reflect the light away from adjacent properties and to prevent glare for street traffic. The intensity of light at adjoining residential properties shall not exceed 0.1 footcandles.

(2) Lighting plans submitted for review must include:
   a. The location and height of all light poles;
   b. Predicted illumination levels, which are based on maintained illumination levels just prior to lamp replacement and luminaire cleaning, within, at and beyond property lines.

(3) Designers of lighting plans must consider:
   a. Shadow effects of trees, signs, buildings, screen walls or other fixed objects.
   b. Illumination of the entire off-street parking area sufficiently to allow pedestrians and motorists to see potential danger in their peripheral vision, to promote pedestrian and vehicle safety and to prevent assault, theft and vandalism.

(Ord. No. 02-59 Amended 09/17/2002)

7-9-115. SURFACING.

(1) All minimum number of off-street parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt or concrete except:
   a. Dirt driveways in existence as of April 1, 2010, that have never been hard surfaced or graveled may be surfaced with gravel.

(2) Agricultural and heavy equipment uses will be evaluated as to their impact on City streets, neighboring properties and the subject property with appropriate dustless surfacing to be determined by the Zoning Administrator. Access to detached garages which provide parking areas in excess of minimum parking stall numbers, shall provide an appropriate dustless surface

provided the minimum front yard driveway is paved with asphalt or cement. A dustless surface can be gravel provided the gravel is a minimum of four inches deep, contained with durable borders and weed and grass free.

(3) All off-street parking areas for single family dwelling or duplex lots shall meet the following standards:
   a. All parking and maneuvering areas, in addition to the minimum required, shall be paved and permanently maintained with a hard-surface, or gravel.
   b. Whenever gravel is used for parking and maneuvering in a residential zone, the gravel must be a minimum of four inches deep, compacted, free of grass and weeds, and contained with durable borders.
   c. For the purposes of this Section, a hard-surface shall only include concrete, asphalt, brick pavers and stone pavers.
   d. Hard surfaced parking strips with a minimum width of two feet (2') each may be used for parking and maneuvering areas instead of a solid driveway. Landscaping, as defined in Section 7-1-103, must be installed and maintained in a healthy condition between the parking strips. For the purposes of the determining the hard surface percentage in the front yard for item e below, the landscaped space between the parking strips shall be included in the hard surface percentage.
   e. In order to allow double driveways, and to allow hard-surface access to the rear yard, up to, but not more than, 40 percent of a front yard may be covered with a hard-surface. Lots with duplexes, twin home lots, cul-de-sac lots, or lots on major streets needing circular driveways may increase the hard-surface percent to 50 percent.

(4) All off-street vehicle parking must occur in an area that meets the requirements of Subsections 1, 2 and 3 of Section 7-9-115. No parking shall be allowed in landscaped areas.

(Ord. No. 02-59 Amended 09/17/2002; Ord. No. 05-19 Amended 04/19/2005; Ord. No. 09-25 Amended 08/28/2009; Ord. No. 10-12 Amended 04/22/2010)

7-9-116. GRADING.

Parking lots shall be properly graded to allow for drainage of surface water in an approved manner as to keep the parking area free of water and ice. Drainage plans are to be approved by the Public Works Department prior to issuance of a building permit.

(Ord. No. 02-59 Amended 09/17/2002)

7-9-117. STORAGE.

All areas designated for off-street parking, maneuvering, loading or site landscaping shall not be used for outdoor storage of materials.

(Ord. No. 02-59 Added 09/17/2002)

7-9-118. OFF-STREET LOADING SPACE DESIGN STANDARDS.

Where necessary, there shall be provided and maintained adequate space for loading and unloading services:

(1) All loading areas or docks shall be located so that no vehicle shall be parked, or require maneuvering room within a public street.
(2) Each loading facility shall not be less than 45 feet in length and 12 feet in width and shall have an overhead clearance of not less than 14 feet.
(3) Sufficient room for turning and maneuvering vehicles shall be provided on the site.
(4) Off-street loading facilities for one use shall not be considered as providing required off-street loading or parking facilities for any other use.
(5) All truck loading spaces shall be separated from adjoining residential districts by a masonry wall not less than 6 feet in height.

(Ord. No. 02-59 Added 09/17/2002)

CHAPTER 7-10
OVERPRESSURE ZONE

Sections:

7-10-101. Purpose.
7-10-102. Overpressure Zones and Land Uses.
7-10-103. Commercial/Industrial Uses.
7-10-104. Existing Zoning Ordinances.
7-10-105. Notification Requirements.
7-10-106. Glass Requirements - Windows, Doors and Skylights.
7-10-107. Penalty and Enforcement.

7-10-101. PURPOSE.

(1) The overpressure zones are overlay zones intended to minimize the adverse impacts associated with potential accidental exposures. The property within the overpressure zones may be subject to significant overpressure waves and fragments generated from the manufacture, handling or storage of energetic material. In order to preserve the health, safety and welfare of residents in the area, this ordinance establishes certain requirements for the type and installation of windows in new construction and sets forth certain notification requirements.
(2) Though it cannot be legally mandated, it is the intent of this ordinance to also recommend and encourage owners of existing structures to replace glass with the glazing specified in Section 7-10-106.
(3) Since the purpose for this ordinance is based on Hercules' operation, if Hercules or any other person can show the Planning Commission that Hercules has changed operation such as to eliminate or reduce the danger, then this ordinance shall be reviewed by the City Council after receipt of recommendations, if any, from the Planning Commission.

7-10-102. OVERPRESSURE ZONES AND LAND USES.

(1) There are three graduations of overpressure exposure as follows:
    a. Zone A. In areas exposed to overpressures greater than or equal to 0.5 pounds per square inch (psi) no significant structural development shall be allowed outside the boundaries of the Hercules, Inc., Bacchus East Plant except as provided in Section 7-10-103.
    b. Zone B. In areas between 0.5 and 0.35 psi, residential uses of various densities are allowed. In other zones, residential uses shall only be allowed if the uses are accessory to a primary commercial, industrial, or educational use. All other uses such as commercial/industrial land uses shall only be allowed as provided in Section 7-10-103 below.
    c. Zone C. In areas between 0.35 and 0.2 psi, residential uses of various densities are allowed. All other uses such as commercial/industrial land uses shall only be allowed as provided in Section 7-10-103 below.
(2) These three overpressure zones are defined by circles on the official West Valley City zoning map in the southwest quadrant of the City.
(3) Where a question exists in defining the location of an overpressure line on the ground, the provisions of the most restrictive zone shall apply to the entire structure divided by the line.

(Ord. No. 90-25 Amended 07/12/1990; Ord. No. 03-71 Amended 12/03/2003)

7-10-103. COMMERCIAL/INDUSTRIAL USES.

Where a use other than a residential use is contemplated, calculations shall be submitted by a licensed engineer who specializes in structural engineering certifying that any proposed structures are designed to withstand up to 0.5 psi on all exterior horizontal and vertical surfaces.

7-10-104. EXISTING ZONING ORDINANCES.

(1) The requirements contained in this Chapter do not change the regulations of the existing zoning ordinances other than limiting the land to certain uses as provided in this Chapter and 7-10-103 above and adding certain notification requirements and glass requirements for windows.
(2) The provisions of Section 7-10-102 do not automatically authorize the residential uses listed. The proper zoning shall still be required and an application for a zoning change or conditional use shall still be approved or denied based on the criteria used for any other zoning change request or conditional use application.

7-10-105. NOTIFICATION REQUIREMENTS.

7-10-106. GLASS REQUIREMENTS - WINDOWS, DOORS AND SKYLIGHTS.

(1) In all new construction or any building addition requiring a building permit located in an overpressure zone, the following types and maximum sizes of glass or glass substitutes for windows, doors and skylights shall be required:
   a. In Zone B (0.35 psi to 0.50 psi), either the glass types in subsection (i) or the glass substitute in subsection (ii) as set forth below may be allowed:
      i. If glass is used, the following glass and glass types shall be required:

Maximum Area	Glass Type
6.0 SF	1/4” laminated
12.0 SF	3/8” laminated
17.5 SF	5/32” fully-tempered
26.5 SF	3/16” fully-tempered
40.0 SF	1/4” fully-tempered

Single regular (annealed) glass, heat-strengthened (partially tempered) glass, and wired glass shall not be permitted.

      ii. If a glass substitute is used, all inboard windows or all outboard windows, but not both, shall be non-lockable and shall be constructed of material conforming to federal specification FSL-P-507 and to the following minimum thicknesses:

Maximum Size	Minimum Size
3’ Wide	1/4” thickness
3’ to 4’ Wide	3/8” thickness

No glass substitute wider than four feet shall be permitted.

   b. In Zone C (0.2 psi to 0.35 psi), either the glass types in subsection (i) or the glass substitute in subsection (ii) as set forth below may be allowed:

i. If glass is used, the following glass and glass types shall be required:

Minimum Area	Glass Type
8.0 SF	1/4” laminated
17.0 SF	3/8” laminated
25.5 SF	5/32” fully-tempered
37.5 SF	3/16” fully-tempered
60.0 SF	1/4” fully-tempered

Single regular (annealed) glass, heat-strengthened (partially tempered) glass, and wired glass shall not be permitted.

ii. If a glass substitute is used, all inboard windows or all outboard windows, but not both, shall be non-lockable and shall be constructed of material conforming to federal specification F8L-P-507 and to the following minimum thickness:

Maximum Size	Minimum Thickness
3’ Wide	3/16” thickness
3’ to 4’ Wide	1/4 “ thickness

No window wider than four feet shall be permitted.

(2) All glass (inboard and outboard), whether factory-fabricated insulated glass, combinations of prime and storm windows, or combinations of prime and storm doors, shall comply with the requirements of paragraph (A). An exception is the outboard pane of any double glazed window whose top edge is 24" or less above grade. This glass may be regular (annealed) glass complying with all other applicable Uniform Building Code requirements.

(3) The laminated and fully-tempered glass shall be certified by the Safety Glazing Certification Council and be so designated on a permanent monogram.

(4) Factory fabricated insulating glass shall be certified by the Insulating Glass Certification Council and be so marked.

(5) The requirements of this section shall be met when any windows, doors or skylights are replaced or added in any structures which originally had to comply with this section.

7-10-107. PENALTY AND ENFORCEMENT.

(1) It shall constitute an infraction to violate any provision of this Chapter.

(2) In addition to criminal prosecution for violation of this Chapter, the City may utilize any other remedy provided by law including, but not limited to: injunctions and other civil remedies, revocation of any building permits and/or conditional use permits, and administrative fines and fees imposed pursuant to Title 10 of the City Code.

(Ord. No. 99-52 Amended 08/20/1999)

CHAPTER 7-11
MOBILE HOME PARKS

Sections:

7-11-101. License and Permits.
7-11-102. Permit Fees.
7-11-103. Application for a Permit.
7-11-104. Transmittal of Plans.
7-11-105. Planning Commission Action.
7-11-106. Report to the Applicant.
7-11-107. Expiration of Approval.
7-11-108. Location and Fencing.
7-11-109. Street Dedication.
7-11-110. Access Street.
7-11-111. Minimum Area.
7-11-112. Park Plan.
7-11-113. Inspection of Mobile Home Parks.
7-11-114. Enforcement.
7-11-115. Revocation of License.
7-11-116. Appeal.
7-11-117. Notices, Hearings and Orders.
7-11-118. Requirement and Conditions.
7-11-119. Park Street System.
7-11-120. Water Supply.
7-11-121. Sewage and Refuse Disposal.
7-11-122. Sanitation Facilities.
7-11-123. Service Buildings.
7-11-124. Refuse Handling.
7-11-125. Service and Other Buildings.
7-11-126. Insect and Rodent Control.
7-11-127. Fuel Supply and Storage.
7-11-128. Fire Protection.
7-11-129. Park Management.
7-11-130. Responsibilities of Park Occupants.

7-11-101. LICENSE AND PERMITS.

It shall be unlawful for any person to construct, maintain or operate a mobile home park within the City unless such person shall first obtain a license and permit therefore, except that:

(1) Mobile home parks legally existing at the time of the effective date of this Ordinance may continue to operate on the same basis as under a non-conforming use as set forth in the current City Zoning Ordinance, subject to the exceptions set forth hereafter.

(2) Existing mobile home parks may be enlarged provided the addition conform to all provisions of the City Code, which specific requirements may be waived by the City Council upon the recommendation of the Planning Commission and the City/County Board of Health if they find special circumstances or conditions that would make it unreasonable to require such compliance.

(3) Application for original licenses shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee of $25. Said application shall contain the name and address of the applicant, the location and legal description of the mobile home park, and a site plan of the mobile home park showing all mobile home lots, structures, roads, walkways, and other service facilities.
(4) Applications for renewals of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee of $25 and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.
(5) Every person holding a license shall give notice in writing to the Director of Health within 24 hours after having sold or transferred said mobile home park. Such notice shall include the name and address of the person succeeding to the ownership. It is understood and agreed that the licenses hereinafter specified are personal in nature and do not carry over from one person to another upon sale and cannot be transferred as a part of the sale of the property; a new license being necessary from the date the new owner commences business.

7-11-102. PERMIT FEES.

The Building Permit Fee for each mobile home park shall be as follows:
(1) For mobile home parks of 30 mobile home spaces or less, $30.
(2) For mobile home parks of more than 30 mobile home spaces, $30 plus $1 per mobile home space over 30 with the maximum charge being $300, regardless of size.
(3) In addition to the above fees, if any buildings or structures are built, a permit fee under the Uniform Building Code must be paid as well as the fee for mechanical installations, the electrical and the plumbing work, in accordance with the current Ordinances in effect at the time.
(4) An applicable annual license fee for mobile home parks shall be specified under the licensing provisions of the Code after the park has been constructed and is in operation.

7-11-103. APPLICATION FOR A PERMIT.

(1) Before a Conditional Use Permit for a mobile home park can be issued, plans and specifications shall be submitted to the Planning Commission. Seven copies of the plans of the proposed park shall be filed with the application on paper not smaller than 17" x 22" and shall include the following:
    a. The name, address and telephone number of the applicant.
    b. The location and legal description of the mobile home park.
    c. Northpoint, scale and date of drawing.
    d. The acreage of the proposed park.
    e. Accurate finished contours of land at intervals of not more than two feet, and the approximate location of all that are subject to flood water, overflow or inundation and the location width, and direction of flow of all watercourses.
    f. The location names and number of all existing public streets within 200 feet of the proposed park.
    g. The number, size, location and type of all mobile home spaces, whether to be used for an independent mobile home which has its own sanitary facilities or dependent mobile homes which do not have such facilities.
    h. The location, size and specifications for construction of roadways.
    i. Plans and specifications of all buildings, improvements and facilities to be constructed, including electrical layout.

j. The location and size of all public utility lines.
k. The location and method of enclosing rubbish and garbage disposal areas.
l. One typical mobile home space showing the proposed location of the car slab, cabana and other planned or required items.
m. The drainage plan of the park showing the method to be utilized in carrying off surface drainage to an adequate point of disposition with the attached approval of the county flood control director or his authorized representative.
n. Details of water supply and waste disposal system.
o. Such further information as is required by this Ordinance or as may be additionally required by the Planning Commission in order to enable it to determine if the proposed park will comply with the legal requirements.

(2) The Planning and Zoning Division shall transmit a copy of the proposed mobile home park plan to the following agencies for their review and comment:
a. The City/County Board of Health.
b. The Public Works Department.
c. The Fire Department.
d. Any other public agency or officers determined by the Planning Commission to have an interest in the proposed park.

7-11-104. TRANSMITTAL OF PLANS.

Departments and agencies receiving plans for review shall transmit written comments or recommendations to the Planning Commission within 15 working days after receiving the plans. Failure to so report without a reasonable explanation thereof shall be determined to constitute approval for the proposed design.

7-11-105. PLANNING COMMISSION ACTION.

The Planning Commission shall review the application, maps and plans of the proposed mobile home park, considering the reports of other departments and agencies together with the provisions of this Code and shall conditionally approve, amend and approve, or may disapprove the application as submitted.

7-11-106. REPORT TO THE APPLICANT.

After the consideration and action of the Planning Commission, the Zoning Administrator shall give the applicant written notification of the decision. Copies of such notification shall be forwarded to the Board of Health and the Building Inspection Department and in the event of disapproval, shall set forth the reasons therefore.

7-11-107. EXPIRATION OF APPROVAL.

The approval of the Planning Commission shall expire and become void one year after the date of approval if building permits have not been issued and if the construction of the park has not been commenced and pursued diligently. The Planning Commission may grant a maximum extension of six months under exceptional circumstances, provided that written application for such extension shall be made not less than 30 days prior to the expiration of the original approval.

7-11-108. LOCATION AND FENCING.

Location of mobile home parks shall be regulated by the Zoning Ordinance of the City. Where any boundary of a park directly abuts property which is improved with a permanent residential building or directly abuts unimproved property which may, under existing laws and regulations, be used for permanent residential construction or abuts any street, a six-foot high solid visual barrier fence or wall properly related to surrounding topography and the character of the surrounding development shall be provided along such boundary; except that, at the point where a public street intersects with an access road, the height of the fence or wall shall be determined by the Zoning Ordinances of the City.

Where any mobile home park boundary is adjacent to a public street, the fence or wall shall be setback from the street right-of-way a minimum of 10 feet. This ground between the fence or wall and the street right-of-way line shall be landscaped and permanently maintained.

7-11-109. STREET DEDICATION.

The developer of the mobile home park shall be required to dedicate to the City and shall improve to City standards all streets within the proposed park determined by the Planning Commission to be necessary for adequate neighborhood circulation.

7-11-110. ACCESS STREET.

The location and width of the access street shall be determined by the Planning Commission.

7-11-111. MINIMUM AREA.

The minimum permissible area for the construction of any mobile home park shall be five acres.

7-11-112. PARK PLAN.

Mobile home parks shall conform to the plan as submitted and approved by the respective governing agencies and to the following requirements:

(1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and free from stagnant pools of water.

(2) Each park shall provide mobile home spaces, clearly defined or delineated, which shall have a minimum average area of 3,000 square feet, exclusive of streets and sidewalks, and a width of not less than 40 feet.

(3) Mobile homes shall be so located on each space as to permit a 15-foot clearance between the mobile homes.

   a. Carport covers and patio covers may extend to within three feet of side lot lines of the individual mobile home spaces, or where lot lines are not defined, to within six feet of another structure.

   b. No mobile home shall be located closer than 15 feet to any building within the park or to any property line of the park which does not abut upon a public street or highway. This set back may be reduced if the property line of the park abuts a power corridor or other permanent open space not occupied by structures.

   c. No mobile home shall be located closer to any property line of the park abutting upon a public street or highway than 25 feet or such other distance as may be established by

Ordinance or regulation as a front yard setback requirement with respect to conventional buildings in the Zoning District in which the mobile home park is located.

(4) The street system shall provide convenient circulation by means of streets properly located with respect to the access streets. Closed ends of dead end streets shall be provided with adequate paved vehicular turning or backing space. A turning circle shall be at least 80 feet in diameter.

(5) Walkways shall be provided from mobile home spaces to service buildings and shall be constructed of concrete not less than two feet wide.

(6) All streets and walkways shall be hard-surfaced and adequately lighted, subject to approval of the Planning Commission.

(7) Each park shall provide service buildings to house such toilet, bathing and other sanitation facilities as are required by this Ordinance.

(8) Electrical service shall comply with the provisions of the currently adopted West Valley City Electrical Code.

(9) The operator of said mobile home park is hereby charged with the responsibility of making all connections from said mobile home to sewer, water, gas, electric or any other utility services governed by these regulations, and shall do so in full conformity with the Building Codes, the Plumbing Code, the Electrical Code and Health Codes. The operator shall, upon request, deliver to any Inspector, Health Office or other official such pertinent information required to prove compliance with the Ordinances at any reasonable time.

(10) Two parking spaces shall be provided on each mobile home space and each mobile home park shall provide an automobile parking area for the use of guests. One such space shall be provided for every five lots or fraction of five lots within the park. Each space shall be 10 feet by 20 feet in size and shall contain such additional area as is necessary to afford adequate ingress and egress.

(11) Mobile home stands shall be no smaller than 10 by 50 feet in size.

(12) Not less than five percent of the gross site area shall be devoted to recreational facilities. Individual recreational areas shall not be less than 2500 square feet in size.

(13) The occupied area of each mobile home space shall not exceed 75 percent of the total area of the lot. Area shall be deemed occupied when covered or occupied by a trailer coach, cabana, vehicle, awning, closet, cupboard or other structure of any kind. Unoccupied area shall be adequately landscaped and maintained.

(14) All utilities in the park shall be placed underground.

(15) Each mobile home space shall provide the tenant storage area convenient to its entrance which shall contain 120 cubic feet of area.

(16) Each mobile home shall be provided with a patio area containing a minimum of 100 square feet of space; such patio shall be constructed in accordance with the Uniform Building Code which is currently effective and in use by West Valley City.

(17) Bulk storage area equivalent to 80 square feet per mobile home space shall be provided and the area so designated shall be asphalted and fenced in such a manner as to screen the compound from surrounding mobile home spaces.

(18) All mobile homes within the park shall be skirted and each home shall be firmly anchored to prevent sway and/or give or play, and shall be adequately supported.

(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 00-36 Amended 05/22/2000)

7-11-113. INSPECTION OF MOBILE HOME PARKS.

(1) The Director of Health and/or the Building Inspection Division or their representatives are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with the ordinance and the regulations issued hereunder.
(2) The Director of Health and Building Official, or their representative, shall have the power and authority to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
(3) It shall be the duty of the owners or occupants of the mobile home parks, and mobile homes contained therein, or of the person in charge thereof, to give the Director of Health or Building Official free access to such premises at reasonable times for the purpose of inspection.
(4) It shall be the duty of every occupant of a mobile home park to give the owner thereof, or his agent or employee, access to any part of the mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and regulations issued hereunder or with any lawful order issued pursuant to the provisions of this Ordinance.

7-11-114. ENFORCEMENT.

The Building Official and the Director of Health are hereby designated and authorized as the officers charged with the enforcement of the provisions of this Title.

7-11-115. REVOCATION OF LICENSE.

The Building Official or the Director of Health or any other officer charged with the enforcement of this Title may revoke any license to maintain and operate a mobile home park when the licensee is found to have violated any provision of this Code. After such violation, the license may, in the discretion of the revoking official, be reissued if the violation has been remedied and the park is in condition to be maintained and operated in full compliance with the law.

7-11-116. APPEAL.

If for any reason, application for a license has been denied or the officials have revoked a permit granted hereunder, the person to whom the revocation or license has been effectively withdrawn may, upon application, be granted a hearing before the Building Official and/or the Director of Health as provided herein.

Any person whose license has been suspended or revoked, or who has received from the Director of Health or the Building Official notice that his license will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the proper official under the procedure provided by Section 7-11-117; provided that, when no petition for such hearing shall have been filed within 10 days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such 10-day period.

7-11-117. NOTICES, HEARINGS AND ORDERS.

(1) Whenever the Director of Health or the Building Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance or

regulations issued hereunder, he shall give notices of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:

a. Be in writing;
b. Include a statement of the reasons for its issuance;
c. Allow a reasonable time for the performance of any act it requires;
d. Be served upon the owner or his agent as the case may require, provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address or when he has been served with such notice of any method authorized or required by the laws of this State; and
e. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and regulations issued hereunder.

(2) If, at the end of the period set forth in the notice, the Building Official and/or the Director of Health shall reinspect such mobile home park and, if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park except as provided in this Ordinance.

(3) Any person whose license has been suspended or is otherwise affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance or any regulation issued hereunder, may request and shall be granted a hearing on the matter before the proper official charged with the enforcement of the provisions of the Ordinance which the operator is accused of violating by filing a written petition requesting a hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under paragraph (6) of this section. Upon receipt of such petition, the Director of Health and/or the Building Official shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the date on which the petition was filed; provided, that upon application of the petitioner, the Director of Health and/or the Building Official may postpone the date of the hearing for a reasonable time beyond such 10-day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

(4) After such hearing the Director of Health and/or the Building Official shall make findings as to compliance with the provisions of this Ordinance and regulations issued hereunder and shall issue an order in writing, sustaining, modifying or withdrawing the notice which shall be served as provided in paragraph (1) of this Section. Upon failure to comply with any other sustaining or modifying notice, the license for the mobile home park affected by the order shall be revoked.

(5) The proceedings at such a hearing, including the findings and decision of the Director of Health and/or the Building Official, together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Director of Health and/or the Building Official, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of the Director of Health and/or the Building Official may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this State.

(6) Whenever the Director of Health and/or the Building Official finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such

action be taken as he may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately, but upon petition to the Director of Health and/or the Building Official, shall be afforded a hearing as soon as possible. The provisions of paragraphs (3) and (4) shall be applicable to such hearing and the order issued thereafter.

7-11-118. REQUIREMENT AND CONDITIONS.

(1) Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
(2) Soil and ground cover requirements. Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
(3) Site drainage requirements. The ground surface in all parts of every mobile home shall be graded and equipped to drain all surface water in a safe, efficient manner, subject to approval of the Flood Control Director.

7-11-119. PARK STREET SYSTEM.

(1) General Requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography, subject to the approval of the City Flood Control Department and City Surveyor.
(2) Access. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exits and allow free movement of traffic on adjacent streets.
(3) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic.
(4) Street construction and design standards. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well-drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.
(5) Grades. Grades of all streets shall be sufficient to insure adequate surface drainage.

7-11-120. WATER SUPPLY.

(1) An adequate supply of hot water for bathing, washing and cleaning facilities shall be provided in the service buildings at all times. An adequate supply of such water shall be considered to be at least 20 pounds of water pressure per square inch on a one-half inch line.
(2) General requirements. An accessible, adequate, safe, portable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the Director of Health.

7-11-121. SEWAGE AND REFUSE DISPOSAL.

(1) An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with State and local laws.
(2) All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade which will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials approved by the Director of Health, shall be adequately vented and shall have water-tight joints.
(3) Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings shall be discharged into a public sewer system or into a private sewer and disposal plan or septic tank system, provided that the method of disposal meets the approval of the City/County Board of Health.
(4) Each mobile home space shall be equipped with a sewer connection having a minimum size of three inches, protected by a concrete collar at least three inches deep and extending 12 inches from the connection in all directions. The sewer connection shall be provided with suitable fittings to permit a water-tight junction to be made with the mobile home outlet. All sewer lines shall conform to the Plumbing Code.
(5) Manholes shall be provided at every change in direction, at every major junction of two or more branch sewers and at intervals of not more than 400 feet. Cleanouts extending to grade may be used instead of manholes on four and six-inch lines and shall be provided wherever a manhole would otherwise be necessary and at intervals of not more than 100 feet. All cleanouts shall be capped with cleanout plugs.

7-11-122. SANITATION FACILITIES.

Sanitation shall be provided as follows:
(1) Mobile home parks constructed and operated exclusively for dependent mobile homes shall require one toilet, one shower and one lavatory for males and one toilet, one shower and one lavatory for females for each eight dependent mobile home lots.
(2) In mobile home parks constructed and operated exclusively for independent mobile homes, the licensee, owner or lessee shall be required to install toilets, showers and lavatories for both sexes in sufficient number with each building, service center, recreation area or amusement facility to adequately care for the needs and requirements of those people whom it is contemplated will make use of said facility.
(3) No toilet facility for a dependent mobile home shall be further than 200 feet from the dependent mobile home lot.
(4) Toilets shall be for the exclusive use of the occupants of the mobile home park.
(5) No toilet compartment in any building shall be less than 30 inches wide.
(6) Toilets and other sanitation facilities for males and females shall be in separate buildings or separated, if in the same building, by a soundproof wall. Facilities for males and females shall be distinctly marked to denote the sex for which it is intended.

7-11-123. SERVICE BUILDINGS.

Service buildings housing sanitation facilities shall be permanent structures complying with all applicable Ordinances and statutes regulating building, electrical installations and plumbing and

sanitation systems, and shall be located not more than 200 feet from any dependent mobile home. The building shall be well-lighted at all times, ventilated with screened openings and constructed of moisture-proof material. Such moisture-proof material may consist of painted woodwork which will permit repeated cleaning and washing. The buildings shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1. Floors of service buildings shall be constructed of material impervious to water. All service buildings and grounds of the park shall be maintained in a clean, sightly condition and kept free from any condition menacing to the health of occupants or the public or constituting a nuisance.

7-11-124. REFUSE HANDLING.

(1) The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
(2) All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
(3) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
(4) All refuse shall be collected at least twice weekly. Where suitable collection service is not available by private agencies, the mobile home park operator shall provide the service. All refuse shall be collected and transported in covered vehicles or covered containers.
(5) Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse in a manner pursuant to approval in accordance with state and local laws.

7-11-125. SERVICE AND OTHER BUILDINGS.

(1) General. The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as:
    a. Management offices, repair shops and storage areas
    b. Sanitary facilities
    c. Laundry facilities
    d. Indoor recreation areas
    e. Commercial uses supplying essential goods or services for the exclusive use of park occupants
(2) Structural requirements for buildings:
    a. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
    b. All rooms containing sanitary or laundry facilities shall:
        i. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

ii. Have a least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be no less than 10 percent of the floor area served by them.
iii. Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.

c. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
d. Illumination levels shall be maintained as follows:
e. General seeing tasks -- 10-foot candles;
f. Laundry room work area -- 40-foot candles;
g. Toilet room, in front of mirrors -- 40-foot candles.
h. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

(3) Cooking shelters, barbecue pits, fireplaces and stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both of the property on which it is used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

7-11-126. INSECT AND RODENT CONTROL.

(1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Director of Health.
(2) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
(3) Storage areas shall be so maintained so to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.
(4) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
(5) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

7-11-127. FUEL SUPPLY AND STORAGE.

(1) Natural gas system:
    a. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
    b. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
(2) Liquefied petroleum gas systems:
    a. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

b. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
c. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
d. All LPG piping outside of the mobile home shall be well-supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
e. Liquefied petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning.
f. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are approved by the Director of Health.

(3) Fuel oil supply systems:
a. All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
b. All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.
c. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than 5 feet from any mobile home exit.
d. Storage tanks located in areas subject to traffic shall be protected against physical damage.

7-11-128. FIRE PROTECTION.

(1) The mobile home area shall be subject to the rules and regulations as set up by the Fire Prevention Council and of the West Valley City Fire Chief.
(2) Mobile home parks shall be kept free of litter, rubbish and other flammable materials.
(3) Portable fire extinguishers of a type approved by the Fire Chief or his authorized representative shall be kept in service buildings and at all other locations designated by the Fire Chief and shall be maintained in good operating condition.
(4) Fires shall be made only in stoves and other equipment intended for such purposes.
(5) Fire hydrants shall be installed in accordance with the plans and in accordance with the requirements of the West Valley City Fire Chief.
(6) Fire hydrants shall be located within 500 feet of any mobile home, service building or other structure in the park.

7-11-129. PARK MANAGEMENT.

Park management shall have the responsibilities set forth as follows:
(1) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
(2) The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance and regulations issued hereunder.

(3) The park management shall supervise the placement of each mobile home on its mobile home space which includes securing its stability and installing all utility connections.
(4) The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.
(5) The park management shall notify the Director of Health immediately of any suspected communicable or contagious disease within the park.

7-11-130. RESPONSIBILITIES OF PARK OCCUPANTS.

(1) The park occupant shall comply with all applicable requirements of this Ordinance and regulations issues hereunder and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
(2) The park occupant shall be responsible for proper placement of his mobile home on its mobile home space and proper installation of all utility connections in accordance with the instructions of the park management.
(3) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home lot.

CHAPTER 7-12
CONVEYANCE OF EASEMENTS ALONG JORDAN RIVER

Sections:

7-12-101. Purpose.
7-12-102. Development Approval.
7-12-103. Extent of Easement.
7-12-104. Easement Limitations.

7-12-101. PURPOSE.

In enacting this Chapter, it is the purpose of the City to foster the protection and preservation of a limited natural resource, and to foster water conservation, flood control, reclamation, and wildlife resources on and along the Jordan River by limiting development immediately adjoining the banks of said river.

7-12-102. DEVELOPMENT APPROVAL.

In addition to all other requirements and conditions contained in this Title, it is a further condition, upon the approval and recording of any development, including but not limited to, subdivisions and all other commercial, industrial and residential developments of any kind that the developer or owner of any property containing within its boundaries a bank of the Jordan River, convey to the City, an easement within a strip or strips extending 75 feet from the bank or banks of the river. In no event shall the above-described easement exceed 10 percent of the total area of the development without just compensation being paid therefore.

7-12-103. EXTENT OF EASEMENT.

Without prior approval from the Planning Commission, the owner of property affected by the easement described in Section 102 above is prohibited from:

(1) Diverting, filling in, lining, or culverting the natural water-course of the Jordan River;
(2) Erecting any structures or improvements, including but not limited to buildings, fences, bridges and parking lots, within 75 feet of the banks of the Jordan River;
(3) Dumping or permitting the dumping of any garbage or other refuse within 75 feet of the banks of the Jordan River; or
(4) Cutting, grubbing or removing any trees or other natural vegetation, removing any stones or earth, or otherwise disturbing the natural environment of the area within 75 feet of the banks of the Jordan River.

7-12-104. EASEMENT LIMITATIONS.

(1) Rights acquired by West Valley City subject to this Chapter shall be held and exercised only for the advancement of the purposes contemplated herein.
(2) Ownership in fee simple absolute of the easement strip shall remain unaffected by the provisions of this Chapter, and shall remain in the owner of the servient realty. The interest

hereby created is an appurtenant easement and shall remain unaffected by the sale or other alienation of the realty upon which it lies.

CHAPTER 7-13
STANDARDS FOR LANDSCAPING ALONG HIGH-IMAGE ARTERIAL STREETS

Sections:

7-13-101. Purpose.
7-13-102. Applicability
7-13-103. Landscaping Standards.
7-13-104 Appeals.
7-13-200P Part 2 - 3500 South/Redwood Road Streetscape.
7-13-201. Purpose.
7-13-202. Definitions.
7-13-203. Location.
7-13-204. Development Standards.
7-13-205. Maintenance.
7-13-206. Appeal Procedure.
7-13-300P Part 3 – 3500 South Streetscape Between 2700 West and Bangerter Highway

7-13-101. PURPOSE.

The purpose of this Chapter is to establish landscaping standards designed to enhance the aesthetic perception of West Valley City by improving the visual image of those streets which serve as primary access into and through the City.

(Ord. No. 01-46 Amended 07/03/2001)

7-13-102. APPLICABILTY.

Pursuant to the recommendations of the General Plan, specific landscaping standards shall be required on the following high-image arterial streets:

(1) Redwood Road
(2) 3500-3300 South (UT 171)
(3) 5600 West
(4) 2700 South (Parkway Blvd and Lake Park Blvd)
(5) 2100 South Freeway (UT 201)
(6) Bangerter Highway
(7) I-215 Freeway
(8) 4100-3900 South
(9) 4700 South
(10)3100 South
(11)3200 West
(12)3600 West
(13)2700 West
(14)5400 South
(15)6200 South

(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 01-46 Amended 07/03/2001; Ord. No. 10-07 Amended 03/29/2010)

7-13-103. LANDSCAPING STANDARDS.

(1) All properties with frontage on high-image streets shall provide a minimum 20-foot landscaped buffer along the entire frontage between the edge of the sidewalk and any parking area, structure or fence on the site. No parking, outside storage or temporary signage shall be allowed within the landscape buffer. This requirement shall take effect when building permits are required in the following situations:
   a. All new construction on vacant parcels;
   b. All new construction within 200 feet of a high-image street which is located on a partially-developed parcel which has frontage on such street;
   c. Any substantial modification to an existing site or structure in which the estimated construction cost exceeds $50,000.

(2) Fifty percent of the area of the landscaped buffer shall be planted with grass and shade and/or large conifer trees. The remaining 50 percent of the area may include, but not be limited to, vehicular access drives, specialty paving, street furniture, and outdoor seating areas. There shall be a minimum of one tree planted for each 600 square feet of the gross area of the landscaped buffer.

(3) Trees to be planted in the landscaped buffer shall be selected from the following list, unless a professionally prepared landscape plan is reviewed and approved in advance by the Planning Commission:

Common Name	Botanical Name	Average Height
Goldenrain Tree	Koelreuteria Paniculata	20' - 30'
Crimean Linden	Tilia eucnlora	30' - 40'
Little-leaf Linden	Tilia cordata	30' - 40'
London Plane Tree	Platanus acerifolia	40' - 50'
Marshall Seedless Green Ash	Fraxinus Pennsylvanica 'Marshall'	30' - 40'
Norway Maple	Acer Platanoides	30' - 40'
Thornless Honeylocust	Gleditsia triacanthos inermis	30' - 40'
Zelkova	Zelkova serrata	40' - 50'
Hackberry	Celtris occidentalis	40' - 50'

Deciduous trees shall be a minimum size of 2" caliper and not less than eight feet in height.

(4) On all applicable streets north of 3100 South, the landscaped buffer shall be bermed to facilitate drainage and to aid in survival of plantings. Berming shall have a minimum slope of 1:4.

(5) All landscaping required by this Title shall include a sprinkler irrigation system and shall be perpetually maintained. Alteration of the landscaped buffer without prior Community and Economic Development Department approval or failure to maintain the buffer in a condition substantially similar to its original approved condition shall be an infraction. Failure to comply with this Chapter may be punishable by a fine of up to $500 per day for each day of violation,

plus any fees imposed pursuant to the provisions of Title 10 of the City Code. The City also reserves the right, at its discretion, to pursue any other legal remedies available to enjoin, prevent, or abate the violation.

(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 98-71 Amended 11/20/1998; Ord. No. 99-52 Amended 08/20/1999; Ord. No. 01-46 Amended 07/03/2001)

7-13-104. APPEALS

(1) Appeal may be made from the requirements of this Chapter only if one of the following situations apply:
   a. If it is new construction and the property owner can demonstrate that full compliance will render his property unusable for development.
   b. If it is remodeling of an existing structure and full compliance is not possible due to location of existing buildings or because compliance would necessitate elimination of improvements required by other ordinances which could not be relocated elsewhere on the site.

(2) If one of the conditions listed above applies, the property owner may apply for a hearing before the Planning Commission to request a modification to the requirements of this Chapter. If the Planning Commission finds that no modification is warranted, that finding may be appealed as provided below.

(3) Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission by filing with the City Recorder a notice thereof in writing within 10 days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the appellant deems himself aggrieved.

(4) The City Recorder shall set the appeal for hearing before the City Council to be held within 45 days from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the City Council. Written notice of the date set for hearing the appeal shall be mailed to the appellant at least 10 days before the appeal hearing date. After hearing the appeal, the City Council may affirm, modify, or overrule the decision, determination, or requirements appealed and enter any such order or orders as are in harmony with the spirit and purpose of this Chapter. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the City Council.

(5) The appellant may appeal any decision of the City Council to the District Court. Such appeal shall be made within 30 days of the rendering of a decision by the City Council.

(Ord. No. 01-46 Amended 07/03/2001)

7-13-200P PART 2 - 3500 SOUTH / REDWOOD ROAD STREETSCAPE.

7-13-201. PURPOSE.

To establish a unifying streetscape that incorporates shared bicycle and pedestrian corridors along 3500 South between 2700 West and the Jordan River and along Redwood Road. All requirements and standards set forth in this Ordinance shall supersede all other Ordinances for the defined areas unless otherwise stated.

(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001)

7-13-202. DEFINITIONS.

Non-Motorized Public Easement – An easement located within site boundaries for pedestrian, bicycle, and other non-motorized uses. (Horses excluded)

Streetscape Area – A 30' wide area of land measured perpendicular from the back of curb into a project site, with the length running parallel to 3300/3500 South and Redwood Road. The streetscape area generally consists of a combined 10' width of public right-of-way and a 20' width of private property with a public easement.

(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001)

7-13-203. LOCATION.

This Ordinance shall apply to all property with frontage on 3300/3500 South between 2700 West and the Jordan River and all property with frontage on Redwood Road within City limits.

(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001; Ord. No. 08-58 Amended 12/29/2008)

7-13-204. DEVELOPMENT STANDARDS.

(1) All streetscape improvements shall fit within the area reserved for a standard 20' front yard setback and the public R.O.W. In the event that a full 30' width is not available within the prescribed area, City staff may adjust the landscaping standards as necessary to meet the intent of this ordinance.

(2) An undulating, landscaped berm, a minimum of 2'-3' high and 15' wide, shall be located adjacent to the back of curb. The purpose of this berm is to protect urban trail users from the hazards and nuisances generated by high traffic volumes and to promote a pleasant environment for businesses and residents.

(3) Street trees shall be planted from 20'-50' apart, not to exceed an overall average spacing of 30'. Street tree selection and all other minimum tree planting requirements shall be consistent with West Valley City standards for landscaping along high-image arterial streets. The Thundercloud Plum shall be designated as the ornamental entryway tree along 3500 South. Thundercloud Plums shall be placed on both sides of every drive accessing 3500 South to create a unified gateway image. The 'Kwanzan' Pink Flowering Cherry tree shall be designated as the ornamental entryway tree along Redwood Road. 'Kwanzan' Pink Flowering Cherry trees shall be placed on both sides of every drive accessing Redwood Road to create a unified gateway image.

(4) A non-motorized public easement, a minimum of 10' wide, shall be granted to West Valley City. This easement shall generally be located 15' from the back of curb and shall run the entire length of the frontage along 3500 South and/or Redwood Road. A 10' wide urban trail paved with concrete and shall be located within the public easement. (See Figure 1A - Cross-Section with Streetscape Lighting A and Figure 1B Cross-Section with Streetscape Lighting B). The City reserves the right to require lane striping to separate pedestrian and bicycle areas. If at any point the urban trail crosses a driveway or similar use, the concrete within the driveway shall be stamped and colored to warn both pedestrians and motor vehicle users. A concrete pathway, at least 5' wide and meeting all ADA standards, shall link the urban trail with any transit stops located along 3500 South and Redwood Road. In areas where the urban trail does not align with existing sidewalks on adjacent sites, a transition area shall be established and improved, with

the purpose of providing for public safety and convenience. The urban trail may, at the discretion of City staff, be temporarily shifted to avoid pre-existing, immoveable objects. However, if the trail is moved toward the site, the 5' buffer must still be provided. Immoveable objects shall include manholes, power poles, and other objects whose location is beyond the control of the property owner.

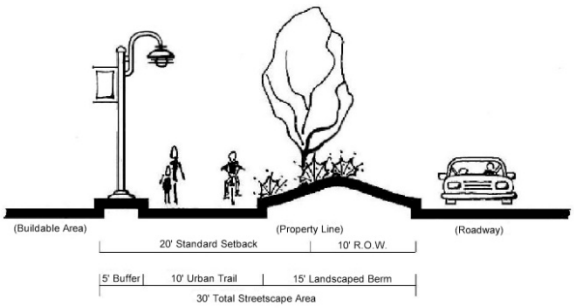


Figure A – Cross-Section with Streetscape Lighting A

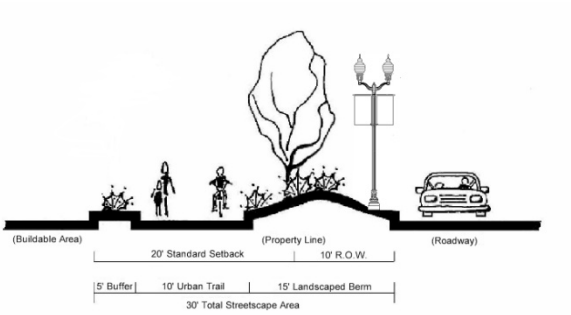


Figure B – Cross-Section with Streetscape Lighting B

(5) Overall site landscaping coverage requirements shall be reduced to 90% of current standards to compensate for streetscape improvements. For example, commercial zones shall be reduced from 15% to 13.5%, and manufacturing zones from 5% to 4.5%. Except as provided in 7-13-204(1), no site may have less landscaping than what is required within the streetscape area by this Ordinance.

(6) A landscaped buffer at least 5' wide shall be located between the urban trail and any development (See Figure 2 - Streetscape Aerial View). This buffer shall be used for pedestrian scale lighting, landscaping, or any other City approved purpose that promotes a transition between urban trail traffic and on-site development. Awnings, balconies, or similar overhangs may be permitted at the discretion of City staff for permitted uses or the Planning Commission for conditional uses. The City shall be granted a utility easement for the buffer in order to maintain lighting fixtures or other City utilities.

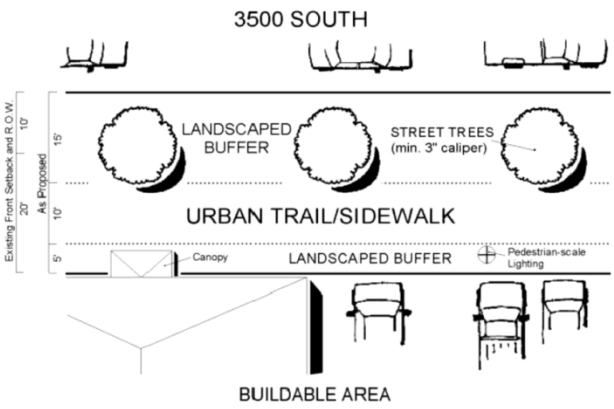


Figure 2 - Streetscape Aerial View

(7) Streetscape lighting along 3500/3300 South between Redwood Road and the Jordan River shall use Streetscape Lighting A, which shall be provided at an average interval of 90' or less. At no time shall there be a space between light fixtures larger than 100' or less than 80'. The style and height of the light fixtures shall be uniform along the entire length of the streetscape area, and shall conform to engineering standards and specifications for City-approved lighting fixtures. (See Figure 3 Streetscape Lighting A for the general appearance of streetscape lighting fixtures.) Streetscape lighting along 3500 South between 2700 West and Redwood Road shall use Streetscape Lighting B which shall be provided at an average interval of 150’ or less. At no time shall there be a space between light fixtures larger than 160’ or less than 140’. The style and height of the light fixtures shall be uniform along the entire length of the streetscape area, and shall conform to engineering standards and specifications for City-approved lighting fixtures (see Figure 4 – Streetscape Lighting B, for the general appearance of streetscape lighting fixtures). In addition to security and aesthetic purposes, all streetscape light poles between 2700 West and the Jordan River along 3500/3300 South shall serve as platforms for hanging banners promoting cultural and civic events. Light poles shall not be utilized for on- or off-premise advertising. The Planning Commission may dictate the placement of such lighting within the building/parking buffer strip or 15’ landscaped berm. Light fixtures must be inspected and approved by City Staff or the City's designee prior to final building inspection.

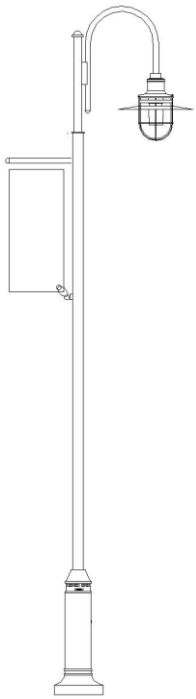


Figure 3 – Streetscape Lighting A, Standard Drawing LP-06, Redwood Road to the Jordan River.

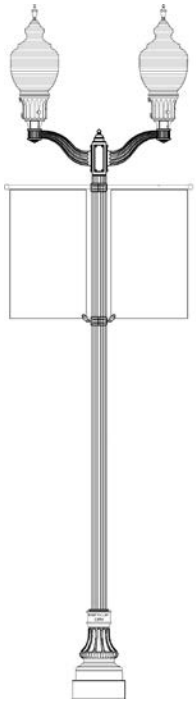


Figure 4 – Streetscape Lighting B, Standard Drawing LP-04, 2700 West to Redwood Road

(8) No fences or other obstructions shall be built within the 30' streetscape area, with the exception of fire hydrants, which shall be placed within the 15' bermed area adjacent to the street. It is recommended that an area no wider than 18", located between the curb back and the

landscaped berm area, be finished in concrete to separate landscape maintenance personnel from automobile traffic.

(9) Monument signs may be placed in the 15' landscaped berm if they are no more than 5' high as measured from the top back of the curb, are no wider than 5' and are placed at least 5' from the back of curb. If part of all of the sign lies within UDOT right-of-way, then permission from UDOT is required. All other signs shall be set back at least 1' from the urban trail/sidewalk.

(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001; Ord. No. 03-78 Amended 12/02/2003; Ord. No. 08-58 Amended 12/29/2008)

7-13-205. MAINTENANCE.

(1) Per Section 7-13-101 through 104 (as it applies to this part) and 24-8-105 of the West Valley City Code, the property owner shall be responsible for the maintenance of all grass, foliage, and trees within property boundaries and park strips. However, West Valley City reserves the right to pursue any legal recourse to insure the maintenance of the property.
(2) Pedestrian lighting shall be maintained by the City.
(3) Landscaping shall include a sprinkler irrigation system and shall be perpetually maintained.
(4) Failure to maintain the landscaping in a condition substantially similar to its original approved condition shall be an infraction punishable by a fine of up to $299 for each day of non-compliance after receiving written notice giving 10 business days to comply.

(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001; Ord. No. 01-46, Technical Changes, Renumbered, 11/15/2001; Ord. No. 01-46 Renumber Section 206, Renumbered, 11/15/2001)

7-13-206. APPEAL PROCEDURE

An appeal may be made to the City Council by any person aggrieved by a final decision, determination, or requirement of the Planning Commission regarding the architectural conditions imposed by this Section pursuant to the standards governing appeals.

(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001; Ord. No. 01-46, Renumber Section 207, Renumbered, 11/15/2001; Ord. No. 01-46, Technical Changes Amended 11/15/2001)

7-13-300P PART 3 – 3500 SOUTH STREETSCAPE BETWEEN 2700 WEST AND BANGERTER HIGHWAY

7-13-301. PURPOSE AND LOCATION.

The purpose of this Part is to preserve the unifying streetscape along 3500 South and to preserve existing trees, ensure that any lost trees are adequately replaced, and require new trees when existing curb cuts are removed. This Part is applicable to all property with frontage on 3500 South between 2700 West and Bangerter Highway.

(Ord. No. 14-03 Enacted 01/14/2014)

7-13-302. DEVELOPMENT STANDARDS.

(1) If an existing street tree is removed, damaged, or destroyed by the adjoining property owner, business, or tenant, the adjoining property owner, business, or tenant shall replace the tree according to the standards set forth in subsection (2) below.

(2) When a tree must be replaced pursuant to subsection (1) above or when existing curb cuts are to be closed due to new development, the following standards shall apply:

a. Within the park strip, 3.5' tree wells shall be installed at spacing consistent with the existing tree wells on the site and on adjacent sites. Tree wells shall be spaced on average 20-25' apart on center along 3500 South, with exceptions for curb cuts, light poles, and sight distance constraints. All new sections of park strip with a minimum length of 22' shall have at least 2 tree wells. Tree well grates shall match others on the site.

b. If the creation of a new section of park strip creates the opportunity to transplant a tree, that tree shall be transplanted in one of the tree wells of the new park strip.

c. One Musashimo Zelcova (Zelcova Serrata Musashimo) tree of a minimum caliper of 2" or the caliper that was removed, whichever is greater, and not less than eight feet in height shall be planted in each tree well. A substitute size or species may be installed with staff approval.

d. Irrigation lines and electrical lines shall be installed. The lines shall tie into existing City owned lines in the park strip.

e. All installations, construction, and tree placements shall be coordinated with the City to ensure compatibility with existing infrastructure.

(Ord. No. 14-03 Enacted 01/14/2014)

CHAPTER 7-14
DESIGN AND DEVELOPMENT PLAN REVIEW

Sections:

7-14-101. Purpose.
7-14-102. Application for Development Plan Review.
7-14-103. Definitions.
7-14-104. Development Plan requirements for home occupations, remodeling and change of use to a permitted use in an existing structure on a developed site.
7-14-105. Development plan requirements for new construction of a single-family or two-family dwelling.
7-14-106. Development plan requirements for new construction on an undeveloped site of permitted uses.
7-14-107. Development plan requirements for conditional uses on an undeveloped site.
7-14-108. Design and development plan review/decision process.
7-14-109. Final Design and Development Plan Requirements.
7-14-110. Appeal Procedure.
7-14-111. Appeal of City Council Decisions.
7-14-200P Part 2 – Commercial Design Standards.
7-14-201. Purpose.
7-14-202. Applicability.
7-14-203. Definitions.
7-14-204. Single Building Orientation.
7-14-205. Multiple Building Orientation.
7-14-206. Pad Sites.
7-14-207. Pedestrian Access and Circulation.
7-14-208. Crime Prevention.
7-14-209. Connecting the Site with Surroundings.
7-14-210. Building Materials.
7-14-211. Building Colors.
7-14-212. Assessment of Building / Roof Treatments.
7-14-213. Building Relief Treatments.
7-14-214. Building Design Treatments.
7-14-215. Roof Treatments.
7-14-216. Drive-through Window Standards.
7-14-217. Merchandise Display Areas.
7-14-218. Exemption.
7-14-300P Part 3 – Multi-Family Residential Design Standards.
7-14-301. Purpose.
7-14-302. Applicability.
7-14-303. Definitions.
7-14-304. Pedestrian Access and Circulation.
7-14-305. Building Materials.
7-14-306. General Requirements.
7-14-307. Assessment of Relief, Window and Design Treatments.
7-14-308. Building Relief Treatments.
7-14-309. Window Treatments.
7-14-310. Building Design Treatments.

7-14-311. Garage Treatments.
7-14-312. Roof Treatments.
7-14-313. Amenities.
7-14-314. Fencing.
7-14-315. Open Space.

7-14-101. PURPOSE.

(1) The purpose of this Chapter is to set forth the criteria whereby the City reviews permitted and conditional use applications prior to building permit issuance or approval of the use for which the application is made. Both permitted uses and conditional uses will be subject to a similar review. This process does not include any provisions for subdivision review, which is subject to the requirements of the West Valley City Subdivision Ordinance. The conditional use site plan review process differs from the permitted use site plan review in that the greater impacts generated by conditional uses may be mitigated by imposing additional conditions derived through an analysis of the particular situation. Therefore, on conditional use applications, the City may require additional conditions not found in this Chapter to properly incorporate a project into the community, or as set forth in the Zoning Ordinance. Conditional uses may be denied. Permitted uses may be denied if they do not meet the required standards of this Title.

(2) To assure that a high level of quality and durability is maintained as development occurs in the City, this Chapter also includes design and material criteria. General minimum standards for design, building materials, appearance and landscaping are required to enhance the character of the City as recommended in the General Plan.

7-14-102. APPLICATION FOR DEVELOPMENT PLAN REVIEW.

All permitted and conditional use applications shall be processed by the Community and Economic Development Department. If applications are not complete, or modifications are required, they will be returned to the applicant. Building permits will not be issued until a permitted or conditional use application has been approved.

7-14-103. DEFINITIONS.

(1) "Development Plan" means all plans, studies, plats, statements, reports and information required by all applicable provisions of this Title.

(2) "Site Plan" means:
Every Site Plan shall include all of the following information:
   a. Date, North arrow and appropriate scale to reflect adequately and clearly the detail necessary to describe the use. The drawing shall be accurate in terms of scale and dimensions; and
   b. The legal description of subject property; and
   c. The dimensions and location of existing and proposed improvements, including, but not limited to, buildings, fencing, hard surfacing and landscaping; and
   d. Motor vehicle access, including individual parking stalls, circulation patterns and curb cuts; and
   e. The location, height and size of proposed signs, lighting and advertising devices, if applicable.

7-14-104. DEVELOPMENT PLAN REQUIREMENTS FOR HOME OCCUPATIONS, REMODELING AND CHANGE OF USE TO A PERMITTED USE IN AN EXISTING STRUCTURE ON A DEVELOPED SITE.

Application for home occupations, remodeling and change of use to a permitted use in an existing structure on a developed site shall be accompanied by and shall comply with the following:

(1) Appropriate application form and fee.
(2) Four copies of the Site Plan, unless a greater number of copies is required by the City due to the number of reviewing agencies.
(3) The following design criteria shall be met:
    a. Signage shall be aesthetically compatible with the building, as determined by the City. The setback shall comply with the applicable setback provisions of the Sign Ordinance.
    b. Building additions shall be architecturally integrated with the existing buildings as to design and materials.
    c. Any conversion of covered parking spaces to non-parking uses shall comply with the following standards:
        i. Homes constructed prior to March 3, 1998 must provide a minimum of two (2) parking spaces per unit, located on hard-surfacing out of the front yard setback per Section 7-9-104 of the West Valley City Municipal Code.
        ii. Homes constructed after March 3, 1998 and before the effective date of this Ordinance must provide a double car garage with interior minimum dimensions of 20 feet by 20 feet. Homes constructed after the effective date of this Ordinance must provide a three car garage with interior minimum dimensions of 20 feet by 30 feet.
        iii. The replacement parking shall be completed prior to the issuance of a certificate of occupancy for the converted living space.
        iv. The replacement parking shall be continuously maintained and readily accessible from a public right-of-way.
        v. The access to the replacement parking shall be completed per Section 7-9-115 of the West Valley City Municipal Code.
        vi. The garage door, and all necessary remnants, shall be removed and the garage door opening finished with building materials and design details to match the remaining house.
        vii. If the converted area is to be used for living space, there shall be an internal doorway to the primary structure.
        viii. Garage conversions constructed with a building permit prior to December 29, 2008 are considered legal non-conforming uses.
        ix. Garage conversions undertaken without a building permit, regardless of when it occurred, are considered illegal.

(Ord. No. 08-59 Amended 12/29/2008; Ord. No. 15-27 Amended 08/13/2015)

7-14-105. DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION OF A SINGLE- FAMILY OR TWO-FAMILY DWELLING.

Applications for new construction of a single-family or two-family dwelling in West Valley City shall be accompanied by and shall comply with the following:

(1) Appropriate application form and fees.
(2) Two copies of the Development Plan shall be required, which plan shall include a site plan and an architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures.
(3) The following design criteria shall be required:
    a. All exterior materials shall be 100% masonry. For the purposes of this Section, masonry shall only include brick, stone, and fiber cement siding. Thin brick, brick veneer panels, stone veneer panels and stucco are not allowed. Fiber cement siding shall not constitute more than 75% of the exterior material and the remaining 25% must be either brick or stone. All exterior materials shall be installed in a professional workmanlike manner and be guaranteed to be maintenance-free for at least 10 years. Finishes upon exterior materials shall be guaranteed maintenance-free for a minimum of five years. Materials or finishes without such guarantees shall not be permitted. Guarantees shall be in writing from the manufacturer.
    b. Each dwelling shall have a site-built concrete, all-weather wood, or masonry foundation around the entire perimeter with interior supports as necessary to meet applicable building codes. The dwelling shall be permanently tied to the foundation system in accordance with applicable building codes.
    c. The roof of each dwelling shall have a minimum pitch of 6:12. At non-gable ends of the roof there shall be an overhang at the eaves of not less than 12 inches inclusive of rain gutters. For homes with cantilevered rooms, 60 percent of the total eave length of the home shall have an overhang of not less than 12 inches. The roof overhang shall be measured perpendicular to the vertical side of the dwelling. Laminated architectural shingles are required. Unfinished galvanized steel, tar, or aluminum roofing shall not be permitted. These pitch and overhang provisions shall not apply to porch covers, bay windows, or similar appendages.
    d. Each dwelling shall be not less than 20 feet in depth at the narrowest point. The depth shall be considered to be the lesser of the two primary dimensions of the dwelling exclusive of attached garages, bay windows, room additions, or other similar appendages.
    e. Any previously occupied dwelling which is to be moved from an existing location to a lot within West Valley City shall be inspected by the Chief Building Official of West Valley City, or his designated representative, prior to the move to insure that it meets applicable building codes.
    f. Landscaping on residential lots shall comply with the following standards:
        i. Landscaping shall be installed in front yards between the front line of the house and the sidewalk on the entire width of the lot excluding the driveway. On corner lots, landscaping shall be installed in all areas between the sidewalk and the side line of the house between the front property line and the rear property line which are visible from the public right-of-way.
        ii. Landscaping shall include at least one tree and a combination of lawn, shrubs or groundcover. Deciduous trees shall be a minimum size of 2-inch caliper. Conifer trees shall be at least six feet in height. Groundcover may include vegetative vines, low-spreading shrubs, or annual or perennial flowering or foliage plants. Groundcover may also include mineral or nonliving organic permeable material in not more than 50 percent of the net landscaped area. Mineral groundcover may include such materials as rocks, boulders, gravel, or brick over sand. Species, size, and placement of landscape elements shall be

determined by the homeowner, however, low-water use landscaping is encouraged.

iii. At the time the water supply line to a house is installed, the builder shall furnish and install a stop-and-waste valve with an access sleeve and capped mainline to the surface to facilitate future sprinkler system installation. The stop-and-waste valve may also be located inside the home with a mainline extended to the exterior of the foundation wall and capped.

iv. On lots over one-half acre in size, landscaping shall only be required on 80 feet of street frontage to the depth of the front yard setback. On corner one-half acre lots, 80 feet of frontage shall be landscaped on each street. The 80-foot frontage may include customary access drives.

g. In reviewing the construction and siting of homes in an approved subdivision, variation in exterior design and setback distance shall be required as necessary to satisfy the purpose of this Chapter.

i. In order to insure exterior design variation, the same or very similar exterior design, as determined by the City, shall not be allowed on adjacent lots, except in the case of twin homes where connected units may be the same.

ii. In order to insure variation in front yard setbacks, no more than two homes on adjacent lots shall be built at the same setback. The minimum front setback may be reduced for main buildings, but not for garages; however, the average front setback for all lots in the subdivision shall not be less than the minimum front setback allowed in the zone. The minimum offset between homes shall be not less than five feet and the minimum front setback on any lot shall be not less than 23 feet. This requirement shall not apply to lots where the entire front property line is a curve with a radius of 100 feet or less. This subsection 3(g)(ii) shall not apply in the RE zone, which is governed by the setback standards set forth in Section 7-6-608.

iii. Any sides of a home facing a street, consisting of one material, shall include distinctive features intended to add significant variety and interest to the exterior surfaces of the home, such as pop-outs on windows, bay windows, quoins, color variations, texture changes or brick/stone decorative elements, etc. The minimum square footage of finished, above-ground, habitable floor space shall be 2,000 square feet for ramblers and 3,000 square feet for 2-story or multi-level homes, not including the garage.

h. A 3 car garage is required, except that a 2 car garage is permissible when there is a 20’ side yard setback adjacent to the garage and either the 2 car garage is side loaded or the basement of the dwelling is finished. The minimum interior dimensions of a garage shall be 20 feet by 30 feet for a 3 car garage and 20 feet by 20 feet for a 2 car garage. Occupancy of the home shall not be permitted without the garage being completed. Where the garage is attached to the home and the garage door is facing the street, the width of the front of the house excluding the garage shall be at least 18’ for ramblers and 15’ for multi-levels.

i. Final grading of individual lots shall be performed in such a way that excess water shall be contained entirely on the site or directed to an improved street or directed to an approved drainage inlet, drainage channel or drainage easement. Excess water shall not be allowed to drain onto adjacent private property unless approved as part of an overall system, as reflected in the subdivision approval or otherwise. In order to more

effectively direct storm runoff rain gutters shall be installed on all eaves of new dwellings.

j. In order to allow double driveways, and to allow hard-surface access to the rear yard, up to, but not more than, 40 percent of a front yard may be paved. Lots with duplexes, twin home lots, cul-de-sacs, or lots on major streets needing circular driveways may increase the hard-surface percent to 50 percent.

k. Lots with double frontage adjacent to a street with 80 feet or more Right-Of-Way, as defined in the Major Street Plan, shall have a solid, 6' tall masonry wall set back at least 10' from the closest edge of the sidewalk.

l. Primary buildings shall be designed and built with no more than two and one half stories above grade and shall be 30' or less in height. Accessory buildings shall be designed and built with no more than once story above grade and shall be 20' or less in height.

m. All dwellings shall meet any additional state or federal requirements to be classified and taxed as real property.

n. All dwellings must have at least one main (front) entrance consisting of a concrete stoop, landing, and (if necessary) steps and additional landings which provide direct access to grade.

o. New dwellings shall be oriented toward the street. The primary architectural facade and front door shall be facing the street. On legally platted lots having a maximum 50-foot frontage, new homes may be oriented differently, provided they meet the following construction standards:

    i. The side elevation of the dwelling facing the street shall include a minimum of two windows;

    ii. The required garage shall be located to the rear of the main structure; and

    iii. The main entry of the dwelling shall have a covered porch which shall be no less than 25 square feet in area.

p. All dwellings shall apply the point system enumerated below in Table 1 to the design of the home. The combination of different features shall equal or exceed 250 points for a rambler plan and 300 points for all other types of plans. Each dwelling shall include at least one feature from each of the following categories in Table 1: 1) Roofing Treatments; 2) Relief Treatments; 3) Material Selections for the Entire House; 4) Entry Features; 5) Garage Treatments; and 6) Windows.

    i. If the point value of the items selected from each of the first six categories does not meet the minimum number of points required for the type of home to be constructed as set forth in paragraph (v) above, other features shall be added to increase the number of points equal to or above the minimum required for the type of home to be constructed.

    ii. For homes with a side or rear façade that faces a street, architectural features, which total at least 70 points from Table 2, shall be applied to all street facing façades other than the front.

        1. In the process of choosing architectural features from Table 2 to include on street facing façades, each home shall include at least one feature each from categories 2) Roofing Treatments and 3) Design Treatments.

        2. If the point value of the items selected from each of the last two categories does not meet the minimum required, other features shall be added to increase the number of points equal to or above the minimum required.

iii. The point systems described in Tables 1 and 2 may be superseded by a development agreement that includes requirements that would yield homes of equal or greater quality as determined by the Planning Commission and the City Council.

Table 1

1. Roofing Treatments (must use at least one)	**Points**
A. Dominant roof pitch of not less than 6:12	0
B. Laminated architectural shingles that simulate the depth of wood over the entire roof	0
C. Two or more gable ends on front elevation	20
D. Dormer windows on front elevation	20
E. Hip style roof on at least two ends or two or more roof planes/levels on front elevation	30
2. Relief Treatments (must use at least one)	**Points**
A. At least one foundation jog (not including the garage) on the front elevation	30
B. Bay or box window or other projection that is not part of the foundation on the front elevation	20
C. At least one cantilevered living area on the front elevation	20
D. Covered front porch that extends across less than 30% of the entire length of the front of the house and is at least 5' deep with no less than 50 sq. ft. of usable, unobstructed space	30
E. Covered front porch that extends across at least 30% of the entire length of the front of the house and is at least 5' deep with no less than 60 sq. ft. of usable, unobstructed space.	50
3. Material Selections for the Entire House (must use one)	**Points**
A. A brick or stone wainscot on the front elevation at least 30 inches high having a return of 24 inches around the front corners of the dwelling, with the remainder of the home in fiber cement siding, including accent trim, which is a complimentary but different color from the primary house color, around all windows and doors.	30
B. A brick or stone wainscot of at least 30 inches high on the front and sides of the dwelling with the remainder of the home in fiber cement siding including accent trim, which is a complimentary but different color from the primary house color, around all windows and doors.	40
C. A brick or stone wainscot on the front elevation and brick or stone extending to the roof line on at least one portion of the front. Fiber cement siding on the remaining exterior of the home including accent trim, which is a complimentary but different color from the primary house color, around all windows and doors.	50
D. Full brick or stone on the front elevation with brick or stone wainscot on the side elevations with the remainder of the home in fiber cement siding including accent trim, which is a complimentary but different color from the primary house color around all windows and doors.	70
E. 100% brick exterior	120
4. Entry Features (must use one)	**Points**
A. Covered entry with columns having a minimum size of 1' x 1' for the bottom half of the column	15
B. Covered front porch that extends across less than 30% of the entire length of the front of the house and is at least 5' deep with no less than 50 sq. ft. of usable, unobstructed space	0
C. Covered front porch that extends across at least 30% of the entire length of the front of the house and is at least 5' deep with no less than 60 sq. ft. of usable, unobstructed space	0
5. Garage Treatments (must use at least one)	**Points**
A. Front of garage located at least 5' behind front face of home	40
B. The width of the front of the house excluding the garage is at least 18' for ramblers and 15' for multi-levels	0
C. Side entry garage	40
D. Three car garage where one of the spaces is located at least 1.5' behind the other two garage spaces (may not be used in combination with item E)	60
E. Three car garage (may not be used in combination with item D)	40
F. Detached or alley loaded garage in the rear yard	40

G. Usable open space with a trellis or roof (covered porch) above the garage extending to or beyond the front face of the garage	40
H. Garage flush with the front of the house or located less than 5' behind front of home	20
6. Windows (must use at least one)	**Points**
A. One or more non-rectangular (round, oval, arched, etc.) windows used on the front elevation not including any window used to meet items C, E or F below.	5 each, maximum of 10 points
B. Windows of any size used on the front elevation (does not include any windows used to meet items C, E or F below).	5 each, maximum of 40 points
C. Accent window over the entry area	5
D. Decorative window shutters on front elevation.	5 per set of shutters, maximum of 20 points
E. 12" or wider sidelight to expand the size of the entry	5
F. Windows in the garage door	10
G. At least two windows on front elevation have a pattern or design (grid)	10
H. All windows on the front elevation have either a header, sill or trim with depth (If trim is used, it may not be used in combination with items 3A, B, C or E above)	10
7. Additional Design Selections	**Points**
A. Precast quoins on at least two corners on front elevation	10
B. Precast keystones (at least two on front elevation)	10
C. Knee braces on at least the front elevation	10
D. Change of color on exterior materials (excluding doors, shutters, trim, roof material or material changes)	10
E. Exposed joists on at least the front elevation	10
F. Fiber cement siding with a highly visible texture or pattern (examples include "fish scale" and "shingle") on front elevation	20
G. Siding applied horizontally and vertically on front elevation	20
H. Gable returns on front elevation	20
I. Porch and/or front stairway has a decorative railing	10
J. Decorative vent (must include either a pop-out or trim around the vent).	5 per vent, maximum of 15 points
K. 6" or larger, decorative roof facia	10
L. 100 sq. ft. above the minimum required areas of 2,000 sq. ft. for ramblers and 3,000 sq. ft. for multi-levels (homes without basements do not qualify for this item).	10 points per 100 square feet over minimum, maximum of 40 points

Table 2

1. Relief Treatments	**Points**
A. At least one foundation job that is at least 10' long and is no more than 20' deep	40
B. Bay or box window or other projection that is not part of the foundation	30
C. At least one cantilevered living area	30
2. Roof Treatments (must use at least one)	**Points**
A. A minimum 6" overhang at the eaves on gable ends	10
B. Dutch hip on a gable end	10
C. Hip roof instead of a gable end	20
D. One or more gables on rear façades	20
E. Two or more gables on side façades	10
F. One cross gable on side façades	10
G. Two cross gables on side façades	20
3. Design Treatments (must use at least one)	**Points**
A. One or more windows that are at least 3 sq. ft. each in area (does not include windows in garage doors, bay windows, box windows or windows that are in or partially in window wells).	10 per window, maximum of

		50 points
B.	Trim around each window for homes with fiber cement exteriors	10
C.	Decorative vent (oval, octagonal, or arched)	10
D.	Decorative window shutters	10
E.	Precast quoins on at least two corners	10
F.	Precast keystones	10
G.	Knee braces	10
H.	Change of color on exterior materials applied to at least 20% of the façade (excluding doors, shutters, trim, roof material or material changes)	10
I.	Change of material (i.e. brick or stone wainscot) applied to at least 15% of the façade	30
J.	Exposed joists	10
K.	Fiber cement siding with a highly visible texture or pattern (examples include "fish scale" and "shingle") applied to at least 15% of the façade	10
L.	A 6' solid visual barrier fence that extends across at least 50% of the length of the façade where the base of the home is no higher than 2' from the base of the fence.	20
M.	For side façades, a front porch that extends to the street facing side façade	10

q. All new subdivisions involving a rezone of property, or a PUD, shall participate in a development agreement that addresses housing size, quality, exterior finish materials, streetscapes, landscaping, etc. The standards outlined in Section 7-14-105 (3)(l)(iii) shall be used as a minimum in all development agreements to address housing quality and exterior finish materials. These standards may be increased for a PUD.

r. Individual Residential Zone requirements and standards may be modified if the developer as part of a development agreement, or the builder as part of a building permit, agrees to increase the average house size by 200 square feet of finished floor space. Where fiber cement siding is used, it must be accompanied by a full perimeter brick or stone wainscot of at least 30 inches high. Standards that may be reduced include side yard setbacks (no less than 6 feet nor less than a total of 16 feet for all zones except R-1-4), and lot widths up to 15 percent except the R-1-4 zone. Lot width reduction shall be limited to twenty five percent (25%) of the total lots within a subdivision.

(Ord. No. 94-109 Amended 12/20/1994; Ord. No. 98-45 Amended 06/09/98; Ord. No. 98-71 Amended 11/20/1998; Ord. No. 02-43 Amended 07/16/2002; Ord. No. 05-19 Amended 04/19/2005; Ord. No. 05-34 Amended 08/16/2005; Ord. No. 06-60 Amended 9/5/2006; Ord. No. 14-28 Amended 6/19/2014; Ord. No. 15-27 Amended 08/13/2015)

7-14-106. DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION ON AN UNDEVELOPED SITE OF PERMITTED USES.

Applications for new construction on an undeveloped site of permitted uses shall be accompanied by the following:

(1) Appropriate application form and fees.

(2) Eight copies of the Development Plan shall be required and shall include the following:

a. A Site Plan which also shows:

i. The location of neighborhood box units for mail delivery, screened trash receptacles and loading areas;

ii. As a minimum, all curb cuts and intersections within 150 feet of the subject property. A greater distance may be required by the City. Proposed right-of-way in, and adjacent to, the subject property shall be shown;

iii. Exterior lighting for structures, walkways and parking lots. Such lighting shall be directed away from adjacent properties;
iv. If open space is proposed, show all areas to be reserved or dedicated as common park areas or as sites for schools or other public buildings. Include a statement concerning the development schedule and method by which open space is to be preserved;
v. Show the development phasing and associated schedule, if anticipated. Phasing shall be carefully developed so that each phase can adequately function on its own;
vi. Show the proposed and existing easements and their type, on and adjacent (within 50 feet) to the subject property. Include any solar access easements;
vii. The Site Plan shall include a table indicating the total area of the site and the percentage of that total which is occupied by structures, by parking and service areas, and by usable open space;
viii. Show all existing and proposed fences including type, height and location;
ix. Show proposed location and size of sewer and water lines as approved by the appropriate Improvement District.

b. A preliminary drainage/grade plan which shall:
    i. Be completed by a professional engineer. Existing and proposed contours at one-foot intervals are required unless a variation from the one-foot topographic interval is allowed by City. The final grading plan must be approved by the City prior to the issuance of first building permit;
    ii. Show waterways and ditches on and adjacent to the subject property and within 50 feet. Piping or relocation shall be approved in writing by the appropriate water master and/or water users before issuance of the building permit;
    iii. Delineate all areas subject to potential 100-year flood events as designated by the Army Corps of Engineers.
c. A landscape plan shall include plant location, type, size and quantities.
d. An architectural plan which shall include appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures.
e. Include any other information, exhibits or models that the applicant deems pertinent.
f. Any other information, plans or modifications specifically required by the following departments, divisions or other agencies shall be attached or incorporated in the final development plan:
    i. West Valley City:
        1. Building Inspection Division
        2. Fire Department
        3. Public Works Department
        4. Police Department
        5. Planning and Zoning Division
        6. Law Department
    ii. County agencies.
    iii. State agencies.
    iv. Water and sewer improvement districts.
    v. School district.
    vi. Public utilities.

g. A traffic impact study may be required by the City, and must be prepared by a registered traffic engineer. The traffic study shall include an analysis of on-site circulation, capacities of existing streets, number of additional trips which will be generated, origin/destination studies and peak home traffic generation and movements.

(3) The following design criteria shall be required:

a. All requirements of Sections 7-14-104 and 105, unless modified by any of the following items;

b. Dedication and improvement of streets shall be made in accordance with the Major Street Plan, plus any additional right-of-way or fee as may be determined by the City for special circumstances where it is necessary to serve the vehicular and pedestrian needs of proposed development;

c. A minimum of five percent of an industrial site, 20 percent of a C-1 commercial site, 15 percent of a C-2 and C-3 commercial site, and 40 percent of a multiple-family residential site shall be landscaped. The 20-foot landscaped buffer required on major arterials by the West Valley City Code may be included in computing the percentage of landscaping. Upon request, landscaping requirements may be reduced by the City when, due to the size of the parcel, the amount of landscaping required is unreasonable and cannot be located in useful locations;

d. Fencing may be required depending on the adjacent land use and the applicant's security needs. Where visual barrier fencing containing wood, metal, plastic or vinyl strips is either proposed by the applicant or required by the City, such strips shall be properly secured. Screening of any outside storage shall be required if appropriate, with a combination of fencing, walls, live plants and/or earth berming. Fences shall be constructed so that significant variation in top line, bottom line and/or height does not occur due to erratic grading of the site.

(4) Any undeveloped land adjacent to a proposed or existing state highway that anticipates a noise-sensitive use shall include appropriate noise abatement measures as determined through engineering analysis or Planning Commission recommendation.

(Ord. No. 94-89 Amended 09/08/1994)

7-14-107. DEVELOPMENT PLAN REQUIREMENTS FOR CONDITIONAL USES ON AN UNDEVELOPED SITE.

Applications for conditional uses shall be accompanied by the following:

(1) Appropriate application form and fees.

(2) A total of eight copies of the Development Plan, including but not limited to the following:

a. A site plan that shall also indicate the proposed residential density, including the number of units, size of units (stated in terms of square feet), number of bedrooms per unit, and total number of buildings;

b. An architectural plan which includes appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures;

c. All development plan requirements of Section 7-14-106;

d. A soils report shall be prepared which includes a detailed water table analysis;

e. A county recorder's property plat and aerial photograph (Sidwell maps) shall be submitted showing all of the subject property clearly marked. All properties within 300 feet of the subject property shall be marked, and a list submitted with the names and addresses of all owners of such properties.

f. A management statement for multi-family projects shall be submitted in written form and shall include, but not be limited to, the name of the manager, the name of one other person who may be contacted in case of emergency, and any special agreements, conveyances, lease restriction or covenants which will govern any facet of the use. The manager and other contact person must both live on the premises. This requirement shall apply only to multiple-unit residential projects;

g. Include any other plans/information specifically required by the Planning Commission.

(3) The following design criteria shall be required:

a. All requirements of Sections 7-14-104, 105 and 106, unless modified by the following:

b. As the density of a residential development increases, so does the impact on the community in a variety of areas, including but not limited to, community traffic, schools, aesthetics and security, etc. Therefore, as the density increases, an increase in the use of quality construction materials, provision of amenities and aesthetically pleasing designs, as determined by the City, shall be required.

(4) Any undeveloped land adjacent to a proposed or existing state highway that anticipates a noise-sensitive use shall include appropriate noise abatement measures as determined through engineering analysis or Planning Commission recommendation.

(Ord. No. 94-89 Amended 09/08/1994)

7-14-108. DESIGN AND DEVELOPMENT PLAN REVIEW/DECISION PROCESS.

(1) The applicant shall prepare and make a submission to the City consistent with the standards contained in this Chapter. The City shall review said submission for compliance with the regulations set forth herein. The applicant shall not alter the terrain or remove any vegetation from the proposed site or engage in any site development or building construction until he has obtained the necessary approvals as outlined herein.

(2) Proposed site plans shall be delivered by the applicant, as referred by the Community and Economic Development Department, to such City departments, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the site for their information and comment. The Community and Economic Development Department is responsible for coordinating the comments received from all public and private entities, and shall decide which agencies to refer proposed site plans to.

(3) The Community and Economic Development Department shall review the site plan for conformance to the standards outlined herein; for conformance with the General Plan and the Zoning Ordinance; for environmental impacts which may be associated with the design; and shall process the site plan and reports as provided for in this Chapter.

(4) The Public Works Department shall make comments concerning: flood control requirements; engineering requirements for street widths, grades and alignments; whether the proposed public improvements conform to the requirements of this Chapter and other applicable ordinances; and shall be responsible for the approval and inspection of all public improvements.

(5) If desired, an applicant may request a review by the Planning Commission. This allowance is intended to resolve conflicts or differences of opinion between the applicant and City staff concerning the requirements or intent of this Chapter.

(6) The Planning Commission shall review all conditional uses, unless such review is delegated to the Community and Economic Development Department. Upon review, an application shall be approved, approved with conditions, continued, or disapproved for the use and/or site plan.

(7) The City shall notify the applicant within a reasonable time of receipt of the application of the City's decision and shall either (1) issue a building permit, or (2) advise the applicant of the approval of the application, or (3) advise the applicant of the additional items required by the City in order to act upon the application.

7-14-109. FINAL DESIGN AND DEVELOPMENT PLAN REQUIREMENTS.

The following information shall be required after a permitted or conditional use is approved, and must be received by the Community and Economic Development Department prior to issuance of any building permits:

(1) Revised site plan incorporating all preliminary review comments and requirements;
(2) Final landscape plan;
(3) Final building construction plans;
(4) Complete engineering plans, including final construction drawings for streets, utilities, drainage and grading; and
(5) Installation of on-site and off-site improvements or satisfactory arrangements concerning bonding as required by this Title.

7-14-110. APPEAL PROCEDURE.

(1) Appeals of City staff decisions may be made to the Board of Adjustment when difference of opinion exists between the applicant and the City in connection with the application. Such appeals shall be filed in writing with the Community and Economic Development Department. The appeals will be considered at the next Board of Adjustment regular meeting as long as such appeal is filed within 10 days of the action or decision being appealed.
(2) Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission by filing with the City Recorder a notice thereof in writing within 10 days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider, or other interested parties, deems themselves aggrieved.
(3) The City Recorder shall set the appeal for hearing before the City Council to be held within a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued until the next City Council meeting by order of the City Council. Written notice of the date set for hearing the appeal shall be mailed to the appellant at least 10 days before the appeal hearing date. After hearing the appeal, the City Council may affirm, modify or overrule the decision, determination or requirement appealed and enter any such order or orders as are in harmony with the spirit and purpose of the Title. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the City Council.

7-14-111. APPEAL OF CITY COUNCIL DECISIONS.

The appellant may appeal any decision of the City Council to the District Court by filing said appeal within 30 days of the decision.

7-14-200P PART 2 – COMMERCIAL DESIGN STANDARDS

(Ord. No. 04-33 Enacted 07/15/2004)

7-14-201. PURPOSE.

(1) To promote architectural and site design treatments that enhance the visual appearance of development within West Valley City.
(2) To prevent buildings from competing for attention through building color.
(3) To ensure compatibility and appropriate screening for commercial uses.
(4) To enhance the attractiveness of the streetscape and the existing architecture in West Valley City.
(5) To avoid deep setbacks behind large expanses of parking areas or vacant land.
(6) To direct the layout of pad site buildings to relate coherently to the public street and surroundings (outward) as well as to the main center (inward).
(7) To create a sense of place, focal points, site amenities, and a sense of arrival into commercial complexes.
(8) To create and maintain a strong community image and identity by providing for architectural treatments that enhance the visual experience of commercial development in West Valley City.
(9) To require building articulation that reduces the mass/scale and uniform monolithic appearance of large commercial buildings, and insure that commercial buildings and projects incorporate architectural features that provide visual interest, while allowing design flexibility.
(10) To accomplish the goals identified in the Urban Design Chapter of the West Valley City General Plan.
(11) To reduce the likelihood of crime by encouraging the use of Crime Prevention through Environmental Design (CPTED) principles.
(12) To increase accessibility and safety of pedestrians.

(Ord. No. 04-33 Enacted 07/15/2004)

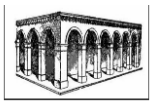
7-14-202. APPLICABILITY.

(1) The following standards are applicable to commercial and office buildings and projects in Business/Research Park (B/RP), Mixed Use (MXD), Residential Business (RB), Residential Multi-Family (RM), Neighborhood Commercial (C-1), General Commercial (C-2), Transitional Commercial (C-3), and Manufacturing (M) zoning districts and commercial components of Planned Unit Developments (PUD's). The following standards are applicable to buildings and projects for sexually-oriented businesses. Unless otherwise stated in this Section, churches, warehouses and uses allowed only in the M zone are specifically excluded.
(2) The following standards are applicable to new development, redevelopment, or additions to existing buildings that increase the gross floor area by more than fifty percent.

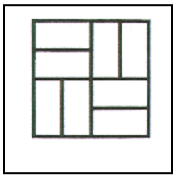
(Ord. No. 04-33 Enacted 07/15/2004; Ord. No. 10-07 Amended 03/29/2010)

7-14-203. DEFINITIONS.

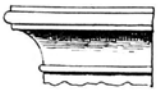
(1) Arcade: A series of arches supported by columns, piers, or pillars, attached to a wall to form a roofed passageway or lane.



(2) Architectural Banding: A minimum 6 inch horizontal band applied to the façade of a building. An architectural band can be accomplished through a change in color, texture, pattern, material or relief.
(3) Basket Weave Brick Pattern: See illustration.

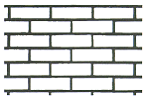


(4) Canopy: An ornamental roof-like projection.
(5) Colonnade: A series of columns set at regular intervals and usually supporting the base of a roof structure.
(6) Cornice: The uppermost section of moldings along the top of a wall or just below a roof.



(7) Cupola: A small, ornamental structure built on top of a roof.

(8) Decorative Parapet: An arched, gabled or stepped parapet.
(9) Façade: Any face or elevation of a building.
(10) Face Brick Pattern: See illustration.

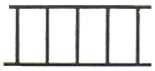


(11) Focal Point: A point of convergence and interest.
(12) Gable Roof: Two pitched roofs, back to back, forming a triangular roof.

(13) Gathering Place: An area allocated and designed for the purpose of accommodating the assembling and meeting of people. (i.e. Plaza, courtyard, a place of interest, etc.)
(14) Hip Roof: A gable roof with the ends brought together at the same pitch as the rest of the roof.

(15) Mansard Roof: A roof with a steep lower slope and a flatter upper slope on all sides.
(16) Pad site: A location for a free standing building within a larger commercial center.
(17) Parapet: A low wall projecting from the edge of a roof.
(18) Porte-cochere: A porch large enough for automobiles to pass through.

(19)Portico: A porch or walkway with a roof supported by columns, often leading to the entrance of a building.
(20)Primary Façade: The side of a building that faces the public street. With a corner lot, the street facing side with the main customer entrance shall be considered the primary façade.
(21)Primary Street: For a single frontage lot, the primary street is the adjacent public street. For a corner lot, the primary street is the public street with the largest right-of-way width.
(22)Secondary Façade: A side of a building that is not a primary façade and either is visible from a public right-of-way or has a customer entrance. A building may have more than one secondary façade.
(23)Site Amenities: Features that increase the attractiveness and/or public usability of a site. Examples include but are not limited to: decorative lighting or fencing, street furniture, public art, water features, etc.
(24)Soldier Course Brick Pattern: See illustration.



(Ord. No. 04-33 Enacted 07/15/2004)

7-14-204. SINGLE BUILDING ORIENTATION.

When there is only one (1) building in a proposed commercial development that will be occupied by one or more tenants, such building shall be oriented toward the abutting primary street and shall comply with one of the three standards below.

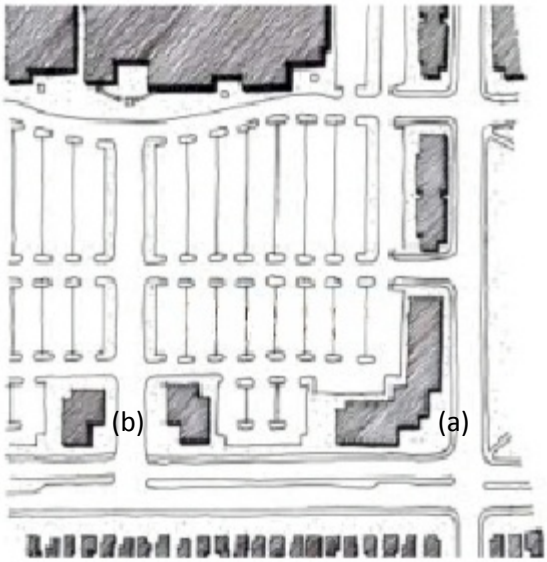
(1) The minimum building setback shall be 20'. The maximum building setback shall be 30' for thirty percent (30%) of the lot frontage.
(2) A maximum of seventy percent (70%) of the off-street surface parking spaces provided shall be located between the front of the building and the abutting street. The remaining thirty percent (30%) shall be located to the side or rear of the building.
(3) More than seventy percent (70%) of the off-street surface parking spaces provided may be located between the primary façade of the building and the abutting street, provided the amount of interior parking lot landscaping is increased to 20 square feet of landscaping for each parking stall.

(Ord. No. 04-33 Enacted 07/15/2004)

7-14-205. MULTIPLE BUILDING ORIENTATION.

When there is more than one (1) building in a commercial complex, the commercial complex shall comply with the following standards:

(1) A minimum of thirty percent (30%) of the street frontages shall be occupied by building facades. Those façades shall either:
    a. Frame the corner of an adjacent street intersection;
    b. Frame and enclose pedestrian and/or vehicle access corridor within the commercial complex;
    c. Frame and enclose parking areas, public spaces, or other site amenities with at least three sides of a building.



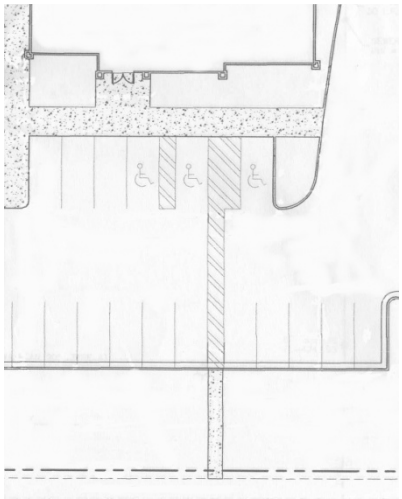
(2) In addition to paragraph one of this section, thirty percent (30%) of the street frontages shall be occupied by a combination of the following.
    a. Decorative architectural walls or hedges no higher than two feet (2');
    b. Landscaped entryway signage or features;
    c. Gathering spaces; and/or
    d. Site Amenities.
    e. For conditional uses, any other treatment that, at the discretion of the Planning Commission, meets the intent of this section.
(3) The remaining forty percent (40%) of street frontage may be occupied by parking areas behind the required landscaped setback, or by access for vehicles or pedestrians.
(4) Strictly linear development patterns are prohibited.
(5) For conditional uses, an applicant may submit an alternative development pattern to the Planning Commission, provided such pattern achieves the intent of the above standards and this section.

(Ord. No. 04-33 Enacted 07/15/2004)

7-14-206. PAD SITES.

(1) Pad site buildings shall be compatible with the largest building within a commercial complex by using one or more of the same building materials and colors.
(2) Spaces between adjacent pad site buildings that are not occupied by access points or streets shall provide small pockets of landscaped pedestrian connections, small-scale project amenities, or gathering spaces. Examples include, without limitation:
    a. A landscaped pedestrian walkway linking customer entrances between two or more pad site buildings;
    b. A public seating or outdoor eating area;
    c. An area landscaped with a variety of living materials emphasizing four-season colors, textures, and varieties; or
    d. Sculptures or fountains.

(3) There shall be no more than one double loaded parking aisle located between the building and an adjacent street.



(Ord. No. 04-33 Enacted 07/15/2004)

7-14-207. PEDESTRIAN ACCESS AND CIRCULATION.

Applicants shall submit a detailed pedestrian circulation plan with all development applications that demonstrates compliance with the following guidelines and standards:

(1) Required pedestrian connections - An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
   a. The primary entrance or entrances to each commercial building, including pad site buildings;
   b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development;
   c. Any public sidewalk system along the perimeter streets adjacent to the commercial development;
   d. Where applicable, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants; and
   e. Where applicable, any adjacent public park, greenway, trail network, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

(2) Pedestrian connections from buildings to parking areas, pad sites, and site amenities - In addition to the connections required above, on-site pedestrian walkways shall connect each primary entrance of a commercial building to:
   a. All parking areas or parking structures that serve such primary building;
   b. Site amenities or gathering places; and
   c. Transit stops and transit stations. UTA shall be contacted by the applicant during the design process to identify existing and potential transit stops. These stops shall be incorporated into the landscaping and circulation plans for the site. When recommended by City staff and UTA staff, a concrete pad shall be included for future

transit stop improvements. The pad will measure a minimum of 6' x 20' with a minimum thickness of 8". All ADA requirements shall be met as part of the design.

(3) Walkways Along Buildings. Continuous pedestrian walkways no less than five feet (5') wide shall be provided along any façade featuring a customer entrance and along any façade abutting customer parking areas. No merchandise displays shall be located within a sidewalk unless a specially designated area is defined and is approved by the Planning Commission. Pedestrian circulation shall not be obstructed.

(4) Walkways Through Vehicle Areas

a. Buildings over 10,000 square feet. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in elevation or paving materials distinguished by their color, texture, or height. A walkway through the parking lot connecting to the walkway along the primary building shall be required and include a six (6) foot minimum sidewalk and planting areas for a combined minimum width of fifteen (15) feet.

b. Buildings under 10,000 square feet. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in elevation or paving materials distinguished by their color, texture, or height. A walkway through the parking lot connecting to the walkway along the primary building shall be required and include a six (6) foot minimum sidewalk and planting areas for a combined minimum width of nine (9) feet. With Planning Commission approval a walkway through the parking area may be shared by two adjoining parcels and/or a tree diamond alternative may be considered.

(5) Bicycle Parking

a. Bicycle parking shall be provided at a ratio of one (1) space for every twenty (20) automobile parking spaces. There shall be no fewer than two (2) and no more than thirty (30) bicycle parking spaces.

b. Bicycle parking shall not be located where it will obstruct pedestrian movement and circulation. It shall be located at a maximum distance of one-hundred (100) feet of a central building entrance or at least as close as the closest automobile space, excluding handicapped parking spaces.

c. All bicycle racks, lockers, or other facilities shall be securely anchored to the ground or to the structure.

d. Businesses which are solely auto-oriented including automobile sales and car washes shall be excluded from the bicycle parking requirements.

(Ord. No. 04-33 Enacted 07/15/2004)

7-14-208. CRIME PREVENTION.

Commercial development site planning shall integrate the principles of "Crime Prevention through Environmental Design," (CPTED) to the maximum extent practical. Applicants are encouraged to consult with the West Valley City CPTED Task Force in the City Neighborhood Services Department or the COP officer assigned to the area regarding implementation of CPTED principles to commercial developments. These principles include:

(1) Territoriality. Space within the development and along the edges should be well-defined and delineated to create a sense of ownership, such that intruders and strangers stand out. This may

be accomplished through the use of pavement treatments, landscaping, art, signage, screening, fencing, and similar techniques.

(2) Natural Surveillance. Create an environment where it is possible for people engaged in their normal behavior to observe the spaces around them. Maximize a space's visibility through thoughtful design of building orientation, window placement, entrances and exits, landscaping of trees and shrubs, and other physical obstructions. Utilize nighttime illumination of parking lots, walkways, entrances, stairwells, and related areas that promote an environment in which natural surveillance is possible.

(3) Access Control. Plan and implement access control to restrict criminal intrusion, especially in areas where criminal activity cannot be easily observed. Access control may include, but is not limited to, use of fences, walls, landscaping, and lighting to prevent or discourage public access to or from dark or unmonitored areas. In addition, sidewalks, pavement, lighting, and landscaping areas should be used to guide the public to and from primary development entrances and exits.

(4) Activity Support. Create activity support by placing new or existing activities in an area so that individuals engaged in a particular activity become part of the natural surveillance of other areas.

(5) Maintenance. Maintain landscaping, lighting fixtures, and other features to facilitate the principles of CPTED, territorial reinforcement, natural surveillance, and access control.

(Ord. No. 04-33 Enacted 07/15/2004)

7-14-209. CONNECTING THE SITE WITH SURROUNDINGS.

The following transition guidelines and standards shall be incorporated into the applicant's site design:

(1) Transitions between land uses shall be required in the following situations:
    a. Changes in use between adjoining properties;
    b. Changes in intensity of use between adjoining properties, such as from large Commercial Centers to multi-family residential; and
    c. Views, uses, or activities on the commercial development site that are a nuisance for neighbors, such as commercial loading and service areas.

(2) Transition techniques:
    a. Architectural transitions - Commercial development shall employ a minimum of two of the following techniques to ensure compatibility with surrounding development, including adjacent residential development:
        i. Use similar building height.
        ii. Use similar roof form.
        iii. Mitigate the larger mass of commercial buildings with the building treatments found in Sections 7-14-213, 7-14-214 and 7-14-215.
    b. Green/open space transitions - Commercial development may employ the following technique to provide transitions and ensure compatibility between the commercial development and surrounding development:
        i. Use small green spaces, courts, squares, parks, plazas, and similar spaces that can also function as community gathering places.
        ii. Use existing natural features as transitions, including natural differences in topography (not retaining walls), streams, existing stands of trees, and similar features. When existing natural features are used as transitions, the city may

still require that adequate pedestrian connections to adjacent land uses be accommodated.

c. Community-serving uses as transitions - When office, small-scale retail, pedestrian-intensive retail, civic, or public uses are planned as part of the same development containing more intensive commercial uses, the applicant may site the lesser-intensive uses or more community-serving uses as transitions to lower-intensity, adjacent uses. For example, post offices, banks, and restaurants--all of which are pedestrian-intensive, community-serving uses--can be sited next to adjacent medium-density residential uses.
d. Orientation. Potentially noisy, bright or otherwise bothersome features or uses shall be oriented away from neighboring uses. For example, avoid placing garages, parking lots, or service areas facing the fronts of neighboring buildings.

(Ord. No. 04-33 Enacted 07/15/2004)

7-14-210. BUILDING MATERIALS.

(1) No more than 50% of any exterior wall of a commercial building exterior can be metal except as provided in (3) below.
(2) At least 50% of the primary façade of any commercial building must be masonry. All other façades of the building must be 35% masonry. For the purposes of this section, masonry shall include stucco, stone, brick and concrete block. Unfinished or gray concrete block is excluded.
(3) Commercial buildings that exceed the building relief, building design and roof treatment minimum standards listed below by at least one treatment per section may use more than 50% metal or less than required masonry.

(Ord. No. 04-33 Enacted 07/15/2004)

7-14-211 BUILDING COLORS.

(1) The color of all commercial buildings is subject to City approval. The dominant overall color scheme of the building shall generally be subtle, subdued, low reflectance, neutral or earth tones.
(2) Brighter primary colors may be used as accent elements, such as door and window frames and architectural details. Fluorescent or metallic colors are only allowed as signage.

(Ord. No. 04-33 Enacted 07/15/2004)

7-14-212. ASSESSMENT OF BUILDING/ROOF TREATMENTS.

A building relief, building design or roof treatment from the following three sections shall only be counted once when assessing compliance with the minimum number of treatments required. For example, if a building has an arcade, the arcade can count only as a building relief treatment under 7-14-213(4) and not a building design treatment under 7-14-214(1) (g).

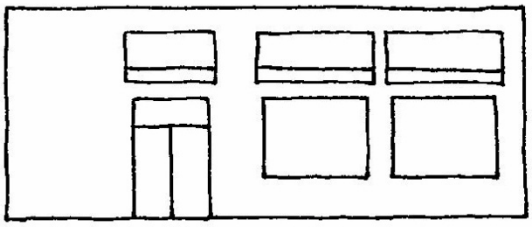
(Ord. No. 04-33 Enacted 07/15/2004)

7-14-213. BUILDING RELIEF TREATMENTS.

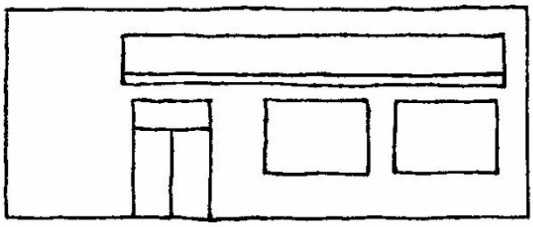
Primary façades shall incorporate 2 of the following building relief treatments. Secondary façades shall incorporate 1 of the following building relief treatments.

(1) Expression of a vertical architectural treatment with a minimum width of 24 inches and a minimum depth of 1 inch placed an average of 40' apart for buildings greater than 20,000 square feet or 30' apart for buildings less than 20,000 square feet.
(2) Building setbacks, offsets or projections with a minimum of 10' in width and 2' in depth placed an average of 80' apart for buildings greater than 20,000 square feet or 40' apart for buildings less than 20,000 square feet.
(3) A primary customer entrance. Primary customer entrances must feature no less than 3 of the following elements: canopies or porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios, and architectural details such as tile work and moldings which are integrated into the building structure and design.
(4) Arcades or colonnades a minimum of 6' feet deep with a minimum column width or diameter of 12 inches, or other roof treatments that provide shade and/or a break in the vertical plane along at least 50% of the horizontal length a façade.
(5) Awnings, associated with windows and/or doors, along at least 50% of the horizontal length of a façade. Awnings must be in detached increments as opposed to one continuous awning (see illustration).

Acceptable



Not Acceptable



(6) For conditional uses, any other treatment that is approved by the Planning Commission, if the Planning Commission determines that it meets the intent of this section.

(Ord. No. 04-33 Enacted 07/15/2004; Ord. No. 04-57 Amended 11/29/2004)

7-14-214. BUILDING DESIGN TREATMENTS.

(1) Primary façades shall incorporate 3 of the following building articulation treatments. Secondary façades shall incorporate 2 of the following building articulation treatments.
    a. Color change applied to at least 20% of the façade.
    b. Texture and/or material change applied to at least 20% of the façade.
    c. Architectural banding.
    d. Pattern change applied to at least 20% of the area of a façade dedicated to a single material. (Example: changing brick work from face brick to soldier course or basket weave pattern.)
    e. Display windows a minimum of 6' high along at least 50% of the horizontal length of the first story of a façade.
    f. Windows covering at least 40% of a façade.

g. Arches or arched forms.
h. Ornamental and structural details that are integrated into the building structure.
i. For conditional uses, any other treatment that is approved by the Planning Commission, if the Planning Commission determines that it meets the intent of this section.

(2) Where shopping carts are placed outdoors adjacent to the primary façade of the building, such shopping carts shall be screened by a wall a minimum of 4' in height. The exterior façade of the wall shall be treated consistently with the primary façade.
(3) All façades of a building shall be designed with consistent architectural style, detail, and trim features of the primary façade.
(4) Separate structures (carwash, cashiers booth, canopies over gas pumps, etc.) on the site shall have the same architectural detail, design elements and roof design as the primary structure, including a comparable pitch or parapets for roofs, same cornice treatment, same materials and colors, etc.

(Ord. No. 04-33 Enacted 07/15/2004; Ord. No. 04-57 Amended 11/29/2004)

7-14-215. ROOF TREATMENTS.

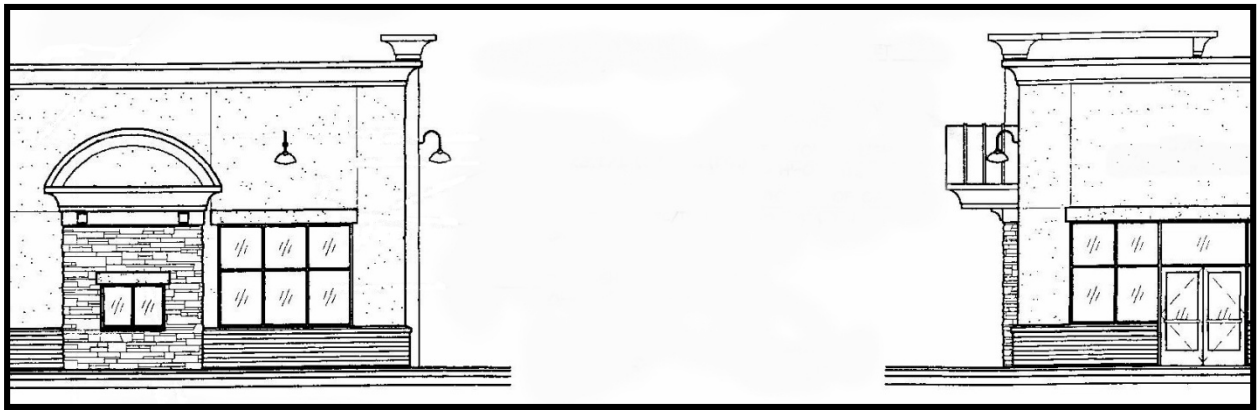
All roofs on commercial buildings shall meet at least 2 of the following requirements:
(1) Decorative parapets along primary and secondary façades that are at least 3' in height above the finished roof.
(2) A three-dimensional cornice treatment along all façades, a minimum of 12 inches high, having a variety of thickness in relief.
(3) Roof overhangs on at least the primary façade that extend at least 3' beyond the supporting walls.
(4) A sloping roof, such as a gable, hip or mansard, that does not exceed the average height of the supporting walls, with an average pitch of 4:12 or greater.
(5) For sloping roofs, two or more roof planes on the primary façade.
(6) Roof projections such as cupolas, clock towers or bell towers.
(7) For conditional uses, any other treatment that is approved by the Planning Commission, if the Planning Commission determines that it meets the intent of this section.

(Ord. No. 04-33 Enacted 07/15/2004; Ord. No. 04-57 Amended 11/29/2004; Ord. No. 10-20 Amended 7/12/2010)

7-14-216. DRIVE-THROUGH WINDOW STANDARDS.

All buildings with a drive-through window must incorporate one of the options below:
(1) A permanent, covered porte-cochere structure over the drive-through window that is the width of the drive, a minimum of 20' in length, and integrated structurally and architecturally into the design of the building.
(2) A permanent cover over the drive-through window that is at least 3' wide, 10' in length and integrated structurally and architecturally into the design of the building. (See illustration below.)

Front elevation Side Elevation



(Ord. No. 04-33 Enacted 07/15/2004; Ord. No. 04-57 Amended 11/29/2004)

7-14-217. MERCHANDISE DISPLAY AREAS.

Fenced merchandise display areas (i.e. garden centers), visible from a public right-of-way shall use decorative metal fencing. Additionally, the merchandise display area shall be integrated into the design of the primary structure using one of the following techniques:

(1) Masonry columns constructed of the same materials and color of the main building, spaced a maximum of 25' apart; or
(2) A 3' wall constructed of the same material, color, and style of the main building along the entire length of the fenced storage.

(Ord. No. 04-33 Enacted 07/15/2004)

7-14-218. EXEMPTION.

Greenhouses are exempt from the requirements of Sections 7-14-210 and 7-14-212 through 7-14-215 due to their function.

(Ord. No. 04-33 Enacted 07/15/2004)

7-14-219. SCREENING.

(1) All refuse storage containers shall adhere to Section 7-2-123 of the West Valley City Land Use Development and Management Act. Refuse enclosures and onsite screening walls shall match the materials and colors of the primary building. Two-toned colors are required where stucco, concrete or cinder block is used as the exterior enclosure material.
(2) All roof mounted mechanical equipment shall be screened using a parapet that is tall enough to block the view of the equipment from grade a minimum of 100 linear feet from the primary and secondary sides of the building.
(3) All mechanical equipment not located on the roof of a building, including heating and air conditioning units, shall be completely screened from surrounding properties by use of a concrete or masonry wall, coniferous trees or shrubs, or shall be enclosed within a building.
(4) Mechanical equipment and refuse storage containers are required to be shown on the building elevations and/or on the site plan at the time of permitted or conditional use review.

(Ord. No. 10-20 Enacted 07/12/2010)

7-14-300P PART 3 – MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-301. PURPOSE.

(1) To promote architectural and site design treatments that enhance the visual appearance of development within West Valley City.
(2) To ensure compatibility with neighboring, lower intensity uses.
(3) To enhance the attractiveness of the streetscape and the existing architecture in West Valley City.
(4) To avoid deep setbacks behind large expanses of parking areas or vacant land.
(5) To create and maintain a strong community image and identity by providing for architectural treatments that enhance the visual experience of residential development in West Valley City.
(6) To require building articulation that reduces the mass/scale and uniform monolithic appearance of large residential buildings, and insure that residential buildings and projects incorporate architectural features that provide visual interest, while allowing design flexibility.
(7) To accomplish the goals identified in the Urban Design Chapter of the West Valley City General Plan.
(8) To increase accessibility and safety of pedestrians.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-302. APPLICABILITY.

(1) The following standards are applicable to all multi-family residential development including three family, four family and multiple family dwellings as well as dwelling groups in all zones that allow such development except the City Center Zone.
(2) The following standards are applicable to new development and redevelopment.
(3) The requirements within Sections 7-14-304 through 7-14-315 may be superseded by a development agreement which is reviewed and approved by the Planning Commission and City Council. The development agreement and project must address all the Sections listed above.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-303. DEFINITIONS.

(1) Architectural Banding: A minimum 6 inch horizontal band applied to the façade of a building. An architectural band can be accomplished through a change in color, texture, pattern, material or relief.
(2) Cornice: The uppermost section of moldings along the top of a wall or just below a roof.
(3) Decorative Parapet: An arched, gabled or stepped parapet.
(4) Façade: Any face or elevation of a building.
(5) Parapet: A low wall projecting from the edge of a roof.
(6) Primary Façade: The side of a building that faces the adjoining public or private street. With a corner lot, the street facing side with the main resident entrance shall be considered the

primary façade. For buildings designed around a courtyard or parking area, the side with the main resident entrance shall be considered the primary façade.

(7) Secondary Façade: A side of a building that is not a primary façade and either is visible from a public or private street or has an entrance. A building may have more than one secondary façade.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-304. PEDESTRIAN ACCESS AND CIRCULATION.

Applicants shall submit a detailed pedestrian circulation plan with all development applications that demonstrates compliance with the following guidelines and standards:

(1) Required pedestrian connections - An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
   a. The primary entrance or entrances to each residential building, including clubhouses where applicable;
   b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the residential development;
   c. Any public sidewalk system along the perimeter streets adjacent to the residential development;
   d. Where applicable, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants; and
   e. Where applicable, any adjacent public park, greenway, trail network, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

(2) Pedestrian connections from buildings to parking areas and amenities - In addition to the connections required above, on-site pedestrian walkways shall connect each primary entrance(s) of residential buildings to:
   a. All parking areas or parking structures that serve such buildings;
   b. Site amenities or gathering places; and
   c. Transit stops and transit stations. UTA shall be contacted by the applicant during the design process to identify existing and potential transit stops. These stops shall be incorporated into the landscaping and circulation plans for the site. When recommended by City staff and UTA staff, a concrete pad shall be included for future transit stop improvements. The pad will measure a minimum of 6’ x 20’ with a minimum thickness of 8”. All ADA requirements shall be met as part of the design.

(3) Walkways Along Buildings. Continuous pedestrian walkways no less than four feet (4’) wide shall be provided along any façade featuring an entrance and along any façade abutting resident or visitor parking areas. Pedestrian circulation shall not be obstructed.

(4) Walkways Through Vehicle Areas. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in elevation or paving materials distinguished by their color, texture, or height. A walkway through the parking lot connecting to a walkway(s) along an adjoining building(s) shall be required and include a four feet (4’) minimum sidewalk and planting areas for a combined minimum width of nine (9) feet. The Planning Commission may consider a shared walkway through parking areas on two adjoining parcels.

(5) Bicycle Racks

a. Bicycle parking shall be provided at a ratio of one (1) space for every twenty (20) dwelling units.
b. Bicycle parking shall not be located where it will obstruct pedestrian movement and circulation. It shall be located at a maximum distance of one-hundred (100) feet of a central building entrance or at least as close as the closest automobile space, excluding handicapped parking spaces.
c. All bicycle racks, lockers, or other facilities shall be securely anchored to the ground or to the structure.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-305. BUILDING MATERIALS.

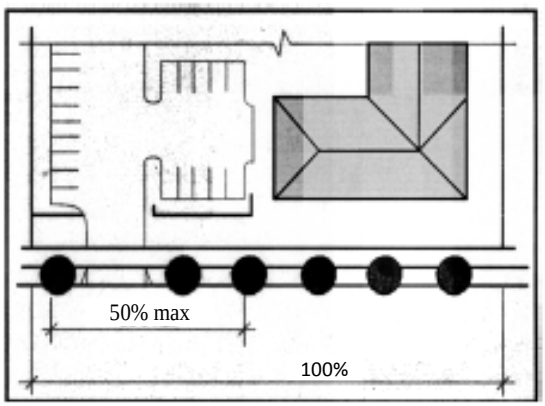
All multi-family residential buildings exteriors shall be 100% masonry. For the purposes of this Section, masonry shall include brick, stucco, stone or fiber cement siding (hardie plank). Metal, wood and vinyl may be used as trim, soffits and/or accent materials only.

(Ord. No 06-09 Enacted 04/11/2006)

7-14-306. GENERAL REQUIREMENTS.

Multi-family residential buildings shall meet the following standards:

(1) When exterior stairways are used, they shall be stylistically consistent with and architecturally integrated into the buildings they serve. Exterior stairs, which are not architecturally consistent with the building design as determined by the Planning Commission, are prohibited.
(2) Off-street parking areas shall not comprise more than 50% of the elements along a development's street frontage.



(3) All façades of a building shall be built with consistent architectural style, detail and trim features of the primary façade. Accessory buildings such as clubhouses and garages shall be built with similar colors, materials and architectural features as the multi-family residential buildings within the same development.
(4) In residential developments with more than 4 buildings with dwelling units, the architectural features shall vary between buildings using different treatments from Sections 7-14-305, 7-14-308, 7-14-309, 7-14-310 and/or other building variations as determined by the Planning Commission.

(5) All mechanical equipment shall be screened from view through the use of solid visual barrier fencing or landscaping. Screening of utility meters is encouraged.
(6) Trash dumpsters shall be completely screened from surrounding properties by use of a concrete or masonry wall or shall be enclosed within a building. Trash dumpsters shall be located at least 20' from any adjacent residential property line and at least 20' from any dwelling unit.
(7) All multi-family residential developments shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-307. ASSESSMENT OF RELIEF, WINDOW AND DESIGN TREATMENTS.

A building relief treatment, window treatment or building design treatment from the following three sections shall only be counted once when assessing compliance with the minimum number of treatments required. For example, if a building uses brick and stucco as exterior materials, the change of materials can count only as a change of materials under 7-14-310(2) and not a change of color under 7-14-310(3).

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-308. BUILDING RELIEF TREATMENTS.

Primary façades shall include at least two of the following relief treatments. One of the relief treatments shall be utilized at least once per dwelling unit. Secondary façades shall include at least one of the following relief treatments utilized at least once per two dwelling units.

(1) Bay windows
(2) Box windows
(3) Building offsets or projections with a minimum depth of 2' and a minimum width of 4'
(4) Balconies or covered porches
(5) Any other treatment that, at the discretion of the Planning Commission, meets the intent of this Section.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-309. WINDOW TREATMENTS.

Primary façades shall include at least two of the following window treatments with at least one window treatment per window. All other façades shall utilize at least one of the following window treatments per window.

(1) Varying the size and/or style of windows
(2) Windows sills
(3) Window grids
(4) Window trim
(5) Window headers
(6) Window railing
(7) Shutters
(8) Any other treatment that, at the discretion of the Planning Commission, meets the intent of this Section.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-310. BUILDING DESIGN TREATMENTS.

Primary façades shall include at least two of the following building design treatments. Secondary façades shall include at least one of the following building design treatments.

(1) Ornamental details such as quoins, knee braces and exposed joists
(2) A change of material applied to at least 20% of the façade
(3) A change of color applied to at least 20% of the façade
(4) Decorative parapet
(5) Architectural banding
(6) Cornice other than that at the top of the building
(7) A change of pattern applied to at least 20% of the façade (Example: changing brick work from face brick to a soldier course or basket weave pattern.)
(8) A distinguished upper floor for buildings with at least four floors
(9) Any other treatment that, at the discretion of the Planning Commission, meets the intent of this Section.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-311. GARAGE TREATMENTS.

(1) All multi-family residential developments with a garage or garages on the primary façade shall include at least one of the following garage treatments per garage.
    a. Enclosed second-floor living space over the garage(s) extending to or cantilevering over the front face of the garage(s)
    b. Garage(s) is flush with or recessed from the primary façade.
(2) No more than 50% of the first floor of the primary façade shall be devoted to garage doors or carports. This percentage may be increased to a maximum of 60% for garage doors if: windows are used in the garage doors, the garages are recessed at least two feet from the rest of the primary façade or other enhancements are made to the garage doors. Examples of other enhancements include using decorative wood or breaking up the mass of two car garage doors by using two separate single car doors or by using panels or other treatments to make the door appear to be divided into two sections.
(3) The color of garage doors shall be coordinated with the primary colors of the buildings they serve.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-312. ROOF TREATMENTS.

(1) Where pitched roofs are used, the minimum roof pitch shall be 4:12.
(2) Where pitched roofs are not used, a decorative parapet shall be included on at least the primary façade. All façades shall include a parapet wall that is tall enough to block the view from the adjacent street(s) of roof mounted equipment. Noise issues related to roof mounted equipment may require the parapet wall to be at least as tall as the roof mounted equipment.
(3) Vertical or horizontal roof articulation is required on all primary façades with pitched roofs. No more than two dwelling units shall be covered by a single, unarticulated roof. Roof articulation

shall be achieved by changes in plane and/or the use of traditional roof forms such as gables, hips, and dormers.

(4) Roof mounted air conditioning units are prohibited on pitched roofs. Roof mounted air conditioning units are allowed on flat roofs if a parapet wall is provided to screen the units.

(5) Gable ends must have a minimum 6 inch overhang at the eaves.

(6) Where asphalt shingles are proposed as roofing materials on pitched roofs, laminated architectural shingles shall be used.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-313. AMENITIES.

All multi-family residential developments with 50 to 75 dwelling units shall include at least two amenities from the following list. At least one of the two amenities shall be from the major amenities list. All multi-family residential developments with 76 to 99 dwelling units shall include at least four amenities from the following list. At least two of the four amenities shall be from the major amenities list. All multi-family residential developments with 100 or more dwelling units shall include at six amenities from the following list. At least three of the six shall be from the major amenities list.

Major	**Minor**
Swimming pool	Tot lot
Courtyard	Volleyball court
Clubhouse (without fitness room)	Hot tub
Garages	Walking/exercise trail
On-site manager	Basketball court
Fitness room	Tennis court
Private patio or balcony of at least 60 square feet for each unit	Any other amenity that, at the discretion of the Planning Commission, meets the intent of this Section.
Any other amenity that, at the discretion of the Planning Commission, meets the intent of this Section.	

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-314. FENCING.

Within the required setback along any property side adjacent to a minor street, minor collector or collector, solid visual barrier fencing cannot exceed two feet in height. Where a solid visual barrier fence over two feet in height fence is installed along a minor arterial or major arterial, the fence must be setback at least ten feet from the public sidewalk to allow space for landscaping. The materials and design of a solid visual barrier fence which is over two feet in height and placed within the required setback along a minor arterial or major arterial are subject to review by the Planning Commission to ensure compatibility with neighboring uses.

(Ord. No. 06-09 Enacted 04/11/2006)

7-14-315. OPEN SPACE.

At least 15% of a multi-family residential development's total area shall be useable open space. For the purposes of this Section, useable open space shall mean recreation areas including basketball, tennis or racquetball courts; baseball, softball or soccer fields; trails; picnic areas; plazas; dedicated or private park sites or any other use deemed acceptable by the Planning Commission. Useable open space shall not include parking lots, all buildings except clubhouses, setback areas less than 20', and narrow landscaped strips.

(Ord. No. 06-09 Enacted 04/11/2006)

CHAPTER 7-15
SEXUALLY-ORIENTED BUSINESSES

Sections:

7-15-101. Purpose.
7-15-102. Location of Businesses – Restrictions.
7-15-103. Effect on Non-conforming Businesses.
7-15-104. Signs.
7-15-105. Definitions.
7-15-106. Parking.

7-15-101. PURPOSE.

The purpose and objective of this Chapter is to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses or their location in areas deleterious to the City, regulate the signage of such businesses, control the adverse effects of such signage, and prevent inappropriate exposure of such businesses to the community. This Chapter is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the United States and Utah Constitutions.

(Ord. No. 93-59 Repealed & Replaced 10/04/1993)

7-15-102. LOCATION OF BUSINESSES - RESTRICTIONS.

(1) Outcall services and service-oriented escort bureaus shall only be permitted in areas zoned M (Manufacturing) and designated Heavy Manufacturing pursuant to the General Plan, subject to the following additional restrictions:
    a. No outcall service or service-oriented escort bureau shall be located:
        i. Within 1,000 feet of any school, public park, library, or religious institution.
        ii. Within 600 feet of a high-image arterial as defined in Section 7-13-102 and including U-111 Hwy. The distance shall be measured from the right-of-way boundary.

(2) Sexually-oriented businesses shall only be permitted in areas zoned M (Manufacturing) and designated Heavy Manufacturing pursuant to the General Plan under this Title, subject to the following additional restrictions:
    a. No sexually-oriented business shall be located:
        i. Within 1,000 feet of any school, public park, library, or religious institution.
        ii. Within 1,000 feet of any residential use or any agricultural or residential zoning boundary.
        iii. Within 600 feet of any other sexually-oriented business, except outcall services.
        iv. Within 600 feet of a high-image arterial as defined in Section 7-13-102 and including U-111 Hwy. The distance shall be measured from the right-of-way boundary.

(3) Distance requirements between structures and uses specified in this Section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property boundaries of the school, public park, religious or cultural activity, residential use, or other

sexually-oriented business, or from the right-of-way line of a high-image arterial or U-111 Hwy to the structure of the sexually-oriented business.

(4) Distance requirements from zoning districts for this Section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the sexually- oriented business structure.

(Ord. No. 93-59 Repealed & Replaced 10/04/1993; Ord. No. 06-81 Amended 12/5/2006; Ord. No. 10-07 Amended 03/29/2010)

7-15-103. EFFECT ON NON-CONFORMING BUSINESSES.

All existing legal, non-conforming sexually-oriented businesses, as of the effective date of the ordinance codified in this Chapter, or any amendment hereto, shall comply with the provisions of this Chapter within nine months from the date this ordinance is enacted.

(Ord. No. 93-59 Repealed & Replaced 10/04/1993)

7-15-104. SIGNS.

Notwithstanding anything contrary contained in Title 11 of the West Valley City Code, the more restrictive requirements for signs shall prevail. Signs for sexually-oriented businesses shall be limited as follows:

(1) No more than one exterior sign shall be allowed.
(2) No sign shall be allowed to exceed 18 square feet.
(3) No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
(4) No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
(5) Only flat wall signs and/or awning signs shall be permitted.
(6) Painted wall advertising shall not be allowed.
(7) Other than the signs specifically allowed by this Chapter, the sexually-oriented business shall not attach, construct, or allow to be attached or constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.

(Ord. No. 93-59 Repealed & Replaced 10/04/1993)

7-15-105. DEFINITIONS.

Terms involving sexually-oriented businesses which are not defined in this Title shall have the meanings set forth in Section 17-26-104.

(Ord. No. 93-59 Repealed & Replaced 10/04/1993)

7-15-106. PARKING.

Sexually-oriented businesses are subject to the parking requirements in Chapter 9 of this Title.

(Ord. No. 10-07 Enacted 03/29/2010)

CHAPTER 7-16
RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

Sections:

7-16-101. Residential Facilities for Elderly Persons.
7-16-102. Conditional Use Review.
7-16-103. Code Compliance.
7-16-104. Parking.
7-16-105. Separation Standards.
7-16-106. Client Restricted.
7-16-107. Compliance.
7-16-108. Discrimination Prohibited.
7-16-109. Maintenance.
7-16-110. Agency Review.

7-16-101. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS.

(1) A residential facility for elderly persons shall be a permitted use in any area where residential uses are allowed following approval by the Community and Economic Development Department, subject to subsection (2) below. Approval shall not be denied where the proposed residential facility for elderly persons is found to be in compliance with all the applicable provisions of this Chapter.
(2) Except as otherwise provided in this Chapter, residential facilities for elderly persons shall only be allowed in any City zoning district which is zoned to permit exclusively single-family dwelling use, subject to the granting of a conditional use permit. A conditional use permit shall not be denied where the facility is found, by the Planning Commission, to meet all conditions set forth in this Section.
(3) A residential facility for elderly persons proposed to be located in a district which is zoned to permit exclusively single-family dwelling use does not require conditional use approval if no more than four non-related adults live in the facility.
(4) All residential facilities for elderly persons shall comply with zoning regulations, health and safety ordinances, and building codes applicable to the structure or land use.
(5) A residential facility for elderly persons may not operate as a business. However, a residential facility for elderly persons shall not be considered a business because a fee is charged for food or for the actual and necessary costs of operation and maintenance of the facility.

(Ord. No. 99-53 Amended 08/20/1999; Ord. No. 13-44 Amended 11/25/2013)

7-16-102. CONDITIONAL USE REVIEW.

In any municipal zoning district, which is zoned to permit exclusively single-family dwelling uses, in addition to the requirements of this Section, the Planning Commission may, as a condition of a conditional use permit, set other reasonable conditions which it feels will further the intent of Part 5 of Title 10, Chapter 9, of the Utah Code Annotated, 1953, as amended, and this Chapter.

(Ord. No. 99-53 Amended 08/20/1999)

7-16-103. CODE COMPLIANCE.

The facility shall meet all municipal building, safety, zoning and health ordinances applicable to similar dwellings. The facility shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structures residential character.

7-16-104. PARKING.

Off-street parking shall be provided as required in Chapter 9 of this Title.

7-16-105. SEPARATION STANDARDS.

Residential facilities for elderly persons shall be reasonably dispersed throughout the City.

(Ord. No. 99-53 Amended 08/20/1999)

7-16-106. CLIENT RESTRICTED.

Persons being treated for alcoholism or drug abuse shall not be placed in a residential facility for elderly persons; placement in a residential facility for elderly persons shall be on a strictly voluntary basis and shall not be a part of, or in lieu of confinement, rehabilitation, or treatment in a correctional facility.

(Ord. No. 99-53 Amended 08/20/1999)

7-16-107. COMPLIANCE.

The use granted and permitted by this Section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons, or if the structure fails to comply with applicable health, safety, or building codes.

(Ord. No. 99-53 Amended 08/20/1999)

7-16-108. DISCRIMINATION PROHIBITED.

Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. All decisions regarding an application for a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facilities residents.

7-16-109. MAINTENANCE.

In any area zoned to permit exclusively residential uses, the Planning Commission may impose a condition that the landscaping around the facility must be maintained or installed such that it enhances the residential character of the neighborhood, as a condition of the conditional use approval.

7-16-110. AGENCY REVIEW.

The facility shall be reviewed by the following agencies, prior to the issuance of the conditional use permit or final approval by the Community and Economic Development Department:

(1) West Valley City Community and Economic Development Department;
(2) West Valley City Building Inspection Division
(3) West Valley City Fire Department;
(4) West Valley City Public Works Department;
(5) Granger-Hunter Improvement District, Taylorsville- Bennion Improvement District, Kearns Improvement District, or Magna Improvement District, whichever is applicable.

(Ord. No. 99-53 Amended 08/20/1999)

CHAPTER 7-17
RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

Sections:

7-17-101. Purposes.
7-17-102. Definitions.
7-17-103. Compliance with Applicable Zoning Regulations.

7-17-101. PURPOSES.

The purposes of this Chapter are:

(1) To preserve the rights of persons with a disability to live in the dwelling of their choice, consistent with federal and state law and sound land use management.
(2) To eliminate any differentiation between residential facilities for persons with a disability and other residential uses by regulating all residential uses in the same manner.
(3) To enhance the quality of life for all citizens of West Valley City by protecting residential areas free from industrial or commercial uses, preserving the character and viability of residential neighborhoods, and securing the blessings of quiet seclusion and clean air to promote sanctuaries in which all people may live.

(Ord. No. 97-65 Replaced & Renumbered 12/09/1997)

7-17-102. DEFINITIONS.

For the purposes of this Chapter:

(1) "Disability" has the same definition of "disability" as found in Section 57-21-2, Utah Code Annotated 1953, as amended.
(2) "Residential Facility for Persons With a Disability" means a residence:
    a. In which more than one person with a disability resides; and
    b. Is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Utah Code Annotated 1953, as amended.

(Ord. No. 97-65 Replaced & Renumbered 12/09/97)

7-17-103. COMPLIANCE WITH APPLICABLE ZONING REGULATIONS.

(1) A residential facility used by persons with a disability shall be allowed in all zones that allow residential uses in the City, subject to the provisions of this Section.
(2) Without regard for any purported disability of the potential users of the facility, the proposed land use must be a permitted or conditional use in the zone in which the facility is proposed to be located.
(3) Any building used as a facility must comply with all applicable regulations for the zoning district in which the facility is proposed to be located, and must also comply with applicable uniform codes as adopted by the City or the State of Utah.
(4) If the proposed facility is to be located in a new building constructed for that purpose, or if an existing building is significantly renovated in order to house a proposed facility, the building shall be constructed or renovated so as to be consistent with the size, shape, design, landscaping, and

placement of the residential buildings located in residential zoning districts near the proposed facility.

(5) If consistent with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Act Amendments of 1988, 42 USC Section 3601 et seq., Residential Facilities for Persons with Disabilities may be reasonably dispersed throughout the City.

(6) If consistent with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Act Amendments of 1988, 42 USC Section 3601 et seq., Residential Facilities for Persons with Disabilities that are also substance abuse facilities and are located within 500 feet of a school may be required to provide (in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Utah Code Annotated, 1953 as amended):

a. 24 hour supervision for residents; and
b. other 24 hour security measures.

(Ord. No. 97-65 Replaced & Renumbered 12/09/97; Ord. No. 01-40 Amended 06/21/2001)

CHAPTER 7-18
BOARD OF ADJUSTMENT

Sections:

7-18-101. Board Membership.
7-18-102. Organization and Meetings of Board.
7-18-103. Duties and Powers of the Board.
7-18-104. Zoning Administrator's Determinations.
7-18-105. Appeals to the Board of Adjustment.
7-18-106. Nonconforming use of Buildings, Structures and Land.
7-18-107. Variances.

7-18-101. BOARD MEMBERSHIP.

(1) The Board of Adjustment shall consist of five members and such alternate members as the City Manager deems appropriate. Each member shall be appointed by the City Manager with the advice and consent of the City Council.
(2) Each member is appointed for a term of five years unless otherwise provided in this Chapter. The terms of the members of the Board shall be staggered such that the term of one member expires each year. Terms of each of the members and the alternates shall expire on July l of the last year of their term.
(3) Alternate members shall serve in the absence of a member or members of the Board of Adjustment under rules established by the City Council. No more than two alternate members shall sit at any meeting of the Board at one time.
(4) The City Manager may remove any member of the Board for cause if written charges are filed with the City Manager against the member. The City Manager shall provide the member with a public hearing if requested in writing by the member.
(5) Any vacancy occurring on said Board for whatever reason shall be filled by appointment as provided in this Section for the unexpired term of such member or alternate member whose office becomes vacant.
(6) All members of the Board shall be residents of the City.

7-18-102. ORGANIZATION AND MEETINGS OF BOARD.

(1) The Board shall elect a Chairperson and Vice-Chairperson from among themselves for a one year term. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in the case of the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall comply with the requirements of Chapter 4, Title 52, UCA, Open and Public Meetings. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, members absent, members failing to vote, a record of the Boards examination of evidence and other official actions. The records of the Board shall be filed in the Community and Economic Development Department and shall be public records.
(2) The Board shall adopt rules of policy and procedure consistent with this Chapter or State law. Said rules shall be submitted to the City Council for approval and may be altered, amended or changed in the same manner.

(3) Decisions of the Board shall become effective at the meeting in which the decision is made, unless a different time is designated in the Board's rules or at the time the decision is made.

7-18-103. DUTIES AND POWERS OF THE BOARD.

The Board shall have the duty and power to decide:

(1) Appeals - Hear and decide appeals from any order, requirement, determination or decision of the Planning Commission and/or Zoning Administrator's application of the zoning ordinance. The Board shall hear and decide appeals from Planning Commission decisions regarding conditional use permits. The Board may not hear or decide upon an appeal of any zoning ordinance amendment. An appeal may not be used to waive or modify the terms or requirements of the zoning ordinance.

(2) Special Exceptions - Hear and decide special exceptions to the terms of the zoning ordinance where the City Council has granted jurisdiction to the Board to do so. The Board may hear and decide special exceptions only if authorized to do so by the zoning ordinance and based only upon the standards contained in the zoning ordinance.

(3) Variances - Hear and decide all applications for variance from the terms of the City Zoning Ordinance other than allowing a use in a zone which is not listed as a permitted or conditional use. Such decisions shall be made in accordance with State law, Section 7-18-107 of this Chapter and the rules adopted by the Board.

(4) Nonconforming Use - Hear and make determinations regarding the existence, expansion, or modification of nonconforming uses.

7-18-104. ZONING ADMINISTRATOR'S DETERMINATIONS.

The Zoning Administrator may decide certain matters as designated by the Board, and consistent with guidelines established by this Chapter and State law and the rules adopted by the Board. Pursuant to that authority, the Zoning Administrator may decide all cases which are routine in nature, uncontested, do not impact on the character of the neighborhood, are primarily brought about by recent changes in the Zoning Ordinance creating a large number of nonconforming structures or uses and which the Board has granted on almost a routine basis. The specific types of decisions the Zoning Administrator is authorized to make shall include:

(1) Determination of a nonconforming use which can be verified by substantial evidence. Substantial evidence, for the purpose of this Section, shall mean official documents, including any written correspondence, receipts, permits, or documents issued by a public body or agency thereof, etc. that may establish the truth of the matter asserted by the applicant.

(2) Consider additions or alterations to existing buildings and structures which are nonconforming as to height, area, or yard regulations provided the addition follows the existing wall lines and no additional dwelling units are added to the building or structure.

(3) Change in status of a nonconforming use to a less intense use than that immediately preceding the proposed use.

(4) Consider additions to existing residential buildings that maintain the zoning standards which were in place when the home was originally constructed.

(5) Consider building expansions to residential non-conforming uses where the expansion maintains all of the current setback standards and no additional dwelling units are created.

(6) Final review and approval on plans where the Board has required that a final plan be submitted for special approval, showing that all the requirements imposed by the Board in granting the

original approval have been complied with. All decisions of the Zoning Administrator made under this section may be appealed to the Board.

(Ord. No. 01-52 Amended 11/20/2001)

7-18-105. APPEALS TO THE BOARD OF ADJUSTMENT.

Appeal may be made to the Board of Adjustment by the City, the applicant, or any other person or entity adversely affected by a zoning decision administering or interpreting a zoning ordinance. All appeals shall be made as follows:

(1) The appeal shall be made within 10 days of the action or decision being appealed from by filing a notice of appeal with the Board of Adjustment with the Community and Economic Development Department.

(2) The notice of appeal shall specify the grounds for the appeal and circumstances related thereto. The notice shall allege that there was error in the order, requirement, decision, or determination made by an official or officials in the administration or interpretation of the zoning ordinance. A notice failing to allege such error or specify the grounds for appeal may be summarily dismissed by the Board of Adjustment with or without prejudice. Response to the above requirements shall be set forth in detail in the notice of appeal. The person or entity making the appeal shall have the burden of proving that an error has been made.

(3) All papers constituting the record upon which the action appealed from was made shall be transmitted to the Board of Adjustment.

(4) The Board of Adjustment shall set the appeal for hearing to be held within a reasonable time from the date the appeal is received. Written notice of the date set for hearing the appeal shall be mailed to the applicant at least seven days before the appeal hearing date. After hearing the appeal, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer or body from which the appeal is made.

(5) The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Board of Adjustment. Said stay shall exist unless the Planning Commission or Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, the stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by District Court on application, notice and due cause shown.

(6) The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, planning commission or agency or to decide in favor of the appellant.

(7) The City, or any person adversely affected by any decision of the Board, may petition the district court for a review of the decision, provided the petition is filed with the Court within 30 days after the Board's decision is final. In the petition, the appealing party may only allege that the Board's decision was arbitrary, capricious, or illegal. The Board may, after finding that it is in the best interest of the City to do so, stay its decision pending district court review.

7-18-106. NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND.

Except as otherwise provided in this Title, a nonconforming use of land or a structure may be continued.

(1) Determination of Nonconforming Buildings and Uses. All matters regarding the nonconforming use of buildings and land shall be determined by the Board. Upon application, after public hearing on the matter, the Board shall determine if the use or building is nonconforming with respect to the current provisions of this Chapter. The Zoning Administrator may determine routine and uncontested requests to verify nonconforming uses as provided in Section 7-18-104 and the rules adopted by the Board.

(2) Alteration of Modifications to Nonconforming Buildings and Structures. Nonconforming building and structures with respect to setbacks or height may be continued. Additions, enlargements or structural alterations may be made to the extent that they comply with all requirements of the West Valley City Code or conform to the provisions of Section 7-18-104 of this Chapter. In addition, the board, after a public hearing, may allow an enlargement or structural alteration provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility. If any such nonconforming building is removed, every future use of the land on which the building was located shall conform to the provisions of this Chapter.

(3) Nonconforming Use of Land. A nonconforming use of land lawfully existing on the effective date of this Chapter may be continued provided such nonconforming use shall not be expanded or extended into any other open land, except as otherwise provided in this Chapter. If the nonconforming use is discontinued for a continuous period of more than one year it shall constitute an abandonment of the use and any future use of such land shall conform to the provisions of the zone in which it is located.

(4) Nonconforming Use of Buildings and Structures. The nonconforming use of a building or structure lawfully existing on the effective date of this Chapter may be continued and may be expanded or extended throughout such building or structure provided no structural alterations, except those permitted by law, are proposed or made for the purpose of extension. The addition of a solar energy device to a building shall not be considered a structural alteration. If such nonconforming use is discontinued for continuous period of more than one year it shall constitute an abandonment of the use and any future use of the building or structure shall conform to the provisions of the zone in which it is located.

(5) Change in Status of Nonconforming Use. If a nonconforming use is abandoned, it may be succeeded, upon approval of the Zoning Administrator, as provided in Section 7-6-104 of this Title, by an equally restrictive or more restrictive nonconforming use, provided such change is effected within one year from the first day of abandonment. After a change to a less intensive use occurs, the use may not change back to a more intensive use.

(6) Alterations of Modifications to Nonconforming Use. A use which has been declared nonconforming shall not be enlarged or moved except as provided in this Section. The Board, after a public hearing, may allow an enlargement or modification provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility.

(7) Reconstruction of Nonconforming Building or Structure Partially Destroyed. In the event a nonconforming building or structure is damaged or destroyed by calamity or act of nature, the occupancy or use of such building or structure, or part thereof which existed at the time of the destruction, may be continued or resumed provided that such restoration is in compliance with all building codes. Any repair or reconstruction shall be in accordance with approvals by the City Building Official and other requirements imposed during site plan review and, or Conditional Use review. Buildings that become nonconforming as to setbacks due to a governmental action such as a roadway widening can be fully restored at the original setback. Occupancy or use of such building, structure, or part thereof which existed at the time of such partial destruction may be continued subject to all the provisions of this Title.

(8) Amortization of Nonconforming Uses. The Board, under authorization of State statute, may provide for the timely modification or removal of a nonconforming structure or use of land. A maximum of a five-year period may be granted in which the nonconforming use shall be modified or removed in order to comply with the General Plan and Zoning Ordinance. The Board may provide for a shorter time period by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of any investment in the nonconforming use or structure, in any.

(9) The Board may terminate the legal nonconforming status of school district property upon a finding that the property has ceased to be used for school district purposes.

(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 04-37 Amended 08/03/2004)

7-18-107. VARIANCES.

(1) Definitions. A variance is a device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape, or topographical conditions of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to reduce financial difficulties.

(2) Variance Criteria. Unless otherwise provided in this Title, the Board may grant a variance from the requirements of any provision of the zoning ordinance to the extent that such a grant shall be consistent with the provisions of this Section. Notwithstanding, the spirit of this Title must be observed and substantial justice done. Further, a previous variance can never set a precedent. Each case must be considered only on its individual merits.

a. The Board may grant a variance only if:

i. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance; and

ii. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district; and

iii. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district; and

iv. The granting of the variance will not substantially affect the general plan and will not be contrary to the public interest; and

v. The spirit of the zoning ordinance is observed and substantial justice done.

b. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under this section, the Board may not find an unreasonable hardship unless the alleged hardship:

i. Is located on or associated with the property for which the variance is sought; and
ii. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

c. In determining whether or not enforcement of the zoning ordinances would cause unreasonable hardship under this section, the Board may not find unreasonable hardship if the hardship is self-imposed or economic.
d. In determining whether or not there are special circumstances attached to the property under this section, the Board may find that special circumstances exist only if the special circumstances:
    i. Relate to the hardship complained of; and
    ii. Deprive the property of privileges granted to other properties in the same district.
e. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
f. Variances, once granted, shall run with the land.
g. Use variances may not be granted by the Board and any other body.
h. In granting a variance, the Board may impose additional requirements on the applicant that will:
    i. Mitigate any harmful effects of the variance; or
    ii. Serve the same or similar purpose of the standard or requirement that is waived or modified.

CHAPTER 7-19
SUBDIVISION

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7-19-100P PART 1—ADMINISTRATIVE PROCESS

7-19-101. PURPOSE.

(1) The purpose of this Chapter, governing subdivisions and any rules, regulations and specifications hereafter adopted, are to promote the public health, safety and general welfare through provisions designed to:
    a. Provide for the harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.
    b. Insure adequate open space for traffic, recreation, light and air.
    c. Facilitate the conservation of, or production of, adequate transportation, water, sanitation, drainage and energy resources.
    d. Avoid scattered and premature subdivisions which would cause insufficient public services and facilities, or necessitate an excessive expenditure of public funds for the supply of such services and facilities.
    e. Preserve outstanding natural, cultural or historic features.

(2) This Chapter is designed to inform the subdivider and public of the requirements and conditions necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are expressly delineated in this Title or other applicable ordinances. However, since it is impossible to cover every possibility and there are some aspects which do not lend themselves to being easily articulated, this Title allows the Planning Commission and City Council to impose reasonable conditions upon a subdivider in addition to those expressly required, so long as such conditions do not conflict with any requirements set forth in this Chapter or other applicable ordinances.

7-19-102. CONSIDERATIONS.

(1) The General Plan shall guide the use of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the Land Use and Management Ordinance, the Transportation and Public Ways Ordinance, the Flood Damage Prevention Ordinance and Storm Water Management Ordinance.

(2) Trees, native land cover, natural watercourses, and topography shall be preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.

(3) Community facilities, such as parks and recreation areas, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances. This Title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy,

the subdivider may be required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes as specified.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-103. GENERAL RESPONSIBILITIES.

(1) The subdivider shall prepare a plat consistent with the standards contained herein and in accordance with West Valley City's Growth Principles and Objectives contained in the West Valley City General Plan. The subdivider shall pay for the design and inspection of the public improvements required. The City shall process said plats in accordance with the regulations set forth herein. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until he or she has obtained the necessary approvals as outlined herein.

(2) The Community and Economic Development Department shall review the plats for design, for conformity to the General Plan and to the Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this Title.

(3) Plats of proposed subdivisions shall be referred by the Community and Economic Development Department to such City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Community and Economic Development Department is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer proposed subdivision plats to.

(4) The Public Works Department shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this Title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Public Works Department.

(5) The Planning Commission shall act as an advisory agency to the City Council. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan and Zoning Ordinance, and other pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or disapproval of the final plat to the City Council.

(6) The City Attorney's Office shall approve the form of the final plat if it is correct and acceptable that the subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report, which shall be submitted by the subdivider.

(7) The City Manager should act as liaison between the Planning Commission, Community and Economic Development Department staff, and the City Council. Prior to preliminary approval for a subdivision, the City Manager may review the proposed plat and receive written comments from the City Council on the plat. The comments may then be forwarded to the Planning Commission for evaluation. Upon final approval by the Planning Commission, the plat will be sent to the City Manager who will present it to the City Council.

(8) The City Council has final jurisdiction in the approval of subdivision plats; the establishment of requirements for and design standards of, public improvements; and the acceptance of lands and public improvements that may be proposed for dedication.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-104. APPEAL OF PLANNING COMMISSION DECISIONS.

(1) Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission by filing with the City Recorder a notice thereof in writing within 10 days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider, or other interested person, deems himself or herself aggrieved.
(2) The City Recorder shall set the appeal for hearing before the City Council to be held within 45 days from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the City Council. Written notice of the date set for hearing the appeal shall be mailed to the appellant at least 10 days before the appeal hearing date. After hearing the appeal, the City Council may affirm, modify, or overrule the decision, determination or requirement appealed and enter any such order or orders as are in harmony with the spirit and purpose of this Title. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the City Council.

7-19-105. APPEAL OF CITY COUNCIL DECISIONS.

The appellant may appeal any decision of the City Council to the District Court. Such appeal shall be made within 30 days of the rendering of a decision by the City Council.

7-19-200P PART 2—CONTROL AND APPLICATION

7-19-201. SUBDIVISION CONTROL.

It shall be unlawful for any owner of any land within the corporate limits and jurisdiction of the City to subdivide such land for nonagricultural uses unless and until:
(1) A plat of such subdivision is made in accordance with the requirements set forth herein;
(2) Approval of such plat is secured as provided herein; and
(3) Copies of such plat are recorded in the Office of the Salt Lake County Recorder by the City Recorder.

7-19-202. REQUIRED PLAT APPROVAL.

A plat of any subdivision shall not be submitted to the county recorder to be filed and recorded until it has been submitted and approved by the City Council and all other officers or bodies required to approve subdivisions, and all required approvals are entered in writing on the plat. A plat shall not be approved if such plat is in conflict with any provision or portion of the Major Street Plan, Zoning Ordinance, Zoning Map, Flood Control and Storm Drainage Ordinance, this Title, or any other state law or City ordinance.

(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 10-35 Amended 11/08/2010)

7-19-203. TRANSFER OF LAND - ISSUANCE OF BUILDING PERMITS.

Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this Title and the provisions of the Utah State Code, and until the improvements required in connection with the subdivision have been constructed or guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.

7-19-204. TRANSFER OF LAND - VOIDABLE.

No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions of this Title. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this Title is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in solvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

7-19-300P PART 3—SCHEMATIC PLAN

7-19-301. SCHEMATIC PLAN.

For subdivisions greater than five lots, a schematic plan shall be required of all subdividers. This provides the subdivider with an opportunity to consult with and receive assistance from the City regarding the regulations and design requirements applicable to the subdivision of the property. The schematic plan should be based on an accurate aerial map showing boundaries, topography, important physical features, adjacent properties and the sketch of the proposed subdivision. This procedure can be helpful to the subdivider because it facilitates resolution of problems and revisions before the preparation of a preliminary plat for major subdivisions.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-302. PLANNING COMMISSION REVIEW.

The Community and Economic Development Department shall present the schematic plan to the Planning Commission at a study meeting for their information and preliminary comments.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-303. STAFF CANNOT BIND CITY.

The schematic plan requirement is designed to provide the subdivider with helpful information and suggestions before he or she incurs the expense and time involved in preparing future plats. However, only the City Council may bind the City and only the City Manager and Planning Commission can make official recommendations to the City Council. City employees may make recommendations,

suggestions and dispense information regarding City ordinances and the General Plan, but such comments shall not be binding on the City.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-304. VESTED RIGHTS.

Submission of a schematic plan shall in no way constitute the beginning of any vested rights for the subdivider. Vested rights shall attach only upon the filing of a subdivision plan under Parts 4, 5, 6 or 7, below, and the subdivision being able to meet the requirements of this Title and other applicable ordinances at the time of the application. However, if there is a compelling, countervailing public interest or the City has initiated proceedings to amend this Title or other applicable ordinances at the time of the application, then there shall be no vested rights.

7-19-400P PART 4—LOT SPLIT PROVISION

7-19-401. PURPOSE.

The intent of this Chapter is to allow owners of property, which may be divided into no more than two legal size lots, to divide their property with a minimum of time and expense.

7-19-402. APPROVAL REQUIRED.

(1) Prior to the division of any parcel or tract of land which may be divided into no more than two legal size lots, such division shall be approved by the Community and Economic Development Director. The approval shall be based on the compliance of the proposed lot split with the laws and ordinances of the City with respect to street improvements, zoning, flood control requirements, lot configuration, etc. At the time application is made, the subdivider shall pay an application fee as published in the Consolidated Fee Schedule.
(2) The subdivider shall submit a complete application which shall include 10 full size prints of the property survey and legal description certified by a Professional Land Surveyor, and any necessary improvement plans and bond agreements. The property survey shall show all existing improvements on the property.
(3) The Community and Economic Development Department shall review the proposed subdivision and shall request recommendations from the Public Works Department, Water and Sewer Improvement District, and other appropriate agencies.
(4) The subdivision may be approved, approved with conditions, or disapproved. The decision shall be made within a reasonable time period after receipt of the application.
(5) If the survey is in compliance with all ordinances and conditions, the subdivider shall submit one reproducible copy of the approved survey. The survey shall be signed by the Community and Economic Development Director.
(6) The subdivider and/or their designee shall then file the signed reproducible copy with the Salt Lake County Surveyor's Office.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-403. APPEAL OF DECISION.

(1) Appeal may be made to the Planning Commission of any decision of the Community and Economic Development Director by any aggrieved person or by any officer, department, board or agency of the City affected by such action. Appeals shall be made by filing, in writing, with the Secretary to the Planning Commission within 10 days after the decision is made. The appeal will be heard by the Planning Commission at its next regularly scheduled meeting. The Planning Commission may affirm, modify or overrule the decision of the Community and Economic Development Department. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Planning Commission.
    a. Appeals of the Planning Commission decision to the City Council and, thereafter, to District Court shall be made pursuant to Sections 7-19-104 and 7-19-105.

(Ord. No. 96-37 Amended 06/21/1996)

7-19-500P PART 5—MINOR SUBDIVISION

7-19-501. PURPOSE.

The intent of the minor subdivision process is to allow for small subdivisions to be processed as quickly as possible. Minor subdivisions include those developments of nine or fewer lots which met the requirements of Section 7-19-505 below. In this process, the preliminary and final plats, required for most subdivisions, are simplified and combined.

7-19-502. APPLICABILITY.

The procedures set forth in this Chapter shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions of this Title to the contrary.

7-19-503. FILING MINOR SUBDIVISION PLAT.

The subdivider of a minor subdivision, after completing the schematic plan required in this Title, shall file an application with the Community and Economic Development Department on a form prescribed by the City, together with copies of prints of a plat showing the land to be subdivided, properly and accurately drawn to scale, and with sufficient additional information to determine the boundaries of the proposed subdivision. The number of copies of the plat to be submitted shall be determined by the Community and Economic Development Department. Such plat shall be certified as to the accuracy by a Professional Land Surveyor. At the same time, the subdivider shall pay an application fee as published in the Consolidated Fee Schedule.

(Ord. No. 94-38 Amended 05/10/1994; Ord. No. 10-35 Amended 11/08/2010)

7-19-504. COMMUNITY DEVELOPMENT REVIEW.

The Community and Economic Development Department shall prepare a report on the conformity of the minor subdivision plat to the provisions of the General Plan, the Zoning Ordinance and

all other applicable requirements of this and other ordinances and regulations of the City. This report and the minor subdivision plat shall then be presented to the Planning Commission.

(Ord. No. 96-37 Amended 06/21/1996)

7-19-505. REQUIRED CONDITIONS AND IMPROVEMENTS.

The following requirements shall be imposed as a condition of approval of a minor subdivision:

(1) Not more than nine parcels shall be created in the minor subdivision.
(2) The minor subdivision shall conform to the general character of the surrounding area. New lot lines shall conform to the general pattern of existing lot lines.
(3) Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the Zoning Ordinance.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-506. PLANNING COMMISSION ACTION.

Within a reasonable time after the filing of a minor subdivision plat, the Planning Commission shall act thereon. If the Planning Commission shall find that the proposed plat complies with the requirements of this Title and that it is satisfied with the plat of the subdivision, it shall recommend approval or approval with conditions. If the Planning Commission shall find that the proposed plat does not meet the requirements of this Title, it shall recommend disapproval of such plat.

7-19-507. CITY COUNCIL ACTION.

(1) The City Council shall not be bound by the recommendations of the City Departments, the Planning Commission or the City Manager, and may set its own conditions and requirements consistent with this Title.
(2) Within a reasonable time following the approval of the minor subdivision plat by the Planning Commission, the City Council shall consider the plat. If the City Council determines that the plat is in conformity with the requirements of this Title, other applicable ordinances and any reasonable conditions as recommended by the City Departments, Planning Commission, City Manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat.

7-19-508. DISAPPROVAL BY THE CITY COUNCIL.

If the City Council determines that the plat is not in conformity with this Chapter or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-509. APPEAL OF CITY COUNCIL DECISIONS.

A subdivider may appeal any decision of the City Council to the District Court. Such appeal shall be made within 30 days of the rendering of a decision by the City Council.

7-19-510. BOND AGREEMENT OR IMPROVEMENTS REQUIRED.

Prior to recordation of an approved plat, the subdivider shall comply with the requirements of Sections 7-19-618 through 7-19-621.

7-19-511. RECORDING OF PLAT.

After City Council approval, completion of the required public improvements or filing of the bond agreement and signing of the plat by the City Manager, the plat shall be presented by the City Recorder to the Salt Lake County Recorder for recordation.

7-19-512. EXPIRATION OF FINAL APPROVAL.

If the recording requirements set forth above are not met by the subdivider within one year from the date of City Council approval, such approval shall be null and void.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-600P PART 6—MAJOR SUBDIVISION

7-19-601. PRELIMINARY PLAT - PURPOSE.

The purpose of the preliminary plat is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this Title and any other applicable ordinances.

7-19-602. APPLICATION AND FEES.

The subdivider of a major subdivision, after completing the schematic plan required in Chapter 3 of this Title, shall file an application for preliminary plat approval with the Community and Economic Development Department on a form prescribed by the City, together with copies of the preliminary plat. The number of copies of the preliminary plat to be submitted shall be determined by the Community and Economic Development Department. Two copies of the subdivision layout showing the buildable area on each lot shall also be submitted. Buildable area shall conform to requirements of Sections 7-14-105 and 7-19-804 of this Title. At the same time, the subdivider shall pay an application fee as published in the Consolidated Fee Schedule.

(Ord. No. 94-38 Amended 05/10/1994)

7-19-603. PRELIMINARY PLAT - PREPARATION AND REQUIRED INFORMATION.

(1) The preliminary plat shall be clearly and legibly drawn with approved waterproof drawing ink at a scale not less than one inch equaling 100 feet. The plat shall be so drawn that the top of the sheet is either north or east, whichever accommodates the drawing best. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and seconds.
(2) The following information shall be included on or with the preliminary plat:

a. A vicinity sketch at a scale of 1000 feet or more to the inch. The vicinity sketch shall show the street and tract lines and names and numbers of all existing subdivisions, and the outline of parcels of land adjacent to the proposed subdivision.
b. The name of the subdivision. Such subdivision names shall not duplicate or nearly duplicate the name of any subdivision in the City or in the incorporated and unincorporated area of Salt Lake County.
c. The name and address of the subdivider and his or her agent, if applicable.
d. If the subdivider is represented by an agent, there shall be a statement from the recorded owner authorizing the subdivider to act.
e. The name and address of the person, firm or organization preparing the preliminary plat.
f. The date, north point, written and graphic scales.
g. A legal description to define the location and boundaries of the proposed subdivision.
h. The location, names and existing widths of adjacent streets within 200 feet of the proposed subdivision.
i. The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land.
j. The contours, at one-foot intervals, for predominant ground slopes within the subdivision between level and five percent, and two-foot contours for predominant ground slopes within the subdivision over five percent. Such contours shall be based on Salt Lake County datum. The closest City survey monument shall be used and its elevation called out on the map. Survey monument information shall be obtained from the Salt Lake County Surveyor or Public Works Department.
k. At the discretion of the City, a grading plan showing, by appropriate graphic means, the proposed grading of the subdivision. Contours should be consistent with Section 7-19-603(2)(j) above.
l. The location of all isolated trees worthy of preservation with a trunk diameter of four inches or greater, within the boundaries of the subdivision, and the outlines of groves or orchards.
m. The boundaries of areas subject to flooding or storm water overflow, as determined by the Public Works Department, including areas shown on the FEMA Flood Insurance Rate Maps (FIRM), and the location, width and direction of flow of all watercourses, including all existing and proposed irrigation and natural runoff channels and courses.
n. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale.
o. A statement of the present zoning and proposed use of the property.
p. Location and dimensions of proposed sites to be dedicated or reserved for open space or recreational use.
q. Any proposed lands to be reserved in private ownership for community use.
r. The locations, proposed names, widths and a typical cross section of curbs, gutters, sidewalks and other improvements of the proposed street and access easements.
s. Layout of all lots, including the average and minimum lot size, lot divisions, building setback lines and consecutive numbering.
t. Preliminary location and size of sanitary sewers, water mains and any other public or private utility.
u. The dimensions and locations of all existing or proposed dedications, easements and deed restrictions. These shall include easements for drainage, sewerage and public utilities.

v. Preliminary indication of needed storm drainage facilities with location, size and outlets of the drainage system.
w. A preliminary Street Tree/Landscape Plan, including, where appropriate, measures for irrigation and maintenance.
x. The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the subdivision plat or on the vicinity map as appropriate.
y. If it is contemplated that the development will proceed by phases, the boundaries of such phases shall be shown on the preliminary plat along with the estimated construction schedule for each phase.
z. The words "Preliminary Plat - Not to be Recorded" shall be shown on the plat.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-604. SOIL REPORT.

A soil report, based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah, shall be required prior to preliminary approval of any subdivision plat. If the soil report indicates the presence of critically expansive soils, high water table or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the Public Works Department. The soil investigation shall recommend corrective action intended to prevent damage to the proposed structure or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application.

7-19-605. EVALUATION OF PRELIMINARY PLAT.

The Community and Economic Development Department shall check the preliminary plat for general compliance with these regulations, design standards and other applicable ordinances. If the preliminary plat is not complete or not in general compliance, the Community and Economic Development Department shall notify the subdivider in writing and specify the respects in which it is deficient. If the submission is complete and in general compliance, the subdivider shall transmit the requested number of copies of such plat, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within a reasonable time, forward to the Community and Economic Development Department a written report of its findings and recommendations. These agencies shall include, but not necessarily be limited to, the Community and Economic Development Department, Improvement Districts, Salt Lake Valley Health Department, the Public Works Department, the Fire Department, telephone company, gas company and power company. The Community and Economic Development Department will provide the City Manager with one copy of the preliminary plat for review.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-606. PLANNING COMMISSION ACTION.

Within a reasonable time after the filing of a preliminary plat of a subdivision and any other information required, the Planning Commission shall act thereon. If the Planning Commission shall find

that the proposed plat complies with the requirements of this Chapter and that it is satisfied with the plat of the subdivision, it shall recommend approval, or approval with conditions, of the plat. If the Planning Commission finds that the proposed plat does not meet the requirements of this Title or other applicable ordinances, it shall recommend disapproval of such plat.

7-19-607. NOTIFICATION OF APPROVAL.

The Community and Economic Development Department shall notify the subdivider, in writing, of the action taken by the Planning Commission, together with one copy of the minutes of the Planning Commission meetings. One copy of the plat and accompanying conditions, if applicable, and the minutes of the Planning Commission meeting shall be retained in the permanent file of the Planning Commission. The subdivider shall make any revisions to the preliminary plat required under the terms of the Planning Commission approval, and shall submit four copies of the revised preliminary plat to the Community and Economic Development Department. When the Community and Economic Development Department is satisfied that all revisions required under terms of the Planning Commission approval have been met, as well as approval from the City Public Works Department, the subdivider may proceed with the final plat.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-608. EFFECT OF APPROVAL OF THE PRELIMINARY PLAT.

Approval of the preliminary plat shall in no way relieve the subdivider of his responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards.

7-19-609. FINAL PLAT - PURPOSE.

The purpose of the final plat is to require formal approval by the Planning Commission and City Council before a major subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Title. The final plat and improvement plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure. The City Manager shall not sign any final plat until such plat has been approved by the Planning Commission and the City Council.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-610. FILING DEADLINE, APPLICATION AND FEES.

(1) Application for final plat approval shall be made within 12 months after approval or conditional approval of the preliminary plat by the Planning Commission. This time period may be extended for up to 12 months if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted.
(2) In subdivisions where a final plat for an individual phase of the overall subdivision has been approved and recorded within the timeframe outlined in Section 7-19-610(1), preliminary plat approval shall be considered to be valid for an additional 12 months from the date of recording of each final plat. This time period may be extended for up to 12 months pursuant to subsection (1).

(3) The subdivider shall file an application for final plat approval with the Community and Economic Development Department on a form prescribed by the City, together with copies of the final plat. The number of copies of the final plat to be submitted shall be determined by the Community and Economic Development Department.

(Ord. No. 94-38 Amended 05/10/1994; Ord. No. 96-37 Amended 06/21/1996)

7-19-611. FINAL PLAT - PREPARATION AND REQUIRED INFORMATION.

(1) The final plat shall consist of a sheet of paper to the outside or trim line dimensions of 24 by 36 inches, and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inch on the left margin of the sheet for binding, and not less than a one-half inch margin in from the outside or trim line around the other three edges of the sheet. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawing best.

(2) The actual plat drawing shall be made on a scale large enough to clearly show all details, and the workmanship on the finished drawing shall be neat, clear and readable. The subdivider must also furnish an approved and acceptable reproduction of the original plat made on mylar, and to the same dimension and size as the original.

(3) The printing or reproduction process used shall not incur any shrinkage or distortions and the reproduced tracing furnished shall be of good quality, to true dimension, clear and readable and in all respects comparable to the original plat so that the lines, dimensions and marking will not rub off or smear. Both of the tracings, whether originals or one original and a reproduction, shall be signed separately by all required and authorized parties and the final drawings or plats shall contain the information set forth in this Section and shall be stamped by a Professional Land Surveyor. The location of the subdivision within the City shall be shown by a small scale vicinity map on the first sheet.

(4) The title of each sheet of such final plat shall consist of the approved name and unit number of the subdivision, if any, at the lower right hand corner of the sheet, followed by the words "West Valley City."

(5) Wherever the Public Works Department has established a system of coordinates, the survey shall use such system. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation and all recording information such as entry numbers, and book and page numbers.

(6) An accurate and complete record of survey map in accordance with Utah State Code shall be made of the land to be subdivided. The record of survey map shall be filed in the office of the Salt Lake County Surveyor prior to preparation of the final subdivision plat. The exterior boundaries shown on the final subdivision plat shall be consistent with the boundary lines as depicted on the filed record of survey map and shall close mathematically within 0.01 feet.

(7) The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.

(8) All lots and blocks and all parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. Parcels to be conveyed to the City other than dedication for streets or easements shall be designated by parcel letter and conveyed by separate warranty deed to be recorded with the

plat. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets, and wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral "1" and continue consecutively throughout the subdivision with no omissions or duplications. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase two would be numbered 201, 202, 203.

(9) The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within 200 feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown.

(10) The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified. All lots shall have a front and rear yard easement of 10 feet and at least one side yard easement which shall be the same dimension as the minimum side yard required by the Zoning Ordinance.

(11) If the subdivision is adjacent to a waterway, the plat shall show the line of high water with a continuous line and shall also show with a fine continuous line, any lots subject to inundation by a 100 year flood.

(12) The plat shall show fully and clearly stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the direction of the Public Works Department. The following required monuments shall be shown on the final plat:

a. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties.
b. All rear and front lot monuments or offset lead pins in the concrete surface of the top back of curb.

(13) The title sheet of the map, below the title, shall show the name of the Professional Land Surveyor, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final maps, and such certificates may be combined where appropriate:

a. Professional Land Surveyor's "certificate of survey."
b. A statement by the surveyor certifying that lots in the subdivision comply with the applicable zoning ordinance in area and dimension at the date of the survey.
c. Owner's dedication certificate.
d. Notary public's acknowledgment.
e. A description of all property being subdivided with reference to maps or deeds of the property as shall have been previously recorded or filed. Each reference in such description shall show a complete reference to the book and page of records of the county. The description shall also include reference to any vacated area with the vacation ordinance number indicated.
f. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, by this Title or by the City Attorney's Office.

g. Prior to the filing of the final plat with the City Council, the subdivider shall submit a current title report to be reviewed by the City Attorney's Office.

(14) A note shall be placed on the final plat indicating that a soil test, in accordance with Section 7-19-604, has been prepared for the proposed subdivision.

(15) When a subdivision contains lands which are reserved in private ownership for community use, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation, and bylaws of the owner or organization empowered to own, maintain and pay taxes on such lands.

(16) An address schedule, or individual lot addresses shall be placed on the final plat. Addresses shall conform to the established grid system for Salt Lake County and shall include optional addresses for corner lots.

(17) When a solid visual barrier is required as a condition of subdivision approval such as that specified in Section 7-19-805(5)(c), the details of such barrier, including sections, elevations and finish texture, shall be required with the final plat.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-612. DATA TO ACCOMPANY FINAL PLAT.

At the time a final plat of a subdivision is submitted to the Community and Economic Development Department, the subdivider shall submit therewith the following documents:

(1) Calculation and traverse sheets giving bearings, distances and coordinates of the boundary of the subdivision and blocks and lots as shown on the final plat.

(2) Design data, assumptions and computations for proper analysis in accordance with sound engineering practice, along with appropriate plan, section and profile sheets for all public improvements. An overall site grading and drainage plan and a storm water pollution prevention plan shall also be required in accordance with Title 18 of the City Code.

(3) The final plat shall be accompanied by a current title report naming the persons whose consent is necessary for the preparation and recordation of such plat and for dedication of the streets, alleys and other public places shown on the plat and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision.

(Ord. No. 94-38 Amended 05/10/1994; Ord. No. 10-35 Amended 11/08/2010)

7-19-613. EVALUATION OF FINAL PLAT.

(1) The Community and Economic Development Department shall check the final plat for completeness and general compliance with this Title and for incorporation of any changes required during the preliminary plat procedure. If the submission is not complete, not in general compliance with, or does not incorporate required changes, the Community and Economic Development Department shall notify the applicant in writing and specify the respects in which it is deficient. If the submission is complete, in general compliance and incorporates required changes, the Community and Economic Development Department shall refer the plat and application to the Public Works Department and other applicable agencies for their approval or direct the applicant to secure such approvals.

(2) Upon receipt of the final plat and other data submitted, the Public Works Department shall examine such to determine that the subdivision, as shown, is substantially the same as it

appeared on the preliminary plat and any approved alterations thereof. If the Public Works Department shall determine that full conformity has been made, it shall so certify on said plat and shall transmit said plat back to the Community and Economic Development Department who shall bring it before the Planning Commission.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-614. PLANNING COMMISSION ACTION.

Upon receipt of the final plat, the Planning Commission shall examine the plat to determine whether the plat conforms with the preliminary plat and with all changes requested and all requirements imposed as conditions of acceptance, and if the Planning Commission shall thereupon determine that the plat is in conformity, it shall recommend approval of the plat. If the Planning Commission shall determine that the final plat does not fully conform to the preliminary plat as approved, it shall advise the subdivider of the changes or additions that must be made for approval. The subdivider shall be responsible for notifying the Community and Economic Development Department that he or she is ready to go to the City Council for final plat approval. If such notification is not given within 12 months from the date of final approval by the Planning Commission, such approval shall be null and void. This time period may be extended for up to 12 months if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-615. CITY COUNCIL ACTION.

(1) The City Council shall not be bound by the recommendations of the City Departments, the Planning Commission or the City Manager, and may set its own conditions and requirements consistent with this Title.
(2) Within a reasonable time following the approval of the major subdivision plat by the Planning Commission, the City Council shall consider the plat. If the City Council determines that the plat is in conformity with the requirements of this Chapter, other applicable ordinances and any reasonable conditions as recommended by the City departments, Planning Commission, City Manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-616. DISAPPROVAL BY THE CITY COUNCIL.

If the City Council determines that the plat is not in conformity with this Chapter, or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-617. APPEAL OF CITY COUNCIL DECISIONS.

A subdivider may appeal any decision of the City Council to the District Court. Such appeal shall be made within 30 days of the rendering of a decision by the City Council.

7-19-618. PERFORMANCE BOND - SUBDIVIDER.

(1) Prior to recordation of a final plat, after it has received City Council approval, the subdivider shall either complete all of the public improvements required in the subdivision, or enter into a performance bond agreement with the City to insure completion of all public improvements required to be installed in the subdivision. Improvements installed prior to plat recording shall be bonded at a rate of 10 percent for the duration of the warranty period. The bond shall be prepared and administered by the City Public Works Department. The bond agreement shall be in a form and contain such provisions as approved by the City Attorney's Office. The agreement shall include but not be limited to:

a. Incorporation by reference of the final plat and all data required by Section 7-19-612 which is used to compute the cost of the improvements by the Public Works Department.
b. Completion of the improvements within a period of time not to exceed two years from the date the agreement is executed.
c. The improvements shall be completed to the satisfaction of the Public Works Department and according to City standards, as established by the Public Works Department and accepted as specified in Section 7-19-902(2).
d. The bond amount shall be equal to the Public Works Department's estimated cost of the public improvements to be installed plus the product of the current annual inflation rate times the number of years the bond will be in effect times the estimated cost of the public improvements to be installed.
e. The City shall have exclusive control over the bond proceeds and they may be released only upon written approval of the City Manager.
f. The bond proceeds may be reduced upon request of the subdivider as the improvements are installed. The amount of the reduction shall be determined by the Public Works Department. Such requests may be made only once every 30 days and no reductions shall be authorized until such time as the Public Works Department has inspected the improvements and found them to be in compliance with City standards. All reductions shall be by the written authorization of the City Manager.
g. If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to City standards for whatever reason, including previous reductions, then the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with City Council approval, a new bond has been executed to insure completion of the remaining improvements.
h. If upon written demand of the City after expiration of the time period bond proceeds are not transferred to the City within 30 days of the demand, then the City's costs of obtaining the proceeds, including the City Attorney's Office costs or outside attorney's fees and court costs, shall be deducted from the bond proceeds.
i. Upon receipt of the bond proceeds, after the expiration of the time period, the costs of completion shall include reimbursement to the Public Works Department and all other

City departments for the costs of administration of the completion of the improvements.

j. The subdivider agrees to hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the City accepts the improvements as provided in Section 7-19-902(3).

(2) Such bond agreement shall be one of the following types as dictated by the City:

a. With a surety company licensed to do business in the State of Utah.

b. An irrevocable letter of credit with a financial institution federally or state insured.

c. Cash or a cashier's check made payable only to the City.

(3) The time period for the completion of the required public improvements may be extended in the following manner:

a. Upon approval of the City Manager, the time period may be extended an additional two years from the expiration date of the original bond agreement.

b. Said approval shall be in a form approved by the City Attorney's Office and in compliance with all provisions of this Chapter.

c. Any further extension shall be by approval of the City Council.

(Ord. No. 10-35 Amended 11/08/2010; Ord. No. 14-17 Amended 3/18/14)

7-19-619. PERFORMANCE BOND - CONTRACTOR.

(1) All public improvements required under this Title shall be installed by a contractor or subcontractors licensed by the State of Utah.

(2) Prior to the installation of such improvements, the contractor or subcontractor shall obtain the necessary permits from the Public Works Department and file a performance bond with the City using a surety company licensed to do business in the State of Utah in an amount equal to 10 percent of the cost of installation of the improvements. The bond shall be for one year and shall insure that the improvements do not have any latent defects such that the improvements do not continue to meet City standards after the completion as provided for in Sections 7-19-617 and 7-19-618(1)(c).

(3) The bonding requirements of this Section shall not be required if the subdivider elects to use the subdivider performance bond required in Section 7-19-618 for the purpose provided in paragraph (2) above. If the subdivider so elects, the City shall hold 20 percent of the proceeds of the bond for one year after the improvements have been inspected and accepted by the City for this purpose. The subdivider shall still be responsible for replacing any substandard improvements if the 20 percent proceeds are inadequate.

(Ord. No. 14-17 Amended 3/18/14)

7-19-620. COPY OF OWNER'S PAYMENT BOND REQUIRED.

Prior to the issuance of any permits to install any public improvements, the subdivider shall file with the City a copy of the bond required by Section 14-2-1, Utah Code Annotated 1953, as amended, which requires prompt payment for material furnished and labor performed under the subdivider's contract with the contractor.

7-19-621. DELAY AGREEMENT.

In lieu of the performance bond requirements outlined above, at the City's option the subdivider may be permitted to execute an agreement, in a form acceptable to the City Attorney's office, delaying the installation of any or all of the public improvements required pursuant to this Title.

7-19-622. RECORDING OF PLAT.

After City Council approval, completion of the required public improvements or filing of the bond agreement described in Section 7-19-618, above, and signing of the plat by the City Manager, the plat for the subdivision shall be presented by the City Recorder to the Salt Lake County Recorder for recordation.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-623. EXPIRATION OF FINAL APPROVAL.

If the requirements set forth in Section 7-19-622 above are not met by the subdivider within one year from the date of City Council approval, such approval shall be null and void. This time period may be extended for additional six-month periods by the City Manager. The subdivider must petition for an extension, prior to the expiration of the original one year or an extension previously granted. An extension may be granted only if the City Manager finds that it will not be detrimental to the City. If any of the fees charged as a condition of subdivision approval, including but not limited to, inspection fees, parks fee, flood control fees, as well as the amounts the City uses to estimate bonds to insure completion of improvements, have increased, the City Manager may require that the subdivider pay such increases as a condition of granting the extension.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-700P PART 7—SUBDIVISION BY METES AND BOUNDS

7-19-701. PURPOSE.

(1) The intent of this Chapter is to streamline the subdivision review and approval process for proposed agricultural lots over two acres, and commercial or industrial lots. Property to be divided under this part shall require no street dedication.
(2) When the subdivider is prepared to sell specific parcels of property not previously subdivided, he or she must demonstrate to the satisfaction of the City the following:
    a. That proposed lots conform to the previously approved General Plan;
    b. That the utility and/or vehicular access to remaining undeveloped property will not be impaired; and
    c. That remnant parcels are not created which, due to size, configuration or location, are not developable.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-702. APPROVAL REQUIRED.

(1) Prior to the subdivision of any parcel or tract by metes and bounds, such subdivision shall be approved by the Community and Economic Development Director. The approval shall be based on the compliance of the proposed subdivision with the laws and ordinances of the City with respect to street improvements, installation of utilities, zoning requirements and flood control requirements.
(2) The subdivider shall submit a complete application which shall include one reproducible copy and two prints of the property survey and legal description certified by a Professional Land Surveyor, and any necessary improvement plans and bond agreements. At the time application is made, the owner shall pay an application fee as published in the Consolidated Fee Schedule.
(3) The Community and Economic Development Department shall review the proposed subdivision and shall request recommendations from the Public Works Department, Water and Sewer Improvement District and other appropriate agencies.
(4) The subdivision may be approved, approved with conditions, or disapproved. The decision shall be made within a reasonable time period after receipt of the application.
(5) If the survey is in compliance with all ordinances and conditions, the plat shall be signed by the Community and Economic Development Director.
(6) The subdivider shall file the record of survey in the office of the Salt Lake County Surveyor.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-703. APPEAL OF DECISION.

(1) Appeal of the action of the Community and Economic Development Department may be made to the Planning Commission by any aggrieved person or by any officer, department, board or agency of the City affected by such action. Appeals shall be made by filing, in writing, such appeal with the Secretary of the Planning Commission within 10 days after the decision is made. The appeal will be heard by the Planning Commission at its next regularly scheduled meeting. The Planning Commission may affirm, modify or overrule the decision of the Community and Economic Development Department. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Planning Commission.
(2) Appeals of the Planning Commission decision to the City Council and, thereafter, to District Court shall be made pursuant to Sections 7-19-104 and 7-19-105.

(Ord. No. 96-37 Amended 06/21/1996)

7-19-800P PART 8—GENERAL REQUIREMENTS OF ALL SUBDIVISIONS

7-19-801. SUBDIVISION LAYOUT.

(1) The subdivision layout shall conform to the official General Plan.
(2) Where trees, groves, waterways, scenic points, historic spots or other City assets and landmarks, as determined by the City, are located within a proposed subdivision, every possible means shall be provided to preserve these features.
(3) Whenever a tract to be subdivided adjoins or embraces any part of an existing or proposed street so designated on the major street plan, such part of the public way shall be platted and dedicated, and improved by the subdivider in the location and at the width specified. Cul-de-

sacs are discouraged in order to provide better connectivity between neighborhoods. All road designs shall be approved by the City Public Works Department.

(4) Where a railroad right-of-way abuts a subdivision, the plat shall make provisions for future grade separations whenever the City shall find such a requirement to be necessary.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-802. COMMENCEMENT OF SITE DEVELOPMENT.

The Community and Economic Development Department, after receiving the final subdivision plat, shall indicate to the subdivider whether altering the terrain or vegetation on the proposed subdivision site may begin in preparation for development of the proposed subdivision.

(Ord. No. 96-37 Amended 06/21/1996)

7-19-803. BLOCKS.

(1) Lots having double frontage shall not be approved except where necessitated by topographic or other unusual conditions. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this Title, unless the general layout of the vicinity, lines of ownership, topographical conditions or locations of arterial streets or freeways justify or make necessary a variation from this requirement.

(2) Blocks shall not exceed 1500 feet in length. In any block over 900 feet in length, there shall be a crosswalk or pedestrian way in accordance with The Transportation and Public Ways Ordinance.

7-19-804. LOTS.

(1) All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots, and no building permit shall be issued for any lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.

(2) All lots or parcels created by the subdivision shall have access to a dedicated street improved to standards hereinafter required. Private streets shall not be permitted unless the Planning Commission finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein. Land designated as public or private right-of-way shall be separate and distinct from lots adjoining such right-of-way and not be included in the area of such lots.

(3) The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Ordinance for the district in which the subdivision is located.

(4) The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces. The Planning Commission may allow exceptions to this requirement where considerations for solar orientation are involved.

(5) Corner lots for residential use shall be platted ten feet wider than interior lots in order to permit conformance with the required street setback requirements of the Zoning Ordinance.

(6) A lot shall not be divided by a City boundary. Any such boundary line shall be made a lot line.

(7) Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or more suitable for a common open space, private utility or public purpose.
(8) Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications; no block designations shall be used.
(9) Except for group dwellings and planned unit developments, as specifically authorized by this Title and the Zoning Ordinance, not more than one dwelling unit shall occupy any one lot.
(10) Flag lots may be approved by the Planning Commission in any residential zone where, due to parcel dimension or configuration, traditional lot design is not feasible. Such lots shall meet the following criteria:
   a. The stem of the lot shall be not less than 20 feet in width;
   b. The length of the stem shall be determined by the Planning Commission;
   c. The stem shall be hard surfaced in asphalt or concrete;
   d. The stem of the lot shall have direct access to a dedicated street;
   e. The Planning Commission may allow a stem to serve more than one lot upon a determination that the most logical development of the site necessitates such a design. If a stem is to serve more than 1 lot, the stem portion shall be a minimum 24 feet in width;
   f. The nearest fire hydrant shall be located no greater than 250 feet from the nearest corner of the proposed building on the lot. If the stem portion exceeds a distance of 250 feet, a turnaround area shall be provided. the turnaround configuration shall be reviewed and approved by the City Fire Department;
   g. The minimum lot area of a flag lot shall be no less than 12,000 square feet. For flag lot consideration in the R-1-12, R-1-15, R-1-20 and Agricultural zones, the minimum lot requirements of that particular zone shall apply. The stem area shall not be used in computing lot size;
   h. All lots resulting from the creation of a flag lot shall have a lot width and lot area no less than the minimum lot width and lot area requirement of the underlying zone and shall be measured at the front setback line;
   i. To ensure proper storm water drainage, the developer shall submit a grading and drainage plan in conjunction with the subdivision plat to be revised and approved by the City Public Works Department; and
   j. Flag lots, including the stem portion, shall be held in fee simple ownership.

(Ord. No. 94-38 Amended 05/10/1994; Ord. No. 96-37 Amended 06/21/1996; Ord. No. 99-28 Amended 07/09/1999; Ord. No. 10-35 Amended 11/08/2010)

7-19-805. STREETS.

(1) All streets shall be designated and constructed with the appropriate street classification requirements specified in the Transportation and Public Ways Ordinance. Additional right-of-way and pavement widths may be required to accommodate bike lanes as shown on the West Valley City Bike Plan.

STREET CLASSIFICATION

Minimum Requirements	**Freeway**	**Major Arterial**	**Minor Arterial**	**Collector**	**Minor Collector**	**Minor Street**
Right-of-Way Width	200+ft .	106 ft.	80 ft.	66 ft.	60 ft.	54 ft.
Pavement	175+ft .	81 ft.	55 ft.	41 ft.	35 ft.	29 ft.

(2) Where the potential impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning access, topography or street layout, a Transportation Planning/Engineering Study may be required.

(3) The following principles shall govern street names in a subdivision:

a. Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the City Council to be surveyed, opened, widened or improved, the street shall be given the name established in said Council order.

b. The names of newly created streets of a non-continuous or noncontiguous nature shall not duplicate or nearly duplicate the name of any streets in the City or in the incorporated or unincorporated areas of Salt Lake County.

c. The words "Street," "Avenue," "Boulevard," "Place," "Way," "Court," or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the Planning Commission. Any street name incorporating one of the terms used above shall conform to the definition of that term as specified in the Transportation and Public Ways Ordinance. Any named street shall also have the proper south or west coordinate as approved by the Public Works Department.

(4) Street patterns in the subdivision shall be in conformity with the plan for the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:

a. Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect.

b. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

c. Dead-end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With Planning Commission approval, any dead-end streets longer than one lot depth shall have a minimum of a 40-foot radius temporary turnaround area with an all-weather surface and shall not exceed West Valley City engineering standards as established by the Public Works Department; provided, however, that the street length shall be acceptable to the Planning Commission. Any street exceeding West Valley City engineering standards for single-access street length shall have at least two points of independent access.

d. Whenever a dead end street is terminated at the boundary of property to be subdivided, the street shall be extended and incorporated into the design of the subdivision, unless the City shall determine that:

i. Extension of the dead end street is not necessary for either the harmonious flow of traffic in the neighborhood and district, or to adequately provide water and sewer services, and storm drainage.

ii. If it is determined that extension of the road is not necessary, the road shall be terminated with a cul-de-sac as approved by the Public Works Department.

e. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. "T" intersections rather than "cross" intersections shall be used wherever possible for local streets.

f. Excessively long and straight connecting local residential streets, conducive to high speed traffic, shall be prohibited according to the Planning Commission's judgment.

g. Alleys shall not be permitted in residential subdivisions except when approved for access to lots abutting an arterial. Alleys in nonresidential subdivisions may be permitted.

h. Cul-de-sacs shall not exceed West Valley City engineering standards as established by the Public Works Department; provided, however that the cul-de-sac length shall be acceptable to the Planning Commission. Cul-de-sacs are discouraged except where no other development options exist. Driveways, mailboxes, fire hydrants, or any other obstruction at the terminal of a cul-de-sac shall be designed in such a way as to provide an area for the piling of snow.

(5) Subdivisions adjacent to arterials and freeways shall be designed as specified in the major street plan and as determined by the Planning Commission. The following principles and standards shall be observed:

a. Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on arterials. The number of intersecting streets and driveways along arterials shall be held to a minimum.

b. Sidewalks along arterial streets shall be placed abutting the curb and shall be not less than six feet in width measured from top back of curb.

c. Design of lots abutting arterial streets shall conform to one of the following alternatives as determined by the Planning Commission:

i. Lots may be platted on a semicircular bulb extending from the arterial toward the subdivision. The bulb shall be designed to accommodate one-way traffic with counter-clockwise circulation. Lots so platted shall conform to the design standards for cul-de-sac lots within the zone where the subdivision is located, except that the minimum depth of such lots shall be 110 feet.

ii. Lots may be platted along a frontage street which is separated from the arterial street by at least 10 feet of permanent landscaping, subject to approval by the Planning Commission. Frontage roads shall enter arterials by means of intersections, designed with turning and stacking capacity adequate for the traffic volume as estimated by the Planning Commission.

iii. Double frontage lots may be platted with a minimum depth of 120 feet. The minimum width of such lots shall be consistent with that required of the zone. Access shall not be allowed from double frontage lots directly onto arterial streets. In cases where homes are sited on double frontage lots with the rear yard adjacent to the arterial, a wall meeting one of the following standards shall be constructed abutting the sidewalk:

1. A six foot high wall consisting of solid masonry to a height of four feet, and ornamental iron in the remaining two feet, interspersed by masonry pillars. The wall shall be constructed to allow occasional removal of plant materials, to permit maintenance of the ornamental iron;

2. A six foot high solid concrete or masonry wall designed with an opening at the bottom at a maximum interval of five feet sufficiently large to allow a

vine to grow through from the residence side of the wall. Vines shall be planted on the residence side of the wall and shall be trained through the openings in order to provide a vegetative covering for the street side of the wall or fence;

3. A six foot high solid decorative concrete or masonry wall; or
4. Other wall designs, as proposed by the developer, may be considered by the Planning Commission.
5. If the subdivision is a planned unit community with an active Home Owner's Association, landscaping shall be installed between the wall and sidewalk to be maintained by the Association.

The type of wall shall be determined by the Planning Commission during the Preliminary Plat approval process, and the type of wall required shall be a condition of preliminary plat approval. Once the wall is installed by the developer and approved by the City in accordance with subdivision requirements, the entire wall shall be maintained by the property owner for that portion affecting their lot. For private developments, the Home Owner's Association shall be responsible for maintenance of the wall. Walls adjacent to I-215 and Bangerter Highway are excluded from this provision. The wall shall be consistent throughout the subdivision. On double frontage lots with walls in the rear yard, two trees shall be planted spaced 30 feet on center. The trees shall be placed such that when mature, the canopy will overhang the wall.

iv. Lots may be platted on cul-de-sacs extending toward an arterial from a minor collector within the subdivision. When such lots are platted on cul-de-sacs, the standards listed in Section 7-19-805(5)(c)(ii) shall apply.

v. At the Planning Commission's discretion, and in instances where the Planning Commission shall find that a masonry wall is unnecessary to mitigate noise, traffic, aesthetic, and/or public safety or other concerns, a solid visual barrier of materials other than masonry may be permitted on double frontage lots.

vi. On lots with available access only onto an arterial, a circular drive or some other type of vehicular maneuvering area shall be provided to enable vehicles to enter traffic moving forward rather than backing. The minimum depth of such lots shall be 120 feet and the minimum width shall be 85 feet.

vii. When a design for a residential subdivision creates lots adjacent to an existing or proposed state freeway, expressway, or highway in areas where high noise levels can be expected, a noise barrier meeting Utah Department of Transportation standards for noise attenuation is required.

d. When any lot borders an arterial, the subdivider may be required to execute and deliver to the City an instrument, deemed sufficient by the City Attorney's Office, prohibiting the right of ingress and egress from the arterial to the lot, and a legal document sufficient to guarantee maintenance of landscaping. The subdivider shall also he required to install such paving as necessary to construct the arterial or to bring the arterial up to standard width and shall install curb, gutter and sidewalk, along the arterial. However, the City may waive the requirement to install sidewalk, if it finds it unnecessary.

(6) Subdivisions adjacent to collector streets with a 66 foot right-of-way width shall be designed so that lots abutting the collector street or streets have a minimum width consistent with the zone in which the subdivision is located and a minimum depth of 120 feet. On lots with available access only onto a 66 foot wide collector street, a circular drive or some other type of vehicular

maneuvering area shall be provided to enable vehicles to enter traffic moving forward rather than backing.

(Ord. No. 93-77 Amended 02/11/1994; Ord. No. 94-38 Amended 05/10/1994; Ord. No. 94-89 Amended 09/08/1994; Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-806. PROTECTION STRIPS.

Protection strips shall not be permitted under any circumstances, nor shall remnant parcels be permitted which may act as protection strips.

(Ord. No. 96-37 Amended 06/21/1996)

7-19-807. DEDICATION AND RESERVATION.

(1) Pursuant to Title 8 of the West Valley City Municipal Code, new development is required to pay a park impact fee and other impact fees that are related to the impact a new development places on the City and its resources. The City pursuant to this Section and consistent with Title 8 may accept dedication of property in an amount equal to the park impact fee or some portion of the fee in order to offset the fee.
(2) All land to be dedicated for park or recreational purposes shall be found to be suitable by the Planning Commission, the Community and Economic Development Department, and the Parks and Recreation Department as to location, parcel size and topography for the park and recreation purposes for which it is indicated in the General Plan or any planned community plan. Such purposes may include active recreation facilities such as playgrounds, play fields, pedestrian or bicycle paths, areas of particular natural beauty and wooded areas to be developed or left in their natural state.
(3) When park or recreational facilities are proposed for dedication, a deed shall be conveyed to the City which shall be recorded with the subdivision plat. When park or recreational facilities are reserved for private use, the developer shall establish conditions as to ownership, maintenance and use of such areas as deemed necessary by the Planning Commission to assure preservation of the intended use.
(4) The provisions of this section shall not normally apply to commercial or industrial subdivisions; however, the Planning Commission may recommend as a condition of approval, that a commercial or industrial subdivider dedicate to the City that portion of a stream bed or drainage channel falling within an industrial subdivision when such portion forms part of an open space network designated in the General Plan or a planned community plan.
(5) In addition to subdivisions, the provisions of this Section requiring the payment of fees, or dedication in lieu of fees, shall apply to all residential developments which require conditional use approval. Such developments shall include, but not be limited to, condominiums, planned unit developments and mobile home parks. The percentage of credit shall be determined by the Planning Commission prior to final approval of a development plan. The fee per unit shall be paid prior to issuance of a building permit for each dwelling unit in the development.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 02-29 Amended 05/30/2002; Ord. No. 10-35 Amended 11/08/2010)

7-19-808. LANDSCAPING.

(1) Whenever, in the opinion of the Planning Commission, the cuts and fills in a hillside subdivision are of sufficient size or visibility to demand special treatment, the subdivider shall be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance.
(2) The subdivision shall be so designed as to either preserve, or provide for, the greatest amount of on-site vegetation.

7-19-809. UTILITIES AND EASEMENTS.

(1) All utilities shall be provided through underground service, except where existing utilities are already in place.
(2) Utility easements shall be provided within the subdivision as required for public utility purposes. Easements shall be dedicated along all rear yards and at least one side yard.

7-19-810 NEIGHBORHOOD BOX UNITS.

Mail boxes in new subdivisions shall be consolidated in centralized locations no further than 250 feet from any dwelling which the box unit is designed to serve. Boxes shall not be located on corners, but shall be located at mid-block on a property line.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-811. WATERCOURSES.

(1) The subdivider shall dedicate a right-of-way for storm drainage conforming substantially with the lines of the limits established for future development of the Jordan River Parkway, or any other natural watercourse or channel, stream, creek, irrigation ditch, or floodplain that enters or traverses the subdivision. The subdivider shall also dedicate rights-of-way for any pipe, conduit, channel, and retention or detention area as approved by the Public Works Department for flood control.
(2) For subdivisions located within 100 feet of the center line of a canal, notice to the appropriate Canal Company is required. The City shall provide notice of the proposed subdivision in accordance with Utah Code.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-812. SOLAR ACCESS AND ORIENTATION.

(1) The street orientation in a subdivision shall be encouraged to run predominantly east/west in order to maximize the amount of solar energy available to each structure, as topography and property lines allow.
(2) It is recommended that structures be oriented so that the longest axis is aligned due east/west, or 15 plus or minus from east/west and that a minimum of 80 percent of the structures within a given subdivision should be so aligned to maximize the amount of solar energy available to each structure.

(3) It is recommended that solar access be established for each dwelling such that the southern elevation and roof of the dwelling is not shaded by the neighboring structure or trees and other landscaping in their natural state from 10 a.m. to 2 p.m. on December 21, Mountain Standard Time.
(4) It is recommended that each dwelling be located within a pyramidal envelope on the lot such that it will not penetrate the planes of the envelope. This building envelope is determined by 45-degree angle planes drawn from the horizontal at the mean grade along each boundary of the lot and each adjacent public right-of-way centerline. These planes slope inward to the center of the lot. To allow for greater flexibility in siting the dwelling on the lot, another set of planes of 60-degree angle sloping from the lot boundaries to the center of the lot are designated for the south, east and west sides of the lot.
(5) Solar access may be secured for any dwelling by negotiating a solar easement with the landowner(s) to the south. See Appendix II, "Model Easement," as passed by the Utah Legislature in March, 1979.

7-19-900P PART 9—PUBLIC IMPROVEMENTS

7-19-901. DESIGN STANDARDS.

(1) Standards for design, construction specifications, inspection of street improvements, curbs, gutters, sidewalks and standards for design, construction specifications and inspection of storm drainage and flood control facilities shall be prepared by the Public Works Department. Standards for water distribution and sewage disposal facilities shall be prepared by the Water and Sewer Improvement Districts, and similar standards for fire hydrants by the Fire Department. All such standards and amendments thereto, which are under the control of the City, shall be submitted to the City Manager and adopted by the City Council before becoming effective. All subdividers shall comply with the standards established by such departments and agencies.
(2) The design of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the Planning Commission, by the Community and Economic Development Department, the Public Works Department and other City departments and agencies as approved by the City Council.

(Ord. No. 96-37 Amended 06/21/1996)

7-19-902. REQUIRED IMPROVEMENTS.

(1) The subdivider shall improve or agree to improve all streets, pedestrian ways or easements in the subdivision and on streets which abut, or serve as access to, the subdivision. Permanent improvement work shall not he commenced until improvement plans and profiles have been approved by the Public Works Department and, if applicable, a bond agreement has been executed between the subdivider and the City as specified in Section 7-19-618.
(2) Improvements shall be installed to permanent line and grade and to the satisfaction of the Public Works Department and in accordance with the standard specifications adopted by the City Council. Cost of inspection shall be paid by the subdivider as outlined in the Consolidated Fee Schedule.
(3) Notwithstanding the fact that the land on which the improvements will be located is dedicated at the time of the recording of a plat, the City shall not be responsible for the improvements,

their construction, etc., until such time as there is an official acceptance of the property and the improvements by the City. Such acceptance shall be made as follows:

a. The Public Works Department shall have inspected the improvements and determined that they meet City standards.
b. The subdivider shall provide a current title report showing that the warranty deed and/or subdivision plat is signed by all of the owners of the property and that there are not any unacceptable encumbrances on the property.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-903. YARD AND STREET LIGHTING.

(1) In residential developments, front yard lights shall be required on each residential lot to illuminate the front yard and sidewalk area and shall conform to the following standards:
   a. Including the required International Building Code (IBC) light next to the front door, lighting fixtures and bulbs may be selected by the homeowner.
   b. The illumination provided shall be not less than 2500 lumens. Property owners with a streetlight located within 40 feet of their property line may reduce this requirement to 1250 lumens.
   c. A photoelectric device is required for all front yard lights intended to meet this requirement, except the required front door light, unless it is the only light intended to meet this requirement.
(2) Installation of Street Lighting in New Development.
   a. In all new development, it shall be the responsibility of the Developer to furnish a street lighting plan as part of the preliminary and/or final plat process. All labor, materials, tools, equipment, and incidentals to design and install street lighting on any new public street constructed as part of the development, and on the frontage of any development abutting a public street shall be provided by the developer. Street Lighting shall be per West Valley City Street Lighting Standards and shall be approved through the subdivision and development review and approval process.
   b. The Developer assumes all responsibility, expense, and liability for the street lighting system until the complete lighting system is accepted by West Valley City.
   c. The City will pay for the operation and maintenance of the street lighting systems installed pursuant to subsections (a) and (b).
(3) The requirements of this Section shall apply to all subdivisions, including those currently under consideration with an original application date after November 10, 1983.

(Ord. No. 94-127 Amended 01/04/1995; Ord. No. 04-58 Amended 11/29/2004; Ord. No. 10-35 Amended 11/08/2010)

7-19-904. CURB, GUTTER, SIDEWALK AND ASPHALT PAVING.

Curbs, gutters, sidewalks and asphalt paving shall be provided in front of all commercial and residential lots. Curb, gutter and paving shall be required on all industrial property. In industrial or manufacturing subdivisions, sidewalks shall be installed along the north and east sides of the street. Depending on the road classification, sidewalks shall be provided on both sides of the street. At the discretion of the Planning Commission and the Public Works Department, curb, gutter and sidewalk improvements may be omitted in major residential subdivisions where each lot has a frontage of at least

150 feet and an average lot size of 43,000 square feet if adequate provisions has been made for storm water runoff.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-905. STORM DRAINAGE.

(1) Site grading shall be performed taking into consideration the drainage patterns of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.
(2) In every subdivision, provision shall be made for the satisfactory drainage of storm water by means of underground storm drain pipes, and/or surface drainage ditches. No storm water lines may be connected or constructed so as to flow into sanitary sewers. Major natural drainage courses shall not be appreciably altered from their natural condition except for stabilization and erosion control. Subdividers shall be responsible for the drainage of after-development storm water to a point acceptable under the Flood Control and Storm Drainage Ordinance.
(3) Storm water drains shall be installed as shown on the subdivision development plans.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-906. DRAINAGE INTO IRRIGATION DITCHES.

(1) Flood control and storm runoff water may only be channeled into existing irrigation ditches with written approval of the acknowledged water master of the applicable ditch. Such approval shall be obtained by the owner.

(2) Engineering calculations shall be submitted which verify that the portion of the ditch to be piped and all downstream open and closed channels are of sufficient size to handle the normal maximum irrigation flow, as determined by the water master, and the ten-year storm runoff to be introduced into the system.

(3) In the event the water master cannot be contacted, the approval of all downstream water shareholders shall be obtained by the subdivider in lieu of the water master approval.

(Ord. No. 96-37 Amended 06/21/1996)

7-19-907. UNDERGROUND UTILITIES AND SANITARY SEWER.

(1) All underground utilities, sanitary sewers and storm drains installed in streets or alleys shall be constructed prior to the surfacing of such streets or alleys. Connections for all underground utilities, water lines and sanitary sewers for each lot shall be laid to a point which will eliminate the necessity for disturbing the street or alley improvements, when service connections thereto are made.
(2) All telephone, electric power, cable television or other wires or cables shall be placed underground. Equipment appurtenant to the underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts may be above ground. The subdivider shall make necessary arrangements with the utilities involved for the installation of the underground facilities.

(3) Water mains and fire hydrants connecting to the water system serving the City shall be installed as shown on the plans signed by the Public Works Department. Mains and individual lot services shall be of sufficient size to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection.

(Ord. No. 10-35 Amended 11/08/2010)

7-19-908. FENCING OR PIPING OF HAZARDS.

(1) The subdivider shall install a six-foot non-climbable chain link fence along all canals, waterways, non-access streets, open reservoirs or bodies of water, railroad rights-of-way, property in agricultural use or zoned for agricultural use and other such features of potentially hazardous nature on, crossing, or contiguous to, the property being subdivided, except on those features which the Planning Commission shall determine would not be a hazard to life, or where the fence itself would create a hazard to the safety of the public. An existing fence, in good condition will satisfy this requirement. Fences required by this section shall comply with construction standards established by the Public Works Department. Canals shall include the North Jordan, South Jordan, Utah & Salt Lake, Brighton/Northpoint, Riter and Kennecott Canals.
(2) At its discretion, in situations where a fence proposed by the subdivider is found to serve the functions of the chain link fence required in Section 7-19-908(1), the Planning Commission may allow a fence of materials other than chain link as a condition of preliminary or final plat approval.
(3) All irrigation ditches shall be piped.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-909. MONUMENTS.

(1) Subdivision monuments shall be installed by the subdividor's land surveyor at such points designated on the final plat as approved by the City Engineer. Standard precast monuments must be placed prior to the release of the improvement bonds.
(2) Rebar five-eighths inch in diameter and 24 inches in length, with numbered surveyor's cap, shall be located in the ground, flush at finished grade and at all lot corners, and off-set pins are to be placed in the back of curb.
(3) All monuments shall be certified by the subdividor's land surveyor as accurate.
(4) It is unlawful for any person to install survey monuments having a spatial relationship with any section or quarter section corner without first obtaining from the Salt Lake County Surveyor's Office a monument permit for such installation. All survey monuments installed shall be in accordance with the permit issued and shall be subject to inspection and approval by the Salt Lake County Surveyor's Office.

(Ord. No. 02-81 Amended 12/17/2002; Ord. No. 03-59 Amended 09/02/2003; Ord. No. 10-35 Amended 11/08/2010)

7-19-910. COMPLETION.

A complete improvement plan "as built" shall be filed with the Public Works Department upon completion of said improvements. The "as built" plans shall be drawn on reproducible copies of the

original tracings and certified as to accuracy and completeness by the subdivider's licensed engineer. Upon receipt and acceptance of the "as built" plan, the Public Works Department will recommend formal acceptance by the City Manager.

7-19-1000P PART 10—AMENDING A RECORDED PLAT

7-19-1001. VACATING OR CHANGING A SUBDIVISION PLAT.

(1) The City Council may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot or alley contained in a subdivision plat at a public hearing.
(2) If a petition is filed, the City Council shall hold the public hearing within 45 days after it is filed, if:
    a. The plat change includes the vacation of a public street or alley;
    b. Any owner within the plat notifies the City of his objection in writing within ten days of mailed notification; or
    c. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
(3) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the City Council to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
(4) A petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:
    a. the name and address of all owners of record of the land contained in the entire plat;
    b. the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
    c. the signature of each of these owners who consents to the petition.
(5) Petitions that lack the consent of all owners referred to in Subsection (3) may not be scheduled for consideration at a public hearing before the City Council until the notice required by this part is given.
(6) The petitioner shall pay the cost of the notice.
(7) When the City Council proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this part.
(8) Petitions for a lot line adjustment may be approved by the Community and Economic Development Department and executed upon the recordation of an appropriate deed if:
    a. No new dwelling lot or housing unit results from the lot line adjustment;
    b. The adjoining property owners consent to the lot line adjustment;
    c. The lot line adjustment does not result in remnant parcels that did not previously exist; and
    d. The adjustment does not result in violation of applicable zoning requirements.
(9) Before the City Council may consider a proposed vacation, alteration or amendment under (2)(a) and/or (5) of this Section, the City Council shall refer the proposal to the Planning Commission for its recommendation.
(10) The Planning Commission shall give its recommendation within 30 days after the proposed vacation, alteration or amendment is referred to it.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 01-51 Amended 11/19/2001; Ord. No. 10-35 Amended 11/08/2010)

7-19-1002. NOTICE OF HEARING FOR PLAT CHANGE.

(1) The City Council shall give notice of the date, place, and time of a hearing before it to consider a vacation, alteration, or amendment without a petition or to consider any petition that does not include the consent of all land owners as required by Section 7-19-1001, by mailing the notice of hearing to all owners of the property that is the subject of the proposed plat change and each owner of property located within 300 feet of the property that is the subject of the proposed plat change, addressed to their mailing addresses appearing on the rolls of the county assessor of the county in which the land is located.
    a. The notice shall state:
        i. That anyone objecting to the proposed plat change must file a written objection to the change within ten days of the date of the notice;
        ii. That no public hearing will be held if no written objections are received by the City Council within the ten-day time limit; and
        iii. The date, place, and time when a hearing will be held, if one is required.

(2) If the proposed change involves the vacation, alteration, or amendment of a street, the City Council shall give notice of the date, place, and time of the hearing by:
    a. Mailing notice as required in Subsection (1); and
    b. Either:
    c. Publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the municipality in which the land subject to the petition is located; or
    d. If there is no newspaper of general circulation in the City, posting the notice for four consecutive weeks before the hearing in three public places in the City.

(Ord. No. 97-65 Amended 12/09/97; Ord. No. 96-37 Amended 06/21/96)

7-19-1003. GROUNDS FOR VACATING OR CHANGING A PLAT.

(1) Within 30 days after the public hearing required by this part, the City Council shall consider the petition.
(2) If the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the City Council, by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.
(3) The City Council shall ensure that the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located.
(4) An aggrieved party may appeal the City Council's decision to district court as provided in the Utah State Code.

(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)

7-19-1100P PART 11—STREET NAME CHANGE

7-19-1101. STREET NAME CHANGE BY PETITION.

Any lot owner or his agent, with written permission of the lot owner, whose lot is within the City and fronts on a street, may petition the City to have the street name changed by filing an application with the Community and Economic Development Department. The application shall include:

(1) The existing name and proposed name of the street;
(2) The street's coordinates;
(3) A list of current property owners and lessees, if any, for the entire street, as well as the street numbers of all homes and businesses that would be affected by a street name change;
(4) An aerial photo with numbers assigned to each business or home and the number and location of any street signs which would be affected by a name change;
(5) A petition signed by as many property owners fronting on the street as possible, approving the name change; and
(6) The fee required in Section 7-19-1103 below.

(Ord. No. 96-37 Amended 06/21/1996)

7-19-1102. PROCEDURE.

(1) After an application is completed, the proposal shall be submitted to the Planning Commission for a recommendation to the City Council.
(2) After the Planning Commission has heard the proposal and given a recommendation, the proposal shall be brought before the City Council, which shall approve or disapprove of the name change. If it is approved, the name change shall be by ordinance.

7-19-1103. FEES.

(1) At the time an application for a street name change is made, the applicant shall pay a fee, which amount shall be set by resolution, to cover the costs of processing the application.
(2) If a name change proposal is approved, the applicant shall pay the replacement cost for all street signs affected by the change.

7-19-1104. STREET NAME CHANGE WHEN TWO OR MORE STREETS HAVE THE SAME NAME.

When two or more streets have the same name in the City, the City Council, by ordinance and without a petition, may change the name of any of the streets so as to leave only one to be designated by the original name.

CHAPTER 7-20
ENFORCEMENT

Sections:

7-20-101. Enforcement Responsibility.
7-20-102. Powers and Duties of the Community and Economic Development Department.
7-20-103. Permits to Comply with Ordinance.
7-20-104. Site Plans Required.
7-20-105. Violations-Penalties.
7-20-106. Enforcement.

7-20-101. ENFORCEMENT RESPONSIBILITY.

The Community and Economic Development Department and the Community Preservation Department are charged with the enforcement of this Title.

(Ord. No. 99-52 Amended 08/20/1999; Ord. No. 10-08 Amended 03/29/2010)

7-20-102. POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

The Community and Economic Development Department is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with the provisions of this Title, provided however, that no such inspection shall be required as a condition precedent to commencement on continuation of any construction, modification or repair of building or structure.

The Community and Economic Development Department and the Community Preservation Department shall enforce all of the provisions of this Title, employing all legal means available to do so. The Director may designate any employee as an enforcement official. Any employee designated as an enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the City Code, any applicable state codes, or any conditions imposed by the Planning Commission, Board of Adjustment or the Planning and Zoning Division are being obeyed and to make any examinations and surveys as may be necessary in the performance of the employee's enforcement duties. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon probable cause. If the property owner or person responsible for the property refuses to allow the employee to enter the property, the employee shall obtain and execute a search warrant.

(Ord. No. 99-52 Amended 08/20/1999; Ord. No. 10-08 Amended 03/29/2010)

7-20-103. PERMITS TO COMPLY WITH ORDINANCE.

Building permits shall not be issued without first having been approved by the Community and Economic Development Department. The Community and Economic Development Department shall not approve a building permit if any building, structure or use of land would be in violation of any of the provisions of this Title, nor shall any other City officer grant any permit or license allowing the use of any building or land if the use would be in violation of this Title.

(Ord. No. 99-52 Amended 08/20/1999)

7-20-104. SITE PLANS REQUIRED.

A detailed site plan, drawn to scale, the scale and sheet size to be determined by the Community and Economic Development Department, shall be filed as part of any application prior to consideration or for any building permit. The site plan shall show where pertinent:

(1) Note of scale used.
(2) Direction of north point.
(3) Lot line together with adjacent streets, roads and rights-of-way.
(4) Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.).
(5) Location of the proposed construction and improvements, including the location of all signs.
(6) Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter and sidewalk locations.
(7) Necessary explanatory notes.
(8) Name, address and telephone number of builder and owner.
(9) All other information that may be required as determined by the Community and Economic Development Department.

(Ord. No. 99-52 Amended 08/20/1999)

7-20-105. VIOLATIONS-PENALTIES.

(1) It is a violation of this Title to:
    a. use any land, building or structure for any purpose or use not allowed in the zone in which such land, building or structure is located, unless otherwise provided for in this Title; or
    b. fail to comply with any applicable Section of this Title, or with any condition imposed by the Planning Commission, Board of Adjustment, or the Planning and Zoning Division.
(2) Unless otherwise provided herein or by State or Federal law, a violation of this Title shall be a Class C misdemeanor. Each day that the violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such.

(Ord. No. 99-52 Amended 08/20/1999)

7-20-106. ENFORCEMENT.

Unless this Title provides otherwise, this Title may be enforced through the Administrative Code Enforcement Hearing Program established in Title 10 of the City Code, or by filing civil or criminal actions as provided by law. The City has sole discretion to decide whether to file a civil or criminal case for a violation. The City may file both, or one or the other. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute violations of this Title as criminal offenses, or to seek any civil remedy to enjoin, prevent, or abate the violation. The City may use any of the remedies available under the law in both civil litigation and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation on the same day, no civil fines shall be assessed, but all other remedies shall be available.

(Ord. No. 99-52 Added 08/20/1999)

CHAPTER 7-21
AIRPORT OVERLAY ZONE

Sections:

7-21-101. Purpose.
7-21-102. Airport Overlay Zone Boundaries and Navigation Easement.
7-21-103. Height Limitations.
7-21-104. Use Restrictions.

7-21-101. PURPOSE.

The Airport Overlay Zone is established to notify property owners within the flight path of the Salt Lake City International Airport of the impacts associated with aircraft operation and to institute general safety requirements. The Salt Lake City International Airport provides a regional transportation link for the entire United States that is vital to the economic welfare of the region. Therefore, it has been determined that an Airport Overlay Zone should be established, which recognizes the impacts present outside of the airport boundaries. Obstructions that affect the size available for landing, take off, and maneuvering of aircraft impair the utility of airports and the public investment therein. Therefore, it is necessary in the interests of the health, safety, and general welfare of the public that an Airport Overlay Zone be established to prevent hazards, to the extent possible, by the exercise of police powers without compensation.

(Ord. No. 94-72 Enacted 08/15/1994)

7-21-102. AIRPORT OVERLAY ZONE BOUNDARIES AND NAVIGATION EASEMENT.

There are defined flight paths to and from the Salt Lake City International Airport that traverse through West Valley City. This flight corridor shall constitute the Airport Overlay Zone, and shall be defined as the areas bounded by I-215 on the east, to 5600 West between 2100 South and 3100 South on the west, and by I-215 on the east, to 3600 West between 3100 South and the southern boundary of the City on the west. Prior to obtaining a building permit, any new construction (except remodeling) shall provide an navigation easement that notifies current and subsequent property owners that their property is located within the flight corridor and may be subject to impacts generated by aircraft. The navigation easement grants perpetual rights to the Salt Lake City Airport Authority for the airspace above the land, for the free and unrestricted passage of all aircraft, to the extent that aircraft using Salt Lake City Airport Authority facilities do not exceed current federal guidelines, including any amendments, for airport noise.

(Ord. No. 94-72 Enacted 08/15/1994)

7-21-103. HEIGHT LIMITATIONS.

No structure shall be erected, altered, or maintained within the Airport Overlay Zone to a height in excess of the height limitations specified in Federal Aviation Administration (FAA) Part 77, "Objects Affecting Navigable Airspace." Those structures exceeding 350 feet in height may be affected.

(Ord. No. 94-72 Enacted 08/15/1994)

7-21-104. USE RESTRICTIONS.

Within the Airport Overlay Zone, no use shall create any electrical interference with navigational signals for radio communications between the airport and the aircraft, making it difficult for pilots to distinguish airport lights and signals, causing glare in the eyes of pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise in any way creating a hazard or endangering the landing, take off, or maneuvering of aircraft intending to use the airport.

(Ord. No. 94-72 Enacted 08/15/1994)

CHAPTER 7-22
OVERLAY ZONES

Sections:

7-22-100P Part 1 – Decker Lake Station Overlay Zone
7-22-101. Purpose.
7-22-102. Conditional Use Review.
7-22-103. Architectural, Landscaping and Site Plan Standards.
7-22-104. Use Limitations.
7-22-105. Appeal Procedure.
7-22-200P Part 2 -- Jordan River Overlay Zone
7-22-201. Purpose.
7-22-202. Conditional Use Review.
7-22-203. Effect on Underlying Zone.
7-22-204. Architectural, Landscaping, and Site Plan Standards.
7-22-205. Use Limitations.
7-22-206. Appeal Procedure.
7-22-300P Part 3 -- Bangerter Highway Business Park Overlay Zone
7-22-301. Purpose.
7-22-302. Conditional Use Review.
7-22-303. Effect on Underlying Zone.
7-22-304. Architectural, Landscaping, and Site Plan Standards.
7-33-305. Use Limitations.
7-22-306. Appeal Procedure.
7-22-401. Purpose.
7-22-402. Location.
7-22-403. Conditional Use Review.
7-22-404. Effect on Underlying Zone.
7-22-405. Architectural, Landscaping and Site Plan Standards.
7-22-406. Use Limitations.
7-22-407. Appeal Procedure.
7-22-501. Purpose.
7-22-502. Definitions.
7-22-503. Location.
7-22-504 Development Standards.

7-22-100P PART 1 – DECKER LAKE STATION OVERYLAY ZONE

7-22-101. PURPOSE.

The Decker Lake Station Overlay Zone permits a full range of office, retail commercial and service uses which are oriented to serve the City as a whole. The Decker Lake Station Overlay Zone is intended to encourage uses in a planned commercial setting which will be compatible and complimentary with the existing entertainment, restaurant and hospitality uses as well as nearby residential neighborhoods. The Overlay Zone also promotes quality architecture that complements the Maverik Center and landscape themes.

(Ord. No. 96-59 Enacted 10/08/1996; Ord. No. 13-28 Amended 07/11/2013)

7-22-102. CONDITIONAL USE REVIEW.

The West Valley City Planning Commission shall review and approve all development in the Decker Lake Station Overlay Zone as a conditional use. The Planning Commission may attach reasonable conditions to assure compatibility within the Overlay Area.

(Ord. No. 96-59 Enacted 10/08/1996; Ord. No. 13-28 Amended 07/11/2013)

7-22-103. ARCHITECTURAL, LANDSCAPING AND SITE PLAN STANDARDS.

Development within the Decker Lake Station Overlay Zone shall meet the following standards:

(1) Architecture:
   a. No building exterior shall be comprised of only sheet metal or concrete.
   b. All building elevations shall be designed such that there is equal emphasis on all sides of the building. No building side shall appear neglected or downgraded from the other building sides regardless of visibility.
   c. Accessory buildings shall be compatible with the primary buildings on the site in terms of color, materials and architectural features.
   d. Building materials and colors shall complement the Maverik Center.
   e. Retail and restaurant buildings shall include street side windows and pedestrian leisure spaces.
   f. Bus shelters are subject to design review to ensure architectural compatibility.
   g. For buildings less than 10,000 square feet, no parking shall be allowed between the street and the building.

(2) Landscaping:
   a. A three foot tall berm is required within the landscaping along Decker Lake Drive.
   b. On Decker Lake Drive, Bradford Pear trees of a minimum size of 2” caliper shall be planted within the front yard landscaping an average of thirty feet apart. A different street tree may be used to emphasize intersections.
   c. On I-215, Flowering Crabapple trees of a minimum size of 2” caliper shall be planted within the adjoining landscaping an average of thirty feet apart.
   d. Upon approval from UDOT, businesses located adjacent to I-215 shall landscape to the shoulder of the Interstate. This landscaping may replace the 20 foot minimum width of landscaping required in the commercial zone. If UDOT approval is not obtained, the 20 foot minimum width of landscaping shall apply.
   e. Service and loading areas shall be screened from adjacent businesses, roads and residential areas through the use of landscaping, walls and/or fences.

(3) Pedestrian accommodations:
   a. Stamped concrete is required at driveway intersections and at other key pedestrian areas.
   b. The park strip along Decker Lake Drive shall be 6’ wide. The sidewalk along Decker Lake Drive shall be 8’ wide. Sites that do not meet these standards shall be brought into compliance when any substantial modification to the site or structures on the site in which the estimated construction cost exceeds $50,000 is made.

(4) Signage:
   a. Architectural themes shall be used in sign designs.

b. Only monument signs are allowed along Decker Lake Drive.
c. Directory type monument signs may exceed height and area requirements as outlined in Section 11-4-111 of the West Valley City Code.
d. Limited directory pole signs are encouraged along I-215.

(Ord. No. 96-59 Enacted 10/08/1996; Ord. No. 13-28 Amended 07/11/2013)

7-22-104. USE LIMITATIONS.

Use limitations will be imposed which limit the full range of uses permitted in the underlying zone. It is recognized that some of the uses within the underlying zones may not be compatible with the City's image for gateway and special district areas, and compliance with architectural standards would not be practical. The following uses are not permitted in the Decker Lake Station Overlay Zone:

(1) Automobile sales and service.
(2) Commercial outdoor recreation as a primary use.
(3) Convenience store.
(4) Fast food with drive-up windows (fast food permitted as an accessory use, not primary use).
(5) Motor fuel sales.
(6) Recreational vehicle sales.
(7) Residential uses other than caretaker's facility associated and incorporated in a primary use.
(8) Bail bonds.
(9) Pawn shops.
(10) Check cashing, payday loans and car title loans.
(11) Tattoo establishments.
(12) Sexually-oriented businesses.
(13) Self-storage facilities.
(14) Hardware stores.
(15) Secondhand stores over 6,000 leasable square feet.
(16) Office/warehouse.

(Ord. No. 96-59 Enacted 10/08/1996; Ord. No. 02-30 Amended 05/21/2002; Ord. No. 13-28 Amended 07-11-2013; Ord. No. 15-04 Amended 01/29/2015)

7-22-105. APPEAL PROCEDURE.

Appeal may be made to the City Council by any person aggrieved by a final decision, determination, or requirement of the Planning Commission, regarding the architectural conditions imposed by the Decker Lake Station Overlay Zone pursuant to the standards governing appeals.

(Ord. No. 96-59 Enacted 10/08/1996; Ord. No. 13-28 Amended 07-11-2013)

7-22-200P PART 2 -- JORDAN RIVER OVERLAY ZONE

7-22-201. PURPOSE.

The Jordan River Overlay Zone (JROZ) is intended to encourage office, restaurant, and quality mixed use residential in a planned, aesthetically pleasing setting which will be compatible and complementary with adjacent uses. Small scale retail and service uses are also promoted when

complementary and accessory to a primary use. The Jordan River Overlay Zone promotes a high level of architectural and landscaping excellence. Enhancements of the architectural quality and streetscape/landscape themes are required. The Jordan River area is considered a gateway to West Valley City that should emphasize cultural, historical, and recreation themes. Street side, first floor retail is encouraged. Mixed use residential is encouraged. Quality materials and design excellence is the foundation of this zone.

(Ord. No. 98-35 Enacted 04/08/1998)

7-22-202. CONDITIONAL USE REVIEW.

The West Valley City Planning Commission shall review and approve all development in the Jordan River Overlay Zone as a conditional use. The Planning Commission shall utilize the underlying zone requirements and overlay zone development standards, and may attach reasonable conditions to assure compatibility within the Overlay Zone.

(Ord. No. 98-35 Enacted 04/08/1998)

7-22-203. EFFECT ON UNDERLYING ZONE.

The Jordan River Overlay Zone may add to or limit the uses provided for by the underlying zone. In the case of the "C-2" Zone, certain uses are not permitted, while in the "A" Zone, standard agricultural uses are augmented by the uses provided for in the Jordan River Overlay Zone. Existing businesses within the Jordan River Overlay Zone may continue and can expand with approval by the Planning Commission. Implementation of the standards in Section 7-22-204 shall be considered in all proposed future expansions of existing businesses. The Jordan River Over-lay Zone encourages office, restaurant, mixed use residential, and small scale retail/services uses.

(Ord. No. 98-35 Enacted 04/08/1998; Ord. No. 04-38 Amended 08/17/04)

7-22-204. ARCHITECTURAL, LANDSCAPING, AND SITE PLAN STANDARDS.

Development within the Jordan River Overlay Zone shall be evaluated based on the following criteria and information:

(1) Site plan drawn to 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 Land Use Development and Management Act.

(2) Architectural renderings and elevations of proposed buildings. Relationships to surrounding uses shall be considered in respect to the scale and massing of the proposed uses. Building design shall provide equally attractive sides of high quality, rather than placing all emphasis on the front elevation of the structure and neglecting or downgrading the aesthetic appeal of the side elevations of the structure. Visual variety, creativity, and the use of premier materials with compatible color schemes are required. Uses shall incorporate within their plans street side windows and pedestrian leisure spaces.

(3) Landscaping. Spatially accurate conceptual landscaping plans showing plant type and size shall be required. The ability of the landscape to enhance the project through interest and variety will be evaluated.

(4) Vertical elements. Multi-story buildings are encouraged.
(5) Design of parking areas shall attempt to minimize the large uninterrupted hard surfaced areas with landscaping islands. Pedestrian pathways within parking areas are required. Access control will be evaluated as per West Valley City standards (Section 7-6-1006). Street side parking lots are discouraged.
(6) Service and loading areas shall be screened with materials compatible to the building and from adjacent uses/roadways. Coordinated maneuvering and loading docks are encouraged between businesses.
(7) Pedestrian/bicycle accommodation, including trails, sidewalks, street furniture, and appropriate plantings, shall be required. Sidewalks shall be constructed of concrete, with stamped concrete at driveway intersections, and weave through the front yard landscaping adjacent to the public street. Trail materials are not specified, but should be evaluated by the Planning Commission. Bus shelters are permitted if they complement the architectural quality of the buildings.
(8) Noise sources shall be identified from all sources such as parking areas, trash dumpsters, mechanical equipment, and loading/service docks. Screen walls and landscaping shall be employed which screen these areas from the main streets and adjacent residential neighborhoods.
(9) Site and security lighting shall be designed to enhance the architectural quality of the development. Screening of lights from residential areas and glare from traffic areas shall be minimized. Lighting consistency utilizing a design approved for the entire area shall be required in the parking lots. Pedestrian scale lighting along walkways is required.
(10) Sign design themes shall also be included for review by the Planning Commission. The Planning Commission shall not approve a development proposal without a sign plan. Architectural themes shall be carried into the sign plans. No billboards or pole signs are allowed.
(11) Building setbacks. Generally, front yard setbacks for one- and two-story buildings should be 30 feet, provided the area is landscaped and the parking located to the rear of the buildings. Three-story buildings shall be set back a minimum of 40 feet, four-story buildings a minimum of 50 feet, and five-story buildings a minimum of 60 feet. Additional heights shall maintain a 60 foot setback as a minimum. Parking areas are to maintain a 30 foot minimum setback from the public/private roadways.
(12) Special site amenities. Emphasis should be placed on providing site amenities to include courtyards, plazas, fountains, pedestrian sections, monuments, sculpture, and art.

(Ord. No. 98-35 Enacted 04/08/1998)

7-22-205. USE LIMITATIONS.

Use limitations will be imposed which limit the full range of uses permitted in the underlying zone. It is recognized that some of the uses within the underlying zones may not be compatible with the City's image for gateway and special district areas, and compliance with architectural guidelines would not be practical. The following uses are not permitted in the Jordan River Overlay Zone:

(1) Automobile sales and service.
(2) Convenience stores.
(3) Fast food with drive-up windows (fast food permitted as an accessory use, not primary use).
(4) Motor fuel sales.
(5) Recreational vehicle sales.
(6) Billboards, pole signs.
(7) Self-storage facilities.

(8) Hardware stores.
(9) Office warehouses.
(10)Bail bonds.
(11)Pawn shops.
(12)Check cashing, payday loans and car title loans.
(13)Tattoo establishments.
(14)Sexually-oriented businesses.

(Ord. No. 98-35 Enacted 04/08/1998; Ord. No. 02-30 Amended 05/21/2002)

7-22-206. APPEAL PROCEDURE.

Appeal may be made to the City Council by any person aggrieved by a final decision, determination, or requirement of the Planning Commission regarding the architectural conditions imposed by this Section pursuant to the standards governing appeals.

(Ord. No. 98-35 Enacted 04/08/1998)

7-22-300P PART 3 -- BANGERTER HIGHWAY BUSINESS PARK OVERLAY ZONE

7-22-301. PURPOSE.

The Bangerter Highway Business Park Overlay (BHBPO) Zone is intended to encourage commercial and industrial uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone. Retail service professional business parks and industrial uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses. The BHBPO Zone promotes a high level of architectural quality, including landscaped street themes. The purpose of the BHBPO Zone along the Bangerter Highway is to encourage an improved visual quality, uniqueness in terms of a sense of place, and economic viability for those developments that occur in this corridor. Quality of materials, design excellence, and appropriate land uses are the foundation of this overlay zone.

(Ord. No. 99-08 Added 03/23/1999)

7-22-302. CONDITIONAL USE REVIEW.

The West Valley City Planning Commission shall review and approve all development within the BHBPO Zone as a conditional use. The Planning Commission shall utilize the underlying zone requirements and the BHBPO Zone development standards as a basis for the conditional use review. The Planning Commission may attach reasonable conditions to assure compatibility with the adjacent uses and the intent of this overlay zone.

(Ord. No. 99-08 Added 03/23/1999)

7-22-303. EFFECT ON UNDERLYING ZONE.

The Bangerter Highway Business Park Overlay Zone limits the uses provided in the underlying zone. The BHBPO zone extends 300 feet east from the Bangerter Highway right-of-way from 2100 South

and terminating at 3100 South. The BHBPO Zone also extends 300 feet along the west side of the Bangerter Highway from 2100 South to 2700 South. The Planning Commission, through the conditional use review, shall evaluate the compatibility and the nature of the uses proposed in respect to the existing uses and the development pattern that is occurring in a particular area. The BHBPO Zone encourages high quality visually pleasing uses which derive a benefit from being adjacent to highly landscaped, quality street, by adding standards; increases the level of detail in the review process; limits uses; and promotes public review prior to final approval.

(Ord. No. 99-08 Added 03/23/1999)

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 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.

(Ord. No. 99-08 Added 03/23/1999)

7-22-305. USE LIMITATIONS.

Use limitations will be imposed that limit the full range of uses permitted in the underlying zone. It is recognized that some of the uses within the underlying zones are incompatible with the intent of this district; therefore, the following uses shall not be permitted within the Bangerter Highway Business Park Overlay Zone:

(1) Convenience stores, fast food restaurants, or motor fuel sales as a separate "stand alone" use.
(2) Self-storage facilities.
(3) Used automobile/truck sales and service as a primary use.
(4) Salvage yards, automobile towing/impound.
(5) Asphalt/concrete plants.
(6) Machinery sales/storage.
(7) Welding and fabrication outside of a building.
(8) Detention facilities/jails.
(9) Pawn, check cashing, car title loan shops.
(10) Tattoo establishments.
(11) Chemical, explosive, and fuel manufacturing; hazardous waste.
(12) Sanitary landfills.
(13) Uses that have over one acre or 25 percent of the site in open storage.
(14) Agricultural industry.
(15) Sexually-oriented businesses.
(16) Above-ground utility installations.
(17) Bail bonds.
(18) Payday loans.

(Ord. No. 99-08 Added 03/23/1999; Ord. No. 02-30 Amended 05/21/2002)

7-22-306. APPEAL PROCEDURE.

An appeal may be made to the City Council by any person aggrieved by a final decision, determination, or requirement of the Planning Commission regarding the architectural conditions imposed by this section pursuant to the standards governing appeals.

(Ord. No. 99-08 Added 03/23/1999)

7-22-400P PART 4 -- 5600 WEST OVERLAY ZONE

(Ord. No. 03-82 Added 04/06/2004)

7-22-401 PURPOSE.

The 5600 West Gateway Overlay Zone is intended to encourage uses in an aesthetically pleasing setting which will be compatible with and complementary to adjacent uses, and that will encourage uses that are appropriate in the gateway to the City. Enhancements of the architectural quality and landscape themes are required. To accomplish these goals, building design shall provide high-quality 360-degree architecture. Street side parking lots are discouraged.

(Ord. No. 03-82 Added 04/06/2004)

7-22-402 LOCATION.

The 5600 West Gateway Overlay Zone extends from the 2100 South Expressway (Highway 201), south to 3100 South, and 250 feet on either side of the right-of-way line for 5600 West.

(Ord. No. 03-82 Added 04/06/2004)

7-22-403 CONDITIONAL USE REVIEW.

The West Valley City Planning Commission shall review and approve all development in the 5600 West Gateway Overlay Zone as a conditional use. The Planning Commission shall utilize the underlying zone requirements and overlay zone development standards, and may attach reasonable conditions to assure compatibility within the Overlay Zone. This and other applicable Ordinances may be proportionally applied to any expansion or modification of an existing vehicle recycling facility, towing and impound yard or outdoor storage facility, as determined by the Planning Commission.

(Ord. No. 03-82 Added 04/06/2004)

7-22-404 EFFECT ON UNDERLYING ZONE.

The 5600 West Gateway Overlay Zone may add to or limit the uses provided for by the underlying zone. The legally approved uses in this zone, with a valid land use permit and business license, may continue within the overlay zone and are not considered non-conforming. All expansions of existing legally-approved uses shall be reviewed by the Planning Commission as a conditional use.

(Ord. No. 03-82 Added 04/06/2004)

7-22-405 ARCHITECTURAL, LANDSCAPING AND SITE PLAN STANDARDS.

Development within the 5600 West Gateway Overlay Zone shall be evaluated based on the following criteria and information:

(2) Site plan drawn to scale of 1"=20', showing the parcel intended for development and the surrounding existing development within 200 feet of the site. Site plans shall conform to the information outlined in Section 7-14-107 of the West Valley City Land Use Development and Management Act.

(3) Architectural renderings and elevations of proposed buildings.
   a. All buildings shall be designed and constructed using 360-degree architecture that provides architectural features on all sides.
   b. All buildings shall be constructed using one hundred percent masonry on the front façade and approved materials on the remainder.
   c. All buildings shall be constructed of compatible color schemes that include neutral natural materials, as approved by the Planning Commission.
   d. All uses shall incorporate street-side windows, as approved by the Planning Commission.
   e. All uses shall incorporate outdoor pedestrian leisure spaces, as approved by the Planning Commission.

(4) Design of parking areas shall minimize the large uninterrupted hard surfaced areas with landscaping islands or tree diamonds. Pedestrian pathways from public sidewalks to the

buildings and through parking areas are required. Access control will be evaluated as per West Valley City standards (Section 7-6-1006) or as per an approved access management plan.

(5) Pedestrian/bicycle accommodation, including trails, sidewalks, street furniture, and appropriate plantings, shall be required as appropriate to the use.

(6) Site and security lighting shall be designed to enhance the architectural quality of the development. Screening to minimize lights from residential areas and glare from traffic areas shall be required. Lighting consistency utilizing a design approved for the entire overlay zone shall be required along public sidewalks. Pedestrian-scale lighting along public sidewalks is required.

(7) Sign design shall also be included for review by the Planning Commission. The Planning Commission shall not approve a development proposal without a sign plan. Architectural themes shall be carried into the sign plans. No sign shall be allowed within the area between the back of curb and sidewalk outside of the UDOT right-of-way.

(8) Building setbacks. Front yard setbacks for buildings and parking shall be a minimum of 30 feet from the back of curb and the parking should be located to the rear and sides of the buildings.

(Ord. No. 03-82 Added 04/06/2004)

7-22-406 USE LIMITATIONS.

The following uses are not permitted in the 5600 West Overlay Zone:

(1) Vehicle recycling facilities and impound and towing yards after the effective date of this Ordinance;

(2) Welding and fabrication;

(3) Asphalt and concrete plants;

(4) Tire recycling and/or storage;

(5) Detention facilities/jails;

(6) Billboards;

(7) Self-storage facilities;

(8) Sanitary landfills;

(9) Chemical, explosive and fuel manufacturing; hazardous waste;

(10) Bail bonds;

(11) Pawn, check cashing and car title loan businesses;

(12) Outside storage that is not completely screened (except operable vehicles and equipment for sale or lease, and trucks and trailers associated with an approved business);

(13) Tattoo establishments;

(14) Sexually-oriented businesses.

(15) Fast food with drive-up windows as a stand-alone business, or as the primary business on a development pad site. May be allowed under the roof of another business as an accessory use with no drive-up window. Fast Food restaurants with drive-up windows may be permitted provided the following conditions are met:

a. The fast food restaurant shall be part of a multi-tenant building with only one drive-through.

b. The number of fast food restaurant tenants within the multi-tenant building shall not exceed the number of non-fast food restaurant tenants within the building.

c. The view of the drive-through area from the street shall be minimized through landscaping, berming, and/or screening.

d. The drive-up window shall be placed on the side or rear of the multi-tenant building.

e. The drive-up window shall comply with the Drive-Through Window Standards in Section 7-14-216.

(16) Any automotive sales or service uses, including automotive parts sales or service, or tire sales or service, between 2455 South and 3100 South.

(Ord. No. 03-82 Added 04/06/2004; Ord. No. 04-41 Amended 09/07/04; Ord. No. 12-18 Amended 06/11/2011)

7-22-407 APPEAL PROCEDURE.

Appeal may be made to the Board of Adjustment by any person aggrieved by a final decision, determination, or requirement of the Planning Commission regarding conditions imposed by this Chapter pursuant to the standards governing appeals.

(Ord. No. 03-82 Added 04/06/2004)

7-22-500P PART 5 -- 5600 WEST STREETSCAPE

(Ord. No. 03-82 Added 04/06/2004)

7-22-501 PURPOSE.

The purpose of this Ordinance is to establish a unifying streetscape that identifies the area as a unique gateway to West Valley City. All requirements and standards set forth in this Ordinance shall supersede all other Ordinances for the defined areas unless otherwise stated.

(Ord. No. 03-82 Added 04/06/2004)

7-22-502 DEFINITIONS.

(1) Non-Motorized Public Easement. An easement located on private property within boundaries for sidewalks or pedestrian, bicycle, and other non-motorized uses, excluding horses.

(2) Streetscape Area. A 30-foot wide area of land measured perpendicular from the back of curb into a project site, with the length running parallel to 5600 West. The streetscape area generally consists of a combined 10-foot width of public right-of-way and a 20-foot width of private property with a public easement.

(Ord. No. 03-82 Added 04/06/2004)

7-22-503 LOCATION.

This Ordinance shall apply to all property 250 feet on either side of the right-of-way line on 5600 West between 2100 South and 3100 South. Any property bisected by this Overlay Zone shall be considered in its entirety to be part of the Overlay Zone.

(Ord. No. 03-82 Added 04/06/2004)

7-22-504 DEVELOPMENT STANDARDS.

(1) All streetscape improvements shall be within the area reserved for a standard 20-foot front yard setback and the public right-of-way. In the event that a full 30-foot width is not available within the prescribed area, the Planning Commission may adjust the landscaping standards as necessary to meet the intent of this Ordinance.

(2) An undulating, landscaped berm, a minimum of two to three feet high and 15 feet wide, shall be located adjacent to the back of curb to protect pedestrians from the hazards and nuisances generated by high traffic volumes and to promote a pleasant environment for businesses and residents.

(3) Street Trees

a. Street trees that do not exceed a height of approximately 30 feet when mature should be planted in the right-of-way below utility lines. These trees should be selected from the following list:

Trees for Entrances	**Medium Deciduous (Under Power Lines)**	**Large Deciduous**
Thundercloud Plum	Amur Maple	Bloodgood Sycamore
Eastern Redbud "Forest Pansy"	Loebner Magnolia	Maple, Deborah, Emerald Queen
Kwanzan Pink Cherry	Crabapple (Non-fruit bearing)	Zelkova

b. Larger trees shall be placed in the landscaped setback outside the area of potential impact to utility lines. This may include islands or bump-out areas that project into the parking lot from the landscaped setback and are designed specifically for tree planting.

c. Trees with red or purple leaves, from a list to be determined, shall be used at the entrances to all developments in the 5600 West Overlay Zone in order to add a distinctive entrance feature. All other trees in the landscape setback shall have leaves that are predominantly green.

(4) A non-motorized public easement, a minimum of 10 feet wide, shall be granted to West Valley City. This easement shall be located 15 feet from the back of curb and shall run the entire length of the frontage along 5600 West. A minimum 6-foot wide sidewalk paved with concrete shall be located within the public easement. (See Figure 1 - Streetscape Cross-Section). If at any point the sidewalk crosses a driveway or similar use, the concrete within the driveway shall be stamped and colored to warn both pedestrians and motor vehicle users. A concrete pathway, at least 5 feet wide and meeting all ADA standards, shall link the sidewalk with any transit stops located along 5600 West. In areas where the sidewalk does not align with existing sidewalks on adjacent sites, a transition area shall be established and improved, with the purpose of providing for public safety and convenience. The sidewalk may, at the discretion of City staff, be shifted temporarily to avoid pre-existing, immoveable objects. However, if the trail is moved toward the site, the 5-foot buffer must still be provided. Immoveable objects may include manholes, power poles, and other objects whose location is beyond the control of the property owner.

(5) In areas where an access management plan indicates that a boulevard with a planted median would be feasible, accommodations should be made to plan for and/or install said boulevard.

(6) Overall site landscaping coverage requirements shall be reduced 10% from current standards to compensate for streetscape improvements. For example, commercial zones shall be reduced from 15% to 13.5%, and manufacturing zones from 5% to 4.5%. Except as provided in 7-13-204(1), no site may have less landscaping than what is required within the streetscape area by this Ordinance.

(7) A landscaped buffer at least 5 feet wide shall be located between the sidewalk and any development (See Figure 2 - Streetscape Aerial View). This buffer shall be used for pedestrian scale lighting, landscaping, or any other City approved purpose that promotes a transition between urban trail traffic and on-site development. Awnings, balconies, signs or similar projections may be permitted at the discretion of the City.

(8) The property owner shall be responsible for the maintenance of all landscaping on the property, including landscaping in the public right-of-way between the front and/or side property line and the curb.

(9) Pedestrian-scale lighting shall be provided at an average interval of 90 feet or less. At no time shall there be a space between light fixtures larger than 100 feet or less than 80 feet. The style and height of the light fixtures shall be uniform along the entire length of the streetscape area, and shall conform to the standards set forth in this Ordinance. In addition to security and aesthetic purposes, the light poles shall serve as platforms for hanging banners promoting cultural and civic events. Light poles shall not be utilized for on- or off-premise advertising. The Planning Commission may dictate the placement of such lighting within the building/parking buffer strip. Light fixtures must be inspected and approved by City Staff or the City's designee prior to final building inspection.

Figure 1 - Streetscape Cross-Section (below)

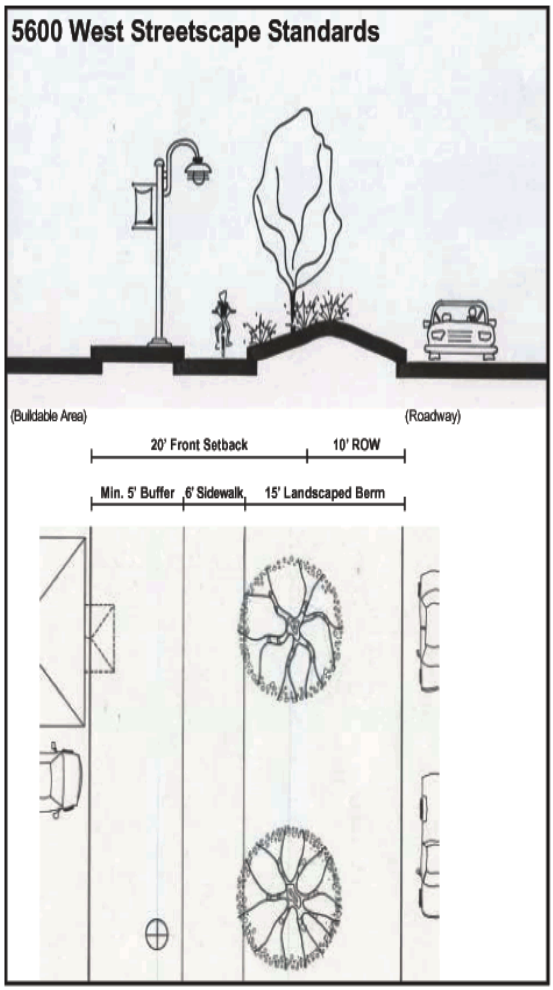

Figure 2 - Streetscape Aerial View (above)

(Ord. No. 03-82 Added 04/06/2004)

CHAPTER 7-23
WIRELESS COMMUNICATION FACILITIES

Sections:

7-23-101. Definitions.
7-23-102. Other Types of Antennas or Equipment.
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7-23-200P Part 2—Communication Facilities
7-23-201. Policy Statement.
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7-23-203. Site Location Master Plan.
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7-23-205. Provisions Applicable to Wall Mounted Antennas.
7-23-206. Provisions Applicable to Roof Mounted Antennas.
7-23-207. Provisions Applicable to Monopole Towers.
7-23-208. Lattice Towers Prohibited.
7-23-209. Guyed Towers Prohibited.
7-23-210. Permitted and Conditional uses—Preferred Sites for Communication Facilities.
7-23-211. Location on Residential Lots Prohibited.
7-23-212. Hearing Procedure.
7-23-213. Conditional Use Requirements.
7-23-214. Notice to Neighboring Jurisdictions.
7-23-215. Abandoned Facilities.

7-23-101. DEFINITIONS.

The following definitions are specific to this Chapter:

(1) Applicant: Any individual person, group of persons, business entity, or government unit applying for a permit to locate communications towers within City boundaries. An applicant does not need to own an interest in the property where the facilities are proposed to be located, but permission from the owners of any property where the facility is located must be obtained prior to the application.

(2) Airport Communication: Communication between aircraft and airport ground facilities.

(3) Communication Antenna: Any transmitting and receiving device designed to radiate and capture communications signals consisting of electromagnetic or microwave radiation, as authorized by the Federal Communications Commission, to provide low power radio communication service. "Communication Antenna" does not include non-commercial or transmission antennas.

(4) Communication Facility: Any communication antenna, communication tower, accessory building, or any other structure or equipment installed for the primary purpose of providing low power radio communication service.

(5) Communication Tower: A tower that supports or contains communications antennas (transmitting or receiving) or related communications equipment. "Communication Tower" also includes equipment and facilities permanently associated with the tower, whether or not such equipment or facilities are used directly to provide communication service.

(6) Guyed Tower: A communications tower requiring guy wires or other stabilizers for support.

(7) Interference: Disruption of communication by static, jamming, or blocking of frequencies.

(8) Lattice Tower: A self-supporting multiple sided communications tower characterized by an open frame.

(9) Monopole Tower: A self-supporting communications tower consisting of a single pole without guy wires or other stabilizers.

a. Monopole Tower with Antenna and Antenna Support Structure Less than Two (2) Feet Wide: A monopole tower on which antennas and antenna support structures not exceeding two (2) feet in width are placed. The height of the antennas and antenna support structures together may not exceed ten (10) feet.

b. Monopole Tower with Antenna and Support Structure Greater than Two (2) Feet Wide: A monopole tower on which antennas and antenna support structures exceeding two (2) feet in width are placed. The antennas and antenna support structure together may not exceed thirteen (13) feet in width or eight (8) feet in height.

(10) Non-commercial Antenna:

a. A transmitting or receiving device designed to radiate or capture communication signals consisting of electromagnetic or microwave radiation, for private, non-commercial recreational use. "Non-commercial Antenna" includes, but is not limited to, radio and television antennas, satellite antennas, amateur radio antennas, and antennas used for individual delivery of low power radio communication service.

b. Antennas associated with commercial or manufacturing structures for the purpose of transmitting or receiving signals are Non-commercial Antennas, if the use of the antenna is incidental to the primary use of the structure. This includes, but is not limited to, antennas for individual delivery of low power radio communication service incidental to the primary use of the structure.

(11) Stealth: A communications antenna, facility and/or structure that is completely disguised as another object or otherwise concealed from view thereby concealing the intended use and appearance of the facility and where the dimensions of the facility reasonably approximate the dimensions of the object they are being disguised as and the location of the stealth facility is in concert with its surroundings. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, flag poles, light pole standards, or architectural elements such as dormers, steeples, and chimneys. Final determination regarding stealth poles shall be made by the Community and Economic Development Staff based on these standards.

a. Non-Stealth All antenna and associated equipment not camouflaged in a manner to be completely disguised as another object or otherwise be concealed from view by concealing the intended use and appearance of the facility.

(12) Transmission Antenna: A device that primarily transmits signals by electromagnetic or microwave radiation over a large area. A Transmission Antenna may also receive signals as part of its operation, but the primary use is for large area transmission. "Transmission Antenna" includes but is not limited to commercial radio and television broadcast antennas and does not include communication facilities.

(13) Roof Mounted Antenna: An antenna or series of individual antennas mounted on a flat roof of a building.

(14) Wall Mounted Antenna: An antenna or series of individual antennas mounted against a vertical wall of a building.

(15) Whip Antenna: An antenna that is cylindrical in shape. Whip antennas may be directional or omni-directional and vary in size depending on the frequency or gain for which they are designed.

(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)

7-23-102. OTHER TYPES OF ANTENNAS OR EQUIPMENT.

Antennas, communications facilities, or communications equipment not defined or regulated by this chapter are conditional uses in all zones within the City.

(Ord. No. 96-72 Enacted 11/07/1996)

7-23-103. APPLICABILITY OF BUILDING AND SAFETY CODES.

All antennas, facilities, and equipment installed pursuant to this chapter shall comply with applicable standards and codes, including, but not limited to, the National Electric Code. Installation of any antenna, facility, or equipment not in compliance with applicable codes is a violation of this Title.

(Ord. No. 96-72 Enacted 11/07/1996)

7-23-200P PART 2—COMMUNICATION FACILITIES

7-23-201. POLICY STATEMENT.

This part addresses planning issues brought on by the rapid growth, continuing development, and increasing demand of communication services. This chapter distinguishes communication services from other broadcast-type technologies and establishes provisions that deal with issues of demand, visual mitigation, noise, engineering, residential impacts, safety, and facility siting. The West Valley City Council determines that enacting this chapter is necessary to accomplish the following goals:

(1) To promote the health, safety, welfare, and enjoyment of the City's residents by accommodating the need for communication service.
(2) To direct the location of communication towers within the boundaries of the City to provide adequate service to City residents, while minimizing potential adverse effects caused by the towers.
(3) To mitigate the potential adverse effects of communications towers by minimizing the number of towers, promoting careful placement and siting, and requiring landscaping, screening, and camouflage techniques.
(4) To promote the long-term viability and adequacy of communication service in the area by requiring development plans showing the anticipated number of towers required to provide service for the near future.
(5) To promote lower costs and increased efficiency by encouraging competition between providers of communication service.
(6) To promote the efficient delivery of communication service in the Salt Lake Valley by informing neighboring jurisdictions of new applications for communications towers when appropriate.

(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)

7-23-202. APPLICABILITY.

This part applies to both commercial and private low power radio communication services, including those known as "cellular," "PCS" (personal communication system), paging services, and other similar communication services.

(Ord. No. 96-72 Enacted 11/07/1996)

7-23-203. SITE LOCATION MASTER PLAN.

(1) Each person or company desiring to locate communications facilities within the City shall submit a Site Location Master Plan to the Planning Commission. The Master Plan shall be submitted and accepted by the Planning Commission prior to any application for a permit for communication facilities. An applicant may submit a valley-wide plan, provided the required information is provided for the area within the City' s boundaries.
(2) Applications to locate communications facilities may be considered by the Planning Commission prior to submission of a Master Plan, on condition that the plan be submitted within sixty (60) days following the date of application. If the Master Plan is not submitted within sixty (60) days, any approvals granted shall be automatically revoked. The Planning Commission may grant one (1) extension to the sixty (60) day period, provided the extension does not exceed sixty (60) days.
(3) Each Master Plan shall identify existing locations of facilities and approximate proposed locations of new facilities. The existing facilities identified in the plan shall be updated at least annually, and no permit for a new facility shall be allowed unless the plan has been updated at least once during the twelve (12) months preceding the permit application date. The applicant shall provide the City with the current name and address of the facility owner and an emergency telephone number for each facility.
(4) The Master Plan shall include a reasonable estimate of the number and general location of facilities necessary to provide service within City boundaries and the surrounding area for the ten (10) years following the date the plan is originally submitted. These estimates shall be based on projected population growth and anticipated development. The estimates required by this subsection do not need to be updated on an annual basis, but should be updated at least every five (5) years.

(Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)

7-23-204. GENERAL PROVISIONS APPLICABLE TO COMMUNICATIONS FACILITIES.

(1) Building Permit Required. No communications facility shall be constructed unless a building permit is obtained from the City. No building permit shall be issued unless the fee established in the Consolidated Fee Schedule is paid in full.
(2) Compliance with Other Laws. All communications facilities shall be built and operated so as to be in compliance with all applicable City ordinances and regulations and all applicable state and federal laws and regulations.
(3) Engineering Review. Each application for a permit to construct a communications facility shall be certified by a licensed professional engineer that the design of the facility meets all applicable standards for the facility, including, but not limited to: electrical safety, material and design integrity, seismic safety, etc. For communications towers, the professional engineer shall also certify that the tower meets acceptable design criteria or standards to withstand wind and other weather damage. In all cases, the certification shall indicate whether or not the facility will interfere with any other communications service.
(4) Interference with Other Communications.

a. No permit to construct a communications facility shall be approved if the operation of the facility will interfere with emergency or airport communications.
b. Communications facilities shall be located and shall operate in such a manner as to minimize or eliminate interference with communications other than emergency or airport. Such communications include commercial, private, and governmental communications.

(5) Accessory Buildings. Accessory buildings or facilities must comply with required setback, height, and landscaping requirements of the zoning district in which they are located. All power lines on the lot to the building and the communications facility shall be underground.
(6) Fencing Required. Free-standing communications facilities shall be surrounded by a fence that is at least six feet high, and constructed out of a material appropriate to the location of the facility, as approved by the Community and Economic Development Department. Antennas that are roof or wall mounted shall be secured from access in a manner appropriate to the location.
(7) Removal of Climbing Pegs. Climbing pegs shall be removed from the lower twenty (20) feet of all communications towers.
(8) Aircraft and Airport Safety. All communications facilities shall comply with applicable laws, regulations, and approvals regarding aircraft and airport operations.
(9) Public Rights-of-Way. No communication facility shall overhang, encroach upon, or block a public right-of-way or public sidewalk.
(10) FCC License Required. No application for a building permit to construct or install a facility, and no application for a conditional use permit to construct or install a facility, shall be processed by the City unless the applicant provides proof of each proposed carrier's current license from the Federal Communications Commission to operate as a telecommunications carrier.

(Ord. No. 99-17 Amended 05/21/1999; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)

7-23-205. PROVISIONS APPLICABLE TO WALL MOUNTED ANTENNAS.

(1) Wall mounted antennas shall not extend above the wall line of the building or extend more than four (4) feet horizontally from the face of the building.
(2) Antenna equipment and the supporting structure shall be painted to match the color of the building or structure or the building background against which they are most commonly seen. Antennas and the supporting structures should be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.
(3) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roof line of such structures, shall be considered a wall mounted antenna. Wall mounted antennas shall be located not lower than thirty (30) feet from the ground level of the wall on which the antenna is located.
(4) The total area for wall mounted antennas and supporting structures combined shall not exceed a total of one hundred (100) square feet on each exterior wall of the building. The total area shall be the sum of the areas of all antennas and support structures located on that wall.
(5) The antenna area shall be determined as the area of each individual antenna face and the visible portion of the supporting structure as viewed looking directly at the wall.
(6) A maximum of three (3) carriers may locate antennas on one (1) building wall. For each additional carrier, a separate conditional use permit must be obtained. A maximum of four (4) walls may be used to locate wall mounted antennas.
(7) No permit to install a wall mounted antenna shall issue unless the owner of the building grants written permission to install the antenna.

(8) Wall mounted antennas may not be installed on a building wall or walls facing a public street, or on a wall or walls constituting the building's front or main entrance.

(Ord. No. 96-72 Enacted 11/07/1996)

7-23-206. PROVISIONS APPLICABLE TO ROOF MOUNTED ANTENNAS.

(1) Roof mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms, provided the antennas and antenna support structures are enclosed by a structure that creates a visual screen. The screening structure, antennas, and antenna mounting structures shall not extend more than eight (8) feet above the existing roofline of the penthouse or mechanical equipment room.

(2) a. Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five (5) feet from the exterior wall of a building. All roof mounted antennas and associated equipment shall be screened or enclosed so as to appear to be part of, and compatible with, the structure on which they are mounted. This screening requirement may be waived by the Planning Commission if the screening would be more visually intrusive than the antennas and support structure without the screening. The Planning Commission shall make the final decision as to whether or not screening will be required.

b. For antennas mounted between five (5) and ten (10) feet from the exterior wall, the maximum height of a roof mounted antenna is equal to the distance the antenna is set back from the exterior wall up to a maximum height of ten (10) feet above the roofline of the building to which the antenna is attached.

c. Antennas shall be mounted at least five (5) feet behind any parapet wall. For antennas mounted between (5) five and ten (10) feet behind a parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from the wall up to a maximum of ten (10) feet as measured from the top of the parapet wall.

d. Roof mounted antennas installed more than ten (10) feet from an exterior or parapet wall shall not extend more than fifteen (15) feet above the roofline of the building itself unless approved as a conditional use.

(3) Roof mounted antennas are permitted only on a flat roof and shall be screened, constructed, and/or colored to match the structure to which they are attached.

(4) a. Roof mounted antennas shall not be located on a building that exceeds the maximum height limit of the zoning district.

b. Roof mounted antennas may be located even if the height of the antenna extends beyond the maximum height limit of the zoning district. The installation of antennas shall not cause a building to exceed a maximum height limit.

(5) a. The total area for roof mounted antennas and support structures combined shall not exceed two hundred (200) square feet. The total area shall be the sum of the areas of all antennas and support structures located on the roof.

b. The antenna area shall be determined as the area of each individual antenna face and the visible portion of the supporting structure as viewed looking directly at the antenna at its widest point.

(6) A total of eight (8) carriers may utilize a single building's roof, including penthouses or mechanical rooms. For each additional carrier, a separate conditional use permit must be obtained.

(7) No permit to install a roof-mounted antenna shall issue unless the owner of the building grants written permission to install the antenna.

(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/01)

7-23-207. PROVISIONS APPLICABLE TO MONOPOLE TOWERS.

(1) The maximum visible width of antennas and antenna mounting structures on a monopole shall be measured by looking directly at the monopole at same elevation as the antennas and antenna mounting structure.

(2) a. All antennas shall be flush mounted on the tower. No part of the antenna shall be further than twelve (12) inches from the tower.

b. No monopole tower with antenna and antenna support structure less than two (2) feet wide shall be located within two hundred (200) feet of a residential zone.

c. No monopole tower shall be located within a 1/2 mile radius to another tower unless the tower is stealth.

(3) Monopole towers shall only be located in the rear yard of a lot unless the tower is stealth as approved by the Community and Economic Development Department; and the Planning Commission determines that the on-site location is appropriate. Monopole towers shall not be located in any required landscaped area, required buffer zone, or required parking area. Monopole towers shall comply with the setbacks required for the zoning district in which they are located.

(4) a. The maximum allowable height for a monopole tower is sixty (60) feet.

b. Telecommunication antennas may be located on existing approved structures higher than sixty (60) feet. This may include but not be limited to lighting structures and/or utility poles in athletic fields, parks, parking lots, public rights-of-way, etc.

(5) The maximum width or diameter of a telecommunications tower shall be twenty-four (24) inches. No exposed wiring or cables shall be mounted on the outside of the tower.

(Ord. No. 96-72 Added 11/07/1996; Ord. No. 99-45 Amended 07/26/1999; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)

7-23-208. LATTICE TOWERS PROHIBITED.

Lattice towers used to support communications service are not permitted in any zone. This Section applies only to lattice towers solely used to support communications service, and does not prohibit co-location of service communication antennas on existing lattice towers used for other types of broadcast communications.

(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/01)

7-23-209. GUYED TOWERS PROHIBITED.

Guyed towers used to support communication service are not permitted in any zone. This section applies only to guyed towers solely used to support low power radio communication service, and does not prohibit co-location of low power radio service communication antennas on existing guyed towers used for other types of broadcast communication.

(Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/01)

7-23-210. PERMITTED AND CONDITIONAL USES--PREFERRED SITES FOR COMMUNICATION FACILITIES.

(1) The following table lists the zones in which communications facilities are permitted and conditional uses:

Commercial, Manufacturing, and Agricultural Zones (Non-Stealth)
(P=Permitted; C=Conditional; X=Not Permitted)

Zone	Wall Mount	Roof Mount	Monopole (< 2' wide)	Co-Located Tower
A	P	P	C	C
A-1 & A-2	P	P	C	C
C-1	C	C	X	X
C-2	C	C	C	C
C-3	C	C	C	C
B/RP	C	C	C	C
M	P	P	P	P

100% Stealth Applications - including equipment, antennas and support structures
(P=Permitted)

Zone	Wall Mount	Roof Mount	Monopole	Co-Location
All Residential Zones	P (Stealth on Community Uses Only)	P (Stealth on Community Uses Only)	P (Stealth on Community Uses Only)	P (Stealth on Community Uses Only)
A & A-1	P	P	P	P
C-1	P	P	P	P
C-2	P	P	P	P
C-3	P	P	P	P
B/RP	P	P	P	P
M	P	P	P	P

(2) Preferred Sites for Communications Facilities. Communications facilities shall be located as permitted uses under the following circumstances only. Each location must be explored as an option for location before exploring subsequent locations. Each applicant shall make a good faith effort to locate facilities on permitted sites in the following order of property:
   a. On existing buildings, structures, and antenna support structures, including co-location on existing antenna support structures, provided that such structures are located in a zone that allows the communications facility being proposed.
   b. Stealth facilities in any zone allowing communication facilities. (See table)
   c. Stealth facilities in a residential zone on community uses only. (See table)

(3) Each applicant shall attempt to locate facilities on sites in the order of priority set forth in this Section. If the applicant desires to locate a communications facility on a site other than the highest priority site, the applicant shall demonstrate to the Planning Commission or to the Community and Economic Development Department why it could not locate the facility on a site with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information:

a. Higher Priority Sites: The identity and location of any higher priority sites located within the desired service area.
b. Reason for Rejection of Higher Priority Sites: The reason(s) why the higher priority sites are not technologically, legally, or economically feasible. The applicant must make a good faith effort to locate facilities on a higher priority site. The City may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site.
c. Justification for the Proposed Site: Why the proposed site is essential to meet the service demands of the geographic service area.

(4) All other proposed locations shall be conditional uses.
(5) All communications facilities shall be sited to ensure that significant landscapes are protected including gateway areas, redevelopment areas and other high image areas.

(Ord. No. 99-17 Amended 05/21/1999; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001; Ord. No. 03-48 Amended 07/01/2003; Ord. No. 15-27 Amended 08/13/2015)

7-23-211. LOCATION ON RESIDENTIAL LOTS PROHIBITED.

No communication tower may be located on a lot upon which a residential structure is located, notwithstanding the zoning designation for the lot unless the proposed communication facility location is a community use and the facility is stealth as defined in 7-23-102 and is approved by the Community and Economic Development Department.

(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)

7-23-212. HEARING PROCEDURE.

(1) All public hearings on applications for a permit to locate a communication facility shall be recorded.
(2) The Planning Commission shall comply with the notice provisions of Section 7-7-104.
(3) The Planning Commission shall state all decisions in writing. Decisions denying conditional use permits or special use permits shall specifically state the reasons for the denial.
(4) Prior conditional use permits granted for the installation of facilities in the past, whether pursuant to this chapter or not, shall have no precedential value on future applications.
(5) If an applicant claims that it is unable to locate in a particular area or build an antenna in a particular configuration, the Planning Commission may, at the expense of the applicant, require a study provided by a professional approved by the Planning Commission, regarding the applicant’s claim.

(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 03-48 Amended 07/01/2003)

7-23-213. CONDITIONAL USE REQUIREMENTS.

(1) In addition to the conditional use standards outlined in Chapter 7 of this Title, "Conditional Uses," the following standards shall apply to applications for conditional use permits to locate communication facilities:
    a. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures in the surrounding area.

b. Whether co-location of the antenna on other existing structures in the same vicinity, such as other towers, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., has been sought by the applicant, but installation of a new tower without co-location is necessary to provide service.
c. The location and design of the antenna and tower in relation to existing vegetation, topography, and buildings to obtain the best visual screening.
d. Whether the facility creates quantifiable detrimental impacts to adjoining properties. "Quantifiable Detrimental Impacts" means specific problems attributable to the location of the facility that affect adjoining properties, including, but not limited to, reduced visibility for commercial signs, restricted access, interference with utility service, etc.
e. The impact of the proposed tower on future development in the area, according to the City's Master Plan.
f. Whether the proposed facility is located in a Preferred Site.

(2) In considering a conditional use application for a communication tower, the Planning Commission shall not consider evidence that the electromagnetic or microwave radiation used by communication services detrimentally affects public health or the environment. The Planning Commission may, however, consider other valid health and safety concerns raised by the location and operation of the communication tower, such as structural integrity, electrical safety, etc.

(3) No conditional use application shall be considered unless the application fee is paid and the following information is provided by the applicant:
a. The applicant's (and property owner's) name, address, and telephone number, as well as an emergency telephone number.
b. A written statement from the owner of the property where the facility is proposed to be located, stating that the owner has reviewed the plans for the proposed facility, understands the type of facility that is being installed and the obligations the owner is undertaking, and granting permission for the applicant to install and maintain the facility.
c. The Site Location Master Plan.
d. A site-specific plan showing in reasonable detail the location of the proposed facility, including required fencing and landscaping, along with design plans for the proposed facility.
e. The engineering review required by Section 7-23-204(3).
f. Certification from the Federal Communications Commission and the Federal Aviation Administration, if necessary, that the proposed facility meets all applicable laws and regulations.
g. A permit from the Army Corps of Engineers if the facility will affect wetlands.
h. Statements, when appropriate, from the owners of underground utility facilities, such as water, electrical, or natural gas delivery, that the installation of the facility will not directly interfere with the operation of the utility.
i. Notice to neighboring jurisdictions.

(4) The Planning Commission may require landscaping or other screening to mitigate the visual impact of a proposed communication facility.

(5) Applications for conditional uses shall be submitted on a form provided by the Community and Economic Development Department and shall address each required standard separately.

(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)

7-23-214. NOTICE TO NEIGHBORING JURISDICTIONS.

In order to promote efficient delivery of communication service, and to avoid duplication or overlap of service, applicants shall inform the planning and zoning directors of neighboring jurisdictions when a proposed communication facility is intended to provide service in the neighboring jurisdiction's boundaries. For the purposes of this chapter, "neighboring jurisdictions" means municipal or county units whose boundaries are contiguous to the City, including Salt Lake County, Salt Lake City, the City of South Salt Lake, and the City of Taylorsville, and any other governmental units that may be created in the future that adjoin West Valley City.

(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Renumbered 04/03/2001, Effective 04/09/2001)

7-23-215. ABANDONED FACILITIES.

(1) Any communication facility that is abandoned, not maintained, or not used for more than six (6) months shall be deemed to be abandoned, and the Director of Community and Economic Development shall notify the owner of the facility that it must be repaired and/or used within thirty (30) days after the notice was sent, or the facility must be removed.
(2) If the communication facility is not repaired, used, and/or removed within thirty (30) days after notice was sent, the Director of Community and Economic Development may order the removal of the facility, at the owner' s expense. Any conditional use permits issued for the facility will be automatically revoked.
(3) West Valley City reserves the right to undertake, with or without notice to the owner, any actions necessary to correct, remove, or repair communication facilities that are deemed to be an immediate danger to public safety. The owner shall bear the expense of emergency actions taken pursuant to this section.
(4) All facilities and related equipment shall be removed, including accessory buildings, power lines, etc. The facility site shall be restored with appropriate landscaping or paving, as the case may be.

(Ord. No. 01-15 Renumbered 04/03/2001, Effective 04/09/2001; Ord. No. 01-15 Amended 04/03/2001)

CHAPTER 7-24
RESERVED

CHAPTER 7-25
AGRICULTURE PROTECTION AREAS

Sections:

7-25-101. Definitions.
7-25-102. Proposal for Creation of Agriculture Protection Area.
7-25-103. Notice of Proposal for Creation of Agriculture Protection Area-responses.
7-25-104. Review of Proposal for Creation of Agricultural Protection Area.
7-25-105. Review and Action on Proposal.
7-25-106. Criteria to be Applied in evaluating proposals for the creations of agriculture protection areas.
7-25-107. Adding Land to or Removing Land from Agriculture Protection Area.
7-25-108. Review of Agriculture Protection Areas.
7-25-201. Limitation on Zoning Regulations.
7-25-202. Nuisances.
7-25-203. Eminent Domain Restrictions

7-25-101. DEFINITIONS.

The following definitions apply only to agriculture protection areas administered under this Chapter.

(1) "Agriculture Production" means production for commercial purposes of crops, livestock, and livestock products.
    a. "Agriculture Production" includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.

(2) "Agriculture Protection Area" means: a geographic area created under authority of this Chapter that is granted the specific legal protections contained in this Chapter and in Chapter 17-41 of the Utah Code Annotated 1953, as amended.

(3) "Crops, Livestock, and Livestock Products" includes:
    a. Land devoted to the raising of useful plants and animals with a reasonable expectation of profits including:
        i. forages and solid crops; or
        ii. grains and feed crops; or
        iii. livestock; or
        iv. trees and fruit; or
        v. vegetables, nursery floral and ornamental stock.
    b. Land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop land retirement program with an agency of the state or federal government.

(4) "Proposal Sponsors" means the owners of land in agriculture production who are sponsoring the proposal for creating an agriculture protection area.

(Ord. No. 99-73 Added 12/23/1999)

7-25-102. PROPOSAL FOR CREATION OF AGRICULTURE PROTECTION AREA.

(1) A proposal to create an agricultural protection area shall be filed with the city Recorder on behalf of the City Council.
(2) A proposal must be signed by a majority of all owners of real property, and the owners of a majority of land area in agriculture production within the boundaries of the proposed agriculture protection area. The proposal sponsors shall have the burden of showing that the requirements of this Section have been met.
(3) The proposal shall identify:
    a. The boundaries of the land proposed to become part of an agriculture protection area;
    b. Any limits on the type of agriculture production to be allowed within the agriculture protection area;
    c. The names of the owners of record of the land proposed to be included within the agriculture protection area or the tax parcel number or account number identifying each parcel; and
    d. The number of acres of each parcel within the agriculture protection area.
(4) No proposal will be accepted by the City Recorder unless the total Agriculture Protection Area contains 20 or more contiguous acres.
(5) Each proposed agriculture protection are shall consist of contiguous parcels.
(6) The proposed agriculture protection area may include within its boundaries land that is used for roadways, dwelling sites, public parks, or other non-agricultural use, provided, however, that the non-agricultural land constitutes no more than ten percent of the total acreage within the proposed agricultural area.
(7) A proposal shall be submitted to the Community and Economic Development Division for review. The Community and Economic Development Division shall determine whether the proposal meets the requirement of this Section.

(Ord. No. 99-73 Added 12/23/1999)

7-25-103. NOTICE OF PROPOSAL FOR CREATION OF AGRICULTURE PROTECTION AREA-RESPONSES.

(1) The City Council shall provide notice of the proposal to create an agriculture protection area by:
    a. Publishing notice in a newspaper having general circulation within the City and posting notice at five public places within or near the proposed agriculture protection area.
(2) The notice shall contain:
    a. A statement that a proposal for a creation of an agriculture protection area has been filed with the City Council;
    b. A statement that the proposal will be open to the public inspection at City Hall, and the times when the proposal will be available for inspection;
    c. A statement that any person or entity affected by the establishment of the area may within 15 days of the day of the notice, file with the City Council:
        i. Written objection to the proposal; or
        ii. A written request to modify the proposal to exclude land from or add land to the proposed agriculture protection area.
    d. A statement that the City Council will submit the proposal to the county advisory committee and the City Planning Commission for review and recommendations; and

e. A statement that the City Council will hold a public hearing to discuss and hear public comment on:
    i. The proposal to create an agriculture protection area;
    ii. The recommendations of the County Advisory Committee and the Planning Commission; and
    iii. Any request for modification of the proposal and any objection to the proposal.

(3) Any person wishing to modify the proposal for the creation of the agriculture protection area shall, within 15 days after the date of the notice file a written request for modification of the proposal which identifies specifically the land that should be added to or removed from the proposal.

(4) Any person wishing to object to the proposal for the creation of the agricultural protection area shall, within 15 days of the date of the notice, file a written objection to the creation of the agricultural protection area.

(Ord. No. 99-73 Added 12/23/1999)

7-25-104. REVIEW OF PROPOSAL FOR CREATION OF AGRICULTURAL PROTECTION AREA.

(1) After 15 days of the date of the notice the City Council shall refer the proposal and any objections or proposed modifications to the proposal to the county advisory committee and the Planning Commission for their review, comments, and recommendations.

(2) Within 45 days after the receipt of the proposal the Planning Commission shall submit a written report to the City Council that:
    a. Analyzes and evaluate the effect of the creation of the proposed areas on planning policies and objectives of the City.
    b. Analyzes and evaluates the proposal by applying the criteria contained in Section 7-25-106;
    c. Recommends any modifications to the land to be included within the proposed agricultural protection area;
    d. Analyzes and evaluates any objections to the proposal; and
    e. Includes a recommendation to the City Council to either accept, accept modify, or reject the proposal.

(3) The City Council shall consider a failure of the Planning Commission or the county advisory committee to submit a written report within 45 days under Subsection 2(a) as a recommendation of that committee to approve that proposal as submitted.

(Ord. No. 99-73 Added 12/23/1999)

7-25-105. REVIEW AND ACTION ON PROPOSAL.

(1) After receipt of the written report from the county advisory committee and the Planning Commission or after the 45 days have expired, whichever is earlier, the City Council shall:
    a. Schedule a public hearing;
    b. Provide notice of the public hearing by:
        i. Publishing notice in a newspaper having general circulation within the City; and
        ii. Post notice at five public places designated by the City Council within or near the proposed agriculture protection area; and

c. Insure that the notice includes:
   i. Time, date, and place of the public hearing on the proposal;
   ii. A description of the proposed agricultural protection area;
   iii. Any proposed modifications to the proposed agriculture protection area;
   iv. A summary of the recommendations of the county advisory committee and the Planning Commission; and
   v. A statement that interested persons may appear at the public hearing and speak in favor of or against the proposal, any modifications of the proposal, or the recommendations of the county advisory committee and the Planning Commission.

(2) a. The City Council shall convene the public hearing at the time, date, and place specified in the notice; and
   b. Take verbal or written testimony from interested persons.

(3) a. Within 120 days of the submission of the proposal the City Council shall approve, modify and approve, or reject the proposal.
   b. The creation of an agriculture protection area is effective at the earlier of:
      i. The City Council's approval of a proposal; or
      ii. 120 days after the submission of a proposal complying with Section 7-25-102 if the City Council has failed to approve, or reject that proposal within that time.

(4) a. In order to give constructive notice of existence of the agriculture protection area to all persons who have, may acquire, or seek to acquire an interest in the land adjacent to the agriculture protection area within ten days of the creation of an agriculture protection area the City Council shall file an executed document containing a legal description of the agriculture protection area with the
      i. county recorder; and
      ii. the Planning Commission.
   b. If a legal description of the property being included within the agriculture protection area is available through the county recorder's office, City Council shall use that legal description in its executed document.

(5) Within ten days of the recording of the agriculture protection area the City Council shall:
   a. Send written notification to the Commissioner of Agriculture and Food that the agriculture protection area has been created; and
   b. Include in the notification:
   c. the number of land owners owning land within the agriculture protection area;
   d. the total acreage of the area;
   e. date of approval of the area; and
   f. date of recording.

(6) The City Council's failure to record the notice required under Subsection (4) or send notification under Subsection (5) does not invalidate the creation of the agriculture protection area.

(7) The City Council may consider the cost of recording the notice under Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee for the proposal.

(Ord. No. 99-73 added 12/23/1999)

7-25-106. CRITERIA TO BE APPLIED IN EVALUATING PROPOSALS FOR THE CREATIONS OF AGRICULTURE PROTECTION AREAS.

In evaluating a proposal and determining whether or not to create or recommend a creation of an agriculture protection area, the Planning Commission and the City Council shall apply the following criteria.

(1) Whether or not the land is currently being used for agriculture production;
(2) Whether or not the land is zoned for agricultural use;
(3) Whether or not the land is viable for agricultural production;
(4) The extent and nature of existing or proposed farm improvements; and
(5) Anticipated trends in agricultural and technological conditions.

(Ord. No. 99-73, Added, 12/23/1999)

7-25-107. ADDING LAND TO OR REMOVING LAND FROM AGRICULTURE PROTECTION AREA.

(1) Any owner may add land to an existing agriculture protection area by
    a. filing a proposal with the City Council; and
    b. Obtaining approval of the City Council for addition of land to the area.
(2) The City Council will comply with the provisions for creating an agriculture protection area and determine whether or not to accept the proposal.
(3) Any owner may remove land from an agriculture protection area by filing a petition for removal of the land from the agriculture protection area with the City Council.
    a. The City Council shall:
        i. Grant the petition for removal of land from an agriculture protection area even if removal of the land would result in an agriculture protection area less than the number of acres established by the City Council as the minimum under Section7-25-102.
        ii. In order to give constructive notice of the removal to all persons who may acquire or may seek to acquire an interest in the land or adjacent to the agriculture protection area and the land removed from the agriculture protection area the City shall file a legal description of the revised boundaries of the agriculture protection area with the county recorder and the Planning Commission.
        iii. The remaining land of the agriculture protection area is still an agriculture protection area.

(Ord. No. 99-73 Added 12/23/1999)

7-25-108. REVIEW OF AGRICULTURE PROTECTION AREAS.

(1) In the twentieth calendar year after its creation, each agriculture protection area shall be reviewed by the City Council.
(2) In the twentieth year the City Council shall:
    a. Request the Planning Commission and county advisory board to submit recommendations about whether the agriculture protection area should be continued, modified, or terminated;

b. At least 120 days before the end of the calendar year hold a public hearing to discuss whether the agriculture protection area should be continued, modified, or terminated;
c. Give notice of the hearing using the same procedures required by Section 7-25-102; and
d. After the public hearing continue, modify, or terminate the agriculture protection area.

(3) If the City Council modifies or terminates an agriculture protection area it shall file an executed document containing a legal description of the agriculture protection area with the county recorder.
(4) If the City Council fails affirmatively to continue, modify or terminate the agriculture protection area in the twentieth calendar year, the agriculture protection area is considered to be re-authorized for another twenty years.

(Ord. No. 99-73 Added 12/23/1999)

7-25-201. LIMITATION ON ZONING REGULATIONS.

The City shall not change the zoning designation of or zoning regulations effecting land within an agriculture protection area unless it receives written approval for the change from all of the land owners within the agriculture protection area affected by the change.

(Ord. No. 99-73 Added 12/23/1999)

7-25-202. NUISANCES.

(1) The City shall implore that any of its laws or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition, any agriculture activity or operation within an agriculture protection area conducted using sound agriculture practices unless the activity or operation bears a direct relationship to public health or safety.
(2) For any new subdivision development located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice: This property is located within the vicinity of an established agriculture protection area in which normal agricultural uses and activities now or in the future be conducted on property included within the agriculture protection area. The use and enjoyment of this property is expressly conditioned on exception of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

(Ord. No. 99-73 Added 12/23/1999)

7-25-203. EMINENT DOMAIN RESTRICTIONS

(1) The City may not condemn for any purpose any land that is within an agriculture protection area that is being used for agricultural production unless it has attained approval according to the procedures and requirements of this Section. The condemning agency wishing to condemn property within the agriculture protection area shall file a notice of condemnation with the City Council and the agriculture protection area's Advisory Board at least 30 days before filing an eminent domain complaint. The City Council and the agriculture protection area's Advisory Board shall:
    a. Hold a public hearing on the proposed condemnation;

b. Publish notice of the time, date, place, and purpose of the public hearing in a newspaper of general circulation in the City.
c. Post notice of the time, date, place, and purpose of the public hearing.
d. Conspicuous public places within or near the agriculture protection area.

(2) a. If the condemnation is for highway purposes or for disposal of solid or liquid waste materials, the City Council and the Advisory Board may approve the condemnation only if there is no reasonable and prudent alternative to the use of the land within the agriculture protection are for that project.

b. If the condemnation is for any other purpose the City Council and the Advisory Board may approve the condemnation only if the proposed condemnation would not have an unreasonably adverse effect upon preservation and enhancement of agriculture within the agriculture protection area.

c. No reasonable and prudent alternative to the use of the land within the agriculture protection area of the project.

(3) a. Within 60 days of the notice of condemnation the City Council and the Advisory Board shall approve or reject the proposed condemnation.

b. If the City Council and the Advisory Board fail to act within 60 days or such further times as the City Council may establish, condemnation shall be considered rejected

(4) The City Council or the advisory board may request that the county or City attorney bring an action to enjoin any condemner of violating the provisions of this Section.

(Manual Added 04/24/2000)

CHAPTER 7-26
REPEALED

(Ord. No. 00-19 Enacted 04/25/2000; Ord. No. 01-53 Amended 11/20/2001; Ord. No. 02-43 Amended 07/16/2002; Ord. No. 07-01 Amended 1/2/2007; Ord. No 12-35 Repealed 09/10/2012)

CHAPTER 7-27
STREET NAMING AND ADDRESSING

Sections:

7-27-101. Purpose.
7-27-102. Definitions.
7-27-103. Street Naming.
7-27-104. Street Numbering.
7-27-105. Property Numbering.
7-27-106. Building Identification.
7-27-107. Record Keeping.
7-27-108. Procedures.

7-27-101. PURPOSE.

This Chapter is established to provide a standard system for consecutive and logical numbering of streets and properties, to avoid the duplication of street names within West Valley City and Salt Lake County and to avoid similar sounding names or confusing designations. This Chapter shall establish standard procedures for changing existing street names or adding names to existing numbered streets, keeping addressing numbers clearly identifiable and to provide a complete current listing of all streets and addresses within West Valley City.

(Ord. No. 00-04 Added 01/11/2000)

7-27-102. DEFINITIONS.

For the purposes of this Section, these terms shall mean the following:

(1) Address is a unique alphanumeric descriptor which identifies the property location of a parcel of land, a building or other structure on the Countywide Grid System.
(2) Common Name Duplications are duplications of identical names on two or more thoroughfares, but with different thoroughfare type designators.
(3) Cul-de-sac Thoroughfare is a minor thoroughfare having one open end and being permanently terminated at the other by a vehicular turnaround.
(4) Meridian Street shall mean the North and South directional thoroughfare (Main Street in Salt Lake County) which benchmarks the permanent origin of the Countywide Grid System and provides a datum point from which the coordinates of all other streets and legal addresses are calculated.
(5) Phonetic Name Duplication is the duplication of thoroughfare names which have similar or identical pronunciations, but are spelled differently.
(6) Private Rights-of-way are thoroughfares which are retained and maintained under ownership of private individuals and may be intended for both private or public use.
(7) Public Rights-of-way are thoroughfares which are dedicated for perpetual public use and are administered and maintained by the governing entities in which they are located.

(Ord. No. 00-04 Added 01/11/2000)

7-27-103. STREET NAMING.

The following standards shall be applied to the naming of streets in the City of West Valley.

(1) Duplication. Proposed street names that duplicate existing street names in the City or elsewhere in Salt Lake County shall be avoided.
(2) Phonetic Duplication. Proposed street names that sound very similar to existing names, or street names that have unconventional spellings shall be avoided.
(3) Continuity. Proposed street names are encouraged to have the following characteristics:
    a. Historic significance
    b. Local color and sense of place
    c. Overall theme
    d. Compatibility with adjacent streets
(4) Name Length. Proposed street names shall not be longer than 13 characters including 1 space and 2 words. Names shall appear un-abbreviated.
(5) Required Naming. In order to minimize confusion and to facilitate proper addressing, the following types of proposed streets shall be named:
    a. Streets that change direction
    b. Loop or horseshoe streets
    c. Streets that have intersection coordinate change
    d. Cul-de-sacs
    e. Dead-end streets that will likely be extended as above
(6) Thoroughfare Designations. Proposed street names and street types should be matched as follows:
    a. Boulevard, Parkway - arterials and collectors with planted medians
    b. Drive, Road - streets longer than 1000 feet
    c. Way - curvilinear streets longer than 1000 feet
    d. Streets, Avenues - straight directional streets
    e. Lanes - short secondary connecting streets
    f. Circle, Court, Place, Cove, Cul-de-sac - permanent dead-end streets

(Ord. No. 00-04 Added 01/11/2000)

7-27-104. STREET NUMBERING.

All streets and intersections shall have numbered coordinates. On streets that do not conform to the four compass directions, numbered coordinates should be assigned from the axis that most nearly matches the principal direction of the thoroughfare. For simplicity, street numbers shall end with the digit "0" or "5." Private numbering systems on public streets are prohibited. All addresses shall be assigned in conjunction with the Meridian Street.

(Ord. No. 00-04 Added 01/11/2000)

7-27-105. PROPERTY NUMBERING.

The following standards shall be applied to the numbering of properties in the City of West Valley:

(1) Juxtaposition. Building numbers should be comparable (but not duplicated) on parallel streets and should be in consecutive order.

(2) Even-odd. Building numbers should be assigned to opposite sides of the street as determined under the Salt Lake Meridian Grid System.
(3) Compass Direction. On streets that do not conform to the four compass directions, building numbers should be assigned from the axis that most nearly matches the principal direction of the thoroughfare.
(4) Corner Lots. Dual addresses shall be provided for both street frontages. Corner lots located on a major street shall be addressed from the minor street. A note will be required on the plat prohibiting access to the major street.
(5) Buildings without public frontage. Buildings that are hidden behind other buildings or do not have public frontage shall be numbered from the centerline of the principal access or driveway.
(6) Insufficient Numbers. Where insufficient numbers exist for proper addressing (e.g., buildings without public frontage) a private lane shall be assigned a numbered coordinate to facilitate addressing.

(Ord. No. 00-04 Added 01/11/2000)

7-27-106. BUILDING IDENTIFICATION.

All buildings shall have numbers and such numbers shall be identified using the following standards:

(1) Background. Numbers shall be set on a background of a contrasting color.
(2) Size. Numbers shall be plainly visible and legible from the street. On commercial structures, the minimum height of such numbers shall be six inches, with a minimum width of 3/4 inches.
(3) Visibility. When a dwelling is some distance from a street or when view of the dwelling is blocked by trees or shrubs, numbers should be displayed on a sign attached to a fence, gate, street mailbox, or lawn stake.
(4) Corner Lots. On corner lots, house numbers shall face the street named in the address.

(Ord. No. 00-04 Added 01/11/2000)

7-27-107. RECORD KEEPING.

The following standards shall be adhered to in maintaining addressing records:

(1) Numbers assigned. Numbers shall be assigned by the Director or the designated Community and Economic Development Department Address Coordinator.
(2) Changes to numbers assigned. Changes to any recorded address numbers shall be the responsibility of the Director or the designated Community and Economic Development Department Address Coordinator.
(3) Inventory. A complete inventory of existing street names and building numbers shall be compiled and maintained in the Community and Economic Development Department.

(Ord. No. 00-04 Added 01/11/2000)

7-27-108. PROCEDURES.

All proposed street names shall be coordinated with the Salt Lake County Auditor's office to avoid duplication. In addition the following procedures shall be adhered to with new development and the proposed changing of street names:

(1) Subdivision. Street names shall be approved by the Planning Commission before final plat approval. Street coordinates and house numbers shall be assigned by the address coordinator or the designated representative and shall be placed on the subdivision linen by the developer before recording the plat.
(2) Commercial, industrial, and multi-family. The address coordinator or his designated representative shall assign numbers to site plans before final site plan approval and/or the issuance of a building permit.
(3) Duplicate street names. The City Council may change duplicated street names without a petition when it is determined that the change is in the public interest. The following criteria should be used in eliminating street name duplications.
    a. Historical significance;
    b. The number of buildings addressed on the street;
    c. The length of time that the name has been in use;
    d. The length of the street and the amount of traffic;
    e. Compatibility with adjacent street names.
(4) Changing existing street names. The City council may change existing street names by petition or by recommendation of the address coordinator in cases where streets will align with different names. The criteria for making changes shall be the same as "Duplicate street names" 7-27-8(c). In any case, a public hearing shall be held before a determination is made.
(5) Adding names to existing numbered streets. The City Council may add street names to existing numbered streets by petition or by recommendation of the address coordinator. New names shall be coordinated with the Salt Lake County Auditor's office using the guidelines outlined under "Street naming" 7-27-3. A public hearing shall be held before a final determination is made.

(Ord. No. 00-04 Added 01/11/2000)

CHAPTER 7-28
WATER EFFICIENT LANDSCAPE

Sections:

7-28-101. Short Title.
7-28-102. Purpose and Intent.
7-28-103. Definitions.
7-28-104. Commercial, Industrial and Multi-family Development.
7-28-105. Residential Single-family Development.
7-28-106. Enforcement and Penalty for Violations.

7-28-101. SHORT TITLE.

This Title shall be known as the "West Valley City Water Efficient Landscape Ordinance." This Title shall also be known as "Title 7-28, West Valley City Code." It may be cited and pleaded under either designation.

(Ord. No. 02-44 Added 08/06/2002)

7-28-102. PURPOSE AND INTENT.

The City has developed the regulations set forth in this Chapter for the purpose of:

(1) Addressing the public interest to conserve public water resources and to promote water efficient landscaping.
(2) Protecting and enhancing the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes.
(3) Reducing water waste.
(4) Establishing a structure for the design, installation, and maintenance of water efficient landscapes throughout the City.

(Ord. No. 02-44 Added 08/06/2002)

7-28-103. DEFINITIONS.

(1) Administrative Standards means the set of rules, procedures and requirements set forth in a landscape ordinance associated with making permit application, assembling materials for public review, meeting the requirements of the landscape ordinance, seeking approvals, enforcement, conducting site inspections and filing reports.
(2) Bubbler means an irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.
(3) Designer means a Landscape Architect, Landscape Contractor (General Engineering Contractor), Professional Engineer, or Architect as set forth by State law.
(4) Drip Emitter means irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.
(5) Evapotranspiration means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month or year.

(6) Extra-Drought Tolerant Plant means a plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.
(7) Grading Plan means a plan showing all finish grades, spot elevations as necessary and existing and new contours within the developed landscaped area.
(8) Ground Cover means live and mineral materials used in such a way as to form a continuous cover over the ground that can be maintained at a height of not more than twelve (12) inches. Living ground cover may include: vegetative vines, low-spreading shrubs, perennial flowering or foliage plants. Mineral ground cover may include: rocks, boulders, gravel, or brick.
(9) Hardscape means patios, decks, and paths. Does not include driveways and sidewalks.
(10) Irrigated Landscaped Area means all portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the Irrigated Landscaped Area.
(11) Irrigation Efficiency means the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.
(12)(12) Irrigation Contractor means a person who has been certified by the Irrigation Association (IA) to install irrigation systems.
(13) Irrigation Plan means the plan that shall show the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.
(14) Landscape Architect means a person who holds a license to practice landscape architecture in the state of Utah.
(15) Landscape Education Package means a set of documents which is intended to inform and educate new homeowners in the City about water efficient landscapes. The package includes the principles of water efficient landscape design, information about the Water Check program, a listing of Water-Conserving Plants, a listing of Designers and certified Landscape Irrigation Contractors, an information packet about Jordan Valley Water Conservancy District's Demonstration Garden and classes, and an information packet about the Water Purveyor's water rates, billing format for water use, and the economics of installing and maintaining a water efficient landscape.
(16) Landscape Irrigation Auditor means a person who has been certified by the Irrigation Association to conduct a landscape irrigation audit.
(17) Landscape Plan Documentation Package means the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, a Grading Plan, a Soils Report, a Landscape Water Allowance, and an Irrigation Schedule.
(18) Landscape Water Allowance means for design purposes, the maximum annual applied water for the established landscaped area. It is based upon the local Reference Evapotranspiration Rate, the ETO adjustment factor and the size of the landscaped area.
(19) Landscape Zone means a portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

(20)Landscaping means the improvement of property through the addition of plants and eradication of weeds and other deleterious material. Landscaping includes any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, benches, or berms. All elements of the landscaping shall be combined in a harmonious manner to make the land more attractive for users, to screen unattractive uses, or to act as buffers to visually separate different types of uses.

(21)Microclimate means an area within the overall landscape which shares similar elements such as slope, exposure, wind, soil conditions, etc.

(22)Mulch means any material such as bark, wood chips or other materials left loose and applied to the soil.

(23)Non-Drought Tolerant Plant means a plant that will require regular irrigation for adequate appearance, growth and disease resistance.

(24)Planting Plan means a plan that shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences, and which includes a planting schedule showing graphic symbols (if applicable), botanical names, common names, quantity, and plant size.

(25)Precipitation Rate means the depth of water applied to a given area, usually measured in inches per hour.

(26)Rain Shut-Off Device means a device wired to the automatic controller that shuts off the irrigation system when it rains.

(27)Reference Evapotranspiration Rate or ETO means a standard measurement of environmental parameters which affect the water use of plants. ETO is expressed in inches per day, month or year and is an estimate of the evapotranspiration of a large field of four to seven-inch tall, cool season grass that is well watered. The average annual ETO for the West Valley City area is 31.17 inches.

(28)Rehabilitated Landscaping means site alternations of 75% or more.

(29)Runoff means irrigation water that is not absorbed by the soil or landscape area to which it is applied and which flows onto other areas.

(30)Secondary or Reuse Water means non-potable water suitable for irrigation purposes. This water would be available in a pressurized system.

(31)Soils Report means a report by a soils laboratory indicating soil type(s), soil depth, uniformity, composition, bulk density, infiltration rates, and pH for the topsoil and subsoil for a given site. The soils report also includes recommendations for soil amendments.

(32)Spray Sprinkler means an irrigation head that sprays water through a nozzle.

(33)Stream Sprinkler means an irrigation head that projects water through a gear rotor in single or multiple streams.

(34)Turf means a surface layer of earth containing mowed grass with its roots.

(35)Water Conserving Plant means a plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

(36)Water Audit means an on-site survey and measurement of irrigation equipment and management efficiency, and the generation of recommendations to improve efficiency.

(Ord. No. 02-44 Added 08/06/2002)

7-28-104. COMMERCIAL, INDUSTRIAL AND MULTI-FAMILY DEVELOPMENT.

(1) Applicability. The provisions of this section shall apply to all new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family residential projects, and developer-installed landscaping in single-family projects that require a review process. Homeowner-provided landscaping at single family projects is discussed in Section 7-28-105, "Residential Single-Family Development."

(2) Documentation. Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to the issuance of any permits. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a Designer who certifies that the package satisfies the requirements of the West Valley City Water Efficient Landscape Ordinance (7-28) and its contents have been prepared or reviewed by individuals meeting State Code regulations. The Landscape Plan Documentation Package shall consist of the following items:

a. Project Data Sheet. The Project Data Sheet shall contain the following:
   i. Project name and address;
   ii. Applicant or applicant's agent's name, address, phone and fax number;
   iii. Designer's name, address, phone and fax number; and
   iv. Landscape contractor's name, address, phone and fax number, if available at this time.

b. Planting Plan. A detailed Planting Plan shall be drawn at a scale that clearly identifies the following:
   i. Location of all existing trees and plant materials to be removed and retained and all new plant materials with a planting schedule;
   ii. Property lines and street names;
   iii. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
   iv. Designation of Landscape Zones, and
   v. Details and specifications for tree staking, soil preparation, and other planting work.

c. Irrigation Plan. A detailed Irrigation Plan shall be drawn at the same scale as the planting plan and shall contain the following information:
   i. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
   ii. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
   iii. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers; and
   iv. Installation details for irrigation components.

d. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
   i. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements; and
   ii. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

e. Soils Report. A Soils Report will be required where a site's irrigated landscaped areas exceed 2,500 square feet total. The Soils Report shall describe the depth, composition, and bulk density of the topsoil and subsoil at the site, and shall include recommendations for soil amendments. The Planting Plan shall incorporate the recommendations of the Soils Report into the planting specifications.
f. Landscape Water Allowance Worksheet. The annual Landscape Water Allowance shall be calculated using the following equation:

Landscape Water Allowance = ETO x 1.0 x 0.62 x A, where:

Landscape Water Allowance is in gallons per year
ETO = Reference Evapotranspiration in inches per year
= ETO adjustment factor, 100% of turf grass ETO (water year adjustment factor)
0.62 = conversion factor (to gallons per square feet)
A = total Irrigated Landscape Area in square feet

NOTE: refer to the worksheet packet for formula data.

g. Irrigation schedule. A monthly Irrigation Schedule shall be prepared that covers the initial 120-day plant establishment period and the typical long-term use period. This schedule shall consist of a table with the following information for each valve:
    i. Plant type (for example, turf, trees, low water use plants);
    ii. Irrigation type (for example, sprinklers, drip, bubblers);
    iii. Flow rate in gallons per minute;
    iv. Precipitation rate in inches per hour (sprinklers only);
    v. Run times in minutes per day;
    vi. Number of water days per week, and
    vii. Cycle time to avoid Runoff.

(3) Landscape Design Standards. Plant Selection. Plants selected for landscape zones shall consist of plants that are well-suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible.
a. For projects located at the interface between urban areas and natural open space (non-irrigated), Extra-Drought Tolerant Plants shall be selected that will blend with the native vegetation and are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be emphasized. Plants that tend to accumulate excessive amount of dead wood or debris shall be avoided.
b. Areas with slopes greater than 33% shall be landscaped with deep-rooting, Water Conserving Plants for erosion control and soil stabilization.
c. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four (4)-inch layer of Mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.
d. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the Soils Report (when applicable).

(4) Irrigation Design Standards. Irrigation design standards for this Ordinance shall be as outlined in the latest version of the “Minimum Standards for Efficient Landscape Irrigation System Design

and Installation" prepared by the Utah Irrigation Association. In addition, the following portions of this Section shall also be applicable:

a. Pressure Regulation. A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
b. Landscape Water Meter. A water meter which is separate from the water meter installed for indoor use, shall be installed for landscape irrigation systems when required by the local retail water purveyor for secondary water systems. The size of the meter shall be determined based on irrigation demand.
c. Automatic Controller. All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shut-off device, and the ability to adjust run times based on a percentage of maximum ETO.
d. On slopes exceeding 33 percent, the irrigation system shall consist of Drip Emitters, Bubblers or sprinklers with a maximum Precipitation Rate of 0.85 inches per hour and adjusted sprinkler cycle times to eliminate Runoff.
e. Each valve shall irrigate a landscape zone with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip Emitters and sprinklers shall be placed on separate valves.
f. Parking strips and other landscaped areas less than eight (8) feet wide shall be landscaped with Water-Conserving Plants. Drip Emitters or a Bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
g. Sprinklers shall have matched Precipitation Rates with each control valve circuit.
h. Check valves shall be required where elevation differences will cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
i. Drip irrigation lines shall be underground, except for Drip Emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
j. Valves with spray or stream sprinklers shall be scheduled to operate between 9 p.m. and 8 a.m. to reduce water loss from wind and evaporation.
k. Program valves for multiple repeat cycles shall be required where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.
l. When secondary or reuse water is available from the local water purveyor, it shall be used in the irrigation system.

(5) Plan Approval, Construction Inspection and Post-Construction Monitoring. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for approval before construction begins. With the Landscape Plan Documentation Package, a copy of the Landscape Water Allowance Work-sheet shall be completed by the Designer and submitted to the City. Once approved, the Landscape Water Allowance Worksheet will be transmitted to the local water purveyor.

a. All Landscape Plan Documentation Packages submitted must be certified by a Designer.
b. All landscape irrigation systems shall be installed by an IA-certified Irrigation Contractor, or under the direct supervision of the Designer. The certified person representing the

contracting firm shall be a full-time employee of the firm and shall be directly involved with the project including, at least, weekly site visits.

c. All installers, Designers, and auditors shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
d. After the landscaping has been installed, the property owner is encouraged to contact a certified water auditor and request a Water Audit. The Water Audit will determine the irrigation system efficiency and make recommendations for improvements.
e. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this Ordinance are not satisfied.

(Ord. No. 02-44 Added 08/06/2002; Ord. No. 05-47 Amended 11/1/2005)

7-28-105. RESIDENTIAL SINGLE-FAMILY DEVELOPMENT.

(1) Applicability. The provisions of this Section shall apply to all new and rehabilitated landscaping for single-family residential dwellings.
This section does not apply to:
   a. Residential developments with developer-installed landscapes (refer to Section 7-28-104); or
   b. Registered historical sites.

(2) Provisions for New or Rehabilitated Landscapes. A Landscape Education Package shall be given to all new single-family homeowners by the Water Purveyor at the time water connection is made by the resident. The Landscape Education Package shall consist of, but not be limited to, the following items:
   a. Principles of Water Efficient Landscape Design.
   b. Listing of Water Conserving Plants.
   c. Information about the Water Check program.
   d. Listing of Designers and certified Landscape Irrigation Contractors.
   e. Information Packet about the Jordan Valley Water Conservancy District Demonstration Garden and classes offered in water wise landscaping.
   f. Listing of indoor and outdoor water conservation tips.
   g. Information Packet about the Water Purveyor's water rate schedule, billing format for water use, and the economics of installing and maintaining a water efficient landscape.

(3) Post Installation. After the landscaping has been installed, the homeowner is encouraged to contact a certified water auditor and request a Water Check. The Water Check will determine the irrigation system efficiency, make recommendations for improvements, and provide the homeowner with an irrigation schedule.

(Ord. No. 02-44 Added 08/06/2002)

7-28-106. ENFORCEMENT AND PENALTY FOR VIOLATIONS.

(1) Enforcement Authority. The West Valley City Code Enforcement Director and other employees of the Code Enforcement Division of the Community Preservation Department are authorized to enforce all provisions of this Chapter.

(2) Violation of this Chapter. The consumer who violates any provisions of this Chapter shall be issued a written notice of violation. The written notice shall be affixed to the property where

the violation occurred and mailed to the consumer of record and to any other person known to the City who is responsible for the violation and its corrections. Such notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable under the circumstances. Failure to receive such notice shall not invalidate further actions by the City. If the order is not complied with, the City may issue fines and/or a class "C" misdemeanor citation.

(Ord. No. 02-44 Added 08/06/2002; Ord. No. 10-08 Amended 03/29/2010)

CHAPTER 7-29
VEHICLE RECYCLING FACILITIES, TOWING AND IMPOUND YARDS, OUTSIDE STORAGE FACILITIES

Sections:

7-29-101. Purpose and Intent.
7-29-102. Definitions.
7-29-103. Licenses and Permits.
7-29-104. Standards.
7-29-105. Application for a Conditional Use Permit.
7-29-106. Enforcement.

7-29-101. PURPOSE AND INTENT.

The purpose of this Chapter is to provide specific requirements for vehicle recycling facilities, towing and impound yards in the City in the following manner:

(1) The requirements and standards set forth below are meant to mitigate the substantial impacts of vehicle recycling facilities, and towing and impound yards.
(2) The requirements are designed to improve the aesthetics, general appearance and function of the vehicle recycling facilities, towing and impound yards and outside storage facilities.
    a. These design standards are designed to provide screening of all storage areas.

(Ord. No. 03-81 Added 12/16/2003)

7-29-102 DEFINITIONS.

(1) "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."
(2) "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. the outside storage of two or more used vehicles, or used vehicle parts regardless of completeness, operational ability, condition, time frame, or reason, or
    b. 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.

(Ord. No. 03-81 Added 12/16/2003)

7-29-103. LICENSES AND PERMITS.

It shall be unlawful for any person to conduct, maintain or operate a vehicle recycling facility, towing and impound yard, or outside storage facility, within the City unless such person shall first obtain conditional use approval, comply with all the standards and conditions required by such conditional use approval, and comply with all other required City, county, state and federal regulations.

(Ord. No. 03-81 Added 12/16/2003)

7-29-104. STANDARDS.

(1) Vehicle recycling facilities, towing and impound yards, and outside storage facilities are uses allowed within the M zone and shall be allowed only as a conditional use approved by the Planning Commission. The Planning Commission may set conditions as necessary pursuant to Chapter 7-7, Conditional Uses.
(2) All vehicle recycling facilities, towing and impound yards, and outside storage facilities shall comply with all City ordinances and standards, and county, state and federal laws.
(3) Development plans shall be submitted for review by the Planning Commission based on the requirements of Section 7-14-108, "Design and development plan review and decision process," and the standards that follow.
(4) Site Design and Environmental Standards:
    a. All vehicle recycling facilities, towing and impound yards, and outside storage facilities shall be surrounded by an 8-foot solid visual barrier fence for all frontages along a public street. An 8-foot visual barrier fence is required on the exterior property lines except that the common boundary with another vehicle recycling facility, towing and impound yard, or outside storage facility may be marked with a chain link barrier fence. These visual barriers may be increased in style, height or durability as determined by the Planning Commission. The visual barrier shall be painted or constructed of one color and material providing a consistent appearance. The intent of this requirement is to screen the vehicle storage areas from outside of the property, and the fence may need to be modified by the Planning Commission due to the specific topography to accomplish that result. Notwithstanding the above requirements, parking areas for customers, employees, and vehicle sales are not required to be behind a visual barrier fence.
    b. All vehicle recycling facilities, towing and impound yards, and outside storage facilities shall hard surface the entire vehicle storage parking and maneuvering areas with concrete, asphalt or approved engineered dustless surface.
    c. All vehicle recycling facilities, towing and impound yards, and outside storage facilities shall be located on a properly drained site that is properly graded to ensure rapid drainage and to ensure that the site remains free from stagnant pools of water. Properties shall provide a site drainage plan and grading plan with adequate facilities to dispose of any runoff and any contaminants by a method that is approved by the West Valley City Public Works Department.
    d. All vehicle recycling facilities, towing and impound yards and outside storage facilities shall provide the City with a fluid drainage and disposal plan that complies with all federal, state and local standards.
    e. The construction or operation of the vehicle recycling facility, towing and impound yard, or outside storage facility shall not add to the contamination of the soil, alter ground

water flow, create additional drainage runoff or alter topography in such a way that creates hazards to the proposed site, adjoining properties, or the City.

f. Vehicle recycling facilities shall construct and maintain a permanent primary building. Primary buildings shall be constructed of masonry along the front/ street frontage. Secondary storage buildings may be constructed of other materials as approved by the Planning Commission.

g. Permanent landscaping shall be designed and installed that complies with the requirements of the underlying zone and the landscape standards as outlined in Chapter 7-13, Standards for Landscaping Along High Image Arterial Streets. Landscaping design shall be reviewed by the Planning Commission as part of the conditional use review. No vehicles shall be parked or displayed within the areas designated for landscaping.

h. Each vehicle recycling facility, towing and impound yard, or outside storage facility shall provide adequate off-street customer and employee parking that complies with the standards of Chapter 7-9, Off Street Parking Requirements. Customer parking must be separate from the vehicle storage area and accessible from the public road without being restricted with fences or gates. Operable licensed vehicles being displayed for sale shall be located in a separate designated area and are not required to be screened with a visual barrier.

i. Vehicle recycling facilities, towing and impound yards, and outside storage facilities shall provide a vehicle parking plan that demonstrates that the stored vehicles or partial vehicles are stored in a unified organized manner. A minimum of a 20-foot wide drive access way with a 44' wide outside turning radius shall be provided between every two rows of vehicles to facilitate emergency vehicles and tow vehicles. When fire hydrants are provided at the access ways, the width of the road shall be 28-foot wide for a minimum of 20' on both sides of the fire hydrant.

j. Vehicles shall not be stacked. Only one vehicle height shall be permitted within the vehicle storage areas. An area may be designated for vehicles awaiting removal from the yard which are crushed (flattened) vehicles and may be stacked to a height no greater than the height of the adjoining screen fence. Stacked vehicles can exceed the height of the adjoining fence by one-foot for every twenty feet of setback from the property line. If the vehicle stacking exceeds the eight-foot height and is within one hundred fifty feet of a public street, additional screening shall include 1 3/4" - 2" caliper trees spaced no more than twenty-five feet apart maintained with an adequate watering system.

k. Vehicle staging areas shall be provided outside of the public accessible areas where vehicles are loaded or unloaded. No loading or unloading or storage of any vehicles is permitted within the public right-of-way or within the customer parking lot.

l. Vehicle recycling facilities, towing and impound yards, and outside storage facilities shall not allow objectionable smoke, noise, odors, or other adverse impacts on adjoining properties or the City. No burning of any waste materials is permitted unless it is a part of an approved contained heat system specifically for reuse of waste materials.

m. All grounds and buildings shall be maintained free of insect and rodent harborage and infestation. Vehicle recycling, towing and impound facilities, and outside storage facilities shall be maintained free of organic waste, or inappropriately stored flammable materials. Materials that are customary to the business shall be stored in accordance with applicable laws.

n. Adequate facilities and infrastructure shall be provided for fire protection as determined by the Building and Fire Codes, the International Fire Code, and City Fire Ordinances.

Fire extinguishers shall be kept within the buildings and storage yard location as deemed necessary and shall be maintained in good operating condition. A pressurized water system is required to serve the vehicle recycling facilities and towing and impound yards in order to provide adequate fire protection and culinary water. Fire hydrants served from this water system shall be installed and maintained in accordance with approved plans and in accordance with the International Fire Code.

o. All vehicle recycling facilities, towing and impound yards, and outside storage facilities shall be served by a sanitary sewer system. Connection to these facilities shall be mandatory and no private septic sewer systems are permitted.
p. Site lighting and operational lighting shall be installed so that it does not create traffic hazards or impacts on adjacent land uses as outlined in Section 7-9-114, Lighting. A lighting plan shall be submitted and approved as part of the conditional use request.
q. Identification and business signage shall be in compliance with Chapter 11, Sign Regulations, of the West Valley City Municipal Code. No signage shall be permitted on the screen fencing unless specifically authorized by the Planning Commission.
r. All vehicle recycling, towing or impound operations, and outside storage facilities shall comply with Salt Lake Valley Health Department requirements and all other state and federal regulations.

(Ord. No. 03-81 Add 12/16/2003)

7-29-105. APPLICATION FOR A CONDITIONAL USE PERMIT.

(1) Before a conditional use permit for a new vehicle recycling facility, towing and impound yard, or outside storage facility can be issued, complete plans and specifications complying with these standards, and the designated application fees, shall be submitted for review with the Planning Commission. Planning Commission approval, completion of all improvements, and continued compliance with these standards is required for all new vehicle recycling facilities, towing and impound yards, and outside storage facilities.
(2) Vehicle recycling facilities, towing and impound yards, and outside storage facilities legally approved and existing as of the effective date of this Ordinance may continue to be operated and maintained without the site improvements and design restrictions of this Ordinance. However, the site improvement ordinance design standards may be applied to any expansion or modification, as defined in the City's Conditional Use ordinance, Sections 7-7-106(1)(a) and 7-7-106(1)(b), of an existing vehicle recycling facility, towing and impound yard, or outside storage facility.

(Ord. No. 03-81 Added 12/16/2003)

7-29-106. ENFORCEMENT.

Enforcement of this Chapter shall follow the provisions of Chapter 7-20 of this Title.

(Ord. No. 03-81 Added 12/16/2003)

CHAPTER 7-30
GENERAL RESTRICTIONS FOR FOOD VENDING UNITS

Sections:

7-30-101. General Restrictions for Food Vending.
7-30-102. Location.
7-30-103. Mobile Food Vending Units.
7-30-104. Food Vending Units.

7-30-101. GENERAL RESTRICTIONS FOR FOOD VENDING

(1) All food vending units and vehicles shall be maintained in good condition and repair and constructed of surface materials that are smooth, easily cleanable, corrosion resistant, nontoxic, stable, non-absorbent of odors and constructed in accordance with the Salt Lake Valley Health Department regulations.
(2) A portable fire extinguisher Type 2A-10 BC minimum must be mounted a minimum of three feet (3') from any open flame or cooking area.
(3) Extension cords used for power must be U.L. listed for outdoor use, sized for the connected electrical loads and protected by a circuit breaker in accordance with the current National Electrical Code.
(4) Extension cords may not be used in lieu of permanent wiring
(5) Electrical wiring exposed to the weather must be listed for outdoor use.
(6) Electrical receptacles must have Ground Fault Circuit Interrupters.
(7) All electrical wire splices must occur inside a closed electrical box.
(8) All lighting must have shatterproof bulbs or guards
(9) Electrical panels used for cooling, lighting or power must have a disconnecting means.
(10) LP (propane) tanks shall be mounted and secured outside of the vehicle/unit and shall be kept a minimum of three feet (3') from any open flame. No freestanding propane bottles or bottles mounted in the interior of a vehicle/unit are permitted.
(11) When occupants cook inside the unit or vehicle one 24" wide exit door must be provided with a minimum 24" clear exit access aisle throughout the unit or vehicle interior.
(12) Any cooking conducted within an enclosed structure must have a Type 1 commercial cooking hood with a UL-300 wet suppression system complete with Type K extinguisher per NFPA 17A.
(13) Hood must be initially approved by the West Valley City Fire Department and annually tagged for compliance.
(14) Trash receptacle must be provided for patrons.
(15) All portable and permanent signs, which are not attached to the unit or vehicle are prohibited, including but not limited to menu boards.

(Ord. No. 08-40 Enacted 09/17/2008)

7-30-102. LOCATION.

(1) Food vending units and vehicles are allowed only in the BRP, C-2, C-3 and M zones or will be accessory to a community use in a residential or agricultural zone. Food vending vehicles are permitted in the City Center Zone in accordance with the standards set forth in Section 7-6-1612.

(2) Permitted only in a designated area on private property with a licensed and operational business on site.

(Ord. No. 08-40 Enacted 09/17/2008; Ord. No. 15-08 Amended 03/05/2015)

7-30-103. MOBILE FOOD VENDING UNITS.

(1) Signage shall be attached to the mobile food vending vehicle and occupy no more than 24 square feet on each side of the vehicle.

(Ord. No. 08-40 Enacted 09/17/2008)

7-30-104. FOOD VENDING UNITS.

(1) Signage shall be attached to the food vending unit and occupy no more than 8 square feet on each side of the unit.
(2) A food vending unit shall not exceed a width of eight feet (8') and a length of nineteen feet (19'), including the hitch.

(Ord. No. 08-40 Enacted 09/17/2008)

CHAPTER 7-31
ALTERNATIVE ENERGY SYSTEMS ORDINANCE

Sections:

Section 7-31-101. Short Title.
Section 7-31-102. Purpose.
Section 7-31-103. Definitions.
Section 7-31-104. STANDARDS FOR ALL ALTERNATIVE ENERGY SYSTEMS.
Section 7-31-105. STANDARDS FOR SMALL WIND ENERGY SYSTEMS.
Section 7-31-106. STANDARDS FOR SOLAR ENERGY COLLECTION SYSTEMS.

7-31-101. SHORT TITLE.

This Chapter shall be known as the "West Valley City Alternative Energy Systems Ordinance." This Chapter shall also be known as "Chapter 7-31, West Valley City Code." It may be cited and pleaded under either designation.

7-31-102. PURPOSE AND INTENT.

The purpose of this Chapter is to encourage the use of and establish minimum requirements for the placement, construction, and modification of Alternative Energy Systems, and related equipment as defined herein. This Chapter is also intended to promote the safe, effective, and efficient use of such systems.

7-31-103. DEFINITIONS.

(1) "Alternative Energy System" means a Small Wind Energy System or Solar Energy Collection System.
(2) "Building-Integrated Solar Energy Systems" means a Solar Energy Collection System that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.
(3) "Height" means the height of a Small Wind Energy System measured from natural grade to the tip of the rotor blade at its highest point or highest component of the system, or the height of a Solar Energy Collection System measured from natural grade to the highest point of the device or component of the device.
(4) "Meteorological Tower (Met tower)" means a temporary tower, housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.
(5) "Rated Nameplate Capacity" means the maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment rated in Watts (W) or British Thermal Units (BTUs).
(6) "Small Wind Energy System" means all equipment, machinery, and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to,

storage batteries, electrical collection devices and supply equipment, transformers, service and access roads, support structures and one or more wind turbines, which has a rated nameplate capacity of 100 kilowatts (kW) or less.

(7) "Solar Energy Collection System" means a device or combination of devices or structures that transform direct solar energy into thermal or electrical energy and that contribute significantly to a structure's thermal or electrical energy supply. The energy generated may also be distributed to an energy grid. This includes, but is not limited to, solar collectors, solar panels, solar hot water heaters, storage batteries, transformers, heat exchangers and distribution components.

7-31-104. STANDARDS FOR ALL ALTERNATIVE ENERGY SYSTEMS.

(1) Alternative Energy System Permit Required.

a. **Building Permit Application.** Building permits shall be required for all Alternative Energy Systems. Applications for an Alternative Energy System permit shall be made to the West Valley City Community and Economic Development Department. All applications shall include the following documentation:

i. **Engineered Drawings.** The building permit application shall include standard drawings of the Alternative Energy System and stamped engineered drawings of the tower, base, footings, supports, and/or foundation as provided by the manufacturer. The engineered drawings shall include productive capacity of Alternative Energy Systems and wind loads for Wind Energy Systems.

ii. **Site Plan.** The building permit application shall include a site plan that includes the following elements.

1. The site plan shall include a date, North arrow and appropriate scale to reflect adequately the detail necessary to describe the location and use. The plan shall be accurate in terms of scale and dimensions;
2. The site plan shall include the locations of existing property lines, public or private rights-of-way, and public roads.
3. The site plan shall include the dimensions and locations of existing improvements, including but not limited to, buildings and structures, fences and overhead utility lines.
4. The site plan shall include the dimensions and locations of existing or proposed Alternative Energy Systems, associated components, security structures, fences, and support structures.

iii. **Utility Notification.** The building permit application shall include evidence that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

b. **Fire and Emergency Access.** Alternative Energy Systems shall be located on the property such that they will not pose a danger to emergency personnel or equipment. Small Wind Energy Systems shall not be roof-mounted on a side that is dedicated to emergency equipment or personnel access and the side of a building where emergency service resources are located. The West Valley City Fire Department or designee shall review Alternative Energy System Permit plans and determine potential hazards to emergency personnel and equipment.

c. **Small Wind Energy System Permit Limit.** In any residential zone, no more than one (1) Small Wind Energy System permit shall be allowed concurrently on a parcel. Parcels over one (1) acre shall be exempt from this limit.

d. **Meteorological Tower (Met Tower).** A Meteorological Tower shall be treated herein as a Small Wind Energy System.

e. **Modifications.** Any physical modification to an existing and permitted Alternative Energy System that alters the size and/or type of components or other equipment shall require a permit modification under this ordinance. Replacement of parts on an already permitted system shall not require a permit modification.

f. **Expiration.** A permit issued pursuant to this ordinance shall expire if:

i. The Alternative Energy System is not installed and functioning within six (6) consecutive months from the date the permit is issued; or

ii. The Alternative Energy System is abandoned.

g. **Violations.** It is unlawful for any person to construct, install, alter or operate an Alternative Energy System that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance.

h. Administration and Enforcement.

i. This ordinance shall be administered and enforced by the West Valley City Chief Building Official or their designee.

ii. The Chief Building Inspector or their designee may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

(2) **Compliance with Laws, Ordinances, and Regulations.** The construction and operation of all Alternative Energy Systems shall be consistent with all applicable local, state, and federal requirements, including all applicable safety, construction, building, environmental, electrical, communications, and FAA aviation requirements. Alternative Energy Systems shall comply in all respects with building and electrical codes contained in the International Building Code, International Residential Code and National Electric Code as adopted by West Valley City.

(3) Site Conditions and Property Maintenance.

a. **Land Clearing, Soil Erosion, and Habitat Impacts.** Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the Alternative Energy System and is otherwise prescribed by applicable laws, regulations and ordinances. Once the system is operational, any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation immediately. Soil erosion is to be mitigated such as by the use of silt fencing, the captured product of which can be used in the vegetation reclamation.

b. **System Conditions.** The applicant shall maintain the Alternative Energy System in good and operable condition. Maintenance shall include, but not be limited to, painting, mechanical/electrical repairs, structural repairs, and security measures including security fencing.

c. **Removal and Decommissioning Requirements.** Any Alternative Energy System, which has reached the end of its useful life or has been abandoned, shall be removed.

i. An Alternative Energy System shall be considered abandoned when it fails to operate within the past twelve (12) consecutive months.

ii. Upon a Notice of Abandonment issued by West Valley City, the Alternative Energy System owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned. If the system has not been removed or proven not to be abandoned after this period, the Alternative Energy System

may be abated by West Valley City in accordance with the procedures in Title 10 of West Valley City Code.

iii. Once the Alternative Energy System has been removed the owner is then responsible for land reclamation using the natural vegetation types that were removed or disturbed upon construction of the project. To the greatest extent possible, the land shall be fully returned to its natural state within twelve (12) months of the removal and decommissioning of the project. A reclamation bond may be required for larger systems.

7-31-105. STANDARDS FOR SMALL WIND ENERGY SYSTEMS.

(1) **Height.** The height of Small Wind Energy Systems shall not exceed eighty (80) feet, measured at the highest point of the turbine blade or other component. In Agricultural or Manufacturing zones, the Small Wind Energy System shall not exceed one hundred and twenty (120) feet. If the Small Wind Energy System is attached to a building or structure, this measurement shall include the height of the building or structure. The Small Wind Energy System shall comply in all respects with 'Federal Aviation Regulations Part 77', and any other applicable Federal Aviation Administration requirements.

(2) **Setbacks.** Small Wind Energy Systems shall be set back at a distance equal to or greater than one hundred percent (100%) of the total height of the system from all overhead utility lines, property lines, and public roads or public rights-of-way. If the Small Wind Energy System is installed on a roof, the total height is equal to the roof height and tower height. Guy wires and other support devices shall be set back at least five (5) feet from all property lines. Guy wires and other support devices shall be set back at least twenty (20) feet from any public right-of-way. Small Wind Energy Systems shall not be allowed in the required front yard setback.

(3) **Minimum Blade Height.** The minimum height of the lowest point of a turbine blade shall be fifteen (15) feet above the ground and ten (10) feet above or distant from any roof surface.

(4) **Color and Finish.** The Small Wind Energy System shall remain painted or finished the color or finish that was originally applied by the manufacturer, or shall be painted gray, beige, or white. Rust, corrosion or peeling paint on any component of an Alternative Energy System shall be repaired and/or repainted.

(5) **Lighting.** Illumination or lighting on the Small Wind Energy System shall be prohibited except as required and allowed by the Federal Aviation Administration.

(6) **Signage and Advertising.** Signs and advertising shall be restricted to reasonable identification of the manufacturer, operator of the Small Wind Energy System, utility, and safety signs. No other signage shall be permitted.

(7) **Access.** No tower shall have a climbing apparatus within twelve (12) feet of the ground. All access doors or access ways to towers and electrical equipment shall be accessible by authorized personnel only. Towers with lattice within twelve (12) feet of the ground shall be enclosed within a secured fence or wrapped by a protective metal mesh up to twelve (12) feet and sufficient to prevent climbing.

(8) **Feeder Lines.** All exterior electrical lines shall be placed in a conduit and buried below the surface of the ground. Electrical lines may be placed overhead only near points of interconnection to the electric grid.

(9) **Sound.** The Small Wind Energy System and associated equipment shall not exceed fifty (50) dB(A) for any period of time under normal operating conditions as measured from the nearest neighboring inhabitable structure. This maximum sound level may be exceeded during short-

term events beyond the owner's or operator's control such as utility outages and/or severe wind storms.

7-31-106. STANDARDS FOR SOLAR ENERGY COLLECTION SYSTEMS

(1) **Height.** Roof mounted Solar Energy Collection Systems shall comply with the maximum height requirements in the applicable zoning district. Where maximum height is measured at the midpoint between eaves and roof peak, and where the roof peak exceeds the maximum building height, the Solar Energy Collection System shall not exceed the height of the roof peak. Ground-mounted Solar Energy Collection Systems shall not exceed fourteen (14) feet in height.

(2) **Exemption.** Passive or Building-Integrated Solar Energy Collection Systems are exempt from the requirements of this section and shall be regulated as any other building element.

(3) Ground-Mounted Solar Energy Collection Systems.

a. All exterior electrical and/or plumbing lines shall be placed in a conduit and buried below the surface of the ground. Electrical lines may be placed overhead only near points of interconnection to the electric grid.

b. Ground-mounted Solar Energy Collection Systems shall be limited to a maximum area of two-hundred (200) square feet.

c. Ground-mounted Solar Energy Collection Systems in Residential zoning districts shall be limited to the side or rear yard and shall be treated as accessory structures.

d. Ground-mounted Solar Energy Collection Systems in non-residential zoning districts shall be limited to the side or rear yard and shall not encroach into any required setback.

(4) **Roof-Mounting.** Roof-mounted Solar Energy Collection Systems shall be flush-mounted and parallel to the roof surface to the extent possible. Solar Energy Collection Systems may be bracket mounted or tilted on flat or pitched roofs to improve efficiency, but shall have at least one (1) side of the array within twelve (12) inches of the roof surface.

(Ord. No. 10-30 Enacted 10/11/2010)

CHAPTER 7-32
RETAIL TOBACCO SPECIALTY BUSINESSES

Sections:

7-32-101. Definitions.
7-32-102. Proximity Requirements .
7-32-103. Exemptions.

7-32-101. DEFINITIONS.

(1) As used in this Chapter:

a. "Community Location" means:

i. a public or private kindergarten, elementary, middle, junior high, or high school;
ii. a licensed child-care facility or preschool;
iii. a trade or technical school;
iv. a church;
v. a public library;
vi. a public playground;
vii. a public park;
viii. a youth center or other space used primarily for youth oriented activities;
ix. a public recreational facility; or
x. a public arcade.

b. "Retail Tobacco Specialty Business" means a commercial establishment in which:

i. the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
ii. food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
iii. the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

c. "Tobacco product" means:

i. any cigar, cigarette, or electronic cigarette as defined in Utah Code Annotated Section76-10-101;
ii. a tobacco product as defined in Utah Code Annotated Section 59-14-102 , including:
    1. chewing tobacco; or
    2. any substitute for a tobacco product, including flavoring or additives to tobacco; and
iii. tobacco paraphernalia as defined in Utah Code Annotated Section 76-10 104.1.

7-32-102. PROXIMITY REQUIREMENTS.

(1) a. A Retail Tobacco Specialty Business shall not be located within:

i. 1,000 feet of a Community Location;
ii. 600 feet of another Retail Tobacco Specialty Business; or
iii. 600 feet from property used or zoned for:

1. agriculture use; or
2. residential use.

b. For purposes of Subsection (1)(a), the proximity requirements shall be measured in a straight line from the nearest entrance of the Retail Tobacco Specialty Business to the nearest property boundary of the Community Location, or agricultural or residential use, without regard to intervening structures or zoning districts.

7-32-103. EXEMPTIONS.

(1) a. In accordance with Subsection (1)(b), a Retail Tobacco Specialty Business that has a business license and is operating lawfully in the City on or before May 8, 2012, is exempt from the zoning requirements in this Chapter.

b. A Retail Tobacco Specialty Business may maintain an exemption under Subsection (1)(a) if:

i. the business license is renewed continuously without relapse or permanent revocation;

ii. the retail tobacco specialty business is not closed for business or otherwise suspends the sale of tobacco products for more than 60 consecutive days;

iii. the retail tobacco specialty business does not substantially change the business premises or its business operation; and

iv. the retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license issued prior to May 8, 2012.

(Ord. No. 12-44 Enacted 12/06/2012)