WEST VALLEY CITY, UTAH
ORDINANCE NO. 18-13

Date Adopted: 05/08/2018
Date Effective: 05/11/2018

AN ORDINANCE AMENDING SECTIONS 7-1-103, 7-2-114, 7-2-115, 7-2-118, 7-6-201, 7-6-202, 7-6-203, 7-6-204, 7-6-209, 7-6-301, 7-6-303, 7-6-307, 7-6-310, 7-6-405, 7-6-406, 7-7-101, 7-7-115, 7-7-126, 7-8-103, 7-8-104, 7-9-105, 7-9-114, 7-10-204, 7-11-202, 7-11-206, 7-12-106 AND 7-13-511 OF THE WEST VALLEY CITY MUNICIPAL CODE TO AMEND CERTAIN DESIGN STANDARDS AND TO MAKE RELATED AND TECHNICAL CHANGES TO THE WEST VALLEY CITY MUNICIPAL CODE.

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

WHEREAS, the amendment of other provisions governing design requirements will further the City’s goals of encouraging aesthetic excellence, compatible uses, and the mitigation of detrimental effects on neighboring properties; and

WHEREAS, the City Council of West Valley City, Utah does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to amend Sections 7-1-103, 7-2-114, 7-2-115, 7-2-118, 7-6-201, 7-6-202, 7-6-203, 7-6-204, 7-6-209, 7-6-301, 7-6-303, 7-6-307, 7-6-310, 7-6-405, 7-7-101, 7-7-115, 7-7-126, 7-8-103, 7-8-104, 7-9-105, 7-9-114, 7-10-204, 7-11-202, 7-11-206, 7-12-106 and 7-13-511 of the West Valley City Municipal Code;

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

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 Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

Section 2. Amendment.
Section 7-1-103 is hereby amended as follows:

7-1-103. DEFINITIONS.

Whenever any words or phrases used in this Title are not defined herein, but are defined in related sections of the Utah Code or the West Valley City Municipal Code, 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 following meanings:

(1) “Accessory Building” means a detached Building incidental to and located on 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.

(2) “Accessory Use” means a Use customarily incidental and subordinate to the Primary Use or Building and located on the same Lot therewith, not including Uses which dominate in area, extent, or purpose over the Primary Use or Building.

(3) “Agricultural Building” means a Building exempt from the Utah State Construction Code pursuant to Section 15A-1-204 of the Utah Code as a Structure used solely in conjunction with agricultural Use and not for human occupancy.

(4) “Agricultural Business or Industry” means the processing of raw food products by packaging, treating, or intensive feeding, including but not limited to Animal feed yards, the raising of fur-bearing Animals, food packaging or processing plants, and Commercial poultry or egg production. Notwithstanding this subsection (4), non-Animal food processing plants located in an urban renewal area or community reinvestment area in the M Zone are not Agricultural Business or Industry.

(6) “Agriculture” means land used for the production of food through the tilling of the soil, the raising of crops, or horticulture and gardening, but excluding the keeping or raising of domestic Animals or fowl and Agricultural Business or Industry.

(7) “Airport” means any landing area, runway, or other facility designed, used, or intended to be used either publicly or privately 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 Buildings and open spaces.

(8) “Alcohol Establishment” means a business involved in the sale, manufacture, or distribution of alcoholic beverages for retail or wholesale purposes, excluding Off-Premises Beer Retailers.

(9) “Alcoholic Products” means all products 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 and that contain at least 0.63% alcohol by volume or 0.5% alcohol by weight, excluding common extracts, vinegars, ciders, essences, tinctures, food preparations, or over-the-counter drugs and medicines.

(10) “Alley” means a secondary vehicular and pedestrian access to abutting properties and not intended for general traffic circulation.

(11) “Alteration” means a physical change or addition to a site, Building, or Structure.

(12) “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.

(13) “Amenity” means an aesthetic, recreation, or service component integrated into a Development to increase its desirability or marketability.

(14) “Animal” means any of a kingdom of living being differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.

(15) “Animal Training” means the training of two or more Animals for compensation, whether boarded on the premises or transported to the premises for training.

(16) “Apartments” means a Building or group of Buildings with five or more rental Dwelling Units per Building.
(17) “Applicant” means a Person, firm, association, partnership, corporation, or any other entity or combination thereof owning property or serving as agent of a property Owner and requesting a modification or approval required by this Title.

(18) “Arcade” means a series of arches supported by columns, piers, or pillars Attached to a wall to form a roofed passageway or lane as illustrated below:

![Arcade Illustration]

(19) “Architectural Banding” means a horizontal band at least six inches thick applied to the Façade of a Building, including but not limited to a change in color, texture, pattern, material, or relief.

(20) “Arterial Street, Major” means a Street with up to seven lanes for which the principal function is movement of large volumes of traffic from Collector Streets.

(21) “Arterial Street, Minor” means a Street with up to five lanes for which the principal function is movement of traffic.

(22) “Artist Studio” means a place of work for an artist, artisan, or craftsperson, including Persons engaged in the application, teaching, or performance of the fine arts.

(23) “Assisted Living Facility” means Residences for the frail elderly providing rooms, meals, personal care, and supervision of self-administered medication.

(24) “Attached” means a physical connection between Buildings or parts of Buildings, including common walls or overhead roof Structures or canopies.

(25) “Automobile Sales, Used” means the Use of property for the display and sale of used motor vehicles, including related financing services.

(26) “Automobile Sales, New” means the Use of property for the display and sale of new motor vehicles, including related financing services and Automobile Service, and the display and sale of used motor vehicles.

(27) “Automobile Service” means the repair, rental, and maintenance of automobiles and trucks, including but not limited to body shops, transmission shops, lube and emissions centers, tire stores, car washes as a Primary Use, auto glass shops, and car rental.
“Bail Bonds Dealer” means any individual or entity offering or facilitating bail bond services, including but not limited to any individual or entity licensed as a bail bond agency or producer under the Bail Bond Act or any amended or successor statute.

“Basement” means a Story partly underground. A Basement is a Story for the purpose of height measurement if over one half of its total height is above ground.

“Basket Weave Brick Pattern” means a pattern of bricks in which bricks alternate between horizontal and vertical placement as illustrated below:

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“Billboard” means a freestanding, outdoor sign 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, including any sign Structure, support, or lighting that is part of, related to, or supports the sign.

“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.

“Block” means a unit of land bounded by Streets, with the length of the block measured at the property Frontage Lot lines.

“Blood Plasma Center” means an establishment where patrons receive compensation for donating blood plasma.

“Body Piercing” means the act of piercing any part of the body of an individual, excepting the ears, for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body.

“Brew Restaurant” means a business licensed to brew and sell beer for on-premises consumption in connection with a bona fide Restaurant where the revenue from the sale of beer is less than 30% of gross revenue.

“Brew Restaurant and Liquor Retailer” means a Brew Restaurant that also holds a liquor license subject to the Alcoholic Beverage Control Act.
(38) “Buildable Area” means that portion of a Lot which may be developed after required setbacks are deducted.

(39) “Building” means any Structure having a roof supported by columns or walls for the housing or enclosure of Persons, Animals, or chattels.

(40) “Building Coverage” means the percentage of a Lot that is or can be covered by Buildings.

(41) “Building Height” means the vertical distance from the Grade to the highest point of the coping of a flat roof or to a point midway between the lowest part of the eaves or Cornice and ridge of a hip or Gable Roof. In the CC zone, 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.

(42) “Building, Primary” means a principal Building or a Building housing a principal Use on a Lot.

(43) “Bus Terminal” means any premises for the storage or parking of buses or the loading or unloading of passengers, excluding public transportation service offered by a public entity.

(44) “Canopy” means a roofed Structure not completely enclosed by walls supported by structural supports extending directly to the ground, excluding Carports.

(45) “Car Title Loan” means taking possession of an automobile title in exchange for consideration or extension of a loan, excluding loans made by federal or state chartered banks and credit unions.

(46) “Caretaker’s Dwelling” means a Dwelling Unit for the caretaker of an otherwise nonresidential Building that is completely contained within the nonresidential Building.

(47) “Cargo Container” means a prefabricated metal Structure designed for use as an individual shipping container in accordance with international standards for overseas shipping, designed to be mounted on a rail car as freight, or designed as an enclosed truck trailer.

(48) “Carport” means a roofed Structure enclosed on not more than three sides and providing space for the parking of motor vehicles.

(49) “Check Cashing” means cashing a check for consideration or extending a Deferred Deposit Loan and any similar activity or enterprise, including but not limited to all
businesses licensed by the state of Utah pursuant to the Check Cashing Registration Act.

(50) “Church” means a Building, together with its Accessory Buildings and Uses, where Persons regularly assemble for religious worship and which is maintained and controlled by a nonprofit religious body organized to sustain religious worship.

(51) “City” means West Valley City.

(52) “City Attorney’s Office” means the Law Department of West Valley City.

(53) “City Council” means the City Council of West Valley City.

(54) “City/County Health Department” means the Salt Lake City or County Health Department.

(55) “City Manager” means the chief executive officer of West Valley City.

(56) “City Recorder” means the West Valley City Recorder.

(57) “Civic Green” means a public open space designed for less intensive foot traffic than a Square with a minimum of 50% of unpaved pervious surface, including turf, groundcover, and mulch.

(58) “Club License” means a dining club license, equity club license, fraternal club license, or social club license or substantially equivalent license issued pursuant to the Alcoholic Beverage Control Act.

(59) “Collector Street” means a Street up to three lanes which carries traffic from Minor Streets to the Arterial Street system, including the principal Entrance and circulation Streets within residential Developments.

(60) “Colonnade” means a series of columns set at regular intervals and supporting the base of a roof Structure.

(61) “Commercial” means any Use involving the exchange, purchase, or sale of goods or services for gain or economic profit.

(62) “Commercial Complex” means two or more Commercial Uses on a single Lot or adjacent Lots which are dependent upon each other 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.

(63) “Commercial Zones” means the C-1, C-2, C-3, CC, BRP, and MXD zones.
(64) “Commissary” means an establishment over 10,000 square feet where food is prepared and where no retail sales are conducted at the establishment.

(65) “Community and Economic Development Department” means the Community and Economic Development Department of West Valley City.

(66) “Community Use” means a Use which has the primary purpose of serving the educational, religious, recreational, or governmental needs of the general community, including but not limited to Churches, educational institutions, Public Parks, Buildings, and facilities, and cemeteries. Detention Facilities, halfway houses, alcohol rehabilitation centers, Buildings offering lodging or residential services, and similar Uses are excluded from the definition of “Community Use”.

(67) “Concert” means an assembly of 125 or more patrons at any given time for the purpose to provide or enjoy musical performances or another similar event for which tickets are sold or entry fees charged.

(68) “Concert Hall” means any establishment which is not a Concert Venue but holds Concerts.

(69) “Concert Venue” means the Maverik Center, USANA Amphitheater, Utah Cultural Celebration Center, Rocky Mountain Raceway, or Hale Center Theater.

(70) “Conditional Use” means a land Use that is permitted with conditions imposed to mitigate detrimental effects.

(71) “Conditional Use Permit” means a permit issued by the City outlining the requirements of approval for a Conditional Use, including written conditions and final, approved Development Plans, if applicable.

(72) “Condominium” or “Planned Unit Development” means the Ownership of a single unit in a multiunit project together with an undivided interest in the common areas and facilities of the property.

(73) “Consolidated Fee Schedule” means the schedule of fees adopted in the West Valley City Municipal Code.

(74) “Convalescent Center” means a facility licensed as a nursing care facility by the state of Utah.
(75) “Convenience Store” means any Building which contains less than 5,000 square feet of net floor area and which is used for retail sale of prepackaged food, produce, and other non-food commodities.

(76) “Cornice” means the uppermost section of moldings along the top of a wall or just below a roof as illustrated below:

![Cornice Illustration]

(77) “Courtyard” means an uncovered open space bounded on two or more sides by Buildings.

(78) “Crisis Nursery and Counseling Center” means an establishment that provides daytime and overnight care for children who are at risk of abuse or neglect and counseling to individuals and families, but does not provide medical treatment.

(79) “Cul-de-sac” means a Minor Street with only one outlet and a terminal for the safe and convenient reversal of traffic.

(80) “Cupola” means a small ornamental Structure built on top of a roof, such as a dome, as illustrated below:

![Cupola Illustration]

(81) “Day Care/Preschool Center” means any facility at a nonresidential location licensed by the state of Utah to provide children with daycare or preschool instruction as a Commercial business.

(82) “Decorative Parapet” means an arched, gabled, or stepped Parapet.

(83) “Dedication of Land” means the conveyance of land to the City by a property Owner or developer for public use.

(84) “Deferred Deposit Loan” means a transaction where a Person presents a check written upon his or her account to a Check Cashing business in exchange for money and the promise to refrain from cashing the check until a later date or any similar transaction.
(85) “Density” means the number of Dwelling Units per gross acre of land.
(86) “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, or treatment services for parole violators or non-compliant probationers.
(87) “Development” means any manmade change to real estate, including but not limited to the erection of Buildings or Structures, mining, dredging, filling, grading, paving, excavation, or drilling.
(88) “Development Agreement” means a voluntary agreement between the City, using its legislative judgment, and a property Owner or developer relating to a proposed Development within the City that shall run with the land and be binding upon all successors and assigns of the property Owner or developer.
(89) “Development Plan” means all plans, studies, plats, statements, reports, and information required by this Title.
(90) “Director of Health” means the legally designated Director of the Salt Lake City or County Health Department or any representative authorized by such official to act on his or her behalf.
(91) “Dwelling Unit” means one or more rooms connected together in a Structure in which doors and hallways provide shared access to common living facilities, including but not limited to provisions for sleeping, eating, cooking, and sanitation.
(92) “Entrance” means the location of ingress to a room, Building, or Lot.
(93) “Exit” means the location of egress from a room, Building, or Lot.
(94) “Event Center, Indoor” means an indoor stadium, arena, Concert Hall, dance hall, or Reception Center that hosts sporting events, Concerts, theatrical performances, rodeos, receptions, parties, or other similar indoor events.
(95) “Event Center, Outdoor” means an outdoor stadium, arena, amphitheater, or similar venue that hosts sporting events, Concerts, theatrical performances, rodeos, or similar outdoor events.
(96) “Façade” means any face or elevation of a Building.
(97) “Face Brick Pattern” means a brick pattern in which all bricks are laid horizontally with the end of bricks aligned with the midpoint of the brick below as illustrated below:
(98) “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 and beverages are usually served in edible or disposable containers;
   b. The consumption of foods and beverages is not restricted to tables, counters, or an immediately adjacent dining patio; or
   c. The establishment provides drive-in, drive-through, and/or walk-up service.
(99) “Fence” means walls, hedges, beams, wood, metal, masonry, vinyl, or plastic Structures constructed to obscure view, prevent trespass, or for ornamental or decorative purposes.
(100)“Fenestration” means openings in a Building wall that allow light and views between the Building’s interior and exterior.
(101)“Final Plat” means a map of a Subdivision which has been accurately surveyed to permit identification of Streets, Alleys, Blocks, Lots, and other divisions and which conforms with this Title and state law.
(102)“Financial Institution” means a bank, savings and loan institution, credit union, mortgage office, or automated teller machine, excluding Alternative Financial Service Providers.
(103)“Fire Department” means the West Valley City Fire Department.
(104)“Fitness Center” means a facility where individuals use equipment or space for the purpose of physical exercise.
(105)“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
(106)“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.
(107)“Flood, One Hundred Year” means a Flood having a one percent chance of being equaled or exceeded in any given year.
(108)“Flood, Ten Year” means a Flood having a ten percent chance of being equaled or exceeded in any given year.

(109)“Floodplain, One Hundred Year” means that area adjacent to a drainage channel which would be inundated by a One Hundred Year Flood.

(110)“Focal Point” means a point of convergence and interest.

(111)“Food Vending Unit” means a unit that is manually pushed or pulled behind a vehicle and is not motorized to move on its own power, that remains stationary in one location, that is temporary and not permanently established, and which is used for the sale of food and beverages for immediate consumption.

(112)“Four Unit Dwelling” means a Building arranged or designed to have only four Dwelling Units under one ownership on one Lot, such as a fourplex.

(113)“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.

(114)“Frontage” means all property adjacent to a Right-of-way, waterway, or political Subdivision boundary, measured along the Street or boundary line. An intercepting Street shall determine only the boundary of the Frontage on the side of the Street which it intercepts.

(115)“Gable Roof” means two pitched roofs back to back forming a triangular roof as illustrated below:

(116)“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 be Attached or detached and is considered “Attached” if the garage and dwelling share a roof or wall.

(117)“Garden Center” means a place of business where plants, nursery products, potting soil, power equipment, and other garden tools and equipment are sold to the consumer.
“Gathering Place” means an area allocated and designed for the purpose of accommodating the assembling and meeting of people, such as a courtyard or plaza.

“General Plan” means the document the City has adopted in accordance with state law to set forth general guidelines and principles for future Development.

“Grade” means the natural Grade as established by the elevation of the existing surface of the land prior to commencement of any proposed improvements or any previous disturbance of the site.

a. When not readily established due to prior modifications, Grade shall be fixed by reference elevations and points where the prior disturbance appears to meet undisturbed properties.

b. The Grade shall connect to the elevation and slopes of adjoining properties without a need for retaining walls, abrupt differences in the visual slope of the land, and without changing the direction or flow of runoff water.

c. When measuring Building Height from Grade, the height is measured by the vertical distance from Grade to the highest point of the Parapet wall of a flat roof, or to a point midway between the lowest point of the eaves or Cornice and the ridge of a hip or Gable Roof.

d. For Buildings having no wall approximately parallel to and within five feet of a Street, the Grade shall be the average level of the finished surface ground adjacent to the exterior walls of the Building.

“Grading/Site Development Ordinance” means the West Valley City Grading/Site Development Ordinance as presently adopted and as amended in the future.

“Grocery Store” means a retail establishment with a net floor area over 5,000 square feet offering food and other household products.

“Gun Range, Indoor” means a Building with facilities for the firing of firearms.

“Gun Range, Outdoor” means an outdoor facility for the firing of firearms.

“Hardware Store” means a facility with a gross floor area under 30,000 square feet primarily engaged in the retail sale of hardware, including but not limited to tools, builder’s hardware, plumbing and electrical supplies, housewares and household appliances, and paint and glass.
(126)“Heavy Equipment Sales and Service” means a business selling and servicing equipment such as backhoes, bulldozers, cranes, excavators, construction equipment, and similar equipment or vehicles.

(127)“Heavy Industrial” means asphalt and concrete plants; crematories; electric generating plants and facilities; sand and gravel excavation, processing, and storage; manufacturing and storage of chemicals, explosives, and fuels; Outdoor Gun Ranges, outdoor manufacturing; sewage treatment and disposal facilities; and water purification facilities.

(128)“Heavy Trucks” means concrete transport trucks, dump trucks, garbage trucks, log carriers, mobile cranes, refrigerator trucks, tractor trucks, tank trucks, and similar vehicles.

(129)“Hip Roof” means a Gable Roof with the ends brought together at the same pitch as the rest of the roof.

(130)“Home Child Care” means care for children who are non-family members in an occupied dwelling by the resident of that dwelling and up to one employee who is not a resident of that dwelling.

(131)“Home Improvement Center” means an establishment over 30,000 square feet selling various household goods, tools, and Building materials, household appliances, electronic equipment, household Animal supplies, and nursery products.

(132)“Home Occupation” means any lawful Use conducted within a dwelling by residents of the dwelling which is incidental and secondary to the residential Use of the dwelling and does not change the residential character of the dwelling or neighborhood.

(133)“Home Preschool” means a preschool program for non-family members in an occupied dwelling by residents of that dwelling.

(134)“Hospital” means an establishment that 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 services including but not limited to clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery, obstetrical care, or other medical treatments of similar scope.

(135)“Household Pet” has the meaning set forth in Section 7-2-122.
(136)“Incinerator” means a furnace or similar apparatus for burning waste, trash, or garbage.
(137)“Instructional Facilities” means indoor facilities used for private Commercial instruction in arts, crafts, physical fitness, or other skills.
(138)“Intensity” means the concentration of activity and the size of Buildings and Structures, including the number of people, cars, visitors, and customers present, the hours of operation, and the presence of outdoor advertising.
(139)“Intensive Retail Service” means a Use engaged in providing retail sale, rental, service, processing, or repair of items for household use, including but not limited to groceries, cards and stationery, books, toys, cosmetics, and sporting equipment.
(140)“Junk” means any salvaged, discarded, or scrapped copper, brass, iron, steel, metal, rope, rags, batteries, paper, trash, plastic, rubber, tires, waste, dismantled or inoperable motor vehicles, and other articles and materials commonly designated as Junk.
(141)“Kennel” means any place where three or more Animals over six months of age are kept for sale, boarding, care, or breeding for which a fee is charged or paid.
(142)“Kennel, Sportsman’s” means a Kennel for the keeping of three to five dogs for noncommercial use on a Lot of at least one acre.
(143)“Knee Brace” means a diagonal support placed across the angle between a Building overhang or roof and the Building wall.
(144)“Landscaping” means the improvement of property through the addition of plants and the eradication of weeds and other deleterious material, including the installation of trees, shrubs, lawn, and vegetative or non-vegetative permeable groundcover.
(145)“Laundromat” means an establishment providing washing, drying, or dry cleaning machines on the premise on a pay-per-use basis to the general public.
(146)“Less Intensive Retail Service” means a retail Use with more than 75% of the gross floor area used for display and sales of bulky commodities, including but not limited to furniture, large appliances, Building materials, carpeting and floor covering, and air conditioning and heating equipment.
(147)“Light Industrial” means the indoor manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and
distribution of such products, which does not produce noise, odors, vibration, hazardous waste materials, or particulate that will disturb or endanger neighboring properties.

(148)“Lingerie Store” means a retail establishment meeting any of the following criteria:
   a. Over five percent of the floor area is devoted to the sale of lingerie, adult novelties, and adult marital or sexual aids;
   b. Lingerie, adult novelties, and adult marital or sexual aids account for five percent or more of gross sales; or
   c. The establishment is marketed as a Lingerie Store or adult establishment.

(149)“Lodging Facility” means any establishment outside Residential or Agricultural Zones where lodging or overnight accommodations are offered, with or without compensation. If any Lodging Facility or other establishment where lodging or overnight accommodations are offered is located in any zone by any governmental entity, nonprofit corporation, or any other actor operating under or pursuant to either a state preemption or a general or limited exemption from any land use or zoning regulations, such Lodging Facility or establishment shall be built in accordance with the standards set forth in Section 7-7-117.

(150)“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 required by this Title, and having full Frontage on and unrestricted access to a dedicated Street.

(151)“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.

(152)“Lot, Interior” means a Lot other than a Corner Lot.

(153)“Lot Line Adjustment” means the relocation of the property boundary line between two adjoining Lots with the consent of the Owners of record which does not create new Lots or Dwelling Units and all requirements of this Title are met.

(154)“Lot Split” means the division of property into two legal Lots.

(155)“Lot Width” means the distance between the side Lot lines measured along a straight line at the minimum required front setback. For Corner Lots, the Lot Width is the lesser of the two distances between the abutting Streets to the Interior Lot lines opposite those Streets.
(156)“Major Street Plan” means the plan defining the future alignment of Streets and their Rights-of-way which has been approved by the Planning Commission and City Council.

(157)“Mansard Roof” means a roof with a steep lower slope and a flatter upper slope on all sides.

(158)“Manufacturer of Alcoholic Products” means the same as set forth in the Alcoholic Beverage Control Act.

(159)“Manufacturing Zones” means the LI and M zones.

(160)“Massage” and “Massage Therapy” mean the same as set forth in the Massage Therapy Practice Act or any amended or successor legislation.

(161)“Massage Establishment” means any place where Massage or Massage Therapy are practiced for hire.

(162)“Minor Street” means a Street with no more than two lanes for which the principal function is access to abutting land and for which traffic movement is a secondary function.

(163)“Mobile Food Vending Vehicle” means a fully enclosed motorized vehicle mounted food service establishment which is operated by a vendor within the frame of the vehicle, which sells food products for immediate consumption, and which moves under its own power, not being manually pushed, pulled, or towed by another vehicle.

(164)“Mobile Home” means a Structure that is transportable in one or more sections, built on a permanent chassis, and is designed to be used without a permanent foundation as a Residence or temporary housing accommodation, excluding Recreational Vehicles and travel trailers.

(165)“Mobile Home Park” means any plot of ground upon which two or more Mobile Homes are located with or without compensation.

(166)“Mobile Home Space” means a plot of ground within a Mobile Home Park which is designed for the accommodation of one Mobile Home.

(167)“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.
(168) “Mobile Home Subdivision” means a residential Subdivision designed to offer Lots under separate Ownership for the placement of Mobile Homes.

(169) “Mortuary” means a facility in which dead bodies are prepared for burial or cremation or where funeral services are conducted.

(170) “Motorized Outdoor Recreation Equipment” means motorized or commonly motorized equipment used in off-road or recreational activities, including but not limited to boats, snowmobiles, race cars, dune buggies, ATVs, watercraft, and off-road motorcycles.

(171) “Movie Theater” means an establishment containing audience seating and at least one screen or facility to view movies.

(172) “Moving Truck Rental Business” means an establishment where moving trucks or trailers are stored outside and rented to customers.

(173) “Multiple Unit Dwelling” means a Building arranged or designed to provide for more than four Dwelling Units.

(174) “Mural” means any mosaic, painting, or graphic art or combination thereof which is professionally applied to a Building; 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.

(175) “Natural Drainage Course” means any natural watercourse which is open continuously for the flow of water in a definite direction or course.

(176) “Natural Waterways” means those areas along streams, rivers, creeks, gullies, springs, or washes which are natural drainage channels and in which no Buildings are to be constructed.

(177) “Neighborhood Grocery” means a retail establishment with 5,000 square feet or less which sells food and other household products, which does not sell motor fuel, and which is closed between the hours of 10 P.M. and 6 A.M.

(178) “Neighborhood Service Establishment” means low impact retail and service Uses which supply frequently purchased necessities with minimal customer travel, including bakeries, bookstores, dry cleaners, hair styling shops, and similar Uses.

(179) “Nonconforming Structure” means a Structure that legally existed before its current Zoning designation and, because of subsequent Zoning changes, does not now conform
to the Zoning Ordinance’s setback, height restrictions, or other regulations that govern the Structure.

(180) “Nonconforming Use” means a Use of land that legally existed before its current Zoning designation, has been maintained continuously since the time the Zoning regulation governing the land changed, and because of subsequent Zoning changes does not now conform to the Zoning regulations that now govern the land.

(181) “Office, Medical and Dental” means a Building used by physicians, dentists, or similar Personnel for the treatment and examination of patients and where no overnight stays occur.

(182) “Office, Professional” means a Building used by attorneys, accountants, insurance or real estate agents, and other individuals offering professional services.

(183) “Off-Premises Beer Retailer” means a licensed place of business wherein beer is sold in original containers to be consumed off the premises.

(184) “Outside Display of Merchandise” means the outside display of goods in conjunction with an approved retail business.

(185) “Outside Storage” means the keeping of any goods, materials, or equipment outside of a Building for more than 24 hours, excluding Vehicle Recycling Facilities, Vehicle Storage Yards, Towing and Impound Yards, and Outside Display of Merchandise.

(186) “Overpressure” means a sudden increase in air pressure resulting from an explosion traveling at the speed of sound.

(187) “Owner” means the Owner in fee simple of real property as shown in the records of the Salt Lake County Recorder’s Office, including both the singular and the plural and including, but not limited to, natural Persons, firms, associations, partnerships, private or public corporations, or any combination thereof.

(188) “Package Agency” is as defined in the Alcoholic Beverage Control Act.

(189) “Pad Site” means a location for a freestanding Building within a larger Commercial center.

(190) “Parapet” means a low wall projecting from the edge of a roof.

(191) “Parcel of Land” means a contiguous quantity of land owned by the same Owner.

(192) “Parking Lot, Commercial” means an open area, other than a Street, used for parking of five or more automobiles and available for public use, with or without compensation.
(193) “Parking Space” means a space within a Building, Lot, or parking lot for the parking or storage of one vehicle.

(194) “Parking Structure” means a Building or Structure of more than one level used to store motor vehicles.

(195) “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 pledger 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, or engages in any substantially similar transaction.

(196) “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. “Permanent Cosmetics” is limited to eyeliner, eyebrows, and lip coloring procedures.

(197) “Permanent Cosmetics Establishment” means an establishment engaging in Permanent Cosmetics licensed in accordance with Title 58 of the Utah Code, excluding Tattoo Establishments and Home Occupations.

(198) “Permitted Use” means a specific Use authorized in a particular zone which does not require Planning Commission review and approval.

(199) “Person” means any individual, firm, trust, partnership, or public or private association or corporation.

(200) “Planned Unit Development” means an integrated design for Development of residential, Commercial, or industrial Uses, or a combination of such Uses, in which one or more of the regulations other than the Use regulations of the Zoning district in which the Development is located is waived or varied to allow flexibility in site and Building design and location in accordance with an approved plan and requirements set forth in this Title.

(201) “Planning Commission” means the West Valley City Planning Commission.

(202) “Porte-cochere” means a porch large enough for automobiles to pass through.
(203)“Portico” means a porch or walkway with a roof supported by columns leading to the Entrance of a Building.

(204)“Preliminary Plat” means the initial map of a proposed Subdivision.

(205)“Primary Façade” means the side of a Building facing the public Street. For Corner Lots, the Street facing side with the primary customer Entrance is the Primary Façade. For residential Buildings designed around a Courtyard or parking area, the side with the primary resident Entrance is the Primary Façade.

(206)“Primary Street” is the Street adjacent to a single Frontage Lot. For Corner Lots, the Primary Street is the public Street with the largest Right-of-way width.

(207)“Primary Use” means the principal Use for which a property is used.

(208)“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 the adjacent Owners share in the cost of said public improvements.

(209)“Public Park” means a park, playground, swimming pool, golf course, or athletic field under the control, operation, or management of the state of Utah, a state agency, Salt Lake County, or West Valley City.

(210)“Public Utility” means every common carrier, gas corporation, electrical corporation, wholesale electrical cooperative, telecommunications corporation, water cooperative, sewage corporation, heat corporation, or independent energy producer where a service is performed for or a commodity delivered to the general public.

(211)“Public Way” means any road, Street, Alley, lane, court, place, viaduct, tunnel, culvert, or bridge laid out or erected as such by the public, dedicated or abandoned to the public, or made such by the Subdivision of real property, including the entire area within the Right-of-way.

(212)“Public Works Department” means the West Valley City Public Works Department.

(213)“Quoins” means dressing for Building corners differentiated from the adjoining walls by material, texture, color, size, or projection.

(214)“Reasonable Notice” means actual notice or notice that meets the requirements of state law.
(215) “Reception Center” means a Building, facility, or Use primarily used to host public or private events, parties, or gatherings, including but not limited to places where patrons dance to live or recorded music or where recorded music is presented by a “DJ” or “disk jockey”.  

(216) “Recreation, Indoor” means an indoor establishment providing the general public with amusement or activities, including but not limited to bowling alleys, laser tag, skating rinks, trampoline parks, or arcades. 

(217) “Recreation, Outdoor” means an outdoor establishment providing the general public with amusement or activities, including but not limited to miniature golf, batting cages, go-cart tracks, driving ranges, or amusement park rides. 

(218) “Recreational Vehicle” means any vehicle which is designed to be transported on its own wheels and used as temporary living quarters for travel or vacation purposes, including but not limited to vacation vehicles, truck-campers, tent-trailers, motor homes, and travel trailers. 

(219) “Recreational Facility Beer Retailer” means a business that is licensed to sell beer and permit consumption thereof at recreation facilities, that does not sell beer in original containers, and that sells beer only to the ultimate consumer. 

(220) “Regional Shopping Mall” means a Shopping Center located within 200 feet of Interstate 215 with a combined Building size over 500,000 square feet and a minimum site area of 50 acres. 

(221) “Religious Institution” means a Building used primarily for religious worship and activities. 

(222) “Rental Store” means a business that rents furniture, appliances, or electronics to customers. 

(223) “Residence” means a permanent domicile, dwelling place, or abode. 

(224) “Residential Zones” means the R-1-4, R-1-6, R-1-7, R-1-8, R-1-10, R-1-12, R-1-20, R-2-6.5, R-2-8, R-4, RB, RE, RM, RMH, and SH zones. 

(225) “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.
(226) “Restaurant Liquor Retailer” means a Restaurant that maintains a liquor license in accordance with the Alcoholic Beverage Control Act.

(227) “Restaurant On-Premises Beer Retailer” means a licensed place of business in connection with a bona fide Restaurant where beer is sold for on-premise consumption and accounts for less than 30 percent of gross revenue.

(228) “Retail Anchor” means the major store or stores within a Shopping Center.

(229) “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, park strip, or similar Use.

(230) “Sanitary Landfill” means a site for solid waste disposal.

(231) “School” means an institution satisfying the requirements of public education and having an academic curriculum similar to that offered in public schools, excluding Home Occupations represented as schools. For the purposes of regulations pertaining to Sexually-Oriented Businesses, “School” means an institution of learning or instruction primarily catering to minors, whether public or private, which is licensed by the state of Utah.

(232) “Secondary Façade” means any side of a Building that is not a Primary Façade and is either visible from a public Right-of-way or has a customer Entrance.

(233) “Secondhand Store” means any business which is engaged in the purchase, barter, exchange, or sale of any secondhand merchandise of value or which deals in secondhand goods, excluding businesses dealing in used motor vehicles and trailers and including businesses buying or selling more than five firearms per year.

(234) “Self-Storage Facility” means a Building or group of Buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent.

(235) “Shopping Center” means a group of retail and other Commercial establishments built on a site which is planned, developed, operated, and managed as an operating unit.

(236) “Sidewalk” means a passageway for pedestrians that excludes motor vehicles.

(237) “Single Unit Dwelling” means a Building arranged or designed to have one Dwelling Unit.

(238) “Site Plan” means a drawing including all of the following:
   a. Date;
   b. North arrow and scale;
c. The legal description of the subject property;
d. The dimension and location of existing and proposed improvements on the property and adjoining property, including but not limited to Buildings, fencing, hard surfacing, utility lines and poles, and Landscaping, drawn to scale;
e. Location of proposed construction, including but not limited to signs;
f. Name, address, and telephone number of the builder and property Owner;
g. Existing and proposed vehicle access, parking stalls, curb, gutter, and Sidewalk, vehicle circulation patterns, and curb cuts;
h. The location, height, and size of proposed signs, lighting, and advertising devices; and
i. All other information necessary to determine whether the proposed construction is in compliance with this Title and all other applicable law.

(239)“Small Brewer” means a Brew Restaurant which, in addition to retail sales and on-site consumption, markets beer wholesale in an amount not to exceed 60,000 barrels per year and derives less than 30 percent of gross revenues from beer sales, including but not limited to microbreweries.

(240)“Soldier Course Brick Pattern” means a pattern of bricks in which all bricks are laid vertically as illustrated below:

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(241)“Sound Wall” means a solid concrete or masonry wall constructed adjacent to a Major Arterial Street or Freeway to create a noise and access barrier, excluding hollow core or foam core walls and including walls greater than 6’ tall.

(242)“Special District” means all entities established under Title 17B of the Utah Code and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or state agency.

(243)“Square” means a public, active pedestrian center designed for a high pedestrian traffic level with a minimum of 20% unpaved pervious surface area, including turf, groundcover, or mulch.
(244)“State Store” means the same as set forth in the Alcoholic Beverage Control Act.
(245)“Story” means the space within a Building having clear headroom of seven feet or over.
(246)“Story, Half” means a Story with at least two of its opposite sides situated under a 
sloping roof and with a maximum of two thirds of the floor area of the Story below.
(247)“Street” means public Rights-of-way, including highways, avenues, boulevards, 
parkways, roads, lanes, walks, Alleys, viaducts, subways, tunnels, bridges, public 
easements, and other ways.
(248)“Structure” means anything constructed or erected on or below the ground, including 
signs and Billboards but excluding Fences six feet tall or shorter.
(249)“Structural Alterations” means any change in supporting members of a Building or 
Structure, including bearing walls, columns, beams, or girders.
(250)“Subdivider” means the Owner of real property proposed to be subdivided, including 
all successors and assigns.
(251)“Subdivision” means the same as set forth in the Utah Municipal Land Use, 
Development, and Management Act.
(252)“Subdivision, Major” is a Subdivision with at least ten Lots or a Subdivision requiring 
any new Street or extension of public utilities or facilities.
(253)“Subdivision, Minor” means any Subdivision with nine or fewer Lots on which all Lots 
have Frontage on improved public Streets and which does not create any new Streets.
(254)“Survey Monument” means a mark affixed to a permanent object along a line of survey 
to furnish a survey control.
(255)“Swap Meet, Indoor” means property where the Owner, lessee, or licensee rents, lends, 
or leases portions of a Building to Persons for use as a marketplace to barter, exchange, 
or sell goods or services and where no walls are erected from floor to ceiling between 
the majority of individual tenant spaces, including but not limited to flea markets.
(256)“Swap Meet, Outdoor” means property where the Owner, lessee, or licensee rents, 
lends, or leases outdoor space or booths to Persons for use as a marketplace to barter, 
exchange, or sell goods, including but not limited to flea markets, but excluding Yard 
or garage sales at Residences.
(257) “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.

(258) “Tattoo Establishment” means any location, place, area, Structure, or business used for the practice or instruction of Tattooing or Body Piercing, excluding Permanent Cosmetics Establishments.

(259) “Tavern” means the same as set forth in the Alcoholic Beverage Control Act.

(260) “Temporary Land Use” means a Use which is transient or seasonal in nature.

(261) “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.

(262) “Temporary Residential Storage Container” means a fully enclosed Structure without a permanent foundation uniquely designed for short term storage of household or remodeling goods and for portable use via transport vehicle.

(263) “Three Unit Dwelling” means a Building arranged or designed to have only three Dwelling Units under one ownership on one Lot, such as a triplex.

(264) “Towing and Impound Yard” means a facility for the temporary storage of vehicles that have been towed, carried, hauled or pushed from property for impoundment, excluding New Automotive Sales, Used Automotive Sales, Automobile Service, Vehicle Recycling Facilities, and Vehicle Storage Yards.

(265) “Transportation and Public Ways Ordinance” means the West Valley City Transportation and Public Ways Ordinance as presently adopted and amended in the future.

(266) “Truck Transfer Company” means a facility serving as a transfer or storage point for a truck freight line, including associated offices, parking, and maintenance facilities.

(267) “Turf Farm Equipment Manufacturing” means a Commercial business engaged in assembling, testing, storing, selling, or repairing equipment, parts, and machinery used exclusively for sod harvesting.

(268) “Twin Home” means a Building arranged or designed to have only two Dwelling Units under separate ownership by two Owners which has a common wall along a common Lot line.
(269) “Two Unit Dwelling” means a Building arranged or designed to have only two Dwelling Units under one ownership on one Lot, such as a duplex.

(270) “Unchartered Financial Service Provider” means any business extending loans, cash advances, short term credit, rent-to-own services, or any similar financial services, excluding federal and state chartered banks, industrial banks, savings and loan institutions, New and Used Automobile Sales, and credit unions.

(271) “Use” means any legal purpose for which a Building, Structure, or tract of land can be designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation legally carried on in a Building or Structure or on a tract of land.

(272) “Variance” means a device which grants a property Owner relief from certain provisions of the Zoning Ordinance upon the showing set forth in state law and by this Title.

(273) “Vehicle Recycling Facility” means the outside storage of or Use of property for a storage yard for operable or inoperable automobiles or trucks, a Junk yard, a salvage yard, or a tow truck or wrecker service, including but not limited to the following:
   a. The outside storage of two or more used vehicles or used vehicle parts, including tires, regardless of operational ability, condition, timeframe, or reason; or
   b. The storage of any number of used vehicles or used vehicle parts, including tires, for the purpose of dismantling, stripping, salvaging, or selling all or part of the vehicle, excluding the indoor storage of vehicles in a fully enclosed Building, New and Used Automobile Sales, Automobile Service, and Vehicle Storage Yards.

(274) “Vehicle Storage Yard” means a site where operable vehicles without occupants are stored for compensation for more than 24 hours, excluding New and Used Automobile Sales, Automobile Service, Towing and Impound Yards, and Vehicle Recycling Facilities.

(275) “Veterinary Hospital” means a place where Animals are given medical care and the boarding of Animals is limited to short term, indoor care incidental to the medical Use.

(276) “Warehouse” means a Building used primarily for storage of goods and materials.

(277) “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 hereafter organized which has jurisdiction over land in the City.

(278)“Yard” means a space on a Lot unoccupied and unobstructed from the ground upward by Buildings, except as otherwise provided herein.

(279)“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 of a Front Yard 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 is faced by the primary Entrance to the Building.

(280)“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 across the full width of the Lot. The depth of the Rear Yard is the minimum distance between the rear Lot line and the closest point of the rear of the Building.

(281)“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.

(282)“Zoning” means the land use regulation imposed by the City, including but not limited to the division of the City into Zoning districts, the establishment of land use standards in each district, and the regulation of Buildings upon the land.

(283)“Zoning Administrator” means the West Valley City Zoning Administrator as appointed by the City Manager or his or her designee.

(284)“Zoning Ordinance” means the West Valley City Zoning Ordinance as presently adopted and amended in the future.

Section 7-2-114 is hereby amended as follows:

7-2-114. 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. Permitted residential fencing materials are limited to vinyl, masonry, wrought iron style (metal), wood, hedges and chain-link. Fencing materials shall be of materials originally intended for fencing and shall not include materials intended for other purposes. Metal panels, barbed or razor wire, and livestock Fences are expressly prohibited in Residential Zones. Livestock fencing is permitted only in an Agricultural Zone or for the containment of Animals in association with an approved residential Nonconforming Use 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 are allowed up to the front property line or, if a 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 Major or Minor Arterials 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. In the M zone, barbed wire atop a Fence constructed in compliance with all applicable ordinances shall not count toward Fence height.

(5) 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.

(6) 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.

Section 7-2-115 is hereby amended as follows:

7-2-115. STORAGE OF VEHICLES – AGRICULTURAL AND 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 Agricultural or 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 an Agricultural or Residential Zone, except during actual construction.

Section 7-2-118 is hereby amended as follows:
7-2-118.  REFUSE STORAGE CONTAINERS SITING STANDARDS.

(1) Suitable and adequate refuse storage containers shall be provided and shall be closed by a 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 or 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 six-foot 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. Enclosures shall not be constructed of unpainted concrete block or similar material. Where an enclosure was not originally required on a developed Lot, an enclosure shall be installed upon the issuance of a new business license on the developed Lot.

(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 Agricultural Zone, Residential Zone, or residential Use.

(6) Refuse storage and collection containers shall not obstruct clear view in any Development and shall be located in a manner permitting safe traffic circulation throughout the Development.

Section 7-6-201 is hereby amended as follows:

7-6-201.  AGRICULTURAL AND RESIDENTIAL USE TABLE.

The following table indicates the permitted (P), conditional (C), and prohibited (X) Uses within the Agricultural and Residential Zones of the City. Where uses are marked with an asterisk, regulations can be found elsewhere in this Title 7. It is the express intent of the City Council that any Use not listed in this table is prohibited in the Agricultural and Residential
### Uses - (Uses with an asterisk (*) include use specific regulations.)

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<tr>
<th>Uses</th>
<th>A, A-1, A-2</th>
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<td>Equestrian schools</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
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<tr>
<td>Food Vending Unit and Mobile Food Vending Vehicle as an accessory use to an approved community use</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Four Unit Dwelling</td>
<td>X</td>
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<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Home Occupation*</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Home Occupation in Accessory Building*</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Household Pets</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Kennel, Indoor*</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Kennel, Outdoor*</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>Kennel, Sportsman's*</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>Mobile Home Park*</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>X</td>
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<tr>
<td>Mobile Home (in a Mobile Home Park or in a Mobile Home Subdivision only)</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>X</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>P</td>
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<td>Noncommercial raising, training and grazing of animals</td>
<td>P</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Nursing home/Convalescent Center</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office, Medical and Dental</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>C</td>
<td>P</td>
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<tr>
<td>Office, Professional</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>X</td>
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<td>Planned Unit Development</td>
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<td>C</td>
<td>C</td>
<td>C</td>
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<td>C</td>
<td>C</td>
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</tbody>
</table>
Section 7-6-202 is hereby amended as follows:

7-6-202. **AGRICULTURAL AND RESIDENTIAL STANDARDS TABLE.**

The following tables indicate Lot size, setback, Building Height, and Accessory Building requirements within the Agricultural and Residential Zones of the City.

<table>
<thead>
<tr>
<th><strong>Public Utility installations (except lines and rights-of-way)</strong></th>
<th>C</th>
<th>C</th>
<th>C</th>
<th>C</th>
<th>C</th>
<th>C</th>
<th>C</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radio and television transmission antennas, transmitting stations and related facilities*</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Single Unit Dwelling</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Temporary Non-Residential Buildings</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Temporary Land Use</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Temporary Use accessory to a Community Use</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Three Unit Dwelling</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Turf Farm Equipment Manufacturing*</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Twin Home</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Two Unit Dwelling</td>
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<td>X</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Uses customarily accessory to listed conditional uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Uses customarily accessory to listed permitted uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Veterinary Hospital*</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

X: Use is prohibited
C: Use is conditional
P: Use is permitted

<table>
<thead>
<tr>
<th><strong>Residential Standards</strong></th>
<th>RM</th>
<th>SH</th>
<th>RB</th>
<th>R-4</th>
<th>RMH</th>
<th>R-2-6.5</th>
<th>R-2-8</th>
<th>R-1-4</th>
<th>R-1-6</th>
<th>R-1-7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot size (square feet)</td>
<td>20,000*</td>
<td>20,000*</td>
<td>8,000</td>
<td>9,000*</td>
<td>217,800*</td>
<td>6,500*</td>
<td>8,000*</td>
<td>4,000</td>
<td>6,000</td>
<td>7,000</td>
</tr>
<tr>
<td>Minimum Lot Width for Interior Lots (feet)</td>
<td>100*</td>
<td>100*</td>
<td>70</td>
<td>80*</td>
<td>N/A</td>
<td>60*</td>
<td>80*</td>
<td>50</td>
<td>65</td>
<td>70</td>
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<tr>
<td>Minimum Lot Width for Corner Lots (feet)</td>
<td>100*</td>
<td>100*</td>
<td>70</td>
<td>80*</td>
<td>N/A</td>
<td>60*</td>
<td>80*</td>
<td>60</td>
<td>75</td>
<td>80</td>
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<tr>
<td>Side setback (feet)</td>
<td>10*</td>
<td>10*</td>
<td>10</td>
<td>10</td>
<td>7.5</td>
<td>8*</td>
<td>8*</td>
<td>0</td>
<td>6*</td>
<td>8*</td>
</tr>
<tr>
<td>Garage side setback (feet)</td>
<td>10*</td>
<td>10*</td>
<td>10</td>
<td>10</td>
<td>7.5</td>
<td>8*</td>
<td>8*</td>
<td>10*</td>
<td>10*</td>
<td>10*</td>
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<tr>
<td>Street side setback (feet)</td>
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<td>20</td>
<td>20</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>20</td>
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<tr>
<td>Rear setback (feet)</td>
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<td>20*</td>
<td>20</td>
<td>30</td>
<td>10</td>
<td>20</td>
<td>20</td>
<td>20*</td>
<td>20*</td>
<td>20*</td>
</tr>
<tr>
<td>Maximum Building Height for all Buildings except Accessory Buildings (feet)</td>
<td>75*</td>
<td>36*</td>
<td>35*</td>
<td>35</td>
<td>12*</td>
<td>35</td>
<td>35</td>
<td>30</td>
<td>30</td>
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<tr>
<td>---</td>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Maximum Building Height for all Buildings except Accessory Buildings (Stories)</td>
<td>6*</td>
<td>3*</td>
<td>2.5*</td>
<td>2.5</td>
<td>1*</td>
<td>2.5</td>
<td>2.5</td>
<td>2.5</td>
<td>2.5</td>
<td>2.5</td>
</tr>
<tr>
<td>Maximum Building Height for Accessory Buildings (feet)</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
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<tr>
<td>Maximum Building Height for Accessory Buildings (Stories)</td>
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<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
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<tr>
<td>Minimum Building Height for all Buildings (Stories)</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
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</table>

*See the specific zone for additional requirements and/or exceptions.

<table>
<thead>
<tr>
<th>Residential Standards</th>
<th>R-1-8</th>
<th>R-1-10</th>
<th>R-1-12</th>
<th>RE</th>
<th>R-1-20</th>
<th>A</th>
<th>A-1</th>
<th>A-2</th>
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</thead>
<tbody>
<tr>
<td>Minimum Lot size (square feet)</td>
<td>8,000</td>
<td>10,000</td>
<td>12,000</td>
<td>12,000*</td>
<td>20,000</td>
<td>21,780</td>
<td>43,560</td>
<td>87,120</td>
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<td>Minimum Lot Width for Interior Lots (feet)</td>
<td>80</td>
<td>90</td>
<td>90</td>
<td>100</td>
<td>100</td>
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<tr>
<td>Minimum Lot Width for Corner Lots (feet)</td>
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<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
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<td>100</td>
</tr>
<tr>
<td>Front setback (feet)</td>
<td>25</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Side setback (feet)</td>
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<td>8*</td>
<td>10*</td>
<td>10</td>
<td>10*</td>
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<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Garage side setback (feet)</td>
<td>10*</td>
<td>10*</td>
<td>10*</td>
<td>10</td>
<td>10*</td>
<td>10</td>
<td>10</td>
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<tr>
<td>Street side setback (feet)</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Rear setback (feet)</td>
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<td>30*</td>
<td>30</td>
<td>30*</td>
<td>30</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>Maximum Building Height for all Buildings except Accessory Buildings (feet)</td>
<td>75</td>
<td>36</td>
<td>35</td>
<td>35</td>
<td>12</td>
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<td>Maximum Building Height for Accessory Buildings (feet)</td>
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<td>Minimum Building Height for all Buildings (Stories)</td>
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<td>1</td>
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</table>

*See the specific zone for additional requirements and/or exceptions.

<table>
<thead>
<tr>
<th>Standards for Accessory Buildings in Rear Yards</th>
<th>RM</th>
<th>SH</th>
<th>RB</th>
<th>R-4</th>
<th>RMH</th>
<th>R-2-6.5</th>
<th>R-2-8</th>
<th>R-1-4</th>
<th>R-1-6</th>
<th>R-1-7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback from Primary Buildings (feet)</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>N/A</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Side setback (feet)</td>
<td>1*</td>
<td>1*</td>
<td>1*</td>
<td>1*</td>
<td>N/A</td>
<td>1*</td>
<td>1*</td>
<td>1*</td>
<td>1*</td>
<td>1*</td>
</tr>
<tr>
<td>Rear setback (feet)</td>
<td>1*</td>
<td>1*</td>
<td>1*</td>
<td>1*</td>
<td>N/A</td>
<td>1*</td>
<td>1*</td>
<td>1*</td>
<td>1*</td>
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</tr>
<tr>
<td>Street side setback (feet)</td>
<td>20*</td>
<td>20*</td>
<td>20*</td>
<td>20*</td>
<td>N/A</td>
<td>20*</td>
<td>20*</td>
<td>20*</td>
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</tbody>
</table>
Section 7-6-203 is hereby amended as follows:

**7-6-203.  GENERALLY APPLICABLE REQUIREMENTS – AGRICULTURAL AND RESIDENTIAL ZONES.**

The following requirements are applicable within all Agricultural and Residential Zones within the City:

1. Sites must be developed in accordance with all requirements set forth in this Title 7.
2. Landscaping shall be maintained in accordance with this Title 7. In addition, the following Landscaping standards apply to multi-unit housing, Community Uses, and all other non-residential Uses in all Agricultural and Residential Zones:
   a. Minimum required setbacks adjacent to a Street shall be permanently landscaped except for approved access drives.
   b. All landscaped areas shall include a perpetually maintained underground irrigation system capable of complete coverage of the landscaped area that is designed to promote water efficiency.
   c. All landscaped areas shall be landscaped with a mixture of ground cover, shrubs, and trees. Landscaped areas may include sculptures, patios, or fountains. Where trees are required, four shrubs per tree shall also be required.
d. Required deciduous trees shall be 1.5” caliper at installation unless a higher caliper requirement is imposed elsewhere in this Title. Required evergreen trees shall be six feet tall at installation. Required shrubs shall be a minimum of one gallon at installation.

e. Landscaping shall include 50% coverage of live plant material, not including tree canopies.

f. One tree per 300 square feet of minimum required setback shall be required in addition to other applicable tree requirements.

g. All Landscaping shall be maintained in a healthy, neat, and orderly condition, free of weeds and litter.

h. All areas of a developed Lot or parcel not occupied by a Building or required parking shall be landscaped in accordance with City ordinances and the approved landscape plan.

(3) Parking required by this Title shall not be located within required Front Yard or Side Yard setbacks adjacent to public or private Streets.

(4) Outside storage of materials, equipment, household items, garbage, Junk, refuse, rubbish, residential solid waste, construction or demolition waste, any item stored or accumulated for the purpose of discarding, or any item not used for its original intended purpose is prohibited. 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.

(5) Where a developed Lot does not conform to all Landscaping requirements except those in Chapter 7-10, such Lot shall be brought into compliance upon the occurrence of any one of the following:

a. Any action which increases the floor area of the premises by more than thirty percent (30%).

b. Any action which, when combined with one (1) or more previous expansions, causes the aggregate area of expansion to exceed thirty percent (30%) of the original floor area of the premises.

Section 7-6-204 is hereby amended as follows:
The following requirements are applicable within all Residential Zones within the City:

(1) The following exceptions apply in all Residential Zones except the RE zone:

   a. For Single Unit Dwellings in existence as of 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 must be no greater than one Story, attached to the home, and function only as a storage area for vehicles and not as living space for a dwelling.

   b. For Single Unit Dwellings constructed prior to July 8, 1986 with a two car garage, the Rear Yard setback may be reduced to a minimum of fifteen feet.

   c. The width of Lots on Cul-de-sacs shall be measured at the front setback line and may be reduced by five feet from the widths listed in Section 7-6-202 above.

(2) Accessory Buildings may be built in the Rear Yard to within one foot of side and rear property lines if the following requirements are met:

   a. Accessory Buildings shall be separated at least three feet from the rear of the dwelling.

   b. Accessory Buildings shall not encroach upon any recorded easement.

   c. Accessory Buildings shall occupy no more than 25% of the Rear Yard.

   d. On double Frontage or Corner Lots, Accessory Buildings shall not be permitted within 20 feet of any dedicated Street unless a Sound Wall separates the Street from the Accessory Buildings. If a Sound Wall does separate the Street from the Accessory Buildings, the Accessory Buildings may be built to within one foot of side and rear property lines.

   e. Accessory buildings shall have a maximum Height of 14 feet at the minimum setback and shall be set back an additional foot for each foot in Height, with the maximum permissible Height being 20 feet.

(3) Accessory Buildings placed in the Side Yard shall meet the setback standards set forth in Section 7-6-202 above. One Accessory Building per property may encroach upon the Side Yard setback if all of the following requirements are met:

   a. The Accessory Building is less than 120 square feet in area;
b. The Accessory Building is at least one foot from the side property line and the dwelling or Primary Building on the Lot;

c. The Accessory Building is not located in a Side Yard adjacent to a Street;

d. The Accessory Building’s exterior materials are constructed and maintained in accordance with Section 24-7-105 of the West Valley City Municipal Code, with no metal exterior materials permitted; and

e. The Accessory Building is under eight feet in height.

(4) Patio covers Attached to a home may be built in accordance with the following requirements:

a. Except as explicitly set forth herein, patio covers must meet all required setbacks.

b. Attached patio covers that do not cover a deck more than thirty inches above finished Grade may encroach into the Rear Yard setback if they meet the following requirements:
  i. Patio covers shall be no closer than five feet to the rear property line.
  ii. Patio covers shall not encroach upon any recorded easement.
  iii. On double Frontage or Corner Lots, patio covers shall not be permitted within 20 feet of any dedicated Street unless a Sound Wall separates the Street from the patio cover.
  iv. The patio cover and all Accessory Buildings combined shall occupy no more than 25% of the Rear Yard.
  v. The patio cover shall not function as a storage area for vehicles or other property.
  vi. No more than three feet above the finished floor elevation under the patio cover may be enclosed.
  vii. The patio cover shall not be converted to living space for a dwelling.
  viii. The patio cover shall be subordinate in height and area to the primary dwelling.

(5) Outside storage of materials, equipment, household items, garbage, Junk, refuse, rubbish, residential solid waste, construction or demolition waste, any item stored or accumulated for the purpose of discarding, or any item not used for its original intended purpose is
prohibited. 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.

Section 7-6-209 is hereby amended as follows:

7-6-209. SPECIFIC REQUIREMENTS – RM ZONE.

The following requirements are applicable within the RM zone:

(1) The minimum Lot area shall be 8,000 square feet for each Single Unit Dwelling and 4,000 square feet per Dwelling Unit for Twin Homes. For all other Uses, the minimum Lot area shall be 20,000 square feet.

(2) The maximum Density for residential Uses shall be determined by the General Plan designation of the property.

(3) The minimum Lot Width, Side Yard setback, and Rear Yard setback for Single Unit Dwellings shall be equal to the minimum Lot Width, Side Yard setback, and Rear Yard setback in the R-1-8 zone. The minimum Lot Width, Side Yard setback, and Rear Yard setback for Twin Homes shall be equal to the minimum Lot Width, Side Yard setback, and Rear Yard setback in the R-2-8 zone. For all other Uses, the minimum Lot Width shall be 100 feet.

(4) Side Yard setbacks for Uses other than single family homes Single Unit Dwellings and Twin Homes shall be ten feet except as set forth below.
   a. Garages used in Apartments or Condominium Developments may be used as screen walls adjacent to a property line with Planning Commission approval.
   b. Side Yard setbacks for Side Yards facing a Street on a Corner Lot shall be 20 feet.

(5) For all residential Uses, the Front Yard setback shall be 25 feet, which may be reduced as set forth in a Development Agreement between the property Owner and the City. For all nonresidential Uses, the Front and Rear Yard setback shall be 20 feet.

(6) For properties adjacent to residential Uses with Buildings with two stories or less, the maximum Building Height at the minimum Side and Rear Yard setback shall be 25 feet. For each foot of height over 25 feet, Buildings shall be set back an additional foot from the minimum setback, with a maximum total Building Height of 75 feet.
Section 7-6-301 is hereby amended as follows:

7-6-301. COMMERCIAL AND MANUFACTURING USE TABLE.

The following table indicates the permitted (P), conditional (C), and prohibited (X) Uses within the Commercial, Manufacturing, and overlay Zones of the City. (PC) means a Use is permitted when not adjacent to a residential Use, Residential Zone, or Agricultural Zone and conditional when adjacent to a residential Use, Residential Zone, or Agricultural Zone. Certain Uses may have additional restrictions or requirements as set forth in this Title 7. Where Uses are marked with an asterisk, additional regulations can be found elsewhere in this Title. It is the express intent of the City Council that any Use not listed in this table is prohibited in the Commercial and Manufacturing Zones of the City.

<table>
<thead>
<tr>
<th>Uses - (Uses with an asterisk (*) include use specific regulations.)</th>
<th>Zones - (Zones with an asterisk (*) include regulations that limit the use.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BRP</td>
</tr>
<tr>
<td>Agricultural Business or Industry*</td>
<td>X</td>
</tr>
<tr>
<td>Agriculture</td>
<td>P</td>
</tr>
<tr>
<td>Alternative Financial Service Provider*</td>
<td>X</td>
</tr>
<tr>
<td>Artist Studio</td>
<td>P</td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td>X</td>
</tr>
<tr>
<td>Automobile parts store</td>
<td>X</td>
</tr>
<tr>
<td>Automobile Sales, New</td>
<td>X</td>
</tr>
<tr>
<td>Automobile Sales, Used</td>
<td>X</td>
</tr>
<tr>
<td>Automobile Service*</td>
<td>X</td>
</tr>
<tr>
<td>Bail Bonds Dealer</td>
<td>X</td>
</tr>
<tr>
<td>Blood Plasma Center</td>
<td>X</td>
</tr>
<tr>
<td>Brew Restaurant, Brew Restaurant and Liquor Retailer, Small Brewer*</td>
<td>X</td>
</tr>
<tr>
<td>Bus Terminal*</td>
<td>X</td>
</tr>
<tr>
<td>Caretaker's Dwelling</td>
<td>P</td>
</tr>
<tr>
<td>Cargo Container*</td>
<td>P</td>
</tr>
<tr>
<td>Commercial raising, rental, stabling, training and grazing of animals*</td>
<td>X</td>
</tr>
<tr>
<td>Commissary</td>
<td>X</td>
</tr>
<tr>
<td>Community Use</td>
<td>P</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>X</td>
</tr>
<tr>
<td>Day Care/Preschool Center</td>
<td>P</td>
</tr>
<tr>
<td>Detention Facility/Jail*</td>
<td>X</td>
</tr>
<tr>
<td>Equestrian school</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses - (Uses with an asterisk (*) include use specific regulations.)</th>
<th>Zones - (Zones with an asterisk (*) include regulations that limit the use.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equity club*, fraternal club*, social club*, or other establishment requiring a Club License</td>
<td>BRP</td>
</tr>
<tr>
<td>Event Center, Indoor*</td>
<td>X</td>
</tr>
<tr>
<td>Event Center, Outdoor*</td>
<td>X</td>
</tr>
<tr>
<td>Fast Food Establishment with drive-up window*</td>
<td>X</td>
</tr>
<tr>
<td>Fast Food Establishment with no drive-up window</td>
<td>P</td>
</tr>
<tr>
<td>Financial Institution</td>
<td>P</td>
</tr>
<tr>
<td>Fitness Center</td>
<td>P</td>
</tr>
<tr>
<td>Food Vending Unit* and Mobile Food Vending Vehicle*</td>
<td>P</td>
</tr>
<tr>
<td>Fuel sales including gasoline, diesel, propane and other similar fuels</td>
<td>X</td>
</tr>
<tr>
<td>Furniture store</td>
<td>X</td>
</tr>
<tr>
<td>Garden Center* or Garden Center* with an Indoor Event Center* as an accessory use</td>
<td>X</td>
</tr>
<tr>
<td>Grocery Store</td>
<td>X</td>
</tr>
<tr>
<td>Gun Range, Indoor</td>
<td>P</td>
</tr>
<tr>
<td>Hardware Store</td>
<td>X</td>
</tr>
<tr>
<td>Heavy Equipment Sales and Service</td>
<td>X</td>
</tr>
<tr>
<td>Heavy Truck and trailer sales, New</td>
<td>X</td>
</tr>
<tr>
<td>Heavy Truck and trailer sales, Used</td>
<td>X</td>
</tr>
<tr>
<td>Heavy Truck and trailer service</td>
<td>X</td>
</tr>
<tr>
<td>Home Improvement Center*</td>
<td>X</td>
</tr>
<tr>
<td>Home Occupation*</td>
<td>X</td>
</tr>
<tr>
<td>Hospital</td>
<td>P</td>
</tr>
<tr>
<td>Incinerator</td>
<td>X</td>
</tr>
<tr>
<td>Industrial, Light</td>
<td>P</td>
</tr>
<tr>
<td>Industrial, Heavy</td>
<td>X</td>
</tr>
<tr>
<td>Instructional Facility</td>
<td>P</td>
</tr>
<tr>
<td>Kennel, Indoor*</td>
<td>P</td>
</tr>
<tr>
<td>----------------</td>
<td>---</td>
</tr>
<tr>
<td>Kennel, Outdoor*</td>
<td>X</td>
</tr>
<tr>
<td>Laundromat</td>
<td>X</td>
</tr>
<tr>
<td>Lingerie Store</td>
<td>X</td>
</tr>
<tr>
<td>Lodging Facility*</td>
<td>P</td>
</tr>
<tr>
<td>Manufacturer of Alcoholic Products</td>
<td>X</td>
</tr>
<tr>
<td>Massage Establishment</td>
<td>X</td>
</tr>
<tr>
<td>Mortuary</td>
<td>X</td>
</tr>
<tr>
<td>Movie Theater</td>
<td>X</td>
</tr>
<tr>
<td>Moving Truck Rental Business</td>
<td>X</td>
</tr>
<tr>
<td>Nursing home/Convalescent Center</td>
<td>X</td>
</tr>
<tr>
<td>Office, Medical and Dental</td>
<td>P</td>
</tr>
<tr>
<td>Office, Professional</td>
<td>P</td>
</tr>
<tr>
<td>Outside Display of Merchandise*</td>
<td>X</td>
</tr>
<tr>
<td>Outside Storage*</td>
<td>X</td>
</tr>
<tr>
<td>Parking Lot, Commercial</td>
<td>P</td>
</tr>
<tr>
<td>Permanent Cosmetic Establishment</td>
<td>X</td>
</tr>
<tr>
<td>Public Utility installation (except lines and rights-of-way)</td>
<td>P</td>
</tr>
<tr>
<td>Radio and television transmission antennas, transmitting stations and related facilities*</td>
<td>X</td>
</tr>
<tr>
<td>Recreation, Indoor</td>
<td>X</td>
</tr>
<tr>
<td>Recreation, Outdoor*</td>
<td>X</td>
</tr>
<tr>
<td>Recreational Facility Beer Retailer*</td>
<td>X</td>
</tr>
<tr>
<td>Recreational Vehicle, Motorized Outdoor Recreation Equipment and Mobile Home Sales</td>
<td>X</td>
</tr>
<tr>
<td>Rental Store</td>
<td>X</td>
</tr>
<tr>
<td>Residential</td>
<td>X</td>
</tr>
<tr>
<td>Restaurant Liquor Retailer*, Dining Club*</td>
<td>P</td>
</tr>
<tr>
<td>Restaurant*, Restaurant On-Premises Beer Retailer*, Restaurant Liquor Retailer</td>
<td>P</td>
</tr>
<tr>
<td>Retail department or specialty store</td>
<td>X</td>
</tr>
<tr>
<td>Retail Tobacco Specialty Business*</td>
<td>X</td>
</tr>
</tbody>
</table>

Uses - (Uses with an asterisk (*) include use specific regulations.)

Zones - (Zones with an asterisk (*) include regulations that limit the use.)
<table>
<thead>
<tr>
<th>Uses - (Uses with an asterisk (*) include use specific regulations.)</th>
<th>Zones - (Zones with an asterisk (*) include regulations that limit the use.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BRP</td>
<td>MXD</td>
</tr>
<tr>
<td>Truck Transfer Company</td>
<td>X</td>
</tr>
<tr>
<td>Turf Farm Equipment Manufacturing*</td>
<td>X</td>
</tr>
<tr>
<td>Uses customarily accessory to a listed permitted use</td>
<td>P</td>
</tr>
<tr>
<td>Uses customarily accessory to a listed conditional use</td>
<td>P</td>
</tr>
<tr>
<td>Vehicle Recycling Facility*</td>
<td>X</td>
</tr>
<tr>
<td>Vehicle Storage Yard*</td>
<td>X</td>
</tr>
<tr>
<td>Veterinary Hospital*</td>
<td>P</td>
</tr>
<tr>
<td>Warehouse</td>
<td>P</td>
</tr>
</tbody>
</table>

X: Use is prohibited in the zone
X*: Use is prohibited in portions of the applicable overlay zone
C: Use is conditional
C*: Use is conditional and includes zone specific regulations
P: Use is permitted
P*: Use is permitted and includes zone specific regulations
PC: Use is permitted when not adjacent to a residential Use, Residential Zone, or Agricultural Zone. Use is conditional when adjacent to a residential Use, Residential Zone, or Agricultural Zone.
*: Use includes overlay zone specific regulations

Section 7-6-303 is hereby amended as follows:
7-6-303.  GENERALLY APPLICABLE REQUIREMENTS.

The following requirements are applicable within all Commercial and Manufacturing Zones within the City:

(1) Sites must be developed in accordance with all requirements set forth in this Title 7.
(2) Parking shall not be allowed within minimum setbacks unless expressly permitted within a particular zone.
(3) All properties within Commercial and Manufacturing Zones shall meet the following Landscaping standards in addition to all other applicable Landscaping requirements:
   a. Minimum required setbacks adjacent to a Street shall be permanently landscaped except for approved access drives. Fences above three feet in height shall be prohibited within the minimum required setbacks adjacent to a Street.
   b. All landscaped areas shall include a perpetually maintained underground irrigation system capable of complete coverage of the landscaped area and designed to promote water efficiency.
   c. All landscaped areas shall be landscaped with a mixture of ground cover, shrubs, and trees. Landscaped areas may include sculptures, patios, or fountains. Where trees are required, four shrubs per tree shall also be required.
   d. Required deciduous trees must be 1.5” caliper at installation unless a higher caliper requirement is imposed elsewhere in this Title. Required evergreen trees must be six feet tall at installation. Required shrubs must be a minimum of one gallon at installation.
   e. Landscaping must include 50% coverage of live plant material, not including tree canopies.
   f. For properties adjacent to an Agricultural Zone, Residential Zone, or residential Use, one tree per three hundred square feet of minimum required setback shall be required in addition to other applicable tree requirements.
   g. All Landscaping shall be maintained in a healthy, neat, and orderly condition, free of weeds and litter.
h. All areas of a developed Lot or parcel not occupied by a Building or required parking shall be landscaped in accordance with City ordinances and the approved landscape plan.

(4) All paved areas, walls, and Fences shall be maintained in good repair and without broken parts, holes, potholes, or litter.

(5) Where any nonresidential Lot borders an Agricultural Zone, Residential Zone, or residential Use, a six-foot concrete or masonry wall and landscape buffer shall be installed in accordance with the following requirements:
   a. The wall shall be constructed concurrently with the foundation of the first Building on the Lot.
   b. The six-foot height requirement shall be measured from the Lot Grade or parking Lot asphalt Grade (whichever is higher) of the higher Lot to the top of the screen wall.
   c. When future Commercial Use of the neighboring residential or agricultural property is recommended in the General Plan, a waiver or substitution for the wall requirement may be approved by the Planning Commission for Conditional Uses or the Zoning Administrator for Permitted Uses.
      i. If a substitution would allow visibility into a neighboring residential property, the substitution shall not be approved unless the Owner of the residential property records a deed restriction against his or her property in a form acceptable to the City Attorney’s Office prohibiting the installation of a solid Fence.
      ii. Substitutions permitting visibility into a neighboring residential property shall be constructed with a six-foot powder coated ornamental aluminum alloy or similar non-rusting product.
   d. Where a six-foot concrete or masonry wall and landscape buffer does not exist on a developed, nonresidential Lot bordering an Agricultural Zone, Residential Zone, or residential Use, the wall shall be installed upon the issuance of a new Conditional Use Permit on the developed, nonresidential Lot.
(6) Where a developed Lot does not conform to all Landscaping requirements except those in Chapter 7-10, such Lot shall be brought into compliance upon the occurrence of any one of the following:
   a. Any action which increases the floor area of the premises by more than thirty percent (30%).
   b. Any action which, when combined with one (1) or more previous expansions, causes the aggregate area of expansion to exceed thirty percent (30%) of the original floor area of the premises.
   c. Any change of use to a more intense use.

Section 7-6-307 is hereby amended as follows:

7-6-307. SPECIFIC REQUIREMENTS – M ZONE.

The following requirements are applicable within the M zone:

(1) Parking may encroach 10 feet into the landscaped setback if the following conditions are met:
   a. The site must be adjacent to a public or private Street containing a privately maintained and landscaped median at least ten feet in width; and
   b. The 10 feet of separation between the parking and the Right-of-way shall be completely landscaped and shall include lawn and one tree per three hundred square feet.

(2) The following regulations govern Building Height in the M zone:
   a. For Buildings adjacent to public or private Streets, the maximum Building Height at the minimum setback shall be 20 feet, with Buildings set back one additional foot per additional foot in height over 20 feet.
   b. If a Building or Structure is not a Communications Facility as defined in Part 7-7-400P, meets the Commercial Design Standards, and is not located on a property adjacent to a Residential Zone or Use, that Building shall have no limitation on height and shall have a minimum setback of 20’.
c. For Buildings or Structures adjacent to a Residential Zone or Use, the maximum Building Height at the minimum setback shall be 20 feet, with Buildings set back two additional feet per additional foot in height over 20 feet.

(3) Loading docks and similar Uses shall be located a minimum of 100 feet from Residential Uses or Zones and shall incorporate Landscaping or wing wall screening.

(4) All Uses adjacent to Residential Zones or Uses or on properties of greater than ten acres shall be Conditional Uses.

Section 7-6-310 is hereby amended as follows:

7-6-310. **SPECIFIC REQUIREMENTS – LI ZONE.**

The following requirements are applicable within the LI zone:

(1) All minimum setback areas shall be permanently landscaped.

(2) The following regulations govern Building Height in the LI zone:

   a. For Buildings adjacent to public or private Streets, the maximum Building Height at the minimum setback shall be 20 feet, with Buildings set back one additional foot per additional foot in height over 20 feet.

   b. If a Building or Structure is not a Communications Facility as defined in Part 7-7-400P, meets the Commercial Design Standards, and is not located on a property adjacent to a Residential Zone or Use, that Building shall have no limitation on height.

   c. For Buildings or Structures adjacent to a Residential Zone or Use, the maximum Building Height at the minimum setback shall be 20 feet, with Buildings set back two additional feet per additional foot in height over 20 feet.

(3) The minimum Lot size shall be one acre for Convenience Stores and three acres for all other Uses.

(4) The minimum Building size shall be 10,000 square feet for all Uses except Convenience Stores, which shall have no minimum Building size.

(5) Loading docks and similar Uses shall be located a minimum of 100 feet from Residential Uses or Zones and shall incorporate Landscaping or wing wall screening.
(6) No more than 20% of the Lot area shall be used for Outside Storage. Outside Storage shall only be allowed in conjunction with a Permitted or Conditional Use and not as a stand alone Use.

(7) Automobile Service shall only be allowed as a Use that is incidental to a Permitted or Conditional Use.

(8) Any Use not required to meet the Commercial Design Standards as set forth in Part 3 of Chapter 7-11 shall meet the following design standards:
   a. Primary and Secondary Building Façades shall incorporate at least one treatment per Section as outlined in Sections 7-11-311, 7-11-312, and 7-11-313 of this Title.
   b. Metal Buildings shall be subject to the Commercial Design Standards as set forth in Part 3 of Chapter 7-11.

(9) Overhead doors shall not be oriented toward High-Image Arterial Streets as listed in Section 7-10-102.

Section 7-6-405 is hereby amended as follows:

7-6-405. RESIDENTIAL BUILDING DESIGN.

(1) Residential Building Design. Residential Buildings shall meet the following standards:
   a. Garage 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 6:12 for the main roof and 4:12 for any subordinate roof.
      ii. The eaves or roof edges must be set back at least 5’ from any public Sidewalk.
      iii. Vertical or horizontal roof articulation is required on all Primary and Secondary Façades with pitched roofs. There shall be at least one roof articulation per dwelling unit. 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. Where pitched roofs are not used, a decorative parapet shall be included on the Primary and Secondary Façades, with at least one variation in the Decorative Parapet per two Dwelling Units.

e. 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. Two different 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, or at least once, whichever is greater.

   i. Bay windows
   ii. Windows recessed a minimum of 2 inches
   iii. Box windows
   iv. Building offsets or projections with a minimum depth of 2’ and a minimum width of 4’
   v. Balconies
   vi. Covered porches or prominent covered entryways
   vii. Expression of a vertical architectural treatment with a minimum width of 24 inches and a minimum depth of 2 inches
   viii. Any other treatment that meets the intent of this subsection (e).

f. In order to prevent blank or plain walls, and to ensure excellence in architecture and design, Primary Façades shall include at least three of the following window treatments with at least two window treatments per window. All other Façades shall utilize at least two of the following window treatments with at least one window treatment per window. At least 25% of the Primary Façade shall be fenestration.
i. Varying the size and/or style of windows
ii. Window sills
iii. Window grids
iv. Window trim
v. Window headers
vi. Window railing
vii. Shutters
viii. Any other treatment that meets the intent of this subsection (f).

g. In order to prevent Building Façades 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 Brick Pattern.)
   ix. A distinguished upper floor for Buildings with at least four floors
   x. Any other treatment that meets the intent of this subsection (g).

h. A Building relief treatment, window treatment or Building design treatment listed in subsections (d), (e), (f), and (g) 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 and not a change of color.

i. In residential Developments with more than 4 Buildings, the architectural features listed in subsections (d), (e), (f), and (g) above shall be varied between Buildings.
j. All residential Building exteriors shall be brick, stucco, stone, or fiber cement siding. No more than 60% of a Building exterior shall be stucco. No more than 60% of a residential Building exterior shall be fiber cement siding. Where stucco or fiber cement siding 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.

k. All multiple-unit residential Developments with less than 50 Dwelling Units shall include at least two Amenities from the following list. All multiple-unit 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 multiple-unit 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 multiple-unit 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.

<table>
<thead>
<tr>
<th>Major</th>
<th>Minor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swimming pool</td>
<td>Tot Lot</td>
</tr>
<tr>
<td>Courtyard</td>
<td>Volleyball court</td>
</tr>
<tr>
<td>Clubhouse (without fitness room)</td>
<td>Hot tub or sauna</td>
</tr>
<tr>
<td>Garages</td>
<td>Walking/exercise trail</td>
</tr>
<tr>
<td>On-site manager</td>
<td>Basketball court</td>
</tr>
<tr>
<td>Fitness room</td>
<td>Tennis court</td>
</tr>
<tr>
<td>Private patio or balcony of at least 60 square feet for each unit</td>
<td>Transit Pass</td>
</tr>
<tr>
<td>Community library</td>
<td>Community car</td>
</tr>
<tr>
<td>Keyless access system</td>
<td>Storage lockers for each unit</td>
</tr>
<tr>
<td>Community room with full kitchen</td>
<td>Bike storage</td>
</tr>
<tr>
<td>Community game room</td>
<td>Outdoor covered pavilion</td>
</tr>
</tbody>
</table>
l. 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.
m. 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-unit residential Buildings within the same Development.
n. All multi-unit residential Developments shall include either washer and dryer hook-ups for each Dwelling Unit or an on-site laundry.
o. Each Dwelling Unit shall have its own kitchen and bathroom.
p. At least 50% of the Dwelling Units shall have a parking space in a garage. All Dwelling Units shall have at least one parking space in a garage or Carport.
q. The minimum Dwelling Unit sizes shall be:
   i. 400 square feet for a studio unit;
   ii. 550 square feet for a one bedroom unit;
   iii. 800 square feet for a two bedroom unit;
   iv. 1,000 square feet for a three bedroom unit; and
   v. 1,200 square feet for a four bedroom unit or larger.

(2) Mixed-use Buildings with residential Use shall meet the following standards:
   a. The residential portion of the Building shall follow the standards in subsection (1) above.
   b. The Commercial portion of the Building shall follow the standards in Section 7-6-404 above.
   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.

Section 7-6-406 is hereby amended as follows:
The following requirements are applicable to properties within the City Center zone fronting on Lehman Avenue:

(1) Streetscape

a. Street improvements shall be installed and dedicated according to Figure 1 below. 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 the City’s adopted Engineering Standards.

(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 subsection (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 shall comply with the standards in Title 11. 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 Uses are limited to residential, community, office and Home Occupations.

(6) Unless explicitly incorporated herein, the requirements of Chapter 17-22A Part 17-2-1100P of the West Valley City Municipal Code do not apply to Mobile Food Vending Vehicles operating within the CC zone on Lehman Avenue. Food Vending Vehicles may only park and operate on the south side of Lehman Avenue between Market Street and 3000 West, subject to the following limitations:
a. Mobile Food Vending Vehicles are permitted to operate one day per week. That day shall be designated by the Zoning Administrator.
b. Mobile Food Vending Vehicles may only operate between 11 AM and 9 PM on the day established by the Zoning Administrator.
c. All Mobile Food Vending Vehicles must be in compliance with the provisions of Title 17 pertaining to business licensing.
d. Mobile Food Vending Vehicles may not obstruct vehicular or pedestrian traffic.
e. Mobile Food Vending Vehicles must comply with all applicable Salt Lake County Health Department requirements.

Section 7-7-101 is hereby amended as follows:

**7-7-101. AGRICULTURAL INDUSTRY.**

The minimum Lot size for Agricultural Industry Uses with live animals shall be five acres.

Section 7-7-115 is hereby amended as follows:

**7-7-115. HOME OCCUPATIONS.**

(1) All Home Occupations shall operate in accordance with the following requirements:

a. The outside appearance and architecture of the home shall not be modified to accommodate or promote a Home Occupation.
b. Home Occupations shall be conducted entirely within the home. No storage of merchandise, equipment, supplies, or materials shall occur outside of the home.
c. **With the exception of Home Child Care, employees** shall not come to the home to work unless said employees reside at the home. **For Home Child Care, no more than one employee that does not reside at the home may come to the home to work.**
d. Explosive or combustible materials shall not be stored or used in association with a Home Occupation.
e. The Home Occupation shall not disturb the residential character of the neighborhood.

f. Home Occupations shall not be conducted after 10 P.M. or before 6 A.M.

g. Home Occupations shall not be licensed, approved, or conducted without the written consent of the property Owner.

h. No more than 25% of any floor of the home shall be used for the Home Occupation.

i. Garages and Accessory Buildings shall not be used for Home Occupations except for vehicle storage. If a Conditional Use Permit is obtained, other storage may occur in garages and Accessory Buildings if the home retains two parking spaces for residents and the garage is still usable for parking.

j. Home Occupations shall have no more than two customers per hour visiting the residence. If a Conditional Use Permit is obtained, up to six customers per hour may visit the residence.

(2) Vehicles may be used in association with a Home Occupation in accordance with the following requirements:

a. With the exception of Home Child Care, only one vehicle may be used in association with a Home Occupation. For Home Child Care, two vehicles may be used in association with a Home Occupation.

b. The maximum size of a vehicle used in association with a Home Occupation shall be equivalent to a one ton pickup truck. If a Conditional Use Permit is obtained and the vehicle is screened and parked on private property, a larger commercial vehicle may be used if it is not a Heavy Truck.

c. Vehicles used in association with a Home Occupation must be parked on private property. With the exception of Home Child Care, vehicles shall be parked outside of the required Front Yard setback. For Home Child Care with two vehicles, one vehicle shall be parked outside of the required Front Yard setback and the other vehicle may be parked within the required Front Yard setback on an approved surface.
d. Tow trucks, tanker trucks, box vans, delivery vans, and similar vehicles shall not be stored onsite. Such vehicles may be located offsite in an approved offsite storage location.

e. One trailer may be used in association with a Home Occupation in accordance with the following standards:

   i. The maximum body length of an enclosed trailer is 20 feet. The maximum body length of an open trailer is 16 feet.

   ii. Trailers must be garaged or stored on private property and may not be located within the Front Yard setback or, for Corner Lots, in either the Front or Side Yard setback.

   iii. Trailers may have one sign covering the lesser of 24 square feet or 30% of the side panel of the trailer.

f. Off-Street parking must be sufficient for both the residents of the home and the vehicle and/or trailer used in association with a Home Occupation.

g. Vehicles used in association with a Home Occupation may have a single sign no larger than four square feet.

(3) Sales may be conducted in association with a Home Occupation in accordance with the following requirements:

   a. Direct retail sales from display shelves are prohibited.

   b. Promotional meetings to sell merchandise, take orders, or conduct similar activities shall not be held more than one day per month.

   c. Garage, Basement, or Yard sales shall be conducted a maximum of four times per year, and each sale must last no more than 72 hours.

(4) Home Child Care may be offered as a Home Occupation in accordance with the following requirements:

   a. Only one Home Occupation shall be licensed to conduct Home Child Care per Dwelling Unit.

   b. The Home Occupation shall comply with the maximum capacity requirements set forth by state law for a licensed family child care facility. Provide child care for no more than six children at a time. If there are no children under two years of
(5) Home Preschools may be conducted as a Home Occupation in accordance with the following requirements:

   a. No more than ten children shall be present during a session.
   b. Sessions shall last no more than four hours.
   c. Home Preschools shall conduct no more than two sessions per day. If two sessions are conducted, a break of at least thirty minutes must occur between sessions.
   d. Individual children shall not attend more than one session per day.
   e. Drop off and parking shall not occur on the Street.
   f. If children have access to the Rear Yard area, the Rear Yard shall be fully Fenced with a self-latching gate.

(6) The following Home Occupations are prohibited:

   a. All Uses that are prohibited or conditional in the C-1 zone.
   b. Manufacturing or auto-related Uses, including but not limited to automobile repair, windshield or window replacement, or auto detailing.

(7) Home Occupations in Accessory Buildings shall be conducted as a Conditional Use in accordance with the following requirements:

   a. The Home Occupation conducted in the Accessory Building shall be limited to instructional businesses, such as musical or artistic instruction. The craft, skill, or practice taught must be a permitted Use in the underlying zone.
   b. The Accessory Building shall be existing at the time of application and shall not be constructed for the primary purpose of housing the Home Occupation.
   c. A maximum of six students per session and three sessions per day shall be observed.
   d. Hard surfaced access and off-street parking shall be provided.
   e. The Home Occupation shall be entirely located within a legally built and conforming enclosed Structure and shall not encroach into any carport, Garage, patio, breezeway, or Yard space.
f. The Home Occupation shall not displace minimum required parking for the residence.
g. The Home Occupation shall only operate when classes are in session and students are present.
h. A Conditional Use Permit shall be obtained.

Section 7-7-126 is hereby amended as follows:

7-7-126. TURF FARM EQUIPMENT MANUFACTURING.

(1) The minimum Lot size for Turf Farm Equipment Manufacturing shall be five acres.
(2) All assembly, repair, storage and maintenance must be conducted within an enclosed structure.
(3) The total area dedicated to this use within a structure or structures shall not exceed 25,000 square feet.
(4) Must provide a hard surface access to the facility and hard surface parking for employees and customers.
(5) All structures used for this purpose must be setback at least 75' from any residential zone boundary.

Section 7-8-103 is hereby amended as follows:

7-8-103. CONDITIONAL USE STANDARDS.

(1) The Planning Commission shall approve complete Conditional Use applications if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed Use.
(2) In addition to the requirements of the West Valley City Municipal Code, the Planning Commission may impose reasonable conditions to mitigate reasonably anticipated detrimental effects of the proposed Use, which detrimental effects include:
   a. Impacts upon traffic patterns;
b. Increased demands for utility services;

c. Negative impacts on connectivity and safety for pedestrians and cyclists;

d. Noise, light, dust, smoke, and odors created by or related to the proposed Use;

e. Site designs which impact access by emergency vehicles;

f. Increased activity or hours of operation which are incompatible with surrounding Uses;

g. Negative impacts on neighborhood aesthetics;

h. Secondary or indirect effects created by or related to the proposed Use;

i. Incompatible architectural design; and

j. Inconsistency with surrounding Uses.

(2) Conditional use permits are granted subject to review by the Planning Commission. The Planning Commission or City staff may initiate a review of a conditional use permit to determine whether the conditions of approval are being met and/or effectively mitigating reasonably anticipated detrimental effects of the proposed Use. Any such review shall include a public hearing with notice given to the property owner and others as required by state law. Following such review, the Planning Commission may impose additional conditions to mitigate the reasonably anticipated detrimental effects of the proposed Use and shall establish a reasonable timeline for compliance with such conditions.

Section 7-8-104 is hereby amended as follows:

7-8-104. TERMINATION, REVOCATION, AND ENFORCEMENT.

(1) A Conditional Use Permit shall automatically terminate without notice if the Applicant fails to do any of the following within twelve months of Planning Commission approval:

a. If construction is proposed, obtain a building permit for and complete the construction of the foundation of at least one Primary Building;

b. Obtain a business license; or

c. Fulfill all conditions imposed by the Planning Commission.

(2) 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.

(3) Conditional Use Permits may be revoked by the Planning Commission if the Applicant or the Applicant’s successors and assigns fail to comply with this Title or the conditions imposed by the Planning Commission. 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.

(4) The City may enforce the requirements of this Chapter or the conditions imposed by the Planning Commission by any method legally available, including but not limited to revocation of the Conditional Use Permit or business license, administrative code enforcement, civil action, or criminal prosecution.

Section 7-9-105 is hereby amended as follows:

7-9-105. 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 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.
<table>
<thead>
<tr>
<th>Use</th>
<th>Weekday</th>
<th>Weekend</th>
<th>Nighttime</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Daytime (6 AM – 6 PM)</td>
<td>Evening (6 PM - Midnight)</td>
<td>Daytime (6 AM – 6 PM)</td>
</tr>
<tr>
<td>Office/Industrial</td>
<td>100%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>General Retail</td>
<td>80%</td>
<td>90%</td>
<td>100%</td>
</tr>
<tr>
<td>Hotel, Motel, Inn</td>
<td>75%</td>
<td>100%</td>
<td>75%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>65%</td>
<td>100%</td>
<td>80%</td>
</tr>
<tr>
<td>Theater/Entertainment</td>
<td>40%</td>
<td>100%</td>
<td>80%</td>
</tr>
<tr>
<td>Meeting Center</td>
<td>100%</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>75%</td>
<td>90%</td>
<td>90%</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

(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 Street that is listed on the West Valley City Major Street Plan;

c. All of the parking is located within a 400’ radius of the main Entrance of the Use requesting the additional parking; and

d. The combined parking required for all properties can be met as outlined in Sections 7-9-104 or in 7-9-105(1) when involving two or more Uses.

Section 7-9-114 is hereby amended as follows:

**7-9-114. SURFACING.**

(1) Except as provided in subsections 2, 3 and 4 below, All minimum number of off-Street Parking Spaces and maneuvering areas shall be paved and permanently maintained with
except dirt driveways in existence as of April 1, 2010, that have never been hard surfaced or graveled may be surfaced with gravel.

(2) **Residential** dirt driveways in existence as of April 1, 2010, that have never been hard surfaced or graveled may be surfaced with gravel.

(3) 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.

(4) All off-Street parking areas for Single Unit Dwelling, Two Unit Dwelling, or Twin Home 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 or Agricultural 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 subsection (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. Two Unit Dwelling Lots, Twin Home Lots, Cul-de-sac Lots, or Lots on major Streets needing circular driveways may increase the hard-surface
percent to 50 percent. Whenever gravel is used for parking and maneuvering in the Front Yard, the gravel area shall be included in the 40 and 50 percent.

(5) All off-Street vehicle parking must occur in an area that meets the requirements of this Chapter. No parking shall be allowed in landscaped areas.

Section 7-10-204 is hereby amended as follows:

7-10-204. DEVELOPMENT STANDARDS.

(1) All Streetscape improvements shall fit within the area reserved for a standard 20' Front Yard setback and the public Right-of-way. 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.

(3) Street trees shall be planted from 20'-50' apart, not to exceed an overall average spacing of 30'. Except for ornamental entryway trees, street tree selection and all other minimum Landscaping requirements shall be consistent with Section 7-10-103 this Part. Specific tree varieties shall be placed on both sides of every curb cut as ornamental entryway trees as specified below:
   a. Thundercloud Plum trees along 3300/3500 South,
   b. 'Kwanzan' Pink Flowering Cherry trees along Redwood Road and
   c. Eastern Redbud ‘Forest Pansy’ trees along 5600 West.

(4) A Non-Motorized Public Easement shall be granted to West Valley City. The width of the easement shall be 10’ along 3300/3500 South and Redwood Road and 6’ along 5600 West. This easement shall generally be located 15’ from the back of curb and shall run the entire length of the Frontage along the Street. A concrete trail shall be located within the public easement along the Street. The width of the trail shall be 10’ along 3300/3500 South and Redwood Road and 6’ along 5600 West. (See Figures 1, 2 and 3). The City reserves the right to require lane striping to separate pedestrian and bicycle areas. If at any point the 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 the Street. 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 required landscaped 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 1 – Cross-Section for Redwood Road and 3300/3500 South between Redwood and the Jordan River

Figure 2 – Cross-Section for 5600 West
(5) Overall site Landscaping coverage requirements shall be reduced to 90% of current standards to compensate for Streetscape improvements. For example, the C-2 zone shall be reduced from 15% to 13.5%.

(6) A landscaped buffer shall be located between the trail and any Development. The width of the buffer shall be 5’ along 3300/3500 South and Redwood Road and 9’ along 5600 West. 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. The Owner shall grant an easement to the City for the buffer in order to maintain lighting fixtures or other City utilities.

(7) Streetscape lighting shall be installed by the Owner along 3300/3500 South between Redwood Road and the Jordan River and along 5600 West using 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 the City’s adopted Engineering Standards. (See Figure 4 Streetscape Lighting A for the general appearance of Streetscape lighting fixtures.)

(8) Streetscape lighting shall be installed by the Owner along 3500 South between 2700 West and Redwood Road using 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 the City’s adopted Engineering Standards (see Figure 5 – Streetscape Lighting B, for the general appearance of Streetscape lighting fixtures). The placement of such lighting within the Building/parking buffer strip or 15’ landscaped berm shall be reviewed by the Planning
Commission for Conditional Use applications. Light fixtures must be inspected andapproved by City Staff or the City's designee prior to final Building inspection.
Figure 4 – Streetscape Lighting A, Standard Drawing LP-06
(9) 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.

(10) All signs shall be setback at least 1' from the trail/Sidewalk.
Section 7-11-202 is hereby amended as follows:

**7-11-202.  APPLICABILITY.**

This Part is applicable to all Single Unit Dwellings, Twin Homes, and Two Unit Dwellings in West Valley City.

Section 7-11-206 is hereby amended as follows:

**7-11-206.  LANDSCAPING AND IRRIGATION.**

Landscaping on Single Unit Dwelling, Twin Home, and Two Unit Dwelling Lots shall comply with the following standards:

1. 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.

2. 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.

3. 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.

(4) 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 Lots one half acre or larger, 80 feet of Frontage shall be landscaped on each Street. The 80-foot Frontage may include customary access drives.

Section 7-12-106 is hereby amended as follows:

7-12-106. NONCONFORMING USE OF BUILDINGS, STRUCTURES, AND LAND – STANDARD OF REVIEW.

The following provisions govern the establishment, restoration, reconstruction, extension, Alteration, expansion, and substitution of Nonconforming Uses, Buildings, and Structures:

(1) There is no presumption of legal existence of Nonconforming Uses. Individuals or entities asserting the establishment or legal existence of a Nonconforming Use shall have the burden to prove that the Nonconforming Use has been legally established and maintained. Uses, Buildings, or Structures in violation of current City ordinances shall be presumed to be illegal unless a Nonconforming Use, Building, or Structure determination is obtained as set forth in this Chapter.

(2) Applicants for a Nonconforming Use or individuals or entities asserting the existence of a Nonconforming Use, Building, or Structure shall submit an application to the Board of Adjustment including all of the following:

a. The exact nature of the Nonconforming Use, Building, or Structure asserted;

b. The beginning date of the Nonconforming Use, Building, or Structure; and

c. Any and all evidence establishing that the Nonconforming Use, Building, or Structure continually and legally existed from the time referenced in subsection 4(b)2(b) above to the date of the application.

   i. Evidence establishing the Nonconforming Use, Building, or Structure includes witness testimony, affidavits, correspondence, official permits or
licenses, and other evidence proving the establishment and continuance of the Nonconforming Use, Building, or Structure.

ii. No evidence or witnesses not included or listed in the application shall be presented by the Applicant.

(3) The Applicant shall have the burden of proving by clear and convincing evidence that the Nonconforming Use, Building, or Structure legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance governing the land changed, and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the Use of the land.

(4) In order to prove that the Use, Building, or Structure legally existed before its current land use designation, the Applicant must prove by clear and convincing evidence that the Use, Building, or Structure complied with all applicable legal requirements as of the asserted date of establishment, including but not limited to the acquisition of all required permits, business licenses, and other authorizations.

(5) In order to prove that the Use, Building, or Structure has been maintained continuously since the time the land use ordinance governing the land changed, the Applicant must prove by clear and convincing evidence that the Use, Building, or Structure has not been abandoned, that the Use has not paused or terminated for any one year period between the asserted date of commencement and the date of application, and that all legal requirements have been continually met, including but not limited to the acquisition and renewal of all required permits, business licenses, and other authorizations.

(6) A Nonconforming Use is presumed to be abandoned if any of the following have occurred:

   a. A majority of the primary Structure associated with the Nonconforming Use has been voluntarily demolished without a prior written agreement with the City regarding an extension of the Nonconforming Use;
   b. The Nonconforming Use has been discontinued for a one year period; or
   c. The primary Structure associated with the Nonconforming Use remains vacant for a period of one year.

(7) A nonconforming Building or Structure is presumed to be abandoned if any of the following have occurred:
a. A majority of the nonconforming Building or Structure has been voluntarily 
demolished without a prior written agreement with the City regarding an 
extension of the Nonconforming Use; or 
b. The nonconforming Building or Structure has remained vacant or unused for a 
period of one year.

(8) The reconstruction or restoration of a nonconforming Building or Structure or 
continuation of a Nonconforming Use shall be prohibited if:

a. The Structure is allowed to deteriorate to a condition that the Structure is rendered 
uninhabitable and is not repaired or restored within six months after written notice 
to the property Owner that the Structure is uninhabitable and that the 
noncomplying Structure or Nonconforming Use will be lost if the Structure is not 
repaired or restored within six months; or 
b. The property Owner has voluntarily demolished a majority of the noncomplying 
Structure or the Building that houses the Nonconforming Use.

(9) If 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 damage or destruction, may be continued or resumed if it is restored in 
accordance with all applicable building codes. Any repair or reconstruction shall be 
conducted in accordance with all City requirements and Conditional Use requirements, if 
applicable. Buildings that become nonconforming as to setbacks due to governmental 
action (such as a road widening) may be fully restored at the original setback.

(10) The Board may permit an enlargement or structural Alteration of a Nonconforming 
Building or Structure if the Nonconforming Building or Structure has been recognized 
by the Board or Zoning Administrator in accordance with this Title and if the applicant 
can prove by clear and convincing evidence the following:

a. The proposed change would not impose any unreasonable or detrimental impact 
on neighboring properties or Uses;
b. The proposed change is in harmony with the surrounding neighborhood; and 
c. The proposed change would be consistent with the intent of the General Plan and 
this Title.

The Board is authorized to impose any conditions necessary to ensure that the
requirements of this subsection (10) pertaining to the proposed change are met.

7-13-511.  FINAL PLAT – PREPARATION AND REQUIRED INFORMATION.

(1) The Final Plat shall consist of a digital document designed to print at 24 by 36 inches. 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 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) 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 book and page number, and entry numbers, and book and page numbers.

(6) The Owner(s) name(s) and recording information for all parcels adjoining the boundaries of the proposed Subdivision shall be shown.

(7) 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 recording 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.

(8) 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, chord bearing and distance of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.

(9) 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.

(10) 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.

(11) 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) All Lots shall include a 10 foot wide Public Utility easement along all Street Frontages and at other locations and dimensions as required by any Public Utility
company entitled to the use of a Public Utility easement pursuant to Utah Code Section 543-27 or successor statute.

(12) If a plat creates an easement, the plat shall include specific conveyance language and purposes for said easement. The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitively locate the same with respect to the Subdivision shall be shown. Any other easements shown on the plat shall specify to whom the easement is being conveyed, and for what purpose.

(13) 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.

(14) 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.

(15) 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.

(16) A note shall be placed on the Final Plat indicating that a soil test, in accordance with Section 7-13-504, has been prepared for the proposed Subdivision.

(17) 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.

(18) 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.

(19) When a solid visual barrier is required as a condition of Subdivision approval such as that specified in Section 7-13-705, the details of such barrier, including sections, elevations and finish texture, shall be required with the Final Plat.

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

Section 5. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.
PASSED and APPROVED this 8\textsuperscript{th} day of May, 2018.

WEST VALLEY CITY

_________________________________
MAYOR

ATTEST:

_________________________________
CITY RECORDER