

**WEST VALLEY CITY, UTAH**  
**ORDINANCE NO. 19-04**

Date Adopted: 02/05/2019

Date Effective: 02/08/2019

**AN ORDINANCE AMENDING SECTION 7-1-103 OF THE  
WEST VALLEY CITY MUNICIPAL CODE TO AMEND  
THE DEFINITION OF A LODGING FACILITY.**

**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 City desires to amend the definition of a lodging facility to clarify when a proposed use would qualify as a lodging facility; 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 Section 7-1-103 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Repealer.** Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.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 of the West Valley City Municipal Code 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 either 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 up to 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](#), Utah Code Annotated 1953, 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.

(5) “Agricultural Zones” means the A, A-1, and A-2 zones.

(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 percent alcohol by volume or 0.5 percent 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 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.

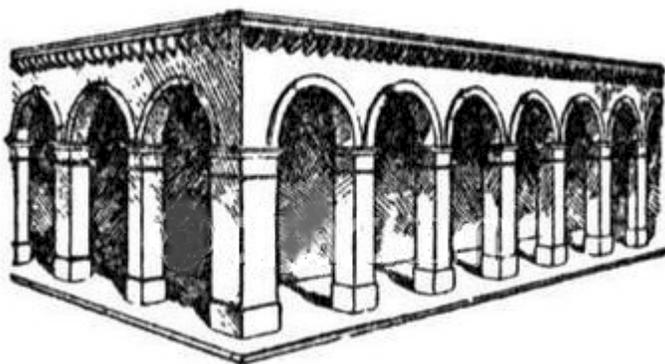
(14) “Animal” means any of a kingdom of living being differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.

(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. Apartments meet all of the following characteristics: a) all Dwelling Units are generally unfurnished, b) a lease is required to stay, and c) free housekeeping is not provided for Dwelling Units.

(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:



(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 craftsman, 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.

(28) “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.

(29) “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.

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



(31) “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.

(32) “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.

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

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

(35) “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.

(36) “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 percent of gross revenue.

(37) “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 percent 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 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.

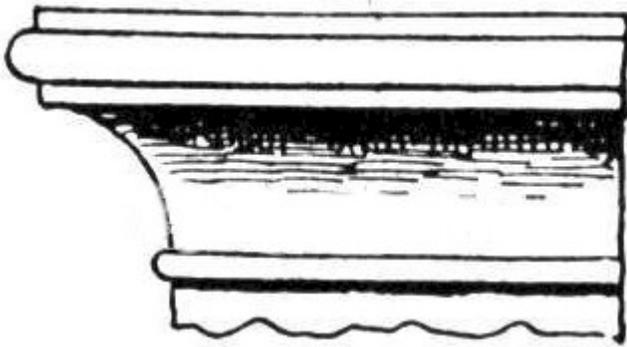
(72) “Condominium” or “Planned Unit Development” means the Ownership of a single unit in a multiunit project together with an undivided interest in the common areas and facilities of the property.

(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 nonfood commodities.

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

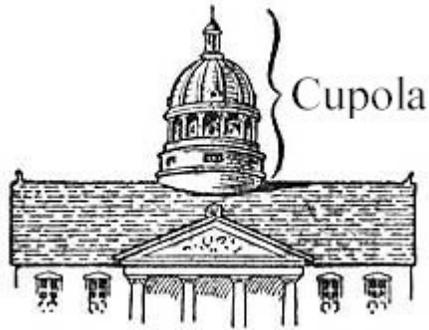


(77) “Courtyard” means an uncovered open space bounded on two or more sides by Buildings.

(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:



(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 noncompliant 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.

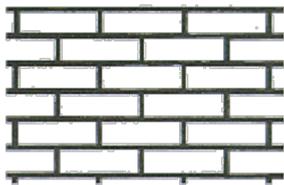
(93) “Exit” means the location of egress from a room, Building, or Lot.

(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, 100-Year” means a Flood having a one percent chance of being equaled or exceeded in any given year.

(108) “Flood, 10-Year” means a Flood having a 10 percent chance of being equaled or exceeded in any given year.

(109) “Floodplain, 100-Year” means that area adjacent to a drainage channel which would be inundated by a 100-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.

(118) “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.

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

(120) “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.

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

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

- (123) “Gun Range, Indoor” means a Building with facilities for the firing of firearms.
- (124) “Gun Range, Outdoor” means an outdoor facility for the firing of firearms.
- (125) “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 carries, 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 nonfamily-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 nonfamily-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) “Inland Port” and “Inland Port Use” have the meanings set forth in the Utah Inland Port Authority Act, Title [11](#), Chapter [58](#), Utah Code Annotated 1953, or successor statute.

(138) “Instructional Facilities” means indoor facilities used for private Commercial instruction in arts, crafts, physical fitness, or other skills.

(139) “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.

(140) “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.

(141) “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.

(142) “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.

(143) “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.

(144) “Knee Brace” means a diagonal support placed across the angle between a Building overhang or roof and the Building wall.

(145) “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 nonvegetative permeable groundcover.

(146) “Laundromat” means an establishment providing washing, drying, or dry cleaning machines on the premises on a pay-per-use basis to the general public.

(147) “Less Intensive Retail Service” means a retail Use with more than 75 percent 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.

(148) “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.

(149) “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.

(150) “Lodging Facility” means any establishment outside Residential or Agricultural Zones where lodging or overnight accommodations are offered, with or without compensation. Lodging Facilities meet all of the following characteristics: a) all guest rooms are fully furnished, b) no lease is required to stay, and c) free housekeeping is provided for all guest rooms. 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](#).

(151) “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.

(152) “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.

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

(154) “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.

- (155) “Lot Split” means the division of property into two legal Lots.
- (156) “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.
- (157) “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.
- (158) “Mansard Roof” means a roof with a steep lower slope and a flatter upper slope on all sides.
- (159) “Manufacturer of Alcoholic Products” means the same as set forth in the Alcoholic Beverage Control Act.
- (160) “Manufacturing Zones” means the LI and M zones.
- (161) “Massage” and “Massage Therapy” mean the same as set forth in the Massage Therapy Practice Act or any amended or successor legislation.
- (162) “Massage Establishment” means any place where Massage or Massage Therapy are practiced for hire.
- (163) “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.
- (164) “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.
- (165) “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.
- (166) “Mobile Home Park” means any plot of ground upon which two or more Mobile Homes are located with or without compensation.
- (167) “Mobile Home Space” means a plot of ground within a Mobile Home Park which is designed for the accommodation of one Mobile Home.
- (168) “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.
- (169) “Mobile Home Subdivision” means a residential Subdivision designed to offer Lots under

separate Ownership for the placement of Mobile Homes.

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

(171) “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.

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

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

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

(175) “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.

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

(177) “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.

(178) “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 10:00 P.M. and 6:00 A.M.

(179) “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.

(180) “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.

(181) “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.

(182) “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.

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

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

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

(186) “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.

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

(188) “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.

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

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

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

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

(193) “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.

(194) “Parking Space” means a space within a Building, Lot, or parking lot for the parking or storage of one vehicle.

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

(196) “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.

(197) “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” are limited to eyeliner, eyebrows, and lip coloring procedures.

(198) “Permanent Cosmetics Establishment” means an establishment engaging in Permanent Cosmetics licensed in accordance with Title [58](#), Utah Code Annotated 1953, excluding Tattoo Establishments and Home Occupations.

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

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

(201) “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.

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

(203) “Porte-cochere” means a porch large enough for automobiles to pass through.

(204) “Portico” means a porch or walkway with a roof supported by columns leading to the Entrance of a Building.

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

(206) “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.

(207) “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.

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

(209) “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.

(210) “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.

(211) “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.

(212) “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.

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

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

(215) “Reasonable Notice” means actual notice or notice that meets the requirements of state law.

(216) “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 “disc jockey.”

(217) “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.

(218) “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.

(219) “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.

(220) “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.

(221) “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.

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

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

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

(225) “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.

(226) “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.

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

(228) “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.

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

(230) “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.

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

(232) “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.

(233) “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.

(234) “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.

(235) “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.

(236) “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.

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

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

(239) “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.

(240) “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.

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



(242) “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 six feet tall.

(243) “Special District” means all entities established under Title [17B](#), Utah Code Annotated 1953, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or state agency.

(244) “Square” means a public, active pedestrian center designed for a high pedestrian traffic level with a minimum of 20 percent unpaved pervious surface area, including turf, groundcover, or mulch.

(245) “State Store” means the same as set forth in the Alcoholic Beverage Control Act.

(246) “Story” means the space within a Building having clear headroom of seven feet or over.

(247) “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.

(248) “Street” means public Rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, Alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

(249) “Structure” means anything constructed or erected on or below the ground, including signs and Billboards but excluding Fences six feet tall or shorter.

(250) “Structural Alterations” means any change in supporting members of a Building or Structure, including bearing walls, columns, beams, or girders.

(251) “Subdivider” means the Owner of real property proposed to be subdivided, including all successors and assigns.

(252) “Subdivision” means the same as set forth in the Utah Municipal Land Use, Development, and Management Act.

(253) “Subdivision, Major” is a Subdivision with at least 10 Lots or a Subdivision requiring any new Street or extension of public utilities or facilities.

(254) “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.

(255) “Survey Monument” means a mark affixed to a permanent object along a line of survey to furnish a survey control.

(256) “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.

(257) “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.

(258) “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.

(259) “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.

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

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

(262) “Temporary Nonresidential 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.

(263) “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.

(264) “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.

(265) “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.

(266) “Transportation and Public Ways Ordinance” means the West Valley City Transportation

and Public Ways Ordinance as presently adopted and amended in the future.

(267) “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.

(268) “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.

(269) “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.

(270) “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.

(271) “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.

(272) “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.

(273) “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.

(274) “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, time frame, 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.

(275) “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.

(276) “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.

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

(278) “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.

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

(280) “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.

(281) “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.

(282) “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.

(283) “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.

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

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

**Section 3. 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 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

**PASSED and APPROVED** this 5<sup>th</sup> day of February, 2019.

WEST VALLEY CITY

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MAYOR

ATTEST:

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CITY RECORDER