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Chapter 13A-11 – SPECIAL USE STANDARDS

13A-11-01 Accessory Apartments, Extended Living Areas, and Guesthouses

A. **Purpose.** This Section is established to provide regulations and design standards for accessory apartments, extended living areas, or guesthouses related to single family dwellings in residential zone districts, which make living units available which are appropriate for households at a variety of stages in the life cycle.

B. **General Requirements.** The following requirements must be met in order to have either an accessory apartment, extended living area, or a guesthouse.

1. **Residence Required.** The owner(s) of the residence shall live in the dwelling in which the accessory apartment/extended living area was created, and a letter of application, sworn before a notary public, shall be provided by the owner(s) stating that such owners will occupy the said dwelling, except for bona fide temporary absences. For a guesthouse, the property owner shall live in the primary dwelling unit on the same premises that a guesthouse is proposed.

2. **Number Permitted Within Each Single Family Dwelling.** Only one accessory apartment/extended living area shall be created within a single family dwelling, and said area shall clearly be a subordinate part of the dwelling. The accessory apartment/extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.

3. **Home to Retain Single Family Dwelling Appearance.** The accessory apartment/extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single family residence, including retention and enhancement of landscaping. A guesthouse shall be designed and constructed as to be compatible with the architectural components of the primary dwelling unit, e.g., exterior materials, color, and roof pitch.

4. **Utility Meters and Addressing.** It shall be prohibited to install separate utility meters and separate addresses.

5. **Building Code Compliance Required.** The design and size of the accessory area shall conform to all applicable building, fire, and health codes. The applicant shall obtain all necessary building permits prior to construction of the accessory apartment, extended living area, or guesthouse.

6. **Parking.** At least one off-street parking space shall be available for use by the occupant(s) of the accessory apartment, extended living area, or guesthouse. This space shall be in addition to those required for residents of the main portion of the dwelling and shall comply with the City's adopted residential parking standards. Any additional vehicles by occupants must be accommodated on site. On-street parking shall be reserved for visitors only.

7. **Mobile Homes.** It shall be prohibited to construct an accessory apartment/extended living area within a mobile home.

8. **Transferability**. Upon sale of the home or change of primary occupant, the approval for an accessory apartment/extended living area shall expire and is not transferable.

C. **Additional Requirements for Approval of an Accessory Apartment**. Accessory apartments are allowed only with approval of an administrative conditional use and subject to the provisions of Chapter 5.76 of the Taylorsville Code. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws.

The following standards must be met in order to grant an administrative conditional use.

1. **Entrances.** All entrances for an accessory apartment shall be located on the side or in the rear of the dwelling.

2. **Maximum Size Permitted.** In no case shall an accessory apartment comprise more than 50 percent of the building's total floor area nor be greater than 800 square feet nor have more than two bedrooms unless, in the opinion of the Director, a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete separate housing unit that shall be within the original dwelling unit.

3. **Recordation**. The City shall keep approvals for an accessory apartment, including any special conditions of approval to guarantee compliance with the approval.

4. **Duration of Approval.**

   a. **Approval Nontransferable.** Upon sale of the home or change of primary occupant, the conditional use shall expire and is not transferable.

   b. **Length of Approval.** The effective period of the administrative conditional use for accessory apartments shall be two years from the date of the original approval. At the end of every two years, the City may investigate to determine if all conditions continue to be met. Notification may be sent to the owner for response. Failure to meet the conditions may be the basis for revocation of the conditional use.

5. **Other Requirements.** Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single family character of the neighborhood shall be established by the Director.

D. **Additional Requirements for Approval of an Extended Living Area.** Extended living areas are allowed only with the approval of an administrative conditional use but are not subject to Chapter 5.76 of the Taylorsville Code. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by the City. The following standards must be met in order to grant an administrative conditional use.

1. **Occupancy Restrictions.** Extended living areas shall be used for extended family members only or for employed household maintenance personnel on a nonrental basis. A letter of application sworn before a notary public by the owner(s) stating that the individuals residing in the extended living area are related by blood/marriage, adoption, or are employed household maintenance personnel must be provided to the City.

2. **Recordation.** The City shall keep approvals for an extended living area, including any special conditions of approval to guarantee compliance with the approval.

   a. **Approval Nontransferable.** Upon sale of the home or change of primary occupant, the conditional use shall expire and is not transferable.

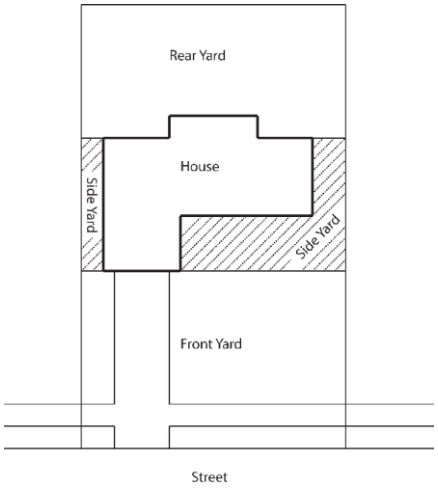
   b. **Length of Approval.** The effective period of the conditional use for extended living areas shall be two years from the date of the original approval. At the end of every two years, the City may investigate to determine if all conditions continue to be met. Notification may be sent to the owner for response. Failure to meet the conditions may be the basis for revocation of the conditional use.

E. **Additional Requirements for Approval of a Guesthouse.** A guest house may be allowed only with approval of an administrative conditional use. Such use shall not exempt the applicant from meeting other applicable ordinances, codes, or laws recognized by the City. The following standards must be met in order to grant a conditional use:

1. **Occupants.** Accessory dwellings in guesthouses are allowed only with approval of an administrative conditional use and subject to the provisions of Chapter 5.76 of the Taylorsville Code. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws.

2. **Lot Size.** A guesthouse will only be considered for a conditional use on a lot containing at least 1/3 acre which has an existing owner occupied single family dwelling unit, or where a building permit has been issued and construction is in process for the single family dwelling on a lot 20,000 square feet or larger.

3. **Location.** Guesthouse setbacks shall be no less than 10 feet from the side and rear property lines and 6 feet from the primary dwelling unit. If a guesthouse is attached to an existing accessory structure, the living space of the guesthouse shall be 10 feet from the property line. The guesthouse may be located within the rear (the area lying between the rear lot line and rear wall of the primary dwelling extended to the side lot lines) of the primary dwelling or within the side yard, provided that the guesthouse is located behind the front plane of the home. If the guesthouse is located within the side yard, the side yard setback shall be the same as the minimum in the zoning district in which the lot is located.



Chapter 11 - Figure 1 - Setbacks and No Build Areas (Location)

4. **Maximum Size Permitted.** In no case shall the area of a guesthouse comprise more than 75% of the footprint area of the principal dwelling and have no more than one bedroom. This square footage will be considered part of the allowable square footage for the respective zoning district for accessory structures.

5. **Height.** A guesthouse shall be limited to a single story.

6. **Kitchen Facilities.** A guesthouse may contain a full kitchen.

7. **Site Plan.** A site plan and architectural elevations shall be submitted to the Community Development Department to determine compliance with the requirements herein prior to approval of an administrative conditional use. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.

8. **Conversions.** Existing accessory structures (shed, garage, workshop, etc.) may be converted to a guesthouse provided that the proposed guesthouse complies with all Development Code standards and the adopted building codes. The number of required off-street parking stalls shall not be eliminated with the conversion of an accessory garage.

9. **Basements.** No basements will be allowed within a guesthouse.

10. **Recordation.** The City shall keep approvals for a guest house, including any special conditions of approval to guarantee compliance with the approval.

11. **Inspections.** Yearly inspections may be required to determine compliance if determined appropriate by the Director or Chief Building Official.

12. **Duration of Approval**

a. **Approval Nontransferable.** Upon sale of the home or change of primary occupant, the conditional use shall expire and is not transferable.

b. **Length of Approval.** The effective period of the conditional use for a guesthouse shall be two (2) years from the date of the original approval. At the end of every two (2) years, the City may investigate to determine if all conditions continue to be met. Notification may be sent to the owner for response. Failure to meet the conditions may be the basis for revocation of the conditional use.

13A-11-02 Accessory Structures

A. **Residential Standards**

1. **Setbacks and Location Restrictions**

a. **General.** Eave projections shall not encroach more than 4 inches into the setback area. Accessory buildings shall be constructed in such a manner that the water runoff does not infringe onto adjoining property, and the setback areas are kept free of weeds, trash, and debris. Accessory buildings located 3 feet or closer to the property line shall have concrete, asphalt, or other approved surface between the property line and accessory building. Accessory buildings shall comply with the minimum setback distances listed below.

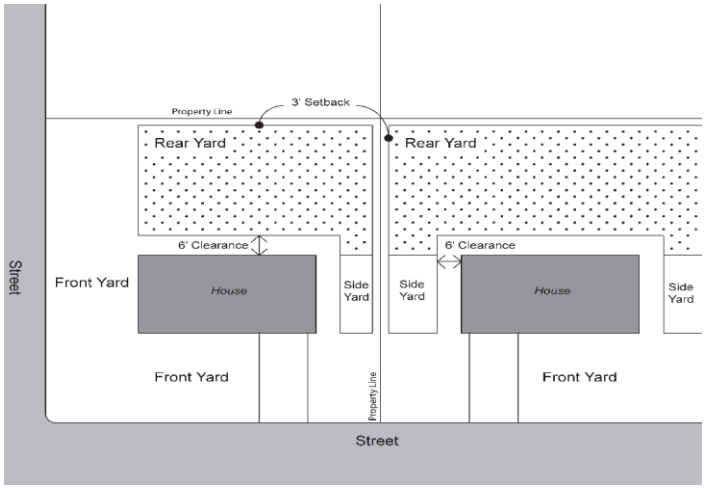
b. **"A" Designated Zones.** Those properties with an "A" designated zone with at least 20,000 square feet shall be allowed to build an accessory structure for animals or personal storage within the front and/or side yard areas provided the structure is beyond the required setbacks for main dwelling units. These accessory structures shall be limited to 25 feet in height, 2,000 square feet, and be at least 35 feet from neighboring dwelling units. The structure must be in scale and character with the main dwelling unit. Any exception from the height or setback requirements may be reviewed by the Director through an Administrative Conditional Use Permit process.

c. **Table of Setbacks**.

	Setback
From side property line in rear yard	3 feet*
From rear property	3 feet*
From front property line	30 feet
From main dwelling[1]	6 feet
From dwelling on adjacent property	10 feet
From a property line that abuts a street	See below

*There shall be provided a minimum 3-foot wide unobstructed access to the rear yard for emergency purposes. Said access may be gated, and may be located on either side yard of the home. Accessory structures built this close to the property line will be required to comply with all applicable building codes.

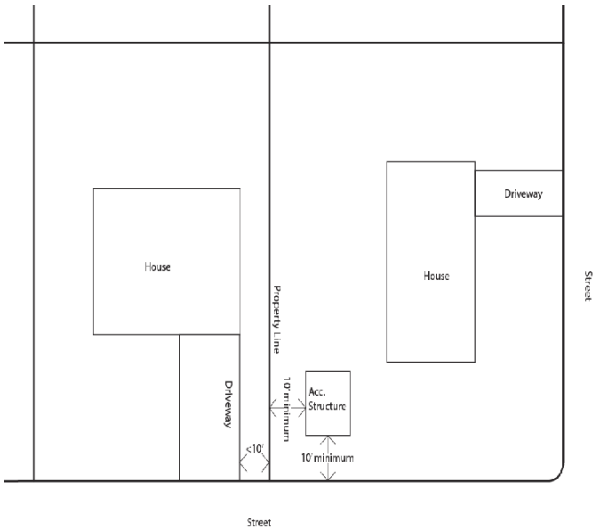
(1) Additional setbacks may be required as per subsections **Lots with Multiple Street Frontages** and **Maximum Height** below.



Chapter 11 - Figure 2 - A typical setback configuration for corner and interior lots

c. **Corner Lots.** An accessory structure may be located between the main dwelling unit and the front property line (see Figure 3) adjacent to a street, if the structure complies with the maximum height and size requirements listed below. These structures must be at least 6 feet from the main dwelling and 3 feet from the property line. No structures are allowed within the sight visibility triangle. These structures will not be allowed to have access to the public right-of-way closest to the structure unless the City Engineer reviews and approves the location based upon safety of pedestrians and vehicular access.

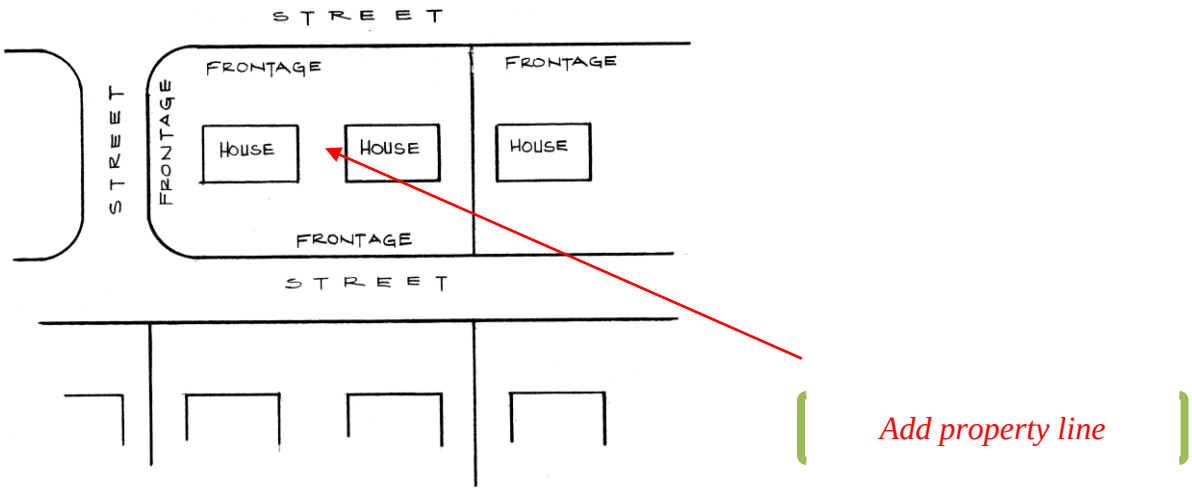
If the adjacent interior lot has a driveway within 10 feet of the rear property line of the corner lot, the structure must be set back at least 10 feet from both the front and rear property lines (see Figure 3.)



Chapter 11 - Figure 3 - Location restrictions on corner lots

d. **Lots with Multiple Street Frontages.** Any accessory building on a lot with multiple street frontages is subject to additional setbacks from the property line abutting a street if the building is over 10 feet in height. Additional height is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 10 feet) to a maximum height allowed within the zone.

A 6-foot opaque fence is required if an accessory building is constructed along a street frontage to provide screening. A shorter nonopaque fence may be used if the property is located in a zone with an "A" designation. The height restriction and fencing requirement shall apply up to the point that a rear setback of 15 feet has been reached. If the accessory building is under 10 feet in height (measured to the peak of the roof), no additional setback is required.



Chapter 11 - Figure 4 - An example of lots with multiple street frontages

e. **Easements.** Accessory buildings shall not encroach upon any easement or right-of-way without proper written release or acknowledgment from all utility and drainage companies. Copy of such release/acknowledgment shall be presented at time of building permit application. Release of use of the easement does not remove any other requirements as stated in this Code.

f. **Detached Garages.** Detached garages or any detached structure 240 square feet or larger shall be set within the rear yard of the home and are not permitted in the side yard.

13. **Maximum Square Footage**

a. **Table of Maximum Accessory Structure Size**

	The lesser measurement of the two shall be the maximum permitted size of the combined square footage of all accessory structures on the property.	
Property Size	**Maximum Size (percentage of rear yard)**	**Alternate Maximum Size**
14,999 sq. ft. or smaller	25%	750 square feet
15,000 sq. ft. - 19,999 sq. ft.	25%	1,000 square feet
20,000 sq. ft. – 39,999 sq. ft.	25%	1,500 square feet
40,000 sq. ft. or larger	25%	2,000 square feet

(1) For those zones not listed (such as "SD" and "PUD" zones), the residential district most closely associated with that zone shall be used to determine the maximum size allowable. All zones with animals rights (with the "A" designation at the end of the zone classification) shall conform to its similar nonanimal right zone classification.

(2) No single accessory building shall exceed 1,500 square feet.

b. **Table of Maximum Accessory Structure Size for Corner Lots between the Main Dwelling Unit and the Front Property Line, Adjacent to a Street (see Figures 2 and 3.)**

Property Size	**Maximum Square Footage**	**Maximum Height**
7,999 sq. ft. or smaller	100	10 feet
8,000 sq. ft. – 9,999 sq. ft.	150	10 feet
10,000 sq. ft. – 14,999 sq. ft.	200	10 feet
15,000 sq. ft. or larger	250	10 feet

Structures exceeding the above height and square footage limitations must be within the rear yard.

c. **Number of Accessory Buildings.** A maximum of two accessory buildings are permitted on a property. This restriction does not apply to zones with an "A" designation.

d. **Administrative Conditional Use Permit.** The total maximum square footage of all accessory buildings on the property may be increased up to 25 percent larger than the

permitted size upon receipt of an Administrative Conditional Use Permit from the Director. However, the Director may not approve any accessory structure over 25 percent of the rear yard. For properties with an "A" designation, the total maximum square footage of all accessory buildings on the property may be increased up to 50 percent larger than the permitted size through an Administrative Conditional Use Permit. The Director shall consider the scale of the building(s) in relation to the immediate surroundings, the nature of the zone and land uses in the immediate vicinity, architectural design, landscaping, access, proposed use, impact upon adjacent properties, in addition to other criteria normally considered during the Administrative Conditional Use Permit process. The Director may require additional setbacks from side and rear property lines as a condition of approval.

14. **Maximum Height**

a. **Table of Maximum Accessory Structure Height**

Zone Classification	Side Yard Maximum Height to Peak	Rear Yard Maximum Height to Peak
R-1-10 or smaller (i.e., R-1-8, etc.)	**8**	15
R-1-15 or larger (i.e., R-1-20, R-1-40, etc.)	**8**	20

b. **Additional Setback Requirement.** Detached structures exceeding 15 feet in height shall increase the minimum setback 1 foot for each 1 foot of additional height up to the minimum setback for the primary dwelling. However, if the accessory building abuts a property line that is adjacent to a commercially zoned property, then no additional setback is required. This requirement may also be waived by the Director through an Administrative Conditional Use Permit process.

c. **Administrative Conditional Use Permit.** A building may be built taller, up to the maximum building height for a permitted dwelling within the zone in which it is located, upon receipt of an Administrative Conditional Use Permit from the Director. The Director shall consider the scale of the building in relation to the immediate surroundings, the nature of the zone and land uses in the immediate vicinity, architectural design, landscaping, access, proposed use, impact upon adjacent properties, in addition to other criteria normally considered during the Administrative Conditional Use Permit process. The Director may require additional setback from side and rear property lines as a condition of approval.

15. **Other Requirements**

a. **Ancillary to Main Dwelling.** Accessory buildings are only allowed on properties where a main dwelling or building exists except as provided in the Residential Standards – Zoning for Animals Section of this Code.

b. **Utility Connections.** Separate meter connections for electricity, water, sewer, or gas utilities are not permitted for accessory buildings.

c. **Architectural Guidelines.** Generally, accessory structures and buildings shall be designed and constructed as to be compatible with the architectural components of the main dwelling or building. However, if the accessory structure is intended to be an outdoor animal domicile [see the Residential Standards – Zoning for Animals Section of this Code], other standards may apply such as location, visibility, scale, general aesthetics in the immediate vicinity, etc.

d. **Building Standards.** Accessory buildings must meet all construction standards and fire rating requirements of applicable codes.

e. **Lots Without Attached Garage.** For those residences that were not originally constructed with an attached 2-car garage, a detached garage may be built in the rear yard up to 480 square feet in size regardless of the percentage of the lot covered. The garage must meet the minimum garage size standards as determined in this Code. In no way does this Section permit the intrusion into required building setbacks to property lines, easements, or main structures.

f. **Screening Required for Side Yards.** Accessory buildings in the side yard shall be screened from view from access streets and adjacent properties by a 6 foot opaque type screening unless located in a zoning district with an "A" designation.

g. **Other Structures.** These provisions do not apply to children's play equipment, flag poles, light poles, stand alone arbors, or other similar structures.

F. Nonresidential Standards

1. Accessory structures are only allowed if designated on a City approved site plan.

2. Accessory structure height shall not exceed 15 feet at the peak of the roof and must have a minimum 3/12 pitch.

3. Setbacks shall follow the development standards specified in this Title for the main structure unless otherwise stipulated.

13A-11-03 Animals (Farm and Household Pets)

A. Farm Animals

1. **Designation of Appropriate Zone Districts.** Farm animals are allowed in any R-1-40 residential district.

2. **Ratio of Animals to Lot Size for Farm Animals.**

   a. Large animals may be kept at a ratio of two animals for each one acre of lot size (not less than 40,000 square feet).

   b. Medium animals may be kept at a ratio of five animals for each one acre of lot size (not less than 40,000 square feet).

c. Small animals may be kept at a ratio of 50 animals for each one acre of lot size (not less than 40,000 square feet).

d. Vietnamese potbellied pigs may be kept at a ratio of two animals for each one acre of lot size (no less than 40,000 square feet). Maximum number of Vietnamese potbellied pigs shall be two per residential lot. Vietnamese potbellied pigs may be permitted with a Hobby Permit issued by the City in those zones with the "A" designation, indicating allowance for farm animals and shall comply with all requirements of the Hobby License provisions for Vietnamese potbellied pigs.

B. **Household Pets**. No more than two adult dogs, cats, or ferrets of any one species and no more than a total of four dogs, cats, ferrets, Vietnamese potbellied pigs, or rabbits in any combination on a nonnuisance basis for family use only (noncommercial) are allowed. Exceptions are allowed for Fancier's Permit, Hobby Permit, Permits for Foster Animals, and Feral Cat Colony Permit.

C. **Backyard Chickens.** Where permitted by section 13A-07-02B, persons may keep backyard chickens on single-family owner occupied residential lots in accordance with the provisions of 8.12.140.

D. **Outdoor Animal Domiciles Structure.** Partially enclosed and/or roofed structures, e.g., barns, corrals, cages, pens, coops, kennels, and runs, etc., are encouraged to be provided and maintained for all animals kept outdoors. Such structures shall be sited at the rear of the main dwelling and at least 30 feet from neighboring dwellings and comply with all other setback and yard regulations for accessory structures. The facilities shall be placed in compliance with all animal regulations, noise and nuisance regulations, and Salt Lake Valley Health Department regulations and procedures, with the following exceptions:

1. All dog kennels and dog runs must be setback at least 10 feet from the property line and at least 40 feet from all neighboring dwellings.

2. For properties which have an "A" designation, the Director may allow an outdoor animal domicile structure for farm animals to be constructed prior to construction of a main dwelling under the following conditions:

   a. The structure complies with all accessory structure setbacks, height, and size standards.

   b. The structure is in scale and character with other accessory buildings located within 0.50 miles of the property and located in the same or larger lot zone district or is an improvement to the immediate area, e.g., R-1-20A, R-1-30A, R-1-40A.

   c. That an agreement be recorded against the property that the structure will be relocated or removed as necessary to comply with setback standards upon additional development of the property, e.g., construction of the main dwelling, subdivision, etc. In addition, a plot plan shall be submitted which indicates the location of the structure in relation to a future residence on the property, and this information also be provided within the agreement.

   Note: This section applies only to those animal facilities placed outside the main dwelling unit. This regulation does not apply to any location within the interior of the home including the garage or other attached interior space under the following conditions:

3. All chicken coops must meet the setback requirements of Section 8.12.140.

13A-11-04 Home Occupations

A. **Purpose.** This Section is established to:

1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.

2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.

3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.

4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.

5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the applicable ordinances, and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.

B. **Administrative Conditional Use Permit and Home Occupation License.** Home occupations are allowed only with approval of an Administrative Conditional Use Permit and a home occupation business license from the City.

C. **Categories and Requirements of Home Occupation Licenses.** Home occupation businesses are licensable as Class A, Class B, Class C, Class D, and Family Children/Home Preschool Class D.

D. **General Requirements.** The following requirements must be met in order to have a home occupation:

1. Obtain a home occupation administrative conditional use permit and business license from the City.

2. Remain compliant with all applicable statutes, rules and regulations.

3. Activity shall be clearly incidental to the dwelling or residential use.

4. Storage of stock in trade, inventory or commodities shall not occupy more than five hundred (500) cubic feet of the area being used for the home occupation and shall not be visible outside the dwelling unit.

5. Signage shall be limited to one nonilluminated nameplate sign that does not exceed three (3) square feet in area, and vehicles or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.

6. Employees shall be limited to bona fide resident(s) of the dwelling unit, except that an employee living outside the residence may work in the residence in a home occupation class D - family childcare/home preschool when required by state law.

7. Activities associated with the home occupation shall not produce traffic, light, glare, noise, fumes, odor or vibration that will diminish the residential character of the neighborhood.

8. Owners of the property or property manager where the home occupation is to be located must give written consent to the home occupation.

9. Home occupations are subject to review upon complaint. If a complaint is received by the city, the home occupation will be reviewed for compliance with applicable ordinances and conditions of approval.

10. Dwelling units and landscape areas shall be well maintained.

11. Alterations shall not be made to the dwelling or the yard area that will change its residential character.

12. Property address numbers need to be identified and maintained on the home. Address letters should be a minimum of four inches (4") in height and a contrasting color from the main building.

13. One vehicle only may be associated with the home occupation. Said vehicle must be parked on site in a garage or driveway and may not exceed a ten thousand (10,000) pound gross vehicle weight rating or have no more than two (2) axles.

14. No more than two home occupation businesses shall be allowed per dwelling unit.

E. **Additional Requirements for Class A. Conducted entirely within a dwelling unit in which no clients or customers visit the home.** Specific operational requirements for a home occupation Class A include the following:

1. No clients, customers, or patrons of the home occupation business are allowed to visit the home occupation location for business purposes.

2. The yard of the dwelling unit and any detached accessory building(s) shall not be used in conjunction with the home occupation activity.

F. **Additional Requirements for Class B. Conducted entirely within a dwelling unit in which no clients visit the home occupation but produces or assembles a product on a small scale.** Specific operational requirements for a home occupation Class B include the following:

1. No clients, customers, or patrons of the home occupation business are allowed to visit the home occupation location for business purposes.

2. The yard of the dwelling unit and any detached accessory building(s) shall not be used in conjunction with the home occupation activity.

3. Delivery of commodities used in connection with the home occupation shall be provided by parcel or letter carrier service only.

G. **Additional Requirements for Class C. Conducted entirely within a dwelling unit in which clients or customers visit the home.** Specific operational requirements for a home occupation Class C include the following:

1. The yard of the dwelling unit and any detached accessory building(s) shall not be used in conjunction with the home occupation activity.

2. Delivery of commodities used in connection with the home occupation shall be provided by parcel or letter carrier service only.

3. A minimum of two (2) parking spaces comprising at least three hundred sixty (360) square feet of paved hard surface area shall be provided for clients, customers, or patrons of the home occupation business in addition to required residential parking. The Director may waive the additional parking space requirement for home occupations located in planned unit developments, manufactured home parks, condominium developments, and apartment complexes. Required parking for a Class C home occupation shall be located in the dwelling's front and/or side yard.

4. Required parking for the home occupation shall not detract from the residential character of the property. An appropriate amount of landscaping shall be preserved and maintained.

5. Only one Class C home occupation shall be allowed per dwelling unit.

6. Hours of operation for Class C home occupations will be determined through the conditional use permit process. Hours exceeding six o'clock (6:00) A.M. to eight o'clock (8:00) P.M. will be considered with documented need or justification.

H. **Additional Requirements for Class D. Provides for care, supervision, and/or home preschool instruction of children less than fourteen (14) years of age within an occupied dwelling and a secure yard.** Specific operational requirements for a home occupation Class D include the following:

1. Applicants for a Class D home occupation shall obtain and remain compliant with all applicable licenses/approvals from all pertinent city, county, state, and federal agencies and comply and remain compliant with all statutes, rules and regulations including obtaining, if applicable, a certificate as a residential childcare provider from the Utah State Department of Health.

2. Secure outdoor play areas are required for all Class D home occupations.

   a. The outdoor play area shall consist of a minimum of eighty (80) square feet in area per child.

   b. The play area shall be located in the rear and/or side yard of the dwelling.

   c. The outdoor play area shall be secured by an appropriate, well maintained fence not less than six feet (6') in height. The Director may require a fence that exceeds six feet (6’) in height as it determines necessary.

d. The hours of operation for the outdoor play area shall not exceed eight o'clock (8:00) A.M. to eight o'clock (8:00) P.M.

3. The dwelling unit should provide an indoor play area at a minimum of thirty-five (35) square feet in area per child.

4. A minimum of two (2) parking spaces comprising at least three hundred sixty (360) square feet of paved hard surface area shall be provided for clients, customers or patrons of the Class D home occupation business in addition to required residential parking. The Director may waive the additional parking space requirement in planned unit developments, manufactured home parks, condominium developments, and apartment complexes. Required parking for the home occupation shall be located in the dwelling's front and/or side yard.

5. The designated number of children includes the caregiver's own children under the age of six (6) who are not yet in full day school.

6. Required parking for the home occupation shall not detract from the residential character of the property. An appropriate amount of landscaping shall be preserved and maintained.

7. Only one Class D home occupation shall be allowed per dwelling.

8. Hours of operation for class D home occupations will be determined through the conditional use permit process. Hours exceeding six o'clock (6:00) A.M. to eight o'clock (8:00) P.M. will be considered with documented need or justification.

9. Home preschools shall allow no more than twelve (12) children per preschool session. Home preschool sessions shall be limited to no more than four (4) hours and preschool sessions shall be limited to two (2) per weekday. Instructor licensing and curriculum requirements shall comply with the requirements of the state of Utah.

I. **Conditional Use Permit Process.** A person seeking a home occupation conditional use permit shall file a written application with the Community Development Department of the City in a form prescribed by the City.

1. Home occupation Classes A, B, C, and D1, D2, D3, and D4 conditional use permit may be approved and issued by the Director. Any person shall have the right to appeal the decision of the Director to the Planning Commission within ten (10) business days of the Director's decision, stating the reason for the appeal and requesting a hearing before the planning commission at the earliest possible regular meeting of the commission.

2. All home occupation conditional use permits granted by the city are subject to review upon complaint. The City may revoke a permit issued for a home occupation upon notice and hearing for violation of any governing ordinance or law of the City, state or federal government, or for any unresolved and substantiated reason.

3. A home occupation permit granted by the City shall not be assignable or transferable to another person or another location without first being reviewed and approved by the City.

J. **Home Occupations Not Allowed.** The following uses are not allowed as home occupations:

1. Any use that requires or utilizes chemicals or hazardous materials in excess of volumes allowed by the international fire code in a residential situation.
2. Auto body or fender work.
3. Auto, truck, diesel, boat, trailer, or motorcycle repair or services at the residence.
4. Furniture or cabinet making.
5. Junkyards, storage or recycling yards.
6. Lawn mower, small engine or motor repair or services.
7. Major appliance repair (washers, dryers, refrigerators, etc.).
8. Manufacture or sale of firearms, ammunition, explosives or similar products.
9. Medical clinics and laboratories.
10. Mortuaries or crematoriums.
11. Sexually oriented businesses.
12. Short term rental.
13. Vehicle sales or rental exceeding two (2) sales per year.
14. Vehicle towing operations.
15. Welding or ironworks.
16. Any other use that would produce traffic, light, glare, noise, fumes, odor or vibration that will diminish the residential character of the neighborhood.

K. **Exceptions.** Notwithstanding anything herein to the contrary, a home occupation conditional use permit is not required for the following activities:

1. Garage and yard sales. Refer to Chapter 13A-11-14.
2. Temporary social gathering sales that do not exceed one day, such as Tupperware parties, book parties, candle parties, etc., not to exceed four (4) occurrences per year.

13A-11-05 Manufactured Homes

All manufactured homes placed in an R-1 zone, placed pursuant to Utah Code Ann. §10-9-106.5, shall install a concrete foundation wall around the perimeter of the structure. Such structures shall also include a required 2-car garage (attached or detached) prior to occupancy of the structure.

13A-11-06 Mobile Homes

No mobile home shall be placed, used, or occupied except within approved mobile home subdivisions, mobile home communities, or mobile home sales lots.

13A-11-07 Residential Facility for Elderly Persons or for Persons with a Disability

A. **Purpose.** The purpose of this Section is to comply with Utah Code and avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act and the Federal Fair

Housing Act as interpreted by courts whose decisions are binding in Utah. This Section is not a separate zone for such facilities but applies to all residential zones within the City. If any facility, residence, congregate living, or other housing arrangement meets the definition of a residential facility for elderly persons or a residential facility for persons with a disability as set forth in this Title, the requirements of this Section shall govern the same notwithstanding any conflicting provision of this Title or the Revised Ordinances of the City. Except as provided herein, the requirements of this Section shall not be construed to prohibit or limit other applicable provisions of this Title, the Revised Ordinances of the City, or other local, county, state, or federal laws.

B. **Scope.** If any facility, residence, congregate living or other housing arrangement meets the definition of a "residential facility for elderly persons" or a "residential facility for persons with a disability" as set forth in this title, the requirements of this Section shall govern the same notwithstanding any conflicting provision of this title or this code. The requirements of this Section shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws.

C. **Notice of Intent**

1. Prior to submitting an application to the Utah Department of Human Services, Office of Licensing, for a license to operate a residential treatment program, as defined in Utah Code § 62A-2-101, as amended, the applicant shall provide notice to the mayor, with a copy to the community development director, of its intent to operate the program.

2. The notice of intent shall include the following information relating to the residential treatment program:

   a. An accurate description of the residential treatment program;

   b. The location where the residential treatment program will be operated;

   c. The services that will be provided by the residential treatment program;

   d. The type of clients that the residential treatment program will serve;

   e. The category of license for which the residential treatment program is applying;

   f. The name, telephone number, and address of a person that may be contacted to make inquiries about the residential treatment program; and

   g. Any other information that the Utah Department of Human Services may require by administrative rule.

D. **Permitted Uses**

1. **Permitted Uses.** Notwithstanding any contrary provision of this Title, a residential facility for elderly persons and a residential facility for persons with a disability shall be permitted uses in any zone where a dwelling is allowed as a permitted or conditional use subject to the development standards in paragraph F of this Section.

2. **Termination.** A use permitted by this Section is nontransferable and shall terminate if:

   a. The facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability.

b. Any license or certification issued by the Utah Department of Health or the Department of Human Services for such facility terminates or is revoked.

c. The facility fails to comply with requirements set forth in this Section.

E. **Review Process.** In order to evaluate the impact of the proposed facility and its similarity to the impact of a single family dwelling occupied by a family or, where applicable, in multiple family zones or a multiple family dwelling, the following information must be submitted with the Notice of Intent application. Additional information may be requested to aid in that review.

1. Sufficiently detailed site plans, building plans, and other information necessary to determine compliance with building, safety, and health regulations and standards applicable to similar residential dwellings permitted in that zone.
2. Drawings or photographs depicting the elevations of all sides of all buildings.
3. Specific type of facility (as defined by State regulations) and by which agency it is regulated.
4. Number of residents, resident and nonresident staff, and expected/typical number of visitors per day.
5. Location and number of similar facilities in the vicinity of the proposed facility.
6. Type of operation – business, family, eleemosynary, charitable, or beneficial organization.
7. Supervision – hours and degree of supervision to be provided.
8. Typical or average length of stay of the residents.
9. Special accommodation(s), waivers, or exceptions requested or necessary, to extent thereof, and basis for need for the same.
10. Location of residences within 1,000 feet of the proposed site that are similar in scope to the accommodation request.
11. Location of any schools within 500 feet of the property line of the proposed site.
12. Dedicated off street parking to accommodate staff.

F. **Development Standards.** The development standards set forth in this Section shall apply to any residential facility for elderly persons or residential facility for persons with a disability.

1. The facility shall comply with building, safety, and health regulations applicable to similar structures.

   a. Each facility shall be subject to the same development standards applicable to similar structures located in the same zoning district in which the facility is located.

   b. The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zone in which the facility is located.

2. Pursuant to the definition of “family” in Section 13A-36-07of this Title, not more than three (3) unrelated persons shall occupy a residential facility for elderly persons or any residential facility

for persons with a disability established in a dwelling unit unless a reasonable accommodation for a greater number of occupants is granted.

3. No facility shall be made available to an individual whose tenancy would:

   a. Constitute a direct threat to the health or safety of other individuals, or

   b. Result in substantial physical damage to the property of others.

4. Prior to occupancy of any facility, the person or entity operating the facility shall:

   a. Obtain a city business license, if required under applicable provisions of this Code;

   b. Provide to the community development director a copy of any license or certification required by the Utah Department of Health or Department of Human Services; and

   c. Certify in a sworn statement that no person will reside or remain in the facility whose tenancy would:

      (1) Constitute a direct threat to the health or safety of other individuals; or

      (2) Result in substantial physical damage to the property of others.

G. **Accommodation**

1. **Accommodation Required.** None of the requirements of this Section shall be interpreted to limit any accommodation which is reasonable and necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

2. **Application.** Any person or entity wanting an accommodation shall make application to the Planning Commission and shall articulate in writing the nature of the requested accommodation and the basis for the request.

3. **Appeal.** If an accommodation request is denied, the decision may be appealed to the Board of Adjustment in the manner provided for appeals of administrative decisions set forth in this Title.

4. **Prohibited Accommodations.** The requested accommodation must relate to the use of the property so that it may be enjoyed as other similarly situated properties. An example would include a reduction in setback requirements for the installation of handicapped accessibility improvements. An accommodation cannot be granted to waive a zoning requirement, general setback reduction requests not related to the occupants, increase the profitability of the facility, or increase the maximum number of unrelated occupants above eight (8) plus two (2) additional persons acting as house parents or guardians.

H. **Reasonable Accommodations.** A Residential Facility for Persons with a Disability shall not include facilities which house persons who are violent, who are not voluntarily residing therein, or who are residing therein as a part of or in lieu of confinement, rehabilitation, or treatment in a correctional facility.

1. None of the requirements of this Section shall be interpreted to limit a reasonable accommodation when an accommodation is necessary to afford persons with a disability an equal opportunity to use and enjoy a dwelling.

2. Any person or entity wanting a reasonable accommodation shall make application therefor to the community development director and shall state in writing the nature of the requested accommodation and the basis for the request.

3. The planning commission shall render a decision on each application for a reasonable accommodation within sixty (60) days. The decision shall be based on evidence of record demonstrating all of the following:

   a. The requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

   b. That but for the accommodation, one or more persons with a disability will be denied an equal opportunity to enjoy housing of their choice.

   c. That equal results will be achieved as between the person with a disability requesting the accommodation and a nondisabled person.

4. Any person adversely affected by a final decision regarding a request for a reasonable accommodation may appeal that decision to the board of adjustment .

13A-11-08 Half-Pipe Ramps in Residential Districts

A. **Residential Zones.** Half-pipe ramps are allowed only with the approval of an administrative conditional use. The following standards must be met in order to grant the administrative conditional use:

1. **Drawings.** Drawings showing the scale, design, and materials of which the half-pipe ramp is to be built. This is to evaluate the noise, vibration, and nuisance impact of the half-pipe ramp.

2. **Description.** A written description of the materials and location of all screening to evaluate the half-pipe ramp's impact upon and harmony with adjacent properties.

3. **Lighting.** A written description of the scale, location, and direction of all lighting.

4. **Rules.** A set of written rules which will govern the use and operation of the half-pipe ramp.

5. **Neighborhood Notification.** The names and addresses of all property owners within 300 feet of the proposed half-pipe ramp, proof that all such owners have been notified of the proposed half-pipe ramp, have had an opportunity to comment, and a written statement indicating any comments received by the applicant from them.

6. **Affidavit.** A written statement that the owner has reviewed all laws, ordinances, and regulations related to half-pipe ramp construction and use and a written agreement to comply therewith.

B. **Development Standards**

1. **Design.** Every proposed half-pipe ramp shall be of a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with half-pipe usage. Portions of the half-pipe may be located below ground level, but in no case shall any portion of the half-pipe ramp exceed six feet in height above ground level, excluding handrails. Hours of operation shall be from 8:00 a.m. to 8:00 p.m. during standard time, and 8:00 a.m. to 9:00 p.m. during daylight savings time.

2. **Screening.** Walls, fences, hedges, trees, and other screen planting shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development.

3. **Lighting.** Half-pipe ramp lighting shall not be installed more than six feet above ground level and shall be directed in such a manner as to not cause disturbance to neighboring residents.

4. **Personal Use.** No commercial or advertised use of the half-pipe ramp shall be permitted, and no donations or contributions shall be solicited or received for use or attendance at half-pipe ramp activities.

5. **Rules.** Written rules shall be adopted by property owners to ensure safe and reasonable use and operation of the half-pipe ramp.

6. **Agreement to Comply.** Property owners shall review the laws, ordinances, and regulations related to half-pipe ramp construction and use and have agreed to comply with such provisions.

7. **Compliance to Codes.** The proposed half-pipe ramp shall comply with all pertinent sections of all applicable building codes and all zoning requirements, including side and rear yard setbacks and size regulations for accessory structures.

8. **Penalty.** It shall be a Class C misdemeanor for any owner of residential property upon which a half-pipe ramp is located to permit the half-pipe ramp to be used in violation of any ordinance of the City or any rule or regulation of the Salt Lake Valley Health Department, regardless of whether the property owner had knowledge of the actual violation.

13A-11-09 Swimming Pool Regulations

A. **Private Swimming Pools.** Any private swimming pool not completely enclosed within a building having solid walls shall be setback at least 5 feet from property lines. Any swimming pool shall be completely surrounded by a fence or wall having a height of at least 6 feet. All fence openings shall be gated and equipped with self-closing and self-latching devices.

B. **Semi-Private Swimming Pools Exception.** A semi-private swimming pool or recreational facility is allowed only with the approval of an administrative conditional use. The following standards must be met in order to grant the administrative conditional use:

1. The facilities shall be owned and maintained by the members and a minimum of 75 percent of the membership must be residents of the neighborhood or section of the subdivision in which the recreational facility is to be located.

2. The area to be used for recreational purposes is of sufficient size to accommodate all proposed facilities, together with off-street parking, where required by the Director. A landscaped front yard of not less than 30 feet and a landscaped side yard on both sides and rear of not less than 10 feet are required.

3. The area to be developed into a recreational area must be of such size and shape as to cause no undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the recreational area is to be situated.

4. A solid wall or substantial fence shall be required around the entire recreational area to a height of not less than 6 feet, no more than 8 feet. The fence across the front of the property shall be constructed no closer to the front property line than the required front setback, unless otherwise approved by the Director.

5. Under no condition may any type of retail or business facilities be permitted in the recreational area except those specifically approved by the Director.

6. Before authorizing the recreational facility, complete plans for the development of the area must be submitted to the Director. Together with the plans, there must be submitted a detailed outline showing how the area is to be funded, managed, and maintained. The Director may require a bond by the owners to guarantee performance of the regulations placed as conditions upon which the area is approved. If any of the requirements are not complied with, the authorization will be void.

7. The owners of the proposed recreational facility must have a statement from the owners of all abutting properties and at least 75 percent of the property owners within a radius of 300 feet of said development giving permission to develop a recreational facility. Covenants and conditions regulating the use of the facility shall be submitted to the Director and the Salt Lake Valley Health Department for review and approval.

13A-11-10 Bed and Breakfast Facility

This subsection is established to provide regulations and site standards for bed and breakfast facilities within residentially zoned districts as may be allowed through the development review process. Bed and breakfast facilities may be allowed by Nonadministrative Conditional Use Permit where the applicant can show evidence of compliance with outlined standards and procedures and where there are clearly minimal impacts on adjacent residential properties and neighborhoods.

A. **Requirements for Approval.** A Nonadministrative Conditional Use Permit may be granted by the Planning Commission for a bed and breakfast facility provided the requirements herein are met. The granting of a Conditional Use Permit for a bed and breakfast facility shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by the City. The following preconditions and documentation are required:

1. A letter of application sworn before a notary public shall be provided by the owner(s) stating that such owners or live-in residential manager will occupy the facility except for bona fide temporary absences.

2. Building plans or a floor plan (1/4 inch to the foot) showing the bed and breakfast facility shall be provided.

3. The Conditional Use Permit may be revoked by the Planning Commission upon failure in compliance with the conditions precedent to the original approval of the permit or for any violations of this Title occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a Conditional Use Permit, a meeting will be held by the granting authority. Notice of the meeting and the grounds for consideration of revocation shall be mailed to the permittee at least 10 days prior to the hearing.

B. **Development Standards and Requirements for Bed and Breakfast Facilities**

1. The owner(s) of the property or live-in residential manager shall live within the facility except for bona fide temporary absences.

2. The location of a bed and breakfast facility shall have direct access to an arterial or collector through street. Said facility will typically be isolated somewhat from adjoining residential properties and will not unduly increase local traffic in the immediate neighborhood.

3. The location of a bed and breakfast facility shall be at least one-fourth mile from any other similarly approved facility unless it is determined by the Planning Commission that extraordinary circumstances warrant a shorter distance.

4. In no case shall the parcel be less than ¼ acre in size unless it is determined by the Planning Commission that the site is architecturally or historically significant enough to justify a smaller parcel. The parcel shall also be of sufficient size to be in scale with the size of structures, the number of people using the facility, parking areas, open space areas, etc.

5. The bed and breakfast facility shall be designed or modified so that, to the degree reasonably feasible, the appearance of the structure remains as a residential dwelling. Where possible, unique architecture is encouraged in keeping with the local area.

6. Signage for a bed and breakfast facility shall be low key, identifying the name of the facility without any advertising copy. Natural materials are encouraged for sign construction and should be architecturally compatible with the bed and breakfast facility. Sign size shall be no more than 4 square feet.

7. The Planning Commission may require additional setbacks, buffering, landscaping, and natural setting to mitigate impacts on adjoining residential properties.

8. At least one off-street parking space shall be provided for each guest room in addition to needed parking for owners/employees of the facility.

9. The design and size of the bed and breakfast facility shall conform to all applicable standards in the fire, building, and health codes. The facility shall be licensed in conformance with all City ordinances.

10. Any other appropriate or more stringent conditions deemed necessary for bed and breakfast facilities protecting public health, safety, welfare, and the residential character of the neighborhood may be required by the Planning Commission.

13A-11-11 Commercial Schools (Low Impact)

A. **Permitted Locations.** Commercial Schools (Low Impact) are allowed according to the Commercial and Residential Land Use Matrices, and all must comply with the following restrictions:

1. The proposed use must have direct access to an arterial or major collector street with no access permitted to any minor collector or local street.

2. The appearance of the structure shall be compatible to other uses within the same zoning district.

3. Occupancy shall be limited to no more than two instructors and a total of 20 students at any one time. However, the number of instructors may be increased up to four, and/or the number of students may be increased up to a total of 30 students if it is found by the Planning Commission that the site can adequately contain the required parking while still meeting the requirements of condition 4(b) below and if such allowance does not adversely impact the surrounding neighborhood.

4. Required Parking

   a. Required parking shall consist of at least one space for each instructor, four visitor spaces, and four queuing spaces.

   b. In addition, one visitor space is required for every five students or portion thereof allowed beyond the first 20 students.

5. An on-site drop-off area shall be provided.

B. **Commercial School.** Any commercial school (low impact) which cannot meet the above criteria must meet the standard location and use allowances for "Commercial School" as shown in the Land Use Matrices.

13A-11-12 Temporary / Special Uses

A. **Purpose and Intent.** The purpose and intent of the Temporary / Special Use Permit is to allow certain uses within the City which are transitory in nature as either accessory or seasonal uses in a manner that will assure compatibility with the zone district and adjacent properties.

B. **Standards for Temporary / Special Use.** A temporary /special use shall comply with the general standards, as provided below, plus any additional conditions as may be established by the City.

1. Acceptable space shall be available for any off-street parking and traffic circulation generated by the use. Roadside stands for produce or retail sales require curb and gutter and paved or graveled surface on site.

2. Sanitary facilities shall be available for waste disposal for protection of community health and safety.

3. Night lighting shall be compatible with adjacent uses, shielded and directed downward to avoid light spill onto adjacent properties.

4. Hours of operation shall be compatible with adjacent uses.

5. Signs must comply with the City adopted sign regulations.

6. No use shall be placed in the public right-of-way, display areas shall be limited, and applications shall comply with the regulations of the Business Licensing Department.

7. No more than two temporary / special uses are allowed per site at one time.

C. **Planning Commission Review.** When considered appropriate by the Director, a Temporary / Special Use Permit may be referred to the Planning Commission for review.

D. **Temporary / Special Use Permit Required.** A temporary / special use permit and a business license, where applicable, shall be required for the following:

Temporary / Special Use Type	Location Standards	Duration
Circus or Carnival and Related Accessory Uses (bazaar, fair, street dance, etc.)	Permitted in nonresidential zones and with institutional buildings.	10 consecutive days in a calendar year per applicant.
Construction Office, Staging Areas, and Equipment Sheds	Permitted in all zones.	Allowed on a site until final inspections of the project are completed.
Farmer's Market:	Permitted only on parcels or within developments larger than three acres in size.	May not begin prior to May 1 and must terminate by November 1. Requires a new permit annually.
Produce Stands: Includes goods grown and prepared by the operator and sold primarily for consumption (e.g., Fruits and Vegetables).	Must be located in a nonresidential zone.	Growing season (generally the summer months).
Road Side Stands, Temporary Retail Sales, and Street Vendors: Includes Christmas tree lots, firework stands, snow shacks, ice cream vendors, food vendors, antique, rug, art, plant sales, or other similar retail uses.	Allowed if the use is permitted in the zone and accessory to the principal use or if no principal use exists, would be permitted as a stand-alone use on the site.	No more than 150 licensed days per site each calendar year (i.e., two business licensed to operate for 30 days each on a site will amount to 60 days on that site no matter if they are on the premises at the same time or not).
Special Event (Temporary) Beer Sales	Subject to the requirements of the Utah Code Ann. Section 32B-1-202	Subject to the requirements of Utah Code Ann. Section 32B-9-304
Temporary Auto Sales	Allowed if the use is permitted in the zone and accessory to the principal use or if no principal use exists, would be permitted as a stand-alone use on the site.	Eight consecutive days in a calendar year per applicant.
Temporary Trailer for Retail Sales and/or Office Space	Permitted upon issuance of a building permit for a permanent structure and facilities on the affected site. Shall also include installation of adequate temporary parking.	Maximum temporary use permit period shall be twelve (12) months. The permit may be renewed and extended upon Planning Commission review up to six (6) month increments.

E. **Application for Temporary /Special Use Permit.** An application for a Temporary /Special Use Permit shall be made to the Community Development Department at least 10 business days prior to the date of requested use. The Community Development Department may issue or deny the application for a Temporary / Special Use Permit. In authorizing a temporary / special use, the Community Development Department shall impose such requirements and conditions as considered necessary for the protection of adjacent properties and the public safety and welfare in conformance with standards as provided in this Section.

1. **Information Required for Application.** An application for a Temporary / Special Use Permit shall be accompanied by the following information:

   a. **Description.** A written description of the proposed use including requested length of permit and hours of operation.

   b. **Authorization for Use.** If the applicant is not the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary / special use to take place.

   c. **Site Review.** A vicinity map and plot plan with sufficient information to determine the yard requirements, sanitary facilities, and availability of parking to serve the use.

2. **Bond Required.** Bond requirements are set forth in the City Business Licensing Ordinance.

F. **Revocation of Temporary / Special Use Permit**

1. The Director is empowered to suspend or revoke the Temporary / Special Use Permit of any person who violates any of the provisions of this Chapter or any of the conditions set forth on their permit.

2. If at any time a permit under the provisions of this Chapter is suspended or revoked, it shall thereafter be unlawful for any person to operate, open, maintain, manage, or conduct such affected temporary /special use until a new permit is granted.

13A-11-13 Garage Sales

The following standards shall apply to all garage sales at residences within the City.

A. **Frequency.** There shall be no more than two garage sales at a residence per calendar year. The calendar year is defined as January 1 through December 31. Garage sale events must be separated by at least a 14-day period.

B. **Duration of Sale.** A garage sale is permitted for a period no longer than 48 consecutive hours.

C. **Location of Garage Sale.** The garage sales shall be located at the actual residence of the owner of the materials to be sold. At a neighborhood garage sale event, i.e., 3-5 neighbors pool their belongings into a super garage sale, the materials must be located at the residence of only one of the participating sellers.

D. **Goods to Be Sold.** The items that are permitted to be sold must be used items from that residence. Items purchased or obtained from other locations with the intent to be resold at a garage sale are prohibited and a violation of this Section.

E. **Temporary Sales.** Temporary sales within commercial areas are permitted as regulated elsewhere in this Code.

13A-11-14 Model Homes

The following standards shall apply to all model homes within the City.

A. **Location.** Model homes are only allowed within City approved and recorded residential developments of five units or more. They must be located on a platted lot or site within the advertised development.

B. **Duration.** Model homes may be operated for no more than two years from first occupancy of a dwelling unit in the development or until the second to last unit is sold within the advertised development, whichever comes first. The director may approve an extension on a case by case basis.

C. **Construction Standards.** Model homes must comply with all standards and conditions of approval for the advertised development including building materials, setbacks, landscaping, etc., and must comply with all applicable residential dwelling standards upon discontinued use as a sales office.

13A-11-15 Sexually Oriented Businesses

A. **Purpose of Provisions.** It is the purpose and objective of this Section that the City establish reasonable and uniform regulations to prevent the location of sexually oriented businesses in areas deleterious to the City; to regulate the signage of such businesses; and to control the adverse effects of such signage. This Section is to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the limitations provided by provisions of the constitutions of the United States and the state of Utah.

B. **Definitions.** As used in this Section: Public Park: A park, playground, swimming pool, or athletic field which is under the control, operation or management of the state, a state agency, a county agency, or a municipality. For purposes of this Section, public park does not include golf courses.

Religious Institution: A building which is used primarily for religious worship and related religious activities.

School: A public institution of learning or instruction primarily catering to minors, which is accredited as such by the state of Utah. This definition shall include kindergartens, elementary schools, junior high schools, middle high schools, senior high schools, or any special institution of learning under the jurisdiction of the Utah State Department of Education, but shall not include home occupations represented as schools, trade schools, charm schools, dancing schools, music schools or similar limited schools, nor public or private universities or colleges.

Sexually Oriented Business: Shall have the same meaning as defined in the City's sexually oriented business and employee licensing ordinance.

C. **Businesses Permitted; Restrictions**

1. Sexually oriented businesses shall be permitted only in areas zoned Industrial District (ID), subject to the following additional restrictions:

   a. No sexually oriented business shall be located within six hundred sixty feet (660') from any agricultural or residential zone, public school, public park, or religious institution. The above distance shall be reduced to two hundred fifty feet (250') if the sexually oriented business is separated from any agricultural or residential zone, public school, public park, or religious institution by any principal arterial transportation corridor as identified in the Taylorsville general plan.

   b. The distance requirements for this section shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the public school, public park, religious institution, agricultural zoning district, or residential zoning district.

2. Escort agencies shall be permitted only in the ID zone as an office use only.

D. **Sign Restrictions.** Notwithstanding anything contrary contained in Section 13A-26 of this Title, signs for sexually oriented businesses shall be limited as follows:

1. No more than one exterior sign shall be allowed;

2. No sign shall be allowed to exceed eighteen (18) square feet;

3. No animation, flashing or strobing lights, shall be permitted on or around any sign, or on the exterior walls or roof of such premises;

4. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or in any area where they can be viewed from the sidewalk in front of the building;

5. Only flat signs shall be permitted;

6. Painted wall advertising shall not be allowed;

7. A one square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

E. **Severability.** If any provision or clause of this Section or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision, clause or application hereof, and to this end the provisions and clauses of this Section are declared to be severable.

13A-11-16 Standards for Church Development in All Zones

A. **Development Standards**

1. **Location of Sites.** All church sites shall be located adjacent to streets which are a minimum of 50 feet wide. No church shall be located where access is less than the above except for churches which can show that members will come from the local neighborhoods so that traffic impacts are lessened.

2. **Access.** Churches are encouraged to be located where there is access to two streets (corner lots) and are subject to site plan review.

3. **Parcel Size.** No minimum parcel size is required, however, the parcel chosen for a church must be adequate to meet all of the development standards to be listed below that include but are not limited to setbacks, landscaping, parking, improvements, and dedications.

4. **Building Setbacks**

   a. **Commercial Zone**

      (1) **Front** – 30 feet from property line. (If project fronts on more than one street, setback applies to all street frontages.)

      (2) **Side and Rear** – Minimum 10 feet unless located adjacent to a residential zone. In this case, the minimum setback must be 30 feet.

   b. **Residential Zone**

      (1) **Front** – 30 feet from front property line. (If project is on a corner lot, setbacks are 30 feet on one street and 20 feet on the other.)

      (2) **Side and Rear** – Follow setbacks required according to zone property is in. A greater setback may be needed as may be deemed necessary by the Planning Commission by larger structures.

5. **Building Height.** Maximum building height shall follow zoning that the project is in. Thirty-five feet (35) is the maximum height in a residential zone or in any zone adjacent to a residential zone (not including chimneys, steeples and the like).

6. **Landscaping Setbacks**

   a. **Front** – 30 feet minimum from property line. (If on a corner lot in a residential zone, 20 feet on shorter setback side.)

   b. **Sides and Rear** – 5 feet minimum.

   c. Landscaping in the front areas shall also include the park strip adjacent to the curb including grass and street trees (minimum 2 inch caliper and spaced 30 feet on center).

d. Landscaping shall also be required within the parking lot itself where large expanses of asphalt occur. There shall be a minimum of one 10 foot wide planter within the parking lot area where over 125 linear feet of asphalt occurs.

7. **Fencing.** Acceptable fence types shall include vinyl, precast concrete, decorative iron, architecturally designed brick or block.

8. **Parking**

a. All parking for church facilities shall be on site.

b. No parking is permitted within the front landscape setback.

9. **Trash Enclosures and Accessory (maintenance or storage) Buildings.**

a. All trash bins shall be surrounded with 6 foot high masonry or precast enclosures to match the main building with solid metal gates. Trash enclosures may be combined with accessory (maintenance or storage) buildings. The setback of such structure shall be at least the same as the minimum required front landscape setback, but in no case shall trash enclosures be located any closer than 10 feet to a residential district lot line or 5 feet to a commercial district lot line.

b. Accessory (maintenance or storage) buildings shall be built of the same materials as the main building (siding and roofing) so as to blend in with the entire project. Minimum setbacks to the front property line(s) shall be the same as the main building. Buildings adjacent to a side or rear property line (other than a street side of the property), which are built of one hour fire rated construction, can be considered an accessory structure and may be setback as close as 3 feet to a side or rear property line.

10. **Lighting.** All lighting for church buildings, parking lots, and accessory uses, if applicable, shall be downlit and minimize any adverse impact on adjacent residential areas.

B. **Ancillary Uses.** Ancillary uses such as parks, ball diamonds, pavilions, etc. shall not count towards landscaping on the church site but shall stand alone and be considered as a separate site and subject to separate conditional use approval. Any such ancillary uses are subject to, but not limited to, the standards of this Code (if applicable).

C. **Procedure for Approval.** All church sites are subject to site plan review by the staff.

13A-11-17 Street Vendors

The following standards shall apply to all street vendors within the City:

A. **Application.** All street vendors shall complete an application and pay a special use fee. A written agreement or approval from the private property owner shall also be submitted.

B. **Location Standards**

1. Exact location of proposed vending cart must be provided and must be within the RC, CC, and the MU zone districts. Up to two locations are allowed with the same permit. If a second location is desired, the applicant must also submit the required information for each location. Each site will be evaluated on its own merits.

2. A site plan shall be submitted showing the size of the cart and the area wherein the activity will be conducted.

3. Location must not be on public property and/or hinder the free flow of pedestrian and other traffic in the area. Permittee must maintain clear, continuous sidewalk width of no less than four (4) feet.

4. Must not be located within:
   a. 60 feet from any intersection or 20 feet from any driveway,
   b. 10 feet from any parking lot aisle,
   c. 10 feet of any bus or transit stop,
   d. 10 feet from any handicap parking space or access ramp,
   e. 25 feet of any business entrance or display window,
   f. 1,000 feet from any restaurant entrance or like business,
   g. 500 feet from any other vending cart or like business, and
   h. 200 feet from any residential property.

5. The applicant shall comply with regulations for a Temporary Use Permit.

C. **Cart Design Standards**

1. Umbrellas or canopies shall be a minimum of seven (7) feet and a maximum of ten (10) feet above the sidewalk if they extend beyond the edge of the cart.

2. Umbrellas or canopies shall not exceed sixty (60) square feet in area.

3. The mobile device or push cart shall not exceed three (3) feet in width and eight (8) feet in length, including the hitch.

4. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five (5) feet.

5. The mobile device or push cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary power. The device or cart shall not be motorized so as to move on its own power.

6. Signage shall be allowed as part of the design of the cart itself or upon the canopy or umbrella.

D. **Operation Standards**

1. Submit normal hours and schedule of operation.

2. Submit a plan to mitigate possible odors and other public nuisances.

3. Submit a sanitation plan to ensure the cleanliness of the area within a 50-foot radius of the approved location. This shall include providing a trash receptacle and cleaning the area of all trash and debris before the close of business each day. Sanitary facilities shall be available for waste disposal for protection of community health and safety (may be required to provide approval letter from adjacent business owner for use of restroom facilities).

4. Display Business License in a visible location on the mobile device or push cart.

5. Submit a detailed list of items to be sold. Items that may be sold include things such as: food for immediate consumption (including beverages), inflated balloons, fresh cut flowers, periodicals, and apparel.

E. **Business License.** Submit application for a Business License with the City and comply with all requirements to obtain a license.

F. **Health Department.** Comply with all regulations from the Salt Lake Valley Health Department concerning Food Carts, Mobile Food Units, and Shave Ice Stands. Must provide a letter from the Health Department stating that the vending cart is approved for food preparation.

G. **Other.** Comply with all applicable fire regulations.

H. **Obstruction of Sidewalk.** Obey any lawful order of a law enforcement officer to move temporarily to a different location to avoid congestion or obstruction of the sidewalk or to remove the vending cart entirely from the sidewalk, if necessary.

I. **Review of Impacts.** This special use may be reviewed by staff to determine if any detrimental impacts and effects have been mitigated or eliminated to comply with the above regulations.

13A-11-18 Food Trucks / Catering Trucks as Mobile Businesses

The following standards shall apply to all Food Trucks / Catering Trucks as mobile businesses within the City:

Application. All Food Trucks / Catering Trucks shall complete an application and pay a special use fee. A written agreement or approval from the private property owner shall also be submitted.

A. General Restrictions and Location Standards

1. Location must not operate on public property or rights of way and/or hinder the free flow of pedestrian and other traffic in the area. Permittee must maintain clear, continuous sidewalk width of no less than four (4) feet.

2. Operators of Food Trucks / Catering Trucks are restricted to the Regional Commercial (RC), Community Commercial (CC), and the Mixed Use (MU) zone districts.

3. Operations must not be located within:
   a. 60 feet from any intersection or 20 feet from any driveway,
   b. 10 feet of any bus or transit stop,
   c. 10 feet from any handicap parking space or access ramp,
   d. 25 feet of any business entrance or display window,
   e. 1,000 feet from any restaurant entrance or like business, and
   f. 500 feet from any other Food Truck / Catering Truck or like business.

4. Food Trucks / Catering Trucks operations shall be of a temporary nature, the duration of which shall not extend for more than two (2) consecutive hours at any one premises or location;

5. Food Trucks / Catering Trucks operations activity shall not take place on the premises of a third party without first receiving permission from the property owner.

6. A Food Truck / Catering Truck as a mobile business shall not provide professional or personal services from within a vehicle;

7. As part of the business license approval process, a Food Truck / Catering Truck as a mobile business shall provide the City with a description of its service area and/or route area;

8. A Food Truck / Catering Truck as a mobile business shall conform to all other applicable provisions of this title and other applicable regulations;

9. A parked Food Truck / Catering Truck as a mobile business shall conform to all requirements in the City's idling ordinances;

10. The applicant shall comply with regulations for a Temporary Use Permit.

B. **Operation Standards**

1. Submit normal hours and schedule of operation.

2. Submit a plan to mitigate possible odors and other public nuisances.

3. Submit a sanitation plan to ensure the cleanliness of the area within a 50-foot radius of the approved location. This shall include providing a trash receptacle and cleaning the area of all trash and debris before the close of business each day. Sanitary facilities shall be available for waste disposal for protection of community health and safety (may be required to provide approval letter from adjacent business owner for use of restroom facilities).

4. Display Business License in a visible location on the vehicle.

5. Submit a detailed list of items to be sold. Items that may be sold include things such as: food for immediate consumption (including beverages),

C. **Restrictions Related to Home Occupation Permits**

Food Trucks / Catering Trucks which operate with a Taylorsville Home Occupation Conditional Use Permit in Residential Districts for food preparation only: The following additional restrictions shall apply to Food Trucks / Catering Trucks conducting business within residential districts:

1. Food sales are not allowed in residential districts.
2. No more than four (4) employees of the business may be employed on the customer's premises at any one time;
3. No signage shall be used to advertise the conduct of the mobile business at the premises where the business activity is being conducted other than signage on the mobile business vehicle;
4. No equipment shall be stored in a yard or in an accessory structure, including an attached garage;
5. Business activities that are offensive or noxious by reason of emission of odor, smoke, gas, vibration, magnetic interference, or noise are prohibited; and
6. Vehicle drivetrain repair is prohibited.

D. **Business License.** Submit application for a Business License with the City and comply with all requirements to obtain a license.

E. **Health Department.** Comply with all regulations from the Salt Lake Valley Health Department concerning Food Carts, Mobile Food Units, and Shaved Ice Stands. Must provide a letter form the Health Department stating that the vehicle is approved for food preparation.

F. **Other.** Comply with all applicable fire regulations.

G. **Obstruction of Sidewalk.** Obey any lawful order of a law enforcement officer to move temporarily to a different location to avoid congestion or obstruction of the sidewalk or to remove the vehicle, if necessary.

Review of Impacts. This special use may be reviewed by staff to determine if any detrimental impacts and effects have been mitigated or eliminated to comply with the above regulations.

13A-11-19 Nondepository Institutions

Nondepository institutions are subject to the following restrictions:

A. Shall not be located within 1,000 feet of the same type of use inside or outside the City geographical boundaries. This distance shall be measured in a straight line, without regard to intervening streets, from the entry door of each business.

B. Shall conform to the Architectural Design Standards as described in Chapter 37, Design Guidelines, of Title 13A, Development Code of the City. In addition to these guidelines, the following will also be required: The color of the building shall be restricted to earth tones or shall match the design theme of the center in which it is a part.

   1. At least 25 percent of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level.

2. The use of bars, chains, or similar security devices that are visible from a public street or sidewalk shall be prohibited.

3. The use of neon lighting shall be prohibited on the building exterior exclusive of building signage.

C. Shall conform to the sign regulations as described in this Code.

D. Shall be limited to one nondepository institution per 10,000 in population to include all residents in the City. The total population figures shall be based on the U.S. Census Bureau's annual estimates.

13A-11-20 Satellite Dishes / Earth Station

A. **Scope and Applicability.** Earth station regulations shall apply to earth stations with a dish diameter over 4 feet in size.

B. **Location.** Location of earth stations over 4 feet in diameter in residential districts:

1. **Ground Mounted in All Residential Districts**

a. **Maximum Height.** Maximum height from grade to the top of the dish shall be 12 feet. Any ground mounted earth station with a height exceeding 12 feet shall be allowed only with an administrative conditional use approval.

b. **Number Per Lot.** A maximum of one earth station structure shall exist at any one time on any residentially zoned property.

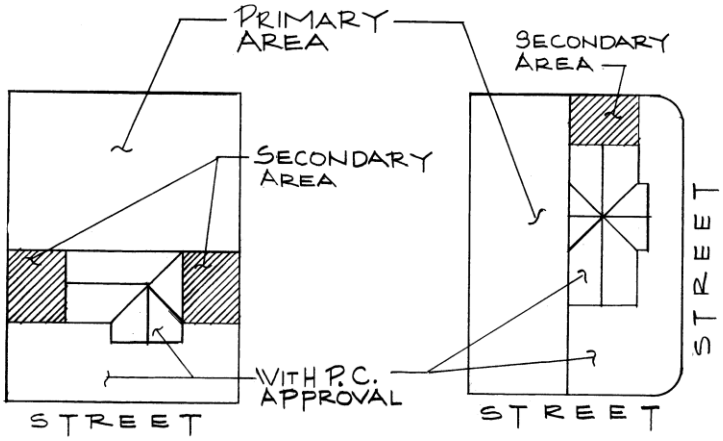
c. **Front Yard.** Not Allowed.

d. **Rear and Side Yards.** Earth stations shall be located in rear yards, where possible. If rear yards are not acceptable for proper reception of signals, the earth station may be located in either side yard and screened properly.

e. **Corner Lots.** On corner lots, an earth station may be situated to the rear of the main dwelling and within the area between the main building and street when approved as an administrative conditional use.

f. **Easements, Rights-of-Way.** No earth station shall be located on any legally recorded public utility easement right-of-way.

g. **Multifamily.** One earth station shall be allowed per building. A second earth station may be allowed as an administrative conditional use approval.



Chapter 11 - Figure 5 - Ground Station Locations in Multi-Family Developments

2. **Roof Mounted in All Residential Zones**

a. **Approval.** If the rear and side yards are deemed unacceptable for suitable signal reception, then roof mounted earth stations may be permitted with administrative conditional use review and approval. Such roof installations may be permitted by the Director under the following criteria:

(1) Roof mounted earth stations shall be mounted directly upon the roof of a primary structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles, or spires.

(2) An earth station shall not exceed a height determined appropriate by the Director. The height of the structure shall not exceed the maximum height limits established within the zone in which the earth station is to be located.

(3) Evidence of wind loading and structural safety of the earth station shall be provided to the Director by the applicants.

(4) An earth station mounted on a roof shall be located on the portion of the roof which is oriented to the rear yard rather than located on the portion of the roof visible from the street.

(5) Other criteria as deemed appropriate by the Director.

2. **Commercial Districts – Location of Earth Stations (**over 4 feet in diameter in commercial and industrial districts)

a. **Ground Mounted in Commercial and Industrial Districts**

(1) **Maximum Height.** Maximum height from grade to the top of the dish shall be 15 feet. Any earth station with a height exceeding 15 feet shall be allowed only with an administrative conditional use approval.

(2) **Number Allowed.** Two earth station structures shall be permitted at any one time per separate commercial or industrial business. More than two earth stations may be permitted with an administrative conditional use approval.

(3) **Advertising.** No earth station shall display lettering or numbers for advertising purposes.

(4) **Rear and Side Yards.** An earth station in any commercial or industrial district shall be located in the rear or side yard area, if possible.

(5) **Front Yards.** Not Allowed.

(6) **Easements, Rights-of-Way.** No earth station shall be located on any legally recorded public utility easement or right-of-way.

b. **Roof Mounted in All Commercial and Industrial Zones**

(1) **Approval.** If the front, rear, and side yards are deemed unacceptable for suitable signal reception or pose a negative aesthetic or neighborhood impact, then roof mounted earth stations may be permitted with an administrative conditional use review and approval. Such roof installations may be permitted under the following criteria:

(a) Roof mounted earth stations shall be mounted directly upon the roof of a primary structure and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles which exceed the minimum height of mast required to mount the antennae to the roof, spires, or similar structures.

(b) The height of a roof mounted earth station located in any commercial or industrial district shall not exceed 12 feet above the highest point of the roof upon which the structure is located. Height increases over 12 feet may be approved by the Planning Commission as deemed appropriate. The roof mounted earth station shall not exceed the maximum height limits established within the zone in which the earth station is to be located.

(c) Other criteria as deemed appropriate by the Director.

(d) All roof mounted earth stations shall be screened from view from adjacent streets and properties in the same manner as is required of all other roof mounted equipment in this Code. Said station shall not significantly change the architectural character of the structure.

13A-11-21 Solar Equipment

These regulations shall apply to all solar heating developments, private or public, to the extent that design review is not preempted by State or Federal law.

A. **Review and Standards.** All applications for building permits for structures with solar installations shall be forwarded to the Community Development Department for review and approval. The proposed installation will be reviewed to assure compliance with the following standards:

1. Collectors shall not reflect sunlight into neighboring windows.

2. The installation shall extend no higher than roof ridge line, or on a flat roof, a parapet wall.

3. Installation.

   a. Residential installation shall stand no more than two feet above the surface of the roof.

   b. Commercial installation shall stand no more than five feet above the surface of the roof and must be properly screened.

4. The color of collector frames shall be compatible with the roof.

5. The piping shall blend with the surface to which it is attached.

6. The ends of the panel arrays shall be covered and mounting brackets shall blend with the roof and not be visible from the front yard.

B. **Administrative Review**. At the time of the meeting, the applicant shall provide the following:

1. Site plan.
2. Drawings showing existing building elevations.
3. Landscaping and screening plans.
4. The kind, color, and texture of materials to be used.
5. Any other pertinent information determined to be necessary by the Director.

C. **Director Review**. The Director shall approve, approve with conditions, or deny the development or structure.

13A-11-22 Wind Conversion

Wind energy conversion systems shall meet the following standards:

A. Minimum tower setback from any property line shall equal the height of the tower.

B. Towers shall meet main dwelling setbacks for the particular zone in which the tower is located.

C. There shall be sufficient safety measures to prevent the tower from becoming a climbing hazard.

D. Roof mounted units shall extend no more than six feet above the main roof line.

E. The tower shall not be located in a utility easement or right-of-way.

F. In the case of joint ownership of a tower, the structure may be located on any lot(s) as approved by the Chief Building Official, provided the tower meets setback requirements mentioned above in respect to all perimeter properties.

G. The owner shall obtain a building permit and certification by a registered engineer as to the safety of equipment and installation.

13A-11-23 Wireless Telecommunications Facilities

A. **Purpose.** The purpose of this Section is to address planning issues brought on by the rapid growth in demand for low power wireless telecommunications services. This Section establishes provisions that deal with issues of demand, visual mitigation, engineering, residential impacts, health, safety, and facility siting.

B. **Application.** The requirements of this Section apply to both commercial and private telecommunication facilities. All telecommunication facilities shall comply with the following regulations and all other ordinances of the City and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

C. **Telecommunication Facility Justification Study and Master Plan Required.** A master plan for each company shall be submitted. Additionally, a complete application and Telecommunication Facility Justification Study shall be submitted by each company for each proposed telecommunication facility. The Telecommunication Facility Justification Study and master plan shall be submitted to the Community Development Department which will provide a preliminary review. Upon completion of the Community Development Department's review, the Telecommunication Facility Justification Study and master plan will be scheduled with the Development Committee for further review and recommendation to the Planning Commission together with the complete application.

D. **Master Plan Requirements.** A master plan shall be completed by each company. The master plan shall show proposed locations of future telecommunication facilities and include the rationale for each potential telecommunication facility. Maps shall be utilized to graphically illustrate the coverage radius of each potential telecommunication facility.

E. **Telecommunication Facility Justification Study Requirements.** A Telecommunication Facility Justification Study shall be completed for each telecommunication facility. The Study shall include:

1. **Rationale.** The rationale for the selection of the proposed telecommunication facility in view of the relative merits of any feasible alternative telecommunication facilities within the search ring. The Telecommunication Facility Justification Study shall include a description of the telecommunication facility, a description of the telecommunication facilities proposed to placed

on the location with technical reasons for their design and efforts made to minimize impacts on the surrounding land uses, a listing of other telecommunication facilities within the search ring which were evaluated and a statement of reasons why the final location was chosen. Staff may request the search ring and propagation information for the proposed telecommunication facilities. The applicant shall justify that the telecommunication facilities comply with the General Plan, as well as the required setback, height, and landscaping requirements of the zoning district in which they are proposed to be located.

2. **Collocation.** The Study shall also examine the potential for collocation at an existing or the proposed telecommunication facility. If collocation is not possible at an existing telecommunication facility or if the proposed new telecommunication facility is not available for collocation, then the applicant shall include a written explanation why collocation is not possible.

3. **Height.** The height of the antennas and antenna support structures shall be justified through a detailed written analysis that explains in nontechnical terms the reasons why service cannot be effectively provided unless at the requested height. If the proposed telecommunication facility is a roof mount or wall mount, the City may request that the Study verify that the existing or proposed screening will screen from view all telecommunication facilities.

4. **Equipment Facilities.** The Study must include a detailed written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment facilities to be either:

   a. Located in an existing building; or

   b. Designed using stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment facilities.

5. **Visual Analysis.** The applicant shall submit a visual analysis which may include photo simulation, field mock up, or other techniques which identifies the potential for visual impacts of the proposed telecommunications facility. The analysis shall consider views from public areas (streets, parks, etc.) and from private residences. The analysis shall assess the cumulative impacts of the proposed telecommunications facility and other existing or approved telecommunications facilities in the areas as provided by City staff and shall identify all mitigation measures consistent with the technical aspects and requirements of the proposed telecommunications facility. All costs with this requirement are to be borne by the applicant.

6. **Independent Review.** The City may, if it deems necessary, cause each telecommunications facility to be reviewed by a qualified radio frequency engineer. The purpose of the review is to determine if other locations are available to achieve an equivalent signal distribution and not significantly affect the operation of the telecommunications facility. Such a review may be required when an applicant indicates that no other acceptable location exists. The costs shall be borne by the applicant.

F. **Permitted Uses.** The following telecommunications facilities are classified as permitted uses. Any request for telecommunications facilities differing from the standards as allowed in this Section shall require a Technical Necessity Exception from the Planning Commission. All telecommunications facilities must comply with the General Plan as well as the required setback, height, and landscaping requirements of the zoning district in which they are to be located and are subject to all provisions for site plan review including modifications to existing site plans. All permitted use equipment facilities

listed in this Section must be located in an existing building or designed using stealth design technology, or other visual screening is utilized that readily conceals the appearance of the equipment facilities.

1. **City Property.** Telecommunications facilities located on City-owned property are allowed as a permitted use provided the facilities meet the standards as specified for each type of facility as contained in this Section, and the facility owner has entered into a lease-type agreement with the City.

2. **Wall Mounted Antenna.** Wall mounted antennas which comply with the following standards are allowed as a permitted use:

   a. **Locations.** Located on a parcel in a commercial, industrial, or professional office zone district on a commercial, industrial, or office structure or in residential zone districts on residential institutional uses.

   b. **Mounting Method.** Wall mounted antennas shall not extend above the wall line of the building or extend more than 4 feet horizontally from the face of the building.

   c. **Stealth Design.** Antennas, equipment facilities, and the antenna support structure shall be constructed with stealth design to match the color of the building or structure and to be architecturally compatible with the building or to match the color of the background against which they are most commonly seen.

3. **Roof Mounted Antenna.** Roof mounted antennas which comply with the following standards are permitted uses:

   a. **Locations.** Located on a parcel in a commercial, industrial, or professional office zone district on a commercial, industrial, or office structure or in residential zone districts on residential institutional uses.

   b. **Mounting Location.**

      (1) Roof mounted antennas may be located on top of existing penthouses or mechanical equipment rooms provided the telecommunications facilities are enclosed by a structure that creates a visual screen. The screening structure and telecommunications facilities shall not extend more than 8 feet above the existing roofline of the penthouse or mechanical equipment room.

      (2) For roof mounted antennas not mounted on a penthouse or mechanical equipment room, the telecommunications facilities shall be mounted at least 5 feet from the exterior wall of a building. For antennas mounted between 5 and 10 feet from the exterior wall, the maximum height of a roof mounted antenna is directly proportional to the distance the antenna is set back from the exterior wall up to a maximum height of 10 feet above the roofline of the building to which the antenna is attached.

(3) Telecommunications facilities shall be mounted at least 5 feet behind any parapet wall. For antennas mounted between 5 and 10 feet behind a parapet wall, the maximum height of the antenna is directly proportional to the distance the antenna is set back from the wall up to a maximum of 10 feet as measured from the top of the parapet wall.

c. **Screening.** Roof mounted telecommunications facilities shall be located only on a flat roof and shall be screened, constructed, and/or colored to match the structure to which they are attached. Roof mounted telecommunications facilities for pitched roofs must receive a Technical Necessity Exception.

d. **Area Limitations for Wall and Roof Mounted Antennas.** A combination of both roof and wall mounted antennas are allowed on a building. The total area for all wall and roof mounted antennas and antenna support structures combined shall not exceed 40 square feet for each exterior wall of the building or a total of 160 square feet per building per carrier. A maximum of four walls shall be occupied by antennas. The total area is the sum of the area of each individual antenna face, the visible portion of the antenna support structure, and the equipment facility as viewed when looking directly at the face of the building. The total area for a roof mounted antenna shall apply to the closest exterior wall. Up to three carriers may utilize each building side for a maximum of four sides as a permitted use.

4. **Collocation.** Collocation of antennas on an existing monopole is a permitted use provided the antennas do not extend more than 12 inches from the monopole and meet all the provisions as stated for landscaping, fencing and safety and equipment facilities.

5. **Stealth Design.** Telecommunications facilities that incorporate stealth design technology and are located on a parcel in a commercial, industrial, or professional office zone district or in a residential zone district containing a residential institutional use are a permitted use.

6. **Conversion.** Conversion of existing flagpoles, light standards, athletic field lights, or other similar structures provided the structure's height is not increased more than 10 feet or unless approved by the Community Development Director as provided for in modified site plan review as described in this Title are a permitted use.

7. **Utility Pole Antennas.** Utility pole antennas which comply with the following standards are permitted uses:

a. **Location.** Utility pole antennas may only be located on existing utility poles.

b. **Method of Mounting.** Such antennas shall be designed and installed by the applicant according to the City's specifications and details for utility poles.

c. **Agreement.** Consistent with the use of public rights-of-way by other utility and cable providers, each telecommunication provider is required to enter into an agreement with the City prior to installing any telecommunication facilities in the rights-of-way. The Planning Commission shall review site plan conditions prior to the execution of the agreement.

G. **Technical Necessity Exception/Conditional Uses.** If an applicant cannot meet the standards for telecommunications facilities as provided for in "F" – Permitted Uses for technical reasons, an applicant may request a Technical Necessity Exception under the conditional use process from the Planning Commission. If an applicant cannot or will not meet those standards for reasons other than technical reasons, the use is not allowed. Telecommunications facilities which meet the following standards, and it is determined by the Planning Commission that a Technical Necessity Exception is appropriate, are conditional uses:

1. **General Plan Compliance.** Comply with the General Plan as well as the required setback, height, and landscaping requirements of the zoning district in which they are located.

2. **Technical Necessity.** An applicant cannot meet the standards for telecommunication facilities as provided in "F" – Permitted Uses for technical reasons.

3. **Antennas in Multifamily Zones.** Wall mount antennas, roof mount antennas, and stealth applications on structures containing 10 or more dwelling units and conversions are conditional uses which require a Technical Necessity Exception. Antennas on structures containing less than 10 units are not allowed. The antennas and their related antenna support structures and equipment facilities must meet the design standards for each respective telecommunications facility as referenced in "F" – Permitted Uses.

4. **Monopoles.** Monopoles are not allowed in any zone within the City without a Technical Necessity Exception being granted by the Planning Commission. Following are the minimum standards for a monopole to qualify for a Technical Necessity Exception/Conditional Use. The Planning Commission may impose additional requirements pursuant to the conditional uses review standards in this Title.

   a. **Independent Review.** All applications requesting a monopole under the Technical Necessity Exception provision shall complete an independent radio frequency engineering review of the proposed monopole telecommunications facility in relation to the requested height, alternative locations, other proposed telecommunications facilities, and existing telecommunications facilities. The cost of the independent review shall be borne by the applicant.

   b. **Antenna Sizing.** The maximum visible width of antennas and antenna support structures on a monopole shall not exceed 8 feet in height or 3 feet in width as viewed looking directly at the monopole at the same elevation as the antennas and antenna support structure. Top hat design is not permitted.

   c. **Location and Minimum Setbacks.** Monopoles shall be allowed only in the rear yard area of any commercial or industrial lot which contains a commercial or industrial use or City property. These structures shall not be located in a required landscaped area, buffer area or required parking area. No such antenna shall be located within 165 feet of a residential property line. However, the Planning Commission may reduce the required setback from a residential property line if practical difficulties are demonstrated by the applicant, e.g., City park location, public buildings, etc.

   d. **Height Limit.** Monopoles shall not project higher than 10 feet above the average building height to a maximum of 80 feet or, if there are no buildings within 300 feet, these facilities

shall not project higher than 10 feet above the average tree canopy height to a maximum of 80 feet, measured from ground level.

e. **Landscaping, Fencing, and Safety.** Monopoles shall, at minimum, be landscaped as per the requirements of the zoning district in which they are located. If there are no buildings immediately adjacent to the monopole and equipment facilities, all monopoles and equipment facilities shall be surrounded by dense tree growth to screen view of the facility in all directions. The Planning Commission may require additional landscaping or fencing as part of the site plan approval. The climbing pegs shall be removed from the lower 20 feet of the monopole.

f. **Exception.** Monopoles may be allowed in PUD zones if the following conditions are met:

(1) The PUD consists of at least 100 acres.

(2) The monopole and equipment facility are placed in an open space or common area within the PUD.

(3) The location must be in a mature landscape area to provide a screen and buffer. Alternatively, new landscaping must be provided around the proposed monopole or other types of screening that may be approved by the Planning Commission.

(4) Any proposed location, including all leased area for the wireless facility, will no longer be considered open space. Therefore, any proposed location must not reduce the open space below the minimum acreage for the development.

(5) The monopole and equipment facility must utilize stealth technology.

(6) The monopole shall not project higher than 10 feet above the average building height or average tree canopy up to a maximum of 45 feet. The Planning Commission may increase the height beyond 10 feet above the tree canopy if it is determined that this will aid on compliance with stealth requirements. To provide for additional carriers, clustering of multiple poles of varying heights is encouraged.

(7) No antenna shall be located within 165 feet of a residential property line or residence. However, the Planning Commission may reduce the required setback from a residential property line or residence if the applicant demonstrates that the proposed facility would follow the City's standards for stealth applications more closely or if they can demonstrate other practical difficulties.

(8) The applicant must demonstrate a technical need (explained in simple terms) for the proposed monopole.

5. The applicant shall resubmit each telecommunications facility which has been granted a Technical Necessity Exception/Conditional Use for review 7 years to a maximum of 10 years from final approval as established by the Planning Commission. At the time of this review, the applicant shall provide information to show that the telecommunications facility is still necessary at the approved location, employs the most current available technological advances, and has been in compliance with all the requirements established by this ordinance and the Planning Commission.

6. In addition to conditional use standards outlined in this Title for conditional uses, the information concerning the following shall be submitted by the applicant and considered by the Planning Commission for all Technical Necessity Exception requests:

    a. Compatibility of the proposed telecommunications facilities with the height and mass of existing buildings and utility structures.

    b. Whether it is possible to locate the antenna on other existing structure with less aesthetic impact in the same vicinity such as other monopoles, buildings, utility poles, athletic field lights, parking lot lights, etc., without significantly impacting transmission or reception.

    c. The location of the telecommunications facilities in relation to existing vegetation, topography, and buildings to obtain the best visual screening.

    d. Whether the spacing between the proposed and existing telecommunications facilities creates detrimental impacts to adjoining properties.

    e. Substantial existing or proposed landscaping, including tree cover, to reduce visibility of telecommunications facilities.

    f. Whether the telecommunications facility complies with the General Plan, as well as the required setback, height, and landscaping requirements of the zoning district in which the telecommunications facility is proposed to be located and whether it complies with provisions as stated in the site plan review section of this Title, including modifications to existing site plans.

H. **Equipment Facilities.** All equipment facilities shall be located in an existing building or designed whereby the incorporation of stealth design technology or other screening is utilized that readily conceals the appearance of the equipment facility. All power lines on the lot leading to the telecommunication facility shall be underground. If the Planning Commission does not require the applicant to place the equipment facility underground or utilize stealth design technology, then the telecommunications facility shall be fenced with a 6 foot vinyl coated chain link fence or other fencing and landscaping as approved or required by the Planning Commission.

I. **Historic Districts.** Any telecommunications facility proposed for a location within a historic district or on a landmark site must be reviewed by the Planning Commission.

J. **Nonallowed Uses.** The following telecommunications facilities are not allowed in any zone district:

    1. Lattice towers.

    2. Whip antennas on wall mounted support structures.

    3. Any telecommunications facility not specifically listed in the permitted use subsection or not in compliance with the requirements for a Technical Necessity Exception/Conditional Use.

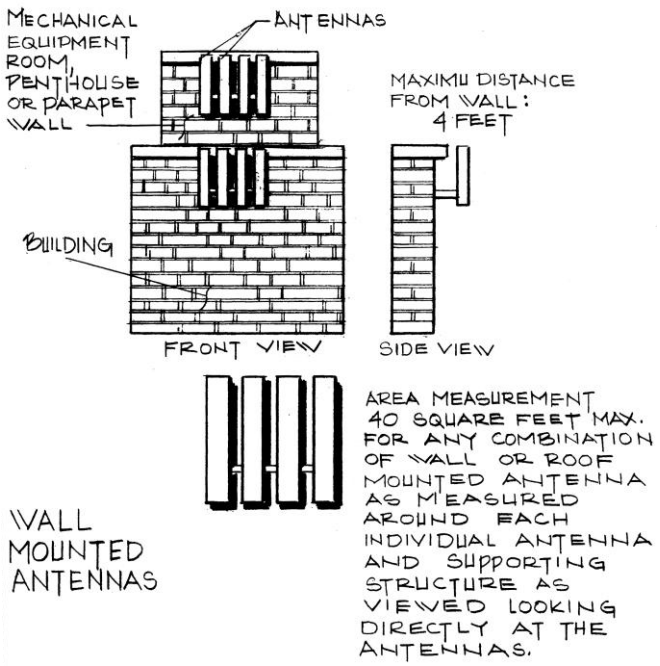
K. **Nonmaintained or Abandoned Facilities.** The Director may require each nonmaintained or abandoned telecommunications facility to be removed when such a telecommunications facility has not been repaired or put into use by the owner, person having control, or person receiving benefit of

such structure within 30 calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control, or person receiving the benefit of such structure.

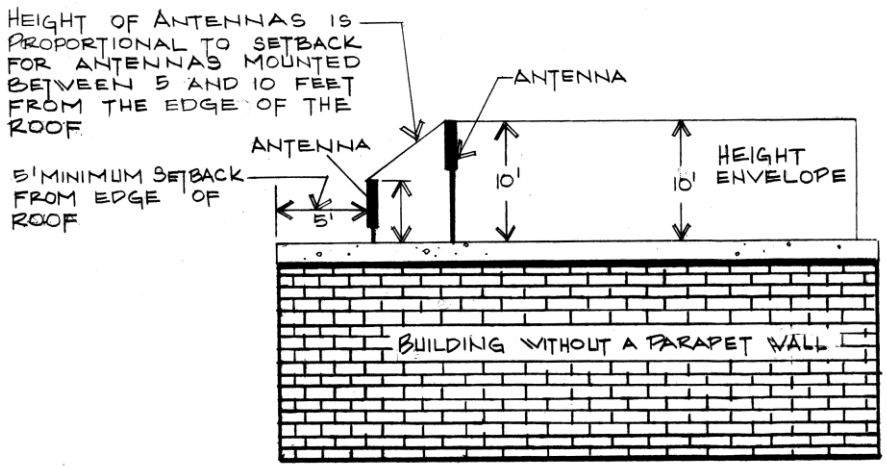
If the structure upon which the antenna is placed, including but not limited to a utility pole, water tank, light pole, or building is no longer used or is proposed by the owner or operator of that structure to be removed or replaced, the antenna must be removed within 90 calendar days after notice from the City. Any replacement telecommunications facility, if necessary, is required to comply with the requirements herein or any subsequent amendment hereto.

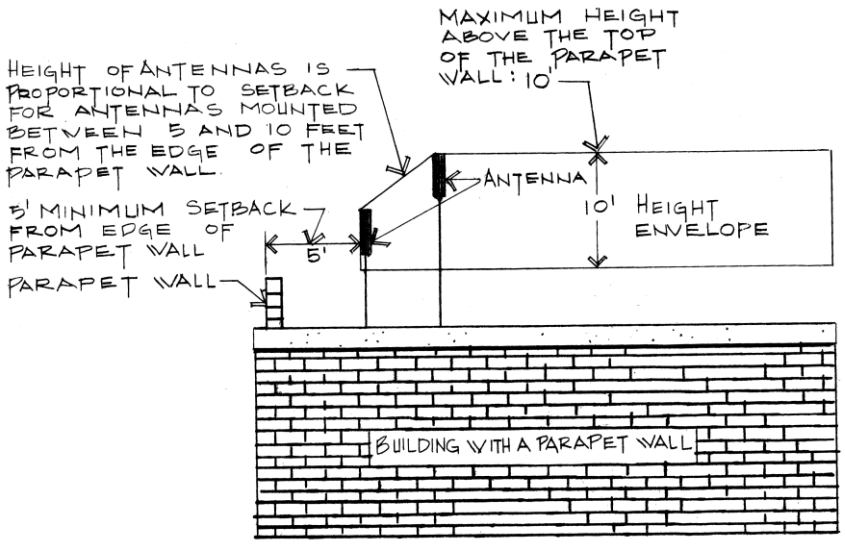
L. **Building Permits.** Prior to the construction of any telecommunications facility, the applicant shall obtain building permits, road cut permits, and other permits as required by the City.

M. **Wireless Telecommunications Facilities Illustrations.** The following illustrations are referred to in this Chapter. They are meant to demonstrate graphically the intent of the ordinance.

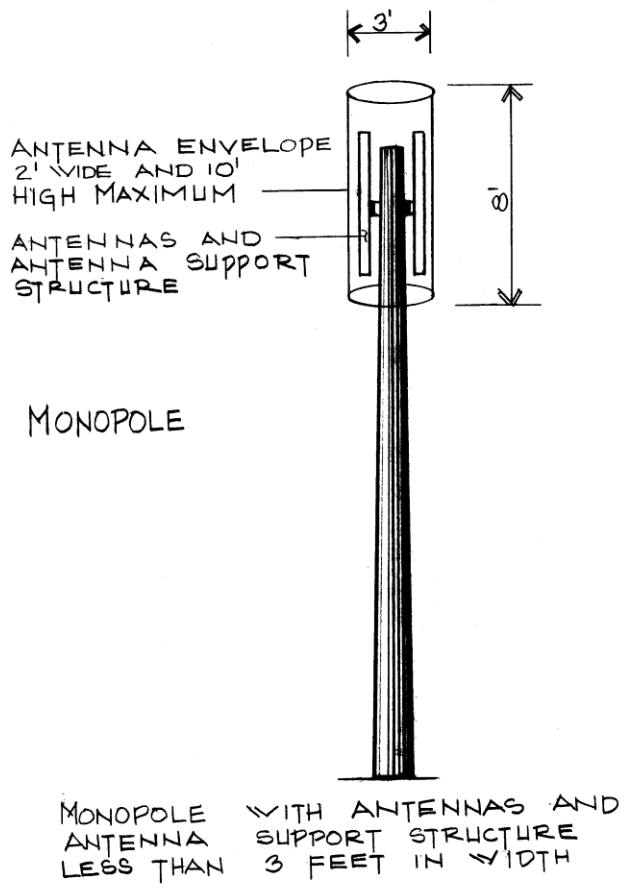


Chapter 11 - Figure 6 - Wall Mounted Antennas





Chapter 11 - Figure 7 - Roof Mounted Antennas



*** Co-location to occur below original antenna**

Chapter 11 - Figure 8 - Monopoles